



Legislation Text

File #: 20-0652, **Version:** 1

ZV(R) 2020-17 & 18, Betty Talon, 19399 NW 14 Street

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Betty Talon, owner, has submitted two variance requests for 19399 NW 14th Street. Requested variance ZV(R) 2020-17 is to allow a proposed 15' x 30' paver deck five (5) feet from the street side property line instead of the required minimum fifteen (15) feet from the street side property line; and requested variance ZV(R) 2020-18 is to allow a proposed 16' x 12' open sided gazebo five (5) feet from the street side property line instead of the required minimum fifteen (15) feet from the street side property line. The proposed 192 square foot gazebo meets code for size.

Ms. Talon has provided a copy of the Chapel Trail Homeowners Association approval for proposed structures.

VARIANCE REQUEST DETAILS:

ZV(R) 2020-17) allow a proposed 15' x 30' paver deck five (5) feet from the street side property line instead of the required minimum fifteen (15) feet from the street side property line.

ZV(R) 2020-18) allow a proposed 16' x 12' open sided gazebo five (5) feet from the street side property line instead of the required minimum fifteen (15) feet from the street side property line.

Code Reference: Chapel Trail Planned Unit Development (PUD) Guidelines.

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.