



## Legislation Text

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**File #:** 20-0429, **Version:** 1

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ZV(R) 2020-01, Emran Alladin, 9850 NW 3 Street

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

Emran Alladin, owner, has submitted a variance request to allow a 10 foot front yard setback for an existing carport / awning instead of the allowed maximum 25 foot front yard setback.

This structure is currently in Code Compliance violation for building without a permit.

### **VARIANCE REQUEST DETAILS:**

**ZV(R) 2020-01)** allow a 10 foot front yard setback to an existing carport / awning instead of the allowed 25 foot front yard setback.

*Code Reference:* § 155.106 ONE-FAMILY DWELLING (R-1A THROUGH R-1C) DISTRICTS.  
(E) Yards.

(1) Front yard.

(a) Residential uses. Every plot used for a one-family dwelling shall have a front yard not less than 25 feet in depth, unless a greater depth is required under Article V, Yard Space Districts.\*

### **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.