



Legislation Text

File #: 22-0426, Version: 1

ZV(R) 2022-0013 & 0014, German Hernandez & Yessinia Barban, 750 NW 85 Way

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Yessenia Barban, owner, has submitted two Variance requests for an existing driveway:

Zoning Variance Application #ZV(R) 2022-0013 is to allow a 49% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total front lot coverage for an existing driveway.

Zoning Variance Application #ZV(R) 2022-0014 is to allow 1 Foot (1') side setback instead of the required 5 Feet (5') side setback for an existing driveway.

The existing driveway was built without a permit, and it is under Code Compliance Notice of Violation No. #22020005. This violation began on February 2, 2022.

Ms. Barban has submitted required documents for Building Permits, and is aware driveway permit needs to be completed for the property to be brought into Code Compliance.

There is no Homeowners Association where the property is located.

VARIANCE REQUEST DETAILS:

ZV(R) 2022-0013 to allow a 49% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total front lot coverage for an existing driveway.

ZV(R) 2022-0014 to allow a 1 Foot (1') side setback along the north property line instead of the required Five Feet (5') side setback for an existing driveway.

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

Type, Driveway, Circular*, Setback, 5 feet

Type, Driveway, Circular*, Maximum Dimensions, 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.