



## Legislation Text

File #: 20-0153, Version: 1

ZV(R) 2019-39 - 42, Soeurette Dorleans - Pradel, 8801 NW 5 Street

### SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Soeurette Dorleans-Pradel, owner, has submitted four (4) variance requests to:

ZV(R) 2019-39: allow a 71% Front Yard Lot Coverage for an existing paver driveway instead of the allowed maximum Front Yard Lot Coverage of 35%;

ZV(R) 2019-40: to allow a three (3) foot street side yard setback for an existing walkway/slab instead of the required 15' street side yard setback;

ZV(R) 2019-41: to allow a 1.9' rear yard setback for an existing concrete patio/slab instead of the required 5' rear yard setback;

ZV(R) 2019-41: and to allow a 2.96 foot west side yard setback for an existing concrete patio/slab instead of the required 5' rear yard setback.

The paver driveway was installed without permits and is currently under Code Compliance violation Case #115044. Concrete patio/slab encroachments were observed on site when variance process for driveway was being submitted and confirmed no permits were issued.

### VARIANCE REQUEST DETAILS:

**ZV(R) 2019-39)** allow a 71% Front Yard Lot Coverage with an existing driveway and sidewalk instead of the allowed maximum Front Yard Lot Coverage of 35%.

*Code Reference:* § 52.26 DRIVEWAYS ACROSS SWALE AREAS.

(H) No driveway may:

(1) Exceed a 35% of the total front lot coverage in a single family residential home;

**ZV(R) 2019-40 thru 42)** Allow a 3' street side yard setback, 1.9' rear yard setback and a 2.96' west side yard setback for an existing patio/slab instead of the allowed 15' street side yard and 5' rear, and side yard, setbacks.

*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.