



Legislation Text

File #: 23-0380, **Version:** 1

ZV(R)2023-0060 & 0061, Divina Rosario, 16318 NW 17 Court

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Divina Rosario, owner, submitted two residential zoning variance requests to legalize an existing driveway and walkway for the single-family residence located at 16318 NW 17 Court in Parkside at Spring Valley neighborhood which is zoned R-1Z (Residential Single-Family Zero Lot Line).

On December 6, 2022, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 221202833) for work performed without building permits.

In April 11, 2023, the owner submitted a building permit application (No. RX23-05041) 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 55% front lot coverage (total) instead of the allowed 40% front lot coverage (total) in a zero-lot.
- ZV(R) 2023-0045 is to allow 45% of lot's width instead of the allowed 40% of lot's width for an existing driveway 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)2023-0060) allow a 50% total front zero lot line coverage instead of the required 40% total front lot coverage for an existing driveway.

ZV(R)2023-0061) allow a 45% width of lot on a zero-lot line instead of the 40% required width of lot for an existing driveway.

Code References:

ZV(R)2023-0060 & 61)

Table 155.620 Accessory Building and Structures

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

Type, Driveway, Zero-Lot, 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.