

Variance Application: VAR 24-1048
LUHO Hearing Date: August 26, 2024
Case Reviewer: Carolanne Peddle



Hillsborough County Florida

Development Services Department

Applicant: Justin Marx **Zoning:** CG


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

Request Summary:
 The applicant is requesting three variances to eliminate the buffering and screening requirements for perimeter buffers adjacent to road right-of-way.

Requested Variances:

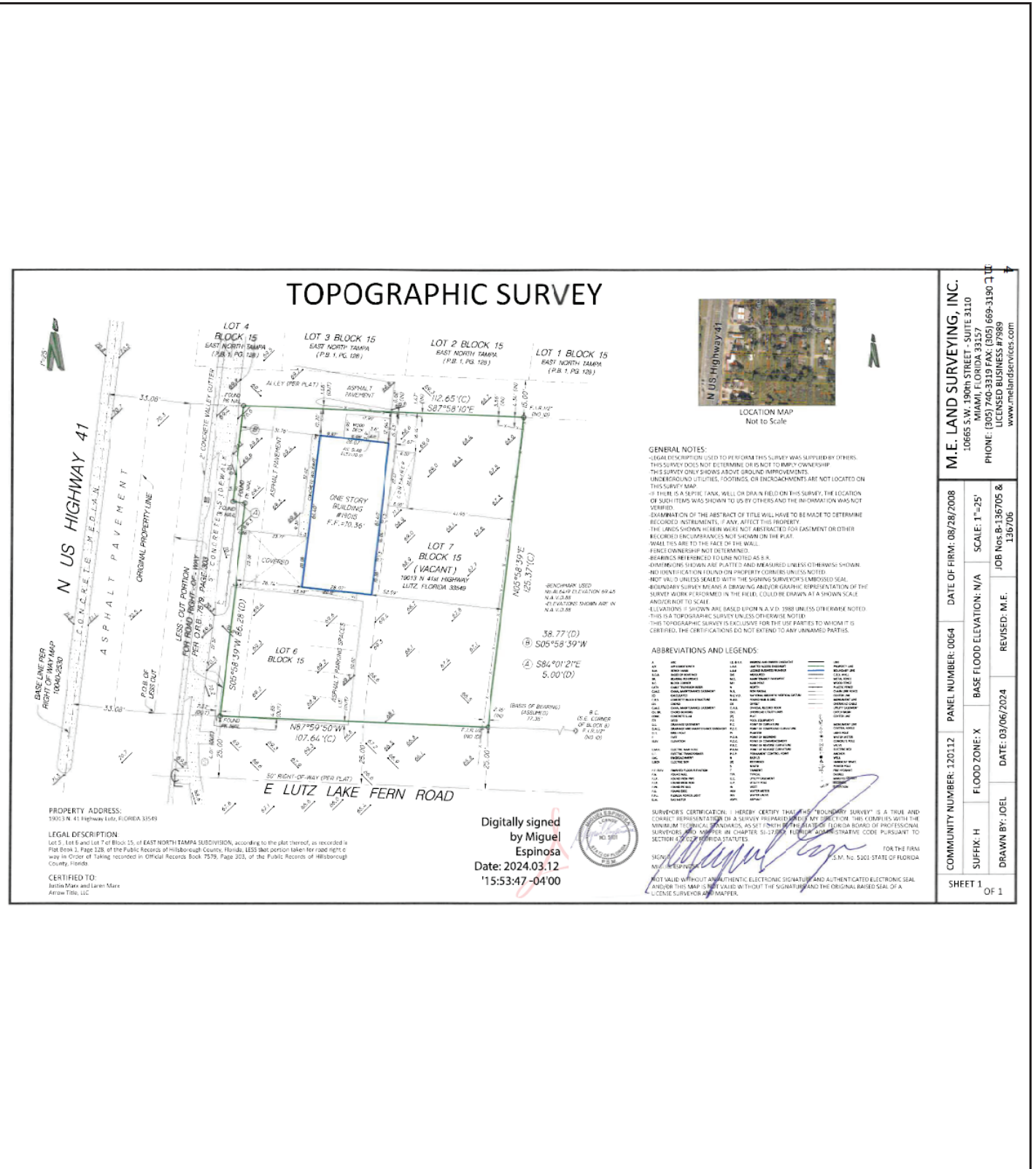
LDC Section:	LDC Requirement:	Variance:	Result:
6.06.04	On any parcel of land providing an off-street vehicular use area, where such area is not entirely screened from an abutting right-of-way by an intervening building or other structure, a landscaped buffer a minimum of eight feet in width shall be 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)	Eliminate the required 8-foot buffer along the northern property line.	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.
		Eliminate the required 8-foot buffer along the western property line.	
		Eliminate the required 8-foot buffer along the southern property line.	

Findings:	<ul style="list-style-type: none"> RZ 24-0356: rezoning to CG (R) approved April 15, 2024. 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.
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Zoning Administrator Sign Off:	 Colleen Marshall Tue Aug 6 2024 16:42:15
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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



M.E. LAND SURVEYING, INC. 10665 S.W. 190th STREET - SUITE 3110 MIAMI, FLORIDA 33157 PHONE: (305) 740-3339 FAX: (305) 669-3190 www.meandservices.com	
DATE OF FIRM: 08/28/2008	SCALE: 1"=25'
DATE: 03/06/2024	REVISED: M.E.
COMMUNITY NUMBER: 120112	PANEL NUMBER: 0064
SUFFIX: H	FLOOD ZONE: X
DRAWN BY: JOEL	DATE: 03/06/2024
SHEET 1	OF 1



Additional / Revised Information Sheet

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

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

Reviewing Planner's Name: Carolanne Peddle Date: 07/25/2024

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): 08/26/2024

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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.

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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

7/16/2024
Date



**Hillsborough
County Florida**
Development Services

Identification of Sensitive/Protected Information and Acknowledgement of Public Records

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VAR 24-1048

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Type of information included and location _____

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(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: _____



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7 **Legal Description of the Subject Site****

8 **Close Proximity Property Owners List****

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11 **Wet Zone Survey**

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14 **Design Exception and Administrative Variance requests/approvals**

15 **Variance Criteria Response**

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17 **Transportation Analysis**

18 **Sign-off form**

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Development Services

Application No: _____

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.

We are a local Lutz Family that wants to start a country store and cafe to support the community and bring back the small business that make this town special. The area has its fair share of Big box stores, gas stations, industrial shops and strip malls.

We are trying to make a larger safer sidewalk area for customers and a safer 24 foot drive aisle for cars to enter and exit our parking area. We would need an to move our parking and fence to the property line to attain these safer measures

The request is to remove the 8 foot buffer requirement along the right of way on the South and North as well as the border on the West.

This Variance will help the safety of our customers, handicapped access, better the look of the area, and remove an dilapidated existing fence that is over the property line into this right of way.

- 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

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): 24-0356, VAR 25-0605
- 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 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 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.

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 is built within this same right of way. We are not looking to build within the right of way, just variance to the 8 foot buffer from the property line. We will also remove a fence that was constructed within the right of way.

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 8 foot buffer along the right of way will not interfere at all in fact it will better the property and neighboring property as well as 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.

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 ascetically appealing with trees and landscaping. Our business is the model for the vision of the LDC and Comprehensive plan - 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.

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 more safe area for our customers to walk around the building as well as driving in and out of the property with the larger drive aisle. It will clean up an area that has been run down for many years and bring the Lutz community together.

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

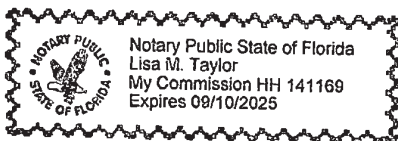
STATE OF FLORIDA
COUNTY OF pasco

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

My Commission Expires:

[Signature]
Notary Signature
Lisa M Taylor
Printed Notary Signature



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.

In Witness Whereof, Grantor have hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Margaret Reynolds
Witness # 1 Signature

X Terence J. Donovan
Terence J. Donovan

Margaret Reynolds
Witness # 1 Printed Name

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

Lisa M Taylor
Witness # 2 Signature

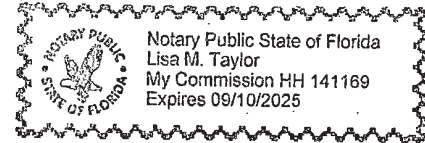
Lisa M Taylor
Witness # 2 Printed Name

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

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me by means of (x) physical presence or () online notarization this 1st day of February 2024, by Terence J. Donovan.

Lisa M Taylor
Signature of Notary Public
Print, Type/Stamp Name of Notary Lisa M Taylor



Personally Known: _____ OR Produced Identification: _____
Type of Identification _____
Produced: FL DL

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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 _____

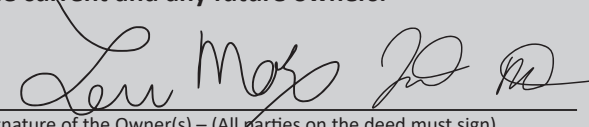
I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.



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