



Legislation Text

File #: 21-0833, **Version:** 1

ZV(R) 2021 - 22, Lorraine Hernandez, 14249 NW 18 Manor

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Lorraine Hernandez, owner, has submitted variance request ZV(R) 2021-22 for a proposed screen enclosure at a 4' rear yard setback and to legalize the existing, permitted pool, with pool beam located at a 5' rear yard setback.

Per the Pembroke Falls Planned Unit Development (PUD) Guidelines a 5' Rear Yard Setback is required for screen enclosures and a 7' Rear Yard Setback is required to the edge of the pool beam of pools. A copy of the PUD Guidelines showing these requirements is attached.

In 2001 the existing pool was permitted, and passed all inspections, with a 5' rear yard setback to the pool beam (copy of permit drawing attached). Due to the existing, permitted, location of the pool beam, Ms. Hernandez must seek a variance to now allow for the construction of the proposed screen enclosure at the requested 4' rear yard setback. In addition, as part of this project, a portion of the existing pool deck will be removed to meet all required setbacks.

The Pembroke Falls Homeowners Association Architectural Review Board has tentatively approved the screen enclosure dependent upon the action of the Board of Adjustment. In addition, the backyard neighbor (Carolina Rodriguez @ 14250 NW 18th Place) has acknowledged no objection to the requested variance.

VARIANCE REQUEST DETAILS:

ZV(R) 2021-22 to allow a 4' rear yard setback for a screen enclosure instead of the required 5'

rear yard setback; and allow a 5' rear setback to the pool beam instead of the required 7' rear yard setback to the existing pool beam for a permitted pool.

Code Reference: **Pembroke Falls Planned Unit Development (PUD) Guidelines**

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.