



VARIANCE APPLICATION

City of New Port Richey
 Development Department
 City Hall, 5919 Main Street, 1st Floor
 New Port Richey, FL 34652
 Phone (727) 853-1044 * Fax (727) 853-1052

CASE #	<u>VAR2020_03 & VAR2020_06</u>
DRC date(s)	<u>10/15/20</u>
LDRB date	<u>11/19/20</u>
Council date (if difference between DRC/LDRB action or a sign request greater the 5)	_____
Date Received:	<u>10/28/20</u>

- Submit one original signed and notarized application
- Submit 1 digital version of application
- Submit application fee, \$300 non-sign, \$500 sign, checks made payable to the *City of New Port Richey*

Property Owner and Representative Information:

Current Property Owner(s): G&H Partnership (Mr. Charles Grey)		Phone: 727-849-2424
Owner Address 6328 US Hwy 19, New Port Richey, FL 34652		
Owner Email Address: N/A		
Owner's Representative(s): Jacob Mossholder	Relationship to Owner: Buyer's Rep	
Representative Mailing Address: 900 SW Pine Island Road, Suite 202, Cape Coral, FL 33991		
Representative Email Address: JMossholder@creightondev.com	Phone: 239-994-0082	
Primary contact: <i>(This is the <u>one</u> person to whom the City will send all communication regarding this application)</i> Jacob Mossholder		

Property Information:

Site Address: <small>(1) 6330 US Highway 19, New Port Richey, FL 34652; (2) 6328 US Highway 19, New Port Richey, FL 34652; (3) 6318 US Highway 19, New Port Richey, FL 34652; (4) 5303 Main Street, New Port Richey, FL 34652</small>		
General Location: 4 parcels located at the northeast corner of US 19 and Main Street		
Size of Site:	Square Feet: 35,455.55	Acres: 0.82
Legal Description of Subject Property: See attached		
Parcel Number(s): There are four (4) parcels: 05-26-16-0030-20700-0120; 05-26-16-0030-20700-0121; 05-26-16-0030-20700-0122; 05-26-16-0030-20700-0123		
Planning and Development will complete	Zoning District	Future Land Use
Downtown		Downtown

Existing Use and Size: <i>(Existing number of dwelling units or square footage of non-residential uses on the property)</i> Two Realtors, Boost Mobile, and Medical & Chiropractic Treatment Center (Total buildings = 11,400 SF)	
Proposed Use: <i>(Proposed number of dwelling units or square footage of non-residential uses if different than existing use)</i> Convenience Store/Fueling Station (3,454 SF)	
Does applicant/owner own property contiguous to this site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, provide address and legal description of contiguous property:	
Has any previous variance or appeal been filed regarding this property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, state the nature of the application/appeal and outcome:	
Has a Development Order or Certificate of Occupancy been refused?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Submittal Information:

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

Guidelines For The Granting of Variances:

<p>Please state the specific variance request(s). (Example: <i>Five-foot variance to reduce front setback along Main Street from 25 feet to 20 feet, for a fence</i>)</p> <ul style="list-style-type: none"> - Impervious coverage limits from 70% to 81%. - Sign setback reduction to zero (0) feet <p>The following questions must be <u>addressed</u> 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.</p>

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).

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*):

SEE ATTACHED

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

SEE ATTACHED

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?*)

SEE ATTACHED

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 ATTACHED

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?*)

SEE ATTACHED

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?*)

SEE ATTACHED

Process:

A pre-application meeting may be held with City Staff to ensure the application is complete. Applications must be submitted on Friday by 10:00 am. Once deemed complete, the application will be scheduled for review by the Development Review Committee (DRC). The DRC will review the application for compliance with codes and regulations. Changes may be suggested and additional reviews by the DRC may be necessary. 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 727-853-1044 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 CHARLES R. GIBBY 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): [Signature]
GTH PARTNERSHIP

Date: 10.28.2020



Subscribed and sworn to before me this 28 day of OCT, 20 20

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

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: [Signature]

My Commission Expires: 3-25-2022

Applicant's Affidavit:

I CHARLES R. GIBBY 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: 10.28.2020



Subscribed and sworn to before me this 28 day of OCT, 20 20

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

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: [Signature]

My Commission Expires: 3-25-2022

Variance Criteria Response

Project Description

The site consists of 4 properties totaling +/- 0.82 acres located on US-19 Hwy. A 3,454 square foot convenience store including 6 MPD gas pumps. This application seeks approval from the Development Review Committee (DRC) for this proposed development. The applicant seeks DRC approval as well as two variances from the City of New Port Richey Land Development Code.

Compliance with Section 5.03.00

The application for the multiple variance requests listed below has been filed in accordance with the Review and Approval Criteria of Chapter 5 (subsection 3.0) to the best of our knowledge.

Variance Criteria

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

Variance Criteria Response

REQUESTED VARIANCES

Variance Criteria Response

Variance Request #1

Request

We are requesting relief from the requirements for:

- Impervious coverage limits from 70% to 81%.

Code Reference

Chapter 7 (subsections 22.02) of the City of New Port Richey Land Development Code.

Variance Criteria Response

1. The proposed site plan was created to meet the minimum requirements for parking and drive aisles per the City's code, while also creating successful circulation and access to the site for customers and fuel trucks. However, due to the actual size of the site, Creighton will not be able to meet the current impervious limitations.
2. The applicant did not dictate the size of the site, as the existing property is a parcel of record and cannot be enlarged.
3. The request to increase the impervious coverage will not give Creighton any special privileges over other C-stores along the corridor. Creighton will still have to meet all applicable storm water management requirements, just like all other C-stores along the corridor.
4. If Creighton were to meet the current requirements, parking spaces and drive aisle would have to be reduced. If parking were to be reduced, the site would be non-code compliant.
5. The proposed amount of impervious is the minimum needed to create a sustainable site. With this increase in allowable coverage, Creighton will still meet the minimum requirements for drive aisle and parking set forth by City Code.
6. Creighton does not see this variance creating any negative effects on our neighbors or public. The proposed site plan is an improvement on the existing conditions as currently, the site is 94% impervious. In the proposed condition we are reducing this by 13%. Furthermore, the proposed design removes two large curb cuts located in the right-of-way. The removal of these curb cuts removes 2,483 sf of impervious area. Although, the removal of the impervious in this area is outside of the sites boundaries it still does provide a positive benefit to the surrounding basin.

Variance Criteria Response

Variance Request #2

Request

We are requesting relief from the requirements for:

- Sign setback reduction to zero (0) feet.

Code Reference

Chapter 13 – Signs and Advertising of the City of New Port Richey Land Development Code.

Variance Criteria Response

1. In the existing condition, the site has 2 curb cuts off of US 19. These curb cuts create a view corridor for any proposed sign that would be installed along US 19. Since these existing curb cuts are required to be removed, this view corridor is eliminated. The loss of this view corridor coupled with the amount of new trees required by the City in the small landscape area between the proposed curb line and right-of-way make it uniquely difficult to construct a monument sign meeting the required setback. The reduction of the sign setback to zero (0) feet does not adversely impact any site triangles of visibility for drivers on Bridge Road or US 19 and is essential to maintain proper visibility of the propose monument sign for vehicles traveling on US 19.
2. The removal of the 2 curb cuts off of US 19 and the amount and location of the proposed landscaping was not dictated by the applicant, which results in poor visibility of the monument sign.
3. The request to decrease the sign setback will not give Creighton any special privileges over other C-stores along the corridor. Many of the existing businesses in the immediate vicinity along US 19 have minimal landscaping and clear lines of site to their signage and buildings. Moving Creighton's sign closer to the right-of-way line will not provide an unfair increase in visibility for this site over sites along this corridor.
4. If Creighton were to meet the current requirements, their sign's visibility would be obstructive by the City's required trees along the US 19 right-of-way.
5. Creighton is not asking for more than what is necessary to create the necessary visibility for the monument sign. Only a reduction to zero (0) feet will allow the sign to be placed in a location that will be visible from US 19. Another considered location for the sign was at the southwestern corn of the property; however the right-of-way line jogs further into the site at this location, which makes visibility even worse.

Variance Criteria Response

6. Creighton does not see this variance creating any negative effects on our neighbors or public. The proposed location of Creighton's sign along U.S. 19 does not reduce or obstruct the visibility of Julian's Auto Showcase to the north.

A PORTION OF LOTS 12 AND 13, BLOCK 207, CITY OF NEW PORT RICHEY, A/K/A PORT RICHEY COMPANY REVISED PLAN FOR TOWN OF NEW PORT RICHEY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 27, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 26 SOUTH, RANGE 16 EAST; THENCE RUN S89°31'15"E ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1342.24 FEET TO A POINT ON THE CENTERLINE OF U.S. HIGHWAY 19, PER FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP SECTION 14030-2540; THENCE RUN N00°00'07"E ALONG SAID CENTERLINE, A DISTANCE OF 1723.88 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF BRIDGE ROAD, PORT RICHEY COMPANY REVISED PLAN FOR TOWN OF NEW PORT RICHEY, PLAT BOOK 2, PAGE 27, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; THENCE DEPARTING SAID CENTERLINE, RUN S89°48'42"E ALONG SAID WESTERLY EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 55.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 19, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, RUN S89°48'42"E, A DISTANCE OF 170.95 FEET TO A POINT ON THE EAST LINE OF LOT 12, BLOCK 207, PORT RICHEY COMPANY REVISED PLAN FOR TOWN OF NEW PORT RICHEY; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, RUN S00°11'18"W ALONG SAID EAST LINE, A DISTANCE OF 211.76 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 595A (A/K/A MAIN STREET), PER FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP SECTION 14580-2602; THENCE DEPARTING SAID EAST LINE, RUN N89°56'23"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 150.26 FEET TO A POINT ON AFORESAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 19; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY, RUN ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES: 1) N44°58'08"W, A DISTANCE OF 21.22 FEET; 2) N00°00'07"E, A DISTANCE OF 103.41 FEET; 3) N89°59'53"W, A DISTANCE OF 5.00 FEET; 4) N00°00'07"E, A DISTANCE OF 93.74 FEET TO THE POINT OF BEGINNING

