



Legislation Text

File #: 23-0376, **Version:** 1

ZV(R)2023-0027 & 0030 & 0031, Carlos Ramos & Esther Soledad Pena, 6146 SW 191 Avenue

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Carlos Ramos, owner, submitted three residential zoning variance requests for an existing driveway and an existing covered patio at the single-family residence located at 6146 SW 191st Avenue in the Laguna Isles subdivision, which is zoned Planned Unit Development (PUD).

On July 20, 2021, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 129430) for work performed without building permits.

On February 3, 2022, Mr. Ramos appeared before the Board of Adjustment requesting two (2) variances: ZV(R) 2021-48 to allow 75% front lot coverage instead of maximum 35% front lot coverage; and ZV(R) 2021-49 to allow 64% width of lot instead of allowed 40% width of lot. Both of these variances failed by 0-5 votes, partially due to Laguna Isles Homeowner's Association (HOA) testimony against these requests.

Since this meeting, Mr. Ramos has been working with his HOA to come up with agreed upon limits for the paver driveway. With the resubmitted variance requests agreed to by the HOA, it was discovered that there is an existing covered patio that was installed without permits. Due to this unpermitted structure, the total lot coverage of all roofed structures is 46% which exceeds code allowance of 40% maximum lot coverage.

- ZV(R) 2023-0027 is to allow 56% front lot coverage (total) instead of allowed 35% front lot coverage (total) for an existing paver driveway in a typical lot.
- ZV(R) 2023-0030 is to allow 55% total width of lot instead of allowed 40% front lot coverage (total) for an existing paver driveway in a typical lot.
- ZV(R) 2023-0031 is to allow 46% Lot Coverage instead of the allowed 40% Lot

Coverage.

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 subject property is in the Laguna Isles subdivision and has received approval from the Laguna Isles Homeowner's Association.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0027 to allow a 56% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway;

ZV(R) 2023-0030 to allow a 55% total width of lot instead of the allowed 40% width of lot for an existing driveway;

ZV(R) 2023-0031 to allow a 46% total lot coverage instead of the required 40% total lot coverage for all buildings and accessory structures.

Code References:

Table 155.620 Accessory Building and Structures

ZV(R)2023-0027)

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

ZV(R)2023-0030)

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

ZV(R)2023-0031)

Big Sky North Planned Unit Design (PUD) Guidelines: PUD SF-1

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.