



## Legislation Text

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**File #:** 23-0285, **Version:** 1

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ZV(R)2023-0028 & 0029, Vincencio Maya, 838 SW 173 Avenue

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

Vincencio Maya, owner, has submitted two residential zoning variance requests to build a circular driveway at the property located at 838 SW 173<sup>rd</sup> Avenue. The property is part of the Silver Lakes Planned Unit Development (PUD) and follows the guidelines for single-family homes with a lot larger than 5,000 square feet. The PUD guidelines do not address driveway setbacks, lot coverage and driveway width; therefore, the provisions of the City's Land Development Code (LDC) are applicable.

On July 19, 2022, the owner submitted a building permit application (No. RX22-04582) to build a circular driveway at the property. The proposed driveway exceeds the limitations of the City's LDC.

The applicant is requesting the following:

- ZV(R) 2023-0028 to allow a 51% total front lot coverage (total) instead of the allowed 35% front lot coverage (total) for a proposed circular driveway in a typical lot.
- ZV(R) 2023-0029 to allow 45% of the lot's width instead of the allowed 40% of the lot's width for a proposed circular driveway in a typical lot.

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

### **VARIANCE REQUEST DETAILS:**

**ZV(R)2023-0028** to allow 51% front lot coverage (total) instead of the allowed 35% front lot coverage

(total) for a proposed circular driveway in a typical lot.

**ZV(R)2023-0029)** to allow 45% of the lot's width instead of the allowed 40% of the lot's width for a proposed circular driveway in a typical lot.

*Code References:*

Table 155.620 Accessory Building and Structures

**ZV(R)2023-0028)**

Type, Driveway, Circular\*, Maximum Dimensions, 35% front lot coverage

**ZV(R)2023-0029)**

Type, Driveway, Circular\*, Maximum Dimensions, 40 % width of lot

**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.