



Legislation Text

File #: 22-0425, **Version:** 1

ZV(R) 2022-0012, Alejandro Viamonte, 540 NW 99 Way

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Davian Rodriguez, as agent for Mr. Viamonte, has submitted Zoning Variance Request ZV(R) 2022-12 for the side setback to an existing, permitted, addition.

This property requires 7.5 foot side setbacks to the house. However, the existing house has only +a 7.2' side setback along the south side property line. In May of 2021, Building Permit #1982607-0 was issued for an addition along the south side property line meeting the required 7.5' side setback. In February 2022 the Final Survey for the addition was submitted showing a 7.2 feet side setback, matching the existing house, to the south side property line.

Mr. Rodriguez is requesting this variance to allow the addition to be at the 7.2 foot side setback, and stay in line with the existing house.

There is no Homeowners Association for this neighborhood.

VARIANCE REQUEST DETAILS:

ZV(R) 2022-12: to allow a 7.2 foot Side Setback instead of the required 7.5 foot Side Setback.

City Code Reference: **Table 155.421.3: Residential Single-Family (R-1C):**
Side Setback: 7.5 feet

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.