

ZONING VARIANCE REVIEW REPORT

TO: Pasco County Development Review Committee FILE: ZN10-2007
FROM: Lee W. Millard PETITION #2007
Assistant Zoning/Code Commission District #2
Compliance Administrator
SUBJECT: Variance Request Development Review Committee
Northwest Pasco County Hearing Date: 4/1/10, NPR
APPLICANT: **SOARES FAMILY TRUST** TAZ #133

PETITION SUMMARY:

Variance No. 2007 in the name of Soares Family Trust has been filed to allow adjustment of the standards established within Article 500, Zoning; Section 530, Supplemental Regulations; Subsection 530.3, Construction of Accessory Buildings of the Pasco County Land Development Code (LDC). The site under consideration is located on the south side of Fringe Tree Drive, approximately 300 feet west of Monteverde Drive, within Unit 10 of the Highlands Subdivision (Parcel ID No. 07-24-18-0040-00002-2960), and contains 1.04 acres, m.o.l.

EXPLANATION OF VARIANCE:

530 SUPPLEMENTAL REGULATIONS

530.3 Construction of Accessory Buildings

No accessory building shall be constructed upon a lot until the construction of the principal has been actually commenced and except as provided elsewhere in this Article 500, no accessory building shall be used for residential purposes. Provided, however, that one (1) residential unit for a caretaker may be permitted in conjunction with any industrial establishment. Accessory buildings or structures shall not be constructed within five (5) feet of any rear or side lot line.

REQUESTED ADJUSTMENT:

The applicant is requesting a reduction in the required minimum east, side setback from 5 feet to 4.2 feet for an existing detached garage, which, if approved, will bring the existing detached garage set back 4.2 feet from the east, side property line into conformance.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-R Agricultural-Residential	Fringe Tree Drive; Single-Family Dwelling
East:	A-R Agricultural-Residential	Single-Family Dwelling
South:	A-R Agricultural-Residential	Single-Family Dwelling
West:	A-R Agricultural-Residential	Single-Family Dwelling

FINDINGS OF FACT:

1. Presently, the subject site contains a single-family dwelling, inground pool, pigeon coup, and a detached garage; is comprised of 1.04 acres, m.o.l.; and is located in an A-R Agricultural-Residential Zoning District.

2. The applicant has stated that:

The strict application of the land development regulation creates an unreasonable or unfair, noneconomic hardship or an inordinate burden that was not created by the variance applicant.

Upon the purchase of this home with an unattached garage, I had no idea of any violation of the building code. This garage has become very important for the storage of my third car, my riding lawn mower, yard tools, and other incidentals that are part of my everyday life. Per my survey, the previous owner built this garage 4.2 feet from the property line.

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.

Due to the natural slope of the area, the garage location was the most logical site for the construction of the garage without bringing in extra fill.

3. Access to the property is from Fringe Tree Drive, which has 50 feet of right-of-way.
4. The subject property is located in Flood Zone "C," and development within this area is not subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
5. The surrounding area is characterized by rural-residential development.
6. The subject area has been designated RES-1 (Residential - 1 du/ga) under the Comprehensive Plan.
7. On December 4, 2009, the owner/applicant was issued a Pasco County Ordinance Citation by the Building Inspections Division, Licensing Section, for an unpermitted detached garage.
8. According to the Property Appraiser's parcel card, extra features detail, the detached garage has been assessed on the property since 2001.
9. Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 316.1.A, and finds the following:
 - a. The strict application of the land development regulation creates an unreasonable or unfair noneconomic hardship or an inordinate burden that was not created by the variance applicant.

Staff finds the applicant's actions did not cause the special conditions and circumstances which necessitate the variance. The applicant purchased the property in 2003 with the subject detached garage located on it at the time.
 - b. The specific application of the land development regulation conflicts with important Goals, Objectives, or Policies of the Comprehensive Plan or with the intent and purpose of another recently adopted land development regulation that serves a greater public purpose.

N/A
 - 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.

N/A
 - 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.

N/A

e. The intent and purpose of the land development regulation, related land development regulations, and Comprehensive Plan provisions are met or exceeded through an improved or alternate technology or design.

N/A

f. The granting of the variance is necessary to protect the public health, safety, or welfare.

N/A

g. The variance is necessary to comply with State or Federal law.

N/A

h. The variance satisfies variance criteria set forth in the specific County land development regulation that is the basis for the variance request.

N/A

10. Staff's recommendation and report is based upon a study of the factors outlined above.

STAFF RECOMMENDATION:

Approval with Conditions

CONDITIONS:

1. The owner/applicant shall obtain all required permits, including a Driveway Connection Permit.
2. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning and Site Development Department after the final action

OWNERS'/APPLICANTS' ACKNOWLEDGMENT:

The owners/applicants acknowledge that they have read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with Development Review Committee results.**

(Date)

Printed Name

I hereby certify on this _____ day of _____, _____, A.D., before me personally appeared the owners/applicants, to me known to be the persons described in and who executed the foregoing document and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at _____, _____ County, Florida, the day and year aforesaid.

My commission expires:

Notary Public, State of _____ at Large

DEVELOPMENT REVIEW COMMITTEE ACTION: