



Legislation Text

File #: 22-0972, **Version:** 1

[ZV(R) 2022-0029, Gregory Guerra, 1249 SW 159 Terrace

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Gregory Guerra, owner, has submitted a Residential Zoning Variance request to legalize a 14.1' x 22.0', 310 Square Feet (SF) freestanding open sided structure. Per the property's survey, the existing structure is in the south side in the rear of the property.

Zoning Variance request #ZV(R) 2022-0029 is to allow 310 Square Feet instead of the allowed 200 Square Feet for a freestanding open sided structure.

On August 9, 2021, the applicant was cited by the Code Compliance Division (case reference #220801164) for construction completed without proper approvals or permits.

The applicant is aware that Board consideration of a residential variance request does not preclude the property owner from obtaining all necessary development related approvals or permits.

The subject property is located in Pembroke Shores homeowners' association (HOA). The applicant has provided a HOA letter of approval.

VARIANCE REQUEST DETAILS:

ZV(R) 2022-0029 to allow 310 square feet for an open sided structure, freestanding, instead of the allowed 200 square feet.

City Code Reference: Table 155.620: Accessory Building and Structures
Type, Open Side Structure (Free Standing), Maximum Dimensions, 200 SF

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.