

TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT
PLANNING AND ZONING DIVISION
PLANNING REPORT

April 21, 1999

SUBJECT: Variance V 3-2-99

APPLICANT: German Andres Concas, petitioner/owner

ADDRESS/LOCATION: 2101 SW 139 Avenue/Generally located within the Oak Hill Village Subdivision

LAND USE PLAN/ZONING: Residential (1 du/ac) / R-1

REQUEST: **From** Section 12-33(A)(9)(a) which limits the size of guest houses to a maximum area of 400 square feet;
 To: Increase the maximum area for a guest house from 400 square feet to 865 square feet.

EXHIBITS TO BE INCLUDED: Variance application, subject site map, planning report, and aerial.

ANALYSIS: The subject site is approximately 1 acre in area and contains a single family residence with a screened porch, utility shed, and converted barn. The site is bound by similarly developed single family homes north, south, and west, together with vacant land on the east, all zoned R-1. The applicant requests approval of the variance to maintain an 865 square foot barn that has been converted to guest house use without benefit of building permits.

Where applicable, the review of a variance request should include consideration of the criteria noted in Section 12-309 of the Land Development Code which is attached hereto and made a part hereof.

A guest cottage, as defined by Code, is a dwelling unit, in a building separate from the principle residential structure, intended for intermittent or temporary occupancy by non-paying guests. Town Code Section 12-33 (A)(9)(a) further states that the size of the structure is limited to a maximum area of 400 square feet and shall not contain, or be designed to contain, any food storage, processing, handling, or preparation areas. Washing machines and clothes dryers are also prohibited. The limited square footage is intended to provide sufficient area for a bedroom, bathroom, and sitting area. The prohibition of food preparation areas and laundry facilities is intended to discourage long-term occupancy.

There are no special circumstances associated with the subject property that do not generally apply to properties in the same district, therefore, the granting of the variance would be inconsistent with the intent of the Code to provide for temporary intermittent occupancy.

RECOMMENDATION: The Planning and Zoning Division recommends **DENIAL** of the requested variance to increase the maximum area for a guest house from 400 square feet to 865 square feet.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** (5-0), MAY 12, 1999.

EXISTING ZONING
CODE SECTION

PROPOSED ZONING
CODE SECTION

LAND USE DESIGNATION: *Residential 1 DU/AC*

FOLIO NUMBER

TOWN OF DAVIE USE ONLY
PETITION NO. <i>146</i>
FEE: <i>400</i>
RECEIPT NO. <i>1460</i>

RECEIVED
MAR 08 1999

TOWN OF DAVIE
VARIANCE APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
TOWN OF DAVIE PLANNING & ZONING DEPARTMENT Make Checks payable to TOWN OF DAVIE
DATE FILED: 02-05-99 PHONE: 954-4740205

PETITIONER: GERMAN ANDRES CONCAS
MAILING ADDRESS: 2101 SW 139 Ave DAVIE 33325 FL
RELATIONSHIP TO PROPERTY: GERMAN ANDRES CONCAS
OWNER: GERMAN ANDRES CONCAS
MAILING ADDRESS: 2101 SW 139 AVE DAVIE 33325 FL
ADDRESS OF PROPERTY: 2101 SW 139 AVE DAVIE FL 33325

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

ACREAGE: 1.08

REQUEST: GERMAN ANDRES CONCAS
INCREASE THE Barn from 400 to 800 feet FOR A GUEST HOUSE
REASON FOR REQUEST: (attach additional sheet as necessary)

SEE ATTACH. LETTER

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY

APPROVED AS TO FORM: *Jat* PUBLICATION DATE: *3/31/99*
 MEETING DATE: PLANNING AND ZONING BOARD: *4/14/99* TOWN COUNCIL: *5/5/99*
 NOTICES SENT: _____ REPLIES: FOR: _____ AGAINST: _____
 UNDELIVERABLE: _____



GERMAN ANDRES CONCAS
OWNER'S NAME(S)

GERMAN ANDRES CONCAS
PETITIONER'S NAME

[Signature]
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

[Signature]
PETITIONER'S SIGNATURE

2101 SW 139 AVE DAVIE FL 33325
ADDRESS

2101 SW 139 AVE DAVIE FL 33325
ADDRESS

DAVIE FLORIDA 33325
CITY, STATE, ZIP

DAVIE FLORIDA 33325
CITY, STATE, ZIP

954-474-0205
PHONE

954-474-0205
PHONE

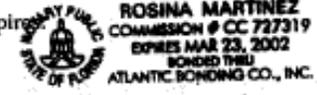
The foregoing instrument was acknowledged before me this 08 day of February, 1999, by German Andres Concás who is personally known to me or who has produced valid driver lic the # C522-281-47-177-0 as identification and who did take an oath.

The foregoing instrument was acknowledged before me this 08 day of February, 1999, by German Andres Concás who is personally known to me or who has produced valid Florida Driver Lic. # C522-281-47-177-0 as identification and who did take an oath.

NOTARY PUBLIC:
Sign: [Signature]
Print: ROSINA T MARTINEZ

NOTARY PUBLIC:
Sign: [Signature]
Print: ROSINAT MARTINEZ

My Commission Expires 

My Commission Expires 

OFFICE USE ONLY

January 26, 1999

TO WHOM IT MAY CONCERN

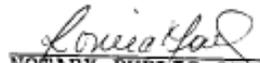
I, GERMAN CONCAS, OWNER OF PROPERTY LOCATED AT 2101 SW 139 AVE. DAVIE FL. 33325, IS SUBMITTING REQUEST FOR CHANGE OF VARIANCE FOR THIS REASON.

MY HOME IS FREQUENTLY VISITED BY OTHER MEMBERS OF MY FAMILY, ESPECIALLY BY MY PARENTS AND MY IN-LAWS, WHO LIKE TO STAY FOR LONGER PERIODS OF TIME. YOU CAN IMAGINE, HOW CROWDED MY HOUSE CAN GET ESPECIALLY AROUND HOLIDAYS. SINCE WE HAVE EXISTING BARN ON PROPERTY, WHICH IS MOSTLY UNUSED, I WOULD LIKE TO CONVERT IT TO A GUEST HOUSE.

THIS GUEST HOUSE, IF APPROVED, WILL BE STRICTLY USED FOR THAT REASON AND IT WILL NEVER BE USED AS RENTAL SPACE


THANK YOU FOR YOUR COOPERATION
GERMAN CONCAS

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 08 DAY OF FEBRUARY OF 1999


NOTARY PUBLIC, STATE OF FLORIDA



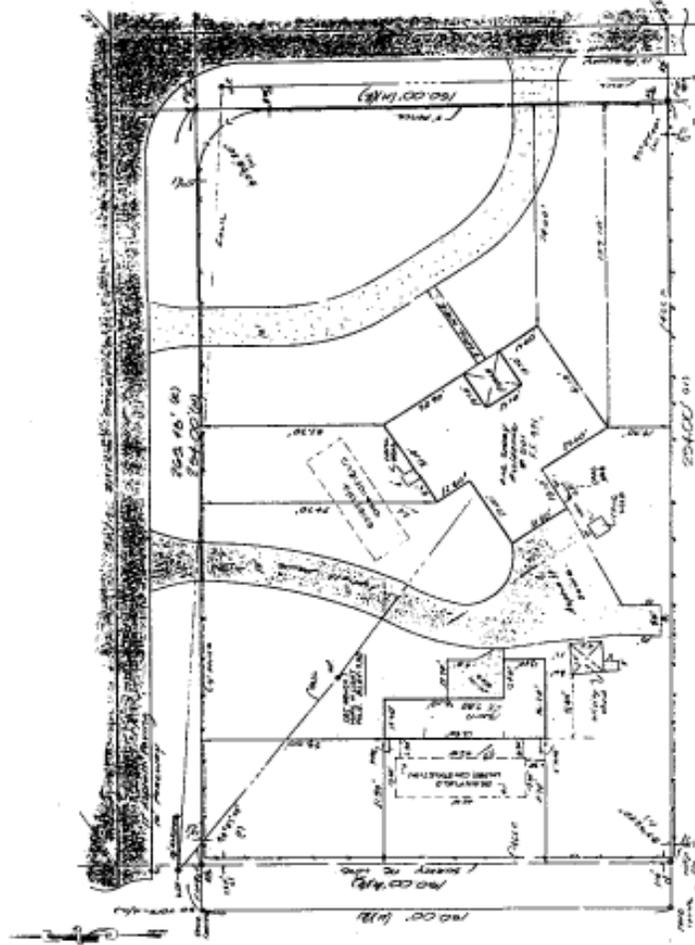
ROSINA MARTINEZ
COMMISSION # CC 727319
EXPIRES MAR 23, 2002
BONDED THRU
ATLANTIC BONDING CO., INC.



Location Map

THIS SURVEY WAS MADE BY THE SURVEYOR IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT, R.S. 1981, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, STATE OF MISSISSIPPI.

NO.	DESCRIPTION	BEARING	DISTANCE	REMARKS
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BEARING & DISTANCE
 THERE ARE NO SEWER DRAINAGE LINES, WELLS OR SPRINGS NEARER OF WATER
 WITHIN 15 FEET FROM THE PERIMETER OF THIS PROPERTY UNLESS SHOWN
 THEREON

APPLICABLE ORDINANCES & DISTANCES
 OF PUBLIC UTILITIES AND
 CONSTRUCTION OF LAND
 SURVEYING, MISSISSIPPI, 1981, TITLE 14, SECTION 14-1-1

PROJECT NO. 1451
 BOUNDARY SURVEY
 DATE 11/11/81

APPLICABLE ORDINANCES & DISTANCES
 OF PUBLIC UTILITIES AND
 CONSTRUCTION OF LAND
 SURVEYING, MISSISSIPPI, 1981, TITLE 14, SECTION 14-1-1

PROJECT NO. 1451
 BOUNDARY SURVEY
 DATE 11/11/81

