



Legislation Text

File #: 20-0648, Version: 1

ZV(R) 2020-13, Jorge Riofrio, 741 SW 71 Terrace

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Jorge Riofrio, owner, has submitted a variance request to allow an existing 320 square foot solid roofed canopy / gazebo instead of the allowed 200 square foot open sided structure.

Mr. Riofrio has provided a support letter for requested variance signed by his neighbors.

The solid roofed canopy / gazebo was installed without permits and is currently under Code Compliance violation (Case #19120056). This structure does require permits.

The solid roofed canopy/gazebo, and the paver deck beneath, meet code for location.

VARIANCE REQUEST DETAILS:

ZV(R) 2020-13) Allow a 320 square foot existing solid roofed canopy / gazebo instead of the allowed maximum 200 square foot free standing open sided structures.

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.

(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.