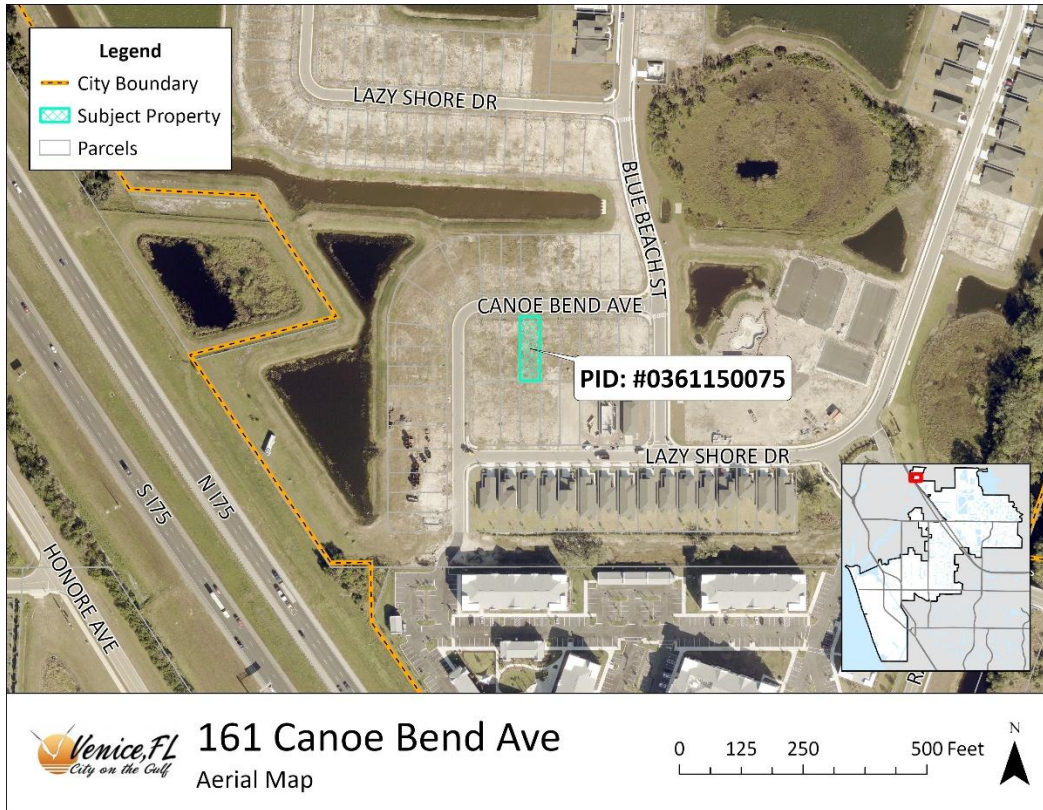


26-01VZ 161 Canoe Bend Ave

Staff Report

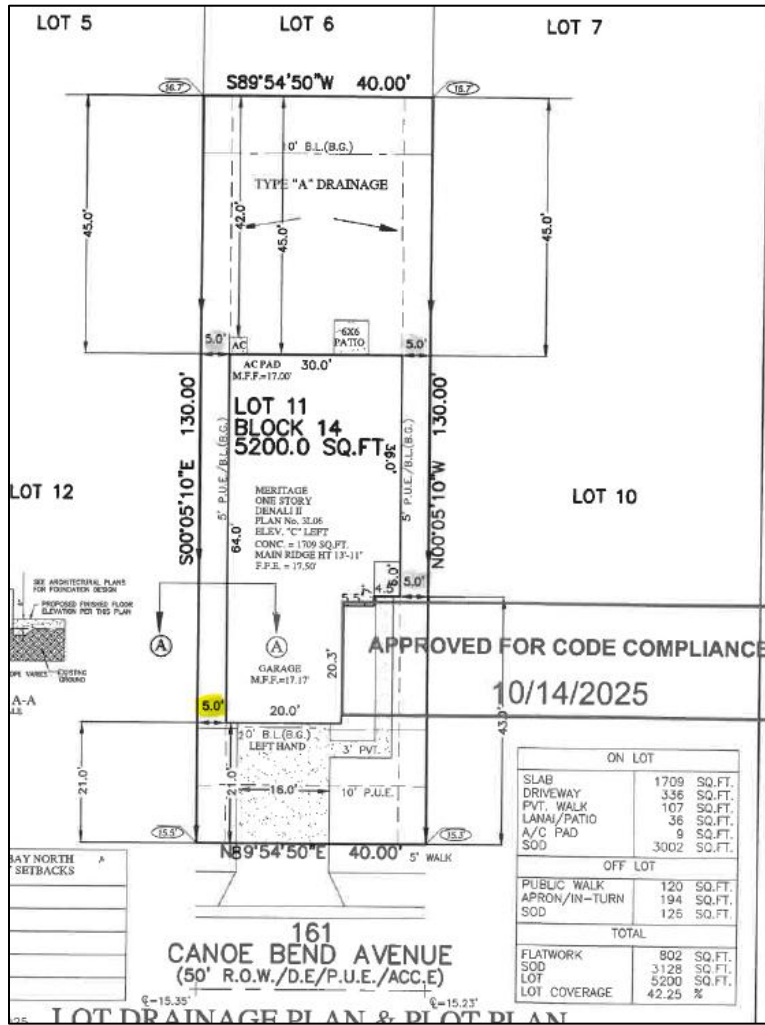


GENERAL INFORMATION

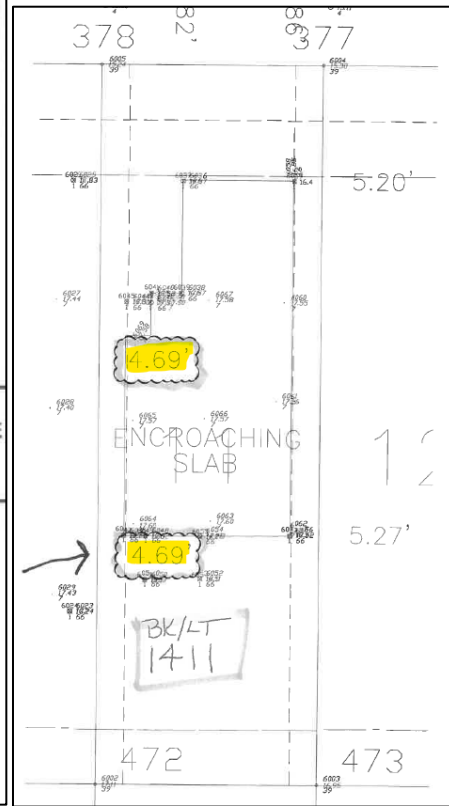
Address:	161 Canoe Bend Ave
Request:	Seeking variance from the Rustic Road Binding Master Plan requirement for 5' primary structure setbacks for single-family detached homes
Owner/Applicant:	Meritage Homes
Agent:	Katrina DeJesus, Meritage Homes
Parcel ID:	0361150075
Parcel Size:	5,199± square feet
Future Land Use:	Mixed Use Residential
Zoning:	Planned Unit Development
Comprehensive Plan Neighborhood:	Knights Trail Neighborhood
Application Date:	December 29, 2025

I. VARIANCE REQUEST AND SUBJECT PROPERTY INFORMATION

The subject property is located at 161 Canoe Bend Ave, in the Rustic Road Planned Unit Development. This lot is in Magnolia Bay North. After receiving permit approval for a single-family home with compliant setbacks, the slab was poured at 4.69' from the western property line instead of the required and approved 5'. Since the application was submitted, the entire house has been built with this noncompliant setback. The applicant is seeking a variance to correct this error.



Approved (5' setback)

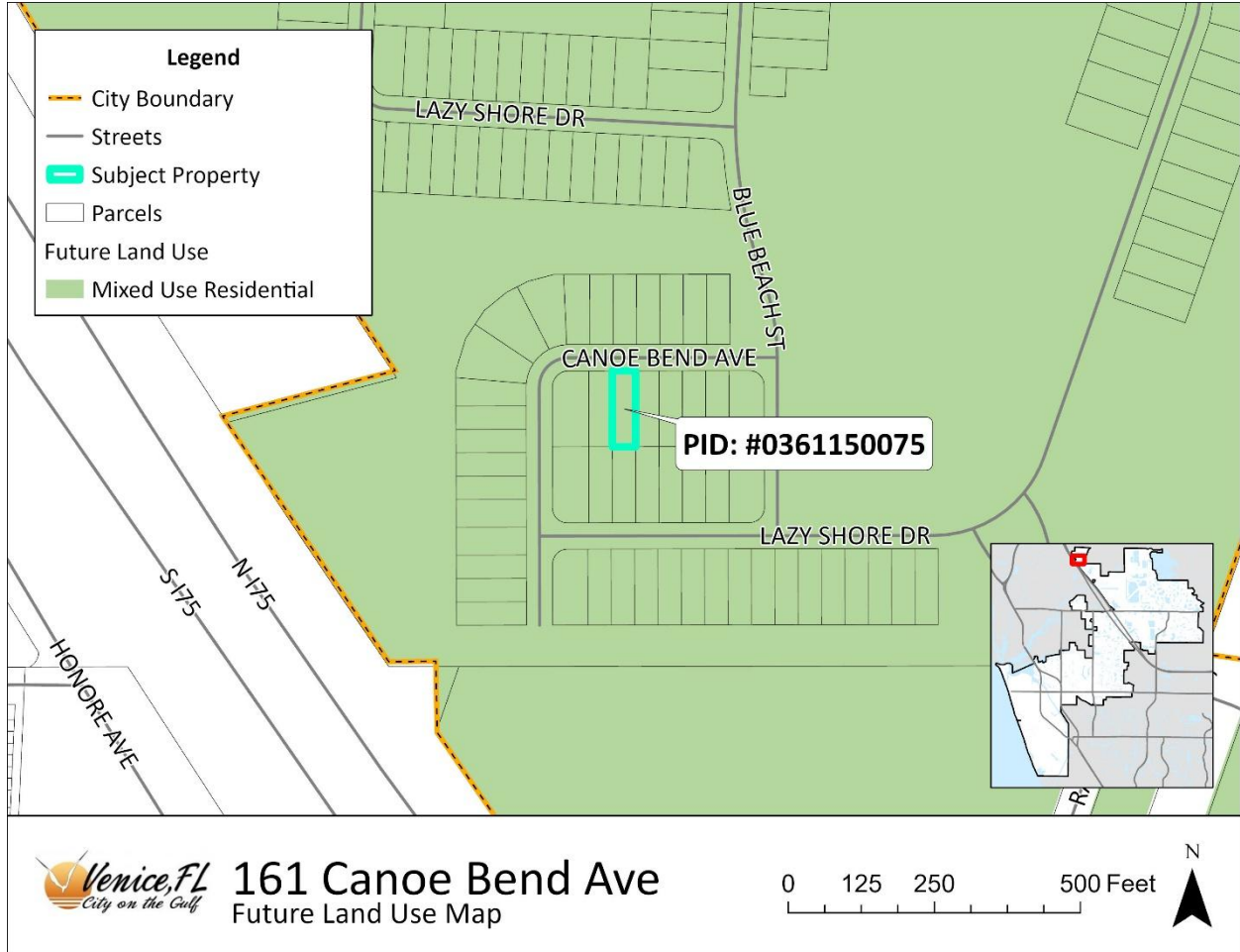


Existing (4.69' setback)

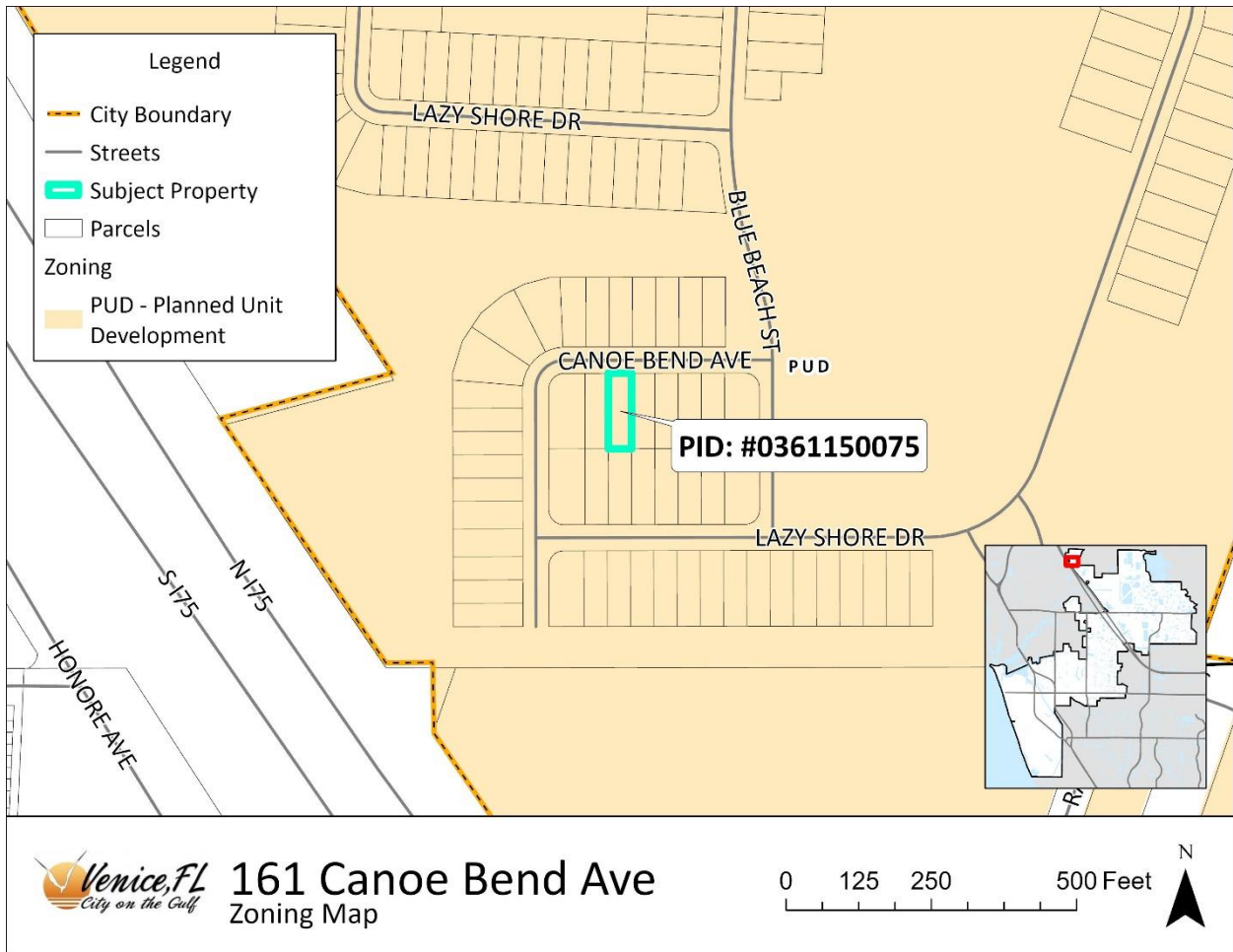
Future Land Use and Zoning

This property is internal to the Magnolia Bay North neighborhood of the Rustic Road PUD and is therefore surrounded by Mixed Use Residential future land use and Planned Unit Development zoning.

Future Land Use Map



Zoning



II. SITE PHOTOGRAPHS



Side with 4.69' setback



Side with compliant setback

III. PROCEDURAL REQUIREMENTS FOR VARIANCE REVIEW

The procedural requirements contained in Chapter 87 Section 1.2 concerning receipt of written petition, notice of public hearing and scheduling of hearing have been satisfied. Chapter 87, Section 1.13.3 specifies that the Planning Commission shall, based upon substantial and competent evidence, make an affirmative finding on each consideration in granting a variance application or find that variance will correct a bona fide staff error that has led to design or construction that does not comply with the LDR:

- 1. The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.**

Applicant's Response: The lot was formed with a slight misalignment during construction, resulting in an encroachment of less than four inches into the side setback. Enforcing strict compliance would require significant structural changes for an immaterial deviation, creating an undue hardship beyond a mere inconvenience.

- 2. The conditions upon which the request for a variance is based are unique to the parcel and would not be applicable, generally, to other property within the vicinity.**

Applicant's Response: This condition is unique to this parcel and resulted from a one-time construction error. It does not apply to other lots in the vicinity.

- 3. The variance is not based on any conditions, including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application.**

Applicant's Response: The request is not related to financial or personal circumstances. It is solely due to the physical placement of the home and lot conditions.

- 4. The alleged hardship has not been created by any person presently having an interest in the property or, it was it was created as a result of a bona fide error.**

Applicant's Response: The encroachment occurred as a bona fide error during lot formation and was not intentional.

- 5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.**

Applicant's Response: The minor encroachment does not affect neighboring properties, safety, access, or community aesthetics. It poses no harm to public welfare or adjacent improvements.

- 6. The variance granted is the minimum variance that will make possible the reasonable use of the property.**

Applicant's Response: We are requesting relief only for the less-than-4-inch encroachment—just enough to bring the property into compliance without unnecessary changes.

The form at the above address is encroaching into the 5' Build Line by .31' (about 4") per the platted note below. 5' from the property line needs to be maintained; this house should be 5' away from the property line, and it is 4.67 currently.

LOT LINE EASEMENTS

UNLESS OTHERWISE INDICATED, EASEMENTS OF TEN (10) FEET IN WIDTH, ALONG ALL FRONT AND FIVE (5) FEET IN WIDTH ALONG EACH SIDE LOT LINES ARE HEREBY RESERVED AND CREATED FOR THE PURPOSE OF ACCOMMODATING UNDERGROUND UTILITIES AND PRIVATE IRRIGATION. WHEN AN AREA GREATER THAN ONE (1) LOT IS DESIGNATED AND USED AS A-BUILDING SITE, THE OUTSIDE BOUNDARY OF SAID SITE SHALL, UPON SUCH DESIGNATION, AUTOMATICALLY BE SUBJECT TO THE LOT LINE EASEMENTS RESERVED AND CREATED HEREIN, SUCH THAT THE PRIOR LOT LINE EASEMENTS SHALL NO LONGER APPLY AND THE NEW LOT LINE EASEMENTS SHALL TAKE EFFECT ON THE NEW BUILDING SITE DESIGNATION. SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF TELECOMMUNICATION AND BROADBAND SERVICES, INCLUDING CABLE TELEVISION SERVICES, HOWEVER CABLE TELEVISION SERVICE SHALL NOT INTERFERE WITH THE FACILITIES AND SERVICES OF ELECTRIC, TELEPHONE, GAS OR OTHER UTILITIES.

- 7. The property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted.**

Applicant's Response: Without the variance, the property cannot be reasonably used as intended without major reconstruction for a negligible issue. Granting variance allows reasonable use while maintaining the spirit of the code.

Summary Staff Comment: The request is to correct an error on the applicant's part that was committed during construction and was not intentional based on applicant responses. The setback encroachment is minimal and not expected to create issues for any other property in the vicinity. The information provided in the petition request and this report should be sufficient to allow the Planning Commission to take action on the subject petition.