



## Legislation Text

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**File #:** 23-0280, **Version:** 1

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ZV(R)2023-0032 - 0034, Carlos Garro, 7571 NW 1 Court

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

Carlos Garro, owner, submitted three residential zoning variance requests for an existing driveway at the single family residence located at 7571 NW 1 Court in the Boulevard Heights neighborhood, which is zoned R-1C (Residential Single-Family)

On March 11, 2022, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 70118) for work performed without building permits.

In April 5, 2022, the property owner submitted a building permit application (RX22-00645) to legalize the completed driveway work. The permit application and documents revealed that the existing driveway exceeds the limitations of the City's Land Development Code (LDC); therefore, the applicant is requesting the following:

- ZV(R) 2023-0032 is to allow 43% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical lot.
- ZV(R) 2023-0033 is to allow 44% width of lot instead of the allowed 40% width of lot for an existing driveway in a typical lot.
- ZV(R) 2023-0034 is to allow three feet (3') side setback (eastern property line) instead of the required five feet (5') setback for an existing driveway in a typical lot.

City staff reviewed aerial photography from the Broward County Property Appraiser and it appears that driveway has existed since at least 1998. Staff reviewed historical building permit records, but was unable to retrieve a permit for the existing driveway. In addition, the applicant replaced an existing non-permitted, non-conforming driveway without a building permit. The

provisions of the City's LDC are applicable (City Code 155.627).

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

The property is not located within an home owners association.

### **VARIANCE REQUEST DETAILS:**

**ZV(R) 2023-0032)** is to allow 43% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical lot.

**ZV(R) 2023-0033)** is to allow 44% width of lot instead of the allowed 40% of width of lot for an existing driveway in a typical lot.

**ZV(R) 2023-0034)** is to allow three feet (3') side setback (eastern property line) instead of the required five feet (5') setback for an existing driveway in a typical lot.

#### *Code References:*

#### **Table 155.620 Accessory Building and Structures**

##### **ZV(R) 2023-0032)**

Type, Driveway, Typical lot, Maximum Dimensions, 35% front lot coverage

##### **ZV(R) 2023-0033)**

Type, Driveway, Typical lot, Maximum Dimensions, 40 % width of lot

##### **ZV(R) 2023-0034)**

Type, Driveway, Typical lot, Setback, Side, 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