

AZ 08-1338

**Application for Rezoning to  
Planned Development District  
Revised Variance Criteria Responses  
October 23, 2008**

6410 E. Hillsborough Avenue  
Folio No. 039941-0000

All variances being requested in the application are for "General Development Plan 'B'" which proposes transitional shelters for up to 500 persons together with congregate eating, bathing, laundry, recreational and social services facilities.

**Variances Requested**

Variances are being requested from the following land development regulations:

**SITE DEVELOPMENT PLAN DESIGN STANDARDS**

- Sec. 6.03.02. Sidewalks

**ACCESS MANAGEMENT**

- Sec. 6.04.01 Generally
- Sec. 6.04.03. General Access Standards

**PARKING AND LOADING**

- Sec. 6.05.02. Parking and Loading Standards

**LANDSCAPING, IRRIGATION AND BUFFERING REQUIREMENTS**

- Sec. 6.06.03. General Standards and Guidelines
- Sec. 6.06.04. Off-Street Vehicular Use Areas
- Sec. 6.06.06. Buffering And Screening Requirements

**NONCONFORMITY**

- Sec. 11.03.04. NONCONFORMING STRUCTURES OTHER THAN SIGNS

1. *Explain how the alleged hardship or practical difficulties are unique and singular as regards the subject property of the person requesting the variance and are not those suffered in common with other property similarly located:*

The practical difficulties are unique and singular to the property as the proposed use as a shelter facility (General Development Plan "B") is a temporary use and to install the sidewalks, parking spaces, internal and perimeter landscaping/buffers and islands (for temporary parking spaces) for a "boarding house" type use at this time, would only require their removal when the multi-family development project is constructed (General Development Plan "A").

The existing vested office structure does not meet the current setback requirement. It is located approximately 7 feet off the western property line. The structure was constructed (per the Property Appraiser's records) in 1945. As part of the PD and variance requests, we are asking the setback to be recognized. There is no proposed expansion to the structure and

if it is removed, any structure relocated in generally the same place will meet the 10 foot setback requirement.

Bringing the parking lot into compliance with the current code requirements will require the vegetation planted at this time to be destroyed when the multi-family development project is constructed. The on-site parking is generally more than sufficient for the proposed use as a majority of the people utilizing the facility do not have cars. The reason for showing the additional spaces is for such times as the winter influx. Additionally, in the proposed location for the temporary parking spaces, trees were planted approximately every 10 spaces when the use was a church / community center. The only thing missing are the timbers and shrubs to demark the islands.

The proposed access for the site as shown on Hillsborough Avenue already exists. The choice to keep the access was made so that all entering and exiting movements could continue to be accomplished with minimum disruption to the flow of traffic. The transitional housing use requires a Type II Minor Connection (not anticipating many more than the base 50 trips per day). In a previous site approval for the development of 240 apartment units on this site required the applicant to submit an analysis showing that for this site, both the Hillsborough Avenue access and 2 accesses from Hanley Road (the existing access and one proposed for the southeast corner) were needed to provide for the safe movement of highway traffic. The analysis determined that this access (with a throat depth greater than 100') was an appropriate location for the access and resulted in no adverse impacts to the public roadway system. We believe this is still the situation as the proposed transitional housing use has far less traffic impacts than the 240 units.

There is 99.66 feet of frontage for the site along Hillsborough Avenue. The parcel to the west is undeveloped and the parcel to the east is a trucking facility. Neither adjacent site has a sidewalk along Hillsborough Avenue. Installation of a sidewalk for such a small distance going nowhere is more dangerous for pedestrian travel than not installing the 99.66 feet of sidewalk. Providing an ADA sidewalk inside the site going out to the rights-of-way does not improve the access either. Catholic Charities multi-passenger vehicles can shuttle this population to appointments. While there is 747.13 feet of frontage along Hanley Road, there is no access (other than the emergency access) to the road.

- 2. Explain how the literal interpretation of the Land Development Code (LDC) would deprive the applicant of rights commonly enjoyed by other property owners in the same district and same terms of the LDC.*

The office building on the west property line of the site was conforming at the time of construction (approximately 1945 per the Property Appraiser's records). The codes have been changed over time to better meet the needs of the community. The structure will continue to be used as an office. The structure will not be increased in size or in any manner which increases the degree of nonconformity. If the structure is removed, any alternative structure will meet the minimum 10 foot setback.

The existing drive aisles and parking meet the needs of the temporary shelter facility and provide sufficient paved pedestrian access to the proposed HARTline bus stop locations. Catholic Charities owns and operates a few multi-passenger vehicles and may shuttle the

population to appointments. Parking spaces for these vehicles and parking spaces for staff and volunteers are sufficient and already exist on site. Reestablishing vegetative buffers and islands for a temporary use will be lost and the material destroyed for the construction of the permanent multi-family facility.

All of the surrounding uses are more intensive commercial/industrial uses. The character of the proposed shelter facility use does not necessitate installation of additional sidewalks, parking spaces, internal and perimeter landscaping/buffers. All of these types of permanent improvements will be installed in the future when the multi-family development project is constructed.

The adjacent use to the north (a commercial / industrial use) is a corner property abutting both Hanley Road and Hillsborough Avenue with only a 200 foot depth. This site also accesses Hillsborough Avenue as proposing an access within the first 200 feet of the intersection of an arterial road and minor arterial road would disrupt the flow of traffic. This access is 50 feet further to the south and would have much the same effect.

3. *Explain how the variance, if allowed will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.*

The adjacent uses are commercial / industrial uses developed before the buffering and sidewalk requirements were established. The requested variances will not substantially interfere or injure the rights of these property owners. The applicant proposes approval by Planned Development rezoning in order to provide adequate opportunity for public comment on the proposed shelter facility. Careful consideration was given during site selection to address compatibility with the surrounding area, avoiding a concentration of similar uses / services in any one area. Site access, the availability of public transportation services, and convenient residential access to potential employment opportunities were weighed heavily.

4. *Explain how, the variance is in harmony with and serves the general intent and purpose of the LOC and Comprehensive Plan.*

These variances are in harmony with the general intent and purpose of the LDC and Comprehensive Plan. Policy B-3.1 states, "The provision of affordable housing shall be given high priority consideration by Hillsborough County." Policy B-3.2 further states, "Development incentives shall be explored and implemented by Hillsborough County that will increase the housing opportunities for very low, and low income households that are consistent with and further the goals, objectives and policies within the Housing Element." Variances for approval of such unique circumstances are provided through the variance process by code.

5. *Explain how the situation sought to be relieved by the variance does not result from an illegal act or from the actions of the applicant (you) resulting in a self-imposed hardship.*

The need for the variances is the result of the Land Development Code not having specific written standards for the provision allowing for alternative temporary group housing facilities. The Planned Development zoning district and review process are intended to provide a public venue for addressing unique circumstances and alternative designs that

provide protection to the neighborhood, a public benefit to the community and further the public interest without violating the general intent and purpose of the LDC. The future land use is designed for intensive residential development as a possible permitted user however, no regulations were established for the use other the Planned Development.

6. *Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Code and the individual hardships that will be suffered by a failure to grant a variance.*

The allowance of this variance will result in substantial justice being done considering the public benefit of promoting and encouraging affordable housing in Hillsborough County. Failure to grant these variances could result in a reduced number of affordable housing units in the future and more homeless people on the streets of Hillsborough County in the immediate and foreseeable future.