



## Legislation Text

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**File #:** 21-0832, **Version:** 1

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ZV(R) 2021 - 17 - 21, Carlos Rios, 201 SW 65 Avenue

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

Carlos Rios, owner, has submitted five (5) variance requests for an existing shed, an existing gazebo and an existing composite deck that were installed without permits.

The following are requested variances:

**ZV(R) 2021-17** - Existing shed to have a 2.10' rear yard setback instead of required 5' rear yard setback;

**ZV(R) 2021-18** - Existing gazebo to have a 6.4' street side yard setback instead of required 15' street side yard setback;

**ZV(R) 2021-19** - Existing composite deck to have a 0' street side yard setback instead of required 5' street side yard setback;

**ZV(R) 2021-20** - Existing gazebo and composite deck to have a 0' rear yard setback instead of required 5' rear yard setback;

**ZV(R) 2021-20** - Existing gazebo to be 360 sq. ft. instead of allowed 200 sq. ft. open sided structure.

There is no Homeowner's Association in this neighborhood.

The existing gazebo, built without a permit, is currently under Code Compliance Correction No. - #120238.

### **VARIANCE REQUEST DETAILS:**

**ZV(R) 2021-17)** to allow an existing shed a 2.10' rear yard setback instead of required 5' rear yard setback.

*Code Reference:* Table 155.620: Accessory Building: Shed

**ZV(R) 2021-18)** to allow an existing gazebo to have a 6.4' street side yard setback instead of required 15' street side yard setback.

*Code Reference:* Table 155.620: Accessory Structure: Open Sided Structure (Free Standing)

**ZV(R) 202021-19)** to allow an existing composite deck to have a 0' street side yard setback instead of required 5' street side yard setback

*Code Reference:* Table 155.620: Accessory Structure: Deck or Patio

**ZV(R) 2020-20)** to allow an existing gazebo and composite deck to have a 0' rear yard setback instead of required 5' rear yard setback

*Code Reference:* Table 155.620: Accessory Structure: Open Sided Structure (Free Standing)/Deck or Patio

**ZV(R) 2021-21)** to allow an existing gazebo to be 360 sq. ft. instead of allowed 200 sq. ft. open sided structure.

*Code Reference:* Table 155.620: Accessory Structure: Open Sided Structure (Free Standing)

#### **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 follow Section 155.301(O) Variance:

1. Purpose: To allow for the provision of relief from certain development standards of this LDC for one or more of the following reasons:
  - a) 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) 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) 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.