



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0644

LUHO HEARING DATE: May 23, 2022

CASE REVIEWER: Sam Ball

REQUEST: The applicant is requesting buffering, screening and setback variances to accommodate the future unspecified redevelopment of property zoned Commercial General (CG) and located within the Urban Sector of the State Road 60 (Brandon Boulevard) Overlay District.

VARIANCE(S):

Buffering and Screening

The property to the north of the subject site is zoned RSC-6. The property is separated by from the subject site by a 15-foot-wide platted alley way. Per LDC Section 6.06.06.A, properties that are separated by a right-of-way less than 50 feet in width are considered adjacent for buffering and screening purposes. Consequently, per the Buffer Screening Matrix in LDC Section 6.06.06.A, a 20-foot-wide buffer with Type B screening is required along the north property line of the subject parcel. The applicant requests:

- A 17-foot reduction to the required buffer width to allow a 3-foot-wide buffer; and,
- Reduction of the Type B screening requirement to allow Type A screening.

Building Setback

The subject site is a corner lot with required front yards on the south and west sides, and required side yards on the north and east sides. Per LDC 6.01.01, Schedule of Area, Height, Bulk and Placement Regulations, the minimum required side yard in the CG district is determined by buffering requirements. Therefore, the required building setback from the north property line is 20 feet. The applicant requests a 17-foot reduction to the required side yard setback to allow a setback of 3 feet from the north property line.

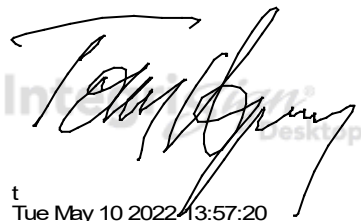
FINDINGS:

- Type B screening is comprised of a 6-foot-high fence, wall or hedge, together with a row of evergreen shade trees, pursuant to the specifications found in LDC Section 6.06.06.C. Type A screening is comprised of the fence, wall or hedge only. According to Natural Resources staff, a 3-foot-wide buffer width is inadequate to support the tree planting requirement of Type B screening.
- The subject site is located in the Urban Section of the State Road 60 (Brandon Boulevard) Overlay District. Per LDC Section 3.14.05.3.a, redevelopment of the site will be subject to a front yard building setback ranging from a minimum of 10 feet to a maximum of 20 feet, among other special requirements of the overlay.
- The site was the subject of variance application VAR 21-0573 which requested setback, buffering and screening variances to accommodate existing buildings on the property. The setback and buffering variances were approved by the Land Use Hearing Officer on August 16, 2021; however, the screening variance was denied. Per LDC Section 10.00.04.A, variance requests denied by the LUHO cannot be resubmitted for consideration within one year of the date of denial unless the

concerns of the LUHO may have been corrected by the new variance request. In the subject case, the LUHO found that total elimination of the Type B screening requirement would negatively impact adjacent residential uses. Staff finds the current variance request to install Type A screening in lieu of Type B screening potentially addresses the prior concerns stated by the LUHO and therefore may be considered within one year of the decision date for VAR 21.0573.

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

IntelliDesk

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Tue May 10 2022 13:57:20

Attachments: Application
Site Plan
Petitioner's Written Statement
LUHO Decision for VAR 21-0573
Current Deed





**Hillsborough
County Florida**
Development Services

Additional / Revised Information Sheet

Office Use Only

Application Number: 22-0644

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: 22-0644 Applicant's Name: Matthews/CURS/Pressman, Agent

Reviewing Planner's Name: Ball Date: 5.9.22

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): 5/23/22

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 next 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 next 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

5.9.22

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.

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 scrutiny of selected information submitted with your application pursuant to Chapter 119 FS? ☒ Yes ☐ No

I hereby confirm that the material submitted with application 22-0644

☐ 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: _____



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 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 type="checkbox"/>	Project Description/Written Statement
14 <input type="checkbox"/>	Design Exception and Administrative Variance requests/approvals
15 <input 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): <div><div>new condition</div></div>

*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.

Application Number: _____

VARIANCE REQUEST

1. Project Narrative: 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.

1) This application seeks a 3' side yard setback all along the North property line for the building setback for future development.

~~2) Allow a 5' type A buffer where a type B buffer is required~~

2) Allow a 3' type A buffer where a type B buffer is required.

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

6.01.01. and 6.06.06

ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No _____ Yes XX
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): _____ site plans for a new property for the business re-location
3. Is this a request for a wetland setback variance? No XX Yes _____
If yes, you must complete the *Wetland Setback Memorandum* and all required information must be included with this Application Packet (Attachment A).
4. Please indicate the existing or proposed utilities for the subject property:
Public Water XX Public Wastewater _____ Private Well _____ Septic Tank XX
5. Is the variance to allow a third lot on well and/or septic or non-residential development with an intensity of three ERC's? No XX 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 (form may be obtained from **19th floor County Center**).

VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

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?

_____ 50 _____

_____ R 60 _____ D _____

52 _____

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.

_____ R 60 _____

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.

_____ R _____

60 _____

_____ R 60 _____

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).

_____ R 60 _____

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.

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.

_____ R 60 _____

Corporate Warranty Deed

This Indenture, made , November 9, 2012 A.D.
Between
E Z Car Sales, Inc. whose post office address is: P.O. Box 82869, Tampa, Fl 33612 a corporation existing under the laws of the State of Florida, Grantor and
Brandon R/E Holdings, LLC, a Florida limited liability company, whose post office address is: 520 East Brandon Boulevard
Brandon FL 33511 , Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Hillsborough, State of Florida, to wit:

Lots 94 through 105, both inclusive, of KINGSWAY POULTRY COLONY UNIT NO. 1, according to map or plat thereof as the same is recorded in Plat Book 20, page 11, of the Public Records of Hillsborough County, Florida, AND ALSO that part of the Southeast ¼ of the Southwest ¼ of Section 23, Township 29 South, Range 20 East, lying between said Lots 94 through 105, both inclusive, and the North right-of-way limits of State Road #60 and between the extension of the West boundary line of said Lot 94 to the North right-of-way limits of State Road #60 and the extension of the East boundary line of said Lot 105 to the North right-of-way limits of State Road #60; LESS AND EXCEPT THE FOLLOWING: Commence at the Northwest corner of the Southeast ¼ of Section 23, Township 29 South, Range 20 East, Hillsborough County, Florida, at a PK Nail; thence South 00°02'28" East along the West boundary of the Southeast ¼ of Section 23, a distance of 2653.14 feet to a railroad spike, being the Southwest corner of the Southwest ¼ of the Southeast ¼ of Section 23; thence South 00°07'10" East along the East boundary of the Northwest ¼ of Section 26, Township 29 South, Range 20 East a distance of 23.58 feet to a point on a centerline survey, State Road #60; thence departing said East boundary South 89°16'55" West along the centerline of survey a distance of 324.53 feet; thence North 00°02'38" West a distance of 56.00 feet to a point on the North right-of-way line of State Road #60, being the POINT OF BEGINNING; thence South 89°16'55" West along said North right-of-way line a distance of 170.60 feet; thence departing said North right-of-way line North 84°26'36" East a distance of 171.38 feet to a point on the East boundary of Lot 105, KINGSWAY POULTRY COLONY UNIT NO. 1, according to map or plat thereof as the same is recorded in Plat Book 20, Page 11 of the Public Records of Hillsborough County, Florida; thence South 00°02'38" East along said East boundary of Lot 105 and its Southerly projection a distance of 14.44 feet to the POINT OF BEGINNING; AND LESS AND EXCEPT existing rights-of-way.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel Identification Number: 069455.0000

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

E Z Car Sales, Inc.

