



# AVIATION AUTHORITY

## \* PETITION FOR VARIANCE \*

Tampa International Airport Peter O. Knight Airport Plant City Airport Tampa Executive Airport  
P.O. Box 22287, Tampa, FL 33622-2287

Provide a summary of request, activities involved and any other required or pertinent information as it pertains to any of the following criteria which will be used to substantiate a variance to the height zoning regulations. Additional pages may be used if necessary.

- The regulated height would create an unnecessary hardship to the applicant.
- Special conditions and circumstances apply which are not applicable to other similarly situated property.
- The proposal will not create a substantial detriment to public good or impair the purposes of the intent of these regulations.
- The proposal will not create a substantial adverse effect on the utility of the airport covered under these regulations.

In order to build a single family residence and comply with the required finished floor elevation from FEMA it would preclude the owner from building a home without violating the obstruction standards.

Applicant acknowledges receipt of the applicable procedures and/or provisions pertaining to the above request and agrees that in consideration of issuance of this variance to be bound by the terms and conditions of such documents and all other applicable laws, rules, regulations, procedures and laws. The petitioner must forward to FDOT by certified mail, return receipt requested, a copy of the permit package and petition for comment. The review of this petition for variance and variance process will proceed only upon the receipt of FDOT's comments or waiver of that right. Include a copy of the certified mail receipt with the petition.

Date : 3/19/2024 Nearest Airport: Peter O. Knight Airport Overall Height (AMSL): 47'

Under penalty of perjury, I hereby certify that the above statements are true and correct and I have full power and authority to act on behalf of the Applicant's named firm, corporation or organization in the submission of this variance request.

Printed Name of Authorized Representative: Paul A. Haggar

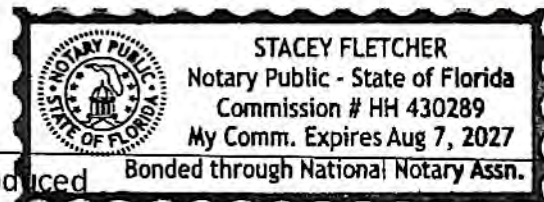
Signature of Authorized Representative:  Date: 3-19-24

All activities performed under this variance are at applicants own expense and risk, the Authority will not be held liable for any

STATE OF FLORIDA, COUNTY OF Pinellas  
Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 19 day of march, 20 24 by Paul A. Haggar

Notary Signature Stacey Fletcher  
Personally Known  OR Produced Identification \_\_\_\_\_ Type of Id Produced \_\_\_\_\_

(NOTARY SEAL)



### THIS SECTION TO BE COMPLETED BY AVIATION AUTHORITY REPRESENTATIVE

Airport Study No. 2024-50

FAA Study Number: 2024-ASO-2533-OE

Associated Aeronautical Study Numbers: NA

FDOT Concurrence: Yes  No  Waived  n accordance with Resolution No. \_\_\_\_\_

Approved by Board of Adjustment Chairman \_\_\_\_\_

Date \_\_\_\_\_





AVIATION AUTHORITY

\* PERMIT APPLICATION \*

Tampa International Airport Peter O. Knight Airport Plant City Airport Tampa Executive Airport
P.O. Box 22287, Tampa, FL 33622-2287

Scope/Nature of Request: Provide summary of request, activities involved and any other required or pertinent information to fully describe scope, submit drawings and specification if needed. Additional pages may be used if necessary. The application must also contain (1) an FAA Determination of No Hazard if the duration is greater than 72 hrs. (2) site survey with an FAA accuracy code of 1A, if requested (3) a Variance application, if applicable (4) site plan with a building layout, if requested (5) building elevation plan, if requested (6) any additional information requested by the Airport Zoning Director to determine whether or not the proposal will comply with the Airport Zoning Regulations.

Project Name \ Description:
Zonnenberg Residence. New single family home. 103 Martinique Ave N. Tampa, Fl 33606

Applicant acknowledges receipt of the applicable procedures and/or provisions pertaining to the above request and agrees that in consideration of issuance of this permit to be bound by the terms and conditions of such documents and all other applicable laws, rules, regulations, procedures and laws.

Permanent (Height Zoning) [xx] Check type of permit being requested
Temporary (Crane/Equip.) [ ]

This application is required to be attached to the supplemental data form for Permit request (see on-line application process).

Name/Company/Organization: Bright Bay Builders, Inc.

Contact Person for Requested Activity: Paul A. Haggar Phone: 727-822-7463

Project Location: 103 Martinique Ave Tampa, Fl 33606 Email: paul\_a\_haggar@msn.com

Under penalty of perjury, I hereby certify that the above statements and supplemental data are true and correct and I have full power and authority to act on behalf of the above named firm, corporation or organization in the submission of this application.

Printed Name of Authorized Representative: Paul A. Haggar

Signature of Authorized Representative: [Signature] Date: 1-18-24

STATE OF FLORIDA, COUNTY OF Pinellas
Sworn to (or affirmed) and subscribed before me by means of [x] physical presence or [ ] online notarization, this 18th day of January, 2024 by Paul A. Haggar

(NOTARY SEAL)



Notary Signature Stacey Fletcher
Personally Known [x] OR Produced Identification Type of Id Produced

All activities performed under this permit are at applicant's own expense and risk. The Authority will not be held liable for any damages, losses or injuries resulting from or connected with this activity. This permit does not relieve the applicant from obtaining any other permits, approvals, or determinations from other governmental agencies as may be required in accordance with law.

THIS SECTION TO BE COMPLETED BY AVIATION AUTHORITY REPRESENTATIVE

Airport Study No. 2024-50 Variance Required: Yes
FAA Study Number 2024-ASO-2533-OE Recommend Approval: Yes
Associated FAA Study Numbers NA Coordinate with Airport Operations: Yes
Reviewed By: Coordinate with ATCT: No
Approved by Zoning Director Date



# Review Summary

Airport Study Number

2024-50

Permit Number

2450

Maximum Height - AMSL

47

Approval Date

Expires

9/13/2025,

Permit Type

Height Zoning

## Review

77.9 Review

Required Notice

77.17 Review

Obstruction

77.19 Review

Within Height Limits

TERPS

Exceeds Height Limits

OEI (62.5:1)

N/A

### Analysis Summary

Penetrates RW 22 Departure Surface. No impact to the utility of the airport or climb gradient increase. No Part 77 penetrations. No IFR or Navaid impacts identified. No Hazard as long as conditions are followed.

Coordination with ATCT:

No

Emergency Use

No

Objects affecting Navigable

Yes

Airspace

Coordination with Operations:

Yes

Hazard Marking and/or Lighting

Yes

Exceeds Supportive Screening Criteria

Yes

### Conditions

Conditions: Notify the Airport at least 5 business days prior to starting construction at 813-870-7863. Red Obstruction lighting required in accordance with the FAA Advisory Circular 70/7460-1M. E-File FAA form 7460-2 with the FAA if the project is abandoned or at least 10 days prior to construction and within 5 days after the construction reaches its greatest height. The project is subject to requirements listed in the attached Federal Aviation Administration Aeronautical Study with the exception that height limits are restricted to the heights shown on the point data table attached as Exhibit A. Occupants and/or owners must be informed that the structure under this variance lies in the approach and departure path of an airport. The Authority recommends a noise reduction level of at least 25 db be incorporated into design. The petitioner will be required to follow all conditions specified in the FAA Determination to remain in compliance. Installation equipment (Crane) exceeding 47' AMSL or installation of solar panels will require a separate permit by the Authority. Any glint or glare issues identified from this project must be mitigated by the petitioner to the satisfaction of the Authority to avoid adverse impacts to aviation. The Authority requires a survey of the construction to be completed and submitted to the Authority within 5 days of reaching its greatest height.

Recommended Approval

Yes

**Airport Study Number:**

**2024-50**

**CONDITIONS**

Notify the Airport at least 5 business days prior to starting construction at 813-870-7863.

Red Obstruction lighting required in accordance with the FAA Advisory Circular 70/7460-1M.

E-File FAA form 7460-2 with the FAA if the project is abandoned or at least 10 days prior to construction and within 5 days after the construction reaches its greatest height.

The project is subject to requirements listed in the attached Federal Aviation Administration Aeronautical Study with the exception that height limits are restricted to the heights shown on the point data table attached as Exhibit A.

Occupants and/or owners must be informed that the structure under this variance lies in the approach and departure path of an airport.

The Authority recommends a noise reduction level of at least 25 db be incorporated into design.

The petitioner will be required to follow all conditions specified in the FAA Determination to remain in compliance.

Installation equipment (Crane) exceeding 47' AMSL or installation of solar panels will require a separate permit by the Authority.

Any glint or glare issues identified from this project must be mitigated by the petitioner to the satisfaction of the Authority to avoid adverse impacts to aviation.

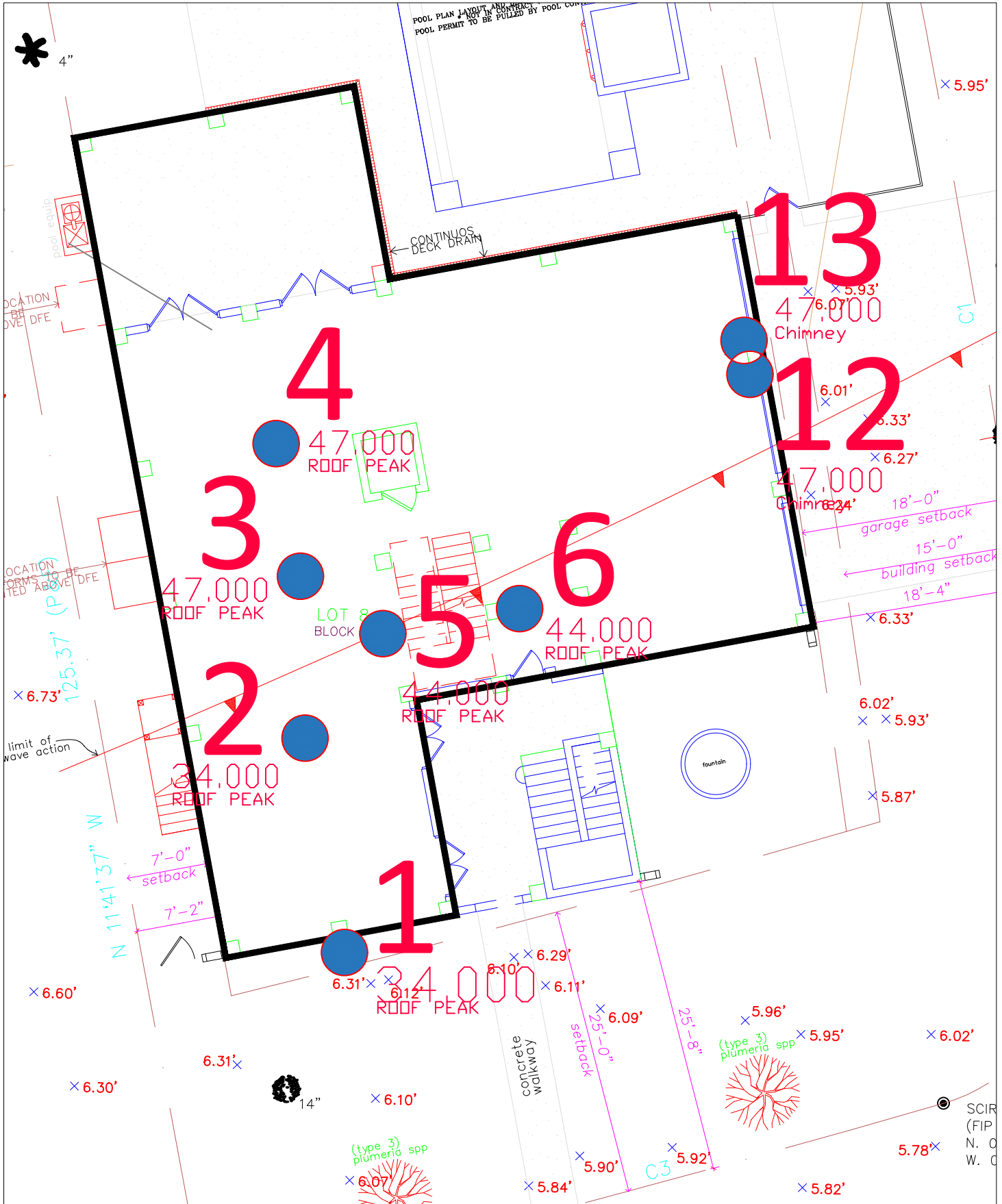
The Authority requires a survey of the construction to be completed and submitted to the Authority within 5 days of reaching its greatest height.

# Exhibit A

## Project Point Data Table

	One Location field is required						Required	Required	Required	
Point #	LAT d	LAT m	LAT s	LONG d	LONG m	LONG s	MSL	AGL	NAME	AMSL
1	27	54	33.681	82	27	24.855	7	27	ROOF PEAK	34.00
2	27	54	33.865	82	27	24.894	7	27	ROOF PEAK	34.00
3	27	54	34.004	82	27	24.899	7	40	ROOF PEAK	47.00
4	27	54	34.118	82	27	24.923	7	40	ROOF PEAK	47.00
5	27	54	33.955	82	27	24.819	7	37	ROOF PEAK	44.00
6	27	54	33.977	82	27	24.687	7	37	ROOF PEAK	44.00
12	27	54	34.179	82	27	24.465	7	40	Chimney	47.00
13	27	54	34.208	82	27	24.471	7	40	Chimney	47.00

# Point Locations



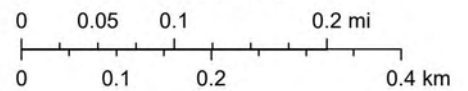
# Distance from ARP



3/19/2024, 12:10:21 PM

1:9,028

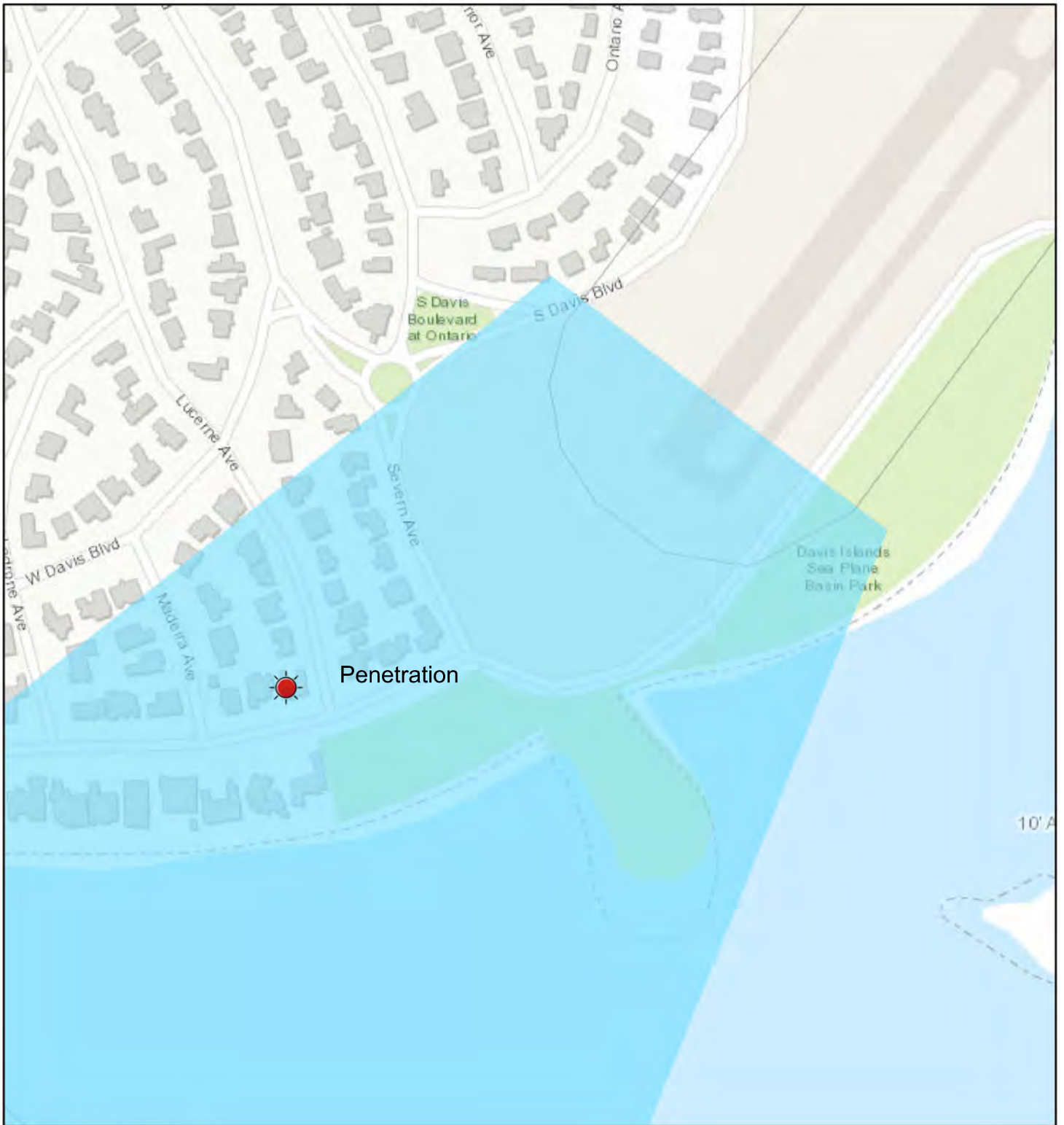
-  Override 1
-  Override 1
-  Airports - ARP
-  TPA Height and Zoning
-  TPA Height and Zoning
-  TPA Height and Zoning






University of South Florida, City of Tampa, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA, Tony Mantegna





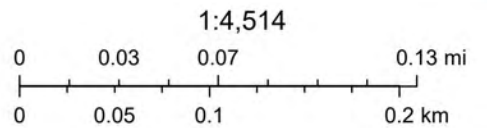
# RW 22 Departure



3/19/2024, 12:08:00 PM

-  Override 1
-  Airspace - TPF\_DEP
-  TPA Height and Zoning

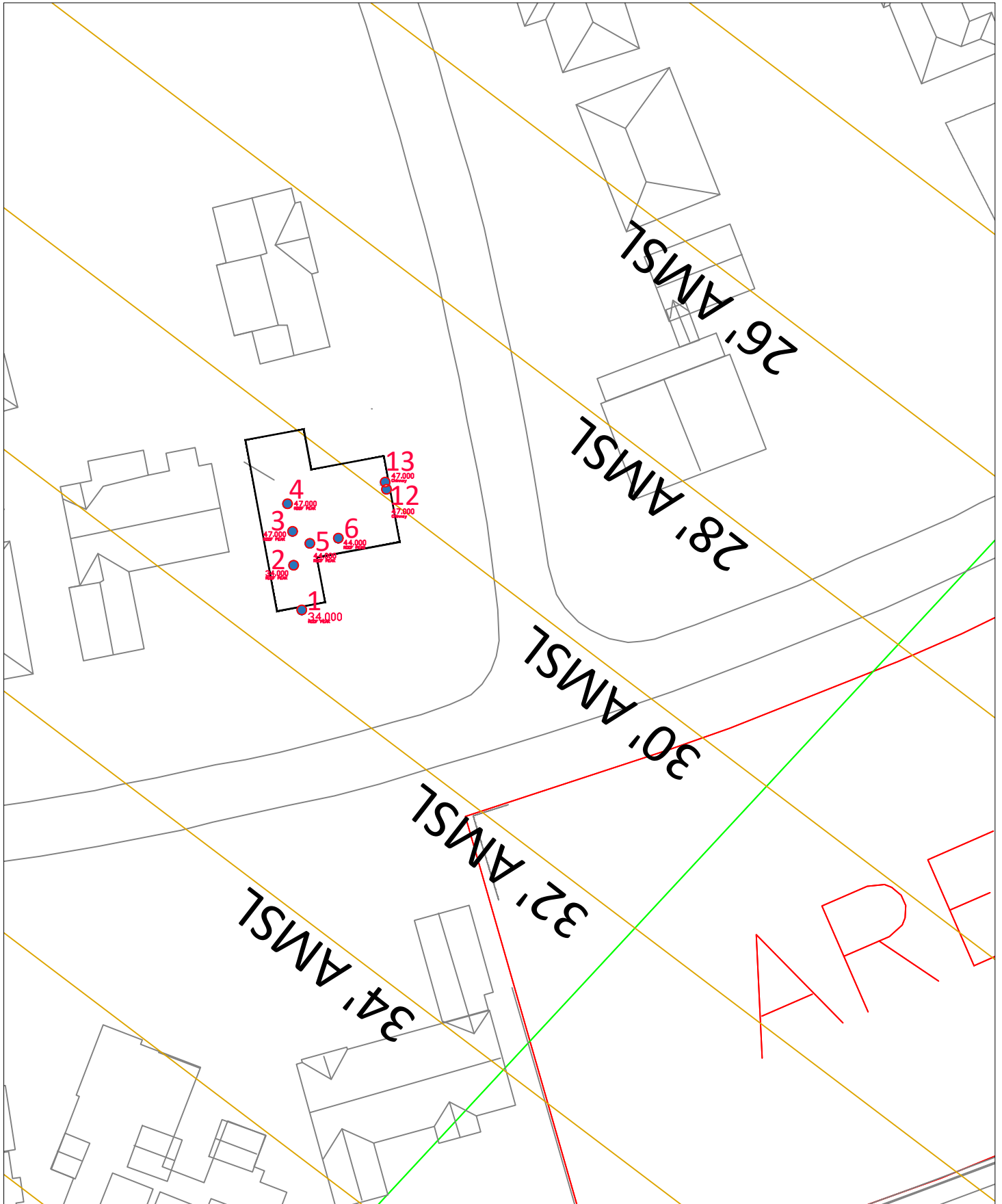
-  TPA Height and Zoning
-  TPA Height and Zoning



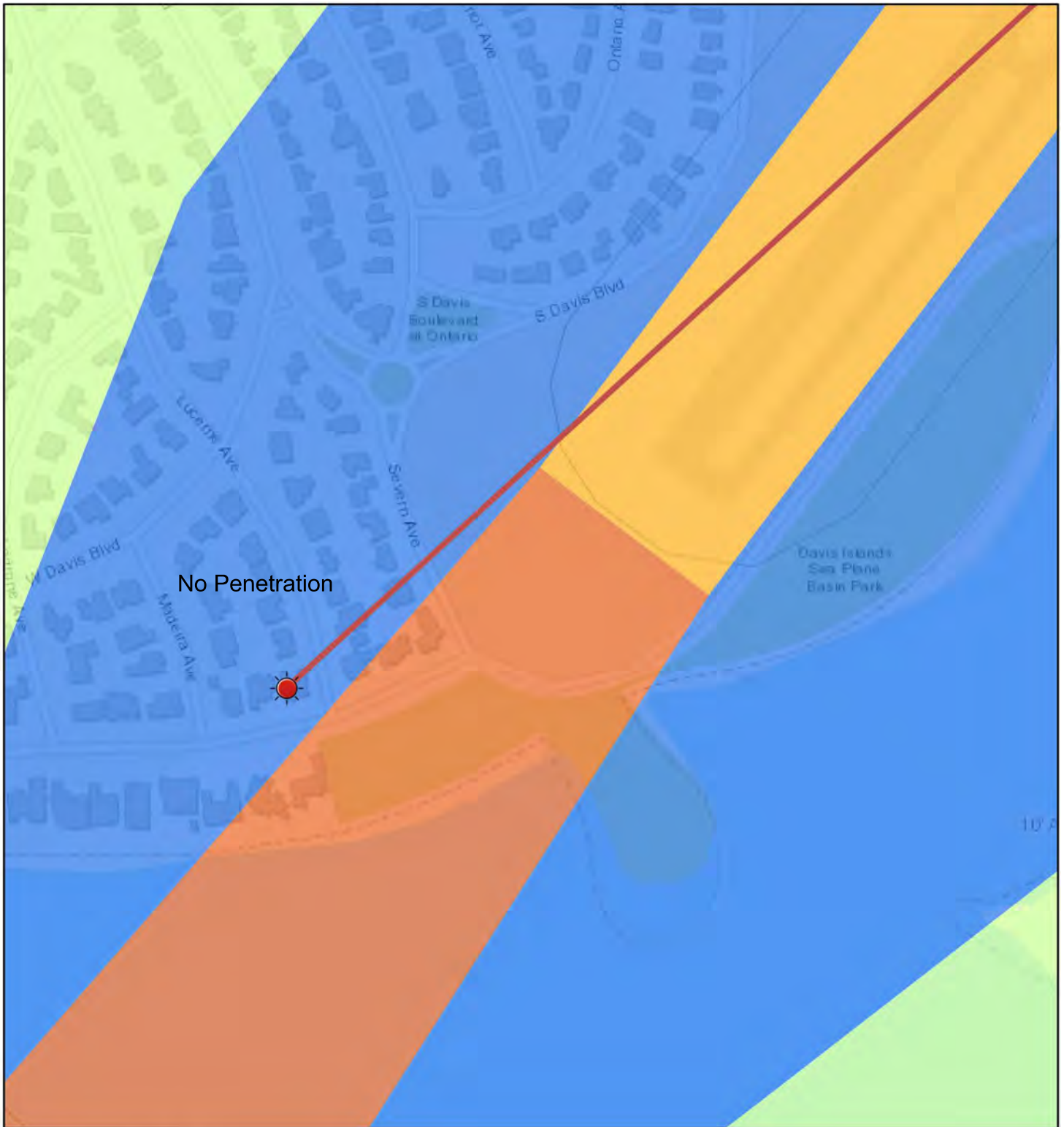
University of South Florida, City of Tampa, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Tony Mantegna













# RW 22-Departure

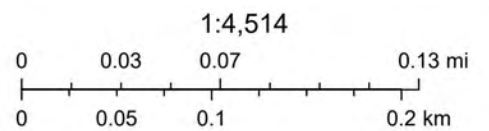


# Part 77 Approach Transitional



3/19/2024, 12:09:23 PM

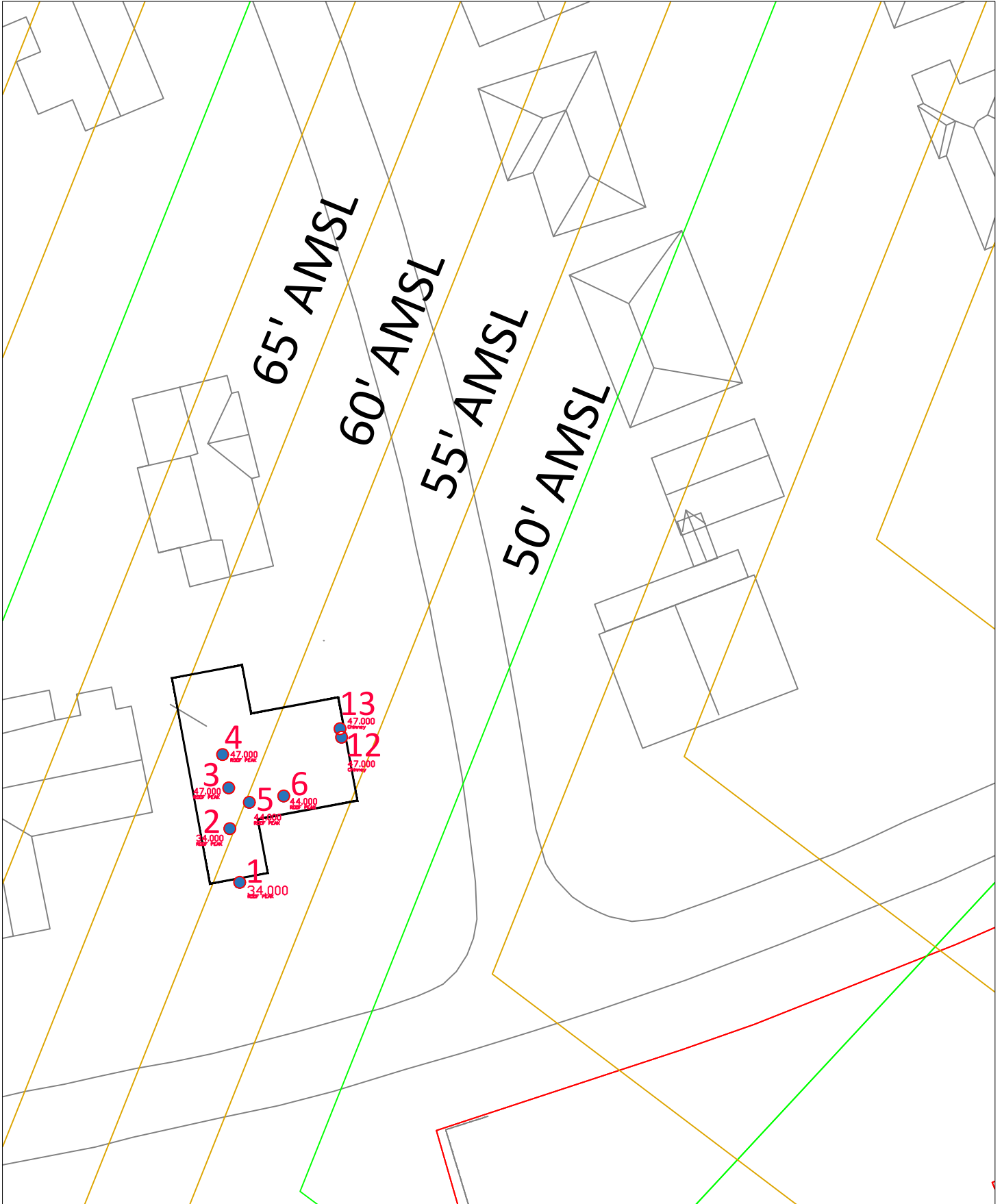
-  Override 1
-  Override 1
- Airspace - TPF\_P77\_19\_Dissolve
-  TPF\_4-22\_P77\_19\_Primary
-  TPF\_4-22\_P77\_19\_Primary\_Trans
-  TPF\_4\_P77\_19\_Inner\_Appch
-  TPF\_4\_P77\_19\_Inner\_Trans\_Appch
-  TPF\_P77\_19\_Horizontal\_Plane
-  TPA Height and Zoning
-  TPA Height and Zoning
-  TPA Height and Zoning



University of South Florida, City of Tampa, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Tony Mantegna



# RW 4 Approach Transitional









**1 FRONT ELEVATION**  
SCALE: 1/4"=1'-0"



**2 RIGHT ELEVATION**  
SCALE: 1/4"=1'-0"

ALL ELEVATION TARGETS IN PARENTHESES REPRESENT ( NAVD )

ALL ENCLOSED AREAS BEHIND THE BASE FLOOD ELEVATION (AREA UNDER STRUCTURE UNLESS FULLY FENCED) SHALL BE OPEN TO THE AIR. EACH SQUARE FOOT OF FLOOR AREA, ROOF VENTING OR WATER THE BOTTOM OF THE OPENING SHALL BE NO HIGHER THAN 1 FOOT ABOVE GRADE.

SCREEN  
SCREEN BY INSET SCREEN  
GRADE  
FIN. FLOOR

PROJECT NUMBER <b>23-290</b>	SHEET NUMBER <b>A7</b>
DESIGNED AND DRAWN BY <b>D. ALLEN VALLARDO</b> P.A.C. CONSULT	
REVISION RECORD	
PREPARED BY <b>DAVIS</b>	CHECKED BY <b>D.A.V.</b>
<b>Davis Design &amp; Architecture</b> 1211 MARKET STREET, SUITE 100, TAMPA, FL 33606 TEL: 813.281.1111 FAX: 813.281.1112	
<b>Zonnenberg Residence</b> 103 Martinique Avenue Tampa, FL 33606	
ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE PROJECT ARCHITECT. © 2023	



Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2024-ASO-2533-OE

Issued Date: 03/13/2024

Paul A. Haggard  
 Bright Bay Builders, Inc.  
 109 43rd Avenue N.  
 Saint Petersburg, FL 33703

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: House Zonnenberg residence  
 Location: Tampa, FL  
 Latitude: 27-54-34.20N NAD 83  
 Longitude: 82-27-24.47W  
 Heights: 7 feet site elevation (SE)  
 40 feet above ground level (AGL)  
 47 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/13/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.



- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before April 12, 2024. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager, Rules and Regulations Group via email at OEPetitions@faa.gov, or via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW., Washington, DC 20591. FAA encourages the use of email to ensure timely processing.

**This determination becomes final on April 22, 2024** unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. Any questions regarding your petition, contact Rules and Regulations Group via telephone (202) 267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Dale Kimmel, at (404) 305-6504, or [dale.kimmel@faa.gov](mailto:dale.kimmel@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-ASO-2533-OE.

**Signature Control No: 611360847-615446496**

( DNH )

David Maddox

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2024-ASO-2533-OE

The residential structure would be located approximately 1,015 feet (ft.) southwest of the threshold of runway (RWY) 04, Peter O Knight Airport (TPF), Tampa, FL. Study was submitted to construct a building. The proposed residential structure has been identified as an obstruction under the standards of Title 14, Code of Federal Regulations (CFR), Part 77, as applied to TPF as follows:

Section 77.17 (a) (3). A height that increases a minimum instrument flight altitude within a terminal area (TERPS criteria). Impacts are as follows:

At 47 ft. above mean sea level (AMSL), the obstacle exceeds the RWY 22 40:1 departure surface by 17 ft. It qualifies as a low, close-in penetration with climb gradient termination altitude 200 ft. or less above departure end of runway (DER). It requires a departure procedure added to the TAKE-OFF MINIMUM AND (OBSTACLE) DEPARTURE PROCEDURES AMDT 7A, NOTE: RWY 22, Building 933 feet from departure end of runway, 400 feet left of centerline, 40 AGL/47 AMSL.

The proposed residential structure lies inside the lateral confines of the TPF visual flight rules (VFR) traffic pattern airspace, but did not exceed the vertical limits of the TPF VFR traffic pattern airspace.

The proposed structure was not circularized for public comment as current FAA policy does not require circularization.

Aeronautical study disclosed that the proposed structure would have no effect on any existing or proposed arrival, departure, or en route instrument flight rules (IFR) procedures at TPF or on any other known public-use or military airports.

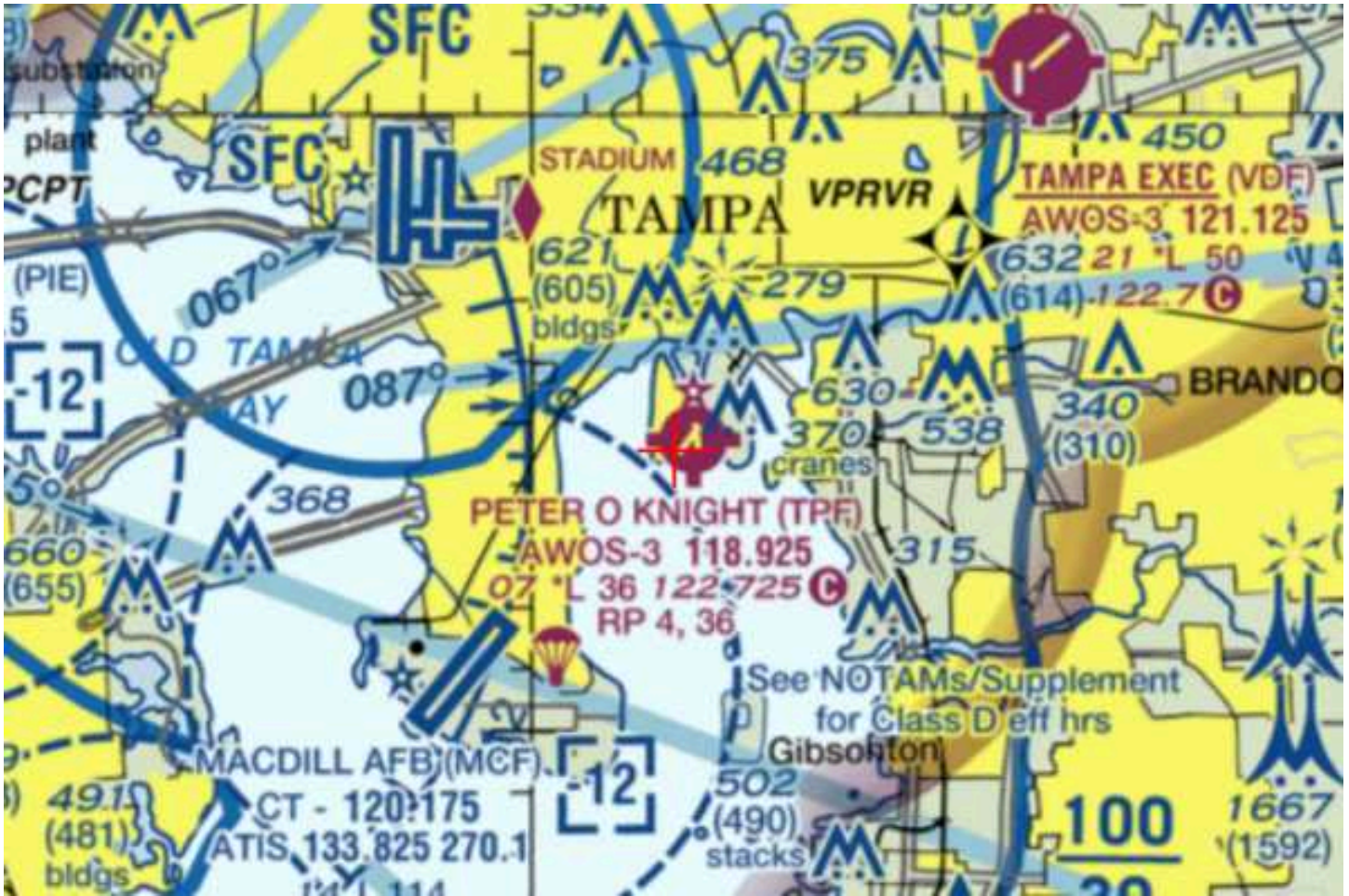
Study for possible VFR effect disclosed that, the proposed structure would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The residential structure would not conflict with any airspace required to conduct VFR traffic pattern operations at TPF or any other known existing or planned public-use, joint-use, or military airport. At 40 ft. AGL, the structure does not have a substantial adverse effect on VFR en route flight operations.

The structure is located in proximity to a pole that is lit for aviation safety (Aeronautical Study Number 2017-ASO-6458/ OAS Number 12-103742). The lighting of this structure is not found to be necessary.

The cumulative impact of the proposed structure, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any adverse effects on existing or proposed public-use or military airports or navigational facilities, nor does the proposal affect the capacity of any known existing or planned public-use or military airport.



Therefore, it is determined that the proposed structure would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and is not a hazard to air navigation as long as all conditions written within this determination are met.





# ROBERTSON SURVEYING

Surveyor Business Lic # LB8106  
14052 N. Florida Ave. Tampa FL 33613  
Phone: (813) 388-2484

January 29, 2024

Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177  
Attn: Terri Johnson

Re: PAUL A HAGGAR  
103 Martinique Avenue  
Tampa, FL 33606

Structure: Building Single Family Residence, 103 Martinique Ave.  
Location: Tampa, FL 33606  
Latitude: 27°54'34.208" N (NAD 83)  
Longitude: -82°27'24.471" W  
Heights: 6.5 Site Elevation (average) per site plan furnished (NAVD 1988)  
40.0 feet Above Ground Level (AGL) per site plan furnished  
46.5 feet Above Mean Seal Level (AMSL) per site plan furnished

DATA PROVIDED MEETS FAA 1A SURVEY CRITERIA  
VERTICAL ACCURACY IS WITHIN PLUS OR MINUS 3 FEET  
HORIZONTAL ACCURACY IS WITHIN PLUS OR MINUS 20 FEET

1. Are the coordinates filed for the corner/point of the building closest to the nearest runway at Peter O. Knight airport? YES
2. Upon request, be prepared to provide a survey, project plan, drawing or other image that includes the coordinates (latitude/longitude) in degrees, minutes, seconds (DD-MM-SS.SS) for each corner of the building. INCLUDED IN PACKAGE; DATA PROVIDED MEETS FAA 1A SURVEY CRITERIA
3. File a separate case for temporary construction equipment. If a different agency is responsible for the equipment, ensure they are notified of the requirement to file with the FAA. TO BE FILED BY CLIENT

Alvie F. Griffith, PSM No. 6005  
Robertson & Associates, Surveying, Inc. LB 8106  
14052 N. Florida Avenue  
Tampa, FL 33613  
813-388-2484





Peter O. Knight Airport  
Plant City Airport  
Tampa Executive Airport

//////  
Date: March 25, 2024

Hillsborough County  
Aviation Authority  
P.O. Box 22287  
Tampa, Florida 33622  
phone/ 813-870-8700  
fax/ 813-875-6670  
TampaAirport.com

Jim Durwin, C.M.  
Florida Department of Transportation  
Aviation Office  
Airspace Protection and Security Manager  
605 Suwannee Street, MS 46  
Tallahassee, FL 32399-0450

Re: COMPLIANCE WITH HCAA HEIGHT ZONING REGULATIONS

Airport Study Number: 2024-50    FAA: 2024-ASO-2533-OE  
Structure: New home    Height AGL: 40'    Height AMSL: 47'

Jim:

In accordance with Florida Statutes, Chapter 333, the Aviation Authority is forwarding a completed permit application to the department so that it can be evaluated for technical consistency.

I have conducted a review of the project and we recommend approval with conditions. The proposed building exceeds obstruction standards under Section 77.17. As long as conditions are followed we don't see an impact to the utility of our Airports.

Hearing is scheduled for 4/30/2024

Please call me at 813-870-7863 if you have any questions or concerns.

Sincerely,

DocuSigned by:

*Anthony S Mantegna*

Anthony S. Mantegna

Height Zoning & Land Use Manager

Cc: Jeff Siddle  
Michael Kamprath

**From:** [Dunwin, James](#)  
**To:** [Tony Mantegna](#)  
**Cc:** [Roberts, David](#)  
**Subject:** RE: Height Zoning Permit Request 2024-50  
**Date:** Wednesday, March 27, 2024 12:48:00 PM  
**Attachments:** [image001.png](#)  
[Airport Study 2024-50 FDOT.pdf](#)

**CAUTION:** This is an external email. Do NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hello Tony,

In accordance with your request for an evaluation of the above referenced Height Zoning Permit Request for the Hillsborough County Aviation Authority and in accordance with s. 333.025(4) Florida Statutes, we are providing the following comments for your consideration:

**COMMENTS OF FLORIDA DEPARTMENT OF TRANSPORTATION PURSUANT TO  
SECTION 333.025(4), FLORIDA STATUTES ON PETITION/ APPLICATION FOR AIRPORT OBSTRUCTION  
ZONING PERMIT APPLICATION**

Political Subdivision: Hillsborough County Aviation Authority

FAA Study: 2024-ASO-2533-OE  
Airport Study Number: 2024-50  
Project: House (Zonnenberg Residence)  
Location: 103 Martinique Ave Tampa, FL 33606  
Date of Receipt: March 26, 2024 (by email)  
Date Comments Sent: March 27, 2024 (by email)

Political Subdivision Representative: Tony Mantegna  
Applicant: Paul A. Hagggar Bright Bay Builders, Inc.  
RE: Zonnenberg residence located at 103 Martinique Ave Tampa, FL 33606

FAA Determination(s): 2024-ASO-2533-OE (Submitted with application)

**SUMMARY:** Based upon the following, the Florida Department of Transportation (Department) finds the above referenced airport obstruction zoning permit application technically consistent with s. 333.025(4), Florida Statutes, as set forth below.

**REVIEW REQUIREMENT:** Upon receipt of a complete permit application, the local government shall provide a copy of the application to the Department's Aviation Office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. Section 333.025(4), Florida Statutes (F.S.), provides the Department a 15-day review period, following receipt of a complete permit application from the local government by certified mail, for the construction or alteration of an obstruction which must run concurrently with the local government's permitting process, to evaluate technical consistency with s. 333.025(4), F.S. The following Comments are intended to comply with this requirement.

**REVIEW STANDARDS:** Section 333.025(4), F.S. requires the evaluation of airport obstruction zoning permit applications for technical consistency with the requirements of s. 333.025, F.S. The Department has received and reviewed the above referenced airport obstruction zoning permit application and attachments, if any, from the Political Subdivision, for technical consistency in accordance with s.333.025(4), F.S., regarding the construction or alteration proposed by the Applicant. These Comments are not intended as legal advice and are non-binding evaluations solely for the consideration of the Political Subdivision with regard to the permit application.

**EVALUATION**

Section 333.025(4) provides, in part, that if political subdivisions have, in compliance with this chapter, adopted adequate airport protection zoning regulations, placed such regulations on file with the Department's Aviation Office, and established a permitting process, a permit for the construction or alteration of an obstruction is not required from the Department.

**COMMENTS**



The Political Subdivision's submittal of the airport obstruction zoning permit application to the Department's Aviation Office is accepted as a representation by the Political Subdivision that:

1. The Political Subdivision is in compliance with Chapter 333 [Whether the Political Subdivision has complied with Chapter 333 requires a legal evaluation beyond the scope of this Comment and it is left to the determination of the Political Subdivision]; and
2. The Political Subdivision has adopted adequate airport protection zoning regulations [Whether the political subdivision has adopted adequate airport protection zoning regulations is a legal determination beyond the scope of this Comment and is left to compliance by the Political Subdivision]; and
3. The Political Subdivision has placed such regulations on file with the Department's Aviation Office [The Department's records reflect that the Political Subdivision has placed certain airport protection zoning regulations on file with Department's Aviation Office however it is undetermined if such regulations are in compliance with Chapter 333]; and
4. The Political Subdivision has established a permitting process [Submission of an airport obstruction zoning permit application reflects the existence of a permitting process – it is noted that the application required appropriate information and documents for evaluation of a permit application including documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and valid aeronautical studies. The adequacy of the permitting process is beyond the scope of these Comments and is left to compliance by the Political Subdivision. The intent of the Comments is to evaluate the Political Subdivision's compliance with the requirements of s. 333.025(4). Whether the compliance is legally adequate is the responsibility of the Political Subdivision].

Section 333.025(4) also provides, in part, that:

- Upon receipt of a complete permit application, the local government shall provide a copy of the application to the Department's Aviation Office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. [The Department notes receipt of the permit application by email on March 26, 2024].
- To evaluate technical consistency with this subsection, the Department shall have a 15-day review period following receipt of the application by certified mail, which must run concurrently with the local government permitting process. [The Aviation Office has received the permit application, evaluated technical consistency as set forth herein and provided its Comments within 15 days after receipt of the permit application by email].

In view of the foregoing, it is demonstrated that the Political Subdivision has substantially complied with the requirements of s. 333.025(4), Florida Statutes and is entitled to proceed with the permitting process in accordance with its airport zoning regulations. The Department accepts the filing of the Airport Obstruction Zoning Permit Application with the Aviation Office as a representation that the Political Subdivision has zoning authority in this matter, unless otherwise advised in writing. Since the foregoing requirements have been met, a permit for the construction or alteration of an obstruction is not required from the Department and Hillsborough County appears to be the appropriate zoning authority subject to the foregoing.

These Comments do not constitute approval or disapproval of the permit application. The Comments are solely intended to evaluate technical consistency with Section 333.025(4), F.S.

If there are any questions regarding the foregoing, please contact:

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Thank you, please advise if any additional information or assistance is needed.

**Jim Durwin, C.M.**

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