



Legislation Text

File #: 23-0284, **Version:** 1

ZV(R)2023-0044 - 0046, Michael Eason & Lisdanne Beaubrun, 1969 NW 162 Avenue

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Michael Eason, owner, submitted three residential zoning variance requests to legalize an existing driveway and patio for the single family residence located at 1969 NW 162 Avenue in the Parkside at Spring Valley neighborhood which is zoned R-1Z (Residential Single-Family Zero Lot Line).

On December 2, 2022, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 221202774) for work performed without building permits.

In December 15, 2022, the owner submitted a building permit application (No. RX22-10510) to build a driveway and patio at the property; however, per owner's provided plan, the existing driveway exceeds the provisions of the City's Land Development Code (LDC)

The applicant is requesting:

- ZV(R) 2023-0044 is to allow 52% front lot coverage (total) instead of the allowed 40% front lot coverage (total) in a zero-lot.
- ZV(R) 2023-0045 is to allow 48% of lot's width instead of the allowed 40% of lot's width for an existing driveway in a zero-lot.
- ZV(R) 2023-0046 is to allow zero feet (0') side setback (north) instead of the required five feet (5') setback for an existing patio or deck in a zero-lot.

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

The subject property is in Parkside at Spring Valley neighborhood. The applicant has provided a copy of the Homeowner Association (HOA) approval.

VARIANCE REQUEST DETAILS:

ZV(R)2023-0044) is to allow 52% front lot coverage (total) instead of the allowed 40% front lot coverage (total) in a zero-lot.

ZV(R)2023-0045) is to allow 48% of lot's width instead of the allowed 40% of lot's width for an existing driveway in a zero-lot.

ZV(R 2023-0046) is to allow zero feet (0') side setback (north) instead of the required five feet (5') setback for an existing patio in a zero-lot.

Code References:

Table 155.620 Accessory Building and Structures

ZV(R)2023-0044)

Type, Driveway, Zero-Lot, Maximum Dimensions, 40% front lot coverage

ZV(R)2023-0045)

Type, Driveway, Zero-Lot, Maximum Dimensions, 40 % width of lot

Table 155.620 Accessory Building and Structures

ZV(R) 2023-0046)

Type, Deck or Patio, 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 conditions are peculiar to the subject property.