

ZONING VARIANCE REVIEW REPORT

TO: Pasco County Development Review Committee FILE: ZN09-1962

FROM: Lee W. Millard PETITION #1962
Assistant Zoning/Code Commission District #2
Compliance Administrator

SUBJECT: Variance Request Development Review Committee
South Central Pasco County Hearing Date: 4/9/09, DC
(Cont. from 3/27/08, DRC) TAZ #162
(Cont. from 1/29/09, DRC)
(Cont. from 3/26/09, DRC)

APPLICANT: **PARADISE PINES RV PARK
CONDOMINIUM ASSN., INC., ET AL.**

PETITION SUMMARY:

Variance No. 1962 in the name of Paradise Pines RV Park Condominium Assn., Inc., et al., has been filed to allow adjustment of the standards established within Article 500, Zoning; Section 530, Supplemental Regulations; Subsection 530.14, Travel Trailer/Recreation Vehicle Subdivisions, of the Pasco County Land Development Code (LDC). The site under consideration is located on the south side of Leonard Road, approximately 100 feet west of Andrews Loop, within Paradise Pines RV Park (Parcel ID No. 35-26-18-0130-00000 - Lots 6-32), and contains 9.36 acres, m.o.l.

EXPLANATION OF VARIANCE:

Article 500, Zoning; Section 530, Supplemental Regulations; Subsection 530.14, Travel Trailer/Recreation Vehicle Subdivisions, of the Pasco County LDC states:

530. **SUPPLEMENTAL REGULATIONS**

530.14 Travel Trailer/Recreation Vehicle Subdivisions

In addition to complying with the requirements of this code, all travel trailer or recreational vehicle subdivisions shall be subject to the following minimum regulations.

- I. A buffer area of a minimum of twenty-five (25) feet in depth and consisting of open space with appropriate screening in accordance with this code shall be maintained around all perimeter property boundaries of travel trailer subdivisions adjacent to residential districts. Travel trailer or recreational vehicle subdivisions adjacent to other districts shall maintain a minimum fifteen (15) foot buffer area and screening in accordance with this code.

REQUESTED ADJUSTMENT:

The applicant is requesting a reduction in the required minimum buffer area from:

1. 25 feet to 5 feet along the east boundary of Lots 6 through 12.
2. 15 feet to 0 feet along the south boundary of Lots 13 through 20.
3. 15 feet to 5 feet along the west boundary of Lots 21 through 32.

If this variance is approved, it will bring the following existing structures into conformance:

- Lot 11: Shed projecting 18.5 feet into the required 25-foot buffer area (set back 6.5 feet from the rear property line).
- Lot 14: Shed projecting 11.5 feet into the required 15-foot buffer area (set back 3.4 feet from the rear property line).
- Lot 15: Shed projecting 13 feet into the required 15-foot buffer area (set back 2 feet from the rear property line).

- Lot 17: Shed projecting 11.2 feet into the required 15-foot buffer area (set back 3.8 feet from the rear property line).
- Lot 19: Shed projecting 12.2 feet into the required 15-foot buffer area (set back 2.8 feet from the rear property line).
- Lot 20: Shed projecting 13.1 feet into the required 15-foot buffer area (set back 1.9 feet from the rear property line).
- Lot 21: Wood deck projecting 4 feet into the required 15-foot buffer area (set back 11 feet from the rear property line).
- Lot 29: Shed projecting 7.9 feet into the required 15-foot buffer area (set back 7.1 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; MF-1 Multiple Family Medium Density	Leonard Road; Single-Family Dwellings
East:	R-MH Mobile Home	Mobile Homes
South:	A-C Agricultural	Undeveloped
West:	R-1MH Single-Family/Mobile Home; A-R Agricultural-Residential	Single-Family Dwelling; Mobile Homes

FINDINGS OF FACT:

1. Presently, the subject site contains an 81-lot recreational vehicle subdivision (platted condominium), a.k.a. Paradise Pines RV Park; is comprised of 9.36 acres, m.o.l.; and is located in an A-R Agricultural-Residential Zoning District.
2. The applicant has stated:

