



Legislation Text

File #: 22-0973, **Version:** 1

[ZV(R) 2022-0033 - 0034, Zachary Fidler, 2040 NW 84 Terrace

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

Zackary Fidler, owner, has submitted two Zoning Variance requests for an existing patio, deck and walkway:

- ZV(R) 2022-0033 is to allow one foot (1') street side setback along the north property line instead of the required five feet (5') for a constructed patio deck.
- ZV(R) 2022-0034 is to allow one foot, 6 inches (1.6') rear setback along the western property line instead of the required five feet for a built deck expansion.

On October 12, 2021, the applicant was cited by the Code Compliance Division (#67540) for construction completed without the 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 not located within a homeowner's association.

VARIANCE REQUEST DETAILS:

- **ZV(R) 2022-0033** is to allow a one foot (1') street side setback along the northern property line instead of the required five feet (5') for an existing patio deck.
- **ZV(R) 2022-0034** is to allow one foot, 6 inches (1.6') rear setback along the western property line instead of the required five feet (5') for an existing deck.

Code References: Table 155.620 Accessory Building and Structures.

ZV(R) 2022-0033)

Type, Deck or Patio*, Street Side, 5 feet

ZV(R) 2022-0034)

Type, Deck or Patio*, Rear, 5 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.