



Legislation Text

File #: 21-0008, **Version:** 1

ZV(R) 2020-32 - 35, Lonnie Bergeron, 20400 SW 51 Street

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

Lonnie Bergeron, owner, is proposing to install a barn and paddock fencing on his +/- 41,475 square foot lot in The Trails community. Due to the irregular shape of his lot, the following four (4) variances are needed for the construction of the proposed barn and paddock fencing:

ZV(R) 2020-32) Allow a 22' rear lot setback instead of the required 50' lot setback for a proposed barn;

ZV(R) 2020-33) Allow a 25'side lot setback instead of the required 50' lot setback for a proposed barn;

ZV(R) 2020-34) Allow a 30' front lot setback instead of the required 50' lot setback for a proposed barn;

ZV(R) 2020-35) Allow a 12' street line setback instead of the required 50' street line setback for proposed paddock fencing.

The applicant has provided Homeowner's Association approval for this proposed project.

VARIANCE REQUEST DETAILS:

ZV(R) 2020-32) Allow a 22' rear lot setback instead of the required 50' lot setback for a proposed barn;

ZV(R) 2020-33) Allow a 25'side lot setback instead of the required 50' lot setback for a proposed barn;

ZV(R) 2020-34) Allow a 30' front lot setback instead of the required 50' lot setback for a proposed barn;

ZV(R) 2020-35) Allow a 12' street line setback instead of the required 50' street line setback for proposed paddock fencing.

Code Reference: § 155.105 ESTATE (E-1) DISTRICTS.

(B) Uses permitted. No building, structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part for other than one of the following uses:

(2) Uses accessory to any of the above uses, when located on the same plot and not involving the conduct of any business, trade, occupation, or profession, including:

(d) Keeping of horses and cows, not exceeding four in total number for a plot of minimum permitted size: where the plot exceeds 35,000 square feet in area, one additional horse may be kept for each acre of plot area in excess of 35,000 square

feet. The permitted animals shall be kept in an area which is located at least 50 feet from any street line. Any roofed structure for shelter of these animals shall be located at least 50 feet from any plot line.

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.