

Variance Application: VAR 25-0928
LUHO Hearing Date: July 28, 2025
Case Reviewer: Chris Grandlienard, AICP



**Hillsborough
County Florida**

Development Services Department

Applicant: Hunter Harrison, Ashton Gray Real Estate **Zoning:** PD
Location: 10190 S. US Highway 301; Folio: 76621.3074

Request Summary:

The applicant is requesting a landscape buffer variance to accommodate cross access connectivity and parking between the Chick-fil-A to the north and the subject property to the south.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.06.04.E	A 6-foot landscape buffer is required unless more stringent rules apply, or the adjacent property already provides the buffer and screening.	6 feet	0-foot landscape buffer to north property line

Findings:

The buffer was previously waived for the Chick-fil-A site based on shared ownership, but due to a change in ownership, a variance is now needed to preserve the original site circulation and layout.

Zoning Administrator Sign Off:


Colleen Marshall
Tue Jul 15 2025 16:03:35

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.



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.

We are requesting that the landscape buffer requirement per Sec. 6.06.04. - Off-Street Vehicular Use Areas Part E, which requires 6 feet of setback, is reduced to 0 feet to promote cross access connectivity between the Chick Fil A to the north and our proposed project.

The Chick-fil-A site to the north, Folio #076621-3076 was permitted under Hillsborough County to include a cross access driveway between the Chick-fil-A site and our subject property. The plans include a callout for a 24' wide drive aisle, to be constructed by others on our subject property. There are also 9 constructed parking spots on the northern property, directly abutting the property line, which were built to be accessed exclusively by the drive aisle on our subject property and a 6' landscape buffer would eliminate access to these parking spaces.

This landscape buffer requirement was negated for the Chick Fil A site with a Buffer Exemption Letter and an understanding these two properties would be under the same ownership. Due to a change in ownership, a variance must be requested to maintain the circulation and site plan orientation originally planned.

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

Sec. 6.06.04. - Off-Street Vehicular Use Areas Part E

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): PID 7469
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

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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?

The Chick Fil A plans include a callout for a 24' wide drive aisle, to be constructed by others on our subject property in this particular location. There are 9 constructed parking spots on the northern property, directly abutting the property line, which were built to be accessed exclusively by the drive aisle on our subject property and a 6' landscape buffer would eliminate access to these parking spaces. +

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 Chick-fil-A property permitted and built 9 parking spaces with no setback, assuming there would be a drive aisle built on our property. If we are not awarded a setback variance, the Chick-fil-A property is impeding on what should be a landscape setback from our property. This also leaves 9 completely inaccessible parking spaces.

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 existing Chick-fil-A property permitted and built a drive aisle anticipating connection with our subject property and promote cross access circulation through the properties.

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*).

Providing a consistent development review process is listed as a purpose of the LDC. This driveway access was previously permitted and anticipated through the Hillsborough County development review process.

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.

This variance only seeks a approval of a setback variance to complete a drive aisle that was originally planned for and promote connectivity.

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 this variance ensures that the existing Chick-fil-A site is given the connectivity guaranteed in their review process and access to parking spaces that were permitted and built as a part of their project.

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This instrument prepared by
and return to:

Eric G. Fisher, Esq.
333 S.E. 2nd Avenue
Miami, Florida 33131

Parcel Identification No.
076548-0100, 076545-0000
076546-0000, 076547-1000
076547-0000, 076548-0000

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 2nd day of March, 2020, by **VPD LAND 4 LLC**, a Florida limited liability company (hereinafter called the "Grantor"), whose address is 485 Gilman Ct., St. Petersburg, Florida 33716, and **SENTOSA RIVERVIEW OWNER, LLC**, a Delaware limited liability company, whose address is One Town Center Road, Suite 600, Boca Raton, Florida 33486 (hereinafter called the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successor and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it in hand paid, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and conform unto the Grantee, its successor and assigns forever, all that certain parcel of land, lying and being in the County of Hillsborough, State of Florida, as more particularly described in **Exhibit A** attached hereto and by this reference made a part hereof (the "Property").

TOGETHER WITH all the tenements, hereditaments, and appurtenances thereto belonging or in anywise pertaining; and

SUBJECT TO real estate taxes for 2020 and all easements, conditions, covenants, restrictions, reservations, limitations, agreements and other matters of record, as provided on **Exhibit B** attached hereto; provided that this instrument shall not reimpose same.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, upon the said Grantee, its successors and assigns, in fee simple forever.

AND GRANTOR hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and that Grantor does hereby specially warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed the day and year first above written.

WITNESSES:

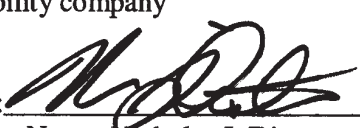


Print Name: KYLE SMITH


Print Name: Kelley Cato Juneau

GRANTOR:

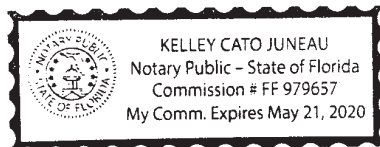
VPD LAND 4 LLC, a Florida limited liability company

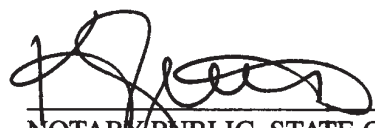
By: 

Print Name: Nicholas J. Dister
Title: Managing Member

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 13th day of February, 2020, by Nicholas J. Dister, as Managing Member of VPD LAND 4 LLC, a Florida limited liability company, on behalf of the company, by means of ☒ physical presence or ☐ online notarization, who ☒ is personally known to me or ☐ produced _____ as identification.





NOTARY PUBLIC, STATE OF FLORIDA
Print Name: Kelley Cato Juneau
My Commission Expires: May 21, 2020
Commission No.: FF979657

AFFIX NOTARY STAMP

EXHIBIT A TO SPECIAL WARRANTY DEED

A parcel of land being a portion of Southwest 1/4 of the Southeast 1/4 of Section 20, Township 30 South, Range 20 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 20, Township 30 South, Range 20 East, Hillsborough County, Florida, said point being a round concrete monument "RLS 3301", thence North 89°43'40" West along the South line of the Southeast 1/4 of said Section 20 for 1326.61 feet to a 1-inch iron pipe being the Southeast corner of the Southwest 1/4 of said Southeast 1/4 and the Point of Beginning; thence continue North 89°43'40" West along said South line for 1181.17 feet to a 5/8-inch rod LB7345 at the intersection of the said South line and the Eastern right of way of US Highway 301 (State Road 43) (200 foot right of way) as shown on Florida Department of Transportation Right of Way Map W.P.I No. 1113660, Section 10010-2525 dated 5/2/85 and Right of Way Map, State Project No. 10010-XXXX, Segment 415489-I dated 6/09/2006; thence North 00°37'35" East along said Eastern Right of Way for 1,301.65 feet to a 5/8-inch iron rod LB7345 at the intersection of the said Eastern Right of Way and the South Right of Way for Whitt Road (Hillsborough County maintained Right of Way, width varies); thence along said maintained Right of Way the following four (4) courses: (1) North 89°12'10" East for 208.37 feet to a 5/8-inch iron rod LB7345; (2) North 88°52'17" East for 212.31 feet to a 5/8-inch iron rod LB7345; (3) continue North 88°52'17" East, along said line, for 105.38 feet to a 5/8-inch iron rod LB7345; (4) North 00°35'04" East for 11.25 feet to intersect the North line of the aforesaid Southwest 1/4 of the Southeast 1/4 at a 5/8-inch iron rod LB7345; thence North 89°50'51" East along said North line for 4.43 feet to a 5/8-inch iron rod LB7345 at the Northwest corner of aforesaid East 1/2 of the Southwest 1/4 of the Southeast 1/4 and the Southwest corner of Whitt Road (25 foot private right of way) recorded in Official Records Book 21192, Page 1720, of the Public Records of Hillsborough County, Florida; thence continue North 89°50'51" East, along said North line and the South Right of Way of said Whitt Road for 413.00 feet to a 5/8-inch iron rod LB7345 at the Southeast corner of said private Right of Way; thence continue North 89°50'51" East, along said North line for 248.98 feet to a 1-inch pipe at the Northeast corner of aforesaid East 1/2 of the Southwest 1/4 of the Southeast 1/4; thence South 01°06'09" West along the East line of said East 1/2 of the Southwest 1/4 of the Southeast 1/4 for 391.22 feet to a 5/8-inch iron rod LB7345 at the Northeast corner of the Florida Department of Transportation Parcel (Parcel 126) recorded in Official Records Book 17891, Page 1181 of the aforesaid Public Records; thence along the North, West and South lines of said Parcel the following three (3) courses: (1) North 88°36'31" West for 240.40 feet to a 5/8-inch iron rod LB7345; (2) South 01°23'29" West for 414.51 feet to a 5/8-inch iron rod LB7345; (3) South 88°36'58" East for 242.49 feet to intersect the aforesaid East line of East 1/2 of the Southwest 1/4 of the Southeast 1/4; thence South 01°06'09" West along said East line for 523.89 feet, to the Point of Beginning.

Said lands situate, lying and being in Hillsborough County, Florida.

EXHIBIT B TO SPECIAL WARRANTY DEED

1. Taxes and assessments for the year 2020 and subsequent years, which are not yet due and payable.
2. Easement granted to Tampa Electric Company, recorded on August 29, 2006 in Official Records Book 16888, Page 581, of the Public Records of Hillsborough County, Florida.
3. Perpetual easement in favor of the State of Florida Department of Transportation for the purposes of drainage, ingress and egress, as contained in that Order of Taking recorded in Official Records Book 18097, Page 1937, revised in Official Records Book 18181, Page 1112, of the Public Records of Hillsborough County, Florida.
4. Perpetual Easement as set forth in that certain Stipulated Order of Taking and Final Judgment with Disbursement Directions to the Clerk recorded in Official Records Book 17891, Page 1181, of the Public Records of Hillsborough County, Florida.
5. Perpetual easement in favor of the State of Florida Department of Transportation for drainage, and for ingress and egress for constructing and maintaining drainage facility, as contained in that Order of Taking and Modification of Scope of Easement, recorded in Official Records Book 18046, Page 1190, of the Public Records of Hillsborough County, Florida.
6. Perpetual easement in favor of the State of Florida Department of Transportation for drainage, and for ingress and egress for constructing and maintaining drainage facility, as contained in that Order of Taking and Modification of Scope of Easement, recorded in Official Records Book 18046, Page 1194, of the Public Records of Hillsborough County, Florida.
7. Terms and provisions of that Grant of Easement, recorded in Official Records Book 3364, Page 520, of the Public Records of Hillsborough County, Florida.
8. Easement in favor of Tampa Electric Company, a Florida Corporation recorded February 28, 1975 in Official Records Book 2994, Page 1529, of the Public Records of Hillsborough County, Florida.
9. Survey prepared by AVID Group, dated June 7, 2019, last revised February 10, 2020, under Project No. 3335001, reveals the following: (a) along the North line (near Echo Mountain Road), a fence is encroaching off the surveyed parcel; and (b) various underground pipes located on the subject property, but not within any recorded easement.



Hillsborough
County Florida
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 25-0928

Intake Date: 06/05/25

Hearing(s) and type: Date: 07/28/25

Type: LUHO

Receipt Number: 487511

Date: _____

Type: _____

Intake Staff Signature: Cierra James

Property Information

Address: 10190 S. US Highway 301 City/State/Zip: Riverview, FL 33569

TWN-RN-SEC: 20-30-20 Folio(s): 076621-3074 Zoning: PD Future Land Use: R-12 Property Size: 0.99 AC

