# **Rezoning Application:**

**RZ-STD 24-0042** 

**Zoning Hearing Master Date:** 

December 18, 2023

**BOCC Land Use Meeting Date:** February 13, 2024



**Development Services Department** 

1.0 APPLICATIO	N SUMMARY	
Applicant:	Jahna Elizabeth Allen	
FLU Category:	R-6	Common Land
Service Area:	Urban	
Site Acreage:	Parcel A: 0.85 +/-, Parcel B: 0.86 +/-	A CHARLES OF THE PARTY OF THE P
Community Plan Area:	Brandon	
Overlay:	None	

# Introduction Summary:

The applicant is proposing to rezone the two subject parcels from ASC-1 to RSC-6 in order to reconfigure the lot lines to remedy the two nonconforming lots. Through the lot line reconfiguration, the applicant would be able to ensure that the metal storage structure that is located over the shared property line would be located on a single lot.

Zoning:	Existing	Proposed	
District(s)	ASC-1	RSC-6	
Typical General Use(s)	Agriculture/Single-Family Conventional  Residential, Single-Family Conventional		
Acreage	Parcel A: 0.85 +/-, Parcel B: 0.86 +/-	1.72 acres	
Density/Intensity	1 DU per GA/ FAR: NA	6 DU per GA/ FAR: NA	
Mathematical Maximum*	0 units / FAR: NA	10 unit / FAR: NA	

<sup>\*</sup>number represents a pre-development approximation

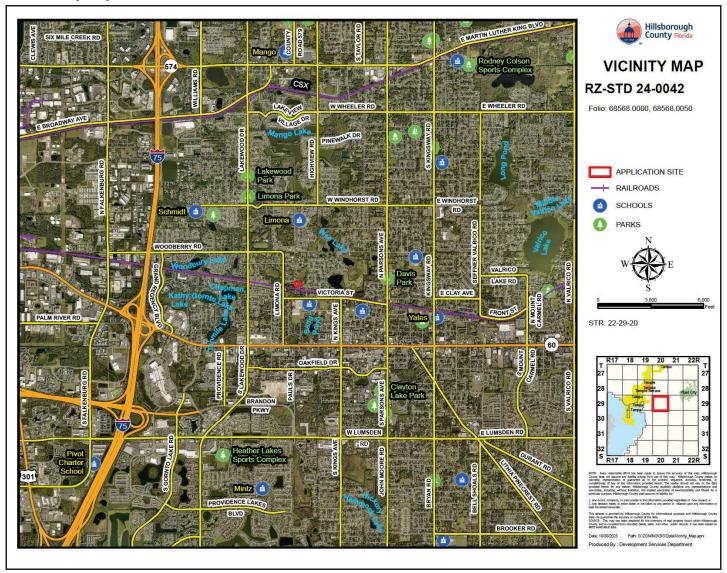
Development Standards:	Existing	Proposed		
District(s)	ASC-1	RSC-6		
Lot Size / Lot Width 43,560 Sq. Ft. / 150'		7,000Sq.F. / 70′		
	Front: 50'	Front: 25'		
Setbacks/Buffering and	Side: 15'	Side: 7.5'		
Screening	Rear: 50'	Rear: 25'		
	Buffering/Screening: None	Buffering/Screening: None		
Height	50′	35′		

Additional Information:			
PD Variation(s)	None requested as part of this application		
Waiver(s) to the Land Development Code	NA		

Planning Commission Recommendation:	Development Services Recommendation:
Consistent	Approvable

# 2.0 LAND USE MAP SET AND SUMMARY DATA

# 2.1 Vicinity Map

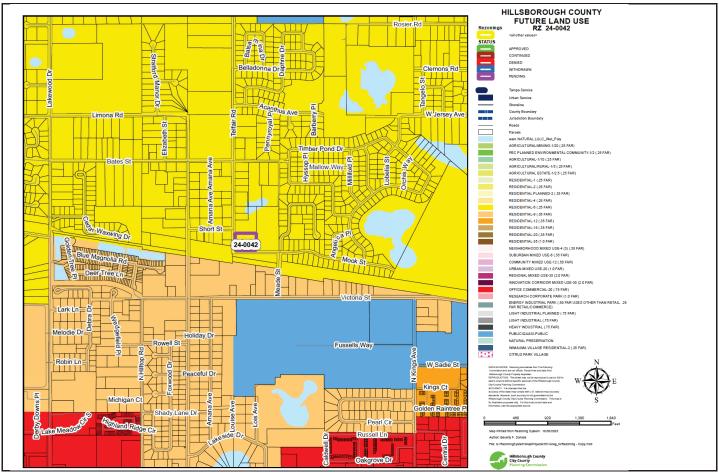


# Context of Surrounding Area:

The subject parcels are located in an area which is comprised of single-family residential uses with ASC-1 and RSC-6 zoning districts.

# 2.0 LAND USE MAP SET AND SUMMARY DATA

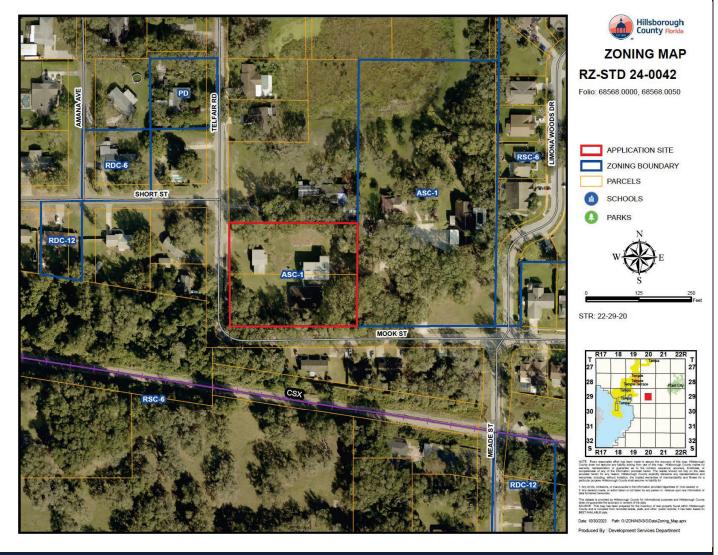
# 2.2 Future Land Use Map



Subject Site Future Land Use Category:	R-6
Maximum Density/F.A.R.:	6 DU per GA/ FAR: 0.25
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, multipurpose projects and mixed-use development. Nonresidential uses shall meet established locational criteria for specific land use.  Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

# 2.0 LAND USE MAP SET AND SUMMARY DATA

# 2.3 Immediate Area Map



Adjacent Zonings and Uses					
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:	
North	RSC-6	6 DU per GA, FAR:NA	Residential	SINGLE FAMILY R	
South	RSC-6	6 DU per GA, FAR:NA	Residential	MULTI-FAMILY R CLASS E	
East	ASC-1	1 DU per GA, FAR:NA	Agriculture, Residential	SINGLE FAMILY R	
West	RSC-6	6 DU per GA, FAR:NA	Residential	SINGLE FAMILY R	

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# 2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided belowfor size and orientation purposes. See Section 8.0 for full site plan)



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# 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)

Adjoining Roadways (check if applicable)				
Road Name	Classification	Current Conditions	Select Future Improvements	
Telfair Road	County Local - Urban	2 Lanes ⊠ Substandard Road □Sufficient ROW Width	<ul><li>☐ Corridor Preservation Plan</li><li>☐ Site Access Improvements</li><li>☐ Substandard Road Improvements</li><li>☐ Other</li></ul>	

<b>Project Trip Generation</b> ☐ Not applicable for this request						
	Average Annual Daily Trips A.M. Peak Hour Trips P.M. Peak Hour Trips					
Existing	19	2	3			
Proposed	121	7	9			
Difference (+/-)	+102	+5	+6			

<sup>\*</sup>Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access ⊠ Not applicable for this request					
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding	
North		Choose an item.	Choose an item.	Choose an item.	
South		Choose an item.	Choose an item.	Choose an item.	
East		Choose an item.	Choose an item.	Choose an item.	
West		Choose an item.	Choose an item.	Choose an item.	
Notes:					

<b>Design Exception/Administrative Variance</b> Not applicable for this request				
Road Name/Nature of Request Type Finding				
	Choose an item.	Choose an item.		
Choose an item. Choose an item.				
Notes:				

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# 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Co mments
Environmental Protection Commission	⊠ Yes □ No	☐ Yes ⊠ No	□ Yes ⊠ No	Yes
Natural Resources	☐ Yes ⊠ No	☐ Yes ☐ No	☐ Yes ☐ No	
Conservation & Environ. Lands Mgmt.	⊠ Yes □ No	☐ Yes ⊠ No	☐ Yes ⊠ No	
Check if Applicable:  Wetlands/Other Surface Waters  Use of Environmentally Sensitive Land Credit  Wellhead Protection Area  Surface Water Resource Protection Area	☐ Significan☐ Coastal H☐ Urban/Sul	Vater Wellfield Pro t Wildlife Habitat igh Hazard Area ourban/Rural Scen to ELAPP property	ic Corridor	
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Co mments
Transportation  ☐ Design Exception/Adm. Variance Requested ☐ Off-Site Improvements Provided ☐ N/A	⊠ Yes □ No	☐ Yes ☐ N/A ☑ No	☐ Yes ☒ N/A ☐ No	
Service Area/ Water & Wastewater  ⊠Urban ☐ City of Tampa ☐ Rural ☐ City of Temple Terrace	⊠ Yes □ No	□ Yes ⊠ No	□ Yes ⊠ No	
Hillsborough County School Board  Adequate □ K-5 □ 6-8 □ 9-12 □ N/A  Inadequate □ K-5 □ 6-8 □ 9-12 □ N/A	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	
Impact/Mobility Fees				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Co
Planning Commission  ☐ Meets Locational Criteria	⊠ Yes □ No	☐ Inconsistent ☑ Consistent	□ Yes ⊠ No	

APPLICATION NUMBER:	RZ-STD 24-0042	
ZHM HEARING DATE:	December 18, 2023	
BOCC LUM MEETING DATE:	February 13, 2024	Case Reviewer: Carolanne Peddle

# **5.0 IMPLEMENTATION RECOMMENDATIONS**

# 5.1 Compatibility

The immediate adjacent properties are zoned ASC-1 and RSC-6. The site is surrounded by a mixture of residential uses with various lot sizes. The subject site is surrounded by the Future Land Use classifications RES-6.

# 5.2 Recommendation

Based on the above considerations, staff finds the proposed RSC - 6 zoning district is compatible with the existing zoning districts and development pattern in the area. Therefore, staff finds the request Approvable.

