



Legislation Text

File #: 21-0138, **Version:** 1

ZV(R) 2021-08, Carlos Mendez, 8510 NW 24 Court

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Carlos Mendez, owner, has submitted variance request ZV(R) 2021-08 to allow a 6' rear yard setback instead of the 15' rear yard setback for a existing hard roofed open sided patio. When Mr. Mendez moved into his home in 2019 several building permit items were discovered open, or done without permits, by previous owner(s). The existing hard roofed open sided patio is the last of these issues to be taken care of. Building permits for the roofed structure have been submitted, and approved by all required disciplines except for Zoning due to the rear setback.

Included in the back-up are the "Building Permit Status" reports of the three permit issues discovered by Mr. Mendez showing two of them completed and the remaining roofed structure application approved except for Zoning.

There is not a Homeowner's Association for this community.

VARIANCE REQUEST DETAILS:

ZV(R) 2021 - 08 allow a 6' rear yard setback instead of the required 15' rear yard setback with an existing hard roofed open sided patio.

Code Reference: **155.106 ONE-FAMILY DWELLING (R-1A THROUGH R-1C) DISTRICTS.**

(E) Yards. (3) Rear yard.

(a) Residential uses. Every plot used for a one-family dwelling shall have a rear yard not less than 15 feet in depth.

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.