

DEC 23 2020

Variance Justification:GROWTH MANAGEMENT
DEPARTMENT

My lot, lot 21, is the last lot to be built on in Indian River Gardens Subdivision all other lots have homes built prior to 1982. I've made efforts to design a home that fits into the neighborhood in both size and style. All other homes along the centerline of NE Skyline Drive in Indian River Gardens built after 1967 and before 1982 are setback greater than 50 ft but less than 65 ft. Any home built on lot 21 up to the 50 ft setback from NE Skyline Drive would not encroach upon or violate the setback regulations from the zoning code prior to 1982 as interpreted from Article 3, Zoning District C, Division 7.

Reference: Setbacks for DIVISION 7. - CATEGORY "C" ZONING DISTRICT STANDARDS

- 4. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway

See Supporting References:

The referenced 65 ft setback, noted in the condition report, from CL of NE Skyline Drive is from the Article 3, Division 2 (new development), section 3.16. C. Centerline setbacks.

- 3.16. C. Centerline setbacks.
- Generally. All structures, except those listed as exempt pursuant to subsection 3.16.B., above, shall be set back from the centerlines of public and private streets as follows:
 - Local streets: 50 feet.
 - Collector or arterial street: 65 feet.
 - U.S. Highway 1: 100 feet.

Division 2 has 3 zoning districts; A, B and C. Division 2 also says quote: "Category "B" and "C" districts shall only be applied to areas where a pattern of development had already been established prior to April 1, 1982."

My parcel is in the Indian River Gardens Subdivision and was establish prior to 1982 and is zoned as **R-3A** which is found in District C which refers you to Division 7.

- Reference: Section 3.10.A: "The provisions of the Category "C" districts are set forth in Division 7."

Setbacks for DIVISION 7. - CATEGORY "C" ZONING DISTRICT STANDARDS

Sec. 3.407. - R-3A Liberal Multiple-Family District.

- 4. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.
- 5. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.