



## Legislation Text

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**File #:** 22-0428, **Version:** 1

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ZV(R) 2022-0017 - 0019, Laura Hooper, 18930 NW 10 Terrace

### **SUMMARY EXPLANATION AND BACKGROUND:** **PROJECT DESCRIPTION / BACKGROUND:**

Laura Hooper, owner, has submitted three Zoning Variance requests for an existing “Open sided, freestanding structure”:

Zoning Variance Application #ZV(R) 2022-0017 is to allow a 2 foot side setback for an Accessory Open Side Structure instead of the required 5 feet.

Zoning Variance Application #ZV(R) 2022-0018 is to allow a 4.9 feet rear setback for an Accessory Open Sided Structure instead of the required 5 feet.

Zoning Variance Application #ZV(R) 2022-0019 is to allow a 215 square foot Accessory Open Side Structure instead of the allowed 200 square feet.

Mrs. Hooper is aware building permits still need to be completed through the City’s Building Department to finalize the permitting process.

Property is located within the Chapel Trail Owners Association and approval from the Association is attached.

### **VARIANCE REQUEST DETAILS:**

**ZV(R) 2022-0017** to allow a 2 foot side setback for an existing 10.1’ x 9.9’ Accessory Open Sided Structure instead of the required 5 feet.

**ZV(R) 2022-0018** to allow a 4.9 feet rear setback for an existing Accessory Open Sided Structure instead of the required 5 feet.

**ZV(R) 2022-0019** to allow a 215 square feet Accessory Open Sided Structure instead of the allowed 200 square feet.

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

Type, Open sided Structure (Free Standing), Side, 5 feet

Type, Open sided Structure (Free Standing), Rear, 5 feet

Type, Open sided Structure (Free Standing), Maximum Dimensions, 200 square 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.