

TOWN OF DAVIE
PLANNING AND ZONING DEPARTMENT
PLANNING REPORT

June 2, 1999

SUBJECT: Variance V 4-2-99

APPLICANT: G.L. Homes of Davie Corp., petitioner / owner

ADDRESS/LOCATION: 3001 S. Nob Hill Road / on the west side of Nob Hill Road
approximately 1 mile north of Orange Drive

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

REQUEST: **From:** Section 12-83 which requires a minimum open space
ratio of 40% in the E district (for subdivisions with a
minimum lot area of 20,000 square feet).
To: Reduce the required open space from 40% to 37.1%.

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

ANALYSIS: The subject site is a 96.9 acre parcel which is currently under development for
95 single family homes. The site is bound on the north by single family homes under
construction zoned E, on the south by vacant land zoned E, on the east, across Nob Hill
Road, by the entrance to the Forest Ridge Community, and on the west by vacant land
zoned A-1 and AG.

The E, Estate District, zoning regulations provide for varied lot sizes subject to the
provision of common area open space. The subject site, known previously as Buckram
Oak Farm and currently as Long Lake Estates, was site planned in June of 1998 for 95 single
family homes with a minimum lot size of 20,000 square feet and a common area open
space provision of 40%. The common area open space was generally located in five areas
of the site including a 3 acre private park, elaborate entry feature, street buffer, lake buffer,
and perimeter buffer. The rear yards of oversize corner lots along the perimeter of the
Community were also encumbered by open space easements. Lands along the east and
south perimeter of the site were dedicated to the Town for recreational trail use.

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. Comprehensive Plan Policy 12-6 provides that land development
regulations shall contain requirements for the preservation of open space in development
to enhance working and living environments. Open space requirements attempt to
balance the aesthetic character of development by providing requirements for open space,
landscaping, and landscape bufferyards.

The applicant requests variance consideration to unencumber the rear yards of the corner lots along the perimeter thereby reducing the common area open space from 40% to 37.1% of the 96.9 acre site. Approval of this variance request will allow homeowners within the affected lots to extend their side yard fences further to the rear while still maintaining access around the perimeter open space of the site. The perimeter open space, as proposed, will be linear ranging in width from 35 feet along the north, south, and west, and 50 feet along the east side of the site. The visual appearance of the open space internal to the site will not be affected.

The requested variance represents a minimal reduction in the required open space and can be considered consistent with the general intent and purpose of the code.

RECOMMENDATION: The Planning and Zoning Department therefore recommends **APPROVAL** of the requested variance to reduce the required open space from 40% to 37.1% with a finding that the granting of the variance is in harmony with the general intent and purpose of the code.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** (4-0), May 26, 1999.

**TOWN OF DAVIE
CODE OF ORDINANCES
(EXCERPT)**

Section 12-309. Review for variances.

Whether or not:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;
- (b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;
- (c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

EXISTING ZONING: E
CODE SECTION:

PROPOSED ZONING:
CODE SECTION:

LAND USE DESIGNATION: Residential

FOLIO NUMBER

TOWN OF DAVIE USE ONLY
PETITION NO. VH-2-99
FEE. \$200 + \$730
RECEIPT NO. #7531 #4

RECEIVED
APR 21 1999

TOWN OF DAVIE
VARIANCE APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to TOWN OF DAVIE

DATE FILED: 4/19/99 PHONE: (954) - 423-1300

PETITIONER: G.L. Homes of Davie Corp.

MAILING ADDRESS: 1401 N. University Dr. Ste 201 Coral Springs
FL 33071

RELATIONSHIP TO PROPERTY: Owner/Builder/Developer

OWNER: G.L. Homes of Davie Corp.

MAILING ADDRESS: 1401 N. University Dr. Ste. 201 Coral Springs,
FL 33071

ADDRESS OF PROPERTY:
2883 East Lake Vista Circle, Davie, FL 33328

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

Plat of Buckram Oak Farm, Plat Book 150 Page 37 of
the Public Records of Broward County, Florida
ACREAGE: 96.9 AC.

REQUEST: To reduce the 40% requirement for open space by 2.9%
37.1%

REASON FOR REQUEST: (attach additional sheet as necessary)
This reduction will allow homeowners the opportunity to fence
the majority of their homesite. This reduction ultimately leaves a minimum
easement of 35' comprised of either landscape easement, or canal mainte-
nance easement, or tree maintenance easement or a combination of the
*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY

APPROVED AS TO FORM: Jas 4/21/99 PUBLICATION DATE: 5/19/99

MEETING DATE: PLANNING AND ZONING BOARD: 5/26/99 TOWN COUNCIL: 6/16/99

NOTICES SENT: 31 REPLIES: FOR: _____ AGAINST: _____

UNDELIVERABLE: 910

TAMBRA M. WOLFE, PROJECT
OWNER'S NAME(S) MANAGER

Tambra M Wolfe
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

1401 N. University Dr. Ste 201
ADDRESS

Coral Springs, FL 33071
CITY, STATE, ZIP

(954) 423-1300
PHONE

TAMBRA M. WOLFE PROJECT MANAGER
PETITIONER'S NAME

Tambra M Wolfe
PETITIONER'S SIGNATURE

1401 N. University Dr.
ADDRESS

Coral Springs, FL 33071
CITY, STATE, ZIP

(954) 423-1300
PHONE

The foregoing instrument was acknowledged before me
this 21st day of April, 1999, by
Tambra Wolfe who is personally
known to me or who has produced _____

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Jeanette Kellen

Print: Jeanette Kellen

My Commission Expires:

OFFICIAL NOTARY SEAL
JEANETTE M KELLEN
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC797366
MY COMMISSION EXP. JULY 7 2002

The foregoing instrument was acknowledged before me
this 21st day of April, 1999, by
Tambra Wolfe who is personally
known to me or who has produced _____

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Jeanette Kellen

Print: Jeanette Kellen

My Commission Expires:

OFFICIAL NOTARY SEAL
JEANETTE M KELLEN
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC25266
MY COMMISSION EXP. JULY 7 2002

OFFICE USE ONLY

Planning and Zoning Board recommendation: 5/21/99 Approval 915

**Town of Davie
Variance Application Justification Statement
G.L. Homes of Davie Corporation**

Legal Description: Plat of Buckram Oaks Farm (Plat Book 150 Page 37)

Acreage: 96.9 acres

Request: Reduce code required open space by 2.9% (2.837 acres)
 Code required open space (40%): 38.760 acres
 Approved site plan (40%): 38.780 acres
 Requested variance (37.1%): 35.923 acres

The subject 96.9 acre property is located within the Estates ("E") zoning district. On June 3, 1998 the Town of Davie Town Council approved the site plan for Buckram Oaks Farm (Application SP 3-4-98). The Site Plan Review Committee approved the site plan on May 12, 1998. The approved site plan reflects 93 single family detached lots on 96.9 acres, resulting in a gross density of .98 dwelling units per acre. Sheet 3 of 11 of the approved site plan package shows the required open space calculation establishing compliance with Section 12-52 of the Town of Davie Land Development Code. The minimum required open space ratio within the Estates zoning district is 40%.

The requested variance seeks to reduce the required open space by 2.837 acres, or 2.9% below the code required minimum. A total of 12 lots will be affected if the requested variance approval is granted. The following table summarizes the requested change:

Lot Number	Previous O.S. Easement	Requested O.S. Easement	Difference in O.S. Easement	Prop. Net Lot Area	Proposed Net Lot Area	Difference in Lot Area
1	19,715.1	8,684.1	-11,031.0	20,066.9	31,057.9	+11,031.0
13	14,750.4	8,181.2	-6,569.2	22,323.7	29,002.9	+6,569.2
14	40,367.2	12,478.1	-28,189.1	22,213.3	50,402.3	+28,189.0
15	19,187.0	8,757.1	-10,419.9	23,573.6	33,593.5	+10,419.9
27	17,303.5	8,311.9	-8,991.6	22,114.4	32,308.2	+8,991.8
28	40,080.1	12,332.0	-27,748.1	22,718.0	49,964.1	+27,748.1
29	13,454.6	8,433.3	-5,021.3	22,895.0	29,917.3	+7,221.3
46	8,706.4	6,217.3	-2,489.1	30,056.8	27,539.9	-2,486.9
47	27,244.4	16,451.8	-10,792.6	27,207.6	34,083.2	+6,792.6
48	15,771.2	11,413.2	-4,358.0	26,182.3	30,541.1	+4,358.8
50	12,555.7	6,148.8	-6,406.9	20,351.6	26,860.5	+6,508.9
51	10,179.5	6,089.2	-4,090.3	20,353.6	24,443.9	+4,090.3
TOTAL	237,779.1	113,376.8	-124,402.3	30,782.5	305,184.8	+124,402.3

* All numbers (with exception of lot number) are expressed in square feet.

As the chart summarizes, the reduction of open space easement for each of the twelve (12) lots is being off-set by a mirror increase in net lot area. There is no reduction in the total lot square footage for all twelve (12) lots. In short, 124,402.3 square feet of open space is being converted to 124,402.3 square feet of lot area. The lot sizes for each lot complies, before and after, with the 20,000 square foot minimum.

G.L. Homes of Davie Corporation is requesting this variance so as to permit the rear yards (exclusive of the rear yard landscape easement) of each of the twelve (12) lots to take on a more "squared" or traditional lot configuration. The approved site plan shows all of these lots with a more "rounded" lot configuration. Many homebuyers have requested that they be permitted to

fence in the entire lot line, up to and including the rear yard landscape easement. However, the zoning code stipulates that "where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space. In a residential development such deed restricted common areas must have unrestricted access to all residents." The reduction in rear yard landscape easement proposed would permit homeowners to fence in a greater portion of their lot. However, it is made clear to each buyer that the property owner can only fence in the rear yard up to the interior side of the rear yard landscape easement.

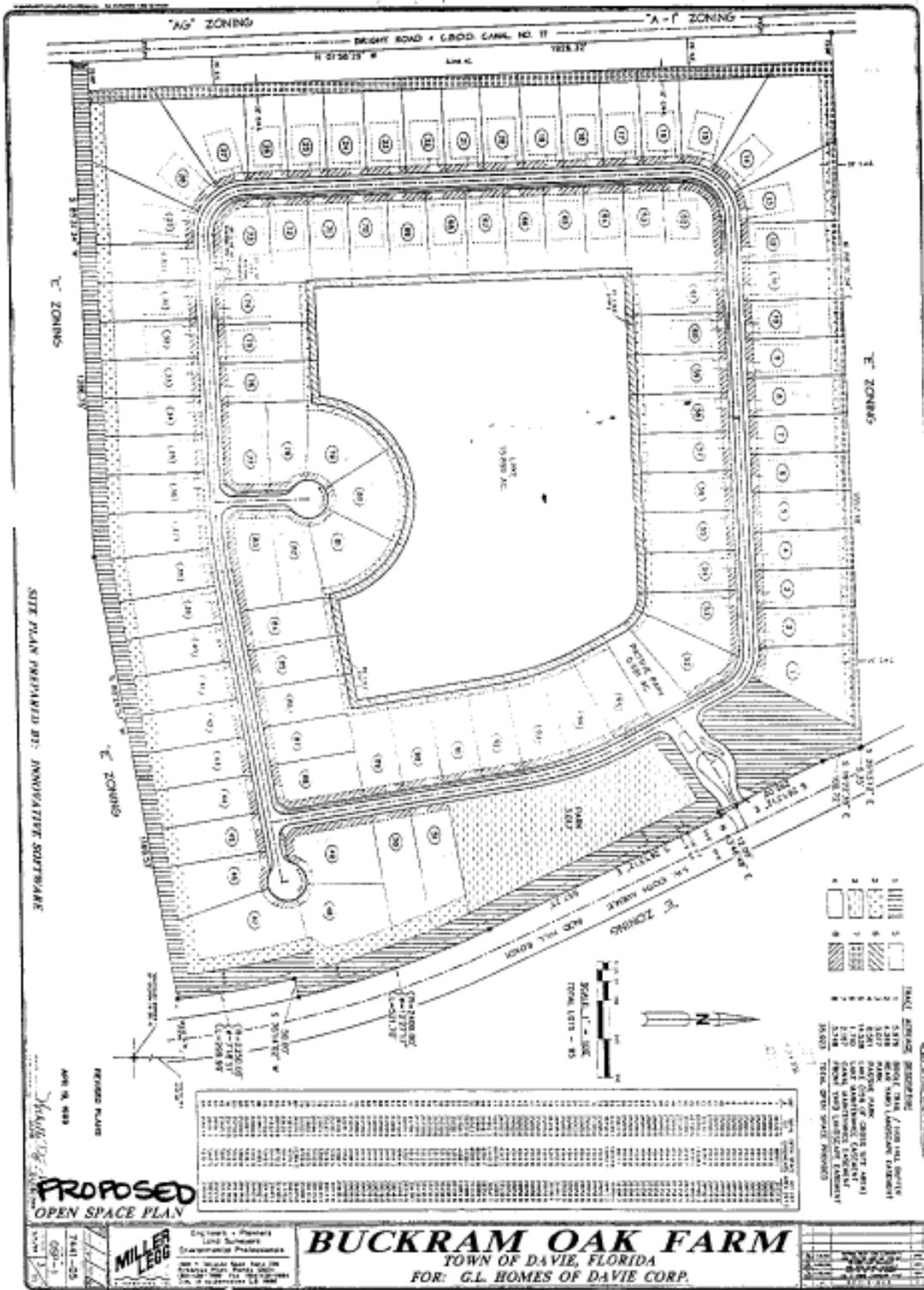
The community design guidelines stipulate the type of fencing permitted in the rear yard as either aluminum rail or chain link (only if supplemented with a ledge). No shadowbox fencing or other materially opaque screening device is permitted. All fencing must remain on the interior side of the rear yard easement. Thus, even with the reduction in rear yard easement (open space) as proposed, the aesthetic "feel" of the currently approved open space corridor shall remain intact. The design guidelines further stipulate that no structures may be placed within the rear yard other than fencing, children's playground equipment, and other accessory uses where permitted by the terms of the zoning code. No outbuildings (tool sheds, equipment buildings, etc.) are permitted within the rear yard or rear yard easement. This restriction further reinforces the open space provided in each rear yard. The variance herein sought would not change the nature of the open space corridor as previously established.

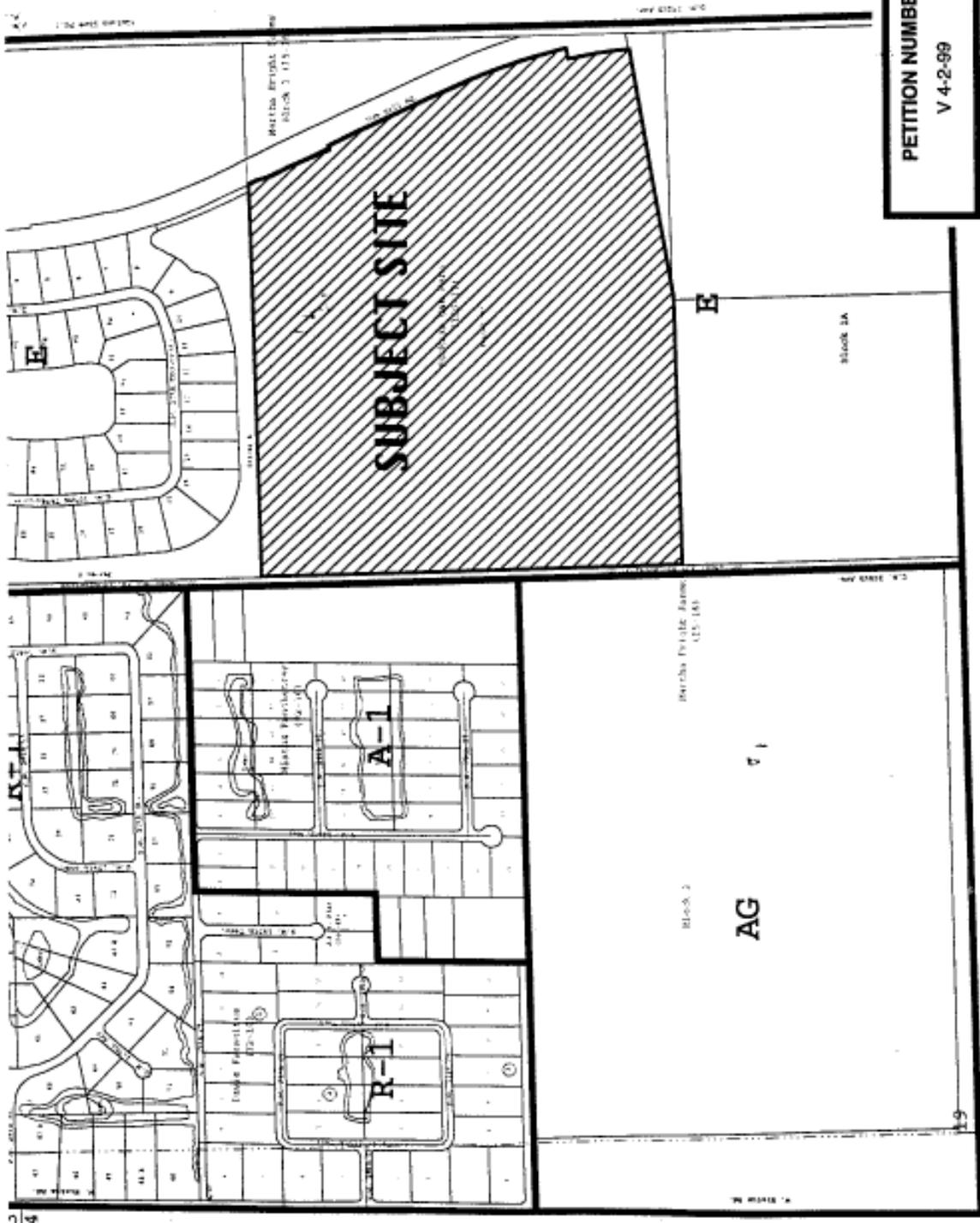
There are special circumstances and conditions that are unique to this parcel of land. The approved site plan configures the rear yard easement in a linear configuration around the perimeter of the overall tract. At the corners, the rear yard easement takes on a curvilinear design rather than continuing in its' squared design. The result being that those lots at the corners have a significant portion of their rear yard encumbered within a rear yard landscape easement. Many homebuyers for the twelve (12) lots in question perceive that a significant portion of their rear yard is unusable (such that they would be deprived reasonable use of the land) should they desire to fence in the rear yard in that a large portion of the lot is encumbered within the rear yard landscape easement (that portion located on the exterior side of the fence). All other lots either have a consistent encroachment of rear yard landscape easement or other type of easement such that this is not of issue.

For the reasons stated above, the granting of the variance is necessary to maintain the reasonable use of the land and is the minimum necessary to accomplish this purpose. Further, the granting of the variance will not result in the loss of an open space corridor as was the design and intent of the original site plan approval. Residents of the community may continue to utilize a continuous open space corridor around the perimeter of the overall development. The loss of open space on the lots affected does not in any way reduce the required open space (rear yard landscape easement) for all other parcels within the development. For example, the current approved site plan shows a rear yard landscape easement of thirty-five (35') feet for lots 30-45. The proposed variance does not amend the thirty-five (35') feet as approved for these lots. Rather, the corner lots adjacent to tracts 30 and 45 are simply reducing the rear yard landscape easement so as to square off the tract but this squaring off does not result in the loss of any width to the open space tract as previously approved between tracts 30-45. Therefore, to get from lot 46 to lot 29, you would use the thirty-five (35') foot rear yard landscape easement, before or after the variance. Thus, the variance maintains the continuity of the open space corridor. Given the use restrictions specified above and the continuity of the open space corridor as approved, the granting of this minimal request would not injurious to the neighborhood or otherwise detrimental to the public welfare.

kar/s/englakeestates/variance.jus

Variance Justification Statement - Bucram Oaks Farm
Page 2 of 2





PETITION NUMBER
 V 4-2-99

PREPARED 5/3/99
BY THE PLANNING & ZONING DIVISION

Scale: 1" = 600'

