

## LEE PALLARDY, INC.

*Real Estate – Appraiser, Broker & Consultant*

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August 6, 2008

Mr. Pat Olson  
Pasco County Development Review  
West Pasco Government Center  
7530 Little Road, Suite 230  
New Port Richey, Florida 34654-5598

VIA EMAIL:  
polson@pascocountyfl.net

RE: Trilby Estates 07-066  
Variance Request Regarding Fire Hydrant Requirement

Dear Pat:

Please allow the following to demonstrate compliance with the above-noted variance request, per the conditions of the new variance form that became effective on July 2, 2008. The specific number and wording from the form is shown first, followed by our response.

- 3.a. 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 strict application of the land development regulation conflicts with the rural development polices of the Pasco Comprehensive Plan. While the land development code calls for the extension of water lines where development of a project is within 1000 feet of a public line, this code provision is inconsistent with the comprehensive plan and places an inordinate burden on development of the Property, which burden was not created by the applicant and would not be placed on other developments in the rural area developing at low densities such as this Property. The burden placed on the Property associated with the installation of water lines and fire hydrants throughout the project, according to Clyde Daniel Construction, who is a local road constructor out of Brooksville, the total approximate cost associated with the installation of water lines and fire hydrants would be \$550,000(±). This would represent an additional development cost that we would be unable to recoup.

- 3.b. 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.

Under the Future Land Use Element of the Comprehensive Plan, certain rural protection policies and programs to protect the rural lifestyle and rural communities and agricultural areas were adopted in June, 2006. Specifically Policy FLU 2.1.13 provides that Pasco County shall require that new development within the Northeast Pasco County Rural Area shall not be designed nor constructed with central water and/or sewer systems. This expression of preserving the rural lifestyle serves the greater public purpose than specific application of the land development regulation.

- 3.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.

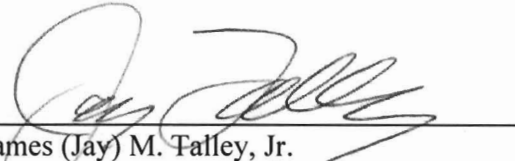
The future land use plan, specifically as it relates to Goal #2, conflicts with the County's requirement for the applicant to run central water throughout the project. Specifically, this requirement is in conflict with policy FLU 2.1.13(c); policy FLU 2.1.15; and policy FLU 2.1.17(2). According to policy FLU 2.1.13(c), consistent with the provision of services and facilities within the Northeast Pasco County Rural Area, Pasco County shall require that new development within the Northeast Pasco County Rural Area not be designed nor constructed with central water and/or sewer systems. The requirement to construct central water throughout the project would be in direct conflict with the goals, objectives, and policies of the future land use plan specifically as it relates to the Northeast Pasco County Rural Area. It should also be noted that, if we are required to construct central water throughout the project, any and all owners to the south, west, and north of the property within 1,000 feet of the new water line who undertake any "development" would be required to extend a water line from our property to theirs.

- 3.e. The intent and purpose of the land development regulation and related land development regulations and comprehensive plan and provisions is met or exceeded through an improved or alternate technology or design.

The alternate technology for us to use water trucks, as serviced through Fire Station #34, was agreed and signed off on by the Fire Marshall throughout the PD rezoning process. Furthermore, the Fire Marshall signed off on the submitted construction plans on November 2, 2007, which showed no central water lines and/or fire hydrants. It wasn't until two weeks before the first scheduled DRC meeting, in late February 2008, that the Fire Marshall changed his mind for us to install central water throughout the project, with fire hydrants spaced every 375 feet. Had we known that this would be the position of the Fire Marshall for our development, we would not have pursued this development, especially with only 85 lots.

At the July meeting regarding this matter, Bruce Kennedy, Director of Utility Services and Assistant County Administrator, indicated that the fire hydrant requirement (for developments within 1,000 feet of a public water line) has been waived at various times in years past.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Talley, Jr.", written over a horizontal line.

James (Jay) M. Talley, Jr.  
Managing Partner, Powerline LLC

JMT,JR/dss