By: [Signature]
Geoffrey T. Hodges
Its: President

Signed and Sealed in Our Presence:

[Signature]
1st witness sign re Sparks

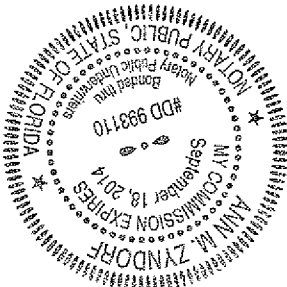
1st-witness print name
[Signature]
2nd witness sign
[Signature]
2nd witness print name

(Corporate Seal)

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 9th day of November, 2012, by Geoffrey T. Hodges, the President of E Z Car Sales, Inc. A corporation existing under the laws of the State of Florida, on behalf of the corporation.
He/She is personally known to me or has produced FDL as identification.

[Signature] (Seal)
Notary Public
Notary Printed Name: _____
My Commission Expires _____



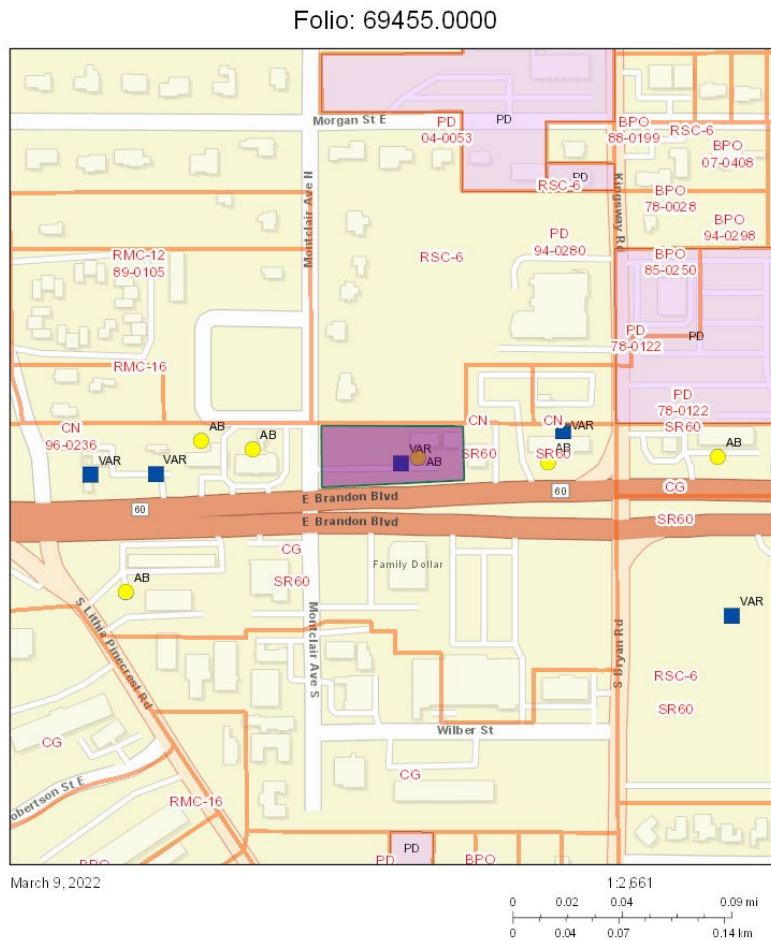
*All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.***

22-0644



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
Overlay	SR60
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0385H
FIRM Panel	12057C0385H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120385E
County Wide Planning Area	Brandon
Community Base Planning Area	Brandon
Census Data	Tract: 012303 Block: 3017
Future Landuse	OC-20
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 7
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	Outside 140 MPH Area
Overlay District	SR 60 - Brandon Boulevard
Competitive Sites	NO
Redevelopment Area	NO



Hillsborough County Florida

Folio: 69455.0000
PIN: U-23-29-20-2EO-000000-00094.0
BRANDON RE HOLDINGS LLC
Mailing Address:
 520 E BRANDON BLVD
 BRANDON, FL 33511-5320
Site Address:
 520 E BRANDON BLVD
 BRANDON, FL 33510
SEC-TWN-RNG: 23-29-20
Acreage: 0.88541502
Market Value: \$863,499.00
Landuse Code: 2703 COMM./OFFICE

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