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No Retreat for bar on its license

By KATHY STEELE



A 1946 photograph might not provide 100 percent proof that a Hyde Park bar has a liquor license dating to 1945. But it helped convince a zoning administrator and the city's variance review board.

And on Thursday, Tampa City Council members voted to allow the Retreat bar, 123 S. Hyde Park Ave., to keep selling liquor along with beer and wine.

The University of Tampa had filed an appeal in the case, disputing the authenticity of the photograph and arguing that Retreat owners should produce a copy of the license.

The photograph in question shows liquor bottles on shelves behind what then was the Milano Restaurant. "It simply shows a number of liquor bottles sitting behind a bar," said attorney David Mechanik, who represents the university. "It has nothing to do with whether a liquor license was issued to the bar."

But attorney Mark Bentley, representing The Retreat, maintained that because the state purged its licenses prior to 1949, it is impossible to provide a copy.

Instead, he said, the city correctly relied on the photo, affidavits from patrons and rent rolls in reaching its decision that liquor was sold as far back as 1945.

City code allows businesses that sold alcohol before June 19, 1945, to be "grandfathered in" based on the types of beverages they sold at the time.

Council members Mary Mulhern and John Dingfelder said neither side proved its case without a doubt. But Mulhern said it was "quite clear that this was open as a bar."

Dingfelder said there is no way to know for certain what was going on in 1945 but he voted to uphold the earlier decision favoring liquor sales.

"At the end of the day, some deference is deserved by the variance review board," Dingfelder said.

Bob Ruday, the university's dean of students, said he was disappointed by the council's vote because "the evidence was phony."

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