



**Variance #2023-05-0012**  
**Staff Report**  
**Land Development Review Board (LDRB)**  
**July 20, 2023**

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**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  
**Staff Contact:** Lisa Algieri, Senior Planner, 727-853-1050  
algierel@cityofnewportrichey.org

**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 7 parking spaces.

Proposal: The applicant is proposing office use which requires 9 parking spaces. The applicant is also proposing to construct an addition increasing the square footage to 2,630 which will increase the required parking to 14 spaces.

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

## Criteria

In order 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 can accommodate the current number of parking spaces.

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

- The applicant is expanding the building creating a need for a variance.

*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. Parking is available for the existing 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 will cause excessive parking in the streets which will negatively affect adjacent businesses and the adjacent residential neighborhood.

### **Summary and Recommendation**

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

### **LDRB Review**

The Board is to conduct a quasi-judicial review of this case at its July 20, 2023 meeting. Ex parte communication shall be disclosed at the beginning of the meeting. The Board may approve the request, approve with conditions, or deny the request.

### **Attachments:**

- Location Map
- Variance Application VAR2023-05-0012

LOCATION MAP AND AERIAL PHOTO

