



## Legislation Text

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**File #:** 21-0834, **Version:** 1

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ZV(R) 2021-23 - 24, Adrian & Kerry Jagdeosingh, 19972 SW 5 Court

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

Adrian & Kerry Jagdeosingh, owners, have submitted two (2) variance requests for a proposed driveway and walkway. Variance #ZV(R) 2021-23 is to allow a 40% total front lot coverage for proposed driveway and walkway for Typical Lot properties instead of the required 35% total front lot coverage for Typical Lot properties; Variance #ZV(R) 2021-24 is to allow a 42% 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 proposed driveway.

### **VARIANCE REQUEST DETAILS:**

**ZV(R) 2021-23** allow a 40% total front lot coverage for Typical Lot property instead of the required 35% total front lot coverage with proposed driveway and walkway.

*Code Reference:* **Table 155.620 Accessory Building and Structures.**

Driveway, Typical Lot:  
35% front lot coverage

**ZV(R) 2021-24** allow a 42% width of lot through the swale area instead of the required width of 40% for proposed driveway;

*Code Reference:* **Table 155.620 Accessory Building and Structures.**

Driveway, Typical Lot:  
40% width of lot

### **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.