



Town Council Agenda Report

SUBJECT: Discussion Item

CONTACT PERSON/NUMBER

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

TITLE OF AGENDA ITEM:

Discussion Item: Davie Builders, LLC, petitioner/Virginia Ann Loecher and John Loecher, Jr., owners - General Address: 5230 Pine Island Road / Generally located between SW 82nd Avenue to the east and Pine Island Road to the west, approximately 3/4 of a mile north of Stirling Road.

REPORT IN BRIEF:

The petitioner is requesting waiver of Land Development Code Section 12-309(C)(5) which states, whenever the Town Council has acted upon a variance for property, whether approved or denied, the Planning and Zoning Board shall not thereafter consider any further application for the same or any other kind of variance for any part or all of the same property for a period of one (1) year. The above time limits may be waived by a majority vote of the Council when the Council deems such action necessary to prevent injustice or to facilitate the proper development of the Town.

On September 1, 1999, the Town Council approved a variance for the subject site to reduce the required separation between houses of worship from 2,500 feet to 660 feet, to accommodate placement of the Alpha Baptist Church north of the existing United Pentecostal Church (V 7-1-99). Subsequent to this variance, Davie Builder's, Ltd., the associated land owners, and Alpha Baptist Church are proposing a new location for Alpha Baptist Church, north of the original site. Subsequently, property north of the proposed church site was rezoned to CF, Community Facilities, deed restricted for church use only, and is now within 2,500 feet of the proposed Alpha Baptist Church site. Thus, the petitioner intends to seek a second variance from the minimum distance separation requirements between houses of worship. Staff believes the request for waiver of Section 12-309(C)(5) is necessary to facilitate the proper development of the Town.

PREVIOUS ACTIONS: The Town Council approved variance petition V 7-1-99 at its September 1, 1999 meeting (motion carried 5-0).

CONCURRENCES: None.

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve waiver of Section 12-309(C)(5).

Attachment(s): Petitioner's letter requesting waiver.

GREENBERG
ATTORNEYS AT LAW
TRAURIG

Barbara A. Hall
(954) 768-8236
hallb@gtlaw.com

May 4, 2000



VIA HAND DELIVERY

Mr. Mark Kutney
Town of Davie
Department of Development Services
6591 Orange Drive
Davie, Florida 33314

Re: Variance Request - Pine Island Road Property

Dear Mark:

This letter is a request for Town Council approval of a waiver of the limitation in the Code of Ordinances that prohibits the consideration of a variance for the same property within a one year time period (see Section 12-309C(5)).

Within the last year, the Town Council approved our client's variance request to permit a church to be located within 2,500 feet of an existing house of worship. The purpose of the variance was to allow our client to relocate a proposed church from the interior of its development site to a more suitable location to create a contiguous parcel more appropriate for residential development. Since the time of that variance approval, the development parcel has been reconfigured and the church is to be developed in a new location.

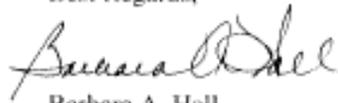
Section 12-309C(5) of the Town Code allows the Town Council to waive the prohibition against two variances for a single property within one year if the Council deems such action necessary to prevent injustice or to facilitate the proper development of the Town. In this situation, granting the waiver would facilitate the proper development of the Town by providing a contiguous parcel for residential development and a more suitable parcel for a church.

Please arrange to have this waiver request considered by the Town Council on May 17

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and please call me at 768-8236 if you have any questions.

Best Regards,



Barbara A. Hall

cc: Mr. Jason Eppy
Mr. Mark Stelnik