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ZHM HEARING DATE: December 18, 2023

BOCC LUM MEETING DATE: February 13, 2024 Case Reviewer: Carolanne Peddle

#### **6.0 PROPOSED CONDITIONS**

**Zoning Administrator Sign Off:** 

J. Brian Grady Mon Dec 11 2023 08:18:29

# SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

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BOCC LUM MEETING DATE: February 13, 2024 Case Reviewer: Carolanne Peddle

# 7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS



APPLICATION NUMBER:	RZ-STD 24-0042	
ZHM HEARING DATE: BOCC LUM MEETING DATE:	December 18, 2023 February 13, 2024	Case Reviewer: Carolanne Peddle
8.0 PROPOSED SITE PLA	AN (FULL)	
		TAT / A
		N/A

APPLICATION NUMBER: RZ-STD 24-0042

ZHM HEARING DATE: December 18, 2023

BOCC LUM MEETING DATE: February 13, 2024 Case Reviewer: Carolanne Peddle

# 9.0 FULL TRANSPORTATION REPORT (see following pages)

#### AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department REVIEWER: Alex Steady, AICP PLANNING AREA/SECTOR: Brandon/Central		<b>DATE:</b> 12/06/2023 <b>AGENCY/DEPT:</b> Transportation <b>PETITION NO.:</b> STD 24-0042
	This agency has no comments.	
X	This agency has no objection.	
	This agency objects for the reasons set forth below.	

# PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone two parcels totaling  $\pm$ 1.71 acres from Agricultural Single Family – 1 (AS-1) to Residential Single Family Conventional – 6 (RSC-6). The site is located on the east side of Telfair Road,  $\pm$ 50 feet south of the intersection of Telfair Road and Short Street. The Future Land Use designation of the site is Residential – 6 (RES-6).

# **SITE ACCESS**

Generally, for projects with a Euclidean zoning designation, a project's potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. Given the limited information available as is typical of all Euclidean zoned properties and/or non-regulatory nature of any conceptual plans provided, Transportation Review Section staff did review the proposed rezoning to determine (to the best of our ability) whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM (e.g. to ensure that the proposed rezoning would not result in a violation of the requirement whereby access to commercial properties cannot be taken through residentially or agriculturally zoned properties), and/or whether, in staff's opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards.

Staff notes that, regardless of this review, the developer/property owner will be required to comply will all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review. As such, staff has no objection to this request.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

# Trip Generation Analysis

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's <u>Trip Generation Manual</u>, 11<sup>th</sup> Edition.

**Approved Zoning:** 

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
AS-1, 2 Single Family Dwelling Units (ITE Code 210)	19	2	3

**Proposed Zoning:** 

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
	way volume	AM	PM
RSC-6, 10 Single Family Dwelling Units (ITE Code 210)	121	7	9

**Trip Generation Difference:** 

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
-		AM	PM
Difference	+102	+5	+6

# TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Telfair Road. Telfair Road is a 2-lane, undivided, Hillsborough County maintained, substandard, local roadway. Telfair Road lies within +/- 50 feet of Right of Way in the vicinity of the project. Telfair Road has a sidewalk on the east side of the roadway within the vicinity of the project.

# **ROADWAY LEVEL OF SERVICE**

Telfair Road is not a regulated roadway and as such was not included in the 2020 Hillsborough County Level of Service Report.

# **COUNTY OF HILLSBOROUGH**

# RECOMMENDATION OF THE LAND USE HEARING OFFICER

**APPLICATION NUMBER:** RZ STD 24-0042 **DATE OF HEARING:** December 18, 2023 Jahna Elizabeth Allen **APPLICANT: PETITION REQUEST:** The request is to rezone a parcel of land from ASC-1 to RSC-6 LOCATION: 501 and 511 Telfair Road **SIZE OF PROPERTY:** 1.72 acres m.o.l. **EXISTING ZONING DISTRICT:** AS-1 **FUTURE LAND USE CATEGORY:** RES-6

Urban

**SERVICE AREA:** 

# **DEVELOPMENT REVIEW STAFF REPORT**

\*Note: Formatting issues prevented the entire Development Services
Department staff report from being copied into the Hearing Master's
Recommendation. Therefore, please refer to the Development Services
Department web site for the complete staff report.

# 1.0 APPLICATION SUMMARY

Applicant: Jahna Elizabeth Allen

FLU Category: R-6

Service Area: Urban

Site Acreage: Parcel A: 0.85 +/-, Parcel B: 0.86 +/-

Community Plan Area: Brandon

Overlay: None

# Introduction Summary:

The applicant is proposing to rezone the two subject parcels from ASC-1 to RSC-6 in order to reconfigure the lot lines to remedy the two nonconforming lots. Through the lot line reconfiguration, the applicant would be able to ensure that the metal storage structure that is located over the shared property line would be located on a single lot.

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i ypical General	Agriculture/Single-Family	Residential, Single-Family
Use(s)	Conventional	Conventional
056(2)	Conventional	Conventional

	Front: 50'	Front: 25'
Setbacks/Buffering and	Side: 15'	Side: 7.5'
Screening	Rear: 50'	Rear: 25'
	Buffering/Screening: None	Buffering/Screening: None

PD Variation(s): None requested as part of this application

Waiver(s) to the Land Development Code: N/A

Planning Commission Recommendation: Consistent

**Development Services Recommendation:** Approvable

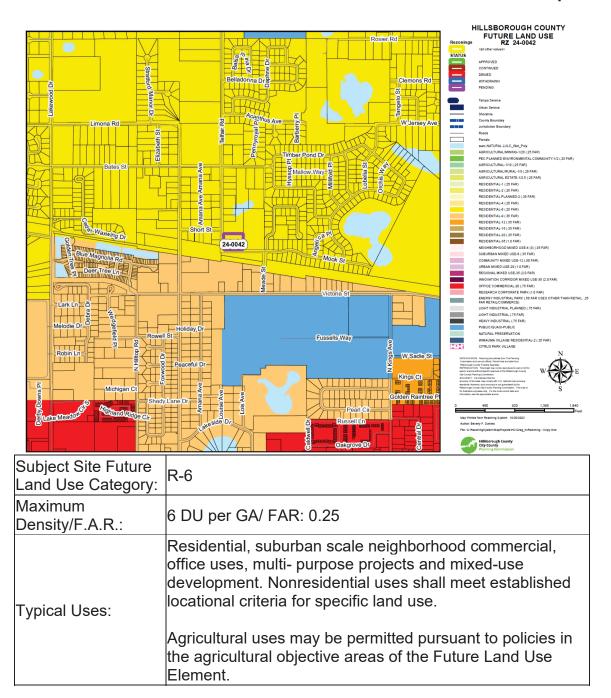
# 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



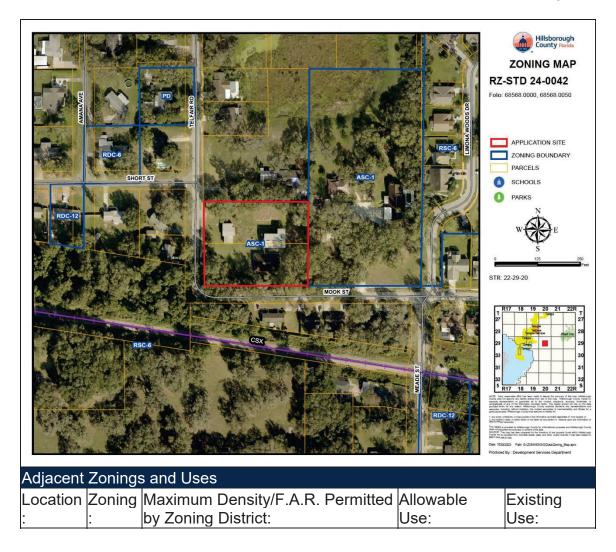
# **Context of Surrounding Area:**

The subject parcels are located in an area which is comprised of single-family residential uses with ASC-1 and RSC-6 zoning districts.

# 2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



# 2.0 LAND USE MAP SET AND SUMMARY DATA 2.3 Immediate Area Map



# 2.0 LAND USE MAP SET AND SUMMARY DATA

**2.4 Proposed Site Plan** (partial provided below for size and orientation purposes. See Section8.0 for full site plan)

N/A

**Classification Current Conditions Select Future Improvements** 

# 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN **SECTION 9 OF STAFF REPORT)** Adjoining Roadways (check if applicable) ☐ Corridor Preservation Plan 2 Lanes ☐ Site Access Telfair County Local ⊠Substandard Road Road - Urban **Improvements** □Sufficient ROW Width □ Substandard Road Improvements □ Other **Project Trip Generation** □Not applicable for this request Connectivity and Cross Access ⊠Not applicable for this request **Design Exception/Administrative Variance** ⊠Not applicable for this request 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY INFORMATION/REVIEWING **AGENCY** Comments Objections Conditions Additional **Environmental:** Requested Information/Comments Received Check if Applicable: □ Wetlands/Other Surface Waters ☐ Use of Environmentally Sensitive Land Credit ☐ Wellhead Protection Area ☐ Surface Water Resource Protection Area ☐ Potable Water Wellfield Protection Area ☐ Significant Wildlife Habitat ☐ Coastal High Hazard Area □ Urban/Suburban/Rural Scenic Corridor □ Adjacent to ELAPP property □ Other Conditions Additional Comments **Objections** Public Facilities: Received Requested Information/Comments

Improvements Provided ⊠N/A				
Service Area/ Water & Wastewater				
⊠Urban □ City of Tampa □Rural □ City of Temple Terrace	⊠ Yes □No	□ Yes ⊠No	□ Yes ⊠No	
Hillsborough County School Board				
Adequate □ K-5 □6-8 □9-12 ⊠N/A Inadequate □ K-5 □6-8 □9-12 ⊠N/A	□ Yes □No	□ Yes □No	□ Yes □No	

# Impact/Mobility Fees

Comprehensive Plan:	Received		Conditions Additional Requested Information/Co
Planning Commission  ☐ Meets Locational Criteria ☒N/A  ☐ Locational Criteria Waiver  Requested ☐ Minimum Density  Met ☒ N/A	IYes	□ Inconsistent ⊠ Consistent	□ Yes ⊠No

# **5.0 IMPLEMENTATION RECOMMENDATIONS**

# 5.1 Compatibility

The immediate adjacent properties are zoned ASC-1 and RSC-6. The site is surrounded by a mixture of residential uses with various lot sizes. The subject site is surrounded by the Future Land Use classifications RES-6.

# **5.2 Recommendation**

Based on the above considerations, staff finds the proposed RSC - 6 zoning district is compatible with the existing zoning districts and development pattern in the area. Therefore, staff finds the request Approvable.

# **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 18, 2023. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. Joe Moreda 400 North Ashley testified on behalf of the applicant regarding a request to rezone 1.72 acres located at the northeast corner of Telfair Road and Mook Street in Brandon. He stated that the property is comprised of two folio numbers: 65868.0000 which is 511 Telfair Road and 68568.0050 which is 501 Telfair Road. The purpose of the rezoning is to correct an error that occurred in 1992 during construction permitting. Mr. Moreda added that the error made the total area of the site non-conforming for the single-family home. He submitted an email from the County into the record to confirm that the error was made by staff in 1992 and that a valid building permit was issued. Mr. Moreda stated that when the property owner recently came to the County for a Zoning Verification, staff took the position that the lots do not meet the criteria for legal non-conforming lots as they did not take into consideration of the error. The County has taken the position that there are two single-family homes on one lot and that compliance would require rezoning or demolition. Mr. Moreda detailed that size of the two lots and explained that the north parcel has a single-family home and metal garage. The southern lot also has a single-family home and was the parcel that was permitted in error. A rezoning to RSC-6 would allow the dimensional setback needed for compliance and the subdivision of the lots into two lots for the two homes. Mr. Moreda testified regarding the required setbacks and lot widths and stated that there is no compatibility issue with the rezoning request.

Hearing Master Finch asked Mr. Moreda to confirm that both lots do not meet the ASC-1 standards. Mr. Moreda replied that was correct. Hearing Master Finch asked when the northern lot was developed. Mr. Moreda replied he believed it was developed in the 1960's. Hearing Master Finch asked Mr. Moreda to confirm that the southern parcel was developed in the 1990's. Mr. Moreda replied that the family created another folio number for the second lot and it was permitted and the single-family home was constructed. The family would now like to sell the property.

Hearing Master Finch asked if each property has its own folio number. Mr. Moreda replied yes. He added that the lot was created during the building permit process and received a building permit for the home.

Hearing Master Finch asked Mr. Moreda if there were plans to redevelop the property. He replied that there's no redevelopment at this point and to just recognize the existing condition.

Ms. Carolanne Peddle, Development Services staff, testified regarding the County's staff report. Ms. Peddle stated that the applicant is requesting to rezone two parcels from ASC-1 to RSC-6 to reconfigure the lot lines to remedy two non-conforming lots. She stated that the lot reconfiguration would ensure that the metal storage structure which is currently located on the shared lot line would be located on one parcel. Ms. Peddle concluded her presentation by stating that staff finds the request approvable as it is consistent with the existing development pattern in the area.

Ms. Andrea Papandrew, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Papandrew stated that the subject property is within the Residential-6 Future Land Use classification, the Urban Service Area and the Brandon Community Plan. She described the request and stated that it is consistent with the existing development pattern in the area. Ms. Papandrew cited numerous policies that support the rezoning and testified that staff found the proposed rezoning consistent with the Brandon Community Plan and the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked for members of the audience in support of the application. No one replied.

Hearing Master Finch asked for members of the audience in opposition to the application.

Mr. Michael Lee Grande 606 Telfair Road testified in opposition. Mr. Grande stated that he is a commercial beekeeper believes that the ASC-1 zoning district is more compatible and that the proposed RSC-6 will bring lawsuits. Mr. Grande testified that the runoff from the proposed project will go into the pond and potentially affect property owned by Mr. Val Blatney. He concluded his comments by stating that he spoke with a woman named Ms. Lydia Richards who lives on the north side of the pond and she is opposed to the rezoning.

Hearing Master Finch asked Mr. Grande to confirm the information stated in his letter regarding being approximately 200 feet from the subject property. Mr. Grande replied that was correct and added that he is a commercial beekeeper. Hearing Master Finch asked him about the applicant's testimony that the subject property has two lots, one was built in the 1960's and the other in the 1990's and if he was familiar with that. Mr. Grande replied yes and added that he used to keep bees on the property. Hearing Master Finch asked Mr. Grande if he was aware that the rezoning was to correct a lot issue and there are no plans to change what is on the property. Mr. Grande replied that the RSC-6 district will provide an opportunity for twelve dwelling units in the future.

Mr. John Pohl 619 Telfair Road testified in opposition. He added that he believes that the subject property owner would like to build duplexes on-site. Mr. Pohl testified that the neighborhood has traffic calming devices and that the schools and roads are clogged and that the area does not need any more building.

County staff did not have additional comments.

Mr. Moreda testified during the rebuttal period the request for RSC-6 is compatible with the zoning pattern in the area. He stated that Mr. Grande's property is 0.56 acres in size and that the proposed two lots will exceed that lot size. Mr. Moreda stated that the RSC-6 zoning district does not permit duplexes. The site is configured with two homes and that will not change the stormwater runoff condition in the area. Future development of the site would require subdivision review and the drainage is regulated such that the existing condition cannot be worsened. Mr. Moreda concluded his comments by stating that the request is consistent with the area, supported by the planning staffs and furthers the intent of the Comprehensive Plan.

The hearing was then concluded.

#### **EVIDENCE SUBMITTED**

Mr. Moreda submitted a copy of an email from Mr. Jim Blinck of Hillsborough County regarding the permitting record that subject property into the record.

#### **PREFACE**

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact and Conclusions of Law.

#### FINDINGS OF FACT

- 1. The subject property is 1.72 acres in size and is currently Agriculture Single-Family Conventional-1 (ASC-1) and is designated Residential-6 (RES-6) by the Comprehensive Plan. The property is located within the Urban Service Area and the Brandon Community Plan.
- 2. The applicant is requesting a rezoning to the Residential Single-Family Conventional-6 (RSC-6) zoning district to reconfigure the lot line to remedy two non-conforming lots.
- 3. The subject property consists of two folio numbers. The northern lot is developed with a single-family home and metal storage structure. The southern lot is developed with a single-family home.

4. According to County staff, the single-family home on the northern lot (0.85 acres) which is located at 511 Telfair Road was built in 1962. The existing metal storage structure was built in 1998 and was issued a County building permit.

The existing home on the southern parcel located at 501 Telfair Road (0.86 acres) was constructed in 1992 under a building permit issued by Hillsborough County.

- 5. The applicant's representative testified that the building permit for the southern lot was issued in error by Hillsborough County as both the northern and southern lots do not meet the ASC-1 required minimum lot size of one acre.
- 6. The Planning Commission staff supports the rezoning request. The Planning Commission found that the request is consistent with numerous policies in the Comprehensive Plan and compatible with the existing development pattern. The Planning Commission found the application to be consistent with both the Brandon Community Plan and the Comprehensive Plan.
- 7. Testimony in opposition was provided by two neighborhood residents at the Zoning Hearing Master hearing. The testimony focused on the concern that the RSC-6 zoning district would increase the density in the area and impact the drainage condition in the area. Concern was also expressed that the RSC-6 zoning district would result in the development of duplexes.

The applicant's representative testified during the rebuttal period that there are no plans for redevelopment of the property but rather the intent was to correct the two non-conforming lots and that any future development would require County subdivision review to ensure compliance with development regulations such as drainage.

It is noted that the proposed RSC-6 zoning district does not permit duplex dwelling units.

- 8. The proposed two lots at 0.85 and 0.86 acres are consistent and compatible with the surrounding lot pattern.
- 9. The surrounding area is zoned ASC-1 to the east and RSC-6 to the north, south and west.

10. The proposed rezoning to RSC-6 serves to correct a County staff error in which a building permit was issued resulting in two lots that do not meet the current ASC-1 minimum lot size. The rezoning is compatible with the surrounding area and development pattern. The request is consistent with the Land Development Code, Comprehensive Plan and Brandon Community Plan.

# FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH THE HILLSBOROUGH COUNTY COMPREHENSIVE PLAN

The rezoning request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

# **CONCLUSIONS OF LAW**

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

# **SUMMARY**

The applicant is requesting a rezoning to the RSC-6 zoning district. The property is 1.72 acres in size and is currently zoned ASC-1 and designated RES-6 by the Comprehensive Plan. The parcel is located within the Urban Service Area and the Brandon Community Plan.

The Planning Commission staff supports the rezoning request and found it to be with numerous Comprehensive Plan policies, the Brandon Community Plan and the Comprehensive Plan.

The applicant is requesting a rezoning to the Residential Single-Family Conventional-6 (RSC-6) zoning district to reconfigure the lot line to remedy two non-conforming lots. The subject property consists of two folio numbers. The northern lot was developed in 1962 with a single-family home and metal storage structure built in 1998 under a County building permit. The southern lot was developed with a single-family home in 1992 under a valid building permit which was issued by the County in error as the two lots do not meet the ASC-1 required minimum lot size of one acre.

Testimony in opposition was provided by two neighborhood residents at the Zoning Hearing Master hearing. The testimony focused on the concern that the RSC-6 zoning district would increase the density in the area and impact the drainage condition in the area. Concern was also expressed that the RSC-6 zoning district would result in the development of duplexes. The applicant's representative testified during the rebuttal period that there are no plans for redevelopment of the property but rather the intent was to correct the two non-conforming lots and that any future development would require County subdivision review to ensure compliance with development regulations such as drainage.

It is noted that the proposed RSC-6 zoning district does not permit duplex dwelling units.

The proposed rezoning to RSC-6 serves to correct a County staff error in which a building permit was issued resulting in two lots that do not meet the current ASC-1 minimum lot size. The rezoning is compatible with the surrounding area and development pattern. The request is consistent with the Land Development Code, Comprehensive Plan and Brandon Community Plan.

# RECOMMENDATION

Based on the foregoing, this recommendation is for <u>APPROVAL</u> of the RSC-6 rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above.

January 11, 2024

Susan M. Finch, AICP Land Use Hearing Officer

Sum M. Find

**Date** 



Unincorporated Hillsborough (	Unincorporated Hillsborough County Rezoning			
Hearing Date: December 18, 2023  Report Prepared: December 6, 2023	Petition: RZ 24-0042  501 Telfair Road & 511 Telfair Road  East of Telfair Road and north of Mook Street			
Summary Data:				
Comprehensive Plan Finding	CONSISTENT			
Adopted Future Land Use	Residential-6 (6 du/ac ; 0.25 FAR)			
Service Area	Urban			
Community Plan	Brandon			
Requested Zoning	Rezoning from Agricultural Single Family Conventional (ASC-1) to Residential Single Family Conventional (RSC-6).			
Parcel Size	1.72 ± acres (74,923.20 sq. ft.)			
Street Functional Classification	Telfair Road – County Collector Limona Road – County Collector Short Street – Local			
Locational Criteria	N/A			
Evacuation Zone	N/A			



Plan Hillsborough planhillsborough.org planner@plancom.org 813 - 272 - 5940 601 E Kennedy Blvd 18<sup>th</sup> floor Tampa, FL, 33602

# **Context**

- The 1.72 ± acre subject site is located east of Telfair Road and north of Mook Street.
- The site is located in the Urban Service Area (USA). It is within the limits of the Brandon Community Plan, specifically the Suburban district on the Brandon Character Districts Map.
- The subject property is located within the Residential-6 (RES-6) Future Land Use category. The RES-6 Future Land Use category can be considered for a maximum of up to 6 dwelling units per gross acre and a maximum of up to 0.25 FAR. The RES-6 Future Land Use category is intended to designate areas that are suitable for low density residential development. Typical uses in the RES-6 category include residential, suburban scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development.
- RES-6 surrounds the subject site on all sides. Further south are the Residential-9 (RES-9) and Public/Quasi-Public (P/Q-P) Future Land Use Categories.
- The subject site currently contains two existing single-family residences. To the north and east
  are single-family uses. To the south, across Mook Street, are multi-family uses. To the west,
  there are single-family residences and a CSX Transportation right-of-way.
- The site is currently zoned as Agricultural Single Family Conventional (ASC-1). The property
  to the east is also zoned ASC-1. The Residential Single Family Conventional (RSC-6) zoning
  district extends to the north, south, west, and further east.
- The applicant is requesting a rezoning from Agricultural Single Family Conventional (ASC-1) to the Residential Single Family Conventional (RSC-6).

# **Compliance with Comprehensive Plan:**

The following Goals, Objectives, and Policies apply to this rezoning request and are used as a basis for a consistency finding.

#### **FUTURE LAND USE ELEMENT**

# Urban Service Area (USA)

**Objective 1:** Hillsborough County shall pro-actively direct new growth into the urban service area with the goal that at least 80% of all population growth will occur within the USA during the planning horizon of this Plan. Within the Urban Service Area, Hillsborough County will not impede agriculture. Building permit activity and other similar measures will be used to evaluate this objective.

# Policy 1.2: Minimum Density

All new residential or mixed-use land use categories within the USA shall have a density of 4 du/ga or greater unless environmental features or existing development patterns do not support those densities.

Within the USA and in categories allowing 4 units per acre or greater, new development or redevelopment shall occur at a density of at least 75% of the allowable density of the land use category, unless the development meets the criteria of Policy 1.3.

**Policy 1.4:** Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

# Land Use Categories

**Objective 8:** The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for an area. A table of the land use categories and description of each category can be found in Appendix A.

**Policy 8.1:** The character of each land use category is defined by building type, residential density, functional use, and the physical composition of the land. The integration of these factors sets the general atmosphere and character of each land use category. Each category has a range of potentially permissible uses which are not exhaustive, but are intended to be illustrative of the character of uses permitted within the land use designation. Not all of those potential uses are routinely acceptable anywhere within that land use category.

# Relationship to Land Development Regulations

**Objective 9:** All existing and future land development regulations shall be made consistent with the Comprehensive Plan, and all development approvals shall be consistent with those development regulations as per the timeframe provided for within Chapter 163, Florida Statutes. Whenever feasible and consistent with Comprehensive Plan policies, land development regulations shall be designed to provide flexible, alternative solutions to problems.

**Policy 9.1:** Each land use plan category shall have a set of zoning districts that may be permitted within that land use plan category, and development shall not be approved for zoning that is inconsistent with the plan.

**Policy 9.2:** Developments must meet or exceed the requirements of all land development regulations as established and adopted by Hillsborough County, the state of Florida and the federal government unless such requirements have been previously waived by those governmental bodies.

# **Neighborhood/Community Development**

**Objective 16:** *Neighborhood Protection* The neighborhood is a functional unit of community development. There is a need to protect existing neighborhoods and communities and those that will emerge in the future. To preserve, protect and enhance neighborhoods and communities, all new development must conform to the following policies.

**Policy 16.2:** Gradual transitions of intensities between different land uses shall be provided for as new development is proposed and approved, through the use of professional site planning, buffering and screening techniques and control of specific land uses.

**Policy 16.3:** Development and redevelopment shall be integrated with the adjacent land uses through:

- a) the creation of like uses; or
- b) creation of complementary uses; or
- c) mitigation of adverse impacts; and
- d) transportation/pedestrian connections

**Policy 16.10:** Any density increase shall be compatible with existing, proposed or planned surrounding development. Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as". Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

# **Community Design Component**

#### 5.0 NEIGHBORHOOD LEVEL DESIGN

# 5.1 COMPATIBILITY

**GOAL 12:** Design neighborhoods which are related to the predominant character of the surroundings.

**OBJECTIVE 12-1:** New developments should recognize the existing community and be designed in a way that is compatible (as defined in FLUE policy 1.4) with the established character of the surrounding neighborhood.

#### LIVABLE COMMUNITIES ELEMENT: BRANDON COMMUNITY PLAN

- **Goal 1:** Establish a balanced transportation system by prioritizing options to serve local and regional needs and facilitating multi-modal choices.
  - 5. As roads are improved, require the addition of amenities for pedestrians and bicyclists. Provide intersection improvements, turn lanes, bicycle lanes, traffic signalization, roadway maintenance, crosswalks, and landscape improvements that maintain the adopted level of service and reflect the best practices of the Livable Roadways Guidelines.
    - a. New development and transportation infrastructure investments should place emphasis on proximity to community and social services, walkability and creating a healthy street life.
    - b. Accommodate all modes of transportation by providing safe and functional infrastructure and services for driving, walking, biking and transit compatible with the community character.
      - i. The community recognizes the need for a system of bike lanes and trails.

**Goal 6:** Re-establish Brandon's historical, hospitable, and family oriented character through thoughtful planning and forward thinking development practices by concentrating density in certain areas to preserve the semi-rural lifestyle of other areas. Attempt to buffer and transition uses in concentric circles where possible with most intense uses in an area at a node (intersection)

and proceeding out from there. Create a plan for how areas could be developed and redeveloped for the future. Each of these areas would have potential for different building heights, parking configurations, fencing, buffering, landscape requirements, special use limitations, and design standards. These standards apply to new construction on infill property, redevelopment of undesirable areas and renovation of existing buildings. The primary consideration of all changes should be compatibility with existing structures to ensure neighborhood preservation.

- 5. General design characteristics for each Brandon Character District are described below. The design characteristics are descriptive as to the general nature of the vicinity and its surroundings and do not affect the Future Land Use or zoning of properties in effect at the time of adoption of the Brandon Community Plan. Any proposed changes to the zoning of property may proceed in accordance with the Land Development Code.
  - d. Suburban- Primarily residential area of single-family detached homes with side and perimeter yards on one-quarter acre or less. Mixed-use is usually confined to certain intersection locations. This district has a wide range of residential building types: single-family detached, single-family attached and townhomes. Setbacks and street canopy vary. Streets typically define medium-sized blocks. New development/redevelopment would be required to build internal sidewalks and connect to existing external sidewalks or trails.

# **Staff Analysis of Goals, Objectives and Policies:**

The 1.72 ± acre subject site is located to the east of Telfair Road and north of Mook Street. The subject site is in the Urban Service Area and is within the limits of the Brandon Community Plan. The subject site's Future Land Use classification is Residential-6 (RES-6). The applicant is requesting a rezoning from ASC-1 to the RSC-6 zoning district.

The proposal meets the intent of Objective 1 and Policy 1.4 of the Future Land Use Element (FLUE) by providing residential use within the Urban Service Area, where 80 percent of future growth is to be directed. The proposal meets the compatibility requirements of Policy 1.4, as the character of the area contains a similar range of residential uses. Single-family residential surrounds the site to the north, east and west. To the south, across Mook Street, are multi-family residences and a CSX Transportation right-of-way. The area further south of the site contains a mix of single-family properties, agricultural uses, a vacant lot, public institutional uses and a high school.

The subject site is approximately 1.72 acres in size and currently contains two existing single-family residences on both 501 and 511 Telfair Road. 511 Telfair Road also contains a metal storage structure. The applicant is seeking a rezoning from ASC-1 to RSC-6 to resolve two homes placed on two non-conforming lots. The applicant, per their narrative letter uploaded into Optix on October 10, 2023, has stated that the proposed district will provide development standards which will accommodate compliance for the existing development approved in the previous building permits. The proposal is consistent with the allowable maximum density and allowable uses under its Future Land Use category of RES-6. It is also consistent with Objective 8 and Policy 8.1 of the FLUE.

This application also meets FLUE Objective 9 and Policy 9.2, which requires that all development proposals meet or exceed all local, state and federal land development regulations.

The proposal meets the intent of FLUE Objective 16 and its accompanying policies 16.1 ,16.2, 16.3 and 16.10 that require new development to be compatible to the surrounding neighborhood. Goal 12 and Objective 12-1 of the Community Design Component (CDC) of the FLUE require new developments to recognize the existing community and be designed to relate to and be compatible with the predominant character of the surrounding area. In this case, the surrounding land use pattern is mostly single-family and the proposed residential use will complement the surrounding area.

The subject site is in the Suburban Character District of the Brandon Community Plan. The proposed use meets the intent of the Community Plan which includes primarily residential designed for single-family detached, single-family attached and townhomes. There is an existing sidewalk on Mook Street and Telfair Road. New development/redevelopment would be required to build internal sidewalks and connect to existing external sidewalks or trails.

Overall, the proposed Planned Development is consistent with the Goals, Objectives, and Policies of the *Unincorporated Hillsborough County Comprehensive Plan*, as it is compatible with the surrounding development pattern.

# Recommendation

Based upon the above considerations, the Planning Commission staff finds the proposed rezoning **CONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*.

# HILLSBOROUGH COUNTY FUTURE LAND USE RZ 24-0042

<all other values>

CONTINUED DENIED

WITHDRAWN

PENDING

Tampa Service

Urban Service

Jurisdiction Boundary County Boundary

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR) AGRICULTURAL/MINING-1/20 (.25 FAR) wam.NATURAL.LULC\_Wet\_Poly

AGRICULTURAL/RURAL-1/5 (.25 FAR) AGRICULTURAL-1/10 (.25 FAR)

AGRICULTURAL ESTATE-1/2.5 (.25 FAR) RESIDENTIAL-1 (.25 FAR) RESIDENTIAL-2 (.25 FAR)

RESIDENTIAL PLANNED-2 (.35 FAR) RESIDENTIAL-4 (.25 FAR)

RESIDENTIAL-6 (.25 FAR)

RESIDENTIAL-9 (.35 FAR)

RESIDENTIAL-12 (.35 FAR)

RESIDENTIAL-16 (.35 FAR) RESIDENTIAL-20 (.35 FAR)

NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR) SUBURBAN MIXED USE-6 (.35 FAR)

COMMUNITY MIXED USE-12 (.50 FAR)

REGIONAL MIXED USE-35 (2.0 FAR) URBAN MIXED USE-20 (1.0 FAR)

INNOVATION CORRIDOR MIXED USE-35 (2.0 FAR) OFFICE COMMERCIAL-20 (.75 FAR)

RESEARCH CORPORATE PARK (1.0 FAR)

ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)

LIGHT INDUSTRIAL PLANNED (.75 FAR)

HEAVY INDUSTRIAL (.75 FAR) LIGHT INDUSTRIAL (.75 FAR) PUBLIC/QUASI-PUBLIC

WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR) NATURAL PRESERVATION CITRUS PARK VILLAGE



460

File: G:\RezoningSystem\MapPr



# AGENCY COMMENTS

#### AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department REVIEWER: Alex Steady, AICP PLANNING AREA/SECTOR: Brandon/Central		<b>DATE:</b> 12/06/2023 <b>AGENCY/DEPT:</b> Transportation <b>PETITION NO.:</b> STD 24-0042
	This agency has no comments.	
X	This agency has no objection.	
	This agency objects for the reasons set forth below.	

# PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone two parcels totaling  $\pm$ 1.71 acres from Agricultural Single Family – 1 (AS-1) to Residential Single Family Conventional – 6 (RSC-6). The site is located on the east side of Telfair Road,  $\pm$ 50 feet south of the intersection of Telfair Road and Short Street. The Future Land Use designation of the site is Residential – 6 (RES-6).

# **SITE ACCESS**

Generally, for projects with a Euclidean zoning designation, a project's potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. Given the limited information available as is typical of all Euclidean zoned properties and/or non-regulatory nature of any conceptual plans provided, Transportation Review Section staff did review the proposed rezoning to determine (to the best of our ability) whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM (e.g. to ensure that the proposed rezoning would not result in a violation of the requirement whereby access to commercial properties cannot be taken through residentially or agriculturally zoned properties), and/or whether, in staff's opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards.

Staff notes that, regardless of this review, the developer/property owner will be required to comply will all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review. As such, staff has no objection to this request.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

# **Trip Generation Analysis**

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's <u>Trip Generation Manual</u>, 11<sup>th</sup> Edition.

**Approved Zoning:** 

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
AS-1, 2 Single Family Dwelling Units (ITE Code 210)	19	2	3

**Proposed Zoning:** 

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
RSC-6, 10 Single Family Dwelling Units (ITE Code 210)	121	7	9

**Trip Generation Difference:** 

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	+102	+5	+6

# TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Telfair Road. Telfair Road is a 2-lane, undivided, Hillsborough County maintained, substandard, local roadway. Telfair Road lies within +/- 50 feet of Right of Way in the vicinity of the project. Telfair Road has a sidewalk on the east side of the roadway within the vicinity of the project.

### **ROADWAY LEVEL OF SERVICE**

Telfair Road is not a regulated roadway and as such was not included in the 2020 Hillsborough County Level of Service Report.

# Transportation Comment Sheet

# 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)

Adjoining Roadways (cl	neck if applicable)		
Road Name	Classification	<b>Current Conditions</b>	Select Future Improvements
Telfair Road County Local - Urban	2 Lanes  ⊠Substandard Road	☐ Corridor Preservation Plan☐ Site Access Improvements	
	Urban	☐Sufficient ROW Width	☐ Substandard Road Improvements☐ Other

<b>Project Trip Generation</b>	$\square$ Not applicable for this request		
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	19	2	3
Proposed	121	7	9
Difference (+/-)	+102	+5	+6

<sup>\*</sup>Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross	Access ⊠Not app	licable for this request		
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.
Notes:	•			

Design Exception/Administrative Variance ⊠N	ot applicable for this request	
Road Name/Nature of Request	Туре	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

4.0 Additional Site Information & Agency Comme	ents Summary		
Transportation	Objections	Conditions Requested	Additional Information/Comments
<ul> <li>□ Design Exception/Adm. Variance Requested</li> <li>□ Off-Site Improvements Provided</li> <li>⋈ N/A</li> </ul>	☐ Yes ☐N/A ☒ No	☐ Yes ⊠N/A ☐ No	

### **COMMISSION**

Gwendolyn "Gwen" W. Myers CHAIR Harry Cohen VICE-CHAIR Donna Cameron Cepeda Ken Hagan Pat Kemp Michael Owen Joshua Wostal



### **DIRECTORS**

Janet D. Lorton EXECUTIVE DIRECTOR
Elaine S. DeLeeuw ADMIN DIVISION
Sam Elrabi, P.E. WATER DIVISION
Diana M. Lee, P.E. AIR DIVISION
Michael Lynch WETLANDS DIVISION
Rick Muratti, Esq. LEGAL DEPT
Steffanie L. Wickham WASTE DIVISION

### **AGENCY COMMENT SHEET**

REZON	NING
HEARING DATE: December 18, 2023	COMMENT DATE: November 28, 2023
PETITION NO.: 24-0042	PROPERTY ADDRESS: 501 and 511 Telfair Rd,
EPC REVIEWER: Abbie Weeks	Brandon
CONTACT INFORMATION: (813) 627-2600 X 1101	FOLIO #: 0685680000, 0685680050
EMAIL: weeksa@epchc.org	STR: 22-29S-20E

**REQUESTED ZONING: From ASC-1 to RSC-6** 

FINDI	INGS
WETLANDS PRESENT	NO
SITE INSPECTION DATE	N/A
WETLAND LINE VALIDITY	N/A
WETLANDS VERIFICATION (AERIAL PHOTO,	EPC Desktop Review of aerials and soils surveys
SOILS SURVEY, EPC FILES)	determined no wetlands/osw apparent onsite.

The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan's current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again.

### **INFORMATIONAL COMMENTS:**

The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.

Wetlands Division staff of the Environmental Protection Commission of Hillsborough County
(EPC) examined aerial photographs and soils information for the above referenced site in order to
determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of
the EPC. Through the desktop review, it appears that no wetlands or other surface waters exist
within the above referenced parcels.

REZ 24-0042 November 28, 2023 Page **2** of **2** 

> Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a "WDR30 - Delineation Request Application".
>  Once approved, the formal wetland delineation would be binding for five years.

aow /

ec: <u>landuse@gardnerbrewer.com</u>

# AGENCY REVIEW COMMENT SHEET

TO:	<b>ZONING TECHNICIAN, Planning Growth Mans</b>	agement	<b>DATE:</b> <u>11 Nov. 2023</u>
REV	IEWER: Bernard W. Kaiser, Conservation and	Environmen	tal Lands Management
APP	LICANT: Joseph Mored	PETITIO	N NO: <u>RZ-STD 24-0042</u>
LOC	ATION: Telfair Rd., Brandon, FL 33510		
FOL	<b>IO NO:</b> <u>68568.0000, 68568.0050</u>	SEC: <u>22</u>	TWN: <u>29</u> RNG: <u>20</u>
$\boxtimes$	This agency has no comments.		
	This agency has no objection.		
	This agency has no objection, subject to listed	or attached	l conditions.
	This agency objects, based on the listed or atta	ached cond	itions.
COM	MENTS:		

### **ENVIRONMENTAL SERVICES DIVISION**

Hillsborough County Florida

PO Box 1110 Tampa, FL 33601-1110

# **Agency Review Comment Sheet**

**NOTE:** Wellhead Resource Protection Areas (WRPA), Potable Water Wellfield Protection Areas (PWWPA), and Surface Water Resource Protection Areas (SWRPA) reviews are based on the most current available data on the Hillsborough County maps, as set forth in Part 3.05.00 of the Land Development Code.

TO: Zoning Review, Development Services REQUEST DATE: 10/26/2023

**REVIEWER:** Kim Cruz, Environmental Supervisor **REVIEW DATE:** 11/6/2023

**APPLICANT:** Jahna Elizabeth Allen **PID:** 24-0042

**LOCATION:** 501 Telfair Rd. Brandon, FL 33510

511 Telfair Rd. Brandon, FL 33510

**FOLIO NO.:** 68568.0000 and 68568.0050

### **AGENCY REVIEW COMMENTS:**

Based on the most current data, the proposed project is not located within a Wellhead Resource Protection Area (WRPA), Potable Water Wellfield Protection Area (PWWPA), and/or a Surface Water Resource Protection Area (SWRPA), as defined in Part 3.05.00 of the Hillsborough County Land Development Code (LDC).

Hillsborough County Environmental Services Division (EVSD) has no objection.

# WATER RESOURCE SERVICES REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER

	TION NO.: RZ-STD 24-0042 REVIEWED BY: Clay Walker, E.I. DATE: 10/30/2023  O NO.: 68568.0000, 68568.0050
FOLK	00300.0000, 00300.0030
	WATER
	The property lies within the Water Service Area. The applicant should contact the provider to determine the availability of water service.
	A $\underline{6}$ inch water main exists $\square$ (adjacent to the site), $\boxtimes$ (approximately $\underline{125}$ feet from the site) and is located northwest of the subject property within the north Right-of-Way of Short Street . This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
	Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include and will need to be completed by the prior to issuance of any building permits that will create additional demand on the system.
	WASTEWATER
	The property lies within the Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
	A $\underline{4}$ inch wastewater forcemain exists $\square$ (adjacent to the site), $\boxtimes$ (approximately $\underline{40}$ feet from the site) and is located west of the subject property within the west Right-of-Way of Telfair Road. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
	Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include and will need to be completed by the prior to issuance of any building permits that will create additional demand on the system.
COMM	ENTS: The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's potable water and wastewater systems. The subject area is located within the Hillsborough County Wastewater Service Area and will be served by the Falkenburg Wastewater Treatment Plant. If all of the development commitments for the referenced facility are added together, they would exceed the existing reserve capacity of the facility. However, there is a plan in place to address the capacity prior to all of the existing commitments connecting and sending flow to the referenced facility. As such, an individual permit will be required based on the following language noted on the permits: The referenced facility currently does not have, but will have prior to placing the proposed project into operation, adequate reserve capacity to accept the flow from this project.

# VERBATIM TRANSCRIPT

Decen	mber 18, 2023
	SBOROUGH COUNTY, FLORIDA OF COUNTY COMMISSIONERS
IN RE:	X ) )
ZONE HEARING MASTER HEARINGS	) ) )
	G HEARING MASTER HEARING OF TESTIMONY AND PROCEEDINGS
BEFORE:	SUSAN FINCH Land Use Hearing Master
DATE:	Monday, December 18, 2023

LOCATION: Hillsborough County BOCC

601 East Kennedy Boulevard

26th Floor Boardroom Tampa, Florida 33601

Commencing at 6:00 p.m.

Concluding at 8:18 p.m.

Reported by: Diane DeMarsh, AAERT No. 1654

TIME:

- 1 MS. HEINRICH: Next item is Standard Rezoning 24-0042.
- 2 The applicant is requesting to rezone property from ASC-1 to
- 3 RSC-6. Carolanne Peddle with Development Services will provide
- 4 staff findings after the applicant's presentation.
- 5 MR. MOREDA: Thank you, Michelle.
- Good evening, Madam Hearing Officer. I have some
- 7 handouts that I need to pass out. There was Attachment 6 that
- 8 should be in the record, and for some reason, it wasn't there.
- 9 So in discussion with staff today, I just wanted to submit this
- 10 in the record so it corresponds to the narrative.
- 11 HEARING MASTER: Okay.
- MS. MOREDA: Good evening again. Joe Moreda, Gardner
- 13 Brewer Hudson, 400 N. Ashley, for the record. Hearing Officer,
- 14 I'm here to speak to Rezoning 24-0042. This is a rezoning
- 15 request located on the northeast corner of Telfair Road and Mook
- 16 Street in Brandon. The total area of the rezoning is
- 17 approximately 1.72 acres. It's comprised of two folios:
- 18 68568.000 which is 511 Telfair Road, and 68568.0050 which is 501
- 19 Telfair Road.
- The purpose is to remedy an existing -- an error that
- 21 occurred in 1992 during the building construction permitting.
- 22 Okay. The error made the total area of the site nonconforming
- 23 and resulted in the construction of a single-family dwelling.
- As noted in the handout that I just handed, there's a
- 25 confirmation there that there was actually a staff error made in

- 1 1992, and it notes that the staff issued a valid building permit
- 2 on a separate nonconforming lot. When our client came through
- 3 to try to get a zoning verification for this several months ago,
- 4 the current staff position is that the subject lots do not meet
- 5 the criteria for legal nonconforming lot. The staff did not
- 6 take the previous permitting action into consideration because
- 7 of the -- because of the error. And the County Staff recognize
- 8 that the subject property is two single-family homes on one lot,
- 9 and the compliance measures would require rezoning in
- 10 subdivision or demolition.
- 11 The resulting development basically separated this
- 12 into two parcels, both of whom are nonconforming. The north
- 13 parcel, which is 511 Telfair, is 0.85 acres. It's a separate
- 14 nonconforming lot and includes a single-family home, one story,
- 15 and a metal garage. The south parcel is also a separate
- 16 nonconforming lot. It's 0.86 of an acre, and it has a
- 17 single-family home. This single-family home is the home that
- 18 was actually permitted in error.
- This request is a remedial rezoning for RSC-6. The
- 20 rezoning will achieve the dimensional setback of the lot area in
- 21 the standard needed for compliance. It will facilitate a
- 22 subdivision to recognize the two homes on two legal lots. The
- 23 current ASC-1, when it was reviewed then and as it exists now,
- 24 requires one acre per lot. The existing lots, both of them are
- 25 approximately 0.85 and 0.86 acres.

1 The front yard of the ASC-1 requires 50 feet, and the 2 southern lot is approximately 44.88 feet from the right-of-way, which would be also not achievable. The side yard is 15 feet in 3 ASC-1 which require 30 feet between -- between structures on the 5 side; and between the north and south lot, there's only 21 feet. 6 Also, the width on the south -- actually, both lots is 7 insufficient. The ASC-1 requires 150 feet, and the south lot is The north lot is a little bit larger, but they still 8 99.93. would both fall short of the 150. 9 10 The RSC-6 would provide the standards needed for the 11 compliance. It would allow the half acre lot on septic. It would allow the front yard measurement of 25 feet, a side yard 12 13 measurement of 7.5 feet, and a width of 70. And our property on 14 both these lots would exceed these requirements and move the 15 project towards compliance. 16 In terms of the rezoning request and enabling Future 17 Land Use category, the project is located in the Urban Service 18 It's located within a sea of RES-6, which is six dwelling 19 units per acre. To the south of the site is RES-9, which is even a more intense district which allows nine units per acre. 20 21 Single-family is proposed next to single-family, so 22 there's no compatibility issue. The area as a whole is planned 23 for equal or higher densities. The Comp Plan also includes 24 Policy 1.2 which anticipates and encourages directing density in 25 the Urban Service Area as it speaks to achieving a minimum

- 1 density to avoid underutilization of the Plan in the urban area.
- 2 There is a whole host of policies that the Planning Commission
- 3 also cited in support of this request, but we -- we thought that
- 4 that was one of the most critical ones.
- 5 We believe the RSC-6 zoning will further the intent of
- 6 the Comp Plan. It's an appropriate implementing rezoning in
- 7 this case, as the location of the Urban Service Area is -- is
- 8 within two very intense Comp Plan categories, and it's also
- 9 compatible with the surrounding area as the proposal's for a
- 10 residential district for single-family and our project is
- 11 single-family next to single-family.
- In terms of the zoning and compatibility, this
- 13 project's been the same configuration for approximately 31
- 14 years. It was permitted this way in 1992. It exists this way
- 15 now. The rezoning will not introduce any new visual change to
- 16 the area. The single-family proposal, again, is compatible with
- 17 surrounding single-family uses.
- To the north of the site is the same zoning, RSC-6.
- 19 To the west is RSC-6, same zoning. To the south, the site is
- 20 RSC-6. To the east is an ASC-1 which is a holdout in the area.
- 21 And to the southeast of the area is also RSC-12, which is 12
- 22 units an acre. So it's in a pretty intense zoning area,
- 23 although the client pretty much intends to keep this site
- 24 configured as it is now.
- In terms of the staff analysis, the rezoning

- 1 application has been determined consistent by the Planning
- 2 Commission Staff, and it's also been determined approvable by
- 3 Development Services Staff.
- I'm available if you have any other questions, but
- 5 that pretty much concludes our presentation for the moment. And
- 6 that concludes the presentation. Thank you.
- 7 HEARING MASTER: Thank you. Let me just ask you a
- 8 quick question just to make sure I understand. So two lots, a
- 9 northern lot and a southern lot. The northern lot -- both lots
- 10 don't meet the one acre ASC-1 standard, right?
- 11 MR. MOREDA: Correct.
- 12 HEARING MASTER: And the northern lot was built when?
- 13 When was that developed?
- MR. MOREDA: I believe it was in the sixties.
- 15 HEARING MASTER: I see. And so then someone came in
- 16 for the southern lot in the nineties, right? 1998?
- MR. MOREDA: The family -- the family on both parcels,
- 18 they came in, they basically created another folio, went through
- 19 the building permit process, and all the permits were issued.
- 20 The home is habitable. So several years later, the property
- 21 goes into a trust. The family wants to potentially sell it.
- 22 They come to the County, and they find out that there's an issue
- 23 that, you know, the property isn't considered compliant with the
- 24 zoning.
- There's no subdivision approval. They have building

- 1 approval, but, for whatever reason, I don't know, you know, how
- 2 it was viewed in 1992, whether or not they were looking at
- 3 subdivision. For whatever reason, it was not required. The
- 4 folios were recognized, and the permits were issued. And the
- 5 home -- both homes exist now. So now you have two homes on,
- 6 effectively, in the eyes of the County, one lot.
- 7 HEARING MASTER: So there are two separate -- I think
- 8 that's what I'm trying to get to. So each lot has its own
- 9 folio --
- 10 MR. MOREDA: Correct.
- 11 HEARING MASTER: -- and did back as long as anyone can
- 12 remember. The southern lot, that property owner did not create
- 13 that lot; it existed when they went to pull their building
- 14 permit in the nineties?
- 15 MR. MOREDA: My understanding is they created it as
- 16 part of that building permit process. So when they went in,
- 17 they had that in place.
- 18 HEARING MASTER: I see.
- 19 MR. MOREDA: The County reviewed that, issued permits
- 20 based on that folio, that acreage, that zoning at the time. I'm
- 21 not exactly sure. I could -- I could look back and see when
- 22 they actually cut it, but everybody was aware at the time that
- 23 that lot was cut.
- I believe the lot was cut maybe in '90, looking back.
- 25 Because when we were looking through this, we were looking for

- 1 that magic date of 1989. I believe it was July-something in
- 2 1989. And it wasn't cut before that, so that's where the legal
- 3 nonconformity conversation kinda stopped at that point. I'm not
- 4 sure what the staff looked at in 1992. No one really is sure
- 5 what they looked at in 1992. All we know is we have two folios,
- 6 two homes, and a zoning district that it doesn't match. So the
- 7 purpose of this is just to comply that and then move on.
- 8 HEARING MASTER: And there's no redevelopment
- 9 opportunity here. This is just to move the line so that it --
- 10 it doesn't -- the structures are on each their own lot?
- MR. MOREDA: At this point, there's no redevelopment.
- 12 They're not seeking this to do a redevelopment. Right now, both
- 13 homes are on septic. They plan to keep it that way. And we've
- 14 had discussions with the County and the County is willing to
- 15 look at that as a vested piece of it.
- I know that when we were looking at what it would cost
- 17 to connect the lines, that -- I believe they would have to
- 18 build -- they would have to do some extensive work to get lines
- 19 there to allow 7000 square foot lots. I'm not sure what the
- 20 geometry would give away, you know, in terms of lot numbers,
- 21 certainly not a whole lot. But at this point, their -- their
- 22 plans are to just get recognized for what they have.
- 23 HEARING MASTER: Understood. All right. Thank you so
- 24 much. If you can please sign in with the clerk's office.
- MR. MOREDA: Thank you.

- 1 HEARING MASTER: Development Services. Good evening.
- MS. PEDDLE: Good evening. Carolanne Peddle,
- 3 Development Services. Standard Rezoning 24-0042. The applicant
- 4 is proposing to rezone the two subject parcels from ASC-1 to
- 5 RSC-6 in order to reconfigure the lot lines to remedy the two
- 6 nonconforming lots. Through the lot line reconfiguration, the
- 7 applicant would be able to ensure that the metal storage
- 8 structure that is located on the shared property line would be
- 9 located on the property.
- The properties associated with 24-0042 have a Future
- 11 Land Use designation of R-6 as well as all surrounding
- 12 properties. The immediate adjacent properties are zoned ASC-1
- 13 and RSC-6. The site is surrounded by a mixture of residential
- 14 uses with various lot sizes.
- 15 Based on the above considerations, staff finds the
- 16 proposed RSC-6 zoning district is compatible with the existing
- 17 zoning districts and development pattern in the area.
- 18 Therefore, staff finds it approvable. I'm available for any
- 19 questions you have.
- 20 HEARING MASTER: None at this time, but thank you so
- 21 much.
- 22 Planning Commission.
- MS. PAPANDREW: Andrea Papandrew, Planning Commission
- 24 Staff. The site is in the Residential-6 Future Land Use
- 25 category and is within the Brandon Community Plan.

1 The proposal meets the intent of Objective 1 and Policy 1.4 of the Future Land Use Element by providing 2 residential use within the Urban Service Area, where 80% of 3 future growth is to be directed. The proposal meets the 5 compatibility requirements of Policy 1.4, as the area contains a similar range of residential uses. Single-family residential 6 surrounds the site to the north, east and west. To the south, across Mook Street, are multifamily residences and a CSX 8 9 Transportation right-of-way. Further south of the site is a mix 10 of single-family, agricultural, a vacant lot, public institutional, and a high school. 11 Per the narrative, on October 10, 2023, from the 12 13 applicant, the proposed will provide development standards to 14 accommodate compliance for the existing development approved in 15 the previous building permits. The proposal is consistent with 16 the allowable maximum density and allowable uses under Residential-6 and is consistent with Objective 8 and Policy 8.1. 17 18 The applicant meets Objective 9 and Policy 9.2, which requires that all development proposals meet or exceed all 19 20 local, state, and federal land development regulations. 21 The proposed also meets the intent of Objective 16, 22 Policies 16.1, 16.2, 16.3, and 16.10 that require new 23 development to be compatible with the surrounding neighborhood. 24 Goal 12 and Objective 12-1 of the Community Design Component 25 require new developments to recognize the existing community and

- 1 be designed to be compatible with the predominant character of
- 2 the surrounding area. In this case, the surrounding land use
- 3 pattern is mostly single-family, and the proposed residential
- 4 use complements that.
- 5 The site is in the Suburban Character District of the
- 6 Brandon Community Plan and meets the intent of the Plan which
- 7 includes primarily residential designed for single-family
- 8 detached, single-family attached and townhomes. There is an
- 9 existing sidewalk on Mook Street and Telfair Road, and this
- 10 meets the sidewalk requirements in the Plan as well.
- Based upon the above considerations, the Planning
- 12 Commission Staff finds the proposed rezoning consistent with the
- 13 Unincorporated Hillsborough County Comprehensive Plan.
- 14 HEARING MASTER: Thank you so much. Appreciate it.
- Is there anyone in the audience or online that would
- 16 like to speak in support? Anyone in favor? Seeing no one.
- Anyone in opposition to this request? Yes, sir; come
- 18 forward to the podium.
- While he's coming forward, is there anyone else either
- 20 in the room or online that would like to speak in opposition?
- 21 MR. POHL: I am John Pohl. I am online.
- 22 HEARING MASTER: Okay. So we have two people. So
- 23 that's 15 minutes, so it's seven and a half minutes apiece.
- 24 Feel free not to take that, if you'd like, if you can shorten it
- 25 up. But we're willing to hear whatever testimony you have.

- 1 Let's go with the gentleman in the room. Good
- 2 evening.
- GRANDE: Okay. My name is Michael Lee Grande. I live
- 4 at 606 Telfair Road and Limona. And I've lived there since
- 5 1960. And I believe this is incompatible with the zoning in the
- 6 area. I believe that ASC-1 is more compatible. The
- 7 landowners -- I'm -- I'm a commercial beekeeper, and I live
- 8 within 200 feet of that proposed change. And I know what RSC-6
- 9 brings. It brings lawsuits. That's what it brings.
- Not to mention runoff water going into the pond.
- 11 There's a pond there, and in 1983, the water level came up
- 12 within 20 feet of a man's home on the east side of that pond.
- 13 And also I talked to him today about that, and he's against it.
- 14 His name is Val Blatney.
- 15 And I talked to another lady on the north side of the
- 16 pond that's directly across the pond from the -- the property
- 17 that's being -- trying to be rezoned. And her name is Lydia
- 18 Richards, and she strongly opposes it. She's 90 years old, and
- 19 I'm speaking in her behalf, her and Mr. Blatney.
- 20 HEARING MASTER: Let me ask you a question, sir. I
- 21 did see your letter in the record that you wrote in opposition.
- 22 You said you're about 200 feet from this property?
- 23 MR. GRANDE: Within 200 feet of that area.
- 24 HEARING MASTER: Well, let me ask --
- MR. GRANDE: I'm a commercial beekeeper.

- 1 HEARING MASTER: Okay. Thank you. Let me ask you
- 2 about the applicant's representative that testified and said
- 3 that there was a -- there are two lots. One has a home built
- 4 from the 1960s, and the other was built around the early 1990s.
- 5 You're familiar with that?
- 6 MR. GRANDE: Yes, ma'am. I used to keep bees on that
- 7 property.
- 8 HEARING MASTER: Okay. And he also testified that
- 9 there are no plans to change what's on the property. This is
- 10 just to correct a zoning lot issue.
- MR. GRANDE: Well, all I know is when they change the
- 12 zoning from ASC-1 to RSC-6?
- 13 HEARING MASTER: Yes, sir. That's what they're asking
- 14 for.
- 15 MR. GRANDE: ASC-1 to RSC-6, that tells me six units
- 16 to the acre. And between those two yards there, there's about
- 17 two and a half -- two acres. So I see 12 units some day in
- 18 there, and I don't want to see that.
- 19 HEARING MASTER: Okay.
- MR. GRANDE: I don't want to see it. And the other
- 21 neighbors, they don't want to see it.
- 22 HEARING MASTER: Understood. All right. Thank you
- 23 very much for that. I appreciate you coming down. If you could
- 24 please sign in with the gentleman in the blue shirt. He's with
- 25 the clerk's office. Thank you so much.

- 1 All right. We'll go to the gentleman that was online.
- 2 Good evening.
- 3 MR. POHL: Hello.
- 4 HEARING MASTER: Give us your name and address,
- 5 please.
- 6 MR. POHL: My name is John Pohl, 619 Telfair Road.
- 7 HEARING MASTER: All right. And if you could tell us
- 8 why you are testifying in opposition?
- 9 MR. POHL: I'm in opposition because that is going to
- 10 be a -- trying to rezone it RSC-6, it was zoned appropriately at
- 11 the time. And I believe they're trying to lean forward to put
- 12 duplexes or for their building onto that property.
- We've already got traffic measures in place for
- 14 calming. We've got three schools, we've got clogged roads, and
- 15 we've got incompatible sidewalks in place. So, yeah, we don't
- 16 need anymore building. And that would just -- I think the
- 17 owners bought this property, and they're trying to lean forward
- 18 to put duplexes or something in place. We don't need any more
- 19 building in this area.
- 20 HEARING MASTER: All right. Does that conclude your
- 21 comments?
- MR. POHL: It does.
- 23 HEARING MASTER: Thank you, sir. I appreciate you
- 24 calling in and participating.
- MR. POHL: Thank you, ma'am.

HEARING MASTER: All right. So seeing no one else in 1 2 opposition, we'll close that portion of the hearing and we'll go 3 back to Development Services. 4 Ms. Heinrich, anything else? MS. HEINRICH: No, ma'am. HEARING MASTER: All right. 6 Mr. Moreda, you have five minutes for rebuttal. MR. MOREDA: Thank you, Madam Hearing Officer. I'll 8 just take it in basically two pieces. In terms of the RSC-6, I 9 10 believe the zoning is -- it's clear that the zoning itself is 11 compatible with the zoning pattern of the area. But in terms of 12 the existing development on our site and how it compares --13 particularly, against some of the people that may be in 14 opposition, for example, like Mr. Grande -- in looking at the 15 record, his property is approximately 0.56 of an acre. Both of 16 these -- both of these parcels exceed that acreage. So in terms of being compatible, our -- our client's site will -- will 17 18 exceed the lot size where he currently resides now. And I can -- I can submit that in the record, if you'd like, in terms 19 20 of his property. 21 In terms of duplexes, the -- the zoning district does 22 not allow the duplexes. In terms of any runoff, the site right 23 now is configured with two homes, so that -- that site is not 24 going to change any of the runoff conditions in the area. 25 for some reason in the future -- far in the future, if somebody

- 1 did develop it, at that point in time, if they developed it as
- 2 a -- as a subdivision, they would be required to go through
- 3 southern division review and -- and make certain types of
- 4 improvements to keep the drainage the same as it is now. So
- 5 they would not be able to make that situation worse in the area.
- 6 They would have to keep the runoff ratios the same.
- 7 So aside from that, the acreage is not over two acres;
- 8 it's 1.72. So we believe our -- our client's site is consistent
- 9 and compatible with the area. We have all staff approvals.
- 10 Single-family -- it's consistent with single-family. We can't
- 11 see any reason why it would not be compatible.
- 12 From a land use perspective, from a zoning
- 13 perspective, it furthers the intent of the Comprehensive Plan.
- 14 So we believe this is a solid case, and we -- we hope we would
- 15 have your support on this. I'm available if you have any
- 16 questions.
- 17 HEARING MASTER: No further questions. Thank you so
- 18 much.
- With that, we'll close Rezoning 24-0042. And we'll go
- 20 back to the case -- all right. It seems that we have her now.
- 21 We'll go back to that case.
- Ms. Heinrich, if you could just introduce it again
- 23 just for the record.

