

ZONING VARIANCE REVIEW REPORT

TO: Pasco County Development Review Committee FILE: ZN10-2015
FROM: Lee W. Millard PETITION #2015
Assistant Zoning/Code Commission District #5
Compliance Administrator
SUBJECT: Variance Request Development Review Committee
West Central Pasco County Hearing Date: 7/29/10; NPR
(Cont. from 6/24/10, NPR) TAZ #4
APPLICANTS: **GEORGE F. AND DOLORES K.
SCANLON**

PETITION SUMMARY:

Variance No. 2015 in the names of George F. and Dolores K. Scanlon has been filed to allow adjustment of the standards established within Article 500, Zoning; Section 530, Supplemental Regulations; Subsection 530.6, Structure on Small Lot of Record of the Pasco County Land Development Code (LDC). The site under consideration is located on the west side of Mira Vista Drive approximately 90 feet northwest of Pasadena Drive, within the Timber Oaks Subdivision (Parcel ID No. 14-25-16-006D-00000-0690), and contains .12 acre, m.o.l.

EXPLANATION OF VARIANCE:

Article 500, Zoning; Section 530, Supplemental Regulations; Subsection 530.6, Structure on Small Lot of Record, of the Pasco County LDC states:

530. SUPPLEMENTAL REGULATIONS

530.6. Structure on Small Lot of Record

Notwithstanding the limitations imposed by any other provisions of this section, any lot or parcel, which existed prior to December 1, 1975, and, located within an original zoning district as established at the time of the adoption of zoning and not meeting the minimum requirements for that district, shall be considered a small lot of record. A small lot of record may also be created as a result of governmental action, including, but not limited to, right-of-way dedication or reservation. Building Permits may be issued upon identification of a parcel or lot as a small lot of record to allow the erection, expansion, alteration, or replacement of any use together with accessory buildings as permitted within that zoning classification as follows:

- A. Single-family dwellings and their accessory buildings constructed, or to be constructed, upon small lots of record shall not be required to comply with the minimum setback requirements applicable in the district in which the parcel or lot is located, but shall conform with the required setbacks of the nearest zoning district where minimum lot area, width, depth, and setback regulations can be met. In cases where a small lot of record does not conform to any single-family district, a minimum setback of fifteen (15) feet from any front or rear lot line and five (5) feet from any side lot line shall apply. No accessory structure in any residential district shall be permitted less than five (5) feet from a side or rear lot line and fifteen (15) feet from any front lot line unless approved by the Development Review Committee. Existing single-family dwellings shall be allowed to expand, be altered or replaced, provided that such improvements do not further encroach into the established yard areas and setbacks, if less than the minimum for the district in which they are located.

REQUESTED ADJUSTMENT:

The applicants are requesting a reduction in the required minimum rear setback from 15 feet to 7.5 feet for a room addition for a small lot of record, which, if approved, will allow the applicant to construct a room addition set back 7.5 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:	PUD Planned Unit Development	Single-Family Dwelling
East:	PUD Planned Unit Development	Mira Vista Drive; Single-Family Dwelling
South:	PUD Planned Unit Development	Single-Family Dwelling
West:	PUD Planned Unit Development	Single-Family Dwelling

FINDINGS OF FACT:

1. Presently, the subject site contains a single-family dwelling and screen 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 specific application of the land development regulation conflicts with an important goal, objective or policy of the Comprehensive Plan, or with the intent and purpose of another recently adopted land development regulation, that serves a greater public purpose.

The home is situated on the lot in such a way that it would require a variance to expand the existing lanai to either side or the rear of the home. It only makes sense to expand to the rear as it would keep the aesthetics of the neighborhood intact and has been approved by Timber Oaks, and would only add an additional 5 feet onto the current structure. Adding a 20-foot by 10-foot room onto the side of the house would not only be more costly, but would also require a variance and approval of the homeowners' association in our community. Approval would be denied as it would not conform to existing standards of the Timber Oaks Community.

3. On July 8, 2010, the applicants' representative submitted additional information relative to the variance request as a result of the Zoning and Site Development Department's request for additional justification for the granting of the variance.

The applicants, through their representative have provided the following information:

The strict application of the land development regulation creates an unreasonable or unfair non-economic hardship, or an inordinate burden that was not created by the variance applicant.

When Mr. and Mrs. Scalon bought the property it was their intention to retire there and to also add a sunroom to their residence. Never did they think there would be a problem with this addition, but due to recent changes in the zoning requirements that is no longer possible. So, when requesting the variance it was just to change the minimum rear setback from 15 feet to 7.5 feet. We do not understand why this variance is disallowed when no neighbors objected to the variance and that if the zoning requirements had not been changed the addition would be acceptable.

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.

Mr. and Mrs. Scanlon are improving their property, not creating an eyesore. The addition of a sunroom would increase the value of their property, which in turn creates more taxable revenue for Pasco County. Furthermore, the addition would enhance the quality of life for the Scanlons.

4. Access to the property is from Mira Vista Drive, which has 50 feet of right-of-way.

5. 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.
6. The surrounding area is characterized by single-family homes within the Timber Oaks Subdivision.
7. The subject area has been designated RES-6 (Residential - 6 du/ga) under the Comprehensive Plan.
8. On April 26, 2007, the Development Review Committee approved Variance Petition No. 1922 with conditions for a reduction in the required minimum rear setback from 15 feet to 7.5 feet for a room addition for a parcel located adjacent to the northwest of the subject request.

Staff has noted that this application was received prior to June 24, 2008, therefore, it was reviewed using the previous variance standards in place at that time.

9. On March 15, 2010, the Timber Oaks Architectural Review Committee approved the owners'/applicants' proposal.
10. 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.

Upon further review of the applicant's justification, staff finds the owners/applicants have been unable to justify the existence of an unreasonable or unfair non-economic hardship. Staff finds that the change in variance review criteria should not be used as a basis for staff's review and/or recommendation of approval or denial of this variance, as this change occurred over two years ago.

- 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.

The owners/applicants have failed to provide which provision of the Comprehensive Plan or LDC is in conflict with the enforcement of the current setbacks. Staff finds that the reason set forth in the application does not justify the granting of the variance.

- 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.

N/A

- 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

- 11. The recommendation and report of the staff is based upon study and consideration of the factors outlined in the LDC, Section 316.1.A.

STAFF RECOMMENDATION:

Denial

DEVELOPMENT REVIEW COMMITTEE ACTION: