



**Variance #2023-03**  
**Staff Report**  
**Land Development Review Board (LDRB)**  
**February 16 2023**

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**Case:** Variance #2023-03  
**Applicant:** Mark E George & Stephen N George  
**Address:** 5308 Lemon Street  
**Request:** A reduction in parking from 11 spaces to 8 spaces  
**Proposed Use:** Entertainment/Restaurant  
**Staff Contact:** Lisa Algieri, Senior Planner, 727-853-1050  
algierel@cityofnewportrichey.org

**Statements of Fact**

**Property Location:** 0.15 acres located on the south side of Lemon Street  
**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 0.15 acre property is located on the South side of Lemon Street 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 1954. 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 6 parking spaces. In January 2021, the Development Review Committee (DRC) denied parking in the rear yard as there was insufficient space to access this area.

Proposal: The applicant is proposing a restaurant/music venue. The City's parking code for a restaurant is 1 space/100 sf of floor area. The building is 1,192 sf, which would require 11 parking spaces for the restaurant.

The proposed development includes 6 parking spaces across the front of the property with 2 additional spaces stacked in a second row in front of the proposed parking on each side of the property. The 6 spaces can meet city code for uses that require 1 space/200 sf of floor area. However, the 2 stacked spaces do not meet code. Additionally, the stacked space on the east side of the property does not meet required size for a parking space.

The applicant met with the DRC and presented his request and future plans. He stated that his business model is to offer a venue for musicians to play to a small audience in a restaurant setting, i.e. a songwriters café. The seating capacity for the restaurant is 16 seats. The applicant informed DRC that his future plans include adding 20 seats outdoors and hosting small concerts that could host approximately 60 attendees.

The applicant expressed a desire to use on-street parking spaces. However, these do not exist at the time of this application and therefore cannot be considered.

The applicant has also expressed an interest in purchasing the adjacent property to the west to use for his guitar retail business and to combine parking. As of this date, the applicant has not submitted plans showing this proposal.

## 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 lot can meet the parking code for uses requiring 1 space/200 sf of floor area.

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

- There are no special conditions or circumstances.

*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 intensive use. Parking is available for less intensive uses of the property.

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 building for less intensive uses.

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 meet the city parking code for a less intensive use 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 intensive 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. Additionally, traffic flow will be hindered and lines of sight obstructed creating a public safety hazard.

## **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 February 16, 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 VAR2023-03

LOCATION MAP AND AERIAL PHOTO

