



## Legislation Text

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File #: 22-0501, Version: 1

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**ZV 2022-05, Douglas Gardens IV & VI, 705 SW 88 Avenue, variance request. (Dean)**

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

James Kahn, agent for Douglas Gardens IV. LTD Partnership, has submitted Zoning Variance Request #ZV 2022-05 for Phases IV and VI to allow a maximum height of 70 feet instead of the Code allowed maximum height of 60 feet for a structure.

This request is due to the stair tower, and architectural features, extending beyond the allowed 60 foot. Elevations of proposed structure, proposed site plan, for reference only, and justification of request are attached.

Proposed Site Plan #SP 2022-04 will be scheduled for a future Planning & Zoning Board meeting.

### **CODE REFERENCE:**

#### **TABLE 155.410: AGRICULTURE (A)**

Standard, Maximum Height:

Non-Residential, 60 feet

### **VARIANCE DETERMINATION:**

The Planning & Zoning Board shall not grant any non-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 non-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.