



Legislation Text

File #: 21-0354, Version: 1

ZV(R) 2021-12, Joseph Geide, 21740 NW 8 Court

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Joseph Geide, owner, has submitted a variance request ZV(R) 2021-12 to allow required stoop/stairs to have a 0' side yard setback, instead of the required 4' side yard setback.

This property is within the Holly Lake Homeowners Association. The Association permitted the mobile home as is.

VARIANCE REQUEST DETAILS:

ZV(R) 2021 - 12 allow a 0' side yard setback instead of the 4' side yard setback for the required stoop/stairs.

Code Reference: **§ 155.109 MOBILE HOME DWELLING (R-1T) DISTRICTS.**

(G) Yards.

(1) Side yards. Every plot shall be provided with side yards not less than four feet in width; except that a roofed carport, without enclosure or side walls, may be located not closer than two feet to any interior side plot line. The side of an open carport erected as an addition to a mobile home shall not be deemed to be enclosed by an exterior wall of the mobile home, or by an exterior wall of a storage room.

Newly Adopted Code Reference:* **Table 155.423: Residential Mobile Home (R-MH)

Side Setback

4 feet (1)

Note(s):

(1) Open carports and stoops may be located 2 feet from the interior line

(Note: Copy of new table attached for reference)

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.