



Legislation Text

File #: 19-1213, **Version:** 1

ZV(R) 2019-26, Roland Emil Quintana, 20554 SW 5 Street

SUMMARY EXPLANATION AND BACKGROUND:

VARIANCE FILE NUMBER: ZV(R) 2019 26

PETITIONER:

Roland Emil Quintana

ADDRESS:

SUBJECT PROPERTY:

20554 SW 5 Street
Pembroke Pines FL 33029

LEGAL DESCRIPTION:

Lot 88, Block A Crystal Pointe, of the CRYSTAL POINTE PLAT, according to the Plat thereof as recorded in Plat Book 158, Page 10B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 5' side yard setback instead of the required 7' side yard setback for a walkway/slab.

REFERENCE:

§ 155.108 SINGLE-FAMILY (RS-7) DISTRICTS

(C) Development parameters. All applications for a zero lot line development shall comply with the following applicable development parameters.

(11) Maintenance and drainage easements. A perpetual, seven-foot easement for maintenance of the wall shall be provided on the lot adjacent to the zero lot line property line which, with the exception of the walls or fences, shall be kept clear of structures. This easement shall be shown on the plat or site plan and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment.

PROJECT DESCRIPTION / BACKGROUND

Roland Quintana, owner, has submitted a variance request to allow a 5' side yard setback instead of the required 7' side yard setback, on non-zero side, for a screen enclosure and pool deck.

VARIANCE REQUEST DETAILS:

ZV(R) 2019-26 allow a 3' side yard setback instead of the required 5' side yard setback for a walkway/slab.

Code Reference: § 155.108 SINGLE-FAMILY (RS-7) DISTRICTS

(C) Development parameters. All applications for a zero lot line development shall comply with the following applicable development parameters.

(11) Maintenance and drainage easements. A perpetual, seven-foot easement for maintenance of the wall shall be provided on the lot adjacent to the zero lot line property line which, with the exception of the walls or fences, shall be kept clear of structures. This easement shall be shown on the plat or site plan and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment. Overhangs may penetrate the easement on the adjacent lot a maximum of 24 inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement area. Applications for approval of the zero lot line concept shall demonstrate the method of providing drainage from the side yard area other than by methods of percolation.

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.