

Variance Application: VAR 24-1048
LUHO Hearing Date: September 23, 2024
Case Reviewer: Carolanne Peddle



**Hillsborough
 County Florida**

Development Services Department

Applicant: Justin Marx

Zoning:

CG (R) 24-0356

Location: 19015 N 41 Hwy. Lutz, FL 33549; Folio: 13859.0000


Request Summary:			
The applicant is requesting variances to Landscape Buffer Requirements, Lutz Rural Area Development Standards, Lot Development Standards, and Dumpster & Recycling Collection Space.			
Requested Variances:			
LDC Section:	LDC Requirement:	Variance:	Result:
3.09.06 A	A 2: The roof of all nonresidential buildings, excluding agricultural structures, churches, schools and buildings accessory to residential uses, shall have a minimum pitch of three to 12 and a maximum pitch of eight to 12.	Eliminate the requirement.	Allow for the existing building to remain without modifications to the roof structure.
	A 3: All nonresidential buildings, excluding agricultural structures, churches, schools and buildings accessory to residential uses, shall be externally clad with brick, stone, stucco, wood slats or vinyl slat-style siding. Unsurfaced cement or block shall not be utilized. Paint shall not constitute a surface for the purpose of this regulation.	Eliminate the requirement.	Allow for the building to remain without modifications to the existing exterior cladding.
	A 4: All nonresidential buildings, excluding agricultural structures, churches, schools and buildings accessory to residential uses, shall incorporate the design features shown in Table 3-09.1 below. For each architectural element listed, at least one of the specified design features shall be utilized on all elevations facing roadways and/or parking areas, unless otherwise specified.	Eliminate the requirement.	Allow for the existing building to remain without modifications to the architectural elements.
3.09.06.B.2	Fences and walls in commercial and office districts shall comply with the provisions of Article VI of this Code. However, design and materials shall be limited to the following, except as otherwise required by Section 3.09.08: a. Split rail, three-board, four board, horse wire with single board, or other natural wood fencing, with a minimum spacing of four feet between posts and 12 inches between spanning members. b. Masonry columns with spanning members comprised of metal, wood or other similar materials. The base below the spanning members shall be a maximum of two feet in height above ground level and there	Eliminate the requirement.	Allow for a solid wood fence along the north, south and east property lines without 12 inches between spanning members.

	<p>shall be a minimum spacing of four feet between columns. The base and columns shall be encased in brick or stone and the spanning members shall have a maximum opacity of 50 percent.</p> <p>c. Green or black chain link fencing. Attachment of slats or other nonvegetative screening to the fence shall be prohibited.</p>		
3.09.06.C 7.03.00.A.2	<p>All signs shall comply with the limitations and provisions of Article VII of this Code. Additionally, the limitations and provisions shall apply to all uses, excluding emergency public services/uses as required by LDC Section 3.09.06.C.1-4.</p>	104.15 Sq. Ft.	Allow a total sign area of 141.4 Sq. Ft. for the sign under the overhang and mural for the south facing facade.
	<p>Maximum Sign Area: Each Premises shall be permitted to display building sign(s), the Aggregate Sign Area of which shall not exceed 1 ¼ square feet per each linear foot of building frontage facing a public street or parking lot, but in no event more than 200 square feet of Aggregate Sign Area. For each unit not facing a public street or parking lot, the Aggregate Sign Area shall not exceed 1 ¼ square feet for each lineal foot of unit frontage for the elevation of which the building sign will be installed, but in no event more than 200 square feet of Aggregate Sign Area.</p> <p>The southern building frontage is 30 feet, therefore permitting up to 37.25 square feet of sign area and the western building frontage is 61 feet, therefore permitting up to 76.25 square feet of sign area.</p>	36.85 Sq. Ft.	Allow a total sign area of 113.1 Sq. Ft. for a mural on the west facing façade.
3.09.09.2	<p>Parking shall not be located between the principal buildings/use and street rights-of-way, except under certain circumstances that do not apply in this case.</p>	<p>Location of the parking spaces on the southern side of the property.</p>	<p>Allow for a row of parking spaces between the principal building adjacent to the unimproved right of way along the southern property line.</p>
6.01.01	<p>A minimum front yard setback of 30 feet is required in the CG district.</p>	10 feet	<p>Allow for a front yard setback of 20 feet.</p>

<p>6.03.15.B</p>	<p>All new construction of commercial uses that do not receive curbside service, shall provide sufficient, on-site space for the placement and servicing of solid waste containers required for trash disposal and at least one container for recyclable materials collection.</p> <p>Except as provided in E, enclosures for each solid waste or recycling dumpster container shall have minimum internal dimensions of 12 feet by 12 feet. An alternative closure with minimum internal dimensions of 12 by 24 feet for no less than two standard receptacles dumpsters contained inside (one for garbage and one for recycling).</p>	<p>Reduce dumpster enclosure by 24 square feet (6 feet by 4 feet) and eliminate recyclable dumpster enclosure requirement.</p>	<p>Allow a dumpster enclosure area of 6 feet by 8 feet and no recyclable dumpster enclosure.</p>
<p>6.03.15.A 6.11.04</p>	<p>Placement of containers and their enclosures shall be subject to the Accessory Structure standards found in 6.11.04.</p> <p>On a corner lot, accessory structures shall be permitted to intrude up to 10 feet into the required front yard functioning as a side yard. The required front yard of the CG district is 30 feet, therefore, a setback of 20 feet is required for an accessory structure dumpster enclosure.</p>	<p>14 feet</p>	<p>6-foot front yard setback function as a side yard for dumpster enclosure</p>
<p>6.06.04 C Off-Street Vehicular Use Areas</p>	<p>On any parcel of land providing an off-street vehicular use area, where such area is not entirely screened from an abutting right-of-way by an intervening building or other structure, a landscaped buffer a minimum of eight feet in width shall be provided between the off-street vehicular use area and the right-of-way, unless the buffer or screening requirements of 6.06.06 and 6.06.06 C are more stringent, in which case the more stringent requirements shall apply. (Figure 6.9)</p>	<p>Eliminate the required 8-foot buffer along the northern property line.</p>	<p>Allow for an unrestricted area between the off-street vehicular use area and the right-of-way along the northern, western, and southern property lines to meet parking needs.</p>
<p>6.06.04 C Off-Street Vehicular Use Areas</p>	<p>On any parcel of land providing an off-street vehicular use area, where such area is not entirely screened from an abutting right-of-way by an intervening building or other structure, a landscaped buffer a minimum of eight feet in width shall be provided between the off-street vehicular use area and the right-of-way, unless the buffer or screening requirements of 6.06.06 and 6.06.06 C are more stringent, in which case the more stringent requirements shall apply. (Figure 6.9)</p>	<p>Eliminate the required 8-foot buffer along the western property line.</p> <p>Eliminate the required 8-foot buffer along the southern property line.</p>	<p>Allow for an unrestricted area between the off-street vehicular use area and the right-of-way along the northern, western, and southern property lines to meet parking needs.</p>

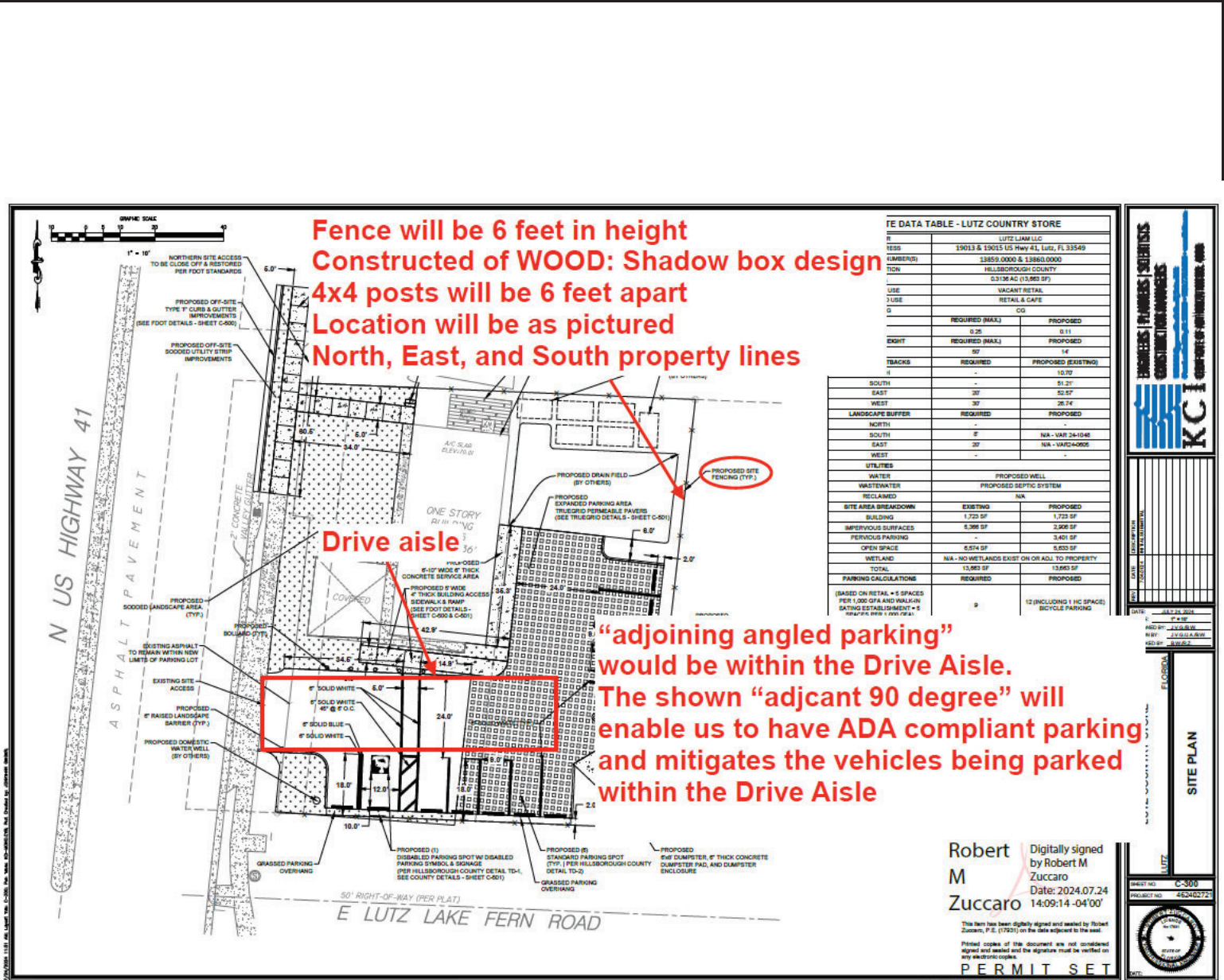
6.07.02.C.3 (6.07.02.C.1.a)	Fences over four feet in height shall not be allowed within required front yards, except in certain situations which do not apply to this case.	2 feet	6-foot-tall fence in front yard
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Findings:	<ul style="list-style-type: none"> • RZ 24-0356: rezoning to CG (R) approved April 15, 2024. <ul style="list-style-type: none"> ▪ Restriction: The eastern 50 feet of folio 13860.0000 (Lot 7, Block 15 of Plat Book 1, Page 128 – East North Tampa Plat) shall be restricted to only parking and utility uses. • VAR 24-0605: Variance to eliminate the buffering and screening requirements along the eastern property line approved June 11, 2024. • The existing sign that faces south, located under the overhang on the western side of the building, was originally permitted under sign permit NSG18013, and will be a sign face change only.
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Zoning Administrator Sign Off:	 <p>Colleen Marshall Wed Sep 11 2024 15:26:22</p>
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DISCLAIMER:
The variance(s) listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

SURVEY/SITE PLAN







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Additional / Revised Information Sheet

Office Use Only		
Application Number: 24-1048	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: 24-1048 Applicant's Name: Justin Marx

Reviewing Planner's Name: Carolanne Peddle Date: 8/30/2024

Application Type:

- Planned Development (PD) Minor Modification/Personal Appearance (PRS) Standard Rezoning (RZ)
- Variance (VAR) Development of Regional Impact (DRI) Major Modification (MM)
- Special Use (SU) Conditional Use (CU) Other _____

Current Hearing Date (if applicable): _____

Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project? Yes No
If "Yes" is checked on the above please ensure you include all items marked with * on the last page.

Will this revision remove land from the project? Yes No
If "Yes" is checked on the above please ensure you include all items marked with + on the last page.

Email this form along with all submittal items indicated on the next page in pdf form to:
ZoningIntake-DSD@hcflgov.net

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcflgov.net.

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Signature

Date



**Hillsborough
County Florida**
Development Services

Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to [Chapter 119 Florida Statutes](#), all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact [Hillsborough County Development Services](#) to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS? Yes No

I hereby confirm that the material submitted with application _____

Includes sensitive and/or protected information.

Type of information included and location _____

Does not include sensitive and/or protected information.

Please note: Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature: _____
(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: **3/30/2024**



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
1	<input type="checkbox"/> Cover Letter** If adding or removing land from the project site, the final list of folios must be included
2	<input checked="" type="checkbox"/> Revised Application Form**
3	<input type="checkbox"/> Copy of Current Deed* Must be provided for any new folio(s) being added
4	<input type="checkbox"/> Affidavit to Authorize Agent* (If Applicable) Must be provided for any new folio(s) being added
5	<input type="checkbox"/> Sunbiz Form* (If Applicable) Must be provided for any new folio(s) being added
6	<input type="checkbox"/> Property Information Sheet**
7	<input type="checkbox"/> Legal Description of the Subject Site**
8	<input type="checkbox"/> Close Proximity Property Owners List**
9	<input type="checkbox"/> Site Plan** All changes on the site plan must be listed in detail in the Cover Letter.
10	<input type="checkbox"/> Survey
11	<input type="checkbox"/> Wet Zone Survey
12	<input type="checkbox"/> General Development Plan
13	<input checked="" type="checkbox"/> Project Description/Written Statement
14	<input type="checkbox"/> Design Exception and Administrative Variance requests/approvals
15	<input checked="" type="checkbox"/> Variance Criteria Response
16	<input type="checkbox"/> Copy of Code Enforcement or Building Violation
17	<input type="checkbox"/> Transportation Analysis
18	<input type="checkbox"/> Sign-off form
19	<input checked="" type="checkbox"/> Other Documents (please describe):
<p>Site plan with fence and parking information - Letter in support from The Lutz Civic Association Mural Logo size and dimensions Previously approved sign permit Transportation Site plan comments</p>	

*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

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Project Description (Variance Request)

1. In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.

There are multiple variance requests. Please see the attached document labeled: VAR 24-1048 Variance Extra Pages

Please note: Each request has the Project Description (Variance Request) on one page and the Criteria Response on the page that follows that specific request.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

6.06.04 C - Off Street Vehicular Use Area and 6.06.06 Screening requirements,
 3.09.09 Parking for Office and Commercial uses
 3.09.06 (design) A 2, 3.09.06 A 3, 3.09.06 A 4
 6.03.15 - Dumpster and Recycling Collection Space
 6.04.03.Q for Vehicular and pedestrian cross access stubouts to the north and south
 6.01.01: setback requirements
 3.09.06 C Signs and 3.09.06 B Fences and Walls

Additional Information

1. Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
2. Do you have any other applications filed with Hillsborough County that are related to the subject property?
 No Yes If yes, please indicate the nature of the application and the case numbers assigned to the application (s): 24-0356, VAR 25-0605
3. Is this a request for a wetland setback variance? No Yes
If yes, you must complete the Wetland Setback Memorandum and all required information must be included with this Application Packet.
4. Please indicate the existing or proposed utilities for the subject property:
 Public Water Public Wastewater Private Well Septic Tank
5. Is the variance to allow a third lot on well or non-residential development with an intensity of three ERC's?
 No Yes If yes, you must submit a final determination of the "Water, Wastewater, and/or Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

Project Description (Variance Request #1 of 7)

1. In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.

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Section 6.06.04 C. Off Street Vehicular Use Area and 6.06.06 Screening requirements

VAR-24-1048

Lutz Country Store and Cafe

Page 2 of 26



aerial of right of way that borders our property to the south

Received September 03, 2024
Development Services

**Fence will be 6 feet TALL
With 4x4 Posts every 6 feet
Fence will be on the North, South
and EAST property lines.**

24-1048

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8/30/2024

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**Hillsborough
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Variance Criteria Response

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

Please see the attached document labeled:
VAR 24-1048 Variance Extra Pages

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

Please see the attached document labeled:
VAR 24-1048 Variance Extra Pages

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

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4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (*refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose*).

Please see the attached document labeled:
VAR 24-1048 Variance Extra Pages

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

Please see the attached document labeled:
VAR 24-1048 Variance Extra Pages

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

Please see the attached document labeled:
VAR 24-1048 Variance Extra Pages

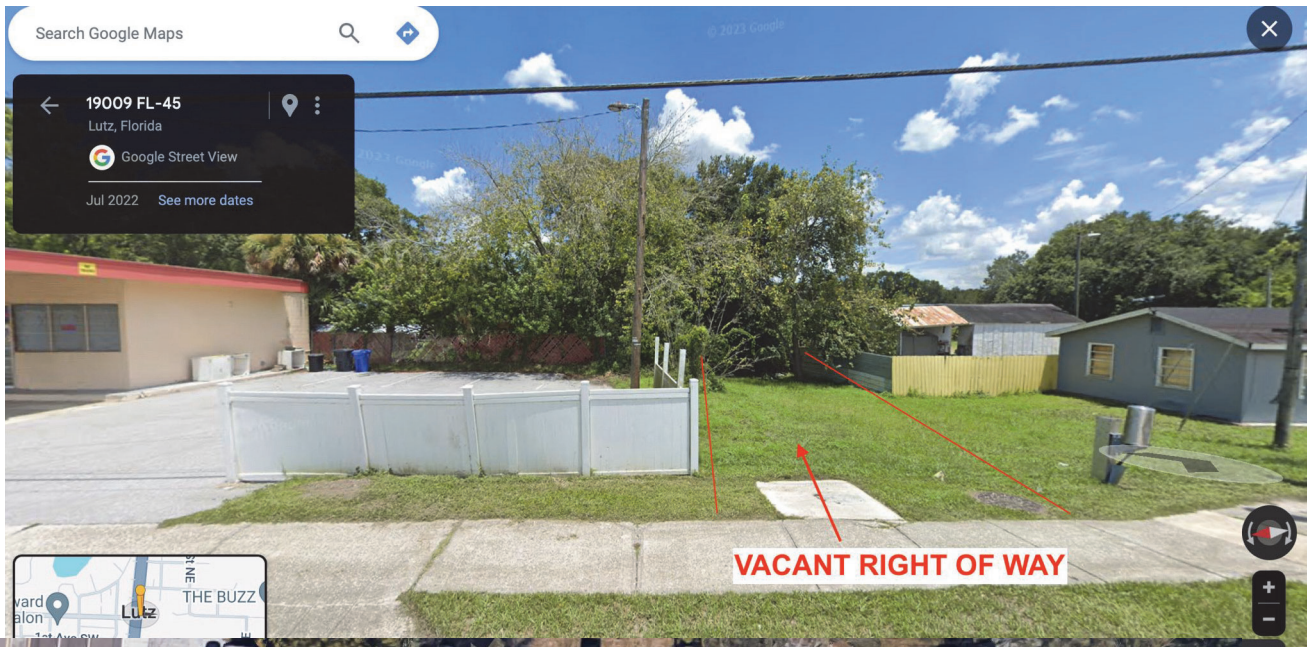
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Section 6.06.04 C. Off Street Vehicular Use Area and 6.06.06 Screening requirements



aerial of right of way that borders our property to the south

Variance Criteria Response

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

We are creating something that is non-existent in the Downtown Lutz area - The residential property we border is a vacant Right of Way. The commercial property to the South of us borders this same land and is actually built in the Right of Way itself. With the Variance we will be able to enlarge our sidewalk area around the building to make it safer for our customers and handicapped access, as well as make our drive aisle a safer width and not require us to adhere to an unreasonable landscape buffer for our small property.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

The property to our south has its fence built within this same right of way. We are not looking to build within the right of way, just a variance to the buffer and screening requirements from the property lines.. Nearly every surrounding property in downtown Lutz are built up to the property line with parking and structures.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

Removal of the buffer and screening requirements will not interfere at all in fact it will better the property and neighboring property as well as not effect the right of way at all. We would in fact be removing a dilapidated existing fence and replacing it with a brand new aesthetically pleasing one properly placed within our lot. We will also be landscaping the area.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (*refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose*).

The parking area will be aesthetically appealing with trees and landscaping. Our business is the model for the vision of the LDC and Comprehensive plan (please see attached letter from The Lutz Civic Association in support of our request) - A local, family run business that is keeping the current historic building

and repurposing it for a local business to benefit the community in both function and appearance.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

Nothing we have done is a result of needing this variance - We just need to be able to use the small property we purchased to allow our customers to park and make a safer sidewalk area. We also do not have the space for the large screening requirements.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

Without the Variance our business will not be providing a safe area for our customers to walk around the building as well as driving in and out of the property with the proper size drive aisle. It will clean up an area that has been run down for many years and bring the Lutz community together in a way that Lutz and the LDC supports.



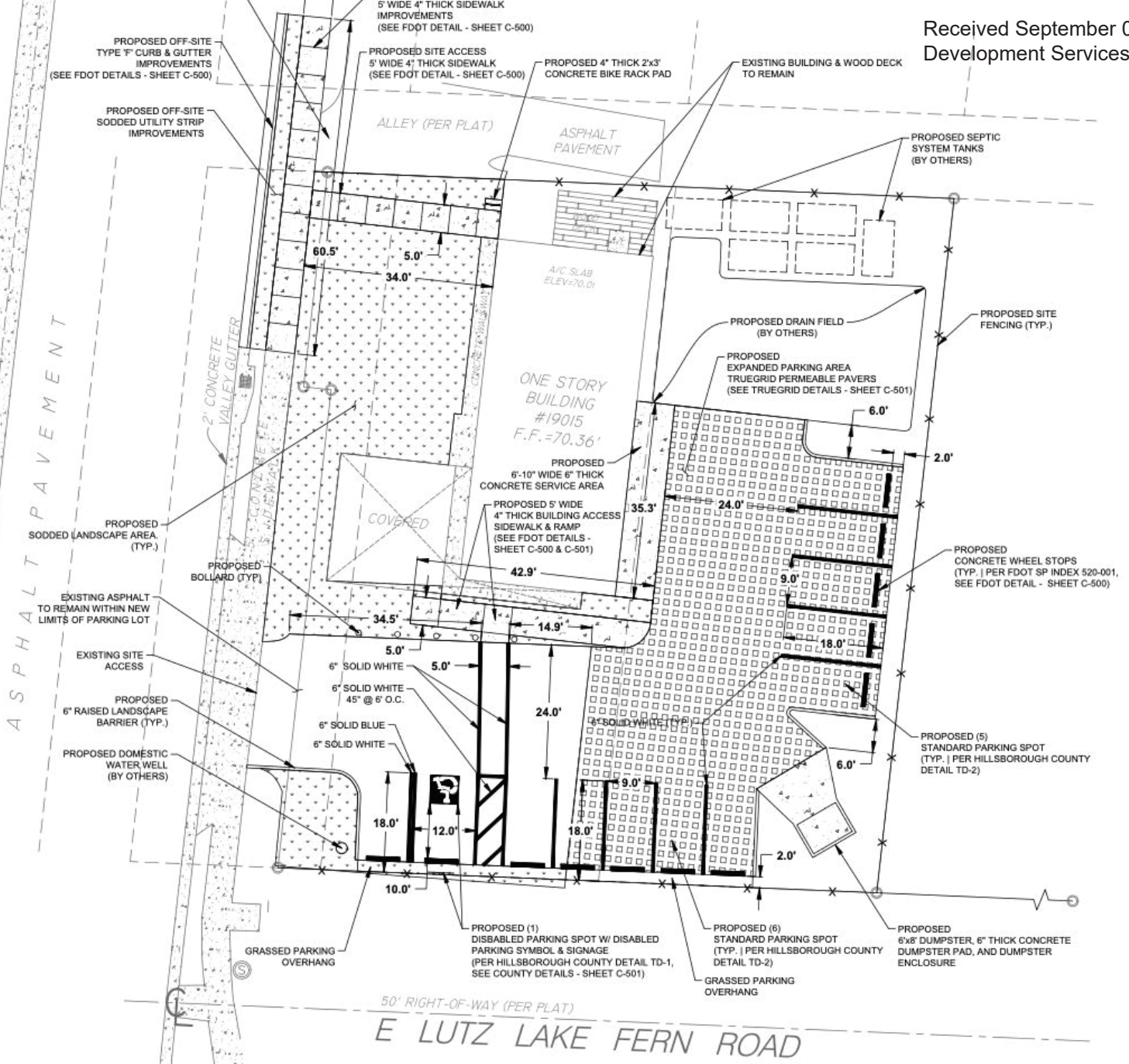


05.16.24

Preliminary Graphics - Exterior | Design/Zoning Analysis | Lutz Country Store

infill
STUDIO





B
BUI
LAR
SITE
IMPE
PE
PARK
(BASED PER 1.1. EATING SPAC
SITE PL
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Project Description (Variance Request #2 of 7)

1. In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.

Our request is to change the parking on the south abutting the vacant platted right of way FROM angled adjoining TO straight in (90 degree) adjacent to our existing building. We will not have any parking adjacent to the roadway (US Hwy 41). (please see site plan on the previous page)

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

We request a variance to 03.09.09 Parking for Office and Commercial uses

Variance Criteria Response

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

There are no properties around that are trying to create what we are creating for the community. We're asking for a simple adjustment FROM angled adjoining TO straight in (90 degree) adjacent to our existing building. Adhering to the code would have our cars parked within the only drive aisle.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

We are the only property that connects to this Right of Way with a parking area/fence. We're a tiny property, to place our parking adjoining the existing building would destroy our lot, and place parked cars within the drive aisle. In addition, customers would need to drive through the entire lot, and make a U turn when they want to leave, as we only have one in and out. Also the undeveloped platted right of way in which we abut has no plans for improvement.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

This will do this opposite and help bring more people and exposure to other businesses in the area.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (*refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose*).

We are the model of the LDC and are creating a property that goes above and beyond what the LDC/Comprehensive plan is looking for. The LDC/Comprehensive plan intent and purpose is to better the area and that is exactly what will be doing. (please see attached letter from The Lutz Civic Association in support of our request)

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

Nothing we have done is a result of needing this variance. This building and its location have been here for nearly 70 years.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

This shift FROM angled adjoining to straight in adjacent will increase safety, adhere to our FDOT access to 41, be an aesthetically pleasing in design and function. Justice will be done by granting this variance as it it not possible to accomplish what is being asked with the positioning of our 70 year old building.

Project Description (Variance Request #3 of 7)

1. In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.

To allow us to use our existing building structure including its roof and pitch, architectural features including the original window openings and style, design from the 1950's and our planned architectural design to add wood elements and country style lighting to the front face of the building as well as a mural style signage on the West (front) and south sides of the building. (please refer to renderings above). As stated clearly in the Comprehensive Plan for Unincorporated Hillsborough County Florida Page 7, 1.0 Community and Special Study Areas, LUTZ: "We will also work to support more local, small businesses, while accepting the trade-off of traveling beyond Lutz for major goods and services. Lutz architecture will be diverse within a broad theme" to adapt to a visual theme created and defined by the LDC for new developed properties will destroy the history of Lutz and the project. The application of the Overlay design district does not take into account the history, age or size of any property, seemingly placing everyone from a Brand new 7-11 to our 70 year old property into one basket. This is surely not what Lutz Comprehensive plan/LDC has in mind for Lutz (please see attached letter from The Lutz Civic Association in support of our request). We are trying to reverse the momentum of being overtaken by Gas Stations, Car Washes, Smoke Shops, Strip Malls and Chains. We are trying to preserve our structure that has been here for nearly 70 years. Enforcing these standards on a property that has been here for an historical amount of time seems to go against everything that the Plan and LDC stand for.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

We request a variance to Specifically: 3.09.06 (design) A 2, 3.09.06 A 3, 3.09.06 A 4

Variance Criteria Response

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

We are currently the only business currently trying to bring the vision of what is in the Comprehensive Plan for Unincorporated Hillsborough County Florida to LUTZ. These requests have no similarity to any property because there are no businesses that are trying to actually open that are trying to preserve the historic feel of the area.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

Nearly all the properties surrounding us all have flat roofs, awful signage, rusty roofs, poor or non existing landscaping, and broken sidewalks. Our plan is to revitalize this property with its existing structure and in turn bring to life the Comprehensive Plan for Unincorporated Hillsborough County Florida, the LDC and the town of Lutz.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

It will do the opposite, it will create a community needed business which will bring more people to other businesses as well, and hopefully light the spark for more development that is in line with the Comprehensive Plan.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (*refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose*).

We are the model of the LDC and are creating a property that is meant for the community to enjoy. We are building this business because we are a family that wants a place that the community will be comfortable with and not have to drive to other areas nearby to get simple country comfort food and a relaxing environment. The LDC/Comprehensive plan intent is to better the area and that is what will be doing. (please see attached letter from The Lutz Civic Association in support of our request)

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

Nothing we have done is a result of needing this variance, this is due to a broad interpretation of the codes and regulations.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

By granting the approval for the variances requested you will be doing substantial justice to the community of Lutz and what the LDC stands for. We are on the cusp of getting Lutz back to a small hometown with small businesses that are here to serve the community.

We want Lutz to become what it once was. A thriving small business run area with a local feel. We want to be that business that brings the start to welcoming and encouraging small business. We have support of our community, we have support from the Lutz Civic Association, and even they acknowledge these misinterpretations of the code/regulations. Without the approval of these variances its the last nail in our coffin for us. We've been put through the wringer this last year. We are a husband and wife raising two kids in Lutz, investing our savings trying to create something here and have been fought by one rule and regulation after another. There's a reason there are no new small businesses opening in non strip malls.. We're being forced to abide by rules/timelines that are impossible to adhere to. Only big corporations can afford the time and Money to rebuild to the standards being required. This has been a grueling process the county has put us through. There needs to be help on the county level for small businesses to avoid the impossible requirements and lack of information provided in a timely manor or small businesses will not survive.

We're a tiny property, less than .5 acres and have had to hire two architects, and a civil engineer, I have done 1 rezoning, and 2 (almost 3) variances, over 300 emails, weeks of phone calls, .. We've spent nearly \$70,000 in fees and interest on loans.

Project Description (Variance Request #4 of 7)

1. In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.

We request a variance for the dumpster pad size and enclosure requirements - The code clearly states this is for new construction and for locations that do not have curbside pickup - In addition to us being a remodel and not “new construction” Our property is scheduled for curbside pickup as well. We would however like a dumpster and need this variance to shape our dumpster location to fit our property and plan as we are a very small property. There are no properties in the downtown Lutz area that have what is being asked of us. Please see photos. We have no plan on placing our dumpster like the ones shown. We will put a fence around it and screen it. We just do not have space for a 12x12 dumpster fortress on our tiny property.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

We request a variance to Specifically: 6.03.15 - Dumpster and Recycling Collection Space



Variance Criteria Response

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

Not one property near us has been required to have this dumpster enclosure. There is no space on any of these tiny properties in the downtown Lutz area.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

The neighboring properties have dumpsters in alleys, parking spots, and other random spaces (see photos above). Ours will be maintained and hidden from view, but its unreasonable to have to build the structure as in the code.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

We will be ensuring our dumpster is discretely placed and screened, unlike any of the surrounding area. The dumpster we will be using are on wheels and will be rolled to the solid waste truck at the time of pickup.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (*refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose*).

Creating an eyesore of a huge dumpster enclosure on our tiny property serves no purpose. Our buffering with plants and a fence will go above and beyond what any properties in the area are doing

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

Nothing we have done is a result of needing this variance, this is due to a broad interpretation of the codes and regulations for our area.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

Without this variance it would decrease our parking area to an unusable amount of parking. As we say over and over again, we are a small property trying to bring something great to the community. These variances will not effect or hurt anyone or property at all. Justice will be done as that space on these small properties can not support a dumpster pad/construction of this size.

Project Description (Variance Request #5 of 7)

1. In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.

We request a variance to the Vehicular and pedestrian cross access stubouts to the north and south on our property. The properties in this area were built in the 1950's and have no space to enable the cross access without tearing the building, existing 70 year old awning, or utilities down. The code also defines cross access as: "The purpose of requiring cross-access in certain situations is to reduce the necessity to use the public street system in order to move between adjacent and complementary land uses where such interchange of vehicular or pedestrian trips are likely to occur."

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

We request a variance from: 6.04.03.Q for Vehicular and pedestrian cross access stubouts to the north and south

Variance Criteria Response

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

When 41 was widened into a 6 lane highway, the area that could have been used was taken for the expansion. Our property should not be required to have cross access to a vacant right of way that will never be used and leads no where and is not zoned commercial (see 6.04.03 Part Q of the code, Number 2, Letter B “The site has a commercial or office land use or zoning designation, and is adjacent to a parcel which also has a commercial or office land use designation or zoning and which has access on the same roadway”) The property to the south is not a commercial property. The property to the North is not a complimentary business, we do not feel it safe to prove access to a smoke shop convenience store (see attached photo below), in fact quite the opposite. We feel its not just to require a family friendly business to allow access through our property to a business that sells alcohol and smoking products. It’s not safe nor should it be required. Under transportations submitted comments for our site plan under comment #8 they state “A 3 foot wide sidewalk is located adjacent to the building. Public doorways are to maintain a 5 foot clear area with the door open in the outward position.” This enlarged sidewalk would not be able to accommodate vehicle access through the property (see 6.04.03 Part Q number 5 Letter D of the code “The minimum width of a vehicular cross-access shall be 24 feet. The minimum width of a pedestrian cross-access shall be five feet”) With the location of our existing building and awning this will not be possible to accommodate without moving the building, which is financially impossible. To require these stub outs would also be a huge safety issue which would encourage customers of another property to drive through, past the front door our property rather then go into their designated driveway. We are also improving nearly 60 feet of sidewalk that will ensure pedestrians can access the neighboring businesses.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

The majority of properties in this area were built in the 1950’s and have no space to enable the cross access without tearing the building or utilities down. Also the interpretation of this code should be able to be interpreted the way the code was written "in order to move between adjacent and complementary land uses” we are not complementary to a smoke shop that sells alcohol. And the property to the south is not CG.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

No ones rights will be injured nor will this interfere with anyones business.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (*refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose*).

The property is too small and can not meet the required cross access without the demolition of the building. In addition, the safety of our customers is our main priority and to have cross access vehicles driving past our door would be an extreme hazard. (please see attached letter from The Lutz Civic Association in support of our request)

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

Nothing we have done is a result of needing this variance. This building has been here for nearly 70 years. The widening of US 41 created this issue.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

Without this variance we would need to demo the existing building, overhang and remove nearly 1/2 of our already small parking lot. This is not possible, nor do we think this is the intention of the Lutz plan or LDC. Substantial Justice is being done by not enforcing cross access as it pertains to our property. It will destroy the business before it starts -The property was built nearly 70 years ago and to require us to make it easier for a family friendly business give access to a store that sells smoking products and alcohol and a property that is vacant, non commercial and never to be developed goes against the LDC and what Lutz is about.



Project Description (Variance Request #6 of 7)

1. In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.

Our Property is only 50 feet wide - This existing building and front canopy have been here since the building opened in the 1950's when it was a Phillips 66 fueling station (see historic photo below). This photo is from the Going, Going, almost gone history of Lutz and Land o' Lake. When 41 was enlarged and setback requirements changed, this building was previously constructed and should not be required to adhere to a code meant for new construction. We request this variance to leave the building and canopy where they are. Our deck will be under the canopy and in front of the first set of windows.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

We request a variance to 6.01.01: setback requirements.



This photo above is of our property from the Going, Going, almost gone history of Lutz and Land o' Lakes. Published by The University of Tampa Press

Variance Criteria Response

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

We can not move the building, and goes against the Lutz Plan and the LDC as this building has been year for 70 years. Our building, along with the majority in the downtown Lutz area were built within this 30' buffer. Some are even 10' from the road. See photo below showing how close other properties are.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

The properties in this area were built in the 1950's and are nearly all built within the current setback requirements.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

The property has been there for 70 years. We are not changing anything, just leaving it where it was initially placed. Moving it is not an option.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (*refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose*).

We are the model of the LDC and are creating a property that goes above and beyond what the LDC is looking. We are using an existing structure, keeping it where it is with no destruction to the historic rural look that Lutz is wanting to preserve. Creating our deck will enable the community to enjoy one of the ONLY outdoor spaces in the downtown Lutz area. The LDC/Comprehensive plan intent is to better the area and that is what will be doing.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

Nothing we have done is a result of needing this variance. Our building was built 70 years ago and should not have to move.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

If we need to move the building that's a financial impossibility and is an instant kill to our business and any business that would want to change use in the Lutz Area.. The deck we want is within the 70 year old footprint of what has been there and there is no reason in the Lutz Community Plan that we should not be allowed to construct an outdoor area for our customers to enjoy. Substantial justice will be done by letting us preserve and expand upon what is already there and create a great community centered business.



Project Description (Variance Request #7 of 7)

1. In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.

We request a variance to the signage and fences requirements. We would like to use the existing sign below the existing overhang and add mural style painted logos on the West and South of the building. Please see photo below. We would also like to put a wood fence in height

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

We request a variance to 3.09.06 C Signs and 3.09.06 B Fences and Walls

Variance Criteria Response

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

We want to repurpose and use the sign that was originally there and permitted. We will also have a mural painted type logo on the west and south side of the building. We would also like to make sure our proposed wood fence of 6 foot in height along the NORTH, EAST and SOUTH property lines is covered under this variance. (Please see site plane above, and attached wood fence picture, as well the Mural Logo specifications for the sides of the structure)

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

The sign is in working order and has been permitted in the past. The fence will be a standard 6 foot tall wood shadowboxed fence

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

Its and existing sign we are to repurpose. It will not effect anyone. The fence will complete the design process and add a layer of safety and privacy.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (*refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose*).

It's a low profile sign and will be tastefully repurposed. The fence is in line with the LDC and Lutz plan

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

Nothing we have done is a result of needing this variance.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

The sign is existing and to keep with the look and feel of the Lutz downtown area, we want to avoid a strip mall type monument. We will also have a mural painted type logo on the west and south side of the building. It will result in justice being done to keep our current signage location and the mural painted on the sides of the building. Also our fence along the property lines will add security and safety and complete the look and feel of what the LDC and Lutz plan expect.

Folio Identification No: 013859-0000

This Instrument Prepared By and Return to:
Justin Marx
Lauren Marx
19115 Crooked Lane
Lutz, FL 33548

QUITCLAIM DEED

This *Quitclaim Deed*, made this 12th day of February 2024, between Justin Marx and Lauren Marx, husband and wife, whose address is 19115 Crooked Lane Lutz, FL 33548, Grantors, and LUTZ LJAM LLC, a Florida Limited Liability Company, whose post office address is 19015 U.S. 41, Lutz, FL 33549, Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the Grantors, for and in consideration of the sum of ---TEN & NO/100(\$10.00)--- DOLLARS, and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained and quitclaimed to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of Hillsborough, State of Florida, to-wit:

Lots 5 and 6, Block 15, EAST NORTH TAMPA, a subdivision according to the plat thereof recorded in Plat Book 1, Page 128, of the Public Records of Hillsborough County, Florida; LESS that portion taken for road right of way in Order of Taking recorded in Official Records Book 7579, Page 303, of the Public Records of Hillsborough County, Florida.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantors, either in law or equity, for the use, benefit and profit of the said Grantee forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness #1 Signature

NIKKIEATN
Witness #1 Printed Name

1022 Land O Lakes Blvd, Lutz FL 33549
Witness #1 Address

[Signature]
Witness #2 Signature

Lisa M Taylor
Witness #2 Printed Name

1022 Land O Lakes Blvd.
Lutz, FL 33549
Witness #2 Address

[Signature]
JUSTIN MARX

[Signature]
LAUREN MARX

STATE OF FLORIDA
COUNTY OF pasco

The foregoing instrument was acknowledged before me by means of physical presence this 12th day of February, 2024, by JUSTIN MARX and LAUREN MARX, who are personally known to me or who have produced [Signature] as identification.

SEAL

[Signature]
Notary Signature
Lisa M Taylor
Printed Notary Signature

My Commission Expires:



Prepared by and return to:

Nikki Eaton
ARROW TITLE LLC
1022 Land O' Lakes Boulevard
Lutz, FL 33549
(813) 994-3328
File No 24-17
Parcel Identification No 013860-0000

The actual purchase price or other valuable consideration paid for the real property or interest conveyed by this instrument is \$100,000.00. Florida Documentary Stamps in the amount of \$0.00 have been paid hereon.

[Space Above This Line For Recording Data]

WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the **1st day of February, 2024** between **Terence J. Donovan, a single person**, whose post office address is **PO BOX 824, Lutz, FL 33548**, of the County of , State of Florida, Grantor, to **LUTZ LJAM LLC, a Florida Limited Liability Company**, whose post office address is **19015 U.S. 41, Lutz, FL 33549**, of the County of Hillsborough, State of Florida, Grantee:

Witnesseth, that said Grantor, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Hillsborough, Florida, to-wit:

Lot 7, Block 15, EAST NORTH TAMPA, according to plat thereof as recorded in Plat Book 1, Page 128, of the Public Records of Hillsborough County, Florida.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to taxes for 2024 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantor hereby covenant with the Grantee that the Grantor is lawfully seized of said land in fee simple, that Grantor have good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.



Additional / Revised Information Sheet

Office Use Only		
Application Number: 24-1048	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: 24-1048 Applicant's Name: Justin Marx

Reviewing Planner's Name: Carolanne Peddle Date: 8/30/2024

Application Type:

- Planned Development (PD)
- Minor Modification/Personal Appearance (PRS)
- Standard Rezoning (RZ)
- Variance (VAR)
- Development of Regional Impact (DRI)
- Major Modification (MM)
- Special Use (SU)
- Conditional Use (CU)
- Other _____

Current Hearing Date (if applicable): _____

Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project? Yes No

If "Yes" is checked on the above please ensure you include all items marked with * on the last page.

Will this revision remove land from the project? Yes No

If "Yes" is checked on the above please ensure you include all items marked with + on the last page.

Email this form along with all submittal items indicated on the next page in pdf form to:

ZoningIntake-DSD@hcflgov.net

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcflgov.net.

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Signature

8/30/2024
Date



**Hillsborough
County Florida**
Development Services

Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to [Chapter 119 Florida Statutes](#), all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact [Hillsborough County Development Services](#) to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS? Yes No

I hereby confirm that the material submitted with application _____

Includes sensitive and/or protected information.

Type of information included and location _____

Does not include sensitive and/or protected information.

Please note: Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature: _____
(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: **3/30/2024**



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
1	<input type="checkbox"/> Cover Letter** If adding or removing land from the project site, the final list of folios must be included
2	<input checked="" type="checkbox"/> Revised Application Form**
3	<input type="checkbox"/> Copy of Current Deed* Must be provided for any new folio(s) being added
4	<input type="checkbox"/> Affidavit to Authorize Agent* (If Applicable) Must be provided for any new folio(s) being added
5	<input type="checkbox"/> Sunbiz Form* (If Applicable) Must be provided for any new folio(s) being added
6	<input type="checkbox"/> Property Information Sheet**
7	<input type="checkbox"/> Legal Description of the Subject Site**
8	<input type="checkbox"/> Close Proximity Property Owners List**
9	<input type="checkbox"/> Site Plan** All changes on the site plan must be listed in detail in the Cover Letter.
10	<input type="checkbox"/> Survey
11	<input type="checkbox"/> Wet Zone Survey
12	<input type="checkbox"/> General Development Plan
13	<input checked="" type="checkbox"/> Project Description/Written Statement
14	<input type="checkbox"/> Design Exception and Administrative Variance requests/approvals
15	<input checked="" type="checkbox"/> Variance Criteria Response
16	<input type="checkbox"/> Copy of Code Enforcement or Building Violation
17	<input type="checkbox"/> Transportation Analysis
18	<input type="checkbox"/> Sign-off form
19	<input checked="" type="checkbox"/> Other Documents (please describe):
<p>Site plan with fence and parking information - Letter in support from The Lutz Civic Association Mural Logo size and dimensions Previously approved sign permit Transportation Site plan comments</p>	

*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

+Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.

Variance Application Package



**Hillsborough
County Florida**
Development Services

Instructions to Applicants for Requests Requiring Public Hearing:

I. Prior to completing this application:

If you have any questions regarding your proposed project prior to submittal of this application, please email ZoningIntake-DSD@HCFLGov.net.

Please ensure you gather items that will need to be submitted prior to submitting your application as incomplete applications will not be accepted. Some of the items necessary may be obtained as follows:

- **Property information** such as folio numbers, future land use, current zoning, section/township/range and other information may be obtained by using the [Hillsborough County Map Viewer](#) and searching for the necessary address in the search bar at the top.
- **Sunbiz Forms** may be obtained by visiting Sunbiz.org.
- **A Copy of the Current Recorded Deed(s)** may be obtained by visiting the Hillsborough County Property Appraiser's website at HCPAFL.org and conducting a Property Search. Search by folio number or property address and select the correct result. Scroll down to 'Sales History' and select the most recent 'Instrument Number'. Select one of the results to view and save the current recorded deed.
- **Close Proximity Property Owners List** may be requested by emailing gisdept@hcpafl.org. Include all folio numbers and the buffer area in the request. *Please Note:* If your property has an Agricultural Future Land Use Designation or a Future Land Use Designation of RES-1 you must obtain a list of all property owners within 500 feet of the subject property. For all other Future Land Use Categories you must obtain a list of all property owners within 300 feet of the subject property.

II. Application submittal:

Part A and Part B of the submittal requirements include specific requirements and their requisite forms necessary for a complete and sufficient application submission.

- **Part A** will verify the property owner has authorized the application and includes forms and documents needed to verify the area for the proposed change.
- **Part B** includes the specific additional submittal requirements for the type of application being submitted.

Documents must be submitted as separate PDF documents with a minimum image resolution of 300 dpi labeled according to their contents and submitted in a single email to ZoningIntake-DSD@HCFLGov.net. Incomplete submittals will receive an email indicating the documents that are missing and will require a full resubmittal.

IMPORTANT: Review the entire application (both Parts A and B) for completeness prior to submission. Ensure you have your complete application submitted by 3:00 PM on the [cut-off day for your desired hearing](#) or your application will miss the cut-off and be continued to the next hearing date. Incomplete applications will not be accepted.

III. Post-application submittal:

Complete submittals will receive a payment request email. The deadline to make the payment is **one business day** after you receive this request. Failure to complete the payment by the deadline will result in application delays and/or additional Fastrack fees. Please view our [current fee schedule](#) for a list of zoning fees. Payments must be made through the [HillsGovHub portal](#). Instructions on how to [create an account](#) and [how to make a payment](#) are also available.

Remember, the Hillsborough County Land Development Code requires public notice for this category of application. After payment is received, you will receive a Letter of Notice that must be sent to all addresses on the Adjacent Property Owners List and/or HOA list. A Certificate of Mailing must also be provided. Instructions on completing your Letter of Notice and obtaining a Certificate of Mailing, will be sent with the Letter of Notice via email. Mailing deadlines and the deadline to submit the certificate of mailing will also be included on this email.



**Hillsborough
County Florida**
Development Services

Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: _____ Intake Date: _____
 Hearing(s) and type: Date: _____ Type: _____ Receipt Number: _____
 Date: _____ Type: _____ Intake Staff Signature: _____

Applicant/Representative: Justin Marx Phone: 305-607-0235

Representative's Email: lutzcountrystore@gmail.com

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will be verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

Part A: Property Information & Owner Authorization Requirements

Included	N/A	Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Affidavit(s) to Authorize Agent</u> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Close Proximity Property Owners List</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Legal Description</u> for the subject site
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Fastrack Approval</u> (if applicable)

Additional application-specific requirements are listed in Part B.



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: _____ Intake Date: _____
 Hearing(s) and type: Date: _____ Type: _____ Receipt Number: _____
 Date: _____ Type: _____ Intake Staff Signature: _____

Property Information

19013/19015 N US HWY 41 LUTZ, FL 33549
 Address: _____ City/State/Zip: _____
 12-27-18 013859-0000 CG-R/CG R-6 .45 acre
 TWN-RN-SEC: _____ Folio(s): 013860.0000 Zoning: _____ Future Land Use: _____ Property Size: _____

Property Owner Information

Lutz LJAM LLC 305-607-0235
 Name: _____ Daytime Phone _____
 19015 Crooked LN LUTZ, FL 33548
 Address: _____ City/State/Zip: _____
 lutzcountrystore@gmail.com
 Email: _____ Fax Number _____

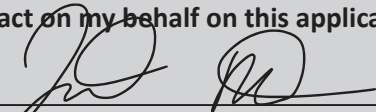
Applicant Information

Justin Marx 305-607-0235
 Name: _____ Daytime Phone _____
 19115 Crooked LN Lutz FL 33548
 Address: _____ City/State/Zip: _____
 lutzcountrystore@gmail.com
 Email: _____ Fax Number _____


Applicant's Representative (if different than above)

Name: _____ Daytime Phone _____
 Address: _____ City/State/Zip: _____
 Email: _____ Fax Number _____

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.


 Signature of the Applicant
 Justin Marx
 Type or print name

I hereby authorize the processing of this application and recognize that the final action taken on this petition shall be binding to the property as well as to the current and any future owners.


 Signature of the Owner(s) – (All parties on the deed must sign)
 Lauren Marx and Justin Marx
 Type or print name