

ZONING VARIANCE REVIEW REPORT

TO: Pasco County Development Review Committee FILE: ZN10-2016
FROM: Lee W. Millard PETITION #2016
Assistant Zoning/Code Commission District #2
Compliance Administrator
SUBJECT: Variance Request Development Review Committee
South Central Pasco County Hearing Date: 6/24/10, NPR
APPLICANT: **PARADISE PINES RV PARK CONDO- TAZ #162**
MINIUM ASSOCIATION, INC., ET AL.

PETITION SUMMARY:

Variance No. 2016 in the name of Paradise Pines RV Park Condominium Association, Inc., et al, has been filed to delete Condition No. 1 of previously approved Variance Petition No. 1962 which states:

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 former Development Review Division and dated November 4, 2008.

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 (portions of Section 35, Township 26 South, Range 18 East) and contains 9.36 acres, m.o.l.

REQUESTED ADJUSTMENT:

The applicant is requesting to delete Condition No. 1 of previously approved Variance Petition No. 1962, which states:

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 former Development Revision Division and dated November 4, 2008.

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 Dwelling |
| East: | R-MH Mobile Home | Mobile Home |
| South: | A-C Agricultural | Undeveloped |
| West: | R-1 Rural Density Residential; A-R Agricultural-Residential | Single-Family Dwelling; Mobile Home |

FINDINGS OF FACT:

1. On April 9, 2009, the Development Review Committee (DRC) approved Variance Petition No. 1962 with conditions for 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.

At that time, the applicant submitted a signed and sealed, as-built survey showing all the improvements, which projected into the required buffers.

2. The owner/applicant is requesting the elimination of Condition No. 1 of Variance Petition No. 1962.

3. The applicant has stated that:

The intent and purpose of the land development regulation and related land development regulations and related Comprehensive Plan provisions are met or exceeded through an improved or alternate technology or design.

At the April 9, 2009, DRC meeting, Mr. Wallace, our engineer, gave further evidence adjusting the engineering requirements for the drainage on the eastern, western, and southern boundaries of the park – in contradiction to his earlier position.

On April 21, 2010, the Southwest Florida Water Management District (SWFWMD) inspected the site to check for compliance with the as-built plan on file.

4. Access to the property is from Leonard Road, which has 50 feet of right-of-way.
5. The subject property is located in Flood Zone "A," and development within this area is subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention.
6. The surrounding area is characterized by residential development and a recreational vehicle park.
7. The subject area has been designated RES-9 (Residential - 9 du/ga) under the Comprehensive Plan.
8. On January 29, 2009, the DRC approved Variance Petition 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 5 feet for Lots 14, 15, and 16, located within Paradise Pines RV Park.
9. On June 19, 2009, a permit was issued for Lot 20 for a shed projecting into the required buffer area.
10. On May 4, 2010, the SWFWMD issued a review of a complaint-file letter based on site visits on March 3, 2010; March 25, 2010; April 13, 2010; and April 21, 2010. These visits were based in part on a complaint received regarding a shed on Lot 20, which was alleged to have been obstructing the flow path of the runoff. No obstruction of off-site runoff was found based on permitted drawings, site visits, and off-site topography. The SWFWMD contends that deviations noted were minor and have no significant impact to the proper operation and maintenance of the surface water management system.
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.

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 that based on the SWFWMD report, an alternate design has been inspected and approved by the district, thus making the condition unnecessary.

- 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. In the event the shed on Lot 20 is damaged or destroyed, replacement shall be done in accordance with the requirements of the Land Development Code and Variance Petition Nos. 1962 and 2016.
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'S/APPLICANT'S ACKNOWLEDGMENT:

The owner/applicant acknowledges that it 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 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: