

CITY OF LYNN HAVEN
BOARD OF ADJUSTMENT
NOVEMBER 19, 2009

A regular meeting of the Lynn Haven Board of Adjustment was held on Thursday, November 19, 2009 at 5:30 p.m. in the City Commission meeting room.

Present: Brian Leebrick, Chairperson
Ken Dewitt
Eric Howell
Neil Jones
Mike Lane, City Planner
Robert Carroll
Joe Giamportone, wife & son

Absent:

Mr. Brian Leebrick, Chairperson, called the meeting to order at 5:30 p.m.

Chairperson asked that all those in favor of approving the September 17, 2009 Minutes so indicate by saying aye. He asked if anyone was opposed. Minutes were approved unanimously (4-0).

#3. LITTLE CAESAR'S VARIANCE (VAR-09-4): Mr. Robert Carroll of McNeil Carroll Engineering, the representative of the applicant, addressed the Board and stated that his client is requesting a parking variance for a 2,155 sq ft Little Caesar's carry out only restaurant. There is another 1,515 sq ft building, which is attached to the proposed restaurant, that is currently vacant and which the applicant will not be leasing. The building was originally built for a bread store, and was later expanded to accommodate a dine-in restaurant known as Sweet Tease. There are currently 25 spaces on the property to serve the entire 3,670 sq ft building. There is nothing in the City Code that addresses the parking requirements for a carry out only restaurant. The parking requirement shown in the Code is 1 space per 100 sq ft of gross floor area for all restaurants. To meet this requirement, a total of 37 spaces would have to be provided for the entire building. Applicant is asking for a parking variance that will allow 1 space per 250 sq ft, which would require only 14 parking spaces for the entire 3,670 sq ft building.

Board member, Leebrick, asked how Sweet Tease met the parking requirement. Mr. Mike Lane, City Planner, stated that Sweet Tease had a right of way use agreement with the City to park along Petty Drive. Mr. John Lynch, City Manager, addressed the Board and stated that the City had no objection to a Little Caesar's restaurant or the variance, however, he would like the Board to link their motion to a couple of caveats. The first caveat is that because of a safety issue, there can never be a drive thru window. The second caveat is that in exchange for a right of way use agreement being given by the City, the applicant must agree to execute a developer's agreement that states he will not put in a drive thru window.

Mr. Robert Carroll stated that 14 spaces would allow both businesses to operate and there are 25 spaces currently being provided on the site. Board member, Leebrick, asked how many employees would the Little Caesar's business have. Mr. Joe Giamportone, the owner of the business, stated that at the most there would be a total of 6 employees. Board member, Jones, asked if there was plenty of space for delivery trucks and Mr. Giamportone replied in the affirmative. Mr. Carroll stated that there would not be any pavement added to the site.

Board member, Neil Jones, made a motion to approve the variance as stated by the applicant with a right of way agreement and no drive thru window.

Second to motion: Eric Howell

Chairperson, Leebrick, asked that all those in favor of approving the variance request, with the caveats, so indicate by saying aye. He asked if anyone was opposed. Motion was approved unanimously (4-0).

City Planner's Report: Mr. Mike Lane had nothing to report.

With there being no further business or discussion, the meeting was adjourned at 5:45 p.m.

Brian Leebrick, Chairperson