

ZONING VARIANCE REVIEW REPORT

TO: Pasco County Development Review Committee FILE: ZN10-2013
FROM: Lee W. Millard PETITION #2013
Assistant Zoning/Code Commission District #3
Compliance Administrator
SUBJECT: Variance Request Development Review Committee
Southwest Pasco County Hearing Date: 6/24/10, NPR
APPLICANTS: **HARRY AND JENNIFER PEREZ,** TAZ #79
AND MICHAEL AND JANET CULLIGAN

PETITION SUMMARY:

Variance No. 2013 in the names of Harry and Jennifer Perez, and Michael and Janet Culligan has been filed to allow adjustment of the standards established within the Pasco County Land Development Code (LDC), Article 500, Zoning; Section 517, R-4 High Density Residential District; Subsection 517.7, Yard Regulations; and Section 530, Supplemental Regulations; Subsection 530.16, Fences and Walls. The site under consideration is located on the northeast corner of the intersection of Grand Boulevard and Baroque Drive within Forest Hills Subdivision (Parcel ID No. 32-26-16-0570-00001-1760), and contains .18 acre, m.o.l.

EXPLANATION OF VARIANCE:

Pasco County LDC, Section 517, R-4 High Density Residential states:

517 R-4 HIGH DENSITY RESIDENTIAL

517.7 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 - Twenty (20) feet

530 SUPPLEMENTAL REGULATIONS

530.16 Fences and Walls

Fences and walls shall be subject to the following requirements in residential districts:

A. In any residential district zoned R-1, R-2, R-3, R-4, R-MH, R-1MH, R-2MH, or in any residential Planned Unit Development or residential subdivision, the development of which conforms to R-1, R-2, R-3, R-4, R-MH, R-1MH, or R-2MH development standards, no fence or wall in excess of four (4) feet in height shall be permitted outside minimum setback lines, except as part of a continuous buffer wall for a subdivision or phase thereof along collector and arterial street right-of-way lines and at subdivision entrances along private street right-of-way lines, and except in the side and rear yards, as defined in this code, in which case no fence or wall in excess of six (6) feet shall be permitted.

REQUESTED ADJUSTMENT:

The applicants are requesting an increase in the maximum height for a wood fence in the required minimum front-yard area from four feet to six feet:

1. From the northwest property corner easterly for 20 feet.
2. From the northwest property corner southerly for 60 feet, and then easterly to the western house front.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	R-4 High Density Residential	Single-Family Dwelling
East:	R-4 High Density Residential	Single-Family Dwelling
South:	R-4 High Density Residential	Baroque Drive; Single-Family Dwelling
West:	R-4 High Density Residential	Grand Boulevard; Single-Family Dwelling

FINDINGS OF FACT:

1. Presently, the subject site contains a single-family dwelling; is comprised of .18 acre, m.o.l.; and is located in an R-4 High Density Residential Zoning District.
2. The applicants have stated that:

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

Our property borders Grand Boulevard, which is a very busy main thoroughfare; police are always posted on the road for speeders. Syringes were found on the sidewalk and backyard of our property, and there are numerous sexual offenders in the 34690 zip code, all of which can be dangerous to our children. At the four-foot height our children are easily seen from the street and it makes them vulnerable to all who pass by.
3. Access to the property is from Grand Boulevard, which has 50 feet of right-of-way, and Baroque Drive, which has 50 feet of right-of-way.
4. The subject property is located in Flood Zone "B," 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 residential development.
6. The subject area has been designated RES-9 (Residential - 9 du/ga) under the Comprehensive Plan.
7. On April 22, 2010, the owners/applicants were issued a Pasco County Ordinance Violation Warning Notice for placing a six-foot fence in the front setback. A citation is pending the outcome of this variance request.
8. Staff has noted this portion of Grand Boulevard is not on the 319 Corridor Ordinance.
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 does not create an unreasonable or unfair noneconomic hardship or an inordinate burden that was created by the variance applicants.

N/A
 - b. The specific application of the land development regulation does not conflict 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 not provide a net economic benefit to the taxpayers of Pasco County and is 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 not necessary to protect the public health, safety, or welfare.

Staff finds the six-foot fence along the west-front property line poses a visual obstruction to the property owner located adjacent to the north when (s)he has to back out of the driveway onto oncoming traffic heading north on Grand Boulevard.

- g. The variance is not necessary to comply with State or Federal law.

N/A

- h. The variance does not satisfy 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:

Denial

DEVELOPMENT REVIEW COMMITTEE ACTION: