



BOARD OF ADJUSTMENT PUBLIC HEARING AGENDA

Oldsmar Council Chamber
101 State Street West
Oldsmar, Florida

Marc Brill, Chair
Frank Chicollo, Vice-Chair
Matt Clarke, Board Member
Cleveland Smith, Board Member
Howard Steffensmeier, Board Member
Sandi Kahn, Alternate Member
Randy Collinsworth, Alternate Member

Tatiana Childress,
Planning & Redevelopment Director
Nancy Meyer, Board Attorney
Jenny Masinovsky, Deputy City Clerk

Date: **Wednesday, June 24, 2026**

Time: **6:00 PM**

Notice is hereby given that the Oldsmar Board of Adjustment will hold a meeting and Public Hearing(s) for the following purpose(s):

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

SWEARING IN PROCESS

OPEN FORUM: Each speaker will be recognized once and will be limited to a five (5) minute presentation on any subject. If any speaker has not been heard at the conclusion of the 30-minute Open Forum, the Chair may announce a continuance and they will be given an opportunity to speak at the end of the meeting.

AGENDA ITEMS AND PUBLIC HEARINGS:

1. Approval of Minutes dated April 23, 2025
Packet Page 3
2. **VAR2026-03 Variance Request (*PUBLIC HEARING ITEM*)**
Applicant's Name and Address: Christopher E. Weddle, P.E., 610 East Morgan Street, Brandon, FL 33510
Owner's Name and Address: Suncoast Oldsmar ATM Inc., 255 Capri Circle, Suite 35, Treasure Island, FL 33706
Property Location: 3502 Tampa Road, Oldsmar, FL 34677
Requested Action: A variance request to increase the maximum

permitted fence height from 3.5 feet to 8 feet, for up to 18 feet into the frontage buffer along Tampa Road, for an existing drive-through retail/restaurant use (coffee shop)

Packet Page 5

3. Adoption of Board of Adjustment Rules of Procedure

Packet Page 25

ADJOURNMENT

NOTICES

- Any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's office: telephone (813) 749-1115, email kgarcia@myoldsmar.com, or operator assistance (800) 955-8770.
- Video recordings and minutes of the meetings are available online at www.myoldsmar.com.
- To appeal any decision made by the Board, Agency or Council with respect to any matter discussed at such meeting or hearing, the person making the appeal will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, pursuant to Florida Statute 286.0105. The City does not provide verbatim transcripts. Arrangements to obtain a verbatim transcript should be made in advance with an outside agency, such as a court reporter.
- For Citizens' Open Forum and Public Hearings, personal computers and files cannot be connected to the network due to security protocols.

DOCUMENT ACCESSIBILITY STATEMENT

The City of Oldsmar is committed to making our meeting information accessible to all audiences. If there are changes we can make for easier use, or if you encounter material you cannot access, please contact the City Clerk so that we may provide a reasonable alternative way to access or obtain the information you are seeking. We endeavor to provide requested material within three to five business days of receiving the request. To contact the City Clerk, call 813-749-1115, email kgarcia@myoldsmar.com, or write to Kristin Garcia, City Clerk, Oldsmar City Hall, 100 State Street West, Oldsmar, Florida 34677.



BOARD OF ADJUSTMENT MEETING MINUTES
Oldsmar Council Chambers
101 State Street West, Oldsmar, Florida
April 23, 2025

MEMBERS PRESENT

Marc Brill, Chair; Frank Chicollo, Vice-Chair; Matt Clarke; Cleveland Smith; and Howard Steffensmeier.

MEMBERS NOT PRESENT

None

OTHERS PRESENT

Sandi Kahn (Alternate Member); Randy Collinsworth (Alternate Member); Nancy Meyer, Attorney; Tatiana Childress, Planning and Redevelopment Director; Matthew Jackson, Planning Manager; Jenny Masinovsky, Deputy City Clerk; and other interested individuals.

CALL TO ORDER

Chair Brill called the meeting to order at 6:00 PM. The Pledge of Allegiance to the Flag was recited.

OPEN FORUM

No one appeared to speak at the Open Forum.

SWEARING-IN PROCESS

All persons planning to give testimony were duly sworn by the Deputy City Clerk.

AGENDA ITEMS AND PUBLIC HEARINGS

1. Approval of minutes dated February 26, 2025

Board Member Steffensmeier made a motion, seconded by Board Member Clarke, to approve the minutes. Upon call for a vote, the motion carried unanimously.

2. Consideration of an excused absence from the February 26, 2025, meeting (Cleveland Smith)

Board Member Clarke made a motion, seconded by Board Member Steffensmeier, to excuse the absence. Upon call for a vote, the motion carried unanimously.

3. VAR 2025-04: Maximum Lot Coverage Variance (PUBLIC HEARING ITEM)

Applicant/Owner Name and Address: Kimberly Roper, 1763 Oak Pond Ct., Oldsmar, FL 34677

Property Location: 1763 Oak Pond Ct., Oldsmar, FL 34677

Requested Action: Variance to increase the maximum lot coverage from 50 percent to 59.5 percent in the R-2, Residential Single-Family District, for a pool and a deck.

Planning Manager Matthew Jackson presented the request. He indicated that the variance request was reviewed against the conditions outlined in Section 3.17.3 of the Land Development Code; and that staff recommends approval. Following the presentation, Mr. Jackson responded to questions by the members.

In response to the Chair’s call for the applicant, Kimberly Roper provided information regarding her request.

No one appeared in response to the Chair’s call for proponents to the request.

In response to the Chair's call for opponents to the request, Lindsay Lea, 1732 Mapleleaf Blvd, Oldsmar, referred to a letter and spoke against the variance, expressing various concerns. The letter was emailed to the Clerk’s Office and distributed to the members at the meeting.

Planning and Redevelopment Director Tatiana Childress provided information in response to Ms. Lea’s concerns and questions by the members.

Board Member Clarke made a motion to approve the variance, seconded by Vice-Member Chicollo. Following discussion and on a roll call vote of 5-0, Board Members Brill, Chicollo, Clarke, Smith, and Steffensmeier voted in favor.

ADJOURNMENT – 6:36 PM

Board Member Steffensmeier moved to adjourn the meeting. The motion was seconded by Board Member Clarke and carried unanimously.

Respectfully prepared and submitted by:

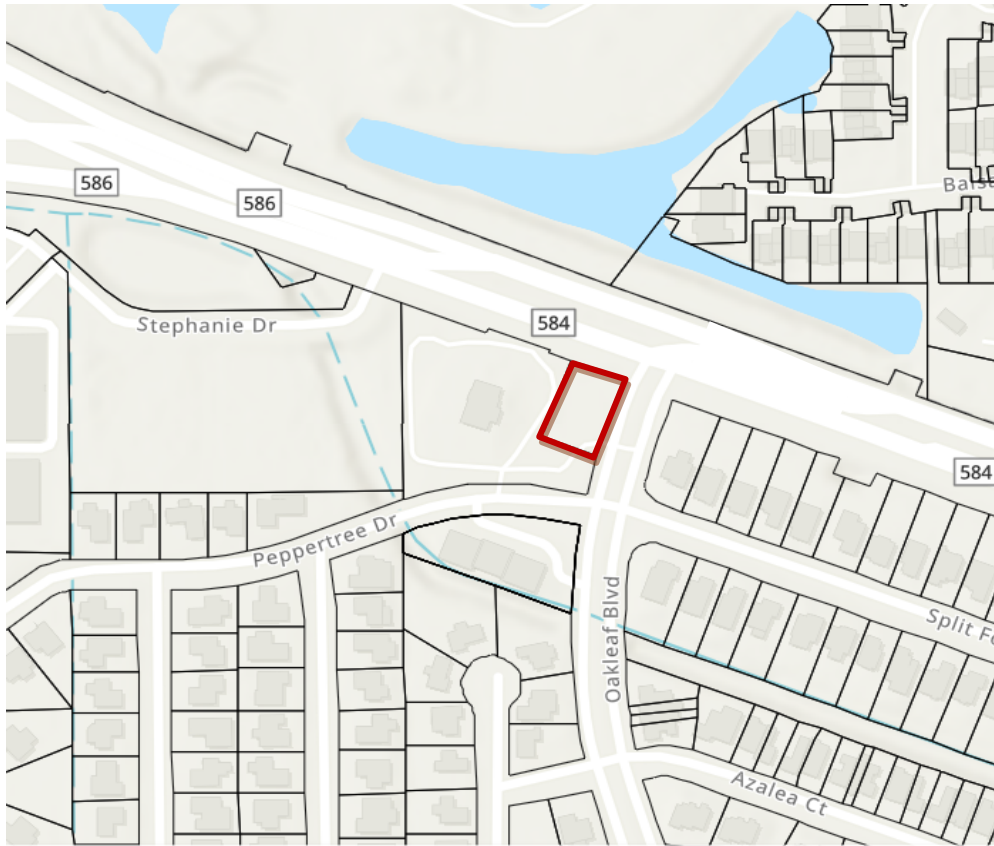


Jenny Masinovsky
Deputy City Clerk
City of Oldsmar

STAFF REPORT

TO: Felicia Donnelly, City Manager
FROM: Tatiana Childress, Planning & Redevelopment Director
DATE: June 6, 2026
SUBJECT: 3502 Tampa Road - Fence Height Variance Request
CASE NO.: VAR26-03
APPLICANT: Chris Weddle, P.E/Aurora Civil Engineering, Inc.
OWNER: Suncoast Oldsmar ATM Inc.,
LOCATION: 3502 Tampa Road

PROJECT LOCATION



REQUEST: This is a variance request to increase the maximum permitted fence height from 3.5 feet to 8 feet along the western property line, extending up to 18 feet into the front building setback along Tampa Road, for an existing drive-through coffee shop located at 3502 Tampa Road within the Residential/Office/Retail (ROR) zoning district.

BACKGROUND:

The subject property is designated Residential/Office/Retail (R/O/R) under both its zoning and Future Land Use classification and is subject to the Tampa Road Corridor Plan overlay. The site is currently developed with a drive-through retail/restaurant use (Kahwa Coffee shop). Pursuant to the Tampa Road Corridor Plan, commercial properties shall not have a fence or wall greater than 3½ feet in front of the building. Fences and walls shall be decorative, nonlinear, and architecturally compatible.

DISCUSSION: The request was reviewed against the following ten (10) conditions outlined in Section 3.17.3 of the Land Development Code (LDC). These conditions must be affirmatively shown to exist before a variance shall be granted.

1. *The special circumstances or conditions applying to the structure or premises in question are peculiar to such structure or premises and do not generally apply to other structures or premises in the vicinity.*

The applicant is requesting a variance to increase the permitted fence height from 3.5 feet to 8 feet along the western property line, extending up to 18 feet into the frontage buffer along Tampa Road. The subject property is adjacent to a car wash, with its exit oriented toward the coffee shop's drive-through order board. Noise generated by car wash air blowers from vehicles exiting the adjacent car wash interferes with communication between employees and customers at the order board, impacting the operational efficiency of the coffee shop drive-through service.

2. *The granting of the application is necessary for the preservation and enjoyment of a property right and does not merely serve as a convenience for the applicant.*

The existing building location and configuration cannot be altered, creating a site-specific hardship for the existing coffee shop.

3. *The relief or variance sought did not result from an action by the applicant or with the prior knowledge or approval of the applicant.*

The request is not the result of an action taken by the property owner. Rather, the request is attributable to circumstances existing on or adjacent to the property.

4. *The granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Code to lands, buildings or structures in the same zoning district.*

Approval of the variance would not give the applicant any special advantage, since height variances have been approved in the past.

- 5. *The variance requested is the minimum variance that would make possible the reasonable use of the land, building or structure.***

The applicant is seeking this variance for a small, specific portion of the fence, intended to address a localized condition associated with the existing structure and to facilitate its continued use.

- 6. *The request is not based primarily upon the desire of the applicant to secure a greater financial return from the property.***

The request is driven by operational conditions affecting the existing use. Specifically, noise from the adjacent car wash air blowers interferes with communication between employees and customers at the drive-through order board, creating a practical operational challenge that also affects sales.

- 7. *The granting of the variance will not be detrimental or injurious to other property or improvements in the neighborhood in which the property is located.***

The proposed fence will be located along the shared private property line between two existing commercial uses and will not impact visibility or access from the public right-of-way. As a result, the improvement is not expected to adversely affect adjacent properties or the overall character of the area. Additional landscaping will be installed to help soften the visual appearance of the fence, enhancing its compatibility with the surrounding area.

- 8. *The granting of the variance will be in harmony with, serves the general intent and purpose of, and is consistent with the countywide future land use plan, the Oldsmar comprehensive plan, and these regulations.***

Granting the variance will be in harmony with, serves the general intent and purpose of, and is consistent with the Countywide Future Land Use Plan, the Oldsmar Comprehensive Plan and these regulations.

- 9. *The granting of the variance shall not constitute an amendment to the Oldsmar comprehensive plan, the Oldsmar Land Development Code, or to the countywide comprehensive plan.***

Granting the variance will not constitute an amendment to the Oldsmar Comprehensive Plan, the Oldsmar Land Development Code, or the Countywide Comprehensive Plan.

- 10. *An amendment to another land use category under the Oldsmar comprehensive plan and the countywide future land use plan has been considered by the applicant***

and the city, and it has been determined that such an amendment would not meet the objective of the variance and would not be appropriate.

An amendment to another land use category would not be appropriate.

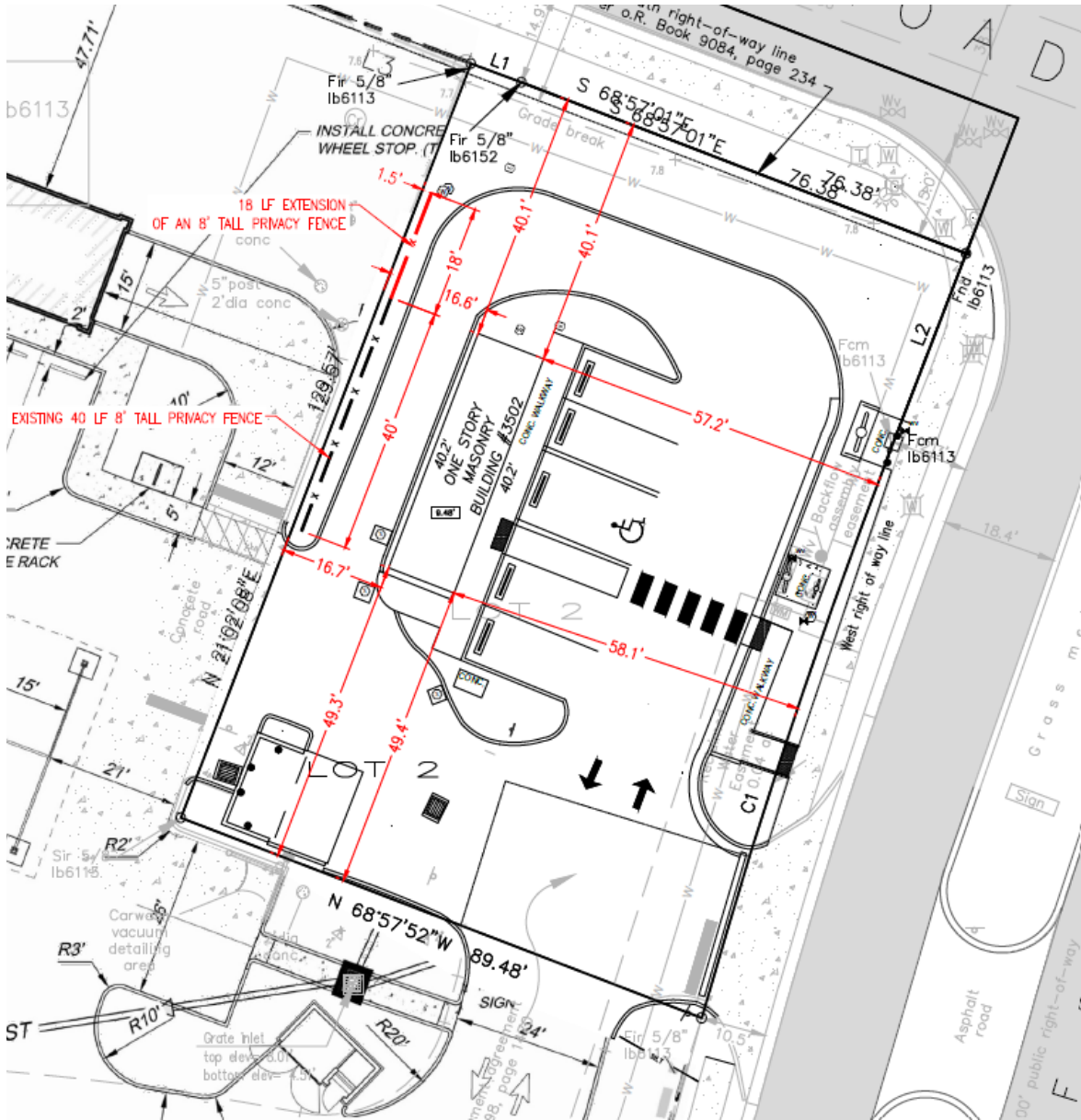
RECOMMENDATION:

Based upon the above discussion and the review against the ten conditions outlined in Section 3.17.3 of the Land Development Code (LDC), Staff recommends approval of the variance request to increase the maximum permitted fence height from 3.5 feet to 8 feet, for up to 18 feet into the front setback along Tampa Road, for an existing drive-through retail/restaurant use (coffee shop) located at 3502 Tampa Road and zoned R/O/R (Residential/Office/Retail).

AERIAL PHOTOGRAPH



SITE PLAN



LEGAL DESCRIPTION (DEED)

(AS PROVIDED)
(OFFICIAL RECORDS BOOK 20398, PAGE 1460)

COMMENCE AT THE NORTHEAST CORNER OF UNIT 11 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 71, PAGES 56-61 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 14 MINUTES AND 54 SECONDS WEST, 330.30 FEET; THENCE SOUTH 68 DEGREES 57 MINUTES 52 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 584 FOR 370.00 FEET; THENCE SOUTH 21 DEGREES 02 MINUTES 08 SECONDS WEST, 55.66 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS 1060.00 FEET, A CHORD 159.46 FEET, A DELTA 08 DEGREES 37 MINUTES 39 SECONDS, AN ARC 159.61 FEET AND CHORD BEARING SOUTH 16 DEGREES 43 MINUTES 22 SECONDS WEST; THENCE NORTH 78 DEGREES 56 MINUTES 36 SECONDS WEST, 57.24; THENCE ALONG A SURVE TO THE LEFT WITH A RADIUS 404.39 FEET, A DELTA OF 31 DEGREES 09 MINUTES AND 51 SECONDS, AN ARC 219.96 FEET, A CHORD 217.26 FEET AND CHORD BEARING SOUTH 85 DEGREES 28 MINUTES 28 SECONDS WEST; THENCE SOUTH 69 DEGREES 53 MINUTES 33 SECONDS WEST, 5.56 FEET; THENCE NORTH 00 DEGREES 14 MINUTES 54 SECONDS WEST, 15.26 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT CERTAIN PARCEL TAKEN FOR ROAD RIGHT-OF-WAY UNDER THE STIPULATED ORDER OF TAKING AND FINAL JUDGEMENT RECORDED IN O.R. BOOK 9084, PAGE 234, AND MORE PARTICULARLY DESCRIBED AS:

A PARCEL OF LAND LOCAED IN NORTHEAST 1/4 SECTION OF THE SOUTHWEST 1/4 SECTION 15, TOWNSHIP 28 SOUTH, RANGE 16 EAST, PINELLAS COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF UNIT ELEVEN, HARBOR PALMS ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 71, PAGES 57-61 INCLUSIVE OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA BEING A CONCRETE MONUMENT WITH A DISC MARKED 1762; THENCE NORTH 00 DEGREES 14 MINUTES 26 SECONDS WEST, 299.77 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 14 MINUTES 26 SECONDS WEST, 30.35 FEET ALONG THE EASTERLY BOUNDARY OF CURLEW CENTRE ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 107, PAGES 32-34 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 584 (TAMPA ROAD); THENCE SOUTH 68 DEGREES 56 MINUTES 36 SECONDS EAST, 370.12 FEET ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF OAKLEAF BLVD ACCORDING TO THE HARBOR PALMS UNIT ONE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 67, PAGE 88 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE SOUTH 20 DEGREES 41 MINUTES 12 SECONDS WEST, 23.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID OAKLEAF BLVD; THENCE NORTH 68 DEGREES 56 MINUTES 36 SECONDS WEST, 76.71 FEET; THENCE NORTH 69 DEGREES 36 MINUTES 28 SECONDS WEST, 45.81 FEET; THENCE NORTH 21 DEGREES 03 MINUTES 24 SECONDS EAST, 5.0 FEET; THENCE NORTH 69 DEGREES 36 MINUTES 28 SECONDS WEST, 100.01 FEET; THENCE SOUTH 21 DEGREES 03 MINUTES 24 SECONDS WEST, 7.00 FEET; THENCE NORTH 69 DEGREES 36 MINUTES 28 SECONDS WEST, 136.74 FEET TO THE POINT OF BEGINNING.

LEGEND:

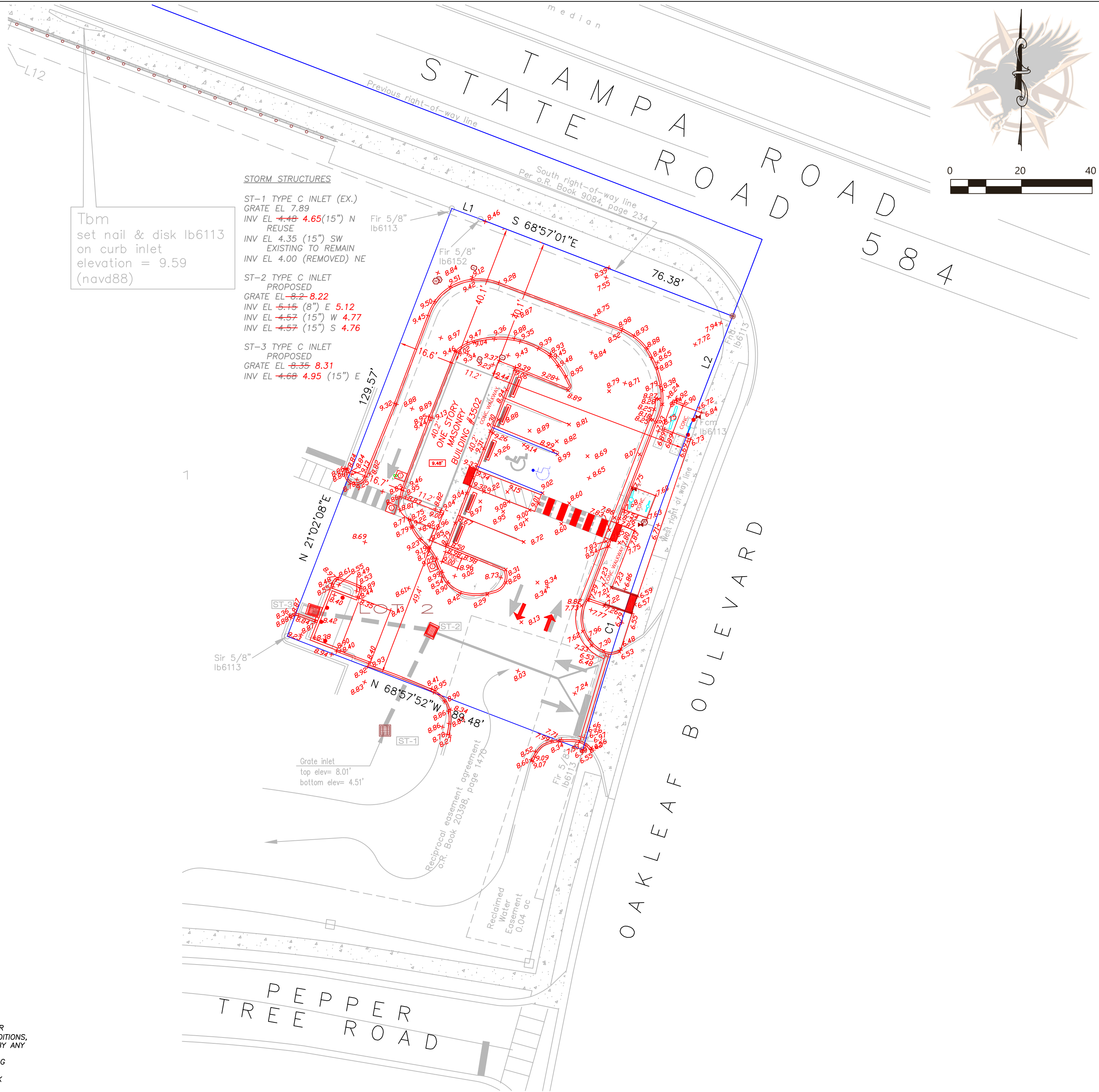
A/C	AIR CONDITIONER	ID.	IDENTIFICATION
B.F.E.	BASE FLOOD ELEVATION	I.C.V.	IRRIGATION CONTROL VALVE
BLK	BLOCK	INV.	INVERT
B.W.F.	BARBED WIRE FENCE	L.P.	LIGHT POLE
BM	BENCHMARK	L.B.	LICENSED BUSINESS
B.P.	BRICK PAVERS	L.S.	LAND SURVEYOR
C.O.	CLEAN OUT	M.E.S.	MITERED END SECTION
CL.F.	CHAIN LINK FENCE	M.L.P.	METAL LIGHT POLE
C	CALCULATED	M.S.	METAL SHED
C.I.	CURB INLET	N.C.F.	NO CORNER FOUND OR SET
C.M.P.	CORRUGATED METAL PIPE	N/R	NOT RECOVERABLE
COR.	CORNER	N.T.S.	NOT TO SCALE
CONC.	CONCRETE	O/A	OVER ALL
C.B.	CONCRETE BLOCK	O.R.B.	OFFICIAL RECORDS BOOK
C.S.W.	CONCRETE SIDEWALK	P	PLAT
C.P.P.	CORRUGATED PLASTIC PIPE	PG.	PAGE(S)
C.E.	COVERED ENTRY	P.B.	PLAT BOOK
D	DEED	P.C.P.	PERMANENT CONTROL POINT
D.B.	DEED BOOK	P.E.	POOL EQUIPMENT
EBX.	ELECTRIC BOX	P.R.M.	PERMANENT REFERENCE MONUMENT
EL.	ELEVATION	P.O.B.	POINT OF BEGINNING
ELEV.	ELEVATION	P.O.C.	POINT OF COMMENCEMENT
EM.	ELECTRIC METER	P.S.M.	PROFESSIONAL SURVEYOR & MAPPER
EMP.	ELECTRIC METER POLE	P.V.C.	POLYVINYL CHLORIDE
E.P.	EDGE OF PAVEMENT	R.C.P.	REINFORCED CONCRETE PIPE
E.O.P.	EDGE OF PAVEMENT	R/W	RIGHT-OF-WAY
E.O.W.	EDGE OF WATER	S.M.N.&D.	SET MAG NAIL & DISK L.B. #7936
E.P.C.	ENVIRONMENTAL PROTECTION COMMISSION	S.C.I.R.	SET CAPPED IRON ROD L.B. #7936
E.R.C.P.	ELLIPTICAL REINFORCED CONCRETE PIPE	S.C.M.	SET CONCRETE MONUMENT L.B. #7936
F	FIELD	S/W	SIDEWALK
F.F.	FINISHED FLOOR	S.W.F.W.M.D.	SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
F.F.E.	FINISHED FLOOR ELEVATION	T.B.M.	TEMPORARY BENCHMARK
F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION	T.O.B.	TOP OF BANK
F.C.M.	FOUND CONCRETE MONUMENT	T.O.S.	TOE OF SLOPE
F.I.R.	FOUND IRON ROD	TYP.	TYPICAL
F.C.I.R.	FOUND CAPPED IRON ROD	V.C.P.	VITRIFIED CLAY PIPE
F.I.P.	FOUND IRON PIPE	V.F.	VINYL FENCE
F.C.I.P.	FOUND CAPPED IRON PIPE	WIT. COR.	WITNESS CORNER
FND.	FOUND	W.F.	WOOD FENCE
F.N.	FOUND NAIL	W.L.P.	WOOD LIGHT POLE
F.P.K.N.&D.	FOUND PARKER KALON NAIL & DISK	W.S.	WOOD STEPS
F.R.R.S.	FOUND RAIL ROAD SPIKE	W.U.P.	WOOD UTILITY POLE
H.D.P.E.	HIGH-DENSITY POLYETHYLENE		

SYMBOLS LEGEND:

	BACK FLOW PREVENTION DEVICES		IRRIGATION CONTROL VALVE		WATER VALVE
	ELECTRIC BOX		SEWER VALVE		
	GRATE TOP INLET		WATER METER		

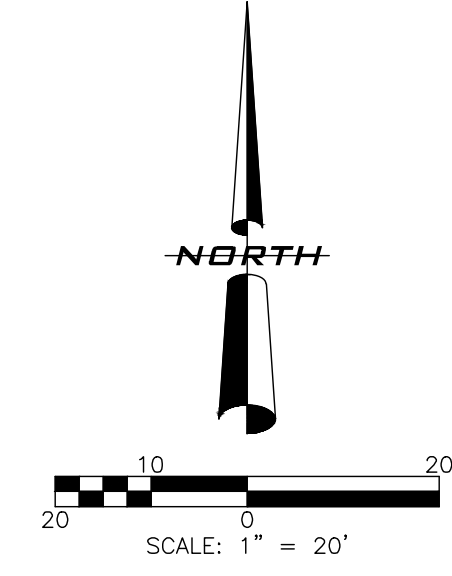
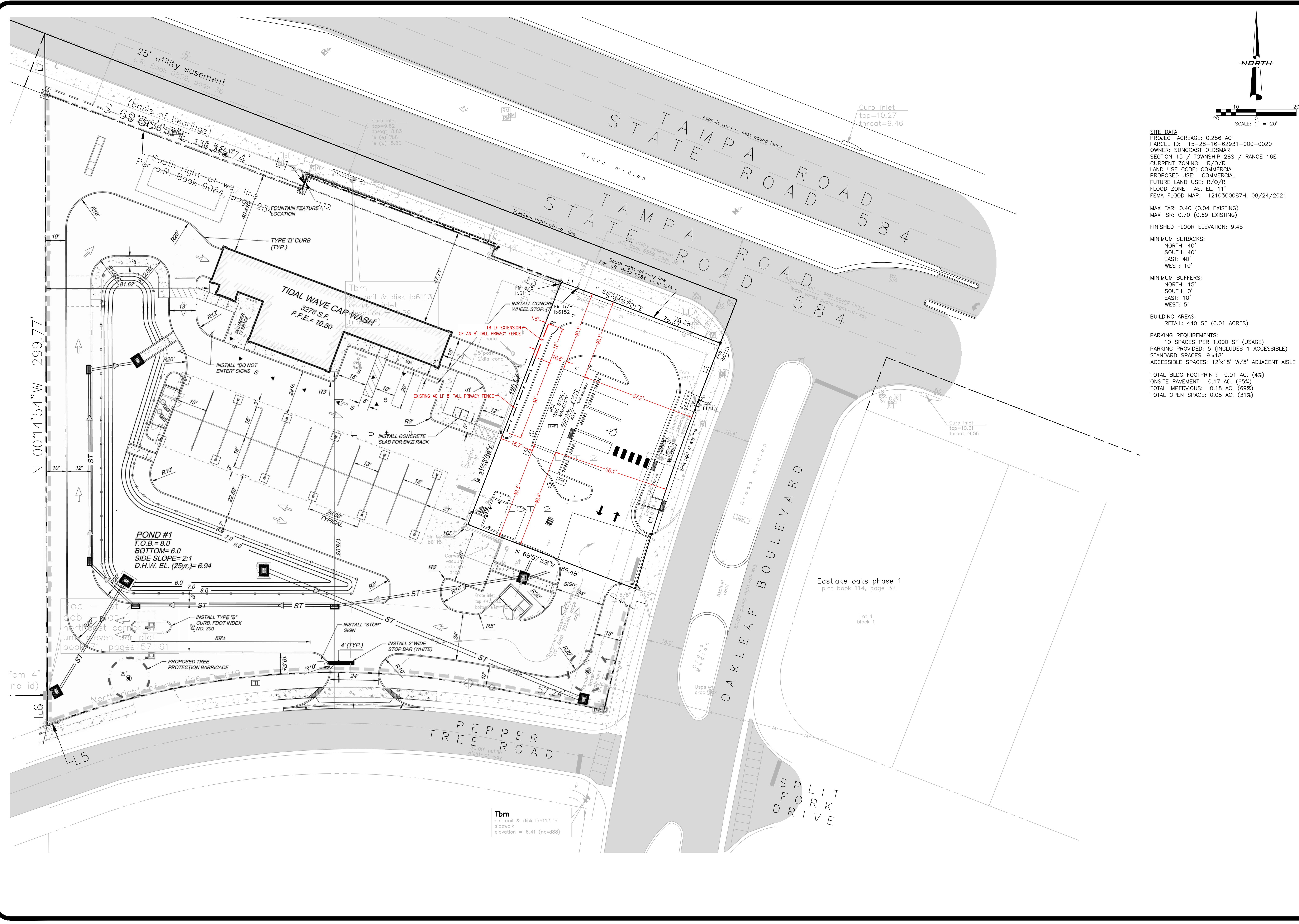
SURVEYORS NOTES:

- THIS SURVEY IS LIMITED TO ABOVE GROUND VISIBLE IMPROVEMENTS ALONG AND NEAR THE BOUNDARY LINES, NO UNDERGROUND FOUNDATIONS, STRUCTURES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. MICHAEL D. CROW & ASSOCIATES, INC. MAKES NO REPRESENTATIONS OR GUARANTEES PERTAINING TO EASEMENTS, ENCUMBRANCES, RIGHTS-OF-WAYS, RESERVATIONS, AGREEMENTS AND OTHER SIMILAR MATTERS.
- SEE LEGEND FOR SYMBOLS AND/OR ABBREVIATIONS USED HEREON.
- BEARINGS SHOWN HEREON BASED ON THE CONSTRUCTION PLANS (W. LINE SUBJECT PARCEL BEING N 21°02'08"E).
- THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER OR VERIFIED ELECTRONIC DIGITAL SIGNATURE AND SEAL AND IS ONLY FOR INFORMATIONAL PURPOSES UNLESS SO VALIDATED.
- PURPOSE OF SURVEY: AS-BUILT. THIS IS NOT A BOUNDARY SURVEY.
- THIS SURVEY DOES NOT REFLECT NOR DETERMINE OWNERSHIP.
- NO WETLAND JURISDICTIONAL AREAS OR OTHER TOPOGRAPHIC FEATURES HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
- THE SIGNING SURVEYOR OR MICHAEL D. CROW & ASSOCIATES, INC. CANNOT BE RESPONSIBLE FOR ANY ADDITIONS, DELETIONS OR ALTERATIONS TO THE SUBJECT PROPERTY, TO THE IMPROVEMENTS THEREON, OR TO THE SURVEY MONUMENTS THAT MAY OCCUR AFTER HE/SHE LEAVES THE SITE. THIS SURVEY MAP OR REPORT IS THE PROPERTY OF MICHAEL D. CROW & ASSOCIATES, INC. AND ANY ADDITIONS, DELETIONS OR ALTERATIONS BY ANY OTHER THAN THE SIGNING SURVEYOR IS STRICTLY PROHIBITED. THE RE-USE OF THIS SURVEY BY ANY THIRD PARTY FOR PURPOSE OTHER THAN WHICH IT WAS INTENDED IS STRICTLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF VERIFICATION OF THE ORIGINAL SIGNING SURVEYOR. ANY RE-USE WILL BE AT SOLE RISK AND WITHOUT ANY LIABILITY TO THE SIGNING SURVEYOR OF THEIR REPRESENTING FIRM.
- THE USE OF THIS SURVEY FOR PURPOSES OTHER THAN INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREON SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
- THIS SURVEY MEETS THE "STANDARD OF PRACTICE" SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.
- THE HORIZONTAL AND VERTICAL INFORMATION SHOWN HEREON IS PER THE CONSTRUCTION PLANS AS PROVIDED BY THE CLIENT.



KAHWA COFFEE OLDSMAR

DWG. NO.: 240901-ASB	LAST DATE OF FIELDWORK: 01/30/2025	DRAWN BY: JB	DATE PREPARED: 02/11/2025	FIELD CREW: DC, CH	CHECKED BY: BT	REVISIONS: ADDITIONAL LOCATION, JB 4/21/25
SHEET # 1 OF 1 SHEET	FLOOD ZONE DESIGNATION THIS PARCEL APPEARS TO BE LOCATED IN FLOOD ZONE(S): "AE" PER THE FLOOD INSURANCE RATE MAP FOR: PINELLAS COUNTY, FLORIDA COMMUNITY PANEL: # 12103C 0087 H DATED: 08/24/2021 (BASE FLOOD ELEVATION: 11')	SURVEY DATUM HORIZONTAL DATUM NAD 83 VERTICAL DATUM NAVD 88	Michael D. CROW & ASSOCIATES INC. CERTIFICATE OF AUTHORIZATION # 7936 509-B W. ALEXANDER STREET, PLANT CITY, FL 33563 PHONE: (813) 754-0505 * EMAIL: CROWSURVEYING@GMAIL.COM		ASBUILT SURVEY FOR AEC SERVICES, INC.	PROPERTY ADDRESS: 3502 TAMPA RD., OLDSMAR, FL 34677 CERTIFIED TO: AEC SERVICES, INC. MICHAEL D. CROW, P.S.M., #5761 FLORIDA PROFESSIONAL SURVEYOR & MAPPER



SITE DATA
 PROJECT ACREAGE: 0.256 AC
 PARCEL ID: 15-28-16-62931-000-0020
 OWNER: SUNCOAST OLDSMAR
 SECTION 15 / TOWNSHIP 28S / RANGE 16E
 CURRENT ZONING: R/O/R
 LAND USE CODE: COMMERCIAL
 PROPOSED USE: COMMERCIAL
 FUTURE LAND USE: R/O/R
 FLOOD ZONE: AE, EL. 11'
 FEMA FLOOD MAP: 12103C0087H, 08/24/2021

MAX FAR: 0.40 (0.04 EXISTING)
 MAX ISR: 0.70 (0.69 EXISTING)

FINISHED FLOOR ELEVATION: 9.45

MINIMUM SETBACKS:
 NORTH: 40'
 SOUTH: 40'
 EAST: 40'
 WEST: 10'

MINIMUM BUFFERS:
 NORTH: 15'
 SOUTH: 0'
 EAST: 10'
 WEST: 5'

BUILDING AREAS:
 RETAIL: 440 SF (0.01 ACRES)

PARKING REQUIREMENTS:
 10 SPACES PER 1,000 SF (USAGE)
 PARKING PROVIDED: 5 (INCLUDES 1 ACCESSIBLE)
 STANDARD SPACES: 9'x18'
 ACCESSIBLE SPACES: 12'x18' W/5' ADJACENT AISLE

TOTAL BLDG FOOTPRINT: 0.01 AC. (4%)
 ONSITE PAVEMENT: 0.17 AC. (65%)
 TOTAL IMPERVIOUS: 0.18 AC. (69%)
 TOTAL OPEN SPACE: 0.08 AC. (31%)

NO.	REVISIONS	DATE	BY	DESCRIPTION
1				
2				
3				
4				
5				

DRAWN BY: AARON SILVERBERG
 CHECKED BY: CHRIS WEDDE
 DATE: 4-28-2026
 JOB NO.: 26-130

OVERALL SITE PLAN

KAHWA COFFEE OLDSMAR
 SUNCOAST RETAIL DEVELOPERS, INC.
 10000 W. WINDY HILL BLVD. SUITE 105
 TREASURE ISLAND, FLORIDA 33706

AUTRORA
 CIVIL ENGINEERING, INC.
 610 E. Morgan Street Brandon, FL 33510 (813)643-9907

This item has been digitally signed and sealed by
 Christopher E. Wedde, P.E.
 AARON SILVERBERG
 CERTIFICATE OF AUTHORIZATION NO. 00009999



CITY OF OLDSMAR
 100 State Street West
 Oldsmar, Florida 34677-3655
 (813) 749-1100
 Email: Planredev@myoldsmar.com
 Website: www.myoldsmar.com

Date Received

Application No.

Fee Received By

Receipt No.

APPLICATION FOR VARIANCE

NOTICE TO APPLICANT

1. Processing will not be started, and the application will not be officially accepted until all the following items have been completed. Application must be submitted no later than the first working day of the month to be on that month's Board of Adjustment hearing agenda.

The applicant or his/her authorized representative must be present at any requested meeting and any requested public hearing considering the application and it is the duty of the applicant or his/her authorized representative to obtain the time, date, and place of all public hearings and/or meetings at the Office of the City Clerk. Failure to appear shall be sufficient cause to deny the request due to lack of evidence.

2. **Electronic Plan Submittal:** Please submit an electronic disc (CD) in PDF format containing the application, attachments and all plans. In addition, submit sixteen (16) paper copies of the same. (Additional copies may be requested.)

A. APPLICATION: The application must be complete and accompanied by the filing fee which is non-refundable, engineering fees if applicable, must also be paid at the time of submittal.

FEE: \$250.00. Advertising fee - \$350. Additional requests for the same property - \$75.00 per request. Project in the **CRA** FEE \$100.00.

B. SITE PLAN: Folded, signed, sealed and to scale indicating present and proposed structures and setbacks.

C. CONTIGUOUS LAND STATEMENT: State as to whether or not the owner applicant has a proprietary interest, or in any way has other contractual interest in any land which is contiguous to the land which is the subject of this request. If so, also attach a legal description of the property and identify as "Additional Land Holdings in the Area". State the interest in such land.

D. CERTIFICATE OF OWNERSHIP: Submit a certificate from a duly licensed title or abstract company or a licensed attorney-at-law showing that the owner is the present titleholder of record. **(WARRANTY DEEDS, TITLE INSURANCE DOCUMENTS, TAX RECEIPTS, ETC., ARE NOT ACCEPTABLE AS PROOF OF OWNERSHIP)**

E. CERTIFICATE FROM OWNER OF RECORD: Certificate from the owner of record that the applicant has the authority to submit this application if the applicant is not the property owner (See page four of this application).

F. LIST OF SURROUNDING PROPERTY OWNERS WITHIN 200' ON LABELS: This may be obtained from the Pinellas County Property Appraisers Office by completing a Bounded or Locus label request.

G. LEGAL DESCRIPTION OF THE PROPERTY: Please include this with the application.

H. CERTIFIED BOUNDARY SURVEY OF THE PROPERTY: Survey must be current, within the last 12 months, and sealed. For fences and accessory structures, except swimming pools, the current survey is per Section 3.3.2.2.2 of Article III of the Land Development Code of the City of Oldsmar.

APPLICANT/OWNER INFORMATION

Applicant Name

Applicant Mailing Address

Owner Name

Owner Mailing Address

Telephone No.

E-mail

FAX No.

Telephone No.

E-mail

FAX No.

PROPERTY INFORMATION

Present Zoning

Property Size in Acres

Property Street Address

Present Use

Parcel ID No.
& Legal
Description

Number of structures on property at present

Statement of
proposed use

Statement of
items believed
to justify the
request

PHYSICAL FEATURES AND FLOODING

List any outstanding Physical Features of the property (i.e. Soils, Topography, Wetlands, or other Preservation or Conservation Designations).

Does any part of the property lie under water or in a 100 year flood zone?

YES

NO

Base Flood Elevation

If Yes, Provide relevant details

CERTIFICATION

I HEREBY CERTIFY that I have read and understand the contents of this application, and that this application together with all supplemental data and information is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below. It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; and further that if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the use of the subject property.

Date

Signature of owner or owner's authorized representative

Certificate from Owner of Record

This page is only to be completed if the property owner is not the applicant.

1. Please provide the names of all property owners

SUNCOAST OLDSMAR ATM, INC.

2. That (I am/we are) the property owner(s) and record title holder(s) of the following described property.
(Please provide legal description, address or general location)

OAKLEAF COMMERCIAL LOT 2

3. That this property constitutes the property for which the variance request is made.
(State the nature of the request)

REQUESTING TO EXTEND THE FENCE ON THE WEST SIDE OF THE E

4. That the undersigned (has/have) appointed and (does/do) appoint the following as (his/her/their) agent(s) to execute any petitions or other documents necessary to affect such petition.

AURORA CIVIL ENGINEERING

5. That this affidavit has been executed to induce the City of Oldsmar, Florida to consider and act on the above described property; and that (I/we), the undersigned authority, hereby certify that the foregoing is true and correct.

David Owen, Pres

Property Owner's Signature

Property Owner's Signature

Print Form

Reset Form

Contiguous Land Statement

Check statement that applies:

The owner has a proprietary or contractual interest in any land which is contiguous to the land subject to this request. If so, also attach a legal description of the property and identify as "Additional land Holding in the Area". State the interest in said land

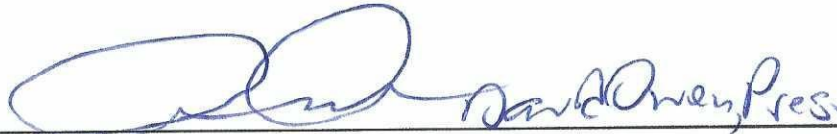
or

The owner does not have propriety or contractual interest in any land which is subject to this request.

Owner Name SUNCOAST OLDSMAR ATM, INC.

Subject Property Street Address 3502 TAMPA ROAD

Property Parcel ID # 15-28-16-62931-000-0020



David Owen, Pres.

Signature of Owner/Agent/Owner's Representative

SUNCOAST OLDSMAR ATM, INC.

AUTHORIZATION TO ACT AS OWNER'S AGENT

Mr. Chris Weddle
Aurora Civil Engineering, Inc.
610 E. Morgan Street
Brandon, FL 33510

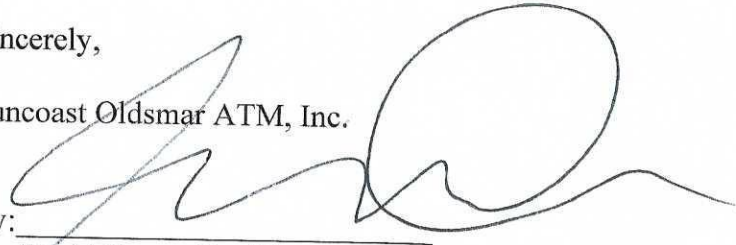
Re: Lot 2, Oakleaf Commercial, situated at the southwest corner of the intersection of Tampa Road & Oakleaf Blvd., Oldsmar, Florida

To Whom it May Concern:

This letter shall constitute the Owner's authorization for Chris Weddle of Aurora Civil Engineering, Inc. to act as Owner's agent to sign and file applications with the appropriate governmental authorities and permits for developing the referenced property for a retail store including, without limitation, site plan approval, water management district permits, Florida DOT permits, the City of Oldsmar and Pinellas County Development Orders and permits and utility approvals.

Sincerely,

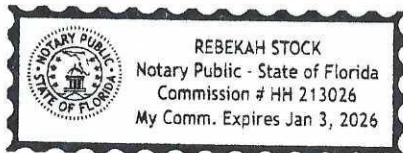
Suncoast Oldsmar ATM, Inc.

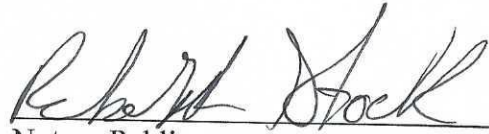
By: 
David Owen, President

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to and subscribed before me this 8th day of May, 202 by David Owen, as President of SunCoast Oldsmar ATM, Inc. a Florida corporation on behalf of said corporation. The person [is known by me] [has produced FLIX 0500 173 67 4520 as identification] and as such [did] [did not] take an oath.

cap 12-12-24




Notary Public

Print Name: Rebekah Stock

Commission Expires: Jan 3, 2026



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

1410 N. Westshore Blvd. Ste. 800
 Tampa, FL 33607
 Phone: 813-228-0555
 Fax: 866 596-8764

OWNER & ENCUMBRANCE PROPERTY INFORMATION REPORT

Agent File No.: 3502 Tampa Road

File No: 26049003

SunCoast Retail Developers, Inc.
 255 Capri Circle North, Suite 35
 Treasure Island, FL 33706
 Phone: 727-415-2952

ATTN: David M. Owen, Jr.

THIS TITLE SEARCH IS AN OWNERSHIP AND ENCUMBRANCE SEARCH ONLY AND DOES NOT REFLECT TITLE DEFECTS OR OTHER MATTERS THAT WOULD BE SHOWN BY TITLE INSURANCE.

Legal Description:

See Attached Legal Description

Last Record Title Holder:

SUNCOAST OLDSMAR ATM, INC., a Florida corporation, by virtue of that Special Warranty Deed recorded January 15, 2019 in Official Records Book 20398, Page 1458, of the Public Records of Pinellas County, Florida.

NOTE: There was a less-out of the property described in the above deed, recorded January 15, 2019 in Official Records Book 20398, Page 1461, of the Public Records of Pinellas County, Florida.

Documents of Record (copies attached):

1. Plat of HARBOR PALMS UNIT ELEVEN, recorded November 11, 1973 in Plat Book 71, Page 57, of the Public Records of Pinellas County, Florida.
2. Plat of OAKLEAF COMMERCIAL, recorded January 29, 2020 in Plat Book 144, Page 13, of the Public Records of Pinellas County, Florida.
3. Reciprocal Easement Agreement by and between TW OLDSMAR – TAMPA ROAD, LLC, a Florida limited liability corporation (“Olson”), and SUNCOAST OLDSMAR ATM, INC., a Florida corporation (“SunCoast”) recorded January 15, 2019 in Official Records Book 20398, Page 1470, of the Public Records of Pinellas County, Florida.

4. Reclaimed Water Easement Grant in favor of City of Oldsmar, its affiliates, licensees, agents, successors, and assigns, recorded August 17, 2020 in Official Records Book 21124, Page 1576; as affected by that Reclaimed Water Easement Grant recorded August 17, 2020 in Official Records Book 21124, Page 1580, all of the Public Records of Pinellas County, Florida.
5. Mortgage executed by SUNCOAST OLDSMAR ATM, INC., (Grantor/Mortgagor), in favor of Cogent Bank, (Lender/Mortgagee), recorded August 13, 2024 in Official Records Book 22890, Page 2255, of the Public Records of Pinellas County, Florida.
6. Assignment of Rents executed by SUNCOAST OLDSMAR ATM, INC. (Grantor/Assignor), in favor of Cogent Bank, (Lender/Assignee), recorded August 13, 2024 in Official Records Book 22890, Page 2264, of the Public Records of Pinellas County, Florida.
7. Easement in favor of TAMPA ELECTRIC COMPANY, a Florida corporation, its successors and assigns, recorded April 18, 2025 in Official Records Book 23134, Page 1185, of the Public Records of Pinellas County, Florida.
8. Memorandum of Lease by and between SUNCOAST OLDSMAR, ATM, INC., a Florida corporation, (Landlord), and KAHWA OLDSMAR, LLC, a Florida limited liability company, (Tenant), recorded September 19, 2025 in Official Records Book 23301, Page 2229, of the Public Records of Pinellas County, Florida.

NOTE: Recorded Notice of Environmental Resource Permit, recorded August 14, 2018 in Official Records Book 20166, Page 2595, of the Public Records of Pinellas County, Florida.

Period Searched:

From April 16, 1996 to April 16, 2026 @ 8:00 AM.

Tax Information:

Taxes for the year 2025 in the gross amount of \$2,671.37 are Paid under Tax ID Number 15-28-16-62931-000-0020.

[Support Copies](#)

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY does not assume any liability as to any, restrictions, easements, reservations, conditions, or limitations of record, further this report does not cover any improvement or special assessments by any county or municipal governmental agency.

This report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

Date: April 28, 2026



Ben Gallagher, Commercial Title Examiner

EXHIBIT APARCEL 1 (FEE SIMPLE ESTATE):

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 28 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF UNIT ELEVEN, HARBOR PALMS ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 71, PAGES 57-61 INCLUSIVE OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA: THENCE N.00°14'54"W., 299.77 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 584 (TAMPA ROAD); THENCE ALONG SAID RIGHT-OF-WAY LINE, S.69°36'53"E., 136.74 FEET: THENCE N.21°02'59"E., 7.00 FEET: THENCE S.69°36'53"E., 100.01 FEET: THENCE S.21°02'59"W., 5.00 FEET: THENCE S.69°36'53"E., 37.18 FEET FOR THE POINT OF BEGINNING: THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, S.69°36'53"E., 8.63 FEET; THENCE S.68°57'01"E., 76.38 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF OAKLEAF BOULEVARD; THENCE ALONG SAID RIGHT-OF-WAY LINE, S.21°02'08"W., 32.40 FEET TO A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 1060.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE, 97.39 FEET THROUGH A CENTRAL ANGLE OF 5°15'50"(CHORD BEARING S.18°24'16"W., 97.35 FEET); THENCE LEAVING SAID LINE, N.68°57'52"W., 89.48 FEET: THENCE N.21°02'08"E., 129.57 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 584 AND THE POINT OF BEGINNING.

ALSO DESCRIBED AS:

LOT 2, OAKLEAF COMMERCIAL, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 144, PAGE 13, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

PARCEL 2 (EASEMENT ESTATE):

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF THE ABOVE-DESCRIBED PARCEL 1 AS CREATED BY AND SET-FORTH IN THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN TW-OLDSMAR - TAMPA ROAD, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND SUNCOAST OLDSMAR ATM, INC., A FLORIDA CORPORATION, RECORDED JANUARY 15, 2019 IN OFFICIAL RECORDS BOOK 20398, PAGE 1470, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.



MIKE TWITTY, MAI, CFA
Pinellas County Property Appraiser

www.pcpao.gov

mike@pcpao.gov

Run Date: 10 Apr 2026

Subject Parcel: 15-28-16-62931-000-0020

Radius: 200 feet

Parcel Count: 13

Total pages: 2

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

MCCASKEY, ROBERT J
MCCASKEY, MARGARET E
1701 SPLIT FORK DR
OLDSMAR, FL 34677

YOUNG, AYLWYN S SR
YOUNG, DONNA E
1700 SPLIT FORK DR
OLDSMAR, FL 34677

VIRANI, AZIM AMINMAHOMED
VIRANI, KHAISER
1703 SPLIT FORK DR
OLDSMAR, FL 34677

STROSS, HOWARD C
1803 PEPPER TREE DR
OLDSMAR, FL 34677

JG & JG PEPPERTREE LLC
1811 PEPPER TREE DR
OLDSMAR, FL 34677

J G AND J G PEPPERTREE LLC
1807 PEPPER TREE DR
OLDSMAR, FL 34677

MDC COASTAL 1 LLC
3500 TAMPA RD
OLDSMAR, FL 34677

E LK WDLNDS CLUSTER HM IMP ASSN UN 5
TAMPA RD
OLDSMAR, FL 34677

JG & JG PEPPERTREE LLC
1809 PEPPER TREE DR
OLDSMAR, FL 34677

J G AND J G PEPPERTREE LLC
1805 PEPPER TREE DR
OLDSMAR, FL 34677

PEPPER TREE PROF CENTRE OFFICE CONDO
OAKLEAF BLVD
OLDSMAR, FL 34677

SPIRIT REALTY LP
TAMPA RD
OLDSMAR, FL 34677

STROSS, HOWARD C
1801 PEPPER TREE DR
OLDSMAR, FL 34677

CITY OF OLDSMAR BOARD OF ADJUSTMENT

Rules of Procedure

1. **Purpose**

The Board of Adjustment was established to hear and decide requests for variances from specific requirements of the Oldsmar Code of Ordinances and to hear and decide when it is alleged that there is an error in any requirement, decision or determination made by the community development director in the administration of the Code.

2. **Meetings Date/Time/Location**

Regular meetings are held on the 4th Wednesday of each month, at 6:00 p.m., in the City Council Chambers, unless there are no items for the agenda. Meetings that are not regularly scheduled shall not be held without at least seven days' notice to each member. The Board of Adjustment shall have the power to swear in witnesses, take testimony under oath, and compel the attendance of witnesses.

3. **Membership**

The Board consists of five members appointed by the City Council, each for a term of three years. All members must be electors of the City. There shall also be appointed two alternate members to three-year terms and should be contacted in rotation in the event that any regular member of the Board is unable to attend a meeting. Alternate members may attend such meeting in the place of an absent member and shall be fully entitled to participate in all matters before the Board.

No member of the Board shall hold any other public position or office in the government of Oldsmar. Members shall be appointed from among registered voters in a position to represent the public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. Each member shall be individually considered for appointment by the City Council and possess professional training or experience in planning, law, and/or development control.

4. **Vacancies**

Vacancies shall be filled by appointment by the City Council for the unexpired term of the member affected within not more than 45 days after such vacancy occurs. It shall be the duty of the Board chairman to notify the mayor within ten days after any vacancy shall occur among members. Members may be removed from office for cause by the affirmative votes of three members of the City Council upon written charges and public hearing, if the affected member requests such public hearing.

5. **Appointment Process**

If a board member resigns, passes away, or chooses not to seek reappointment at the end of their term, an interested alternate member may be considered for appointment to the vacant regular position by the City Council. If more than one alternate member expresses interest, the alternate with the longest tenure will be given priority for consideration. If multiple alternates have equal

tenure, the board will discuss the vacancy at a meeting and provide a recommendation to the City Council.

In the event there is no alternate member wishing to be appointed as a regular member or if the vacant seat is for an alternate member, the seat to be vacated will be publicized. Applicants who meet requirements for the seat at issue will be interviewed and appointed by the City Council.

6. **Attendance**

Any member of the Board who fails to attend two meetings during a calendar year shall forfeit their board position unless excused by the Board. Any absence will be placed on the next meeting agenda for the Board to consider excusing the absence. Any reason for excusal of the absence should be provided to the City Clerk as soon as possible.

Attendance of Board meetings is critical. The City Clerk tracks absences. Board Members should contact the City Clerk/Deputy City Clerk ahead of time if they will miss a meeting so that arrangements with an alternate member can be made to ensure quorum.

7. **Quorum/Voting/Motions**

A majority of members (3) shall constitute a quorum. All matters related to Board business shall be resolved by the vote of a majority of the members present, provided that a quorum is present.

Motions should be clearly stated for the record and be done by voice vote (unless a roll call is requested by any member) and are recorded by the Clerk's Office in the minutes of the meeting. A roll call is not required for any items, as long as votes are clearly stated for the record.

8. **Conflict of Interest**

Each Board Member who is present at a meeting must vote on each official action before them.

If there is a conflict of interest at play, the member must disclose the nature of the interest, abstain from voting and discussion on the item, and complete a designated Florida Commission on Ethics Form 8b (Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers). The City Clerk/Deputy City Clerk will assist Board Members with the form which then becomes attached to the meeting record.

9. **Powers and Duties**

- ***Administrative review:*** To hear and decide appeals where it is alleged there is error in any order, decision or determination of the community development director in the administration of the Code of Ordinances regulations pertinent to the Board of Adjustment.
- ***Variances:*** To evaluate and render a decision on applications for variances.
- ***Reversal of order, decision, or requirement of director:*** In matters of review a majority vote, which shall consist of the concurring votes of three members, shall be necessary to reverse any order, requirement, decision, or determination of the community development director or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations.

10. **Quasi-Judicial Process**

Quasi-judicial proceedings occur when a property owner applies to the Board for a variance, special exception, or site plan approval. The Board evaluates these applications using the specific criteria and standards established in the ordinances.

In these matters, the Board applies the facts of the case to the ordinance standards and makes a decision. Because the process resembles a court proceeding, it is considered “quasi-judicial.” In a quasi-judicial proceeding, the Board may **not** consider the popularity of a request. It may consider **only competent and substantial evidence**:

- *Competent* evidence is given by someone qualified as an expert on the subject.
- *Substantial* evidence is relevant, credible, and sufficient to support a decision.

11. **Appeals from decisions of the Board of Adjustment**

Any person aggrieved by the decision of the Board of Adjustment may seek judicial review of such decisions by filing a notice of appeal, in the form prescribed by the Florida Appellate Rules, in the circuit court, within 30 days of the decision being appealed. The decision of the Board of Adjustment shall be considered final administrative action, and shall only be subject to review based upon the record established at the hearing before the Board.

12. **Minutes and Public Records**

The City Clerk shall keep a record of the Board's proceedings, showing the vote of each member (including the chairman or vice-chairman) or if absent, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be a public record and filed immediately in the office of the City Clerk. Any handouts distributed at the meeting should be provided to the City Clerk for the record.

13. **Chair and Officers**

The Board shall select a chairman and vice-chairman annually from among its members and may create and fill such other offices as it may determine. It shall provide itself with a secretary, either by election from its members or by appointment of an employee of the City who is not a member of the Board.

14. **Attorney**

An attorney from the City Attorney’s Office attends the Board meetings due to the quasi-judicial hearings.

15. **Citizen input**

Time allocated to persons speaking at the Open Forum shall be 5 minutes. Time allocated to persons speaking regarding an item on the agenda shall be 5 minutes.

16. **Public Hearing Process**

A public hearing shall be held by the Board. Any party may appear in person, or by agent or

attorney. Anyone planning to speak during public hearing items must be sworn in by the City Clerk. The Chair leads the following process. Transparency in the decision-making process should be maintained and fair opportunities for public participation should be provided:

- A) *Presentation by applicant / questions from the Board*
- B) *Presentation by city staff/ questions from the Board*
- C) *Open the public hearing, advise that those wishing to be heard need to state their name and address for the record, and they will have 5 minutes to speak. Speakers should avoid repeating points already made by others and focus on new or relevant information.*
- D) *Invite anyone in favor to speak*
- E) *Invite anyone in opposition to speak*
- F) *Inquire if any written comments have been received by city staff*
- G) *Applicant Closing Statement (if desired).*
- H) *City's Closing Statement (if desired).*
- I) *Close the public hearing*
- J) *Motion/Second*
- K) *Board discussion*
- L) *Vote*
- M) *City Clerk records and announces the results*

17. Rules of Procedures / Robert's Rules

The Board shall adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provision of Florida law and this Code. Such rules of procedure shall be available in a written form to persons appearing before the Board and to the public. A failure or refusal to appear in response to a subpoena issued by the Board shall constitute a violation of the Code of Ordinances.

Meetings shall be conducted in accordance with Robert's Rules of Order. If there is a conflict between Robert's Rules of Order and these Rules of Procedure, these Rules of Procedure shall govern.

18. Amending the Rules of Procedure

These rules may be amended by a majority vote of the Board members present at any meeting, provided the substance of such proposed amendment is delivered to each member at least 7 days prior to the scheduled meeting in which the amendment is to be considered.

References:

Oldsmar Code of Ordinances 3.8

Resolution 2025-21 (appointment process)

Florida Statutes 286.012, 112.311, 112.313, 112.3143, 112.326

Adopted this _____ day of _____ (month), 2026.