



## Legislation Text

---

**File #:** 22-0555, **Version:** 1

---

ZV(R) 2022-0021, Armando & Susana Toledo, 8711 Johnson Street

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

Armando Toledo, owner, has submitted a variance request for a second side yard walkway. City Land Development Code allows one 3' wide sidewalk alongside of house, with a 2' side setback. In addition to the allowed existing 3' wide walkway, with 2' side setback, on the west side of house, requested variance ZV(R) 2022-0021 is to allow a second 3' wide walkway (existing), on the east side of the house, with a 1.79' side setback.

Depending on the outcome, Mr. Toledo is aware that permits will need to be submitted for the sidewalks.

There is no homeowners association associated with this property.

### **VARIANCE REQUEST DETAILS:**

**ZV(R) 2022-0021** to allow a second 3' wide walkway (existing), on the east side of the house, with a 1.79' side setback instead of the allowed one 3' wide walkway with a 2' setback.

#### *Code Reference:*

Table 155.620 Accessory Building and Structures  
Walkway (Single Family Lots), Setback, Side, 2 feet  
Additional Regulations, Lots with side yards 7 ½ feet or less, only one walkway is permitted.

### **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.