



Legislation Text

File #: 22-0557, **Version:** 1

ZV(R) 2022-0023 & 0024, Allan Avalos, 629 SW 168 Lane

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

Allan Avalos, owner, has submitted two Zoning Variance requests to build an attached 16' x 18' hard roofed open patio. Per survey, proposed location for the attachment installation is to the left side in the rear of the existing home's building.

Zoning Variance request #ZV(R) 2022-0023 is to allow a 41% lot coverage for all buildings instead of the allowed 40% lot coverage for all buildings.

Zoning Variance request ZV(R) 2022-0024 is to allow a 10 feet (10') rear setback instead of the required 15 feet (15') rear setback.

Mr. Avalos is aware building permits need to be obtained through the City's Building Department to begin the construction process.

The property is located within Pembroke Shores Community. HOA letter of approval is attached.

VARIANCE REQUEST DETAILS:

ZV(R) 2022-0023 to allow 41% lot coverage for all buildings instead of the allowed 40% lot coverage for all buildings.

ZV(R) 2022-0024 to allow 10 feet (10') rear setback instead of the required 15 feet (15') rear setback.

Code Reference:

Pembroke Shore PUD (SF-2 Single-Family Conventional):

- Lot Coverage: 40% all buildings
- Rear Yard Setback: 15 Feet (15')

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.