



Legislation Text

File #: 24-0072, **Version:** 1

ZV(R)2023-0124 - 0127

Denny Maiz & Sonia Becerra, 16453 NW 21 Street (District 3)

SUMMARY EXPLANATION AND BACKGROUND:
PROJECT DESCRIPTION / BACKGROUND:

Denny Maiz, owner, has submitted four residential zoning variance requests to legalize an existing driveway and existing patio for the single-family residence located at 16453 NW 21 Street in Parkside at the Spring Valley neighborhood which is zoned Residential Single-Family Zero Lot Line (R-1Z).

On December 9, 2022, the City's Code Compliance Division cited the property owner (Case No. 22102886) for work performed without building permits.

In January 4, 2023, the owner submitted a building permit application (No. RX23-00114) to build a driveway at the property; however, the building permit cannot be approved as the existing driveway exceeds the limitations of the City's Land Development Code (LDC).

The applicant originally requested:

- **ZV(R)2023-0124** is to allow 58% front lot coverage (total) instead of the required 40% front lot coverage (total) for an existing driveway on a zero-lot property.
- **ZV(R)2023-0125** is to allow 58% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property.

After reviewing the applicant's initial request and, per the property's survey, it was detected an existing 31.6' x 11' patio encroaching into the required side and rear setbacks. (See survey attached)

Per staff review of the city's archives, no building permits can be found for the existing driveway and existing patio. Nevertheless, according to the Broward County Property Appraiser

Imagery, it appears the driveway and patio have existed in the property since at least 2022.

Planning and Economic Development Staff worked with the applicant to identify potential modifications to the site that could be made to meet zoning requirements. The petitioner nevertheless requested to move forward to retain the existing non-permitted items at the existing dimensions at existing location; therefore, the petitioner specifically is requesting:

- **ZV(R)2023-0126** is to allow four-foot (4') rear setback along a portion of the rear property line instead of the required five-foot (5') rear setback for an existing 31.6' x 11' patio in a single-family residence, zero lot property.
- **ZV(R)2023-0127** is to allow zero feet (0') side setback without a six-foot-high concrete block privacy wall (western property line) instead of the required five feet (5') rear setback for an existing 31.6' x 11' patio in a single-family residence, zero-lot property.

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 the Parkside Spring Valley neighborhood. The applicant has provided a copy of the Homeowner Association (HOA) Letter, dated January 3, 2023.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0124 to allow 58% of front lot coverage (total) instead of the required 40% front lot coverage instead of the required 40% front lot coverage (total) for an existing driveway in a single-family residence, zero lot.

ZV(R) 2023-0125 to allow a 58% width instead of the 40% required width of lot for an existing driveway in a single-family residence, zero lot property.

ZV(R) 2023-0126 to allow 4' rear setback along a segment of the rear property instead of the required 5' rear setback for an existing 31.6' x 11.0' patio in a single-family residence, zero-lot property.

ZV(R) 2023-0127 to allow zero feet (0') side setback without a six-foot-high concrete block privacy wall (western property line) instead of the required five feet (5') rear setback for an existing 31.6' x 11' patio in a single-family residence, zero-lot property.

Code References:

ZV(R) 2023-0124 & 0125)

Table 155.620 Accessory Building and Structures

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

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

ZV(R) 2023-0126)

Table 155.620 Accessory Building and Structures

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

ZV(R) 2023-0127)

155.652 ZERO LOT LINE HOMES

(C) Maintenance and drainage easements.

3. At grade structures encroaching into the five foot required setback on the Zero Lot Line side shall place a 6 foot high completely opaque privacy wall in accordance with 155.621 (A)(1)(b).