

**QUASI-JUDICIAL PROCEEDING
IN THE CITY OF TAMPA, FLORIDA**

**TAYLOR BRUGNA and
MICHAEL W. GLUCKAN,**

**CASE NO. FDN-25-156-C
4312 West Laurel Street**

OWNERS/PETITIONERS.

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**RECOMMENDED ORDER GRANTING PETITION
AND APPROVING LEGAL NONCONFORMING USE**

Pursuant to §27-61(j)(1)(c) of the Code of Ordinances for the City of Tampa (“Tampa City Code”), the quasi-judicial hearing on this matter was held on December 5, 2025. Based upon a *de novo* review of the complete record, the witnesses’ testimony, the exhibits and all other evidence and argument presented at the hearing, I recommend the Tampa City Council grant Mr. Brugna’s and Mr. Gluckman’s Petition and reverse the City’s denial of a legal nonconforming use certification.

I. Property Description

The property at issue consists of one platted lot consisting of approximately 5,227 square feet and located at 4312 West Laurel Street, Tampa, FL. It is legally described as Lot 6, Block 2, Cypress Estates, according to the plat thereof, as recorded in Plat Book 11, Page 85 of the Public Records of Hillsborough County, Florida (the “Property”). The Property is owned by Mr. Taylor Brugna and Mr. Michael W. Gluckan (hereinafter collectively or jointly and severally “Petitioner” or “Mr. Brugna”).

II. Statement of Case and Evidence

Petitioner is the owner of a duplex residential structure on the Property that allowed duplex development per the City’s 1951 zoning map. See Petitioner’s Exhibit 4. Petitioner sought a formal decision from the Zoning Administrator confirming that the duplex was a legal nonconforming use as the City changed the zoning for the Property which limited development to single family homes. Witnesses for both parties, the City Zoning Administrator and a former

Planning & Development Coordinator, testified the City's Situs database was a reliable record to establish permitting history, and the evidence and testimony of the former Planning & Development Coordinator confirmed that the Situs database only included history for legally permitted structures. Although the City adopted its Accela permitting database circa 2014-2015, per the Zoning Administrator, the City relies on Situs for all historical records prior to Accela.

On September 12, 2025, Zoning Administrator Eric Cotton denied Mr. Brugna's request determining that "[t]here has been insufficient evidence that the duplex currently located on the site was constructed legally." See City's Composite Ex. A, page 1. On September 25, 2025, Mr. Brugna filed his "Petition For Review" challenging the Zoning Administrator's decision denying the legal nonconforming use of the Property. Petitioner argues, *inter alia*, the use of the Property as a duplex was legally established prior to 1956 and that there is no evidence to suggest the existing structure was constructed illegally.

Exhibits.

At the hearing, Petitioner submitted into evidence the following numbered exhibits:

1. City's Situs record for the Property;
2. Polk Directory Records for the years 1940 through 1976;
3. Aerial of 4300 Block of Laurel Street;
4. 1951 City Zoning Map;
5. Caselaw in support of Petitioner's appeal; and
6. Petitioner's Powerpoint Presentation.

At the hearing, the City of Tampa submitted into evidence the following numbered exhibits:

1. City Composite Exhibit A (pages 1-32) – September 12, 2025 Zoning Decision Letter (including the City's Situs record identified as Exhibit "A");
2. City Composite Exhibit B (pages 1-2) – Hillsborough County Property Appraiser ownership information;

3. City Composite Exhibit C (pages 1-8) – City Staff Powerpoint Presentation;
4. City Composite Exhibit D (pages 1-9) – City of Tampa Code Sections 27-43 *Definitions*, 27-61 *Review*, 27-291 *Classification*, 27-293 *Intent concerning nonconforming uses*, 27-297 *Nonconforming uses of major structures or structures and premises in combination*;
5. Petitioner Exhibit A – Formal Decision application;
6. Petitioner Composite Exhibit B – Map of boundary survey, dated February 26, 2018;
7. Petitioner Exhibit C – Original property tax card;
8. Petitioner Composite Exhibit D (pages 1-2) – Petition for Review and basis for review; and
9. Petitioner Composite Exhibit E (pages 1-4) – Master Affidavits/Authorized Agent.

Hearing Testimony.

- A. Eric Cotton – City Zoning Administrator and signatory of the FDN Letter.
 - a. Mr. Cotton stated it is not common to see City records existing prior to 1956.
 - b. Mr. Cotton confirmed that the Situs database is the City’s most reliable archive permit data, until approximately 2015 when the City implemented its Accela system.
 - c. Mr. Cotton stated that Situs and the Property Appraiser’s record are separate and distinct and Situs does not indicate the year a structure was built.
 - d. Mr. Cotton stated there was a possibility that the City issued a permit for construction of the duplex on the Property.
 - e. Mr. Cotton confirmed that the City issued addresses for each duplex unit on the Property.

B. Laura Marley – City Zoning Coordinator

- a. Ms. Marley testified “I go in and try to find any evidence that I can to support the approval,” and that she relies on the totality of the evidence provided to her or obtained on her own initiative.

C. Ryan Manasse – Former City Planning & Development Coordinator

- a. Mr. Manasse stated the Situs records and Property Appraiser’s record card (the “Record Card”) combined establish proof of a duplex as a legal nonconforming use, and the duplex structure footprint has never been altered.
- b. Mr. Manasse stated during his 7-year employment with the City, which included work as the City’s Planning & Development Coordinator, Situs was relied upon by the City for reviewing historic information for a property and to determine the last legal use of a property.
- c. Mr. Manasse stated City staff would routinely rely on Situs information to verify previous zoning districts and to confirm duplexes, triplexes and other last legal uses of a property.
- d. Mr. Manasse stated the City’s Situs records provide four (4) different indicators confirming the Property’s use as a duplex.
- e. Mr. Manasse stated that photographs of the duplex structure confirm no exterior alterations to the structure since the Record Card was created and original duplex still exists, with two (2) addresses and two (2) electric meters.
- f. Mr. Manasse stated that thirteen (13) Polk Directory entries between 1968 and 2022 in evidence establish continuous use and no intent to abandon.
- g. Mr. Manasse confirmed that the City considers the Situs records as reliable evidence.

h. Mr. Manasse stated that the City also previously relied on Situs records to determine the last legal uses of a property for alcoholic beverage permit and rezoning applications when that information pre-dated the City's Accela system.

III. Standard of Review

Quasi-judicial hearings before a hearing officer are conducted de novo. See §27-61(j)(1)(a), Tampa City Code. The Hearing Officer's decision "shall be based on competent substantial evidence after applying the criteria set forth in the City Code and any applicable administrative, federal and state case law in effect at the time the petition was filed." See §27-61(j)(1)(d)(i), Tampa City Code. Petitioner has the burden of proof to show by competent substantial evidence his request should be approved. See §27-61(j)(1)(c)(iii), Tampa City Code.

IV. Findings of Fact

A. The Petitioner

Petitioner, Mr. Taylor Brugna, owns the Property.

B. The Property and Surrounding Neighborhood

The Property is in the Cypress Estates neighborhood. The 1924 Plat of Cypress Estates primarily consists of uniformly shaped 50' wide lots and the current zoning of the neighborhood is RS-50, which currently permits one (1) single family residence per zoning lot. The Property has been used and taxed as a duplex for over 70 years without any objection or issue from the City. The City's records acknowledge the historical continuous use of the Property as a duplex and that duplexes were allowed in the 1950's.

C. Notice of De Novo Hearing and Proceedings

The parties had proper notice of the *de novo* hearing, were familiar with all the facts at issue, fully presented their cases and actively participated in the hearing. The parties had ample

opportunity to present all desired evidence at the *de novo* hearing and all evidence presented was introduced and accepted without objection.

V. Conclusions of Law

Petitioner has standing to and properly and timely challenged the Zoning Administrator's decision pursuant to §27-61(d) of the Tampa City Code. §27-291 of the Tampa City Code sets forth the criteria to establish a legal nonconforming use. There is no dispute the Petitioner's use of the Property as a duplex is a nonconforming use under the City's current zoning code. At issue is whether the duplex use was legally established as a nonconforming use under the former zoning code and whether the City should be estopped from claiming the Property's use as a duplex is not vested.

According to Petitioner's Exhibit 4, the 1951 City Zoning map shows the Property was zoned R-2 or "Two-Family." According to the City's Situs records, relied upon by the City as the evidence of a change in zoning, the Property's zoning was changed to R-1 or "Single-Family". See Petitioner's Exhibit 1. The City's FDN Letter states that "[t]he City's old Situs database reflects the use was duplex with the zoning as R-1 (Exhibit A)." Absent an actual permit, the most reliable evidence of the legal use of a property in the City is the Situs database. This database confirms in multiple data fields, a duplex existed on the Petitioner's Property for over 70 years. The preponderance of the evidence shows, more likely than not, the duplex was legally constructed. Accordingly, because the duplex was allowed, the Petition should be granted. See *Mandelstam v. City Com. Of South Miami*, 539 So.2d 1139 (Fla. 3d DCA 1988)(Permitted uses must be interpreted broadly so doubts are resolved in a property owner's favor"). However, even if the duplex were not legally constructed over 70 years ago and the City's contention it was constructed in 1962 was correct, the doctrine of equitable estoppel applies and the City should be estopped from asserting the Property cannot be used as duplex.

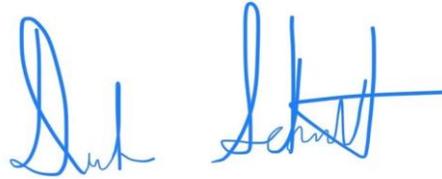
Equitable estoppel is applicable to a local government exercising its zoning power when a property owner in good faith upon some act or omission of the government, has made such a substantial change in position or incurred such extensive obligations and expenses, that it would be highly inequitable and unjust to extinguish the rights he has acquired. *See Largo v. Imperial Homes*, 309 So.2d 571 (2nd DCA 1975). The Petitioner paid for a two-unit structure, and Petitioner and his predecessors in title have paid ad valorem taxes and special assessments based on continuous duplex use for decades. There has been no issue or objection to the continuous use of the Property as a duplex for decades and the City's Situs records confirm a lawful duplex structure. It is undisputed the historical permitting records from the 1950's no longer exist. Accordingly, estoppel applies and the Petition should be granted. "A citizen is entitled to rely on the assurances and commitments of a zoning authority and if he does, the zoning authority is bound by its representations." *Largo* at p. 573; *Hollywood Beach Hotel Company v. City of Hollywood*, 329 So.2d 10 (Fla. 1976) (Equitable estoppel applied where City attempted to extinguish a vested property right). *Hollywood Beach Hotel Co. v. Hollywood*, 329 So.2d 10 (Fla. S.Ct. 1976). *City of Miami Beach v. Cleveland Ocean, L.P.*, 338 So.3d 16 (Fla. 3d DCA 2022)("Estoppel is designed to shield a property owner from enforcement of a subsequent regulation where the owner has received approval for and made substantial efforts to undertake a property use consistent with a prior regulation..."). See also City of Tampa Vested Rights/Estoppel provision in the Land Use Element of its Comprehensive Plan - Petitioner's Exhibit 6, page 2.

VI. Recommendation

Based on the substantial, competent evidence in the record, and the above Findings of Fact and Conclusions of Law, the Petitioner has met its burden of proof and shown by a preponderance of the evidence a duplex was lawfully approved and recognized by the City for over 70 years. Accordingly, I recommend the City of Tampa Council **APPROVE** Petitioner's Petition

and reverse the City's denial of the Petitioner's request to certify the legal nonconforming use of the Property as a duplex.

RESPECTFULLY SUBMITTED this 26th day of December, 2025.



DEREK A. SCHROTH, ESQ.
Hearing Officer
*Board Certified Expert in City, County and
Local Government Law and Business
Litigation*
Florida Bar No. 0352070

Pursuant to Section 27-61 (j)(1)(d)(iii) of the Tampa City Code, the parties have ten (10) working days prior to the date the City Council is scheduled to consider this Recommended Order in which to file written exceptions for the Tampa City Council's consideration.