

ZONING VARIANCE REVIEW REPORT

TO: Pasco County Development Review Committee FILE: ZN10-2010
FROM: Lee W. Millard PETITION #2010
Assistant Zoning/Code Commission District #5
Compliance Administrator
SUBJECT: Variance Request Development Review Committee
Northwest Pasco County Hearing Date: 4/29/10, NPR
APPLICANT: **RAMONA K. MIGLIORE-COWAN** TAZ #121

PETITION SUMMARY:

Variance No. 2010 in the name of Ramona K. Migliore-Cowan has been filed to allow adjustment of the standards established within Article 500, Zoning; Section 530, Supplemental Regulations; Subsection 530.15, Waterfront Property, of the Pasco County Land Development Code (LDC). The site under consideration is located on the southeast corner of the intersection of Sea Ranch Drive and Allyn Drive within Sea Ranch on the Gulf Subdivision (Parcel ID No. 33-24-16-0280-00000-2970) and contains .19 acre, m.o.l.

EXPLANATION OF VARIANCE:

530 SUPPLEMENTAL REGULATIONS

530.15 Waterfront Property

All waterfront property which, for the purposes of this section shall be defined as those properties which abut navigable bodies of water, shall be subject to the following minimum requirements:

- A. No building or structure shall be located within fifteen (15) feet of the mean high water line. This applies to dwelling structures, accessory buildings, enclosed swimming pools, and any type of construction that presents a visually solid type wall.

REQUESTED ADJUSTMENT:

The applicant is requesting a reduction in the required minimum southeast, side setback from 15 feet to 5 feet from the mean high water line for an existing shed, which, if approved, will bring the existing shed set back 5 feet from the mean high water line into conformance.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	R-4 High Density Residential	Sea Ranch Drive; Single Family Dwelling; Canal
East:	R-4 High Density Residential	Canal; Single-Family Dwelling
South:	R-4 High Density Residential	Single-Family Dwelling
West:	R-4 High Density Residential	Allyn Drive; Single-Family Dwelling

FINDINGS OF FACT:

1. Presently, the subject waterfront site contains a single-family dwelling, inground pool, and a shed; is comprised of .19 acre, m.o.l.; and is located in an R-4 High Density 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:

When you look at the plot plan of our yard, you will see that we have no side yards. The backyard has a pool on the right, a patio, and a huge tree. The only free space was the right corner in front of the davit having a 5-foot-tall concrete wall. We asked our neighbors if it would bother them and they said no.

Our view from this corner of the yard is the bottom of a huge, elevated sailboat and some concrete walls. The shed actually improves our view now and does not hinder our neighbor's view since they are 25 feet up. The plans and specifications have been filed with the building department and meet Miami-Dade County hurricane standards. The shed has anchors, strapping, and flood vents.

3. Access to the property is from Allyn Drive, which has 50 feet of right-of-way.
4. The subject property is located in Flood Zone "V17," and development within this area is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
5. The surrounding area is characterized by residential development on waterfront lots.
6. The subject area has been designated RES-9 (Residential - 9 du/ga) under the Comprehensive Plan.
7. The Development Review Committee has approved other similar variances within Sea Ranch on the Gulf Subdivision and in the vicinity. They are as follows:
 - a. Petition No. 1380, on April 24, 1997, for a 10-foot setback from the mean high water line for a screened pool enclosure located approximately 1,050 feet southwest of the subject request.
 - b. Petition No. 1453, on June 25, 1998, for a 2'3" setback from the mean high water line for a screened pool enclosure located approximately 970 feet southwest of the subject request.
 - c. Petition No. 1568, on May 25, 2000, for a 0-foot setback from the mean high water line for a screened pool enclosure located approximately 1,200 feet southwest of the subject request.
 - d. Petition No. 1925, on June 7, 2007, for an 11-foot setback from the mean high water line for a gazebo, located approximately 700 feet west of the subject request.
 - e. Petition No. 1969, on August 28, 2008, for an 8-foot setback from the mean high water line for a screened pool enclosure located approximately 50 feet southwest of the subject request.
8. On July 30, 2009, the applicant was issued a Notice of Violation by the Development Review Services Department, Building Inspections Division/Licensing Section for constructing a shed without obtaining the required permits.
9. On September 22, 2009, the Pasco County Construction Board ordered the owner/applicant to come into compliance by obtaining permits and passing all inspections for the shed by March 15, 2010.
10. Staff has received three letters of no objection from property owners adjacent to the south, east, and 50 feet west of the subject request.
11. 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(s).

Due to the unusual shape of the lot, which fronts on two streets and is a waterfront (canal) lot, the locations where a shed could be placed are severely limited. The only other practical location would be much closer to a roadway (Sea Ranch Drive) within the front yard area. Sheds are amenities commonly available to residential property owners and the existing shed location is in the only location that is logical on this lot.

- 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

- 12. 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.
- 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.

OWNER/APPLICANT ACKNOWLEDGMENT:

The owner/applicant acknowledges that she has 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 owner/applicant, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be her 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: