

(a) Describe which special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance):

The subject property has an existing pool and patio area that was constructed prior to our proposed improvements. Due to the placement of the home and limited depth of the rear yard, there is insufficient room to install a shade awning with column support while maintaining the required 25-foot rear setback. This creates a unique site constraint not present on many neighboring lots of the same zoning, which may have greater lot depth or different structural configurations. The request is specific to this parcel's spatial limitations in the rear yard.

(b) Describe which literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning:

A literal enforcement of the 25-foot rear setback would prevent the construction of a functional shade awning for the rear pool and patio area. Many surrounding properties in the same zoning district have covered outdoor spaces that enhance the usability and comfort of the yard. Denial of this variance would deprive the applicant of a reasonable and common outdoor improvement that is typical for residential enjoyment and use in the neighborhood.

(c) Explain how the special conditions and circumstances have not resulted from actions of the applicant:

The conditions prompting this variance request are due to the existing site layout and the original positioning of the primary structure and pool. The current configuration of the rear yard was not established by the applicant and limits the available buildable area for any accessory improvements. The need for this variance is based on inherent site constraints, not any self-created hardship or modifications.

(d) Explain how granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance:

The variance request does not seek any special or exclusive privilege. It merely aims to allow a modest structure (which already exists, but the existing structure is not hurricane proof)—an awning with support columns—to enhance outdoor livability and security. This type of improvement is consistent with what other property owners in the neighborhood already enjoy. The proposed use is typical of residential accessory structures and remains subordinate to the principal dwelling.

(e) Describe the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure:

The request is limited to the minimal reduction necessary to allow the installation of an awning within the constraints of the existing rear yard layout. The 8-foot encroachment into the setback is the minimum required to construct a functional, code-compliant shade structure. The design avoids unnecessary bulk or visual obstruction and ensures compatibility with the scale and use of the lot.

(f) Explain how the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare:

The purpose of setback regulations is to preserve light, air, privacy, and neighborhood character. The proposed awning structure is open in design, does not obstruct views, and will not negatively impact surrounding properties. Granting this variance will allow for a reasonable improvement in keeping with residential aesthetics and quality of life, while still protecting the public interest and upholding the spirit of the zoning code.

Additional Comments (if any):

Several nearby properties in the same district have similar rear-yard awning or patio roof structures that were approved in recent years. These include Permit #23-213043 (907 Hyacinth Dr), #21-196449 (908 Gardenia Dr), and #20-193319 (904 Gardenia Dr). The proposed variance is consistent with neighborhood development patterns and will not alter the essential character of the area.