Paradise Pines RV Park is comprised of small angular lots. This design does not allow for adequate use of the lots for the intended purpose.
3. Access to the property is from Leonard Road., which has 50 feet of right-of-way.
4. The subject property is located in Flood Zone "A," and development within this area is subject to the requirements of Article 700, Flood Damage Prevention, of the LDC.
5. The surrounding area is characterized by residential development and an RV park.
6. The subject area has been designated RES-9 (Residential - 9 du/ga) under the Comprehensive Plan.
7. On January 10, 1990, the Pasco County Planning Commission approved a special exception (Petition No. 4297 with conditions) for a travel trailer park in an A-R Agricultural-Residential District for a 9.3-acre tract for the subject parcel.
8. Whispering Pines Recreational Vehicle Park (n.k.a. Paradise Pines Recreational Vehicle Park) obtained a Class II commercial site plan approval under one parent parcel (I.D. No. 35-26-18-0000-00500) from the Development Review Committee (DRC) on or about January 24, 2002, for an 81-lot recreational vehicle park with a 2,025-square-foot office, roads, stormwater detention basin, and an existing lake. Pasco County issued Building Permits for electric/utility pedestals for 72 of the 81 lots within the recreational vehicle park on or about July 18, 2003. The permits were all issued under the parent parcel number, and impact fees were paid in association with each utility pedestal.
9. Subsequently, a condominium plat was filed with the State of Florida as "Paradise Pines RV Park Condominium" and recorded through the Clerk of the Circuit Court Office in the Public Records of Pasco County, Florida, by the developer on or about October 29, 2004, in

Condominium Plat Book 6, Page 73. The condominium plat was not submitted to Pasco County for its review, approval, or recording. Thereafter, the Property Appraiser assigned individual Parcel ID numbers to each of the 81 lots within the park. Then the individual lots were sold by the developer as lots within the Paradise Pines RV Park, a condominium according to the Declaration of Condominium and the Condominium Plat as recorded in the Public Records of Pasco County, Florida.

10. The Pasco County LDC, Section 530.13.E, Travel Trailer/Recreational Parks, requires a minimum 30' X 50' space for each travel trailer excluding the required 15-foot buffer area. However, park models shall have a minimum space of 40' X 65'. These standards are for approved rental parks. Section 530.13.H states that no trailer park shall be divided into three parcels or more or individual lots for the purpose of sales without complying with all the requirements of Section 530.14, Travel Trailer/Recreational Vehicle Subdivisions.
11. The Pasco County LDC, Section 530.14, Travel Trailer/Recreational Vehicle Subdivisions, provides for standards of lots of 40' X 65', excluding the required 25-foot buffer area. These standards are for subdivision parks.
12. On October 2, 2007, the Building Inspections Division issued a stop work order for erecting numerous sheds and gazebos without obtaining the required permits.
13. On March 27, 2008, the DRC withdrew the subject variance from the agenda to be readvertised and heard at a later date. A continuance was required in order to resolve drainage concerns.
14. In accordance with the provisions set forth in the Pasco County LDC, Article 300, the property subject to a variance request must be advertised with due public notification.
15. On June 24, 2008, the Board of County Commissioners adopted the Alternative Standards and Variance Ordinance amending Section 316 relating to the criteria for the approval or denial of variance requests.
16. Staff received a report from Environmental Engineering Consultants, Inc., dated November 4, 2008, providing the following information:
 - a. To address the Southwest Florida Water Management District (SWFWMD) concerns the rear of each lot will be elevated such that the lot impervious will drain to the street which was what was intended in the original design. The rear of lots will be bermed so no water can leave the site uncontrolled.
 - b. In order to address off-site run-on from the west and east property lines a three-foot swale will be graded in the rear within the requested five-foot buffer to drain south. The west swale will then turn east along the south property line to discharge the existing pond as previously approved. Some piping may be necessary along the south property line due to obstructions in the three-foot area. No water from the rear of the lots will be allowed to enter this swale as a berm/curb barrier will be placed. The intent is that lots will drain to the street.
17. On November 10, 2008, staff received a recommendation from the Pasco County Development Director that a variance to reduce the existing 25-foot buffer along the east boundary of the subdivision and a 15-foot buffer along the south and west boundaries of the subdivision to 5 feet would resolve the drainage issues.
18. Subsequently, the variance applicant was notified that staff would recommend approval of a reduction in the 25-foot buffer along the east boundary of the subdivision and a reduction in the 15-foot buffer along the south and west boundaries of the subdivision to five feet along the east, south, and west boundaries of the subdivision.
19. On November 13, 2008, Paradise Pines lot owners placed a formal complaint with the SWFWMD regarding the amount of fill brought in by the owners of Lots 19 and 20. Their complaint includes the following statements:
 - a. The result [of the fill] is that a previously installed drainage ditch completed by the developer has been filled in.
 - b. The 3,837 square feet of impervious paver area (according to the calculations of Rob Wallace of Environmental Engineering Consultants, Inc.) on Lot 20 prohibits any water from being absorbed by the ground.

- c. The condominium documents recorded in Pasco County Official Record Book No. 6088, Page 1787, No. 25.7 do not allow the altering of drainage without a permit from the SWFWMD.
20. On January 8, 2009, the SWFWMD responded to the November 2008 letter stating:
- District staff investigated and found the allegations have merit. It appears that the drainage swales serving Lots 18, 19, and 20 of your development have been filled with earth and landscaping materials, which block proper conveyance and may cause flooding of adjacent properties. These activities are unauthorized, are in violation of your permit conditions, and must be corrected immediately.
21. On January 29, 2009, the DRC approved Variance Nos. 1959 (Lot 14), 1960 (Lot 15), and 1961 (Lot 16) with conditions for a reduction in the required 15-foot, south, boundary buffer to five feet for Lots 14, 15, and 16 located within the Paradise Pines RV Park.
22. On January 29, 2009, the DRC continued the subject variance request and required that the applicant submit a revised drainage plan to the Development Director by February 23, 2009.
23. On February 5, 2009, the SWFWMD wrote a follow-up letter stating that after discussions with the Paradise Pines RV Park's engineer, a review of the project file, and a recent site visit, the compliance file was closed.
24. On February 17, 2009, Robert E. Wallace III, P.E., with Environmental Engineering Consultants, Inc., determined there is no need for a swale on the western and southern boundaries based on the following:
- a. The SWFWMD, after at least three site inspections for various purposes has never said there was any drainage problem on the west or south.
 - b. Pasco County has never had any inspection which indicated that run-on from the adjacent western boundary single-family subdivision was an issue.
 - c. There have been no western neighbor complaints about drainage, and the park has been in service for almost four years.
 - d. There is no significant run-on from the western neighbors and this obviates the need for diversion swales.
 - e. There is no significant run-off leaving the site over the south property line at this time, and with my recommendations above there will be no runoff.

Staff finds that some of these points may not be relevant, as Pasco County has been in a sustained drought since the park was established.

25. Staff has noted that an amended engineered drainage plan, as required by the DRC on January 29, 2009, has not been received.
26. Staff has reviewed a reduction in the required 25-foot buffer along the east boundary of the subdivision and a reduction in the required 15-foot buffer along the south and west boundaries of the subdivision to a five-foot buffer along the east, south, and west boundaries of the subdivision, 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.

N/A
 - 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.

Staff finds the intent and purpose of the land development regulation is met through the recommendations provided in the engineering report from Environmental Engineering Consultants, Inc., dated November 4, 2008.

Additionally, staff has noted the park was built in late 2004 with an as-built of the construction dated February 2005. Pasco County has been in a sustained drought for approximately four years with the last major rainfall and associated flood event in the summer of 2003 (predating the RV park). Based on this and the lack of rain (drought conditions) staff recommends that the swale area be retained in order to be consistent with Variance Petition Nos. 1959, 1960, and 1961 approved by the DRC on January 29, 2009.

- 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

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

STAFF RECOMMENDATION:

Denial of a reduction in the required buffer area from 25 feet to 5 feet along the east boundary of Lots 6 through 12, from 15 feet to 0 feet along the south boundary of Lots 13 through 20, and from 15 feet to 5 feet along the west boundary of Lots 21 through 32. Approval of a reduction in the required 25-foot buffer along the east boundary of the subdivision and a reduction in the required 15-foot buffer along the south and west boundaries of the subdivision to 5 feet along the east, south, and west boundaries of the subdivision with conditions.

CONDITIONS:

1. The owner/applicant shall comply with all drainage requirements proposed in the signed and sealed drainage report by Robert E. Wallace, P.E., submitted to the Development Review Division and dated November 4, 2008.
2. The owner/applicant shall obtain all required permits.
3. 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/Code Compliance Department after the final action.

DEVELOPMENT REVIEW COMMITTEE ACTION: