



# Hillsborough County Florida

## DEVELOPMENT SERVICES

PO Box 1110 Tampa, FL 33601-1110

CERTIFIED MAIL #:7003 2260 0005 7197 8913

Norma Benitez  
10007 Echo Mountain Drive  
Riverview, FL 33569

### NONCONFORMING USE REVIEW


NCU 19-0147

#### 1.0 REQUEST

1. A nonconforming use for a junk yard and motor vehicle repair use located at **10502 Bill Tucker Road** and identified as **Tax Folio Number 77949.0500**, on property zoned AS-1 (Agricultural Single Family).

#### 2.0 DETERMINATION

1. The request to recognize the nonconforming use of a junk yard and motor vehicle repair use on the subject property identified as 10502 Bill Tucker Road and as Tax Folio Number 77949.0500 is **APPROVED** (Attachment 1).
  - a. The request to recognize the junk yard and motor vehicle repair use on the subject property identified as 10502 Bill Tucker Road and as Tax Folio Number 77949.0500 is **APPROVED** per the applicant's affidavit (Attachment 2), property appraiser records (Attachment 3), 1976 and 1980 deeds (Attachment 4) and Hillsborough County June 1979 Aerial Map (Attachment 5).

  
 Brian Grady, AICP, Executive Planner  
 Community Development Division  
 Development Services Department

11/27/2018  
 Date

#### BOARD OF COUNTY COMMISSIONERS

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Lucia E. Garsys

In accordance with Section 11.01.03 of the Land Development Code, nonconformity determinations may be appealed to the Land Use Hearing Officer within thirty (30) calendar days of the date of this decision. Questions related to this determination should be directed to Colleen Marshall at (813) 272-5828 or MarshallC@HCFLGov.net.

**ATTACHMENTS:**

1. Findings
2. Applicant's affidavit
3. Property Appraiser records
4. 1976 and 1980 Deeds
5. Hillsborough County June 1979 Aerial Map

cc: Dennis Kline, Development Services Department  
Andy Pfeiffer, Code Enforcement

## F.O. FINDINGS

1. The subject parcel is 5.69 acres in size and zoned AS-1 (Agricultural Single Family).
2. According to the applicant's affidavit (Attachment 2), Norma Benitez stated that the junk yard use has existed on the property since 1979.
3. According to an affidavit from Brian A. Servis, a nearby property owner, the junkyard use has existed on the property since 1971.
4. According to an affidavit from Dale Thompson, the motor vehicle repair/junk yard has existed on the property since 1970.
5. According to an affidavit from Pamela W. Taylor, a property owner in the area, the junk yard/motor vehicle repair use has existed on the property since 1971 and she has been a customer of the business.
6. According to an affidavit from Michele Wears, a property owner in the area since 1971, the junk yard/motor vehicle repair business has existed on the property since 1969 and there has always been a business there.
7. According to an affidavit from Jon D. Cowell, a property owner in the area, the junk yard/motor vehicle repair use has existed on the property since 1969.
8. According to an affidavit from Robert P. Broughton, the junk yard/motor vehicle repair use has existed on the property for 48 years since 1970.
9. The documents from the Hillsborough County Property Appraiser (Attachment 3) show that: one of the canopy buildings was built in 1975.
10. The 1976 Deed as recorded on 5/31/76 in OR book 3126, PG 697 lists the grantee as Berry Auto Parts. The 1980 Deed recorded on 12/3/1980 in OR book 3867, PG 1709 indicates the owners as Paul Edwin Berry and Alan Lee Berry, individually and doing business as Berry Auto Parts. This confirms the motor vehicle repair business has been existing since at least 1976 (Attachment 4).
11. Hillsborough County Aerial Photography, June 1979 Aerial Map clearly shows a junk yard use on the property with a number of cars suggesting the motor vehicle repair was also in existence by June of 1979 (Attachment 5).
12. The Hillsborough County Tax Assessor Real Property Record dated 2/12/92 indicates an existing building with garage and office and a business, "Bay Area Auto Salvage" on the property, confirming the junk yard and motor vehicle repair use has been in continuous existence.
13. A review of the zoning of the property found that the property was zoned A (Agricultural) from 1980 to 1991, and AS-1 (Agricultural Single Family) from 1992 to the present. Prior to this time, the property was un-zoned and would have permitted a junk yard and motor vehicle repair use without restrictions.
14. Based on the documentation provided, the junk yard and motor vehicle repair use has existed since at least 1979 and is therefore a legal non-conforming use.

APPLICANT'S AFFIDAVIT FOR A LEGAL NON-CONFORMITY

I, the undersigned applicant for Non-Conforming Use review, do hereby state that the following nonconformity has existed on the site in question since (year) 1979. I further state that this nonconformity has existed continuously and has not ceased for more than ninety (90) consecutive calendar days, or a total of one hundred eighty (180) calendar days in any one-year period since the nonconformity was originated.

DETAILS OF NONCONFORMITY:

*I Have Live in Hillsborough County for 36 years and the first time I went with my father to the salvage yard was in 1989. When we bought it from Alan Began He told us that Har and his father had started in 1975.*

*[Handwritten Signature]*  
Signature of Applicant

*Narciso Benitez*  
Printed or Typed Name of Applicant

STATE OF FLORIDA  
 COUNTY OF HILLSBOROUGH  
 The foregoing instrument was acknowledged before me this  
 (DATE) 11/11/18  
 By W. Dale Gabbard  
 who: Narciso Benitez (Property Owner)  
 Personally known to me Florida driver's license  
 Other type of identification:  
 and who:  did  did not take an oath.

*[Handwritten Signature]*  
 (Signature of Notary taking acknowledgment)

W Dale Gabbard  
 Type or Print Name of Notary Public  
 Expires January 28, 2022  
 Commission # GG 175048  
 WALTER DALE GABBARD  
 Commission Number Expiration Date



WALTER DALE GABBARD  
Commission # GG 175048  
Expires January 28, 2022  
Bonded This Notary History Database



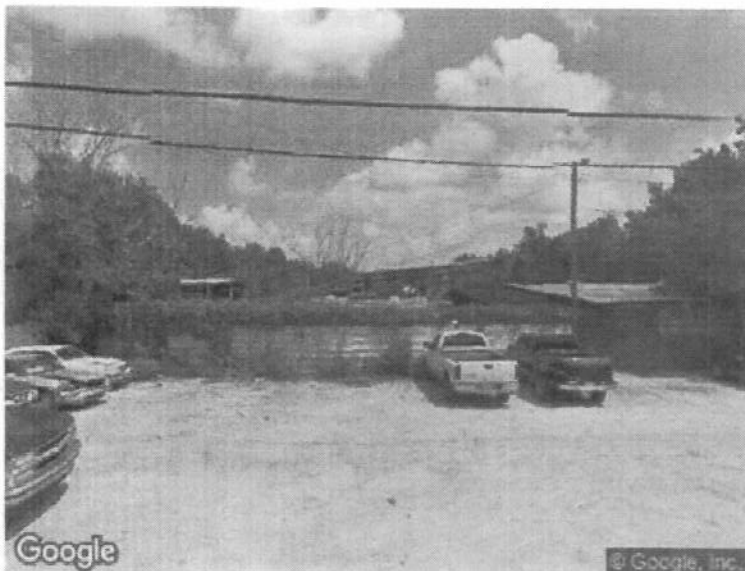
# HILLSBOROUGH COUNTY PROPERTY APPRAISER

(<http://www.hcpafl.org>)

## Parcel Result Folio: 077949-0500

Print Friendly Page  TRIM  VAB PRC  Tax Collector  Map Image  Map View  Email Parcel  Report Issues with Parcel

### PROPERTY RECORD CARD



BENITEZ VICTOR M

BENITEZ NORMA Y

Mailing Address

PO BOX 3122

RIVERVIEW, FL 33568-3122

Site Address

10502 BILL TUCKER RD, WIMAUMA

PIN: U-29-31-20-ZZZ-000003-19510.0

Folio: 077949-0500

Prior PIN:

Prior Folio: 077949-0000

Tax District: U UNINCORPORATED

Property Use: 2755 VEHICLE SALVAGE/STORAGE

Plat Book / Page: /

Neighborhood: 226001.00 | Balm-Boyette Area

Subdivision: ZZZ | UNPLATTED

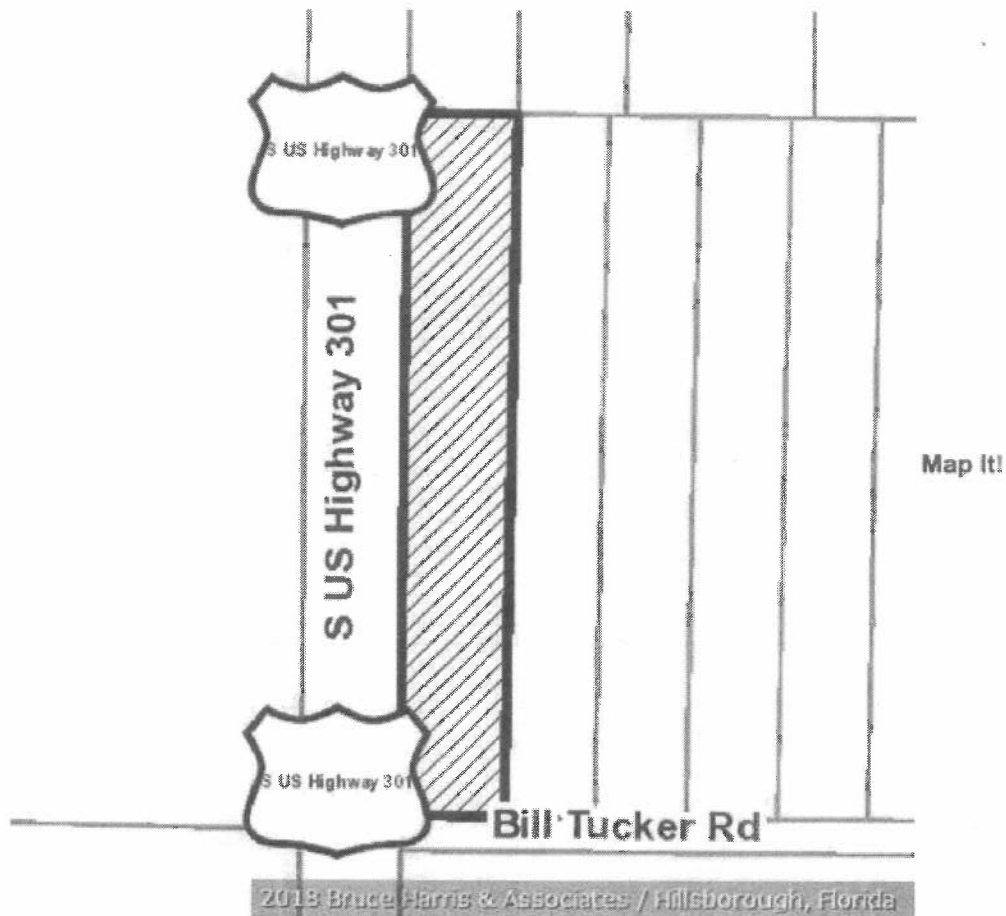
Value Summary GIS Map

19-0147

**Value Summary**

Taxing District	Market Value	Assessed Value	Exemptions	Taxable Value
County	\$166,244	\$166,244	\$0	\$166,244
Public Schools	\$166,244	\$166,244	\$0	\$166,244
Municipal	\$166,244	\$166,244	\$0	\$166,244
Other Districts	\$166,244	\$166,244	\$0	\$166,244

Note: This section shows Market Value, Assessed Value, Exemptions, and Taxable Value for taxing districts. Because of changes in Florida Law, it is possible to have different assessed and taxable values on the same property. For example, the additional \$25,000 Homestead Exemption and the non-homestead CAP do not apply to public schools, and the Low Income Senior Exemption only applies to countywide and certain municipal millages.



**Sales History**

Off. Book	Record Page	Date Month Year	Type	Inst	Qualified or Unqualified	Vacant or Improved	Sale Price
13339	1046	11 2003	WD	Unqualified	Vacant	\$100	
13214	0874	10 2003	WD	Qualified	Improved	\$125,000	
3867	1709	10 1981	WD	Unqualified	Vacant	\$100	
3538	1987	07 1979	WD	Unqualified	Vacant	\$5,125	
3126	0697	01 1976		Unqualified		\$100	

**Extra Features**

**19 - 0147**

LN	OB/XF Code	Description	Bld Year	on Roll	Length	Width	Units	Value
1	0620	UTILITY WOOD	0	2012	20	16	320.00	\$8,701
2	0620	UTILITY WOOD	0	2004	16	10	160.00	\$3,028
3	0060	CONCRETE PAVEMENT	0	2002	0	0	64,728.00	\$69,347
4	0520	CANOPY	0	2012	38	28	1,064.00	\$10,191
5	0520	CANOPY	0	2002	28	29	812.00	\$3,557
6	0520	CANOPY	0	1975	23	25	575.00	\$2,519
7	0651	SHED NOT PERMANENTLY AFFIXED	0	2002	0	0	1.00	\$0
8	0295	FENCE METAL	0	2007	0	0	180.00	\$1,625
9	0520	CANOPY	0	2016	22	11	242.00	\$601
10	0520	CANOPY	0	2016	70	30	2,100.00	\$3,066

#### Land Lines

LN	Use Code	Description	Zone	Front	Depth	Unit	Type	Total Land Units	Land Value
1	993C	Acreage Class 3	AS-1	0	0	AC	ACREAGE	1.93	\$58,981.00
2	9610	LOWLANDS	AS-1	0	0	AC	ACREAGE	6.17	\$4,628.00

#### Legal Lines

##### LN Legal Description

1 W 330 FT OF SW 1/4 OF SW 1/4 LESS RD R/W

Please note that property values on this site are continually being updated and are a work in progress throughout the year. The final values are certified in October of each year.

Last Updated: 9/26/2018

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**19 - 0147**

This instrument was prepared by:  
Jack D. Stokes, Jr.  
of the Law Office of  
**CASON, McWHIRTER, HENDERSON & STOKES**  
P. O. Box 2150  
TAMPA, FLORIDA 33601

**Warranty Deed** (STATUTORY FORM — SECTION 689.02 F.S.)  
OFF. REC. 3126 PG 697

This Indenture, Made this 31 day of May 19 76, Between

**PAUL EDWIN BERRY and ALAN LEE BERRY**, who reside at: 11327 Brightbridge Drive, Seffner, Florida and 5402 Mobile Street, Seffner, Florida, respectively of the County of Hillsborough, State of Florida, grantor\*, and

**BERRY AUTO PARTS**, a partnership,

whose post office address is 11327 Brightbridge Drive, Seffner, Florida 33584 of the County of Hillsborough, State of Florida, grantee\*.

**Witnesseth**, That said grantor, for and in consideration of the sum of Ten and no/100 Dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Hillsborough County, Florida, to-wit:

The West 330 feet of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 29, Township 31 South, Range 20 East, Hillsborough County, Florida, LESS road right-of-ways.

This is not homestead property.



JUN 4 3 12 PM '76  
CLERK SUPREME COURT  
HILLSBOROUGH COUNTY, FLA

RECEIVED

A 23829

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

\*"Grantor" and "grantee" are used for singular or plural, as context requires.

**In Witness Whereof**, Grantor has hereunto set grantor's hand and seal the day and year first above written. Signed, sealed and delivered in our presence:

Donald L. Krauman  
Richard L. Brauman  
Donald L. Krauman  
Richard L. Brauman

Paul Edwin Berry (Seal)  
Alan Lee Berry (Seal)  
Alan Lee Berry (Seal)  
Alan Lee Berry (Seal)

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

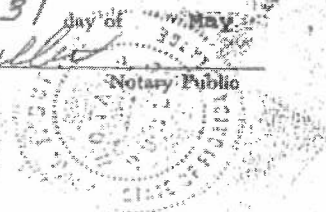
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared PAUL EDWIN BERRY and ALAN LEE BERRY.

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 31 day of May 19 76.

My commission expires:

2/11/77





131 7000  
RECORDED 037577 C  
CA 7.45

THIS INDENTURE, Made this 3 day of Dec. 1980

by and between Paul Edwin Berry and Alan Lee Berry, individually and doing business as Berry Auto Parts, a partnership,

of the County of Hillsborough, in the State of Florida parties of the first part, and Alan Lee Berry

OFF REC. 3867 PG 1709

whose post office address is: 1116 Crescent Lake Dr. Riverview Fla.  
322 of the County of Hillsborough, in the State of Florida  
35511 part y of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, and other valuable considerations, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed to the said party of the second part, his heirs and assigns forever, all of the following described land in Hillsborough County, Florida, to-wit:

INT TAX  
SURTAX  
DOC STP  
REC FEE  
AOC NUM  
TAX DUE  
REC DCK

The West 330 feet of the Southwest 1/4 of the Southwest 1/4 of Section 29, Township 31 South, Range 20 East, less Roads right-of-way, in Hillsborough County, Florida.

(This is a corrective Deed, correcting those certain Deeds recorded in O.R. Book 3538, Page 1987, and O.R. Book 3126, Page 697, Public Records of Hillsborough County, Florida, for the purpose of vesting title in the party of the second part individually.)

JAMES F. TAYLOR, JR.  
CLERK CIRCUIT COURT  
RECORDING DEPT.  
HILLSBOROUGH CO.  
TAMPA, FL 33602

STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
DEPT. OF REVENUE  
NOV 11 1980  
2 9 1 2 6  
418000  
HILLSBOROUGH COUNTY

TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the said party of the second part, his heirs and assigns, in fee simple forever.

And the said parties of the first part do hereby covenant with the said party of the second part that said described property is free from all liens and encumbrances, except that certain Mortgage dated November 5, 1975 recorded in O.R. Book 3066, Page 416, Public Records of Hillsborough County, Florida, and taxes for the year 1980 and subsequent years.

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have executed this deed under seal on the date aforesaid.

Signed, sealed and delivered in the presence of:  
George W. Bryan  
Bonny Blair

Paul Edwin Berry (SEAL)  
PAUL EDWIN BERRY  
Alan Lee Berry (SEAL)  
ALAN LEE BERRY

This Instrument prepared by:  
A. S. Spicola, Jr., Attorney at Law  
Suite 408, 725 E. Kennedy Blvd. Tampa, Florida 33602

19-0147

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH }

REC-3867-1710

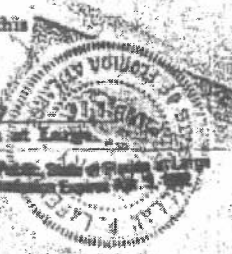
I HEREBY CERTIFY, That on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

Paul Edwin Berry and Alan Lee Berry

to me known to be the persons described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same as their free act and deed for the uses and purposes therein stated.

WITNESS my hand and official seal in the County and State last aforesaid this  
day of Dec 3 A. D. 1980.

*Alan Lee Berry*  
Notary Public, State of Florida at Large



My Commission Expires:

Notary Public, State of Florida at Large  
By Commission Expires 04. 1. 1981

FORM 12 1-1 - Franklin Printing Co., Tampa

# Warranty Deed

TO

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE IN MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL THIS DAY OF 201



*Pat Frank*  
PAT FRANK  
CLERK OF CIRCUIT COURT

BY

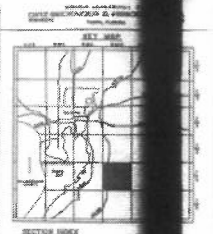
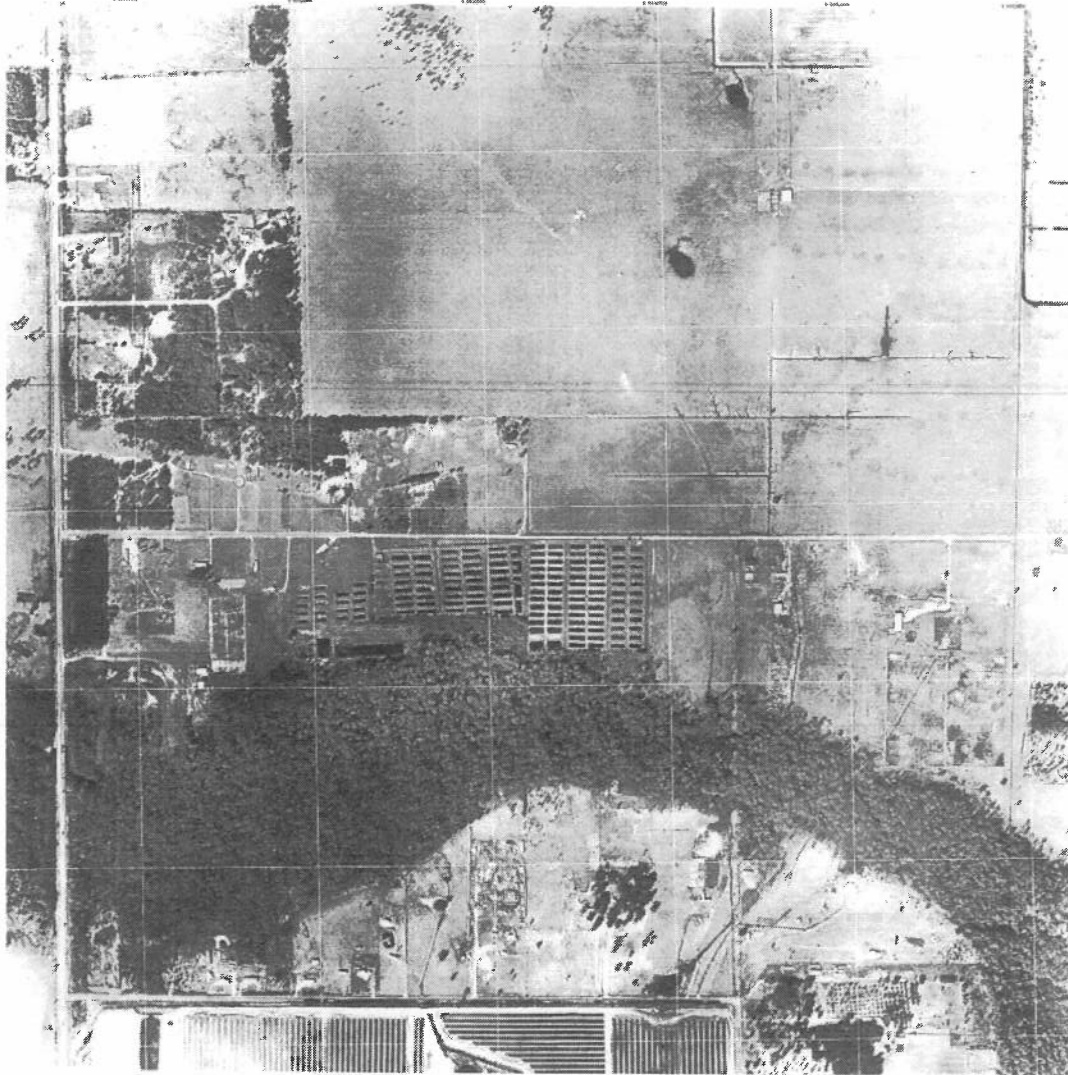
D.C.

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19-0147



**SECTION INDEX**

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50

**TITLE**  
 HILLSBOROUGH COUNTY  
 AERIAL PHOTOGRAPH

**DATE OF PHOTOGRAPHY**  
 1958  
**DATE OF MAPPING**  
 JANUARY, 1960



**SCALE**  
 1" = 100'

**PROPERTY**  
 HILLSBOROUGH COUNTY  
 1958

**HILLSBOROUGH COUNTY**  
 AERIAL PHOTOGRAPH