

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

June 14, 1999

SUBJECT: Variance V 5-6-99

APPLICANT: Jerry Gillman, petitioner/owner

ADDRESS/LOCATION: 11081 SW 30th Court, Generally located on the north side Of SW 30th Court approximately 100 feet east of SW 111 Terrace, within the Davie Farmettes.

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

REQUEST: **From:** Section 12-81 which requires a minimum side yard of 25 feet in the R-1 district.
To: Reduce the required side yard from 25 feet to 22.60 feet.

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

ANALYSIS: The subject site is 46,152 square feet in area and contains a single family residence with a swimming pool within the community know as Davie Farmettes. The property is surrounded on all sides by scattered single family residences within the same community zoned R-1.

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 17-7 provides that land development regulations shall establish setbacks or separation regulations 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 adequate separation between permitted uses.

The petitioner is in the process of constructing a 1,300 square foot building addition to the existing residential structure. An inadvertent builder's error was identified when the setbacks on the spot survey did not meet the approved building permit plans.

Therefore, the petitioner was informed that a variance would be required to allow the completion of the addition at that location or the structure would have to be modified to meet the required 25 foot setback. The addition is approximately half-way completed with vertical walls erected. The construction of the roof, exterior wall material and interior elements remain to be finished. In order to modify the completed portion of the structure, the petitioner would have to demolish the east vertical wall and remove 2.4 feet of the concrete foundation at a significant cost.

The building addition is located at the rear of the lot at the northeast corner of the existing building extending 9.5 feet to the east, resulting in a 24.2 foot setback at the northeast corner of the building addition and a 22.6 foot setback at the southeast corner of the addition to the east property line. On the adjacent lot to the east, is an existing residential home which is situated further than 25 feet away from their west property line. Therefore, should the proposed variance be approved the 50 foot separation intended by the code between principal structures in the R-1 district is maintained.

The requested variance is minimal in dimension and does not adversely affect the character of the community. This request also accommodates a reasonable use of the property based on the alternative cost for modification. Therefore, the granting of this variance request will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

RECOMMENDATION: The Planning and Zoning Division recommends **APPROVAL** of the requested variance to reduce the required side setback from 25 feet to 22.60 feet with a finding that the proposed setback reduction is generally consistent with the intent of the code.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** (5-0), June 23, 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.

PLANNING AND ZONING DEPARTMENT

LAND USE DESTINATION: *Residential*

RECEIVED NO. *75*

FOLIO NUMBER: *19102-01-10*

RECEIVED

TOWN OF DAVIE
WIDEWIDE APPLICATION

PLANNING & ZONING DEPARTMENT NOTE: **INFORMATION MUST BE TYPED AND NOTARIZED**
Make Checks payable to TOWN OF DAVIE

DATE FILED: *5/19/99*

PHONE:
(954) 477-7330
(954) 477-8024

PETITIONER: *Jerry Gillman*

MAILING ADDRESS: *11081 S.W. 30th Court, Davie, FL 33328*

RELATIONSHIP TO PROPERTY: *Owner*

OWNER: *Same*

MAILING ADDRESS: *Same*

ADDRESS OF PROPERTY: *11081 S.W. 30th Court
Davie, FL 33328*

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

SEE ATTACHED

ACREAGE: *46,507 SF including setbacks (1.07 Acres)*

REQUEST: *Setback variance*

REASON FOR REQUEST: (attach additional sheet as necessary)

See Attached

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

OFFICE USE ONLY

APPROVED AS TO FORM: *[Signature]*

PUBLICATION DATE: *6/9/99*
6/16/99

MEETING DATE: PLANNING AND ZONING BOARD: *6/23/99* TOWN COUNCIL: *7/21*

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

UNDELIVERABLE: _____

OWNER'S NAME(S)
Terry Gillman
Marcela Gillman

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

ADDRESS
11081 N.W. 30th Court

Davie, FL 33328
CITY, STATE, ZIP

(954) 423-8022
PHONE

PETITIONER'S NAME
Terry Gillman

PETITIONER'S SIGNATURE

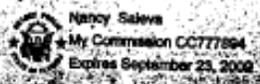
ADDRESS
Same

CITY, STATE, ZIP
Same

PHONE
Same

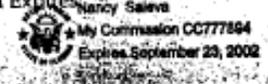
The foregoing instrument was acknowledged before me this 19th day of May 1999 by Terry Gillman and Marcela Gillman who is personally known to me or who has produced Drivers License's

as identification and who did take an oath.
NOTARY PUBLIC
Sign: Nancy Saieva
Print: Nancy Saieva
My Commission Expires:



The foregoing instrument was acknowledged before me this 19th day of May 1999 by Terry Gillman who is personally known to me or who has produced Drivers License's

as identification and who did take an oath.
NOTARY PUBLIC
Sign: Nancy Saieva
Print: Nancy Saieva
My Commission Expires:



OFFICE USE ONLY

LEGAL DESCRIPTION

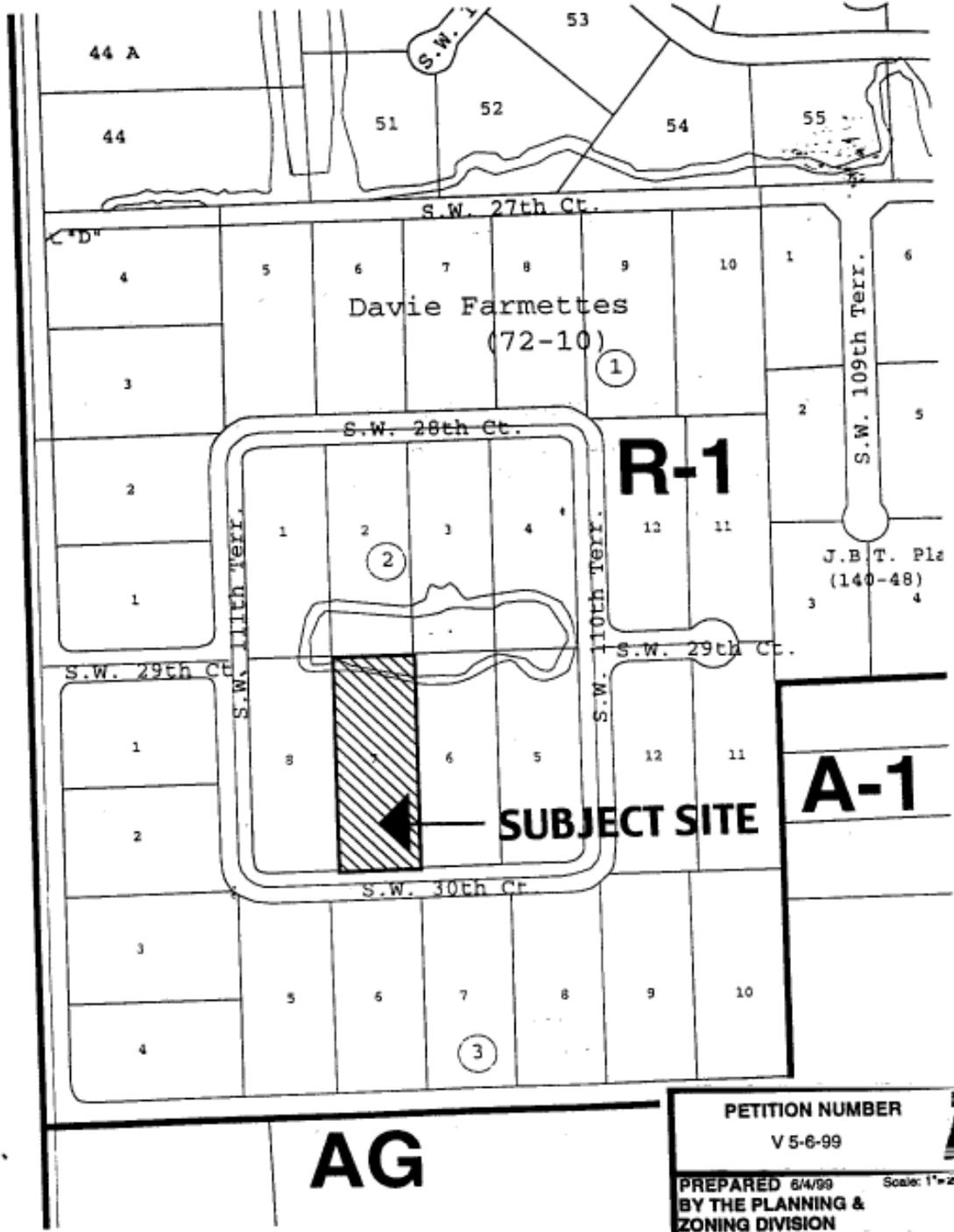
Lot 7, Block 2, in "Davie Farnettes", According to the Plat Thereof As Recorded in Plat Book 72, at Page 10, of the Public Records of Broward County, Florida, Containing 46,152.37 Sq. Ft.

Request for Setback variance:

This request for variance of the 25' setback is required due to two Architectural errors in calculating the original 25' setback that was indicated on the Building permit plans. When the Architect calculated the setback, he utilized the Survey setback from the West End of the house not realizing that the house is at an angle (Not 90) to the property line. The area the architect calculated the 25' setback was at the area of maximum setback (~~West~~ End).

In addition, the plan dimension for the existing house was in error by 6". The existing house was actually 6" closer to the property line than anticipated.

The current spot survey of improvements indicates an actual setback of 22.6' at the ~~East~~ ^{south} EAST End of the new addition and 24.2 at the ~~west~~ ^{south} end of the new addition. A variance is requested as a result of the hardship caused by this unfortunate error in dimensioning from the property line.





Page 1

6-22-99

We the undersign, as residents
of Davie Farmettes oppose
the Variance to the Culman
property from 25 ft to 22.5
ft.

Name address

- 1 Mr. & Mrs. W. Villafane
2945 SW 111 TERR - DAVIE, FLA 33328
2. Mr. & Mrs. Golden
11091 SW 30th Ct. DAVIE, FLA 33328
- 3 - ALYTTIS
KEN CANNATO 11071 SW 30th Ct.
- 4 - Mr & Mrs. Ridley
10960 SW 30 Ct, Davie Fl 33328
- 5 - JOAN SIEMIANSKI
11060 SW 28 CT DAVIE, FL 33328
6. Mr + Mrs Gerald Duffett.
10940 SW 28th Court, Davie, Fl. 33328
7. Mr. & Mrs. Richard Collins
10971 SW 28th Court 33328

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Page 2

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8. Linda Cooke 472-2787
11070 SW 28 CT
Davie, Fl. 33328
9. Patrice Gaetz 954-423-6587
11091 SW 28th Ct.
Davie, Fl. 33328
10. Charlie Bell 474-3319
10981 SW 28 CT.
Davie FL 33328
11. Emil M. Windhult 33328
11100 SW 29th Ct
12. Mary S. Boon 33328
2961 SW 111th Ave.
13. Larry Taylor 33328
10941 SW 30 CT