

APPLICATION NUMBER

**5211**

A REQUEST FOR

**FRONT YARD SETBACK VARIANCE TO ALLOW A NEW  
DWELLING UNIT TO BE CONSTRUCTED 10' FROM THE  
FRONT (NORTH) PROPERTY LINE IN AN R-1, SINGLE-  
FAMILY RESIDENTIAL DISTRICT; A MINIMUM FRONT  
YARD SETBACK OF 25' IS REQUIRED IN AN R-1,  
SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

(South side of Anna Drive, 300'± West of Shana Drive)

APPLICANT/OWNER

**BOBBY J. & ROMA K. LOPEZ**

**BOARD OF ZONING ADJUSTMENT**

NOVEMBER 2003

The applicant is requesting a Front Yard Setback Variance to allow a new dwelling unit to be constructed 10' from the front (North) property line in an R-1, Single-Family Residential District; a minimum front yard setback of 25' is required in an R-1, Single-Family Residential District.

The applicant states that a new home, with a bulkhead and boat slip are proposed. The applicant goes on to state they will begin construction as soon as possible.

In regard to the proposed home it could easily be shifted to provide the required front yard setback, as well as the required side yard and combined side yard setbacks. Additionally, it should be noted that the proposed dwelling could maintain the proposed angle to the street and still comply with the setback requirements of the Ordinance. Front yard setbacks provide an even streetscape, and as illustrated on the Vicinity Map, the houses to the South along Anna Drive, comply with the minimum front yard setback.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed, and substantial justice done to the applicant and the surrounding neighborhood.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to construct a new residential 10-feet from the front property line.

**RECOMMENDATION 5211****Date: November 3, 2003**

Based upon the preceding, this application is recommended for denial.