Property Owner Information

Name: AGFL RIVERVIEW 301 RE HOLDINGS, LLC Daytime Phone: 405-300-4003

Address: 600 N Robinson ave, Suite 1000 City/State/Zip: Oklahoma City / OK/ 73102

Email: Hunterharrison@ashtongray.com Fax Number: _____

Applicant Information

Name: Hunter Harrison, Ashton Gray Real Estate Daytime Phone: (972)971-9677

Address: 600 N Robinson ave, suite 1000 City/State/Zip: Oklahoma City, OK 73114

Email: hunterharrison@ashtongray.com Fax Number: _____

Applicant's Representative (if different than above)

Name: Joe Pellarin, P.E. / Kimley-Horn and Associates, Inc. Daytime Phone: (407)720-7373

Address: 200 S. Orange Ave, Suite 600 City/State/Zip: Orlando FL, 32801

Email: joe.pellarin@kimley-horn.com 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.

Hunter Harrison

Digitally signed by Hunter Harrison
DN: C=US, E=Hunterharrison@ashtongray.com,
CN=Hunter Harrison
Date: 2025.05.28 12:40:57-05'00'

Signature of the Applicant

Hunter Harrison

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.

Denver Green

Signature of the Owner(s) – (All parties on the deed must sign)

Denver Green

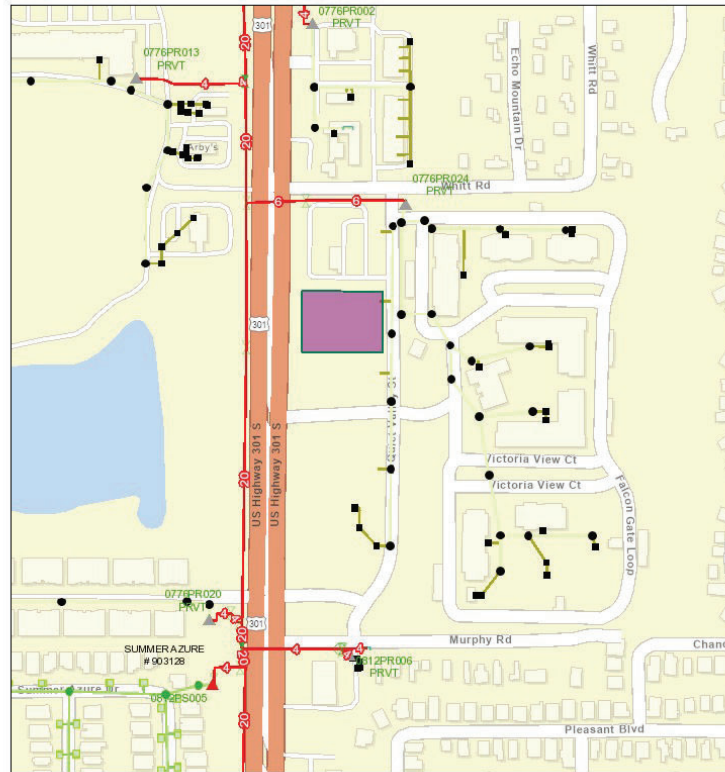
Type or print name



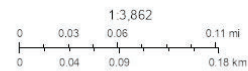
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	18-1049
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0502H
FIRM Panel	12057C0502H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120502B
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Planned Development	PD
Re-zoning	18-1049
Note	04-1046
Minor Changes	null
Major Modifications	null
Personal Appearances	21-0359
Census Data	Tract: 013908 Block: 1004
Future Landuse	R-12
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 7
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 76621.3074



June 5, 2025



PG: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, EGIS

Hillsborough County Florida

Folio: 76621.3074
PIN: U-20-30-20-D10-000000-0001B.0
Agfl Riverview 301 Re Holdings Llc
Mailing Address:
 600 N Robinson Ave Ste 1000
 null
 Oklahoma City, Ok 73102-6241
Site Address:
 0
 Riverview, Fl 33569-
SEC-TWN-RNG: 20-30-20
Acreage: 0.99
Market Value: \$476,058.00
Landuse Code: 1000 VACANT COMM.

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