

ZONING VARIANCE REVIEW REPORT

TO: Pasco County Development Review Committee FILE: ZN10-2008
FROM: Lee W. Millard PETITION #2008
Assistant Zoning/Code Commission District #1
Compliance Administrator
SUBJECT: Variance Request Development Review Committee
East Central Pasco County Hearing Date: 4/1/10, NPR
APPLICANTS: **VONCELIA AND HOMER AMOS, JR.** TAZ #238

PETITION SUMMARY:

Variance No. 2008 in the names of Voncelia and Homer Amos, Jr., has been filed to allow adjustment of the standards established within Article 500, Zoning; Section 505, A-R Agricultural-Residential District; Subsection 505.8, Yard Regulations, of the Pasco County Land Development Code (LDC). The site under consideration is located on the east side of Bayleaf Street, approximately 350 feet north of Merrick Road (Parcel ID No. 32-25-22-0000-05100-0050), and contains one acre, m.o.l.

EXPLANATION OF VARIANCE:

505 A-R AGRICULTURAL-RESIDENTIAL DISTRICT

505.8 Yard Regulations

- A. The following minimum building line setbacks measured from the property lines are required in yard areas listed below unless otherwise specified:
 - 1. Front - Fifty (50) feet.
 - 2. Side - Twenty-five (25) feet.
 - 3. Rear - Fifty (50) feet.

- B. Front setbacks shall be subject to Article 600, of this code, if applicable.

REQUESTED ADJUSTMENT:

The applicants are requesting a reduction in the required minimum rear setback from 50 feet to 25.6 feet for a room addition, which, if approved, will allow the applicant to build a room addition set back 25.6 feet from the rear property line.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-R Agricultural-Residential	Single-Family Dwelling
East:	A-R Agricultural-Residential	Pastureland
South:	A-R Agricultural-Residential	Vacant Lot
West:	A-R Agricultural-Residential	Bayleaf Street; Undeveloped

FINDINGS OF FACT:

- 1. Presently, the subject site contains a two-story house and sheds; is comprised of one acre, m.o.l.; and is located in an A-R Agricultural-Residential Zoning District.

- 2. The applicants have 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.

The variance is needed to add a room to my home utilizing an existing slab. In 1980, I added a patio, which included a concrete foundation. Recently, I went to apply for permits to build an additional room on top of this concrete foundation located between my property and the cow pasture. I would like to be granted the right to make my home complete by closing the foundation that has been laid out since 1980. Electrical lines; orange, maple, and oak trees; existing driveway, and garage location do not allow for the addition to be located elsewhere on the property.

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

Other alternate locations would place the addition too close to the septic tank and electrical lines, creating a safety issue.

3. Access to the property is from Bayleaf Street, an eight-foot-wide, privately maintained, access easement, which has ten feet of right-of-way.
4. The subject property is located in Flood Zone "X," 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 and pastureland.
6. The subject area has been designated RES-1 (Residential - 1 du/ga) under the Comprehensive Plan.
7. 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 applicants.

The front building has been set back 24.13 additional feet from the minimum requirement of 50 feet, exceeding the A-R Agricultural-Residential District minimum front setback. As a result, the existing home is set back 74.13 feet from the front property line. The rear of the existing home is set back less than the required minimum rear setback of 50 feet (currently set back 43.31 feet from the rear property line). Had the existing home been set back at the required 50 feet, the applicants would have benefited from Section 530.B.2.a, Side and Rear Yard Modifications (rear yard averaging); this variance would not have been necessary.

Additionally, the property's odd configuration in that it is wider (approximately 272 feet) than it is deep (approximately 160 feet), together with the location of the septic, well, and trees on the lot, presents an inordinate burden in that the proposed addition location is the only reasonable location for such use. Placing it in another location would bring the addition too close to the septic tank and/or the root system of the existing maple and oak trees, or require the removal of trees, on the subject parcel.

- 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 not 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 not 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

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

STAFF RECOMMENDATION:

Approval with Conditions

CONDITIONS:

1. The owners/applicants shall obtain all required permits.
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

(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: