



Legislation Text

File #: 21-0978, **Version:** 1

ZV(R) 2021-37, Richard Fuster, 9820 NW 3 Street

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Richard Fuster, owner, has submitted a Zoning Variance request application #ZV(R) 2021-37 to allow a 0' side setback to replace like for like an existing driveway at the property. Staff analysis demonstrates the existing driveway meets all other applicable City Code Regulations. (City Code, Table 155.620).

There is no Homeowner's Association in this Neighborhood.

VARIANCE REQUEST DETAILS:

ZV(R) 2021-37 allow a 0' southwestern side yard setback instead of the required 5' side yard setback on a Typical Single Family Residential Lot for an existing driveway at the property. Existing driveway is located to the right side in front of the building's front line and front property line.

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

Driveway, Typical Lot:
5' side setback

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.