

Special Use-Alcoholic Beverage
Permit with Waivers Application:

SU-AB 23-1044

LUHO Hearing Date:

November 20, 2023

Requested Classification:

2-APS



Hillsborough
County Florida

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Shades of Wine, LLC/Janice Bayruns

Zoning: PD

FLU Category: RES-12

Service Area: Urban

Community Plan Area: Ruskin Southshore

Overlay: None

Special District: None

Use: Wine Store

Total Wet Zone Area Requested: 2,144 square feet

Location: 201 W Shell Point Road, Ruskin; Folio 56276.0000



Introduction Summary:

Pursuant to Land Development Code (LDC) Section 6.11.11, the request is for a distance separation waiver for a 2-APS Alcoholic Beverage Development Permit (AB) for the sale of beer and wine sold in sealed containers only for consumption off the licensed premises (package sales). The alcoholic beverage permit is sought for a proposed wine shop. The property is zoned Planned Development 91-0161, most recently modified by PRS 19-0729, which allows the host use and consideration of the proposed wet zoning.

Distance Separation Requirements	Complies with Requirement
Distance to Certain Community Uses Shall Be 500 feet	No
Distance to Residentially Zoned Property Shall be 50 feet from the side yard(s) and 20 feet from the functional rear yard	Yes

Development Services Recommendation:

Approvable

Existing Alcoholic Beverage Permit Being Rescinded:	No	Existing Alcoholic Beverage Permit Number:	N/A
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2.0 REQUESTED DISTANCE SEPARATION WAIVER DETAILS

Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Distance from proposed structure to certain community uses	500 feet	415 feet	85 feet
Community Uses:	Ruskin United Methodist Church (85'), NuVision Chapel (231'), Ruskin Common Good Park (433')		

Applicant's Justification:

Real Property owned by Ruskin United Methodist Church is located at 111 W. Shell Point Road and is located approximately 85 feet east of the applicant's site. The real property operates as a thrift store in order to provide supplemental income to the church. Since the real property does not act in the capacity of a traditional church and since the applicant is requesting approval for a business that is not open to the general public, granting an exception to the distance requirement should not adversely affect neighboring properties.

The property owned by NuVision Chapel, situated at 204 2nd NW Street, is located approximately 231 feet to the south of the applicant's location. It is separated from the applicant's site by multiple buildings and roadways. Furthermore, this property is not visible from the applicant's desired location and there are no sidewalks leading to the church. Furthermore, it appears that the real property may be either abandoned or rarely used and does not function as a traditional church or in a religious capacity. Considering that the applicant is seeking approval for a business that is not accessible to the general public, and there are physical buffers between the two locations, granting an exception to the distance requirement should have no adverse impact on neighboring properties.

Ruskin Common Good Park, a community park situated at 107 1st Avenue NW, lies approximately 433 feet to the south of the applicant's site. The park is just within the 500-foot radius, and it is separated from the applicant's location by several buildings and roadways. Since the applicant is requesting approval for a business that is not open to the general public, granting an exception to the distance requirement should not adversely affect neighboring properties.

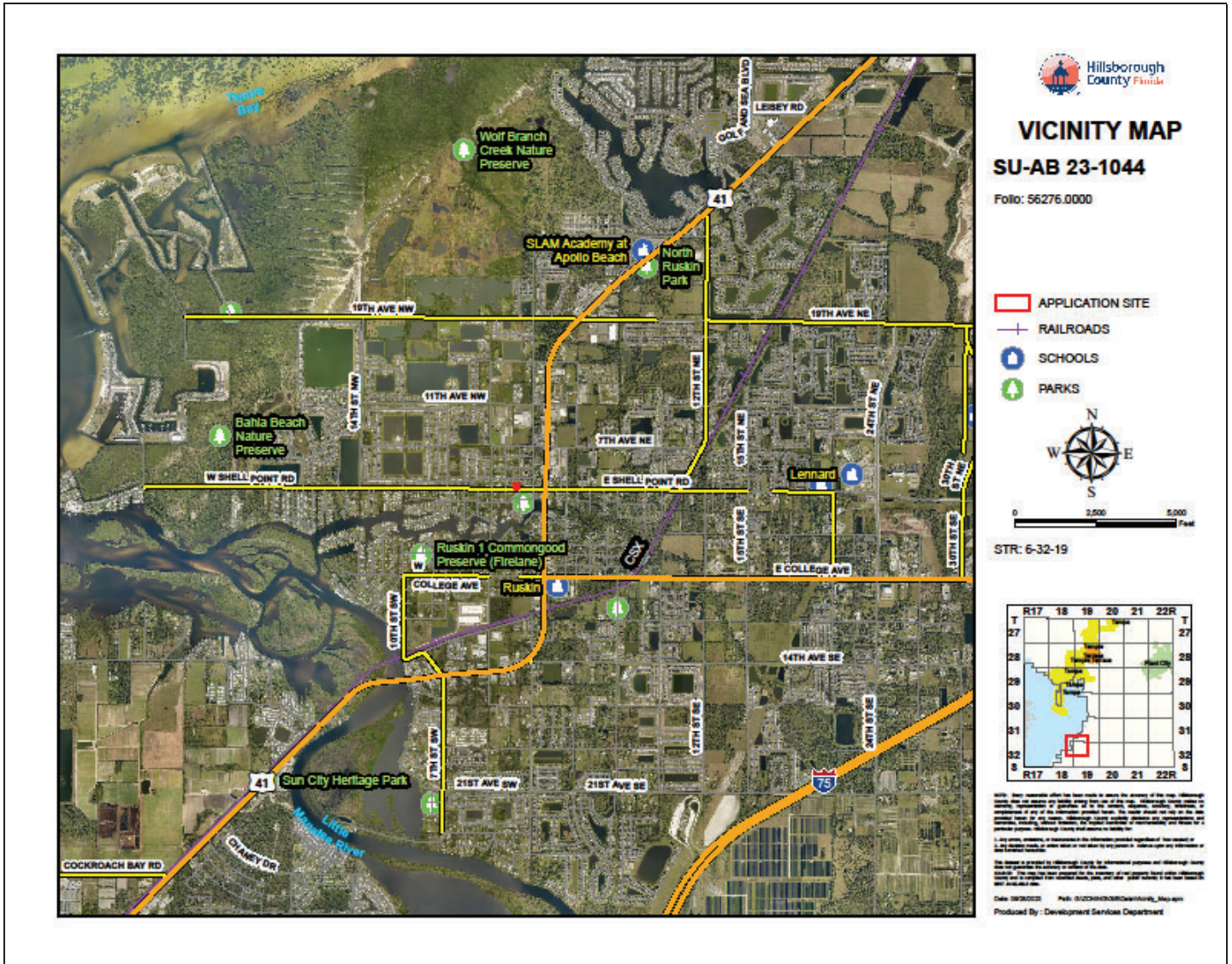
Requested Waiver	Required Separation	Waiver Distance	Resulting Separation
Not Applicable	Choose an item.		

Applicant's Justification:

(Empty box for Applicant's Justification)

3.0 LAND USE MAP SET AND SUMMARY DATA

3.1 Vicinity Map



Context of Surrounding Area:

The surrounding area is a mixture of commercial, office and residential uses. Commercial development exists primarily along Shell Point Road, with residential uses located to the north and south of the commercial development strip.

4.0 Staff Findings

LDC Section 6.11.11.E.3 provides for approval of separation waivers where there are "special or unique circumstances where the alcoholic beverage use applied for does not have significant impacts on surrounding land uses and certain circumstances negate the necessity for the specified distance requirements."

Ruskin United Methodist Church comprises folios 56275.0000, 56295.0000, 56274.0000, 56296.0000, and 56297.0000. The closest property line of the church property is located approximately 85 feet from the proposed wet zone area. The closest portion of the church property contains a thrift store run by the church. The church building itself is located approximately 400 feet northeast of the proposed wet zone area. 2nd Street NW separates the proposed wet zone area from the church property.


NuVision Chapel is located approximately 231 feet from the proposed wet zone area. The chapel is located to the south of the proposed wet zone area, across W Shell Point Road, a major collector roadway. Ruskin Common Good Park is located approximately 433 feet from the proposed wet zone area. The park is located at the southeast corner of 1st Avenue NW and 2nd Street NW, south of W Shell Point Road. The right of way for W Shell Point Road is approximately 60 feet in width and designated as a major collector roadway. The right of way provides a buffer and separation between the proposed wet zone area and NuVision Chapel as well Ruskin Common Good Park.

Per the applicant's narrative, the proposed wet zone area is for a retail store for the sale of packaged wine for off-site consumption and invitation-only events for small groups to participate in wine sampling for purchase. Purchases will be made in the store by appointment only and online. There will be no sale of wine for on-premises consumption. The retail store will be limited to general business hours and invitation only events and will not be open to the general public. Therefore, the proposed wine shop would not pose adverse impact to the surrounding properties.

For the reasons discussed above, staff finds the proposed wet zoning does not pose significant impacts on surrounding land uses and the necessity for the specified distance requirements is negated.

5.0 RECOMMENDATION AND PROPOSED CONDITIONS (If Applicable)

Staff finds the proposed 2-APS Alcoholic Beverage Permit to be **APPROVABLE**. Approval is based upon the wet zone survey reflecting a total wet zone footprint of 2,144 square feet, as shown on the wet zone survey received September 26, 2023.

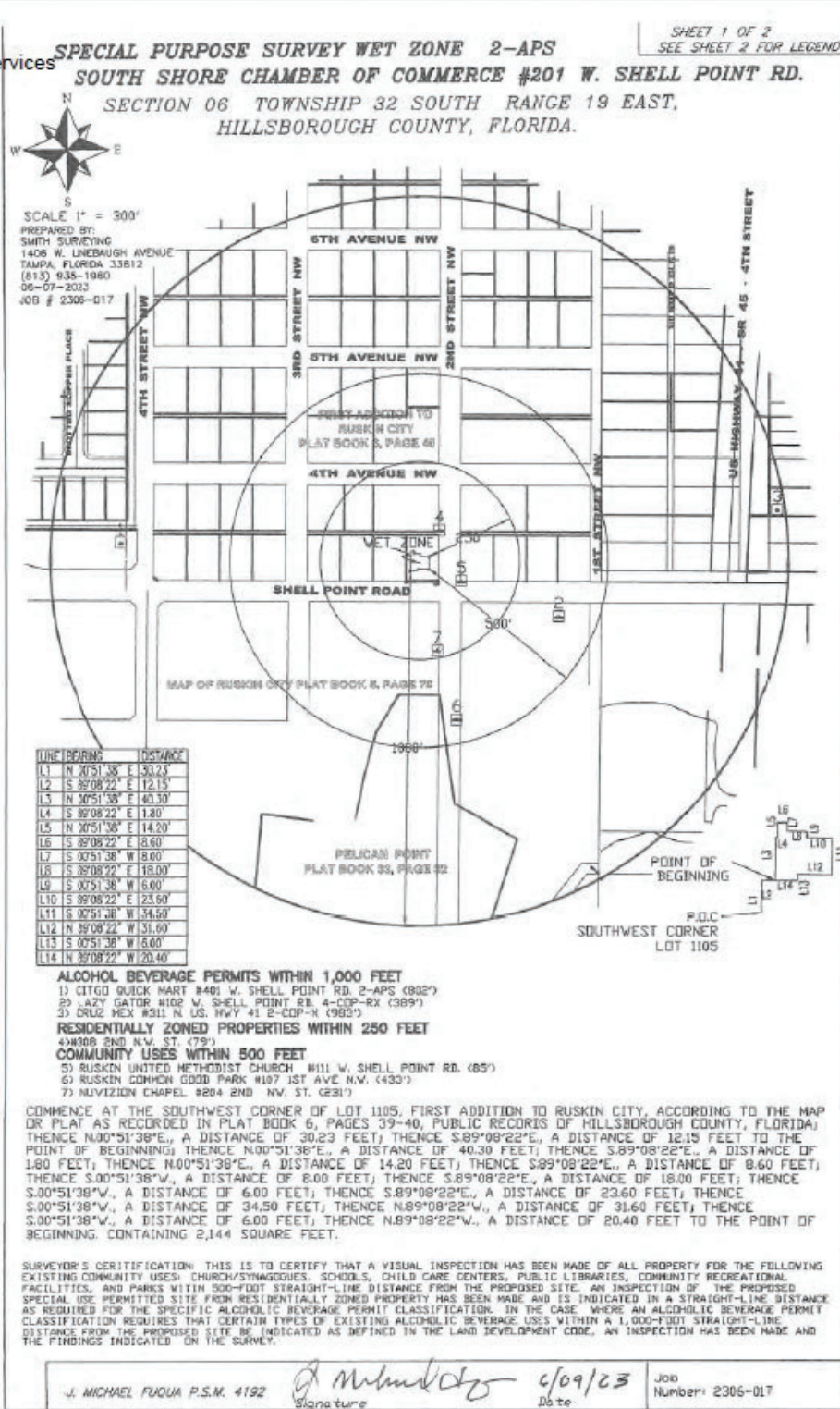
<p>Zoning Administrator Sign Off:</p>	 <p>Colleen Marshall Tue Nov 7 2023 14:18:56</p>
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SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

Approval of this special use petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

6.0 PROPOSED WET ZONE SURVEY

Received
09/26/2023
Development Services



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September 25, 2023

Hillsborough County Development Services
601 E Kennedy Blvd.
19th Floor
Tampa, FL 33602

**Re: Shades of Wine, LLC / Janice Bayruns – Written Statement for Special Use
(Alcohol Beverage Permit) (Waiver) // Folio # 056276-0000**

To Whom It May Concern:

Shades of Wine, LLC is a Florida limited liability company, and is a 2APS Retail Wine Store that will initially occupy approximately 100 sq. ft. of commercial space existing of approximately 2,420 sq. ft., owned by M & J OF BRANDON LLC, and located at 201 West Shell Point Road, Ruskin, Florida 33570, in unincorporated Hillsborough County.

The store will operate as a retail store for the sale of packaged wine for off-site consumption and invitation-only events for small groups to participate in wine sampling for purchase. Purchases will be made in the store by appointment only and online. Purchases will be shipped intrastate and interstate to legally allowable states via Federal Express (FedX) and United Parcel Service (UPS). There will be no sale of wine for on-premises consumption. The retail store will be limited to general business hours and invitation-only events, and will not be open to the general public.

Furthermore, I am requesting a waiver for the following establishments within 500 feet.

Ruskin United Methodist Church

Real Property owned by Ruskin United Methodist Church is located at 111 W. Shell Point Road and is located approximately 85' east of the applicant's site. The real property operates as a thrift store in order to provide supplemental income to the church. Since the real property does not act in the capacity of a traditional church, and since the applicant is requesting approval for a business that is not open to the general public, granting an exception to the distance requirement should not adversely affect neighboring properties.

Therefore, I hereby respectfully request a waiver of 414 feet.

Nuvizion Chapel

The property owned by Nuvizion Chapel, situated at 204 2nd NW Street, is located approximately 231 feet to the south of the applicant's location. It is separated from the applicant's site by multiple buildings and roadways. Furthermore, this property is not visible from the applicant's desired location, and there are no sidewalks leading to the church.

Furthermore, it appears that the real property may be either abandoned or rarely used, and does not function as a traditional church or in a religious capacity. Considering that the applicant is seeking approval for a business that is not accessible to the general public, and there are physical buffers between the two locations, granting an exception to the distance requirement should have no adverse impact on neighboring properties.

Therefore, I hereby respectfully request a waiver of 269 feet.

Ruskin Common Good Park

Ruskin Common Good Park, a community park situated at 107 1st Avenue N.W., lies approximately 433 feet to the south of the applicant's site. This park is just within the 500-foot radius, and it is separated from the applicant's location by several buildings and roadways. Since the applicant is requesting approval for a business that is not open to the general public, granting an exception to the distance requirement should not adversely affect neighboring properties.

Therefore, I hereby respectfully request a waiver of 67 feet.

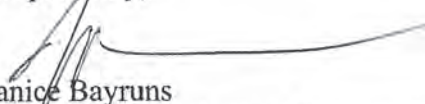
Residential within 250 Feet

The residentially zone property is located at 308 2nd N.W. Street, approximately 79' to the North of the applicant's desired location, and is separated by an enclosed fence around the back of the applicant's desired property and a tree line. Since the applicant is requesting approval for a business that is not open to the general public, granting a waiver of the distance requirement should not adversely affect neighboring properties.

