

VARIANCE NO.: _____

DATE: _____

PASCO COUNTY
APPLICATION FOR VARIANCE
DEVELOPMENT REVIEW COMMITTEE
VARIANCE BOARD

The undersigned owner(s) of the following legally described property have formally requested consideration of a variance in accordance with the provisions of the Florida Statutes and the Pasco County LDC, Section 316.

It shall be the responsibility of the petitioner, or her/his legal agent of record, to provide all information required below or any other information which is reasonable and relevant to the formulation of a recommendation to the adjustment being considered. No application for review shall be deemed complete until all required information is provided.

1. Project Name: Taco Bell # 19723
2. Project No. (from DRD): 360567
3. Name of Owner: Guerrieri Management Inc.
 Mailing Address: 1128 Country Club Rd.
 City: Cape Coral State: FL Zip Code: 33990
 Telephone Number: 239-573-3674 Fax Number: 239-573-3679
 E-Mail Address: tacogordy@aol.com
4. Name of Developer: CW Hayes Construction
 Mailing Address: P.O. Box 621294
 City: Oviedo State: FL Zip Code: 32762
 Telephone Number: 407-366-1564 Fax Number: 407-366-3835
 E-Mail Address: cwhayesc@bellsouth.net
5. Name of Agent, if applicable: Tammy Kork, Arcvision
 Mailing Address: 1950 Craig Rd. #300
 City: St. Louis State: MO Zip Code: 63146
 Telephone Number: 314-415-2400 Fax Number: 314-415-2300
 E-Mail Address: tkork@arcv.com
 (Attach completed Agent of Record)

Locational Description: 22744 State Rd. 54

Parcel Identification Number:

Section 31, Township 26 South, Range 19 East, Sub 0000, Block 00100 Lot 0021

Present Zoning District: _____

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PASCO COUNTY
DEVELOPMENT REVIEW

REASONS FOR REQUEST FOR VARIANCE:

Using a separate application for each request, please answer the following. If additional space is needed, attach extra pages to the application.

1. State the specific section of the LDC for which the variance is requested:
Section 603.9 - Landscape Buffering + Screening
2. Describe the variance requested:
existing parking area is encroaching into the required buffer area of the northern, eastern, + western property line.
3. Demonstrate compliance with one or more of the following:
 - a. The strict application of the land development regulation creates an unreasonable or unfair non-economic hardship, or an inordinate burden that was not created by the variance applicant.
 - b. The specific application of the land development regulation conflicts with an important Goal, Objective, or Policy of the Comprehensive Plan, or with the intent and purpose of another recently adopted land development regulation that serves a greater public purpose.
 - c. The granting of the variance will provide a net economic benefit to the taxpayers of Pasco County and is not in conflict with important Goals, Objectives, and Policies of the Comprehensive Plan.
 - d. The granting of the variance is necessary to achieve an innovative site or building design that furthers the Goals, Objectives, and Policies of the Comprehensive Plan.
 - e. The intent and purpose of the land development regulation and related land development regulations and Comprehensive Plan provisions is met or exceeded through an improved or alternate technology or design.
 - f. The granting of the variance is necessary to protect the public health, safety or welfare.
 - g. The variance is necessary to comply with State or Federal law.
 - h. The variance satisfies variance criteria set forth in the specific County land development regulation that is the basis for the variance request.
4. All variance applications that affect site conditions shall be accompanied by site plans depicting the site conditions with the granting of the variance and without the granting of the variance. Conceptual site plans may be allowed if approved by the Division Engineer (DRD) or Development Director.

ADDITIONAL ITEMS REQUIRED FOR VARIANCE:

1. Two signed and sealed legal descriptions and sketches to be supplied at time of application.
2. Copy of Warranty Deed _____
3. Copy of Last Year's Tax Bill _____
4. Notarized Agent of Record Letter (if applicable)
5. Is this application the result of a Notice of Violation? NO If so, please attach a copy of the notice.
6. Application Fee: 200 (each variance request).

I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

FREDERICK J. GOGLIA

ARCHITECT, NCARB, ISP

February 5, 2010

Permit & Development Information Services
Attn: Pamela Shaw
7530 Little Road, Suite 230
New Port Richey, FL 34654
Phone: 727.847.8142

RE: Taco Bell Remodel
22744 State Road 54
Lutz, FL 33549
Sequence #: 36067

Dear Pamela,

Please find below, the revised narrative explaining our reasons for applying for a variance to the LDC requirements for the above mentioned project. I hope you will find that this is more specific as you had requested.

Please note that we are applying for a variance from section 603.9 of the LDC. This applies to the Northern, Eastern and Western property lines. It is not physically possible to meet the requirements of the LDC in these instances when the existing site conditions are taken into account.

Northern Boundary:

Reason(s) for variance: LDC 316.1.A.2 , LDC 316.1.A.5 , LDC 316.1.A.6– see below.

LDC Section 603.9.D.4.a(2) requires a buffer width of 15' along this boundary, which is parallel with State Rd. 54. Existing parking encroaches 6'-0" into the 15' that is required, leaving an existing 9'-0" space for a buffer zone. Per LDC 615.B.5, 23 parking spaces are required. Removing the parking spaces along this boundary, plus the space removed to meet LDC section 603.6.I (required landscape island) would reduce the number of parking spaces to 22 (LDC 316.1.A.2). If the parking spaces were maintained and the buffer zone increased to 15' as required, the adjacent drive aisle (2-way) would be reduced to 19'-0". The existing drive aisle is currently at 25' wide and moving the parking away from the property line would cause a loss of needed vehicular use area. Per LDC 618.10.C, the required driveway width at this location is 24 feet (LDC 316.1.A.2). It would also cause a potentially unsafe condition, considering the width of the driveway continues across adjacent properties. A sudden change in driveway width could potentially be unsafe to drivers (LDC 316.1.A.6).

We request that the buffer area requirement be reduced to 9'-0" along the Northern Boundary. The enclosed landscape plan (L1.0) will show that we are proposing to plant seven (7) trees along this boundary, to meet the requirements of 603.9.D, along with shrubs and

groundcover. There will be one gap in the 30' o.c. requirement (LDC 603.9.D.4.b) due to the handicapped access ramp to the public sidewalk as required by Federal ADA guidelines. A berm cannot be installed along this boundary due to the reduced width, but considering there is an existing increase in elevation of approximately 18-24 inches from the public sidewalk to the property line, with the added landscaping (See Sheet L1.0), we believe the intent of the code will be satisfied (LDC 316.1.A.5).

Western Boundary:

Reason(s) for variance: LDC 316.1.A.2

LDC 603.9.D.1 requires a 10' buffer zone along this boundary. Existing parking encroaches 5'-0" into the 10' that is required, leaving an existing 5'-0" space for a buffer zone. Per LDC 615.B.5, 23 parking spaces are required. Removing parking along this boundary would reduce the number of parking spaces to 22 (LDC 316.1.A.2). Maintaining the parking and reducing the access drive width would result in an access drive with a width of 18' for two way traffic. Per LDC 618.10.C, the required driveway width at this location is 24 feet (LDC 316.1.A.2).

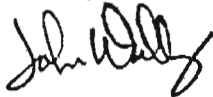
We request that the buffer area requirement be reduced to 5'-0" along this boundary. The enclosed landscaping plan (L1.0) shows the new landscaping to be added as well as the existing. With the new and existing landscaping, the required plants/trees along this boundary are met.

Eastern Boundary:

Reason(s) for variance: LDC 316.1.A.6

LDC 603.9.D.1 requires a 10' buffer zone along this boundary. The drive thru lane runs parallel to this boundary and encroaches 5' into the required 10' buffer area. A reduction of the drive thru lane width in order to meet this requirement, would result in a lane width of 8'. Taco Bell has established a minimum drive thru lane width of 12'. Furthermore, for Emergency Services, according to NFPA standards, requires a minimum of 10' width for a drive thru lane in order to allow passage of emergency vehicles (LDC 316.1.A.6).

Sincerely,



John Wollberg
ArcVision, Inc.

On Behalf of
FREDERICK J. GOGLIA
ARCHITECT NCARB, ISP