



Appeal of Variance #2023-05-0012
City Council Staff Report
August 15, 2023

Case: Variance #2023-05-0012
Applicant: Creative Growth Group, Inc.
Address: 5314 Linder Place
Request: A reduction in parking from 14 spaces to 7 spaces
Proposed Use: Commercial/Office

Statements of Fact

Property Location: 0.17 acres located on the south side of Linder Place
Zoning: Highway Commercial
Future Land Use: Highway Commercial
Existing Use: Vacant Building
Code References: Section 7.09.00 and Section 5.03.00 of the Land Development Code

Analysis

Existing Conditions:

The 0.17 acre property is located on the South side of Linder Place between US Highway 19 and River Road. There are commercial properties to the north, south, east and west of the subject property. Residential properties lie to the east of River Road.

The property contains a single family house built in 1960 consisting of approximately 1,700 square feet. At one time the area west of River Road was residential. As US Highway 19 expanded the residential use became impractical and the area was zoned Highway Commercial.

The lots which were previously residential are small which limits the uses for those properties. Although the Highway Commercial zoning district allows for many types of commercial uses, the small properties will be limited to less intensive uses based on the lack of parking on-site.

The only space available for parking is in the front yard which can accommodate seven (7) parking spaces.

Proposal:

The applicant is proposing office use which requires nine (9) parking spaces. Staff would consider the existing seven (7) parking spaces as adequate for the existing non-conforming building and proposed use. The applicant is proposing to construct an addition which will increase the overall building size to 2,630 square feet. This size building and use would require a total of 14 parking spaces.

The applicant is requesting a variance to reduce the required number of parking spaces from 14 to seven (7) spaces.

Criteria

To authorize any variance from the terms of an ordinance, the following criteria shall be used as a guideline to determine a hardship:

1. That special conditions or circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

- There are no special conditions or circumstances. The existing building would require a total of nine (9) parking spaces, however only seven (7) currently exist. That applicant is proposing to increase the square footage of the building which would increase the required number of parking spaces to 14.

2. That the special conditions and circumstances do not result from the actions of the applicant;

- The existing parking does not meet code for the existing building. The applicant is proposing to expand the building which creates an even greater need for more parking spaces.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;

- Granting of the variance will confer on the applicant the special privilege of reduced parking for an expanded building.

4. That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance would work unnecessary and undue hardships on the applicant;

- Literal interpretation of the City code will not deprive the applicant the right to use the property. The applicant can use the existing building without the addition.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

- The applicant can utilize the existing parking and would not need a variance.

6. That the grant of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

- A variance is intended to be granted only when there is a hardship with the land which makes it difficult to meet the existing code. There is no hardship with the land that prevents the applicant from meeting the existing code.

- The intent of the parking code is to provide adequate parking on-site for each business. An increased use such as the one proposed by the applicant may cause excessive parking in the streets which will negatively affect adjacent businesses and the adjacent residential neighborhood.

Summary and Recommendation

Development Review Committee

The Development Review Committee reviewed the request and found a hardship does not exist and **recommended denial** of the request.

LDRB Review

The Board conducted a quasi-judicial review of this case at its July 20, 2023 meeting. The Board unanimously **approved** the request for a reduction of parking from 14 spaces to seven (7) for office use.

City Council

When the DRC and LDRB reach different decisions, an appeal is automatically advanced to the City Council for consideration (LDC 5.03.02).

Therefore this variance is appealed to the City Council for a final decision on this matter.

Attachments:

- A. Location Map
- B. Variance Application VAR2023-05-0012

LOCATION MAP AND AERIAL PHOTO





VARIANCE APPLICATION

City of New Port Richey
Development Department
City Hall, 5919 Main Street, 1st Floor
New Port Richey, FL 34652
Phone (727) 853-1047 * Fax (727) 853-1052

- Submit one original signed and notarized application
- Submit application fee, \$750 commercial, \$500 Residential, \$750 sign, checks made payable to the *City of New Port Richey*

CASE # _____
DRC date(s) _____
LDRB date _____
Council date (if difference between DRC/LDRB action or a sign request greater the 5) _____
Date Received: _____



Property Owner and Representative Information:

Current Property Owner(s): Creative Growth Group Inc		Phone: 727-304-7776
Owner Address 5314 Linder Place NPR FL 34652		
Owner Email Address: Admin@Creativegrowthinc.com		
Owner's Representative(s):	Relationship to Owner:	
Representative Mailing Address:		
Representative Email Address:	Phone:	
Primary contact: <i>(This is the <u>one</u> person to whom the City will send all communication regarding this application)</i> Mitsch Beague 727-304-7776		

Property Information:

Site Address: 5314 Linder Place NPR FL 34652		
General Location: 5314 Linder Place NPR FL 34652		
Size of Site:	Square Feet: 7405.2	Acres: 0.17
Legal Description of Subject Property: C E CRAFTS NUMBER 7 PB 2 PG 58 WEST 25 FT OF LOTS 3 & 4 & ALL OF LOT 18 BLOCK 5		
Parcel Number(s): 08-26-16-0280-00500-0053		
Zoning District: <i>(Planning and Development Department will complete this section):</i> Hwy Comm	Future Land Use Category: <i>(Planning and Development Department will complete this section):</i> Hwy Comm	
Existing Use and Size: <i>(Existing number of dwelling units or square footage of non-residential uses on the property)</i> Commercial		
The existing building square footage is roughly 1,700 square feet The existing parking is 2 spaces (1 regular, 180 square foot parking space, and 1 handicap parking space).		

Proposed Use: *(Proposed number of dwelling units or square footage of non-residential uses if different than existing use)*
 The proposed building is 2,630 square feet proposed parking is 7 spaces (6 compact and 1 handicap parking space) 2 additional parking spots outside on the road
Commercial Office

Does applicant/owner own property contiguous to this site? Yes No

If yes, provide address and legal description of contiguous property:

Has any previous variance or appeal been filed regarding this property? Yes No

If yes, state the nature of the application/appeal and outcome:

Has a Development Order or Certificate of Occupancy been refused? Yes No

Submittal Information:

Please submit collated, stapled, folded **set** of the following information:

Completed, notarized application - this form
Proof of ownership in the form of a copy of the deed, title insurance policy, or other instrument demonstrating ownership
Current signed and sealed survey of property (if necessary):
Plot plan/site plan with the following (if necessary):
North point
Drawn to scale
Property dimensions
All existing and proposed structures and use of each
Distances between setbacks from all property lines
Abutting streets and other public easements
Off-street parking spaces
Specific variance in terms of horizontal setback (show <u>measurable required</u> setback and <u>proposed</u> setbacks)
Photographs of existing buildings, structures, signage or other applicable objects on site
Drawing of proposed signage: dimensions, height square footage and setback (for sign variances only)
Depth measurement at high and low tide (provide clear photos showing measurements that relate to the subject property) (for dock variances only)
Drawing of proposed dock on a copy of the survey (for dock variances only)
Application fee (checks made payable to the City of New Port Richey)

Guidelines For The Granting of Variances:

Please state the specific variance request(s). (Example: *Five-foot variance to reduce front setback along Main Street from 25 feet to 20 feet, for a fence*)

Requesting a parking variance

The following questions must be addressed with supporting argument and/or documentation. A variance is considered to allow the applicant relief from the literal requirements of the ordinance because of an unnecessary hardship. A variance is a relation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where a literal enforcement of the ordinance would result in unnecessary and undue hardship. Neither the Land Development Review Board nor the City Council is authorized to grant a variance to establish or expand a use that is not permitted in the particular zoning district. Variances to density cannot be granted unless specifically provided for in the Land Development Code. Variances may only be granted for height, area, size of structure, setback, etc.

In stating the grounds for support of the application, an unnecessary hardship must be shown. This is a hardship that is peculiar to the specific land, structure or building involved and hardship that is not shared generally with other properties, or most, in the same zoning district. An economic hardship does not qualify as a justification for granting a variance (i.e. it is too expensive to build it that way). It is very important to show how your particular situation differs from others and how that situation provides a unique, undue and unnecessary hardship on your property.

You should show that the hardship does not exist because of your own actions and that granting the variance will not confer special privileges that are not enjoyed by other property owners. You should show that granting the variance will not adversely affect other properties and/or the character of the zoning district. The Land Development Review Board or City Council cannot grant a variance that may be detrimental to the public interest.

The LDRB or Council may attach appropriate and reasonable safeguards, or conditions, to the granting of a variance. These conditions are a part of the approval and strict conformance must be observed. The LDRB and Council are not bound to grant a variance simply because a request is made. The applicant must show the facts and the law applicable to this situation. A carefully prepared application listing the grounds on which the variance is sought is a prime requisite to possible favorable Board or Council action.

Variance Criteria:

All of the following six criteria must be met before a variance can be granted. Space is provided for the applicant's response to each criterion. Attach additional sheets as necessary. The Land Development Review Board or City Council must find:

1. That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. (*Explain what of these conditions make your situation different from other properties*):

The Office is mainly used for record keeping and 4 employees.

2. That the special conditions and circumstances do not result from the actions of the applicant (*Explain how the situation was created*)

We are in a healthcare business and record storage is very huge. We have had the need to house more records and wanted to make the office space bigger. Which is requiring 5 more parking spots then we can fit on the property. I feel we do not need the extra parking spot as we only use that office for record keeping and 4 employees.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district (*Is what you want to do something special that other properties in the same zoning have not been allowed to do?*)

NO

4. That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, and under the terms of the ordinance would create unnecessary and undue hardships on the applicant (*Is what you want to do something that is regularly done on other properties in the same zoning district and, if so, how does the ordinance prevent you from doing so?*)

Yes , it just the amount of space spaces allowed on the property

5. That the variance granted is the minimum variance that will make it possible the reasonable use of the land, building or structure (*Have you explored all other options to do what you want to do and found that the variance you are seeking is for the least amount necessary?*)

Yes, Record storage in the healthcare field is very important

6. That the granting of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare (*Will what you are proposing have any negative effects on your neighbors or any other property or to public property, and if not why?*)

NO, because this building and mainly used for record keeping and only 4 employees.

Process:

A pre-application meeting must be held with City Staff to ensure the application is complete. Applications must be submitted by Friday at 10:00 am, and deemed complete, to be scheduled for review by the Development Review Committee (DRC), which is regularly scheduled on Thursdays. Case reviews are generally scheduled two weeks out from the date of submittal, and your attendance or that of your representative is required. The DRC will review the application for compliance of codes and regulations, and may require additional information, necessitating additional DRC meetings. Following the DRC, the case will be scheduled for review by the Land Development Review Board (LDRB) or City Council.

The hearing process to review this application is considered quasi-judicial and operates much like a court of law. The LDRB and City Council members act in a similar capacity as a judge and must govern themselves in accordance with the basics of due process in making decisions. Contact with any of these members about this application should be avoided. These members have been instructed to avoid all such conversations with applicants or people in opposition to or support of any Variance Application. Decisions will be made based on evidence and testimony that is presented at scheduled public hearings and not on information gathered outside of these hearings.

Attendance at meetings:

The applicant or applicant's representative needs to be present at all meetings including DRC, LDRB and/or City Council. Call Development Department Staff at 727-853-1047 to find out when this case will be scheduled for these meetings.

Authorization to visit the property:

Site visits to the property by City representatives are essential to process this application. The Owner/Applicant, as notarized below, hereby authorizes the City representatives to visit, photograph and post a notice on the property described in this application.

Authorization for owner's representative:

I _____, the **owner**, hereby **authorize**

_____ **to act as my representative(s)** in all matters pertaining to the processing and review of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.

Signature of Current Property Owner(s): _____

Date: _____

Subscribed and sworn to before me this _____ day of _____, 20_____

who is personally known to me and/or produced _____ as identification.


STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: _____

My Commission Expires: _____

Applicant's Affidavit:

I Mitschell Beatty, the **owner or authorized representative**, certify that I have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all aspects true and correct, to the best of my knowledge. It is also acknowledged that the filing of this application does not constitute automatic approval of the request and, further, if the request is approved, I will obtain all necessary permits to comply with all applicable orders, codes, conditions, and rules and regulations pertaining to the use of the subject property. (Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized to act on behalf of the corporation.)

Signature of Owner or Authorized Representative: 

Date: 5/13/23

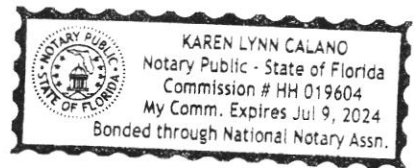
Subscribed and sworn to before me this 13 day of May, 2023

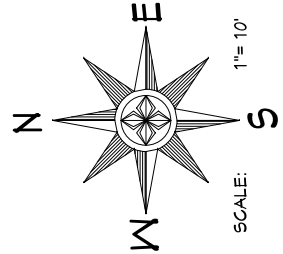
who is personally known to me and/or produced Driver License as identification.

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: Karen Calano

My Commission Expires: 7-9-2024





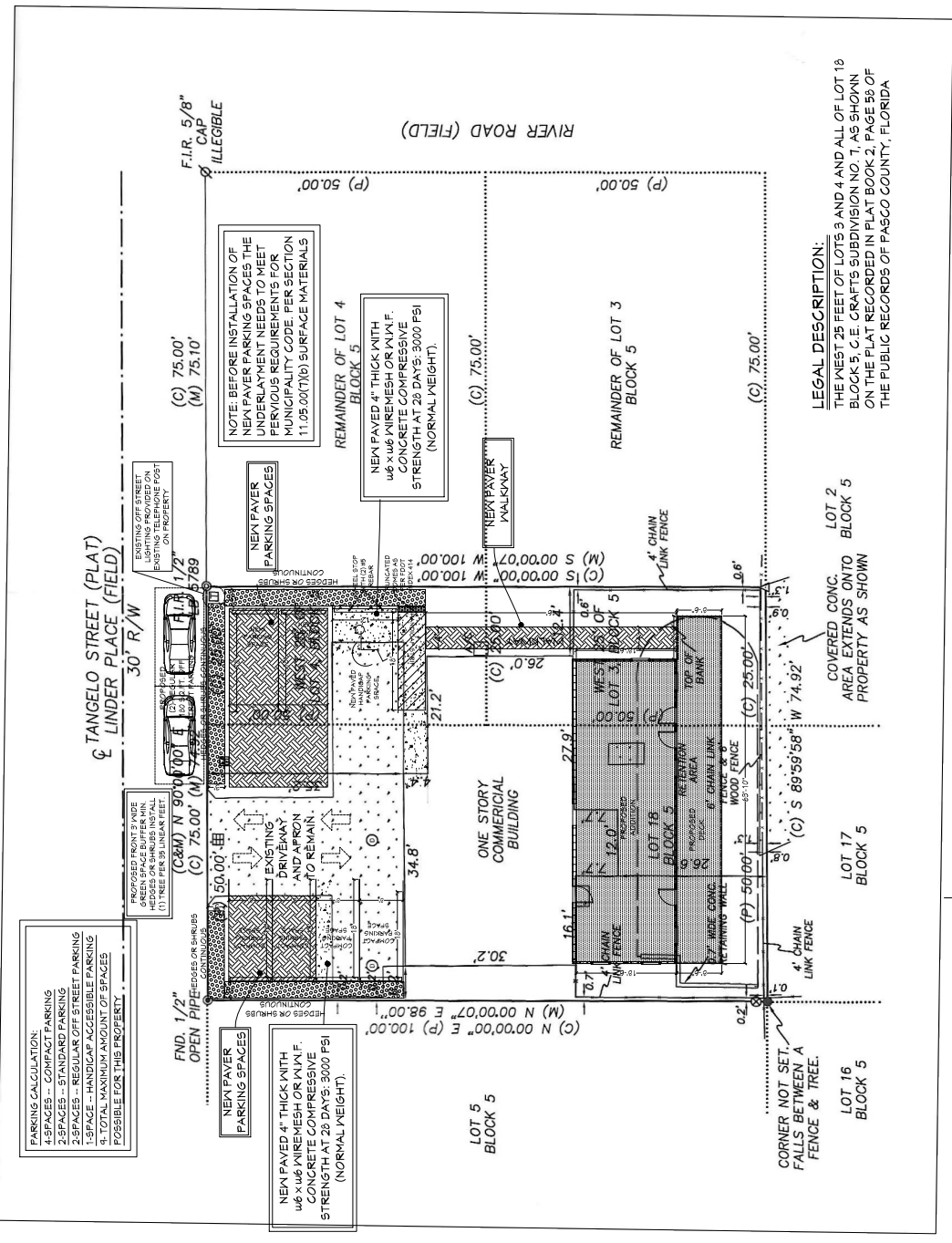
IMPERVIOUS RATIO
 LOT AREA: 1,500 SQFT.
 IMPERVIOUS AREA: 4,815 SQFT.
 PERVIOUS AREA: 2,685 SQFT.
 IMPERVIOUS COVERAGE = 64.2%
 IMPERVIOUS BREAKDOWN:
 EXISTING BUILDING: 1,693 SQFT.
 PROPOSED ADDITION: 1,515 SQFT.
 EXISTING CONCRETE COVERAGE: 1,236 SQFT.
 PROPOSED NEW CONCRETE COVERAGE: 304 SQFT.



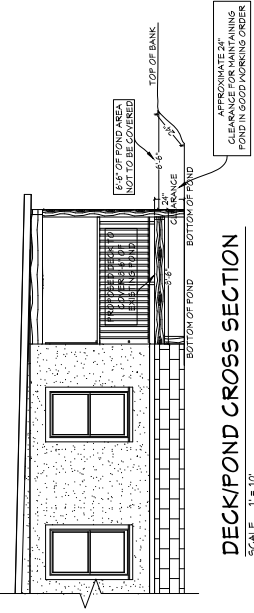
I HEREBY CERTIFY THAT I HAVE REVIEWED AND SUPERVISED THE ATTACHED DESIGN AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF FLORIDA UNDER THE 2009 F.L.C. COMMERCIAL 1TH EDITION.

This item has been digitally signed and certified for authenticity. The digital signature is adjacent to the seal. Printed copies of this document are not considered signed and are not valid. All documents must be verified on any electronic copies.

BRUNNEN & SONS, P.E. (NO. 47431)
 SONNY FM, LLC, A.P. #146
 10201 GOSSE GREEN BLVD., SUITE 100
 TAMPA, FL 33647 PH: 813-404-9321



LEGAL DESCRIPTION:
 THE WEST 25 FEET OF LOTS 3 AND 4 AND ALL OF LOT 16 BLOCK 5, C.E. CRAFTS SUBDIVISION NO. 7, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 2, PAGE 53 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA



DECK/POND CROSS SECTION
 SCALE: 1" = 10'



AGTEC HEAVY DUTY DRIVEWAY & PARKING GRID PAVERS

THE INTERLOCKING SOLUTION FOR TRUCK PARKING, REST AREAS & ACCESS ROUTES

SPECIFICATIONS

Length	23 ⁵ / ₈ "
Width	15 ³ / ₄ "
Height	3 ¹ / ₈ "
Weight/piece	19.84 lbs
Coverage	2.58 ft ²
Quantity/pallet	135 pieces
Area/pallet	348 ft ²
Material	100% recycled plastic
Color	Gray

KEY FACTS

- » High compressive strength
- » Flexible and resistant to cracking
- » Harmless to flora and fauna
- » Meet SLW60 loading category (vehicle up to 60 metric tonnes / 66 tons gross weight)
- » Within NIOSH manual handling guidelines

Permeable design

A rigid but open cellular design allows the grids to provide both exceptional support and water management.

Lightweight

Complies with HSE manual handling guidelines.

Flexible

Polymer construction is semi flexible and resistant to cracking unlike concrete.

Application options

Open cells can be filled with either gravel or soil and seed depending on your application.

Environmentally friendly

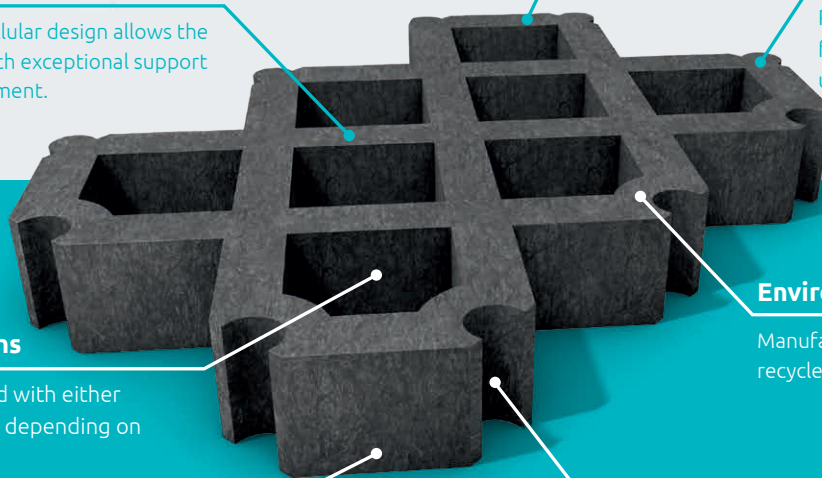
Manufactured from 100% recycled plastic.

High load

Meets high SLW vehicle usage specifications, up to 60 metric tonnes-DIN 1072.

Stable

Location fit connection improves stability once units are in position.



MATERIAL TEST DATA

Testing	Standard DIN EN ISO	Result		
3 point bend	178	Flexural stress	-5°C	27.4 MPa
		Bending e-modulus		1,739 MPa
		Flexural stress	23°C	15.2 MPa
		Bending e-modulus		890 MPa
		Flexural stress	65°C	6.3 MPa
		Bending e-modulus		262 MPa
Tensile	527-2	Strength	9.36 MPa	
		Tensile e-modulus	957 MPa	
		Elongation	3.7%	
Timed tensile	899-1	Tensile e-modulus	1 hour	455 MPa
			100 hours	279 MPa
Timed 3 point bend	899-2	Bending e-modulus	1 hour	595 MPa
			24 hour	439 MPa
			100 hours	367 MPa
Pressure characteristics	604	Compression strength	1% stretch	1.5 MPa
			2% stretch	3.0 MPa
			10% stretch	13.4 MPa
			20% stretch	18.6 MPa
		Pressure e-modulus	262 MPa	
Charpy test	179	Impact resistance	28 kJ/m ²	
Impact shore hardness	868	Shore hardness	54	
Density test	1183-1	Density	0.9896 g/cm ³	
Water absorption	62	23°C, 50%r.L.	<1%	
		23°C in water	<1%	
		100°C in water	<1%	
Resistance	60093 ⁴	Surface resistance	3.0 x 10 ¹² Ω	
		Specific surface resistance	3.0 x 10 ¹³ Ω	
		Flow/contact resistance	7.0 x 10 ¹³ Ω	
		Specific flow/contact resistance	3.5 x 10 ¹⁴ Ω	
Ball striking test	2039-1	Ball striking hardness	20.71 N/mm ²	
Thermal expansion		Coefficient of thermal expansion	0.00012432 1/°C	
Screw pull out force		Drilled material	3,400 N	
		Non pre-drilled	4,700 N	