24

25

# EXHIBITS SUBMITTED DURING THE ZHM HEARING

SIGN-IN SHEET: RFR, $[2/8/23]$	ZHMI PHM, LUHO  6:00 pm HEARING MASTER: Susan Finch				
PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING					
APPLICATION #	PLEASE PRINT NAME Com Cor bett				
23-0714	MAILING ADDRESS 101 & COMMED Blud Ste 3700				
	CITY TAMP OF STATE ZIP 3360 PHONE 813-227 842				
APPLICATION #	PLEASE PRINT NAME  NORGIVA  Santos				
23-902	MAILING ADDRESS 102 9th St				
VS	CITY Mimaumastate FL ZIP 3359 PHONE				
APPLICATION #	PLEASE PRINT JOE MORECO				
24-0042	MAHINGADDRESS 490 X) Achless D				
	CITY TO STATE TO ZIP 3403 PHONE 813.342 9495				
APPLICATION #	PLEASE PRINT NAME Michael hee Grande				
24-0042	MAILING ADDRESS 606 Felfair Rol				
	CITY Brandon STATE In ZIP 3 3510PHONE \$ 13-689-2098				
APPLICATION #	PLEASE PRINT NAME  John Pohl				
24-0642	MAILING ADDRESS 6/9 Telfair Rd				
US	CITY Brandon STATE FZ ZIP 3310 PHONE				
APPLICATION #	PLEASE PRINT Care/ine Margin				
24-065	MAILING ADDRESS 5137 5 Lake land Dr Ste 3				
VS	CITY Cake and STATE FC ZIR 38 LPHONE				

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO  PAGE VOF D					
date/time: <u> 2/18/2</u>	3 6:00 pm HEARING MASTER: SUSAN Finch				
PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING					
APPLICATION#	PLEASE PRINT Daniel Kovacs				
24-0065	MAILING ADDRESS 5177 5 Lakeland Dr. Ste. 3				
10	CITY (gkeland STATE FL ZIP 378/3 PHONE				
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APPLICATION #	PLEASE PRINT ON VESSINGE				
23-6472	MAILING ADDRESS 200 Dut Ave 9. 445				
	CITY HOSE STATE ZIP PHONE 324				
APPLICATION #	PLEASE PRINT DOUALD & dandsol				
23-0472	MAILING ADDRESS 730 / SUMMORBNIDGO Dr.				
	CITY Tet STATE Pla ZIP 3434 PHONE 812-244-0678				
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2 3-0472	MAILING ADDRESS 7510 DAKUS TA CIV				
	CITY TOA STATE PL ZIP 33134 PHONE 813-767-4965				
APPLICATION #	NAME JULIE HITST				
9 3-6472	MAILING ADDRESS 6745 TWELVE OOKS Blud,				
7	MAILING ADDRESS 6745 TWELVE OOKS Blud,  CITY TOMPO STATEFL ZIP PHONE 3411				
APPLICATION #	PLEASE PRINT NAME NAME LENGTIX				
23-0472	MAILING ADDRESS 7536 Armand CIV  CITY Tampa STATE FL ZIP 33634 PHONE 0655				
-	CITY Tampa STATE FL ZIP 33634 PHONE 0655				

SIGN-IN SHEET: RFR.	ZHM, PHM, LUHO PAGE OF 3
DATE/TIME: 12/18/	27 6:08 pm HEARING MASTER: Susan Finch
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	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	NAME Stanty N, Holmes
23-0479	MAILING ADDRESS 7003 Forestview c1
	CITY Tampa STATEFL ZIP 3 2 PHONE 885-4879
APPLICATION #	NAME ROLLING MCKEON
23-0472	MAILING ADDRESS 7016 ontview
	CITY Tampa STATE ZIP 33634 HONE 8/3236-OLO &
APPLICATION #	PLEASE PRINT GREG Thale
2 3-0472	MAILING ADDRESS 759 Marker Ct
	CITY APA STATE 7 ZIP 33634 PHONE \$3-40-9392
APPLICATION #	PLEASE PRINT Edward Whyte
23-0472	PLEASE PRINT Edward Whyte  MAILING ADDRESS 7401 Spring +
US	CITY Tampa STATE FL ZIP 33654 PHONE
APPLICATION #	NAME Brill Pinion
23-0883	MAILING ADDRESS (OOD N AShly Dr
	CITY TUMPA STATE PL ZIP33/102PHONE 78/105/80183
APPLICATION #	PLEASE PRINT NAME
	MAILING ADDRESS
	CITYSTATEZIPPHONE

**HEARING TYPE:** 

ZHM, PHM, VRH, LUHO

DATE: December 18, 2023

**HEARING MASTER:** 

Susan Finch

PAGE: <u>1</u> OF <u>1</u>

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
24-0042	Joe Moreda	1. Applicant Presentation Packet	Yes (Copy)
23-0714	Kami Corbett	1. Applicant Presentation Packet	No
23-0472	Todd Pressman	1. Applicant Presentation Packet	No
23-0472	Sam Ball	2. Revised Staff Report	Yes (No)
23-0472	Donald Richardson	3. Opposition Presentation Packet	No
23-0472	Susan Pritchard	4. Opposition Presentation Packet	No
23-0472	Julie Hirst	5. Opposition Presentation Packet	No
23-0472	Rosa Timoteo	6. Revised Staff Report	No

# DECEMBER 18, 2023 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, December 18, 2023, at 6:00 p.m., in the 26th Floor Conference Room, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

Susan Finch, ZHM, called the meeting to order at 6:00 p.m., led in the pledge of allegiance to the flag, and introduced Development Services (DS).

### A. WITHDRAWALS AND CONTINUANCES

Michelle Heinrich, DS, introduced staff, and reviewed changes/withdrawals/continuances.

Susan Finch, ZHM, overview of ZHM process.

Mary Dorman, Senior Assistant County Attorney, overview of oral argument/ZHM process.

Susan Finch, ZHM, Oath.

- B. REMANDS None.
- C. REZONING STANDARD (RZ-STD):

### C.1. RZ 23-0714

Michelle Heinrich, DS, called RZ 23-0714.

Testimony provided.

Susan Finch, ZHM, closed RZ 23-0714.

### C.2. RZ 23-0902

Michelle Heinrich, DS, called RZ 23-0902.

Testimony provided.

Susan Finch, ZHM, tabled RZ 23-0902.

Michelle Heinrich, DS, called RZ 23-0902.

Testimony provided.

🛂 Susan Finch, ZHM, closed RZ 23-0902.

### MONDAY, DECEMBER 18, 2023

### C.3. RZ 24-0042

- Michelle Heinrich, DS, called RZ 23-0042.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 23-0042.

# C.4. RZ 24-0065

- Michelle Heinrich, DS, called RZ 24-0065.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 24-0065.
- D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

### D.1. RZ 23-0472

- Michelle Heinrich, DS, called RZ 23-0472.
- Testimony provided.
- Susan Finch, ZHM, continued RZ 23-0472 to February 20, 2024, ZHM hearing.

## D.2. RZ 23-0584

- Michelle Heinrich, DS, called RZ 23-0584.
- Susan Finch, ZHM, continued RZ 23-0584 to January 16, 2024, ZHM hearing.

# D.3. MM 23-0883

- Michelle Heinrich, DS, called MM 23-0883.
- Testimony presented.
- Susan Finch, ZHM, closed MM 23-0883.

### ADJOURNMENT

Susan Finch, ZHM, adjourned meeting at 8:18 p.m.

### Attachment 6

From: To: Blinck, Jim Joe Moreda

Subject: Date:

FW: Telfair building permits

Attachments:

Thursday, April 20, 2023 4:52:20 PM

image001.png image002.png image003.png

Telefair Bldg 501 and 511.pdf

Aerial.pdf

68568.0000 HCPA.PDF 68568.0050 HCPA.PDF

scan blinckj 2023-04-20-15-14-46.pdf

Application No.

Name: Voe Morela

Entered at Public Hearing: ZHM

Exhibit # Date: 12-18-23

Joe.

The property at 511 Telfair Road, folio 068568.0000, has the dwelling that that was constructed in 1962, which we have no history record and is also the same location with the metal storage structure was built in 1998 under building permit NGB02083. That permit was approved by Harry Humen.

The property at 501 Telfair Road, 068568.0050 has a dwelling that was constructed in 1992 with a valid building permit on a separate non-conforming lot. I've included in an attachment showing a deed issued splitting the parcel into 2 separate parcels deeded back to the same owners. Staff is going to look this permit up in micro film and provide all documentation that was submitted to construct the dwelling in 1992. The roof permit RFG63291, was approved with a final on 03/30/2009. The mechanical replacement permit, NME87457 was approved with a final on 01/04/2015. Both of these permits are trade permits that are issued with no review and most likely issued online. I hope this information is helpful, and if you have any questions, please do not hesitate to contact me. Take care.

### Jim Blinck

**Executive Manager** 

**Building and Construction Services** 

: (813) 274-6613

: BlinckJ@HillsborouahCounty.org

W: HCFLGov.net

Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

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Please note: All correspondence to or from this office is subject to Florida's Public Records law

From: Joe Moreda < jmoreda@gardnerbrewer.com>

**Sent:** Thursday, April 20, 2023 11:15 AM

**To:** Blinck, Jim <BlinckJ@HillsboroughCounty.ORG> **Cc:** Kline, Dennis <KlineD@HillsboroughCounty.ORG>

Subject: Telfair building permits

External email: Use caution when clicking on links, opening attachments or replying to this email.

Hello Jim.

I just tried to call. Let me know when a good time to meet is for you. I attached the info I was able to find. The main question is how the large structure straddling the property line and the home built in 92 (to the south 68568.0050) were permitted.

Dennis Kline verified there is no record of subdivision.

I'm trying to put together a package to guide the owner on what may be needed for compliance. The current owner inherited this property and was advised by family it was permitted through Hillsborough.

Thank you in advance.

### Joe Moreda, AICP



O: (813) 221-9600 gardnerbrewer.com

From: Joe Moreda

Sent: Thursday, April 6, 2023 6:43 PM

To: 'Blinck, Jim' < BlinckJ@HillsboroughCounty.ORG>

Subject: FW: building permits

Hi Jim. In addition to the request below, the attached are what I have been able to find. I have some questions about the HVAC and the re-roof for the SFR at 501. Can we schedule 30 mins. to discuss? Thank you -JM

# Joe Moreda, AICP



O: (813) 221-9600 gardnerbrewer.com

From: Joe Moreda

Sent: Thursday, April 6, 2023 5:37 PM

To: 'Blinck, Jim' < Blinck J@Hillsborough County. ORG >

**Subject:** building permits

Hello Jim.

I have been asked to advise the client on how to bring this property (both lots) into conformance.

Can someone from your team provide the building permit history.

I'm trying to cross check the attached Property Appraiser information (identifies single family homes on both folios) with what the building division may have permitted them for.

Please contact me if you have any questions.

Thank you in advance for any information you can provide.

# Joe Moreda, AICP

**Entitlements Advisor** 



O: (813) 221-9600

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