



Legislation Text

File #: 21-0135, **Version:** 1

ZV(R) 2020-39 - 40, Michael Cabak, 1051 NW 185 Avenue

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Michael Cabak, owner, has submitted two (2) variance requests. Variance #ZV(R) 2020-39 is to allow a 43.3% total width of lot for a proposed paver driveway instead of the required 40%, and Variance #ZV(R) 2020-40 is to allow 50% total front lot coverage for a proposed paver driveway and walkway instead of allowed 35%.

The Chapel Lake Estates HOA (neighborhood association) and the Chapel Trail Owners Association (master association) have provided approvals for the proposed project.

VARIANCE REQUEST DETAILS:

ZV(R) 2020-39 allow a 43.3% total width of lot for a proposed driveway instead of the required total width of all driveways not to exceed 40% of the lot width.

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) 2020-40 allow a 50% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway and walkway.

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; or

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.