



Variance #2023-07-0014
Staff Report
City Council Staff Report
September 19, 2023

Case: Variance #2023-07-0014
Applicant: Trinity Church of Christ LLC
Address: 5413 George Street and SW corner of George St and Meadowlane St
Request: An increase in the distance for off-site parking lot
Proposed Use: Church parking
Staff Contact: Lisa Algieri, Senior Planner, 727-853-1050
algierel@cityofnewportrichey.org

Statements of Fact

Property Location: West side of George Street
Zoning: Office
Future Land Use: Residential/Office
Existing Use: Office and vacant lot
Code References: Section 7.10.00 and Section 5.03.00 of the Land Development Code

Analysis

Existing Conditions: The 0.25 acre property is located on Southwest corner of George Street and Meadowlane Street. It is a vacant lot zoned for Office and is located approximately 306' from 5413 George Street. The number of parking spaces at the 5413 George Street location is 35.

Proposal: The applicant is proposing to utilize the building at 5413 George Street for a church which is a permitted use in the Office zoning district. However, the property has insufficient parking for their assembly. Section 11.05.00(1) of the Land Development Code allows off street parking when the property is located within 200' of the primary use. The request is for a variance to extend the distance for off street parking from 200' to approximately 306'.

Analysis: The required number of spaces required for an assembly of 183 seats is 61 parking spaces. The vacant lot can accommodate 47 spaces allowing the applicant to meet the parking requirements.

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 that are peculiar to the land.
2. *That the special conditions and circumstances do not result from the actions of the applicant;*
- The applicant did not create the location of the properties.
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 a special privilege of allowing off-site parking beyond 200’.
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 deprive the applicant the right to use the property as a church since there is insufficient parking.
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 pursue off-site parking within the 200’ requirement.
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.*
- Granting a variance will not be in harmony with the general intent of the ordinance. The established 200’ distance is intended for pedestrians to have a relatively short distance to walk. The requested 306’ is more than 50% further than allowed and may be difficult for some pedestrians to use.

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 August 17, 2023 meeting.

The Board unanimously **approved** the request to allow for a church and the required off-street parking to be located on separate parcels, provided they are not separated more than 306’ from each other and the parcels cannot be under separate ownership long as the church is in operation.

All parking lots are required to be developed to City standards.

City Council

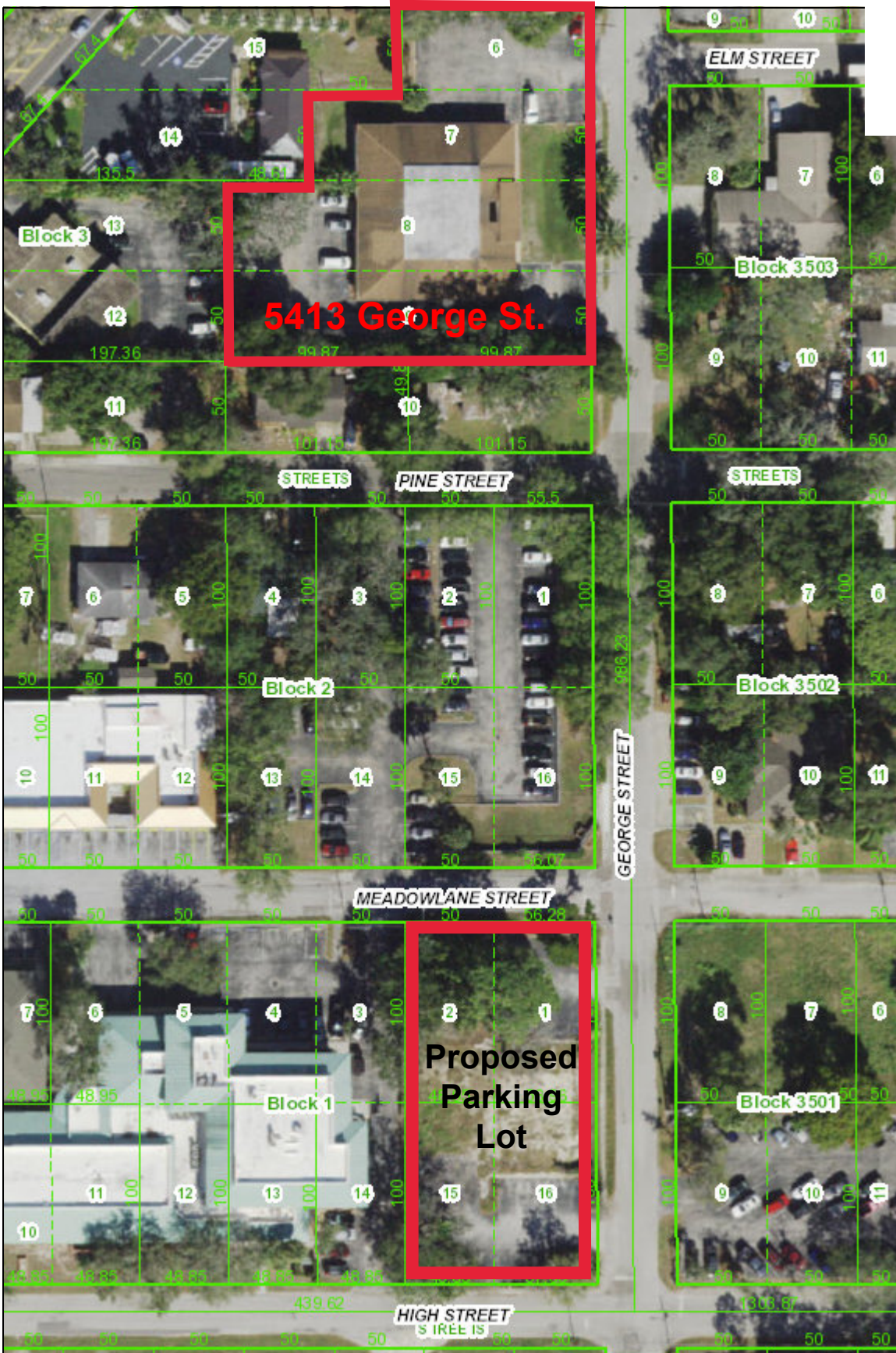
When the DRC and LDRB reach different decisions, an appeal is automatically advanced to the City Council for consideration (LDC 5.03.02).

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

Attachments:

- A. Location Map
- B. Variance Application VAR2023-07-0014
- C. Proposed Parking Lot Layout
- D. Distance Map

Attachment A Location Map



- Parcels
(Clickable Info)
- Blocks
(Boundaries and Labels)
- Lot (Labels)
- Lot (Lines)



Mike Wells
Property Appraiser
Proudly Serving Pasco County, Florida

Pasco County Property Appraiser

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7/21/2023, 2:34:20 PM



VARIANCE APPLICATION

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

Attachment B Variance Application VAR2023-07-0014

- 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*

Property Owner and Representative Information:

Current Property Owner(s): Sugar & Spice Preschool Corporate, LLC		Phone:
Owner Address 5450 Bruce B Downs Boulevard, PMB 218, Wesley Chapel, Florida 33544		
Owner Email Address: willgibsonlol@me.com		
Owner's Representative(s): Trinity Church of Christ LLC	Relationship to Owner: Buyer	
Representative Mailing Address: 5413 George Street, New Port Richey, Florida 34652		
Representative Email Address: Brew2000fam@yahoo.com	Phone: 813-841-0433	
Primary contact: <i>(This is the <u>one</u> person to whom the City will send all communication regarding this application)</i> Jerry D. Brewster, Jr.		

Property Information:

Site Address: No Physical Address (George St. and Meadowlane St. & George St.. and High St.)		
General Location: C.E. Crafts Subdivision, Unit 3		
Size of Site:	Square Feet: 10,780	Acres: 0.25
Legal Description of Subject Property: Lots 1, 2, 15 and 16, Block 1, C.E. Crafts Subdivision, Unit 3, according to the map or plat thereof as recorded in Plat Book 2, Page 41, Public Records of Pasco County, Florida.		
Parcel Number(s): 08-26-16-0240-00100-0010 & 08-26-16-0240-00100-0150		
Zoning District: <i>(Planning and Development Department will complete this section):</i>	Future Land Use Category: <i>(Planning and Development Department will complete this section):</i>	
Existing Use and Size: <i>(Existing number of dwelling units or square footage of non-residential uses on the property)</i> Parking Lot		

Proposed Use: (Proposed number of dwelling units or square footage of non-residential uses if different than existing use)

Additional Parking for Trinity Church of Christ Inc.

Does applicant/owner own property contiguous to this site? Yes No
Note: Not contiguous, Buyer is purchasing 5413 George St., New Port Richey, FL 34652 which permitted zoned use requires additional parking.

If yes, provide address and legal description of contiguous property:
Note: 08-26-16-0240-00300-0070, Lots 6, 7, 8 and 9, Block 3 of C. E. CRAFT'S SUBDIVISION NO. 3, according to the Plat thereof as recorded in Plat Book 2, Page(s) 41, of the Public Records of Pasco County, Florida.

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:	
<input checked="" type="checkbox"/>	Completed, notarized application - this form
<input checked="" type="checkbox"/>	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*)

120 foot variance from 200 feet to 320 feet to allow off-site parking at a lot approximately 305 feet from the Church which will be at 5413 George St., New Port Richey, FL 34652.

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 building, 5413 George St. is 6,000 square feet with 35 parking spaces. Buyer's intended use is a church which is a permitted use in the applicable zoning district. The square footage for the building supports the intended use, but the 3:1 parking ratio requirement requires off-site parking.

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

The increased parking will go with the site at 5413 George St., New Port Richey, FL 34652 and will be an enhancement thereto and will also ensure adequate parking for future permitted uses. Currently, the use is permitted, but the site is limited because of the parking ratio restriction.

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?*)

Within the city limits there are several sites that have off-site parking including the adjacent property to the west of the proposed parking area. In addition, the parking areas closest to the site are already being used as off-site parking for neighboring developments, including the former Schwettman High School owned by the school district. This variance request is also just outside of the limitations of the 200 feet requirement.

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?*)

See paragraph 3.

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, the Applicant has done due diligence by reviewing other appropriate sites for off-site parking across the street, however it is unavailable. This is the closest available lot.

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, the proposed site plan attached to this application will improve the site aesthetically. We will enhance and continuously maintain the site.

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 William Gibson, the owner, hereby authorize

Jerry Brewster 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 regarding the property located at 5719 & 5723 High St, New Port Richey, FL 34652.

Signature of Current Property Owner(s): [Signature] Date: 7/11/23

MANAGER OF SUGAR + SPICE PRESCHOOL CORPORATE, LLC

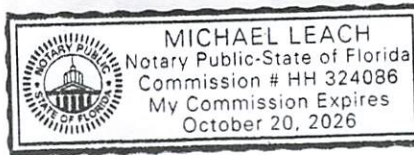
Subscribed and sworn to before me this 11th day of July, 2023

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

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: Michael Leach

My Commission Expires: 10/20/26



Applicant's Affidavit:

I Jerry Brewster, 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: [Signature] Date: July 12, 2023

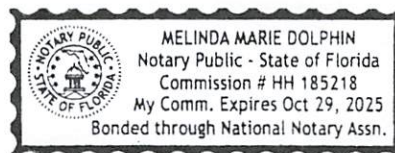
Subscribed and sworn to before me this 12th day of July, 2023

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

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: [Signature]

My Commission Expires: Oct 29, 2025





2017093123

Rcpt: 1871885 Rec: 18.50
DS:1470.00 IT: 0.00
06/16/2017 eRecording

PAULA S. O'NEIL, Ph.D. PASCO CLERK & COMPTROLLER
06/16/2017 11:13 AM 1 of 2
OR BK **9557** PG **1615**

This instrument was prepared by
Matthew H. Jacobson, Esq.
Isicoff, Ragatz & Koenigsberg, P.L.
601 Brickell Key Drive, Suite 750
Miami, Florida 33131

SPECIAL WARRANTY DEED

**Parcel ID #'s: 08-26-16-0240-00100-0010 &
08-26-16-0240-00100-0150**

THIS SPECIAL WARRANTY DEED, made this _____ day of _____, 2017,
BETWEEN UNITED ASSET HOLDINGS COMMERCIAL, LLC, a Florida limited liability
company, having an address at: 1700 Palm Beach Lakes Boulevard, Suite 650, West Palm Beach,
Florida 33401, **GRANTOR** and **SUGAR & SPICE PRESCHOOL CORPORATE, LLC**, a Florida
limited liability company, having an address located at: 26312 Lexington Oaks Boulevard, Wesley
Chapel, Florida 33544, **GRANTEE**.

WITNESSETH that the **GRANTOR**, for and in consideration of the sum of Ten (\$10.00)
Dollars, and other good and valuable consideration to **GRANTOR** in hand paid by **GRANTEE**, the
receipt whereof is hereby acknowledged, has granted, bargained and sold to the said **GRANTEE** and
GRANTEE'S heirs and assigns forever, the following described land, situate, lying and being in the
County of Pasco, State of Florida, to wit:

**Lots 1, 2, 15 and 16, Block 1, C.E. Crafts Subdivision, Unit 3, according to the map
or plat thereof as recorded in Plat Book 2, Page 41, Public Records of Pasco County,
Florida.**

Subject to:

1. Taxes for the year 2017, which are not yet due or payable.
2. Restrictions, reservations and easements of record, if any, which are not reimposed
hereby.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in
anywise appertaining.

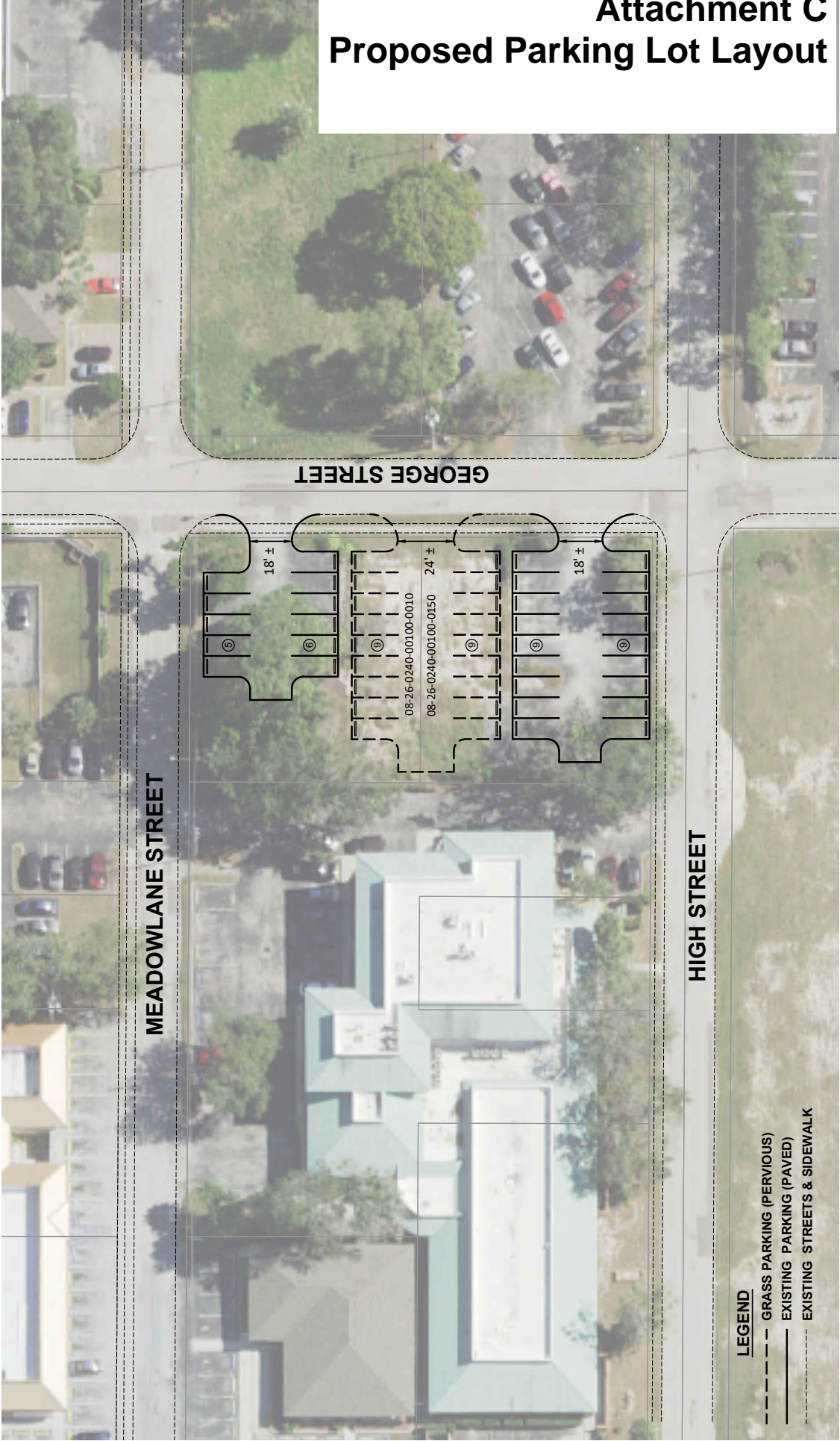
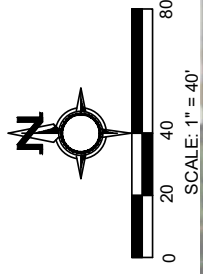
TO HAVE AND TO HOLD, the same in fee simple forever,

AND the **GRANTOR** hereby covenants with said **GRANTEE** that **GRANTOR** is lawfully seized of said
land in fee simple; that **GRANTOR** has good right and lawful authority to sell and convey said land;
that **GRANTOR** hereby fully warrants the title to said land and will defend the same against the lawful
claims of all persons claiming by, through or under **GRANTOR**.

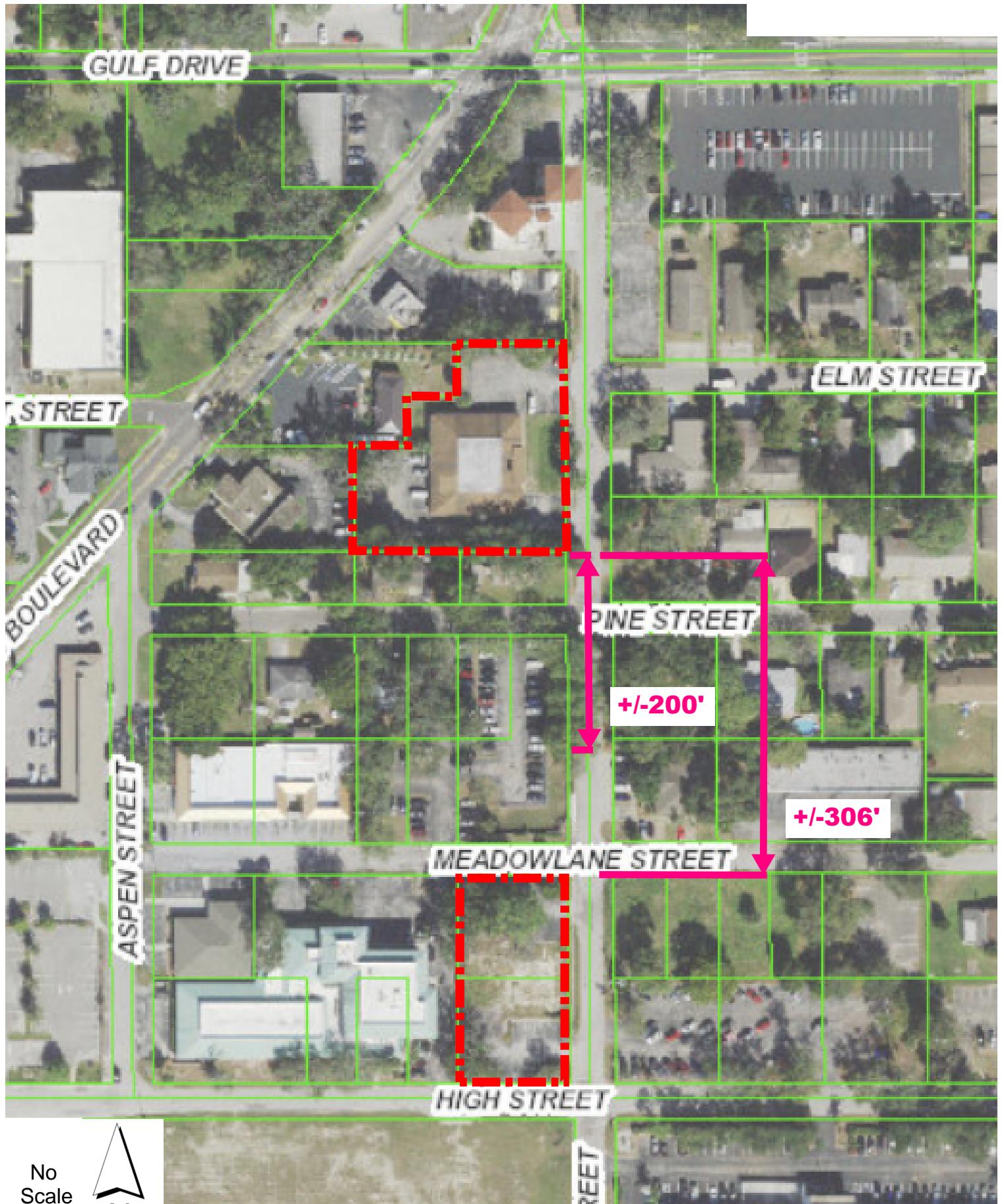
Attachment C Proposed Parking Lot Layout

HIGH STREET TRINITY CHURCH OF CHRIST OVERFLOW PARKING

CITY OF NEW PORT RICHEY
PARCEL ID: 08-26-0240-00100-0150
08-26-0240-00100-0010



Attachment D Distance Map



No
Scale

