

TOWN OF DAVIE  
PLANNING AND ZONING DEPARTMENT  
PLANNING REPORT

June 14, 1999

**SUBJECT:** Variance V 5-1-99

**APPLICANT:** Mark Sever: Petitioner/Owner

**ADDRESS/LOCATION:** 6650, 6652, 6654, and 6656 SW 48th Street/ within  
the Palm Garden Park Unit 1 Subdivision

**LAND USE PLAN/ZONING:** Residential (10 du/ac) / RM-10

**REQUEST:**       **From:** Section 12-81 which requires a minimum side  
setback of 20 feet.

**To:** Reduce the required east and west side setbacks  
from 20 feet to 7.5 feet.

**From:** Section 12-81 which requires a minimum  
building separation of 20 feet in the RM-10 district.

**To:** Reduce the required building separation from 20  
feet to 15 feet.

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

**ANALYSIS:** The subject site is a 19,950 square foot lot which is currently  
vacant and located on the south side of SW 48th Street approximately 1200  
feet west of Davie Road. The lot is bound by single family and multi-  
family residential uses zoned RM-10. The petitioner is requesting a  
reduction in the required side setbacks and building separation to  
accommodate construction of two duplex dwelling units.

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.

The subject property and adjacent uses were rezoned to RM-10 pursuant to  
the Town initiated Phase II rezoning in October of 1985. Many of the  
adjacent residential uses were developed under the R-3 (Old Code)  
standards which required a 7.5 foot side setback with no required building  
separation.

Comprehensive Plan Policy 25-2 provides that land development regulations shall establish setback or separation requirements to enhance living and working environments. Setback requirements address this policy and are designed to maintain the character associated with each of the various zoning districts and to ensure that there is an adequate separation between permitted uses.

The development proposal for the subject site is generally consistent with established neighborhood development patterns and should not adversely affect adjacent uses or the development character within the community. Several other lots within the immediate area have received favorable variance consideration for similar reductions in 1994 and 1996. Therefore, the requested variance accommodates a reasonable use of the property and can be considered in harmony 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 east and west side setbacks from 20 feet to 7.5 feet and to reduce the required building separation from 20 feet to 15 feet with a finding that the request would not adversely impact the development character within the community and can be considered in harmony with the general intent and purpose of the code.

**PLANNING AND ZONING BOARD RECOMMENDATION:** Motion to recommend **APPROVAL** (5-0), June 9, 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.

PROPOSED ZONING: A  
OFFICE USE ONLY

LAND USE DESIGNATION: RESIDENTIAL (ORND)

FOLIO NUMBER: 10134-02-03100

RECEIPT NO. 1216

TOWN OF DAVIE  
VARIANCE APPLICATION

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

DATE FILED: May 5th 1999 PHONE: (954) 489-1045

PETITIONER: MARK SEVER

MAILING ADDRESS: 5580 NE 28th Ave.  
Fort Lauderdale, Florida 33308

RELATIONSHIP TO PROPERTY: OWNER, ARCHITECT, BUILDER

OWNER: MARK SEVER

MAILING ADDRESS: 5580 NE 28th Ave.  
Fort Lauderdale, Florida 33308

ADDRESS OF PROPERTY:  
6050 6052 6054 + 6056 SW 48th St

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

LOT 38, PALM GARDEN PARK UNIT #1

ACREAGE: 19,950 SF .458 Acres

REQUEST: Request a 7'-6" side yard setback in lieu of a 20'-0" side yard setback  
Request a 15'-0" building separation in lieu of 50'-0" building separation

REASON FOR REQUEST: (attach additional sheet as necessary)  
This setback variance allows the buildings to layout so the front of each unit faces the street and the back of the unit faces the large back yard. This would be the proper building orientation for this site.

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

OFFICE USE ONLY

APPROVED AS TO FORM: JMK

PUBLICATION DATE: 6/3/99

MEETING DATE: PLANNING AND ZONING BOARD: 6/9/99

TOWN COUNCIL: 6/11/99

NOTICES SENT: \_\_\_\_\_ REPLIES: FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

UNDELIVERABLE: \_\_\_\_\_

MARK SEVER

OWNER'S NAME(S)

*Mark Sever*

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

5580 NE 28th Ave.

ADDRESS

Fort Lauderdale, Florida 33308

CITY, STATE, ZIP

(954) 489-1045

PHONE

The foregoing instrument was acknowledged before me this 03 day of May, 1999 by Mark Sever who is personally known to me or who has produced Id Dw. Rec.

as identification and who did take an oath.

NOTARY PUBLIC:

Sign:

*Marie T Harding*

Print:

My Commission Expires:



MARIE T HARDING  
My Commission CC654019  
Expires May, 12, 2000

MARK SEVER

PETITIONER'S NAME

*Mark Sever*

PETITIONER'S SIGNATURE

5580 NE 28th Ave.

ADDRESS

Fort Lauderdale, Florida 33308

CITY, STATE, ZIP

(954) 489-1045

PHONE

The foregoing instrument was acknowledged before me this 03 day of May, 1999 by Mark Sever who is personally known to me or who has produced Id Dw. Rec.

as identification and who did take an oath.

NOTARY PUBLIC:

Sign:

*Marie T Harding*

Print:

My Commission Expires:

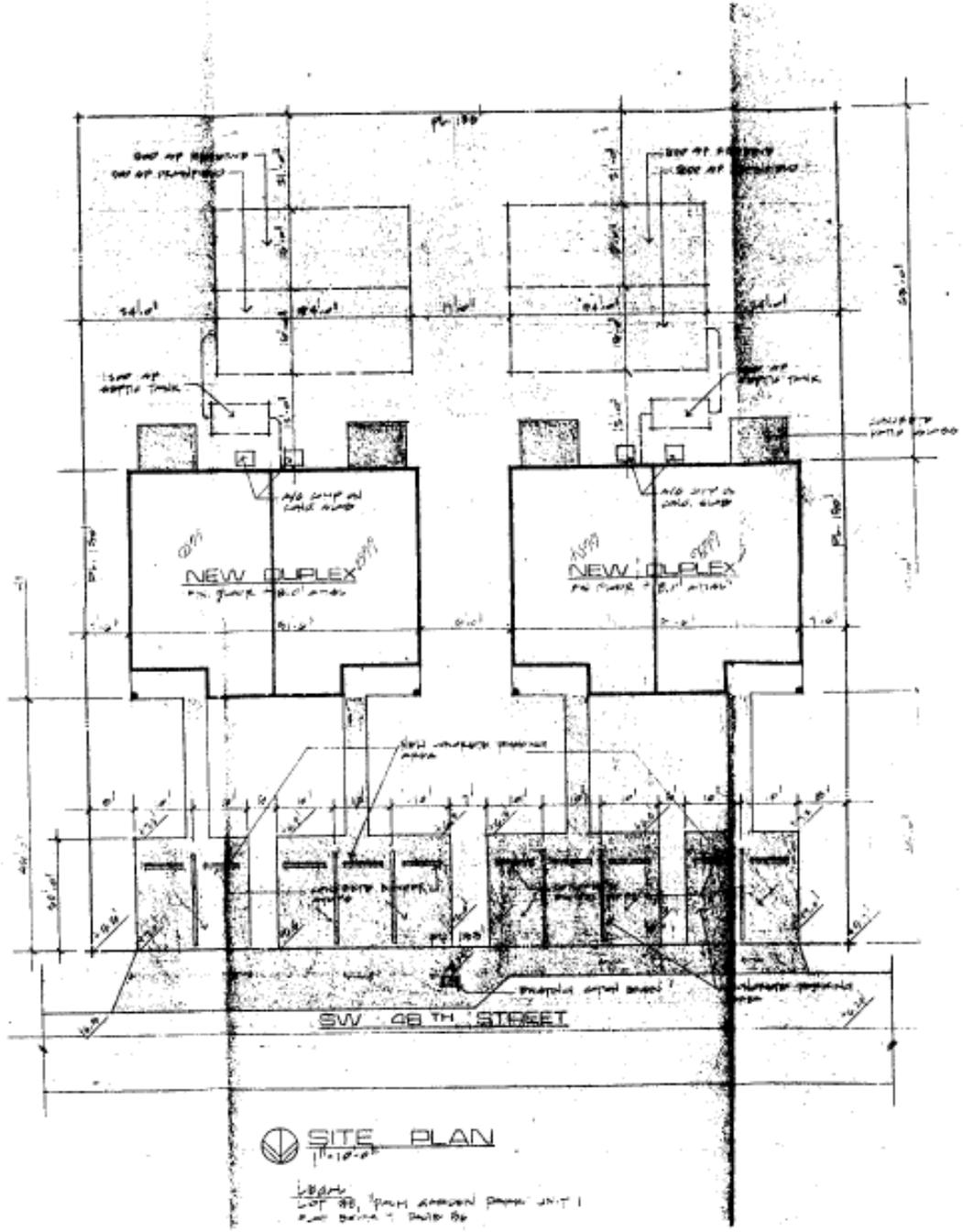


MARIE T HARDING  
My Commission CC654019  
Expires May, 12, 2000

OFFICE USE ONLY

**LEGAL DESCRIPTION**

**Lot 38, "Palm Garden Park Unit 1", according to the plat thereof,  
recorded in Plat Book 7 Page 56 of the Public Records of Broward  
County, Florida.**



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The following letter(s) were received by the Town Clerk's Office in response to the notice of variance. Since the authors of the letter(s) are not subject to cross-examination with respect to the contents, the letters should be treated as hearsay evidence only. In accordance with the Town's procedures with respect to quasi-judicial hearings, hearsay evidence may be used for the purposes of supplementing or explaining other evidence. Hearsay evidence including the following attached letters are not sufficient to support a finding. If there is no evidence presented at the hearing which is supplemented or explained by the following letters, then the letters should be disregarded with respect to your consideration of the application. Your determination must be based upon substantial competent evidence.

**LLOYD TRUEX**

4702 SW 66th TERRACE  
DAVIE, FLORIDA 33314  
PHONE 954-583-1636  
FAX 954-583-1820



1918 CREATORS  
POPCORN WAGON

June 2, 1999

Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Ref: V 5-1-99

*We request that this variance be denied.*

This is the same PROPERTY VARIANCE REQUEST AS 1996 (V 4-1-96.) We objected then to these reduced set backs and still do. (See attached letter of 5/3/96)

We moved to 4702 SW 66 Terrace, Davie, from Miramar 21 years ago because of the extra space between buildings.

This variance (if approved) would be a step in the wrong direction.

Sincerely,

Lloyd Truex  
Barbara Truex

**LLOYD TRUEX**  
4702 SW 66th TERRACE  
DAVIE, FLORIDA 33314



May 3, 1996

Town of Davie  
6591 SW 45th Street  
Davie, FL 33314

Ref: V4-1-96

This to advise you of our objection to Reference Variance.

We purchased our home and moved to Davie 1978. We moved from Miramar Park, in Miramar where homes were very close together and chose 66th Terrace in Davie because of the density of homes. We now own three duplexes on SW 66th Terrace 4700-02, 4710-12, & 4741-43, all are on large lots with proper setback.

We feel that this variance (V4-1-96), if allowed, *would not be* in the best interest of our area in Davie.

Sincerely,

Lloyd Truex  
Barbara Truex



