

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL  
CIRCUIT, IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

AMANDA SIFTAR, IN HER INDIVIDUAL  
CAPACITY AND ON BEHALF OF THE  
WATERCHASE MASTER PROPERTY  
OWNERS ASSOCIATION, INC., ANNA  
LABAT, AND CHRIS EVANICH,

Case No: 24-CA-006627

Plaintiffs/Petitioners,

v.

HILLSBOROUGH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA,

Defendant/Respondent,

and

SKYWAY TOWERS, LLC, and  
PHILIPPINE CULTURAL  
FOUNDATION, INC.,

Respondents.

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**ORDER DENYING PETITION FOR WRIT OF CERTIORARI**

**THIS CAUSE** came before the Court for hearing on April 1, 2025 on Petitioners' Petition for Writ of Certiorari ("Petition") at Count IV of the Complaint filed August 14, 2024, and the Court, having reviewed the Petition, the Response to Petition for Writ of Certiorari filed by Respondents Skyway Towers, LLC and Philippine Cultural

Foundation, Inc. on September 25, 2024 (“Response”), Respondent Hillsborough County’s Notice of Adoption of Response filed September 25, 2024, Petitioners’ Reply filed November 18, 2024, the Appendix filed August 15, 2024, the Supplemental Appendix filed September 25, 2024, and the applicable legal authorities, and having heard argument of counsel for the parties and being otherwise advised in the premises,

#### ORDERS and ADJUDGES

1. This Court’s certiorari review is limited to three grounds: (i) whether procedural due process was accorded; (ii) whether the essential requirements of the law were observed; and (iii) whether the lower tribunal’s decision is supported by competent, substantial evidence. *Broward Cnty. v. G.B.V. Int’l, Ltd.*, 787 So. 2d 838, 843 (Fla. 2001).

2. The Court finds that Petitioners received procedural due process at the Hillsborough County Land Use Hearing Officer (“LUHO”) below. Petitioners were afforded a reasonable opportunity to be heard and to submit unlimited documentary evidence into the record, which the record evidence shows was considered by the LUHO in her decision. Further, under the LUHO hearing procedures

they were allowed to request more time and did not do so. Accordingly, the Court finds that Petitioners received due process. *Carillon Community Residential v. Seminole County*, 45 So. 3d 7, 9-10 (Fla. 5th DCA 2010); *Mathews v. Eldridge*, 424 U.S. 319, 334-35, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976).

3. The Court finds that Petitioners have failed to establish a departure from the essential requirements of law. The LUHO followed the correct legal standards in the County's Land Development Code for the consideration and granting of the Special Use application and the Variance application. The LUHO made findings of fact based on competent substantial evidence in the record for each of the applicable criteria for the Special Use application and the Variance application. There was extensive analysis and findings applying the correct legal criteria based on competing evidence and opinions of experts. Petitioners' arguments would require the Court to reweigh the evidence, assess credibility, and substitute its judgment for the finder of fact, which the Court cannot do on certiorari review. *Dusseau v. Metro. Dade Cnty. Bd. of Cnty. Comm'rs*, 794 So. 2d 1270, 1275 (Fla. 2001). Petitioners failed to show that the LUHO failed to follow a well-established principle of law. *Haines City Cmty. Dev. v.*

*Heggs*, 658 So. 2d 523, 530 (Fla. 1995); *Ivey v. Allstate Ins. Co.*, 774 So. 2d 679, 682 (Fla. 2000).

4. The Court finds there was competent substantial evidence in the record from the County development staff's report, materials submitted, and expert reports to support the LUHO's decision on the Special Use application and the Variance application. *Dusseau*, 794 So. 2d at 1275; *Village of Palmetto Bay v. Palmer Trinity Private Sch., Inc.*, 128 So. 3d 19, 27 (Fla. 3d DCA 2012).

5. Therefore, the Petition for Writ of Certiorari is DENIED.

**DONE AND ORDERED** in Chambers, Tampa, Hillsborough County, Florida on 14 April, 2025.

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24-CA-006627 4/14/2025 10:53:39 PM

Judge Christine Marlewski  
Hon. Christine A. Marlewski  
Circuit Judge

CC: Counsel of Record via JAWS