



# Town Council Agenda Report

**SUBJECT:** Quasi Judicial Hearing: Variance

**CONTACT PERSON/NUMBER**

Name: Mark Kutney, AICP  
Phone: (954) 797-1101

**TITLE OF AGENDA ITEM:**

V 3-2-00 A-1 Pride, Inc., petitioner/Connie & Randolph Roero, owners - 6331 SW 41 Court/Generally located on the north side of SW 41 Court approximately 270 feet east of Davie Road (SW 64 Avenue).

**REPORT IN BRIEF:**

In 1997, A-1 Pride took ownership of the land and received an occupational license to operate a Professional Home Inspection business within the building. In June of 1999, A-1 Pride was cited by the Code Compliance Division for insufficient off-street parking and landscaping. On August 18, 1999, A-1 Pride, Inc., submitted a site plan modification application to the Planning and Zoning Division for improvements to comply with code. The proposed improvements include creating a western theme facade on the existing building, installation of one handicap parking space, three additional regular parking spaces, fencing, landscaping, and a paved driveway connecting SW 41 Court within the property's east side yard area to the previously installed parking spaces in the rear. Upon review of this application, staff determined a variance was necessary for a reduction in buffer width.

In support of the variance request, the petitioner accurately states, "when single family homesites are rezoned to business zoning classifications, sometimes the nonconforming sites are unable, because of the size and lot configuration, to accommodate all landscaping, parking, and other site amenities associated with the new commercial development." Accordingly, staff believes there may be special circumstances which apply to this site which do not generally apply to other properties within the same zoning district.

The existing property configuration does not provide sufficient space for a full landscape buffer and a driveway meeting the minimum width requirement. Driveway width is not subject to variances, however, buffer width may be varied by the Town Council. Currently, there is minimal landscaping and no fencing along the east property line of the subject site. The proposed improvements will provide a 4 foot landscape buffer, landscape material, and a commercial-width driveway along the east property line. Therefore, staff believes this request meets the general intent of the code regarding buffer requirements.

In conclusion, staff believes this request meets the criteria for a variance, is the minimum request necessary to accommodate the purpose of the request, and will not be harmful to the welfare of the general public.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:** The Planning and Zoning Board recommended approval of petition V 3-2-00 (motion carried 3-0, Mr. Stahl absent, April 26, 2000).

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Planning Report, Existing Plot Plan, Proposed Plot Plan, Land Use Map, Subject Site Map, and Aerial.

**Application #: V 3-2-00**

**Revisions:**

**Exhibit "A":**

**Original Report Date: 4/19/00**

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**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner:**

**Agent:**

<b>Name:</b>	Connie & Randolph Roero	<b>Name:</b>	A-1 Pride, Inc. (Connie Roero)
<b>Address:</b>	6331 SW 41 Court	<b>Address:</b>	6331 SW 41 Court
<b>City:</b>	Davie, FL 33314	<b>City:</b>	Davie, FL 33314
<b>Phone:</b>	(954) 791-9446	<b>Phone:</b>	(954) 791-9446

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**BACKGROUND INFORMATION**

**Application Request:** To reduce the minimum required 10 foot perimeter landscape buffer from 10 feet to 4 feet along the east property line.

**Address/Location:** 6331 SW 41 Court/Generally located on the north side of SW 41 Court approximately 270 feet east of Davie Road (SW 64 Avenue).

**Future Land Use Plan Designation:** Regional Activity Center (RAC)

**Zoning:** B-2, Community Business District

**Existing Use:** Professional Inspection Company/Fumigation Company

**Proposed Use:** Same as above.

**Parcel Size:** .2234 acres (9,731 square feet)

**Surrounding Uses:**

**Surrounding Land Use Designation:**

<b>North:</b>	Single family residential	Regional Activity Center
<b>South:</b>	Strip retail, across SW 41 Court	Regional Activity Center
<b>East:</b>	Single family residential	Regional Activity Center
<b>West:</b>	First Union Bank	Regional Activity Center

**Surrounding Zoning:**

**North:** R-5, Low Medium Dwelling District  
**South:** B-1, Neighborhood Business District, across SW 41 Court  
**East:** RM-10, Medium Dwelling District  
**West:** B-2, Community Business District

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## ZONING HISTORY

**Related Zoning History:** The subject site was rezoned to the Western Theme District in 1984 as part of an area wide rezoning. The subject site was included within the Regional Activity Center in 1998.

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## DEVELOPMENT PLAN DETAILS

This site includes an existing 1,268 square foot principal structure with a 297 square-foot detached accessory structure. This property was previously utilized as a single family residence until the property was rezoned to the B-2, Community Business District in 1984. The existing structure was utilized as a residence until 1990 when the Mears Lawn Maintenance company purchased the property and obtained an occupational license to operate a business consistent with the commercial zoning designation.

In 1997, A-1 Pride took ownership of the land and received an occupational license to operate a Professional Home Inspection business within the building. In June of 1999, A-1 Pride was cited by the Code Compliance Division for insufficient off-street parking and landscaping. On August 18, 1999, A-1 Pride, Inc., submitted a site plan modification application to the Planning and Zoning Division for improvements to comply with code. The proposed improvements include creating a western theme facade on the existing building, installation of one handicap parking space, three additional regular parking spaces, fencing, landscaping, and a paved driveway connecting SW 41 Court within the property's east side yard area to the previously installed parking spaces in the rear.

Upon preliminary review, staff determined that a variance was necessary to reduce the minimum perimeter landscape buffer along the east property line to accommodate the proposed driveway, as referenced above.

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## Applicable Codes and Ordinances

Landscape Section C(1) of the Town of Davie Western Theme Development Manual, requires a minimum 10 foot wide perimeter landscape buffer where the property of a commercial use is adjacent to a lot occupied, zoned or land use designated residential.

## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 8. This planning area is the "heart" of Davie, and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer large-scale multi-family residential developments that serve the rapidly growing South Florida Educational Center (SFEC). This planning area also encompasses the downtown Davie Business District, where western-theme architecture is required. The Davie Town hall and Rodeo Arena are two large such developments in this area.

Planning Area 8 contains the only CBDG redevelopment target area within the Town. Residential development east of the Davie Road corridor is substandard and has been the subject of community redevelopment efforts. The revitalization of Davie's original business district, and neighborhood redevelopment is important in this area.

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## Broward County Comprehensive Plan Considerations

This property falls within flexibility Zone 98. This request has no affect on Broward County concurrency as no increase in building area is proposed.

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### Staff Analysis

In support of the variance request, the petitioner accurately states, "when single family homesites are rezoned to business zoning classifications, sometimes the nonconforming sites are unable, because of the size and lot configuration, to accommodate all landscaping, parking, and other site amenities associated with the new commercial development." Accordingly, staff believes there may be special circumstances which apply to this site which do not generally apply to other properties within the same zoning district.

The existing property configuration does not provide sufficient space for a full landscape buffer and a driveway meeting the minimum width requirement. Driveway width is not subject to variances, however, buffer width may be varied by the Town Council. Currently, there is minimal landscaping and no fencing along the east property line of the subject site. The proposed improvements will provide a 4 foot landscape buffer, landscape material, and a commercial-width driveway along the east property line. Therefore, staff believes this request meets the general intent of the code regarding buffer requirements.

In conclusion, staff believes this request meets the criteria for a variance, is the minimum request necessary to accommodate the purpose of the request, and will not be harmful to the welfare of the general public.

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### Findings of Fact

#### **Variances:**

#### **Section 12-309(B)(1):**

(a) There are special circumstances and conditions applying to the land and building for which the variance is sought; the circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district. 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 the land or building for which the variance is sought, and would deprive the Town of encouraged redevelopment of the older areas of the Town consistent with the Town's Comprehensive Plan.

(b) The granting of the variance is essential for the reasonable use of the land or building, however, the variance as requested is the minimum variance that will accomplish this purpose;

(c) Granting of the requested variances is 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.

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### **Staff Recommendation**

**Recommendation:** Based upon the above and the finding of facts in the positive, staff recommends **approval** of petition V 3-2-00.

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### **Planning and Zoning Board Recommendation**

The Planning and Zoning Board recommended approval of petition V 3-2-00 (motion carried 3-0, Mr. Stahl absent, April 26, 2000).

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### **Exhibits**

1. Existing Plot Plan
2. Proposed Plot Plan
3. Land Use Map
4. Subject Site Map
5. Aerial

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.



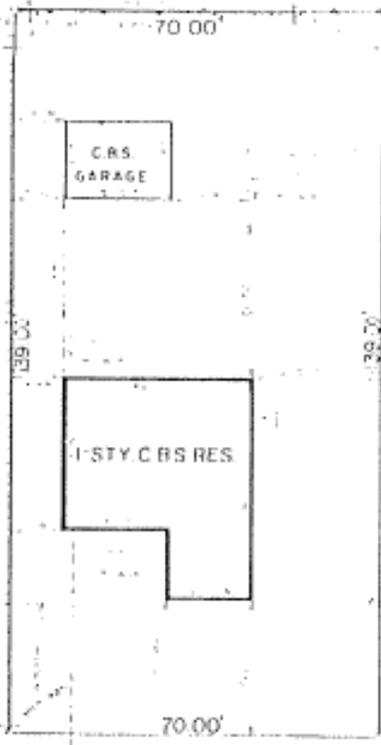
THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

PROPERTY	AREA	DATE	BY	REVISION	NO.
170000	0.02	11/2/2019	RS	1	1

Existing

DAVIE ROAD

20' ALLEY



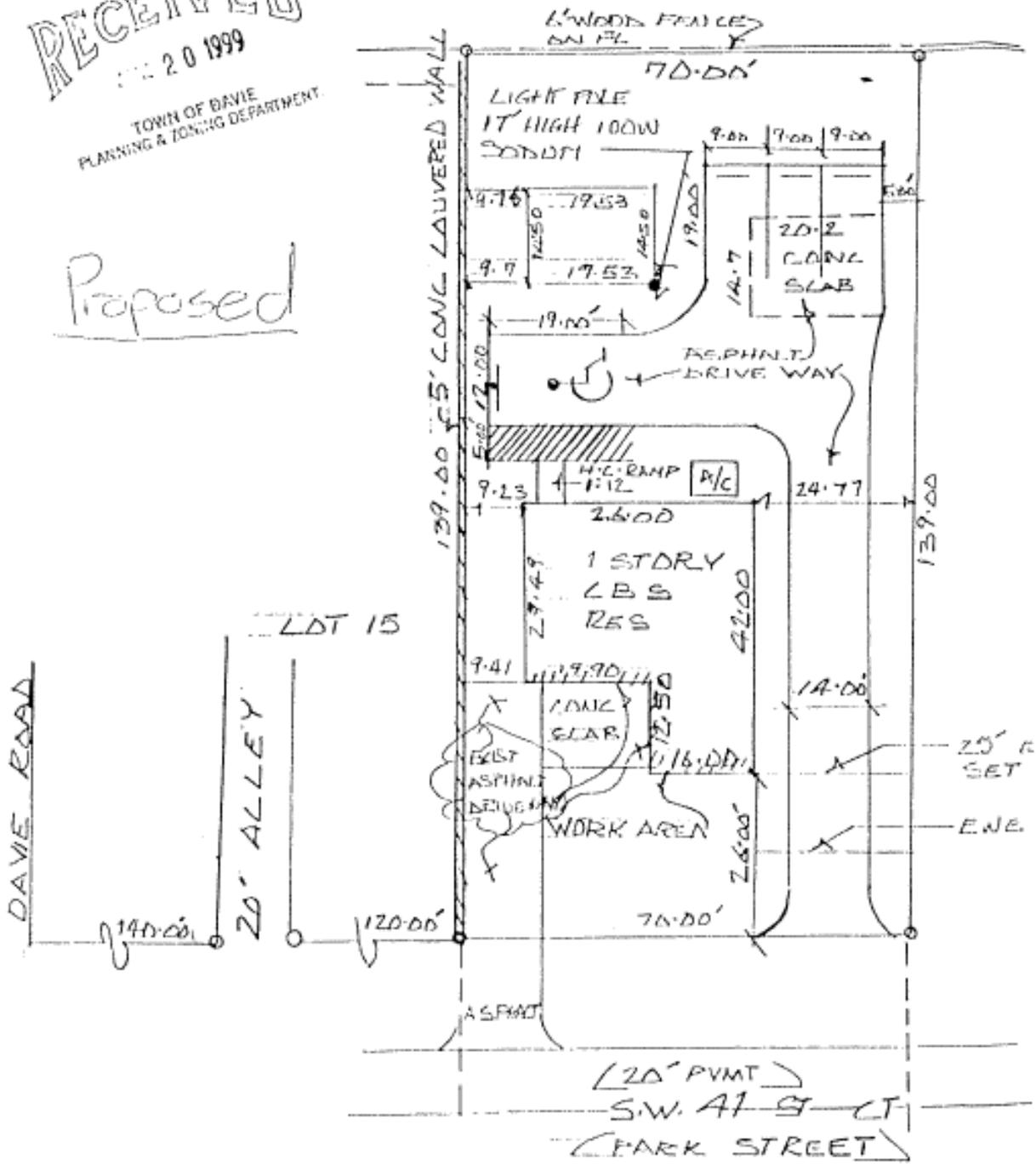
SW 41st CT

<p>PROPERTY ADDRESS: 170000</p> <p>SCALE: 1"=20'</p> <p>JOB NO: 170000</p> <p>PROJECT: 170000</p>	<p>DATE: 11/2/2019</p> <p>BY: RS</p> <p>REVISION: 1</p>	<p>SURVEYORS CERTIFICATE</p> <p>I, the undersigned, being a duly licensed Surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner or his agent, and that the same conforms to the original survey as shown to me by the owner or his agent, and that the same conforms to the original survey as shown to me by the owner or his agent.</p> <p><i>[Signature]</i></p> <p>ROBERT J. BOGLE</p> <p>REGISTERED SURVEYOR</p> <p>NO. 12345</p>
<p><b>R. J. BOGLE &amp; ASSOC. INC.</b></p> <p>LAND SURVEYORS</p> <p>170000</p> <p>170000</p>		

RECEIVED  
FEB 20 1999

TOWN OF DAVIE  
PLANNING & ZONING DEPARTMENT

Proposed



SITE PLAN  
SCALE 1"=20'

EXISTING ZONING: BR  
CODE SECTION: BR  
PROPOSED ZONING:  
CODE SECTION:  
LAND USE DESIGNATION:  
FOLIO NUMBER 30000-00-759X0

TOWN OF DAVIE USE OHL  
PETITION NO. V3-2-20  
FEE. 11930.00  
RECEIPT NO. 6182

TOWN OF DAVIE  
VARIANCE APPLICATION

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

DATE FILED: \_\_\_\_\_ PHONE: \_\_\_\_\_  
PETITIONER: A-1 PRIDE, INC./RANDY AND CONNIE ROERO  
MAILING ADDRESS: 6331 S.W. 41st COURT, DAVIE, FLORIDA 33314  
RELATIONSHIP TO PROPERTY: PROPERTY OWNER  
AGENCY: A-1 PRIDE, INC.  
MAILING ADDRESS: 6331 S.W. 41st COURT, DAVIE, FLORIDA 33314  
ADDRESS OF PROPERTY: 6331 S.W. 41st COURT, DAVIE, FLORIDA 33314



LEGAL DESCRIPTION: (Certified Sealed boundary Survey to include statement of amount of acreage involved MUST be submitted with application):  
Lot 14, Block 2, DAVIE PARK, according to the Plat thereof, as recorded in Broward County Plat Book 32, at Page 42.  
ACREAGE: 0.2234 acres  
REQUEST: SEE ATTACHED SHEETS  
REASON FOR REQUEST: (attach additional sheet as necessary)

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

OFFICE USE ONLY

APPROVED AS TO FORM: Jnt PUBLICATION DATE: 4/19/00  
MEETING DATE: PLANNING AND ZONING BOARD: 4/20/2000 TOWN COUNCIL: 5/3/00  
NOTICES SENT: \_\_\_\_\_ REPLIES: FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_  
UNDELIVERABLE: \_\_\_\_\_

Connie Roero / Randolph Roero  
OWNER'S NAME(S)

Connie Roero / R. O. Roero  
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

6331 SW 41 st  
ADDRESS

Davud Fla 33314  
CITY, STATE, ZIP

954-791-9446  
PHONE

A-1 Prudential  
PETITIONER'S NAME

Connie Roero  
PETITIONER'S SIGNATURE

6331 SW 41 st  
ADDRESS

Davud Fla 33314  
CITY, STATE, ZIP

954-791-9446  
PHONE

The foregoing instrument was acknowledged before me  
this 23 day of March, <sup>2000</sup> by  
Randy Roero who is personally  
known to me or who has produced  
N/A

as identification and who did take an oath.  
NOTARY PUBLIC:  
Sign Donald J. Lunny, Jr.  
Print \_\_\_\_\_

My Commission Expires  DONALD J. LUNNY, JR.  
MY COMMISSION # CC 520290  
EXPIRES: December 20, 1999  
Bonded thru Notary Public Underwriters

