



Legislation Text

File #: 21-0136, **Version:** 1

ZV(R) 2021-01 - 03, Maria R. Aguirre, 16406 NW 24 Street

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Maria Aguirre, owner, has submitted three (3) variance requests. Variance #ZV(R) 2021-01 is to allow a proposed hard roofed, open sided, patio to have a 5' rear yard setback, instead of the required 15'; Variance #ZV(R) 2021-02 is to allow a proposed hard roofed, open sided, patio to have a 3' side yard setback without a privacy wall, instead of the required 5'; and Variance #ZV(R) 2021-03 is to allow 49% lot coverage instead of the allowed 45%.

The Parkside at Spring Valley Homeowner's Association has provided approval for the proposed project.

VARIANCE REQUEST DETAILS:

ZV(R) 2021 - 01 allow a 5' rear yard setback instead of the 15' rear yard setback for a proposed hard roofed open sided patio.

Code Reference: **155.108 SINGLE-FAMILY (RS-7) DISTRICTS.**

(C) Development parameters. All applications for a zero lot line development shall comply with the following applicable development parameters. (3) Minimum setbacks. (b) Front and rear setback. The front setback shall be not less than 20 feet, and the rear setback shall not be less than 15 feet.

ZV(R) 2021 -02 allow a 3' side yard setback instead of the 5' side yard setback for a proposed hard roofed open sided patio without a privacy wall.

Code Reference: **155.108 SINGLE-FAMILY (RS-7) DISTRICTS.**

(C) Development parameters. All applications for a zero lot line development shall comply with the following applicable development parameters. (3) Minimum setbacks. e) Accessory buildings and structures shall observe all setback requirements as outlined in § 155.049 for Accessory Uses and Structures, except that for all non-water-front lots in developments approved under design criteria of (RS

-7) single family zoning, accessory structures may extend to the zero setback side property line if a six-foot high concrete block privacy wall is installed along the entire length of the accessory structure.

ZV(R) 2021 -03 allow a 49% total lot coverage instead of the required 45% total lot coverage for a proposed hard roofed open sided patio.

Code Reference: **155.108 SINGLE-FAMILY (RS-7) DISTRICTS.**

(C) Development parameters. All applications for a zero lot line development shall comply with the following applicable development parameters. (6) Maximum lot coverage. The total lot coverage permitted for all buildings on the site shall not exceed 45% of the lot areas.

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.