



## Legislation Text

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**File #:** 21-0216, **Version:** 1

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ZV(R) 2021-04 - 07, Mario Maruriello, 9012 NW 10 Street

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

Mario Mauriello, owner, has submitted four (4) variance requests for an existing driveway built without a permit. Variance #ZV(R) 2021-04 is to allow the driveway to be 54% width of the front yard at property line and through the swale area, instead of the required width of 40%; Variance #ZV(R) 2021-05 is to allow a 0' east side yard setback instead of the required 5' side yard setback for the existing driveway; Variance #ZV(R) 2021-06 is to allow a 0' west side yard setback instead of the required 5' side yard setback for the existing driveway; and Variance #ZV(R) 2021-07 is to allow 86% total front lot coverage instead of the required 35% total front lot coverage with the existing driveway.

The property is currently in Code Compliance violation under Case #124087.

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

At the March 4, 2021 Board of Adjustment Meeting the Board moved to defer these variances to the April 1, 2021 meeting for Mr. Mauriello to present a reduced request. Based on the Board's questions, comments and discussion, Mr. Mauriello is proposing the following changes:

- Removal of concrete along the east side property line to meet code required setback of 5' for the first 15 feet of the driveway before it flairs out to the east side property line; and
- Removal of concrete along the west side property line to meet, or exceed, code required setback of 5' for the first 22 feet of the driveway before it flairs out to the west side property line.

Details are shown on new exhibit attached, with the results of this concrete being removed, a new proposed front lot coverage of 78%.

All other requested variances are still required as these changes would only reduce requested front lot coverage percentage.

### **VARIANCE REQUEST DETAILS:**

**ZV(R) 2021-04** allow a 54% width of the front yard at property line and through the swale area instead of the required width of 40% of the front yard at property line and through the swale area for a driveway.

*Code Reference: § 52.26 DRIVEWAYS ACROSS SWALE AREAS.*

(F) All driveways shall not exceed a maximum width of 40% of the front yard at property line and through the swale area.

**ZV(R) 2021-05** allow a 0' east side yard setback instead of the required 5' side yard setback for an existing driveway.

*Code Reference: § 52.26 DRIVEWAYS ACROSS SWALE AREAS.*

(G) Every driveway must include a minimum five foot setback from side property line (s), except zero-lot properties, where a zero foot setback shall be permitted on the zero lot line side with a five foot setback, or maintenance easement, required on the non-zero lot side(s).

**ZV(R) 2021-06** allow a 0' west side yard setback instead of the required 5' side yard setback for an existing driveway.

*Code Reference: § 52.26 DRIVEWAYS ACROSS SWALE AREAS.*

(G) Every driveway must include a minimum five foot setback from side property line (s), except zero-lot properties, where a zero foot setback shall be permitted on the zero lot line side with a five foot setback, or maintenance easement, required on the non-zero lot side(s).

**ZV(R) 2021-07** allow a 86% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

*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.