



Legislation Text

File #: 21-0973, **Version:** 1

ZV(R) 2021-26, Juan C. Hincapie, 11031 NW 18 Place

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Juan Carlos Hincapie, owner, has submitted variance request #ZV(R) 2021-26 to allow a 48% total front lot coverage for an existing driveway for a Typical Lot property instead of the allowed 35% total front lot coverage.

There is no required Homeowner's Association in this Neighborhood. Mr. Hincapie has provided letters of support from his neighbors.

This driveway was installed without a permit and is currently under Code Compliance Correction No. - #129561.

At the October 7, 2021 Meeting there were only three Board Members present to have the minimum number of members for a quorum. After Items ZV(R) 2021-23 & 24 were heard by the Board, a member of the Board became ill and had to leave. With no quorum (only two members left) no actions could be taken by the Board and the remaining items, including this request, had to be re-noticed and re-advertised for this meeting.

VARIANCE REQUEST DETAILS:

ZV(R) 2021-26 allow a 48% total front lot coverage for Typical Lot properties instead of the required 35% total front lot coverage with existing driveway.

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

Driveway, Typical Lot:
35% front lot coverage

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.