

ZONING VARIANCE REVIEW REPORT

TO: Pasco County Development Review Committee FILE: ZN10-2009
FROM: Lee W. Millard PETITION #2009
Assistant Zoning/Code Commission District #4
Compliance Administrator
SUBJECT: Variance Request Development Review Committee
West Central Pasco County Hearing Date: 4/1/10, NPR
APPLICANTS: **BRYAN A. AND MELANIE P. WEED** TAZ #93

PETITION SUMMARY:

Variance No. 2009 in the names of Bryan A. and Melanie P. Weed has been filed to allow adjustment of the standards established within Article 500, Zoning; Section 530, Supplemental Regulations; Subsection 530.2, Yard Requirements, of the Pasco County Land Development Code (LDC). The site under consideration is located on the east side of Leda Lane, approximately 220 feet south of Floradora Drive, within the Sabalwood at River Ridge Subdivision (Parcel ID No. 32-25-17-0160-00000-0620), and contains .12 acre, m.o.l.

EXPLANATION OF VARIANCE:

530 SUPPLEMENTAL REGULATIONS

530.2 Yard Requirements

All yards required to be provided under this article shall be open to the sky and unobstructed by any building or structure except for accessory buildings and structures and fences. Accessory buildings or structures, however, shall not be constructed within five feet of any rear or side lot line.

- A. The following may project into the required yards as established in this article:
 - 4. Air conditioning or heating units, or other similar structures mounted or constructed on a cement slab or other permanent base not exceeding three feet in width.

REQUESTED ADJUSTMENT:

The applicants are requesting an increase in the maximum allowed projection into the required west-side yard area from three feet to four feet for a heat pump and related pool equipment, which, if approved, will allow the applicant to place a heat pump and related pool equipment projecting four feet into the west-side yard area.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	PUD Planned Unit Development	Single-Family Dwelling
East:	PUD Planned Unit Development	Drainage and Conservation Easement
South:	PUD Planned Unit Development	Single-Family Dwelling
West:	PUD Planned Unit Development	Leda Lane; Single-Family Dwelling

FINDINGS OF FACT:

1. Presently, the subject site contains a single-family dwelling and will contain a pool and a pool enclosure; is comprised of .12 acre, m.o.l.; and is located in a PUD Planned Unit Development 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 original plans reviewed by Pasco County showed the filter and heating pump located on the back wall of the house. This location is not possible due to the location of an ornamental pond. Also, there is a window which only sits one foot off the ground on the wall, and the equipment being three to four feet high would partially block that window. It would also be an unsightly location to our neighbors, as it is very close to and visible from their kitchen window. In addition, the noise from the equipment would be disturbing to both homes given the proximity to all of the windows. In my home, this window is my one-year-old son's room.

Another location proposed was to place the unit on the back of the pool enclosure in the back yard near the back property line and facing the conservation easement. This would present a noise and view hardship not only for the owners, but also for the immediate neighbors and any other residents facing the conservation easement, all of whom paid a premium for conservation lots.

Due to the U-shape of the conservation easement, the back of this property is visible from at least ten other properties along the easement. Placing the equipment on the side of the house would provide a noise buffer and not disrupt the view the residents on the conservation easement paid a premium for. In addition, the noise generated by the pool equipment, placed less than 40 feet from the conservation easement, would disrupt the wildlife that frequently gathers there.

Setbacks in the Sabalwood at River Ridge Homeowners' Association (HOA) are only five feet from the side of the house. Air conditioning units have already been placed on the side of the homes on every lot in this subdivision. The units are 3' X 3' and one foot away from the wall of the house. This would be the same setup required for the heat pump. It should be noted that none of the pools constructed on conservation easements in this neighborhood currently have their pool equipment on the back property line, rather they are located on the side of the home.

3. Access to the property is from Leda Lane, which has 25 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 single-family dwellings within the Sabalwood at River Ridge Subdivision.
6. The subject area has been designated RES-6 (Residential - 6 du/ga) under the Comprehensive Plan.
7. Staff has received a letter of no objection from the property owner located adjacent to the south of the subject request.
8. Staff has received a letter of no objection to the proposed location of the pool equipment and heat pump from the Sabalwood at River Ridge HOA. The association objects to the placement of the equipment facing the conservation easement (behind the pool enclosure).
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 applicants.

Staff finds that the existing air conditioning unit and associated cement slab location were approved by the Central Permitting Division in 2003 with a four-foot projection into the required setback. The mechanical code requires the placement of the air conditioning condenser per the manufacturer's instructions: between a 6-12-inch separation from the building wall to provide ready accessibility for cleaning, operating, maintenance, and servicing. A typical condenser unit sits on a 3' X 3' slab. The

plumbing code includes similar requirements per manufacturer's specifications; additionally, condensate lines must discharge at least one foot away from the structure sidewall.

- 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.

10. 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 condition, 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: