



Legislation Text

File #: 20-0121, **Version:** 1

ZV 2019-16, Pembroke Finance, LLC Daycare, 1595 NW 89 Terrace, variance request. (Dean)

SUMMARY EXPLANATION AND BACKGROUND:

PROJECT DESCRIPTION / BACKGROUND:

Hugo Arza, as agent for owner, is requesting a variance for the Pembroke Finance, LLC property at 1595 NW 89th Terrace to allow 14 existing parking spaces for a day care instead of the required 22 parking spaces for a day care.

This property has always been a day care since it was built in 1977. However, due to parking code changes, and the existing parking on site, it became a legal non-conforming use in 2012. The property operated as day care centers under Pembroke Lakes Academy from 1977 to 2017 and as New Castle Primary School from 2017 to 2018.

A new operator submitted paperwork to open in 2018, however, they never received a Local Business Tax Receipt (Business License) and the property has not been in operation for over one year. Due to this the legal non-conforming use became null and void.

The new owners of the property have a proposed tenant who is interested in re-opening this property as a day care center.

VARIANCE REQUEST DETAILS:

ZV 2019-16) Allow 14 existing parking spaces instead of the required 22 parking spaces for a day care.

Code Reference: § 155.251 Amount of Off-Street Parking Required.

(A) Day Care Center - 3 Spaces/1,000 square feet

VARIANCE DETERMINATION

The Planning and Zoning Board shall not grant any non-single-family variances, permits, or

make any decision, finding, and determination unless it first determines that:

1. 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.
2. In the granting of variances, the Planning and Zoning Board shall determine that the variance granted is the minimum variance that will accomplish the intended purpose (stated 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.