



Hillsborough County Florida

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-1467

LUHO HEARING DATE: November 21, 2022

CASE REVIEWER: Kim King

REQUEST: The applicant is requesting a setback variance for a monument sign located at 5102 Belmere Parkway for MAA Belmere.

VARIANCE(S):

Per Section 7.03.00.C.1.c of the LDC requires a monument sign at 4 ft. high to have a 15 ft. setback from the right-of-way line.

Variance

The applicant is requesting a 15 ft. variance for the monument sign placing the sign with a 0 (zero) setback from the right-of-way line.

FINDINGS:

None.

DISCLAIMER:

The variance 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.

ADMINISTRATOR'S SIGN-OFF

Attachments: Application
Site Plan
Petitioner's Written Statement
Current Deed



Project Description (Variance Request)

- 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.

Per Hillsborough County Sign Code, a set back of signage from the R/W is a 15 ft distance for a 4 ft tall/high sign. We are seeking a variance of a 0 (zero) ft set back from the R/W in the same location as the current sign. The location of the current sign with the leading edge at the property line (or R/W line) is 22 ft back from the curb cut / Vehicular DOT road. The 22 ft distance from the road to the property's R/W line, plus an additional 15 ft set back (as sign code requires), places any 4 ft tall new sign 37 ft back from road visibility. This distance set back affects visibility of the property for both the general public, residents, and emergency services.

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

Section 7.03.00.C.1.C - Permitted Signs, Ground Signs, General Ground Sign Provisions, Monument Signs.

Additional Information

- Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
- 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): _____
- 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.
- Please indicate the existing or proposed utilities for the subject property:
 Public Water Public Wastewater Private Well Septic Tank
- 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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

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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?

Given the existing sign already is set back 22 ft from the DOT Road, and has a 22 ft x 34 ft site triangle - pushing a new sign further back will render the identification of the community un-viewable to emergency services, and the general public.

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.

A 15 ft set back from the R/W places the sign 35 ft from the DOT road. Other communities surrounding have wall signs which do not follow the same sign set back. This community does not have perimeter walls like their neighboring properties - requiring a ground monument sign to be used.

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 variance request is to install the newly proposed monument sign in the same location as the existing monument sign; which has resided in this location without causing any site issues.

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).

In installing the new sign in the same location as the current sign, it preserves the public safety of residents in the community & furthers the areas developmental progress in upgrading the visual identification to the community.

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.

The sign location is on owned property without easement in area of placement. The property lines were established in 1984.

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.

Allowing the set back variance provides a clear and visible identification of the community without causing adverse DOT visibility. The hardship of being able to locate the property with a sign set back of 35 ft would present an issue to both Emergency services and the general public.

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19.50
61,110.00
Belmore

OFF REC 8810 P 0428

4

Return To:
ALL FLORIDA TITLE AGENCY, INC.
3802 S. WESTSHORE BLVD
TAMPA, FL 33611

Documentary Tax Pd - F.S. 201.02 \$ 61,110.00
Documentary Tax Pd - F.S. 201.03 0
Intangible Tax Pd - F.S. 199.5 0
Richard Ake, Clerk Hillsborough County
By: [Signature] Deputy Clerk

RICHARD AKE
CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY

1997 NOV 26 PM 2:28
0097314845

WARRANTY DEED

THIS WARRANTY DEED made this 21ST day of November, 1997 between MID-AMERICA APARTMENTS, L.P., a Tennessee limited partnership, hereinafter called the "Grantor," and MID-AMERICA CAPITAL PARTNERS, L.P., a Delaware limited partnership, whose mailing address is: 6584 Poplar Avenue, Suite 340, Memphis, Tennessee 38138; Attn. Lynn A. Johnson, hereinafter called the "Grantee";

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other valuable considerations, the receipt whereof is hereby acknowledged, has granted, bargained, and sold unto the Grantee, and Grantee's successors, and assigns forever, all that certain parcel of land located in the County of Hillsborough and State of Florida to wit:

All that certain real estate described in Exhibit "A" attached hereto and incorporated herein by reference;

and Grantor does hereby fully warrant title to said land and will defend the same against the lawful claims of all persons whomsoever, except for the matters set forth in Exhibit "B" attached hereto and incorporated herein by reference, to all of which this conveyance is expressly made subject ("Grantor and Grantee" are used herein for singular or plural, the singular shall include plural, and any gender shall include all genders, as context requires.)

WITNESSES:

[Signature]
Print Name: John M. Bryant, Jr.

[Signature]
Print Name: Wm. Scott Young

MID-AMERICA APARTMENTS, L.P.,
a Tennessee limited partnership

By: MID-AMERICA APARTMENT
COMMUNITIES, INC., a Tennessee
corporation, General Partner

By: [Signature]
Name: Lynn A. Johnson
Title: Secretary / Treasurer
6584 Poplar Avenue, Suite 340
Memphis, TN 38138

[CORPORATE SEAL]

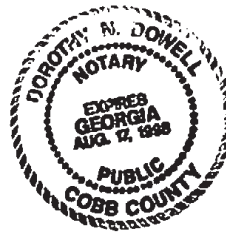
Grantee's Tax I.D. No. 52-2064509
Tax Folio No. 018956.0660RE
M MDT 3400641
BELMERE

STATE OF Georgia
COUNTY OF Fulton

The foregoing instrument was acknowledged before me this 21ST day of November, 1997, by Lynn A. Johnson as Sec./Treas. of MID-AMERICA APARTMENT COMMUNITIES, INC., a Tennessee corporation, as General Partner of MID-AMERICA APARTMENTS, L.P., a Tennessee limited partnership, on behalf of said entities. He/she is personally known to me.

D. N. Dowell
Name: Dorothy N. Dowell
NOTARY PUBLIC
State of Georgia At Large
My Commission Expires: _____

Prepared by: Michael Tanner, Attorney
Baker, Donelson, Bearman & Caldwell
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103



OFF REC 8810 P 0430

Exhibit "A"

PARCEL 1:

From the Northwest corner of Section 5, Township 28 South, Range 18 East, HILLSBOROUGH County, Florida, run thence South 00°28'57" East 100 feet along the West boundary of Section 5 for a Point of Beginning. From said Point of Beginning run thence North 89°54'16" East 1034.98 feet, parallel with the North boundary of the West 1/2 of said Section 5; thence South 00°05'44" East 450 feet; thence South 89°54'16" West 1455 feet; thence North 00°01'31" West 450.51 feet; thence North 89°58'29" East 419.46 feet, parallel with the North boundary of the East 1/2 of Section 6, Township 28 South, Range 18 East, Hillsborough County, Florida to the Point of Beginning.

PARCEL 2:

TOGETHER WITH A PERMANENT EASEMENT for ingress and egress as granted by that certain Easement recorded in O.R. Book 4068, page 1382, public records of Hillsborough County, Florida over and across the following described parcel:

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EXHIBIT "B"

MATTERS SHOWN OF RECORD IN THE PUBLIC RECORDS

Exhibit B - Belmore
November 19, 1997
785633-024

19.50
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[Signature]
Print Name: Wm. Scott Young

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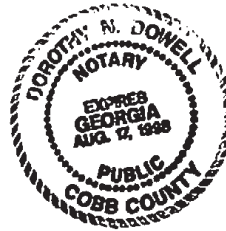
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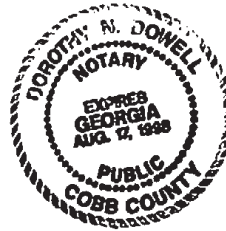
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MATTERS SHOWN OF RECORD IN THE PUBLIC RECORDS

Exhibit B - Belmore
November 19, 1997
785633-024



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 22-1467 Intake Date: 9/23/2022
Hearing(s) and type: Date: 11/21/2022 Type: LUHO Receipt Number: 202959
Date: _____ Type: _____ Intake Staff Signature: Clare Odell

Property Information

Address: 5102 Belmere Pkwy City/State/Zip: Tampa FL 33624
TWN-RN-SEC: 28-18-05 Folio(s): 018956-0660 Zoning: PD Future Land Use: R-4 Property Size: 14.97329998 Acres

Property Owner Information

Name: Mid-America Capital Partners LP Daytime Phone: 901-435-5355
Address: 6815 Poplar Ave Dept 016057 City/State/Zip: Germantown, TN 38138
Email: michael.halbrook@maac.com Fax Number: 901-761-3815

Applicant Information

Name: Angela Swartz, DeNyse Companies Daytime Phone: 770-942-0688
Address: 4521 Industrial Access Rd City/State/Zip: Douglasville GA 30134
Email: aswartz@denyseco.com Fax Number: 770-489-0934

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.

Angela Swartz
Signature of the Applicant
Angela Swartz
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.

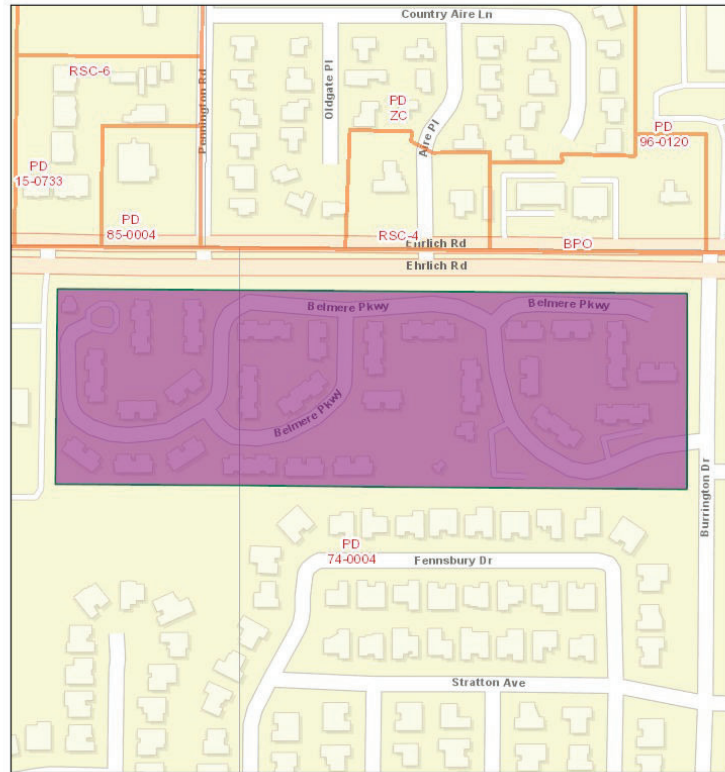
Michael Halbrook
Signature of the Owner(s) -- (All parties on the deed must sign)
Michael Halbrook
Type or print name



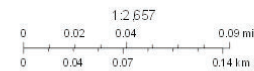
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
INFL	i
Zoning	PD
Description	Planned Development
RZ	74-0004
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0184H
FIRM Panel	12057C0184H
Suffix	H
Effective Date	Thu Aug 28 2008
FIRM Panel	0183H
FIRM Panel	12057C0183H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120185F
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Planned Development	PD
Re-zoning	null
Major Modifications	04-0813,95-0348,96-0326, 98-0588 WD
Personal Appearances	09-0842,05-0051,04-0775 WD,91-0040 DENIED,90-0030,89-0089,88-0034, 17-0720, 21-0357
Census Data	Tract: 011418 Block: 2008
Census Data	Tract: 011418 Block: 2006
Census Data	Tract: 011418 Block: 2014
Census Data	Tract: 011418 Block: 2005
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	180' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 18956.0660



September 23, 2022



Hillsborough County Florida

Folio: 18956.0660
PIN: U-05-28-18-ZZZ-000000-80460.0
MID-AMERICA CAPITAL PARTNERS LP

Mailing Address:
6815 POPLAR AVE DEPT 016057
GERMANTOWN, TN 38138-0600

Site Address:
5102 BELMERE PKWY
TAMPA, FL 33624
SEC-TWN-RNG: 05-28-18
Acreage: 14.97329998
Market Value: \$28,862,000.00
Landuse Code: 0320 MULTI-FAMILY

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.

Or

2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.