

ZONING VARIANCE REVIEW REPORT

TO: Pasco County Development Review Committee      FILE: ZN10-2017  
FROM: Lee W. Millard      PETITION #2017  
Assistant Zoning/Code      Commission District #3  
Compliance Administrator  
STAFF: Denise Hernandez      Development Review Committee  
Planner I      Hearing Date: 7/29/10, NPR  
SUBJECT: Variance Request      TAZ #102  
South Central Pasco County  
APPLICANT: **ADAM SMITH ENTERPRISES, INC./  
EVERGREEN AT TRINITY EAST**

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PETITION SUMMARY:

Variance No. 2017 in the name of Adam Smith Enterprises, Inc./Evergreen at Trinity East has been filed to allow adjustment of the standards established within Article 600, General Land Development Standards; Section 601, Signs; Subsection 601.14, On-Site Signs; Permit Required, of the Pasco County Land Development Code (LDC). The site under consideration is located on the southwest corner of the intersection of S.R. 54 and Community Drive (Parcel ID No. 28-26-17-0000-00300-0000), and contains 6.49 acres, m.o.l.

EXPLANATION OF VARIANCE:

Article 600, General Land Development Standards; Section 601, Signs; Subsection 601.14, On-Site Signs; Permit Required, of the Pasco County LDC states:

601. **SIGNS**

601.14. On-Site Signs; Permit Required

- B. Standards for on-site signs in residential districts. The following signs may be erected in residential zoning districts:
  - 3. One directional sign per subdivision entrance with a maximum height of five feet for the structure, 12 inches for the copy, and 32 square feet of sign structure area. The directional sign shall meet the separation and setback requirements of on-site signs. Additional directional signs may be placed where necessary to locate subdivision amenities.

REQUESTED ADJUSTMENT:

The applicant is requesting a variance for a directional sign for:

- 1. An increase in the maximum-allowed height from five feet to seven feet for the structure,
- 2. An increase in the maximum-allowed size for copy from 12 inches to 26<sup>5</sup>/<sub>8</sub> inches,
- 3. An increase in the maximum-allowed sign structure area from 32 square feet to 94.7 square feet,

which, if approved, would allow the applicant to construct a directional sign.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-C Agricultural	S.R. 54; Starkey Ranch
East:	MPUD Master Planned Unit Development	Community Drive; Trinity Memorial Cemetery
South:	MPUD Master Planned Unit Development; A-C Agricultural District	Old S.R. 54 Right-of-Way; Trinity MPUD
West:	MPUD Master Planned Unit Development	Trinity Boulevard; Trinity MPUD

FINDINGS OF FACT:

1. Presently, the subject site is an undeveloped parcel located at the entry to the Trinity East Subdivision. It is comprised of 6.49 acres, m.o.l.; and is located in an MPUD Master Planned Unit Development Zoning District.

2. The applicant has stated that:

**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.**

The allowable sign structure area in the LDC is too small to forewarn drivers traveling on S.R. 54 as to the entrance to Evergreen at Trinity East Subdivision.

**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 purpose.**

The strict application conflicts with Section 104.1.B of the LDC - general intent to foster and preserve public health, safety, and welfare and to aid in the harmonious, orderly and progressive development of the county in accordance with the Comprehensive Plan.

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

The erection of a visible sign will give advance notice to vehicles traveling on S.R. 54 and consequently be able to safely slow down and turn into Community Park Drive.

3. Access to the property is from Community Drive, which has 120 feet of right-of-way.
4. 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.
5. The surrounding area is characterized by a cemetery, funeral home, and undeveloped land.
6. The subject area has been designated ROR (Retail/Office/Residential) under the Comprehensive Plan.
7. 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 improved or alternate technology or design.

N/A

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

S.R. 54 is a high-speed roadway; the proposed increase in the size of the sign promotes public safety by allowing motorists to see the sign from a greater distance, thus allowing them to brake less suddenly to make the turn into Community Drive.

- 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

- 8. 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. The owner/applicant shall comply with the provisions of the Pasco County Sign Ordinance.
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 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: