



Legislation Text

File #: 22-0424, **Version:** 1

ZV(R) 2022-11, Luis & Ninoska Rivera, 930 SW 108 Avenue

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Luis & Ninoska Rivera, owners, have submitted Zoning Variance Request ZV(R) 2022-11 to install a pool.

Although this property is zoned Residential Multi-Family (R-MF), per City Code, this development (Woodbridge South) was designed, and built, to Residential Single-Family Zero Lot Line (R-1Z) standards. Per Section 155.652(C)(1) of the Land Development Code a 7 foot Maintenance Easement is required along the non-zero side yard that, other than walls or fences, and at grade structures, must be clear of structures.

The Rivera's are requesting a 4 foot side setback to edge of pool structure, encroaching 3' into the 7 foot Maintenance Easement.

Approval by their Homeowner's Association, Woodbridge Homeowners' Association, Inc., is attached.

VARIANCE REQUEST DETAILS:

ZV(R) 2022-11: to allow a 4 foot side setback, instead of the edge of the required 7 foot Maintenance Easement.

City Code Reference: Section 155.652 Zero Lot Line Homes:

(C) Maintenance and drainage easements.

1. Lots developed utilizing the R-1Z criteria shall have a perpetual, seven-foot easement for maintenance of the wall on the lot adjacent to the zero lot line property line which, with the exception of the following shall be kept clear of structures. (a) Walls or fences (b) Structures at grade, not to encroach greater than two feet into the seven-foot easement.

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.