Therefore, I hereby respectfully request a waiver of 50 feet from the side yard(s) and 20 feet from the functional rear yard, as applicable.

Thank you in advance for your consideration and assistance with this matter.

Respectfully,


Janice Bayruns
Founder and Authorized Representative
of Shades of Wine, LLC

Prepared by:
Hillsborough Title, LLC
Melinda Taylor
833 Cypress Village Blvd.
Sun City Center, FL 33573
File No.: SSL19-60071
This Deed is prepared pursuant to the issuance of Title Insurance

GENERAL WARRANTY DEED

Made this May 30, 2019, A.D. by David A. Dexter and Yadong Dexter, husband and wife, whose address is: 201 W Shell Point Road, Ruskin, FL 33570 hereinafter called the grantor, to M & J of Brandon, LLC, a Florida Limited Liability Company, whose post office address is: 201 W Shell Point Road, Ruskin, FL 33570, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Hillsborough County, Florida, viz:

Lot 1105, First Addition to Ruskin City, according to the Plat thereof, recorded in Plat Book 6, Page(s) 39 and 40, of the Public Records of Hillsborough County, Florida.

Parcel ID No.: U-06-32-19-1V6-000000-01105.0

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

GRANTORS HEREIN do hereby covenant and agree that they have been continuously married to each other without interruption from the date they first acquired title up to and including the date of this conveyance.

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 the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2018.

Prepared by:
Hillsborough Title, LLC
Melinda Taylor
833 Cypress Village Blvd.
Sun City Center, FL 33573
incidental to the issuance of a title insurance policy
File No.: SSL19-60071

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed and Sealed in Our Presence:

Melinda Taylor
Melinda L. Taylor

Witness Printed Name: _____

Cathy Hoff
Cathy Hoff

Witness Printed Name: _____

David A. Dexter
David A. Dexter

Yadong Dexter
Yadong Dexter

Address: _____

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 17th of May, 2019, by David A. Dexter and Yadong Dexter, who is/are personally known to me or who has produced a valid driver's license as identification.

Melinda Taylor
Notary Public

My Commission Expires: 10/10/2020

(SEAL)





**Hillsborough
County Florida**
Development Services

(SU-AB Waiver) Submittal Requirements for Applications Requiring Public Hearings

Official Use Only		
Application No: <u>23-104444</u>		Intake Date: <u>09/26/2023</u>
Hearing(s) and type: Date: <u>11/11/20/2023</u>	Type: <u>LUHOLUHO</u>	Receipt Number: _____
Date: _____	Type: _____	Intake Staff Signature: <u>Alejandra Prado</u>

Applicant/Representative: Shades of Wine, LLC/Janice Bayruns Phone: 813-340-5450

Representative's Email: info@shadesofwine.wine

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will be verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

Part A: Property Information & Owner Authorization Requirements

Included	N/A	Requirements
1	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Property/Applicant/Owner Information Form</u>
2	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Affidavit(s) to Authorize Agent</u> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
3	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
4	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Copy of Current Recorded Deed(s)</u>
7	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Close Proximity Property Owners List</u>
8	<input checked="" type="checkbox"/>	<input type="checkbox"/> Legal Description for the subject site
9	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
10	<input type="checkbox"/>	<input type="checkbox"/> <u>Fastrack Approval</u> (if applicable)

Additional application-specific requirements are listed in Part B of this packet.



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 23-10444
Hearing(s) and type: Date: 1111/20/2023 Type: LULUHOHO
Date: _____ Type: _____
Intake Date: 09/26/2023
Receipt Number: _____
Intake Staff Signature: Alejandra Prado

Property Information

Address: 201 West Shell Point Road City/State/Zip: Ruskin, Florida 33570
TWN-RN-SEC: 32-19-06 Folio(s): 056276-0000 Zoning: PD Future Land Use: R-6/R-12 Property Size: 0.26785201 acres

Property Owner Information

Name: M & J OF BRANDON LLC / Peter Schwarz - Managing Partner Daytime Phone 813-344-6359
Address: 201 West Shell Point Road City/State/Zip: Ruskin, Florida 33570
Email: Schwarz@schwarzbaskin.com Fax Number _____

Applicant Information

Name: Shades of Wine, LLC Attn: Janice Bayruns Daytime Phone 813-340-5450
Address: 920 Golf Island Drive City/State/Zip: Apollo Beach, Florida 33534
Email: info@shadesofwine.wine Fax Number _____

Applicant's Representative (if different than above)

Name: Harbour Business Law / Katelyn J. Dougherty, Esq. Daytime Phone 813-706-7333
Address: 200 N. Pierce Street, Suite 2A City/State/Zip: Tampa, Florida 33602
Email: Katelyn@harbourbusinesslaw.com Fax Number 813-330-3039

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.

Signature of the Applicant

Janice Bayruns, as Authorized Representative of Shades of Wine, LLC

Type or print name

I hereby authorize the processing of this application and recognize that the final action taken on this petition shall be binding to the property as well as to the current and any future owners.

Signature of the Owner(s) - (All parties on the deed must sign)

Peter Schwarz, as Managing Partner of M & J of Brandon LLC

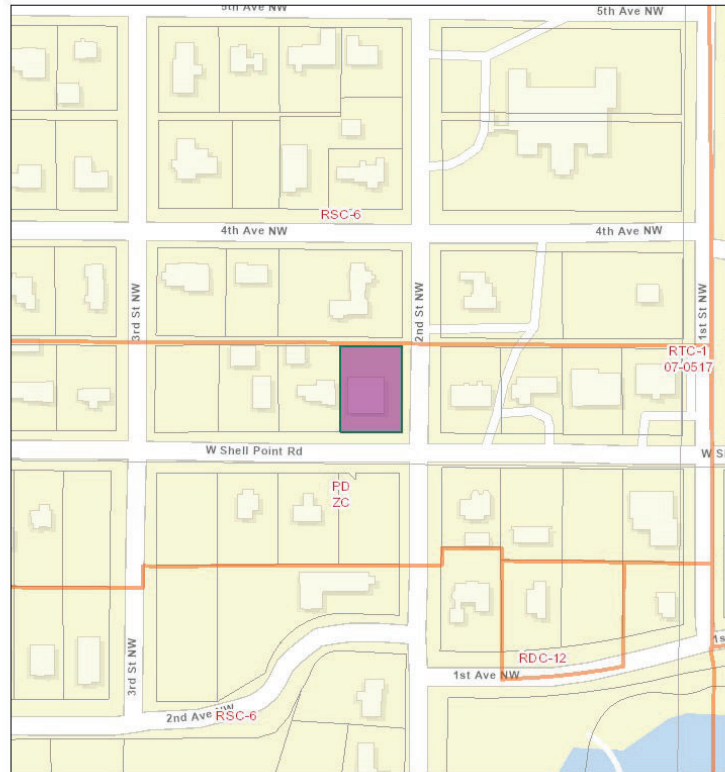
Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	ZC
ZC	91-0161
Flood Zone:AE	BFE = 9.0 ft
FIRM Panel	0656H
FIRM Panel	12057C0656H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120656C
County Wide Planning Area	Ruskin
Community Base Planning Area	SouthShore
Community Base Planning Area	Ruskin
Planned Development	PD
Re-zoning	null
Minor Changes	null
Major Modifications	null
Personal Appearances	05-2040, 19-0729
Census Data	Tract: 014121 Block: 1096
Future Landuse	R-6
Future Landuse	R-6
Future Landuse	R-12
Future Landuse	R-12
Future Landuse	R-12
Future Landuse	R-6
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 9
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 56276.0000



September 26, 2023

RS: Esri Community Maps Contributors, University of South Florida, City of Tampa, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Swire, GeoTechnologies, Inc, METI/NASA, USDA, EPA, NOAA, US Census Bureau, USDA.

Hillsborough County Florida

Folio: 56276.0000
PIN: U-06-32-19-1V6-000000-01105.0
M & J Of Brandon Llc
Mailing Address:
 Po Box 1342
 null
 Ruskin, Fl 33575-1342
Site Address:
 201 W Shell Point Rd
 Ruskin, Fl 33570
SEC-TWN-RNG: 06-32-19
Acreage: 0.26785201
Market Value: \$188,300.00
Landuse Code: 1730 Comm./office

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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

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