

#### LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0350	
LUHO HEARING DATE: June 21, 2022	CASE REVIEWER: Kim King

**REQUEST:** The applicant is requesting variances for reduced setbacks for all signage, additional square footage for 1 monument sign and a reduction in the distance separation between 2 signs.. The proposed signage will replace the existing signage on the subject site. This variance request is for Lexus located on the corner of N. Dale Mabry Hwy. and Idlewild Ave.

#### **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 each right-of-way line and for every 1 ft. you increase the height you must increase the setback 1 ft.

Per Section 7.03.00.C.2.a & b allows this parcel to have either 5 signs at 50 sq. ft. per side/100 sq. ft. total or 1 sign at 100 sq. ft. per side/200 sq. ft. total.

#### Variance #1

The applicant is requesting a 22 ft.5 in. setback variance for monument sign A placing the sign at a 13 ft. 5 in. setback from the right-of-way line.

#### Variance #2

The applicant is requesting a 16 ft. 1 in. setback variance for monument sign B placing the sign at a 19 ft. 9 in. setback from the right-of-way line

#### Variance #3

The applicant is requesting an additional 30 sq. ft. of sign area for monument sign B to allow a total of 130 sq. ft. of sign area.

#### Variance #4

The applicant is requesting a 9 ft. 7 in. setback variance for 2 monument directional signs, one on Idlewild Ave. and one at the north side of the driveway on N. Dale Mabry Hwy. placing these signs at a 5 ft. 5 in setback. A 9 ft. 2 in. setback variance is also required for the monument directional sign on the south side of the drive on N. Dale Mabry Hwy. placing the sign at a 4 ft. 10 in. setback.

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#### Variance #5

The applicant is requesting a 121 ft. variance to the required 150 ft. distance separation for the 2 monument directional signs on Dale Mabry Hwy. placing them at 29 ft. apart.

#### **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.

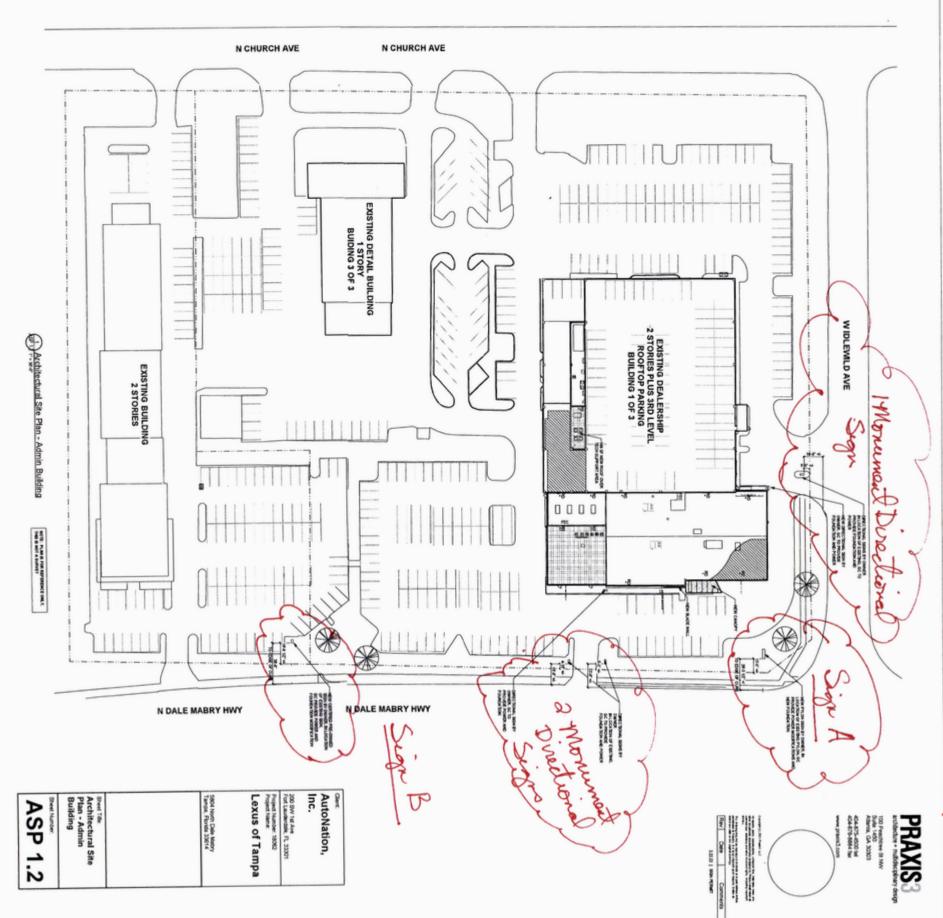
ADMINISTRATOR'S SIGN-OFF

**Attachments: Application** 

Site Plan

**Petitioner's Written Statement** 

**Current Deed** 



VAR 22-0350

Application Number:	
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# **VARIANCE REQUEST**

	o setback for the two (2) freestanding signs
Variance	for additional square footage for one (1) freestanding sign
Variance	to allow replacement directional signs
The frees	anding sign on the north end of the property, we are requesting a setback of 20'.
The freest	anding sign on the south end of the property, we are requesting a setback of 14'.
A Variance	is requested from the following Section(s) of the Hillsborough County Land Development Code:
	ADDITIONAL INFORMATION
	ADDITIONAL INFORMATION
	een cited by Hillsborough County Code Enforcement? NoX Yes
ii yes, you	must submit a copy of the Citation with this Application.
Do you hav No <u>X</u>	nust submit a copy of the Citation with this Application.  e any other applications filed with Hillsborough County that are related to the subject property?  Yes If yes, please indicate the nature of the application and the case numbers assigned to ion(s):
Do you hav No X the applicat Is this a req If yes, you	e any other applications filed with Hillsborough County that are related to the subject property?  Yes If yes, please indicate the nature of the application and the case numbers assigned to
Do you have No X he applicated a require f yes, you his Applicated Please indicated a require f yes.	e any other applications filed with Hillsborough County that are related to the subject property?  Yes If yes, please indicate the nature of the application and the case numbers assigned ion(s):  uest for a wetland setback variance? No X Yes must complete the Wetland Setback Memorandum and all required information must be included with the subject property?  Yes

3 07/02/2014

Application Number:	
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## **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?  This location has been developed and we are simply looking to replace the existing signage with new in the same		
	location as existing. The new updated branding of Lexus will be utilized and no new signage is being requested.		
2	Describe how the literal requirem ents 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.  Literal requirements of the LDC would deprive us as the site can not accommodate the setback requirement due to how the property is being utilized and all other properties have freestanding signage. Regarding the additional		
	square footage, we are simply asking for an increase in order to assist the public with the correct entrance as this is an extremely large prperty. Finally, the directional signs are for nagivating the property and we are looking to bring them up to the standard of the property.		
3.	Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose propert y would be affected by allowance of the variance.  The variance would not substantially interefere with any other property owners or individuals as this request is to		
	update the existing signage in the same location as existing. We are simply requesting to update the branding of this location and to make signage more aesthetically pleasing and fit with the new design of Lexus.		
4.	Explain how the variance is in harmon y 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 request is in harmony with the intent and purpose of the LDC, We are simply updating the exterior signage to meet the design of Lexus of Tampa Bay and improving the property and the surrounding area.		
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 request is not a result of actions by the applicant, this request is the keep the existing signage in the current place and update it accordingly to the branding standards for Lexus of Tampa Bay. We are looking to make the property more user friendly and update the location.		
6.	Explain how allowing the variance will result in substantia l justice being done, consider ing both the public benefit s intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.  Allowing approval of the variance will result in justice being done by allowing this business to update their branding requirements and to make the property more user friendly and allowing the area to be brought to a higher standard.		



# Additional / Revised Information Sheet

Development Services	information	sneet
	Office Use Only	
Application Number:	Received Date:	Received By:
must be submitted providing a project size the cover letter mus	summary of the changes and/or additio	ion that was previously submitted. A cover letter nal information provided. If there is a change in ditionally, the second page of this form must be with this form.
Application Number: VAR 22-0	350 Applicant's Name:	Jennifer Ronneburger
Reviewing Planner's Name:	men Mason	Date: 04/26/22
Application Type:  Planned Development (PD)	☐ Minor Modification/Personal Appeara	ance (PRS) 🔲 Standard Rezoning (RZ)
X Variance (VAR)	Development of Regional Impact (DRI	) Major Modification (MM)
Special Use (SU)	Conditional Use (CU)	☐ Other
Current Hearing Date (if applica  Important Project Size Cha		
•		be subject to the established cut-off dates.
Will this revision add land to the If "Yes" is checked on the above p	e project? Yes No please ensure you include all items marked	with * on the last page.
Will this revision remove land fr If "Yes" is checked on the above p	om the project?	l with <sup>+</sup> on the last page.
Email this form alo	ng with all submittal items indicated ZoningIntake-DSD@hcflgov	
titled according to its contents.	·	item should be submitted as a separate file nail with application number (including prefix)
For additional help and subr	mittal questions, please call (813) 277-163	33 or email ZoningIntake-DSD@hcflgov.net.
I certify that changes described will require an additional subm		en made to the submission. Any further changes
	Pale	04/26/2022
Sig	gnature	

