



Legislation Text

File #: 19-0839, Version: 1

ZV(R) 2019-18, Alfredo Angulo, 6409 SW 7 Street, variance request.

SUMMARY EXPLANATION AND BACKGROUND:

PROJECT DESCRIPTION / BACKGROUND

Alfredo Angulo, owner, has submitted a variance request to allow a 3' side yard setback instead of the required 5' side yard setback for a walkway/slab.

Mr. Angulo had previously submitted variance #'s ZV(R) 2019-06 to allow a 3' side yard setback, instead of the required 5' side yard setback, for a driveway and ZV(R) 2019-07 to allow a 0' side yard setback, instead of the required 7.5' side yard setback for a covered walkway/slab. On March 7, 2019 the Board of Adjustment approved ZV(R) 2019-06 and denied ZV(R) 2019-07.

Mr. Angulo has modified the denied variance requested for the covered walkway/slab to be a 3' setback for the walkway/slab only and he will be removing the aluminum cover structure. This proposed variance would align the walkway/slab on the side of the house with the approved variance allowing the 3' side yard setback for the driveway (see survey included with this application).

As the requested variance (ZV(R) 2019-18), is different from the originally requested variance (ZV(R) 2019-07), City Code does allow the applicant to apply for this variance less than one year after the denial.

VARIANCE REQUEST DETAILS:

ZV(R) 2019-18) allow a 3' side yard setback instead of the required 5' side yard setback for a walkway/slab.

Code Reference: § 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS.

(B) In residential districts, all accessory buildings and uses in a rear yard shall be located at least five feet from any plot line, at least 15 feet from any street line, and at least ten feet from any main building or other accessory building. For water front lots located within developments approved under the design criteria of (RS-7) single family zoning districts, accessory structures shall be allowed to extend to the zero setback side property line. These accessory structures shall include, but not be limited to, concrete slabs, paver decks, wood decks, pools and pool decks, and screen enclosures.

VARIANCE DETERMINATION

The Board of Adjustment shall not grant any single-family residential variances, permits, or make any decision, finding, and determination unless it first determines that:

Its decision and action taken is in harmony with the general purposes of the zoning ordinances of the

city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.

In the granting of single-family residential variances, the Board shall determine that the single-family residential variance granted is the minimum variance that will accomplish the intended purpose in accordance with above and:

- A) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
- B) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
- C) That granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.