The foregoing instrument was acknowledged before me  
this 23 day of March, <sup>2000</sup> by  
Randy Connie Roero who is personally  
known to me or who has produced N/A

as identification and who did take an oath.  
NOTARY PUBLIC:  
Sign Donald J. Lunny, Jr.  
Print \_\_\_\_\_

My Commission Expires  DONALD J. LUNNY, JR.  
MY COMMISSION # CC 520290  
EXPIRES: December 20, 1999  
Bonded thru Notary Public Underwriters

OFFICE USE ONLY

## ADDENDUM TO VARIANCE APPLICATION

As the Town of Davie may know, the subject of this variance was originally constructed and used as a single family residence. The structure was built many years ago. Subsequent to the structure being built and occupied as a single family residence, the Town of Davie rezoned the property to its present B-2 zoning designation<sup>1</sup>.

Subsequent to the rezoning of the property to B-2, the property was occupied by Mears Lawn Maintenance Service. The Town's records show that Mears obtained an occupational license for this use on or about October 1, 1991. Attached as Composite Exhibit "1" is a copy of the Occupational License Application and issued license. The survey for the property which is attached to this variance request as Exhibit "2" and demonstrates that, for the period of time which Mears Lawn Maintenance Service occupied the property, no off-street parking was ever installed.

The Applicant purchased the property on or about November 5, 1997. The Applicant has applied for and received an occupational license from the Town, effective for a period commencing October 1, 1997, and has occupied the structure since the date it was purchased. Attached as Exhibit "3" is a copy of the Applicant's original Occupational License. When the Applicant purchased this property, it was in an unkempt condition. The Applicant fixed up the building and wishes to further clean up this site, install landscaping, install parking facility, and install a western theme facade so as to make the residential structure and this site look and feel more consistent with the property's B-2 zoning. In that regard, a site plan was prepared showing the property upgrades and submitted to the Town of Davie. The Town issued a receipt for the site plan application fee on August 20, 1999. In order to approve the site plan, the Applicant has been advised that a variance is needed to the Town's land development regulations.

As the Town is aware, when single family homesites are rezoned to business zoning classifications, often the nonconforming sites are unable, because of the size and lot configuration of the property, to accommodate all landscaping, parking, and other site amenities normally consonant with commercial development. This is certainly true in the instant application. Property to the east and north of the Applicant's property is developed and used as single family homesites. Immediately to the west of the Applicant's property is a bank. Because of the existing lot configuration, variances are needed in order to approve the Applicant's and Town's desired upgrades for the property. These upgrades would include the installation of one disabled parking space, three regular parking spaces, fencing, landscaping, and a paved driveway from 41<sup>st</sup> Court within the property's east side yard area to the installed parking in the rear.

The Applicant believes that obtaining all variances necessary to implement the site plan are necessary for the reasonable use of the land for commercial purposes and are consonant with the City's zoning district. At the present time and in the property's present condition, while the Town

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<sup>1</sup> *The Applicant has requested the Town of Davie's information pertaining to exactly when the B-2P zoning was placed on the property. To date, this information has not been supplied. The Applicant and the Town, however, both believe the B-2P zoning has been in place for a significant number of years.*

has licensed the Applicant to occupy the building and has encouraged the Applicant to fix up the structure so as to no longer make same unkenpt, the property is still not, and without the variances cannot be, an attractive place to do business.

Granting this variance will certainly be in harmony with the general purpose and intent of the City in encouraging this area of the City to transform from residential to commercial development. Given that the Applicant has cleaned up the building, and wishes to further improve the site, granting the site plan and all variances needed in connection therewith could not possibly be injurious to the neighborhood or otherwise detrimental to the public welfare.

N.W. Cor. of  
Sec. 22-150  
Etc. etc.

N. C. R. 240 E.

N. Line of Sec. 26-50-41

DAVIE'S ROAD

34	17	18	19	20	21
25	25	25	25	25	25
25	25	25	25	25	25

16	15	14	13	12	11
60	60	70	"	"	5
60	60	70	"	"	25 Building St.

17	18	19	20	21
25	25	25	25	25
25	25	25	25	25

16	15	14	13	12	11
60	60	70	"	"	25
60	60	70	129.20	129.27	60

PARK

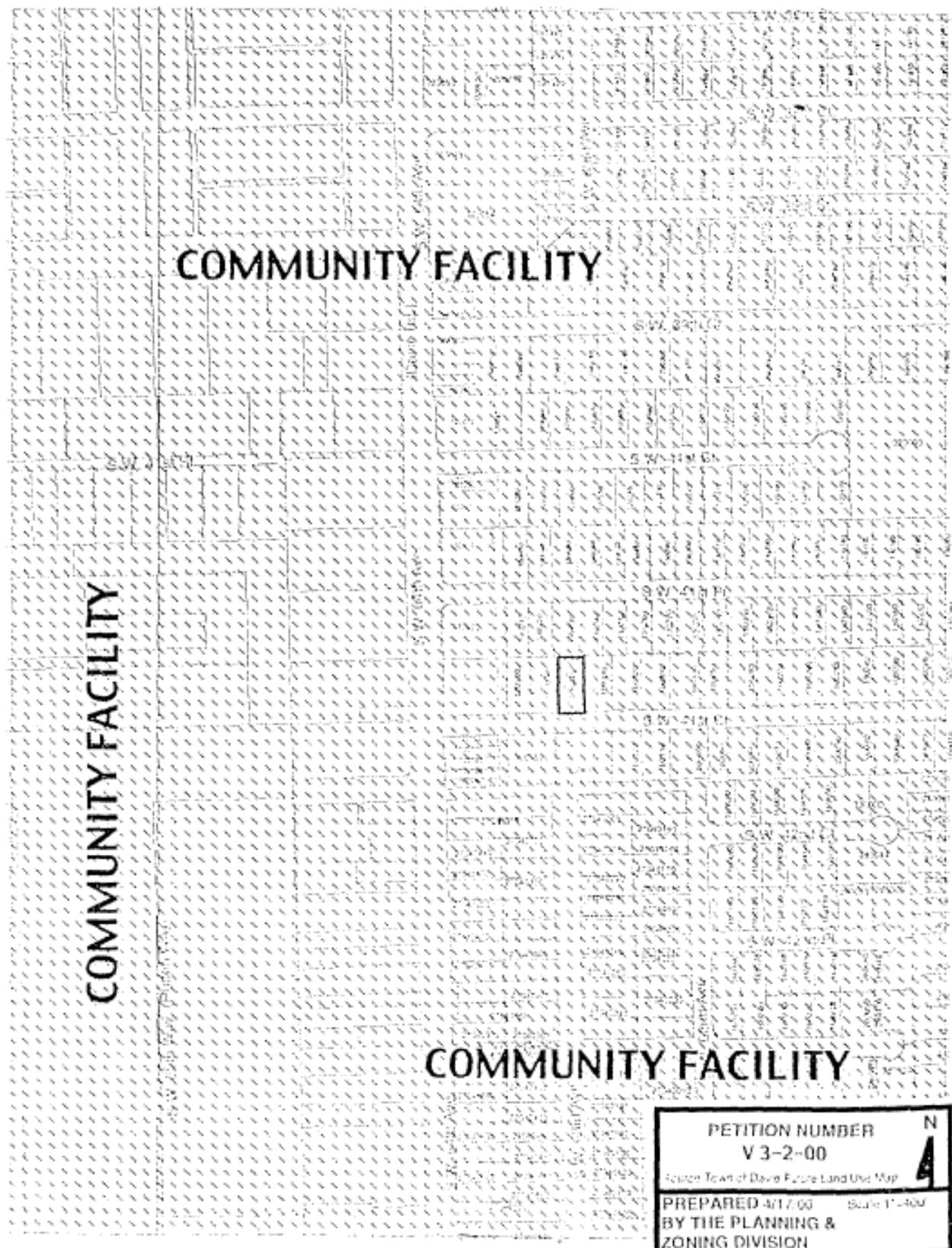
PRIMROSE STREET

STREET

DAVIE 1ST ADD.

P.O. 6 P. 33

subject site



**COMMUNITY FACILITY**

**COMMUNITY FACILITY**

**COMMUNITY FACILITY**

PETITION NUMBER <b>V 3-2-00</b>		<b>N</b> <b>A</b>
Source: Town of Davis Future Land Use Map		
PREPARED 4/17/00 BY THE PLANNING & ZONING DIVISION		Scale: 1" = 400'





**N** DATE FLOWN  
JANUARY 1999  
SCALE: NTS  
V 3-2-00