



Legislation Text

File #: 23-0378, **Version:** 1

ZV(R)2023-0053 - 0057, Glenn & Tanya Chang, 2336 NW 189 Avenue

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Glenn & Tanya Chang, owners, have submitted five zoning variance requests for the property located at 2336 NW 189 Avenue in Keystone Lake neighborhood. The property is part of the Big Sky Planned Unit Development (PUD) and follows PUD Zone SF-1 (single-family conventional) guidelines. The PUD does not address driveways, patios, or decks (PUD), Single Family-Residential Zoning District. Therefore, the provisions of the City's Land Development Code (LDC) apply.

The applicant is proposing a new driveway at the property; however, the proposed driveway exceeds the limitations of the City's Land Development Code (LDC).

Specifically, the applicant is requesting:

- ZV(R) 2023-0053: to allow 49% front lot area (total) instead of the allowed 35% front lot coverage for a proposed driveway in a typical lot.
- ZV(R) 2023-0054: is to allow 43% of lot's width instead of the allowed 40% of the lot's width for a proposed driveway in a typical lot.

Upon review of construction documents for the property, Broward County Property Appraiser available imagery, and the provided survey, it was detected that the patio/deck have been extended towards the sides and rear property lines, closer than the required five feet (5') setbacks. Mr. Chang is requesting variance consideration to retain the items existing at the property, all built without building permits:

- ZV(R) 2023-0055: to allow zero feet (0') side setback along a portion of the northern property line instead of the required five feet (5') for an existing deck or patio.

- ZV(R) 2023-0056: to allow zero feet (0') rear setback along a portion of the rear property line instead of the required five feet (5') rear setback for an existing pool deck or patio.
- ZV(R) 2023-0057: to allow two feet (2') side setback along a portion of the southern property line instead of the required five feet (5') for an existing pool deck or patio.

Per staff findings, the pool deck or patios have been present on the property since early 2007; however, according to city records, no building permits are available.

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 Keystone Lake Neighborhood. The applicant has provided copy of HOA Approval dated December 23, 2022.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0053) to allow 49% front lot area instead of the allowed 35% total front lot area for a proposed driveway in a typical lot.

ZV(R) 2023-0054) is to allow 43% of the lot's width instead of the allowed 40% total width of lot for a proposed driveway in a typical lot.

ZV(R) 2023-0055) is to a zero feet (0') side setback along a portion of the northern property line instead of the required five feet (5') for an existing deck or patio.

ZV(R) 2023-0056) is to a zero feet (0') rear setback instead of the required five feet (5') rear setback for an existing pool deck or patio.

ZV(R) 2023-0057) is to allow an two feet (2') side setback along a portion of the southern property line instead of the required five feet (5') for an existing pool deck or patio.

Code References:

ZV(R) 2023-0053 & 0054)

Table 155.620 Accessory Building and Structures

Type, Driveway, Zero Lot Line, Maximum Dimensions, 35% front lot coverage

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

ZV(R) 2023-0055 & 0057)

Type, Deck or Patio, Setback, Side, 5 feet

Type, Deck or Patio, Setback, Rear, 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.