

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Mark A. Kutney, AICP, Development Services Director
SUBJECT: Quasi Judicial Hearing: Variance
Application No., Project Name and Location:

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:

V 11-1-01, Mark Jonaitis - 3152 SW 147 Avenue (R-1)

REPORT IN BRIEF:

The applicant has constructed a 924 square foot one-story guest house with full kitchen facilities located in the rear yard of the subject site. The applicants request is to increase the allowable guest house size from 400 square feet to 924 square feet with full kitchen facilities.

A guest house, as defined by the Code, is a dwelling unit in a building separate from the principal residential structure on a lot, intended for intermittent or temporary occupancy by a non-paying guest, and having no kitchen or food preparation areas. The code further states that the structures shall not contain stoves, ovens, refrigerators, dishwashers, sinks and disposals, washing machines or clothes dryers are also prohibited.

This section of the code was adopted by Ordinance 96-21 on May 1, 1996, and was intended to provide sufficient area for a bedroom, bathroom, and sitting area. The prohibition of food preparation areas and laundry facilities was intended to discourage long-term occupancy.

PREVIOUS ACTIONS: None

CONCURRENCES:

Planning and Zoning Board recommended approval subject to the applicant voluntarily agreeing to a deed restriction to run with the land which would impose a requirement that all guest facilities be removed upon the transfer of title, whether it be by sale or gift, and that the guest facility would only remain in tact as long as Mr. Jonaitis' mother or sister-in-law were alive and residing there (Motion By: Ms. Moore, Seconded By: Vice-Chair Bender. Motion Carried: 3-2, Ms. Turin and Mr. Waitkus opposed, January 9, 2002).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to deny

Attachment(s): Justification Letter, Survey, Floor Plan, Land Use Map, Subject Site Map, and Aerial.

Application #: V 11-1-01

Revisions:

Exhibit "A":

Original Report Date: 12/10/01

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

APPLICANT INFORMATION

Owner/Agent:

Name: Mark Jonaitis
Address: 3152 SW 147 Avenue
City: Davie, FL 33330
Phone: (954) 916-8859

BACKGROUND INFORMATION

Notification Date: January 2, 2002 **Number of Notifications:** 13

Application History: None

Application Requests: From Section 12-33(A)(9)(a) which limits the size of guest houses to a maximum of 400 square feet; to increase the size of guest houses from 400 square feet to 924 square feet.

Address/Location: 3152 SW 147 Avenue/Generally located on east side of SW 147 Avenue approximately 175 feet south of SW 31 Court.

Future Land Plan Use Designation: Residential (1 du/ac)

Zoning: R-1, Estate Dwelling District

Existing Use: Single Family residence

Parcel Size: .9476 acres (41,280 square feet)

Surrounding Land Use:

Land Use Designation

and commercial projects.

Broward County Comprehensive Plan: This property falls within Flexibility Zone 113.

Staff Analysis

The applicant has constructed a 924 square foot one-story guest house with full kitchen facilities located in the rear yard of the subject site. The applicants request is to increase the allowable guest house size from 400 square feet to 924 square feet with full kitchen facilities.

A guest house, as defined by the Code, is a dwelling unit in a building separate from the principal residential structure on a lot, intended for intermittent or temporary occupancy by a non-paying guest, and having no kitchen or food preparation areas. The code further states that the structures shall not contain stoves, ovens, refrigerators, dishwashers, sinks and disposals, washing machines or clothes dryers are also prohibited.

This section of the code was adopted by Ordinance 96-21 on May 1, 1996, and was intended to provide sufficient area for a bedroom, bathroom, and sitting area. The prohibition of food preparation areas and laundry facilities was intended to discourage long-term occupancy.

In conclusion, staff finds that the applicant constructing the guest house without a permit does constitute a self imposed hardship, and the request is not in harmony with the intent of the code.

Findings of Fact

Variances: Section 12-309:

(a) There are no special circumstances and conditions applying to the land for which the variance is sought; the circumstances or conditions are not peculiar to such land and do apply generally to land 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 such land or building for which the variance is sought; the alleged hardship can be considered self-created by any person having an interest in the property;

(b) The granting of the variances is not necessary for the reasonable use of the land or building based upon the area in question and that the variance as requested is not the minimum variance that will accomplish this purpose;

(c) Granting of the requested variances are not in harmony with the general purpose and intent of this chapter, and are not injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above staff analysis and the findings of fact, staff recommends denial of the variance request.

Planning and Zoning Board

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to approve subject to the applicant voluntarily agreeing to a deed restriction to run with the land which would impose a requirement that all guest facilities be removed upon the transfer of title, whether it be by sale or gift, and that the guest facility would only remain in tact as long as Mr. Jonaitis' mother or sister-in-law were alive and residing there (Motion By: Ms. Moore, Seconded By: Vice-Chair Bender. Motion Carried: 3-2, Ms. Turin and Mr. Waitkus opposed, January 9, 2002).

Exhibits

Justification Letter, Survey, Floor Plan, Land Use Map, Subject Site Map, and Aerial.

Prepared by: _____

Reviewed by: _____

Town of Davie
Planning & Zoning Board,
Town Council and Mayor Harry Venice

November 25, 2001

Re: Mark Jonaitis
3152 SW 147th Avenue
Davie, Florida 33330
Variance Request / Mother's Quarters
Reason for request - Statement

To Whom It May Concern:

I am writing this letter to explain why I built a mothers quarters on my property. My mother, Barbara Jonaitis, raised four children by herself. She worked at Parkway Medical Center for 45 years and retired this year because of a bad leg and hip. My mother has always been an independent woman. She is very proud and stubborn. She doesn't like to ask for help and yet in the past few years I found that she was calling me more and more to help her fix this or that. Everytime she would call me I would have to go all the way east into the old section of Hollywood where she lived. I am her only son and she depends on me so of course I was always there for her. But this put a great burden on me. In addition, the area where my mother was living had become run down and there is alot of crime. I was always afraid for her safety.

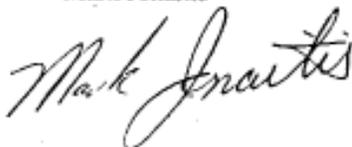
My mother loved the area where we are now living but she would never move in with us because she would feel like a burden. I have had my wife's sister living with me for the past fifteen years. She is a mentally handicapped adult and my mom knows what a challenge this has been. My mom needs to maintain her independence as long as possible, yet by having her right behind me, my wife and I can look after her and help her. She is getting older and slowing down alot but she is still as stubborn as ever. I knew I shouldn't put a kitchen in the quarters but I did it for my mother.

My wife and I are settled now and we are not going to ever move again. If something were to happen to my mother then my sister-in-law would have a place of her own, which she has never had. I am more than willing to put something in writing to you that I will never rent the quarters or sell the property. I just want my mother to live out the rest of her life in peace. She hasn't had an easy life and I think she deserves this much. I hope that you will grant me this request. Thank you in advance for your kind consideration.

Very truly yours,

Driver License # J532-546-59-042

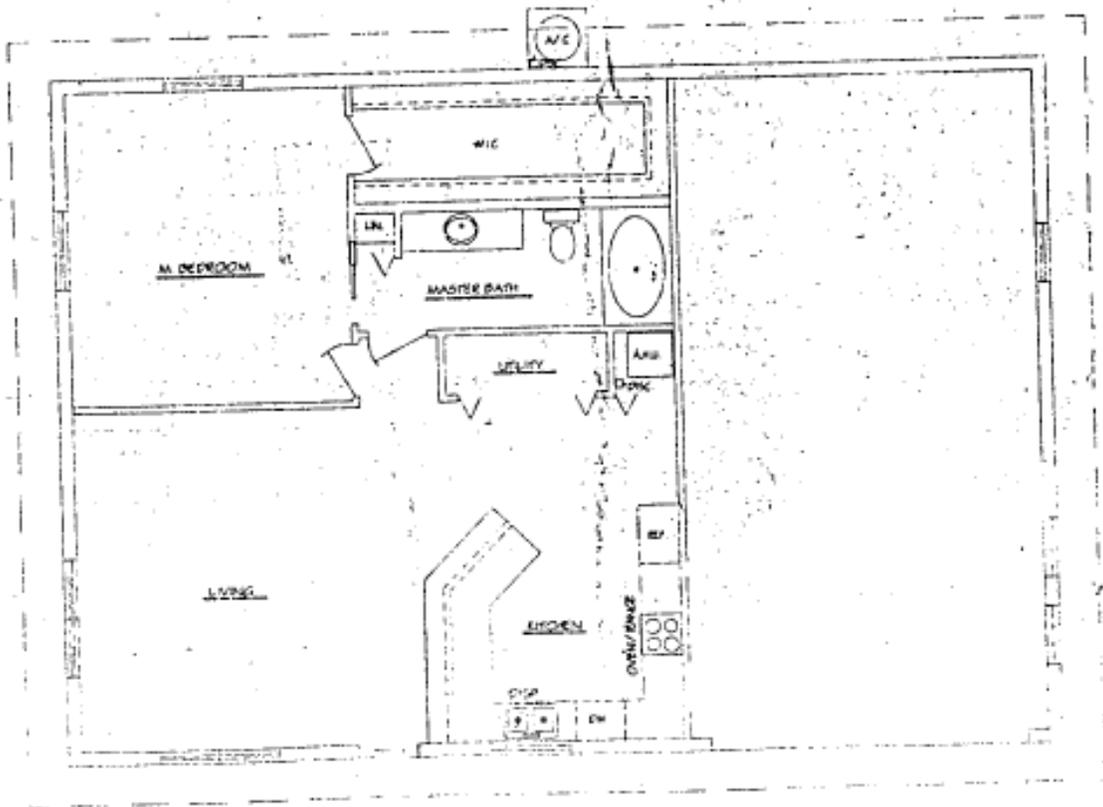
Mark Jonaitis

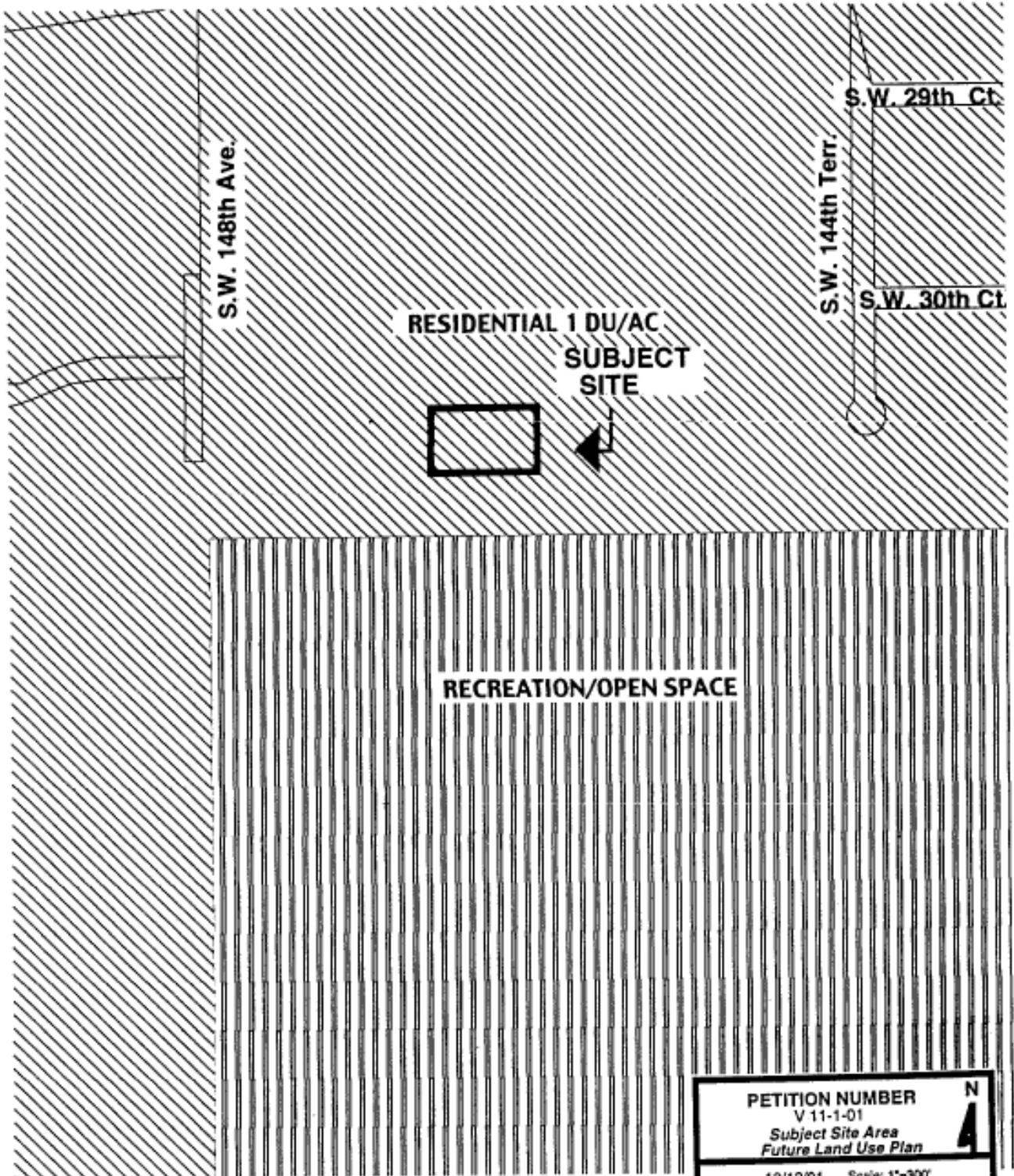


Ann Romano
ANN ROMANO



Ann Romano
My Commission DD065933
Expires October 18, 2005



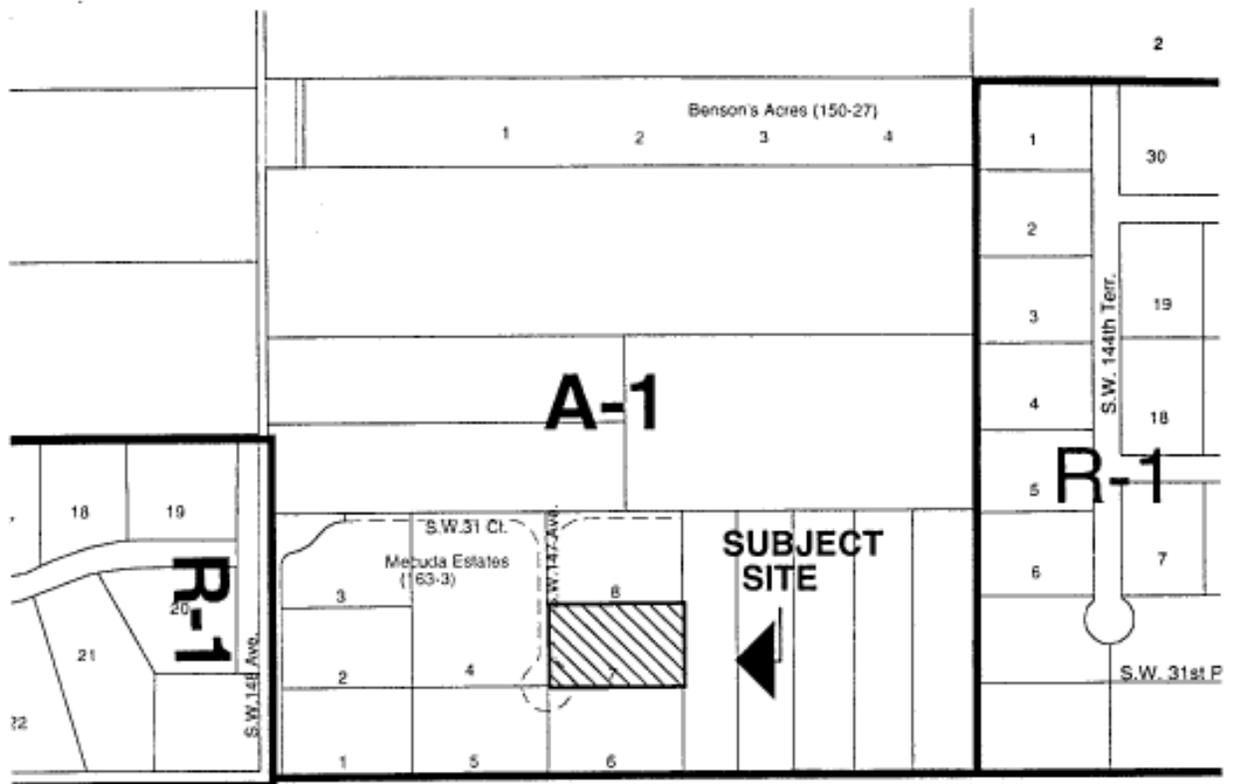


RESIDENTIAL 1 DU/AC
SUBJECT
SITE

RECREATION/OPEN SPACE

PETITION NUMBER V 11-1-01
*Subject Site Area
Future Land Use Plan*

12/12/01 Scale: 1"=300'
PREPARED BY: TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS



CR

South Florida Council of Boy Scouts Of America

E

PETITION NUMBER		N
V 11-1-01		
<i>Subject Site Area Zoning Map</i>		
12/12/01	Scale: 1"=300'	
PREPARED BY: TOWN OF DAVIE		
PLANNING & ZONING DIVISION - GIS		

