



Legislation Text

File #: 22-0974, **Version:** 1

ZV(R) 2022-0035, Judith Molina, 8800 SW 10 Street

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

Syney Fierro, agent, has submitted a Residential Zoning Variance request in conjunction with the owner plans to build a swimming pool and deck in the property's rear yard. Per proposed plan, the pool and deck will be built in the south yard of the lot, abutting to the community's common area.

Zoning Variance Application #ZV(R) 2022-0035 is to allow zero-foot (0') rear side setback along the southern property line instead of the required five feet (5') for a swimming pool and deck. 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 in Honeywoods homeowner's association (HOA). The applicant has provided a letter of approval.

VARIANCE REQUEST DETAILS:

ZV(R) 2022-0035 to allow zero-foot (0') rear setback instead of the required five feet (5') rear setback for a proposed pool and deck.

Code Reference: Code Reference: Table 155.620 Accessory Building and Structures.
Type, Pool/Deck, 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.