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02/2022



# Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to <u>Chapter 119 Florida Statutes</u>, 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 <u>Hillsborough County Development Services</u> to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under <u>Florida Statutes §119.071(4)</u> will need to contact <u>Hillsborough County Development</u> <u>Services</u> 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			nt	
I hereby co	nfirm that the mater	ial submitted with application _		
	Includes sensitive	and/or protected information.		
	Type of informatio	n included and location		
	Does not include s	ensitive and/or protected inforr	mation.	
Please note: S	Sensitive/protected inforr	nation will not be accepted/requested	unless it is required for the processing of the application.	
•	• • • • • • • • • • • • • • • • • • • •	•	determine if the applicant can be processed with the dawwwledge that any and all information in the submittal w	
become pu	blic information if no	t required by law to be protecte	ed.	
Signature:	<u>S</u> Sa	(Must be signed by applicant or a	authorized representative)	
Intake Staff	Signature:		Date:	



# Additional / Revised Information Sheet

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

Incl	luded	Submittal Item
1		Cover Letter*+ If adding or removing land from the project site, the final list of folios must be included
2	X	Revised Application Form*+
3	X	Copy of Current Deed* Must be provided for any new folio(s) being added
4	X	Affidavit to Authorize Agent* (If Applicable) Must be provided for any new folio(s) being added
5	X	Sunbiz Form* (If Applicable) Must be provided for any new folio(s) being added
6	X	Property Information Sheet*+
7		Legal Description of the Subject Site*+
8		Close Proximity Property Owners List*+
9	X	Site Plan*+ All changes on the site plan must be listed in detail in the Cover Letter.
10		Survey
11		Wet Zone Survey
12		General Development Plan
13		Project Description/Written Statement
14		Design Exception and Administrative Variance requests/approvals
15		Variance Criteria Response
16		Copy of Code Enforcement or Building Violation
17		Transportation Analysis
18		Sign-off form
19		Other Documents (please describe):

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

<sup>\*</sup>Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.

## 868k 6617 PAGE 1427

This instrument was prepared by and should be returned to: THOMAS N. HENDERSON, III, Esq. Hill, Ward & Henderson, P.A. Barnett Plaza, Suite 3700 101 East Kennedy Boulevard Tampa, Florida 33602

Documentary Tax Pd - F.S. 201.02	108000
Documentary Tax Pd - F.S. 201.08 (	7
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W: Clark Hillaburough Co.	Inty
y: J. Lew	_Doputy Olerk

#### SPECIAL WARRANTY DEED

RICHARD AKE OLERK OF CRETUT COURT HILLSHOREGES COURTY

THIS SPECIAL WARRANTY DEED is made and entered into this 20th day of May, 1992, by and between J. I. WOOLEY a/k/a JEFFREY I. WOOLEY, whose mailing address is 9210 Adamo Drive, Tampa, Florida 33619 (hereinafter called the "Grantor"), and STADIUM PROPERTIES, INC., a Florida corporation, whose mailing address is 5088 North Dale Mabry, Tampa, Florida 33614, and whose Federal Tax Identification Number is 59-3101900 (hereinafter called the "Grantee").

#### WITNESSETH:

The Grantor, for and in consideration of the sum of Ten and No/100ths Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys, remises, releases and transfers unto the Grantee all that certain land situated in Hillsborough County, Florida, to-wit:

See Exhibit A attached hereto and made a part hereof by reference as if fully set forth herein.

SUBJECT TO those matters set forth on <u>Exhibit B</u> attached hereto and made a part hereof by reference as if fully set forth herein.

Property Appraiser's Tax Folio Nos.: 29276.0000, 29274.0000 and 107629.0000.

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

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

The Grantor does hereby covenant that it warrants and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under the Grantor but against none other; subject, however, to those matters listed on Exhibit B attached hereto.

The Grantor expressly reserves unto himself a (i) permanent drainage easement and (ii) a permanent utility easement in, on, over, across and under Parcel V as described on Exhibit A together with the right to install, construct, maintain, relocate, replace, remove, repair, reconstruct and use any and all lines, conduits, laterals, grates, inlets, pipes and related facilities and appurtenances which now or may hereafter exist for the benefit of all or any part of that

property presently owned by the Grantor and described on <u>Exhibit C</u> attached hereto and made a part hereof by reference as if fully set forth herein. The easement rights reserved unto the Grantor by this paragraph shall also afford the Grantor with a continued right to use Parcel V for drainage and utility purposes, and the Grantor shall have the right to enter upon Parcel V at any time for the purposes reserved herein by the subject easements. The rights, privileges and benefits afforded to the Grantor by this paragraph shall inure to the benefit of the Grantor, his heirs, personal representatives, successors and assigns and shall run as a benefit to the land described on Exhibit C.

The Grantor warrants that the land is not now, nor has it ever been, the homestead property of the Grantor, who, in fact, resides and makes his permanent address at 10000 Lindelaan, Tampa, Florida 33618.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year first above written.

Signed, sealed and delivered

in the presence of:

Name: Thomas N. HEND (Type or Print Name) J. I. YOOLEY a/k/a JEFFREY I. WOOLEY

Name:

HAZEL McELROY (Type or Print Name)

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 20th day of May, 1992, by J. I. WOOLEY a/k/a JEFFREY I. WOOLEY, who did not take an oath and who is personally known to me.

Notary Public

**HAZEL McELROY** 

(Type, Print or Stamp Name)

My Commission Expires:

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HAZEL MC ELROY MY COMMISSION EXPREM April 28, 1998

#### EXHIBIT A

#### PARCEL 1:

The South 130 feet of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 28 South, Range 18 East, Hillsborough County, Plorida, Less road right of way and less the South 30 feet thereof.

#### PARCEL II:

The South 130 feet of the East 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 28 South, Range 18 East, Hillsborough County, Florida, Less road right of way and less the South 30 feet thereof.

#### PARCEL III:

The North 115.00 feet of the South 245.00 feet of the East 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 28 South, Range 18 East, Less road right of way for State Road #597 (Dale Mabry Highway), all lying and being in Hillsborough County, Florida.

#### PARCEL IV:

The North 11 feet of the South 141 feet of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 28 South, Range 18 East, Hillsborough County, Florida, Less road right-of-way.

#### PARCEL V:

A tract of land lying in the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 28 South, Range 18 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Northwest corner of the South 245.0 feet of the East 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 33 for a Point of Beginning:

Thence North 00 degrees 17 minutes 21 seconds East along the West boundary of the East 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 33, a distance of 38.15 feet; thence South 89 degrees 25 minutes 02 seconds East, a distance of 140.01 feet; thence South 37 degrees 26 minutes 32 seconds East, a distance of 46.66 feet to a point on the North boundary of the South 245 feet of the East 1/4 of the Northwest 1/4 of the Southeast 1/4 of said Section 33; thence North 89 degrees 53 minutes 25 seconds West along said North boundary, a distance of 168.56 feet to the Point of Beginning.

#### PARCEL VI:

The North 206.23 feet of the East 98.9 feet of Lot "F", Block 2, Re-Plat of Drew Park, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Hillsborough County, Florida, recorded in Plat Book 29, page 72; said lands situate lying and being in Hillsborough County, Florida.

#### **EXHIBIT B**

- 1. Taxes and assessments for the year 1992 and subsequent years.
- 2. Matters of survey.
- 3. Zoning, environmental and all other building and other regulations, laws, ordinances, notices, orders, rules, permits, restrictions, codes, and requirements of any governmental authorities, federal, state, county, local or otherwise.
- 4. Drainage Easement as set forth in instrument dated January 9, 1986, recorded July 1, 1986, in Official Records Book 4850, page 1952, of the Public Records of Hillsborough County, Florida. (as to Parcels I and II)
- 5. Easement granted to Tampa Electric Company contained in instrument dated June 17, 1987, recorded July 14, 1987 in Official Records Book 5175, page 740, of the Public Records of Hillsborough County, Florida. (as to Parcels I and II)
- 6. Restrictive covenants and restrictive conditions which do not embody and are not accompanied by a right of reverter appearing in Restriction Agreement recorded April 25, 1949 in Deed Book 1521 on page 510 of the Public Records of Hillsborough County, Florida.

  (as to Parcel VI)
- Reservation of all fissionable materials, together with the right to enter upon the land and prospect for, mine and remove the same, unto the United States of America in Deeds recorded in Deed Book 1519, page 442 and in Deed Book 1521, page 284, of the Public Records of Hillsborough County, Florida; also reservation unto the United States of America in said Deeds of the main or trunk lines of all utility systems and all easements necessary for the operation, maintenance, repair and removal of said utility systems.

  (as to Parcel VI)
- Terms and Conditions of Agreement, dated September 14, 1949, recorded in 8. Deed Book 1553, page 325; modified by Deed, dated December 30, 1949, recorded in Deed Book 1553, page 334, of the Public Records of Hillsborough County, Florida, by and between City of Tampa and Joe L. Moore and Co., pertaining to water system and sanitary sewer system and which agreement provides among other things, that property owners will pay to said City when assessments become due and payable such reasonable charges as may be made by the City for sanitary sewer disposal services, which reasonable charges shall be based, so far as possible, upon the actual cost of the maintenance and operation of the sanitary sewer disposal system in Drew Park Subdivision; and the owner shall not install or use on the land any septic tank, cesspool, or any other method of sanitary sewer system located in Drew Park Subdivision. (See Deed Book 1555 on page 353. Public Records aforesaid for transfer of water and sewer system to City of Tampa). (as to Parcel VI)

#### **EXHIBIT C**

The following described property constitutes the land of the Grantor which is benefited by the easements reserved herein by the Grantor. This property IS NOT being conveyed to the Grantor by this Special Warranty Deed.

The East 82 ½ feet of the East 165 feet of the North 215 feet of the South 380 feet of the North 3/4 of the East ¼ of the West 3/4 of the NW ¼ of the SE ¼ of Section 33, Township 28 South, Range 18 East, Hillsborough County, Florida.

#### **AND**

The South 710 feet of the East ¼ of the NW ¼ of the SE ¼ of Section 33, Township 28 South, Range 18 East, LESS the South 245 feet thereof, AND LESS that portion of said property lying within the right-of-way of Dale Mabry Highway also known as State Road No. 597.

#### LESS AND EXCEPT the following:

A tract of land lying the Southeast ¼ of the Southeast ¼ of the Northwest ¼ of the Southeast ¼ of Section 33, Township 28 South, Range 18 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Northwest corner of the South 245.0 feet of the East ¼ of the Northwest ¼ of the Southeast ¼ of said Section 33 for a Point of Beginning:

Thence North 00 degrees 17 minutes 21 seconds East along the West boundary of the East ¼ of the Northwest ¼ of the Southeast ¼ of said Section 33, a distance of 38.15 feet; thence South 89 degrees 25 minutes 02 seconds East, a distance of 140.01 feet; thence South 37 degrees 26 minutes 32 seconds East, a distance of 46.66 feet to a point on the North boundary of the South 245 feet of the East ¼ of the Northwest ¼ of the Southeast ¼ of said Section 33; thence North 89 degrees 53 minutes 25 seconds West along said North boundary, a distance of 168.56 feet to the Point of Beginning.



### **VARIANCE APPLICATION**

#### **IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:**

You must schedule an appointment to submit this application by calling 813-272-5600. All requirements listed on the submittal checklist must be met. Incomplete applications will not be accepted.

#### **Property Information**

Table 1			
Address: <u>5852 N Dale Mabry Hwy</u> City/State/Zip: <u>Tampa, FL 33614</u> TWN-RN-SEC:			
Folio(s): 0292740000 and 0292760000 Zoning: Commercial Future Land Use: Property Size: Property Size:			
Property Owne	er Information		
Name: Gulf Management, Inc Daytime Phone:			
Address:5852 N. Dale Mabry HwyCity/State/Zip:Tampa, FL 33614			
Email:FAX Number:			
Name: GoPermit / Jennifer Ronneburger Daytime Phone: 631.882.4718			
Address:51 Meadows DriveCity/State/Zip:Boynton Beach, FL 33436			
Email:gopermit@gmail.comFAX Number:			
Applicant's Representative (if different than above)			
Name: N/A Daytime Phone:			
Address:City / State/Zip:			
Email:FAX Number:			
I HEREBY'S WEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APP LICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.	I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BI NDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.		
Signature of Applicant  Jennifer Ronneburger	Signature of Property Owner		
Type or Print Name	Type or Print Name		
Office U			
Intake Staff Signature:			
Case Number:	Public Hearing Date:		
Receipt Number:			