



Legislation Text

File #: 20-0790, **Version:** 1

ZV(R) 2020-23
Carlos Torres, 9390 NW 3 Street

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Carlos Torres, owner, has submitted four (4) variance requests for a paver driveway/walkway and an existing concrete slab on the east side of the house:

The petitioner is requesting a variance to allow no radius island (unpaved area) between the driveway and the property line or sidewalk, radius for circular driveways "island" instead of the required unpaved area with a radius of at least five feet between the driveway and the property line or sidewalk, radius for circular driveways "island";

Proposed location for driveway meets City Code.

There is no Homeowner's Association in this neighborhood.

VARIANCE REQUEST DETAILS:

ZV(R) 2020-23) To not provide a radius "island" (unpaved area) between the driveway and the property line or sidewalk;

Code Reference: § 52.26 DRIVEWAYS ACROSS SWALE AREAS.

(I) Each circular driveway shall provide for an unpaved area with a radius of at least 5' between the driveway and the property line or sidewalk;

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.