



## Legislation Text

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**File #:** 24-0074, **Version:** 1

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ZV(R)2023-0128 - 0131

Liseth Lopez Martinez & Briam Riveron Vergara,  
170 NW 161 Avenue (District 3)

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

Liseth Martinez, owner, submitted four zoning variance requests to legalize an existing driveway, and existing patios for the property located at 170 NW 161 Avenue in the Spring Valley neighborhood which is zoned Single-Family Residential Zoning District (R-1B).

On August 20, 2023, the City's Code Compliance Division cited the property owner (Case No. 23083387) for work done without building permits.

In August 28, 2023 the owner submitted a building permit application (RX23-11216) to construct a driveway at the property; however, the permit application cannot be approved as the work done exceeds the limitations of the City's Land Development Code (LDC).

The petitioner specifically is asking:

- **ZV(R)2023-0128** is to allow 63% of front lot coverage (total) instead of the required 35% of front lot coverage (total) for an existing driveway in a single-family residential lot.
- **ZV(R)2023-0129** is to allow zero-foot (0') radius instead of the required five-foot (5') radius for an existing circular driveway in a single-family residential lot.

After reviewing the applicant's initial request and, per the updated property survey (10/04/2023), it was detected existing paved surfaces along the north, west and south sides of the existing house, all encroaching into the required five-foot (5') side and rear setbacks (See survey attached).

Per staff review, of city's archives, there are no permitting records for the work detected via Code Violation; however, in 1997, the city issued a building permit application for a driveway at the property approved via Building Permit No. 19706750 (see approved layout, attached). Per the Broward County Property Appraiser Imagery, it appears the driveway and patios have existed in the property since 1998 and 2023 respectively.

The petitioner is amending the request to include an alternative plan to modify the existing conditions of the unpermitted items at the property. Per plan, the applicant will be:

- Cutting back, reducing the existing patio width along the northern property line to provide four feet side setback.
- Cutting back, reducing the existing patio footprint along the western property line to provide the required five-foot rear setback.

Planning and Economic Development Staff identified zoning conflicts regarding the existing conditions of the work done without permits. The petitioner would like to move forward with the requests to retain the existing non-permitted items at the dimensions at the existing location. The applicant specifically is requesting:

- **ZV(R)2023-0130** is to allow four-foot (4') side setback along a portion of the northern property line instead of the required five-foot (5') side setback for an existing patio.
- **ZV(R)2023-0131** is to allow 1.8' side setbacks along a segment of the southern property line instead of the required five-foot (5') side setback for an existing patio.

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 Spring Valley neighborhood. The applicant has provided a copy of the Homeowner Association (HOA) Letter(s) dated November 14, 2023.

**VARIANCE REQUEST DETAILS:**

**ZV(R)2023-0128** to allow 63% of front lot coverage (total) instead of the required 35% of front lot coverage (total) for an existing driveway in a single-family residential lot.

**ZV(R)2023-0129** to allow zero-foot (0') radius instead of the required five-foot (5') radius for an

existing circular driveway in a single-family residential lot.

**ZV(R)2023-0130** to allow four-foot (4') side setback along a portion of the northern property line instead of the required five-foot (5') side setback for an existing patio.

**ZV(R)2023-0131** to allow zero-foot augmenting to 1.8' side setbacks along a segment of the southern property line instead of the required five-foot (5') side setback for an existing patio.

*Code References:*

**ZV(R)2023-0128-0129)**

**Table 155.620 Accessory Building and Structures**

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

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

**ZV(R)2023-0130 & 0131)**

**Table 155.620 Accessory Building and Structures**

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