



Legislation Text

File #: 23-0279, **Version:** 1

ZV(R)2023-0015, Manuel E Jr & Marisol Estremera, 2471 NW 187 Avenue

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Manuel Estremera, owner, has submitted a residential zoning variance request for a proposed attached open sided, roofed structure for the single-family residence located at 2471 NW 187 Avenue in the Keystone Lake neighborhood. The property is part of the Big Sky Planned Unit Development (PUD) and follows PUD Zone SF-2 (single-family zero-lot line). The PUD guidelines do not address attached open sided, roofed structures; therefore, the provisions of the City's Land Development Code (LDC) are applicable.

Specifically, ZV(R) 2023-0015 requests the following:

- To allow four feet, 2 inches (4'-2") side yard setback instead of the required five feet (5.0') side setback for a proposed attached open sided, hard roofed structure.

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 the Keystone Lake neighborhood. The applicant has provided a copy of the Homeowners Association (HOA) approval.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0015: to allow four feet, two inches (4'-2") side yard setback instead of the required five feet (5.0') side setback for a proposed attached open sided, roofed structure in a typical single family residential, zero lot.

Code References:

155.621 SUPPLEMENTAL REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES.

“... (b) For waterfront lots located within developments approved under the design criteria of R-1Z single-family zoning districts, accessory structures shall be allowed to extend to the zero-setback side property line, excluding structures with a roof. Structures with roofs may extend to the zero-setback side property line if a six-foot-high concrete block privacy wall is installed along the entire length of the accessory structure.”

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.