



Legislation Text

File #: 20-0432, **Version:** 2

ZV(R) 2020-05 - 10, Aixa Guerrero, 7121 SW 13 Street

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Aixa Guerrero, owner, has submitted six (6) variance requests for an existing paver driveway and walkway and existing tiki-hut and shed:

The following are requested variances:

To allow an existing paver driveway and walkway to:

ZV(R) 2020-05 - have 91% width of lot instead of the allowed 40% width of lot;

ZV(R) 2020-06 - have a 4.2' east side yard setback instead of required 5';

ZV(R) 2020-07 - have a 2.5' west side yard setback instead of required 5';

ZV(R) 2020-08 - have 50% front lot coverage instead of allowed 35%;

And

ZV(R) 2020-09 - allow two (2) accessory structures instead of allowed one accessory structure;

ZV(R) 2020-10 - allow a 288 sq. ft. tiki-hut instead of allowed 200 sq. ft. open sided structure.

The paver driveway, Tiki hut and shed were installed without permits and are currently under Code Compliance violations. The tiki-hut meets code for location and the shed meets code for location and size.

VARIANCE REQUEST DETAILS:

ZV(R) 2020-05) Allow a 91% width of lot for an an existing paver driveway and walkway.

Code Reference: § 52.26 DRIVEWAYS ACROSS SWALE AREAS.

(C) In no instance shall the total width of all driveways exceed 40% of the lot width.

ZV(R) 2020-06) Allow a 4.2' east side yard setback instead of the allowed 5' side yard setback for an existing paver driveway.

Code Reference: § 52.26 DRIVEWAYS ACROSS SWALE AREAS.

(G) Every driveway must include a minimum five foot setback from side property line(s), except zero-lot properties, where a zero foot setback shall be permitted on the zero lot line side with a five foot setback, or maintenance easement, required on the non-zero lot side (s).

ZV(R) 2020-07) Allow a 2.5' west side yard setback instead of the allowed 5' side yard setback for an existing paver driveway.

Code Reference: § 52.26 DRIVEWAYS ACROSS SWALE AREAS.

(G) Every driveway must include a minimum five foot setback from side property line(s), except zero-lot properties, where a zero foot setback shall be permitted on the zero lot line side with a five foot setback, or maintenance easement, required on the non-zero lot side (s).

ZV(R) 2020-08) allow a 50% Front Yard Lot Coverage with an existing paver driveway and walkway 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) 2020-09) Allow two (2) accessory structures, an existing tiki-hut and an existing shed, instead of the allowed one (1) accessory structure.

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

(H) In all residential districts except A-1, RR, E-1, R-3, R-4, and R-6, only one accessory building is permitted which shall not exceed 100 square feet. In the A-1, RR, E-1, R-3, R-4, and R-6 districts, all accessory uses, storage sheds, and accessory buildings, except structures for housing livestock, up to 150 square feet in area shall be located at least five feet from any plot line and at least 15 feet from any street line. Also in the A-1, RR, E-1, R-3, R-4 and R-6 districts, only one storage container shall be permitted. Storage sheds and accessory buildings over 150 square feet and storage containers shall be subject to the limitations on location of a principal building and shall not be placed in any required yard. For purposes of this section, fall-out shelters and garages shall not be deemed accessory buildings.

ZV(R) 2020-10) Allow a 288 sq. ft. existing tiki-hut instead of the allowed 200 sq. ft. open sided structure.

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

(I) In all residential districts, free-standing open sided structures such as, but not limited to, gazebos, chickee huts and trellises shall not exceed 200 square feet.

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.