

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101

**SUBJECT:** Quasi Judicial Hearing: Variance  
V 4-1-02 Southern Pools Inc./Regency at Stonebrook Estates, 12900  
Kapok Drive/Generally located at the southeast corner of SW 26 Street  
and SW 130 Avenue, within Stonebrook Estates

**AFFECTED DISTRICT:** District 3

**TITLE OF AGENDA ITEM:** V 4-1-02 Southern Pools Inc./Regency at Stonebrook Estates,  
12900 Kapok Drive (E, Estate Dwelling District)

**REPORT IN BRIEF:** The petitioner has requested a reduction in the required rear yard setback from 40' to 25' in order to allow the construction of a screen enclosure and swimming pool. According to the petitioner the reduction is needed to accommodate a screen enclosure and swimming pool due to the configuration of the lot.

The intent of the 40 foot rear yard setback required by the Land Development Code is for the consistent placement of structures and to maintain openness provided by the minimum separation between structures, within the E, Estate Dwelling District. The subject site has special circumstances in that it is an odd shaped lot, with three (3) street sides. Granting this request will not diminish the open space in such a way that it will infringe upon neighboring properties. The nearest lot to the south is across a street and water retention area. In addition, the applicant proposes to install a four (4) foot berm and considerable landscaping to buffer the screen enclosure. The architectural review board of Stonebrook Estates Community Association has provided its written consent to the request. Staff has conducted an inspection of the subject site and finds that the request will not be detrimental to the neighborhood.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:**

At the May 22, 2002 Planning and Zoning Board meeting, Vice-Chair Bender made a motion, seconded by Mr. Waitkus to approve (Motion carried 4-0, Ms. Turin was absent).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** The application is found sufficient, based upon the above, to enable Town Council to render a decision.

**Attachment(s):** Justification letter, Consent letter, Survey, Landscape plan, Land use map,

## Zoning and Aerial map

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

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**APPLICANT INFORMATION**

**Owner:**

**Name:** Regency at Stonebrook Estates  
**Address:** 2852 University Drive  
**City:** Coral Springs, FL 33065  
**Phone:** (954)755-1775

**Agent:**

**Name:** Southern Pools Inc.  
**Address:** 13460 SW 29 Street  
**City:** Davie, FL 33330  
**Phone:** (954)236-3900

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**BACKGROUND INFORMATION**

**Date of Notification:** May 15, 2002    **Number of Notifications:** 17

**Application History:** No deferrals have been requested.

**Application Request:** Variance **FROM:** Section 12-81A of the Land Development Code which requires 40 foot minimum rear yards; **TO:** reduce the minimum rear yard to 25 feet in order to allow the construction of a screen enclosure and swimming pool.

**Address/Location:** 12900 Kapok Drive/Generally located at the southeast corner of SW 26 Street and SW 130 Avenue, within Stonebrook Estates.

**Future Land Use Plan Designation:** Residential (1 DU/AC)

**Zoning:** E, Estate Dwelling District

**Existing Use:** Single family dwelling

**Proposed Use:** same

**Parcel Size:** 1.05 acres (45,618.79 square feet)

**Surrounding Uses:**  
**North:** Single family dwelling  
**South:** Retention area, Single family dwelling  
**East:** Single family dwelling  
**West:** Entry feature, Open space  
DU/AC)

**Surrounding Land**

**Use Plan Designation:**

Residential (1 DU/AC)  
Residential (1 DU/AC)  
Residential (1 DU/AC)  
Residential (1

**Surrounding Zoning:**

**North:** E, Estate Dwelling District  
**South:** E, Estate Dwelling District  
**East:** E, Estate Dwelling District  
**West:** E, Estate Dwelling District

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## **ZONING HISTORY**

**Related Zoning History:** The E, Estate Dwelling District was enacted on February 21, 1990, through Ordinance 90-4, and subsequently repealed on February 21, 1996, through Ordinance 96-4.

**Previous Request on same property:** The rezoning from A-1, AG & R-1, to E, Estate Dwelling District was approved on February 15, 1995.

The plat, P 10-1-94 Kapok Grove Estates, was approved on February 15, 1995.

The site plan, SP 2-8-95 Kapok Grove Estates, was approved on September 6, 1995. There have been four (4) subsequent minor site plan modifications for model units, entrance features, and the recreation parcel.

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## **APPLICATION DETAILS**

The petitioner has requested a reduction in the required rear yard setback from 40' to 25' in order to allow the construction of a screen enclosure and swimming pool. According to the petitioner the reduction is needed to accommodate a screen enclosure and swimming pool due to the configuration of the lot.

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### **Applicable Codes and Ordinances**

Section 12-81A of the Land Development Code requires a rear setback of 40 feet in the E, Estate Dwelling District.

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### **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 113.

**Applicable Goals, Objectives and Policies:** *Future Land Use Policy 17-7:* Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living environments.

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## Staff Analysis

The intent of the 40 foot rear yard setback required by the Land Development Code is for the consistent placement of structures and to maintain openness provided by the minimum separation between structures, within the E, Estate Dwelling District. The subject site has special circumstances in that it is an odd shaped lot, with three (3) street sides. Granting this request will not diminish the open space in such a way that it will infringe upon neighboring properties. The nearest lot to the south is across a street and water retention area. In addition, the applicant proposes to install a four (4) foot berm and considerable landscaping to buffer the screen enclosure. The architectural review board of Stonebrook Estates Community Association has provided its written consent to the request. Staff has conducted an inspection of the subject site and finds that the request will not be detrimental to the neighborhood.

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## Findings of Fact

### Variances:

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

**The following findings of facts apply to the variance request.**

- (a) There are special circumstances or conditions applying to the land or building for which the variances are 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 application of the reasonable use of such land or building for which the variances are 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) Granting of the requested variances 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.

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## Staff Recommendation

The application is found sufficient, based upon the above, to enable Town Council to render a decision.

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## Planning & Zoning Board Recommendation

At the May 22, 2002 Planning and Zoning Board meeting, Vice-Chair Bender made a motion, seconded by Mr. Waitkus to approve (Motion carried 4-0, Ms. Turin was absent).

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## Exhibits

1. Justification letter
2. Consent letter
3. Survey
4. Landscape plan
5. Land use map

6. Zoning and Aerial map

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

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

Regency at



April 9, 2002

Mr. Christopher M. Gratz, Planner II  
TOWN OF DAVIE  
6591 Orange Drive  
Davie, FL 33314

**RE: StoneBrook Estates – Lot 117  
Pool Variance**

Dear Mr. Gratz:

Per your discussion with Randy Paigo, our Vice President of Operations, please accept the attached application for a variance on Lot 117 at StoneBrook Estates. We are requesting that the current 40 foot rear setback be changed to 25 feet to accommodate the placement of the screen enclosure on this lot.

This is a unique circumstance as this is an odd shaped lot with three road frontages. It was a challenge to design a pool, pool deck and screen enclosure to fit on this property. Please note on the landscape drawing that we have carried the berm around the side to the rear portion of the property and provided a substantial amount of landscaping to buffer the screen enclosure.

A purchaser of a home in this luxury estate community would have expectations of an exquisite pool area. The design is harmonious with the neighborhood and aesthetically pleasing to the eye.

We have also attached a letter from the Homeowner's Association approving of this request.

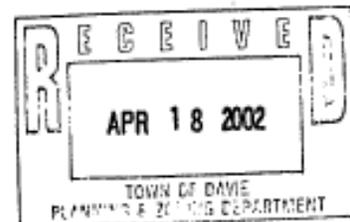
Please feel free to call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Deborah A. Wills".

Deborah A. Wills  
Vice President  
Administration

/daw  
Enclosures





*Reply To:*

March 27, 2002

Regency at Stonebrook Estates  
12900 Kapok Drive  
Davie, FL 33330

Dear Owner

Your request for architectural change has been approved. Specifically, you have approval to proceed with the following:

INSTALL A POOL SCREEN ENCLOSURE AND REQUEST A VARIANCE ON THE SETBACK FROM 40' TO 25'. THE MAXIMUM HEIGHT OF THE SCREEN ENCLOSURE IS 17'. ALSO APPROVED IS A LANDSCAPE PLAN WHICH INCLUDES A BERM, HEDGE MATERIAL AND PALMS, WHICH WILL SERVE TO BUFFER THE SCREEN ENCLOSURE FROM THE ROAD.

Please follow the plan you submitted or submit an additional request form if you cannot follow the original plan.

You must follow all local building codes. A building permit may be needed. This can be applied for at the county offices.

Be aware that you are responsible for contacting the appropriate utility companies before digging.

We appreciate your cooperation in submitting this request for approval.

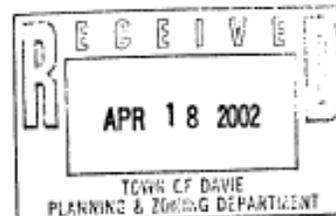
Sincerely,  
On Behalf of the Board of Directors  
Stonebrook Estates Community Association, Inc.

*Christina L. Turner*  
Christina L. Turner  
Property Manager

cc: file

Weston Office  
3300 Corporate Avenue  
Suite 110  
Weston, Florida 33331  
Telephone: 954-349-8777  
Facsimile: 954-349-8877

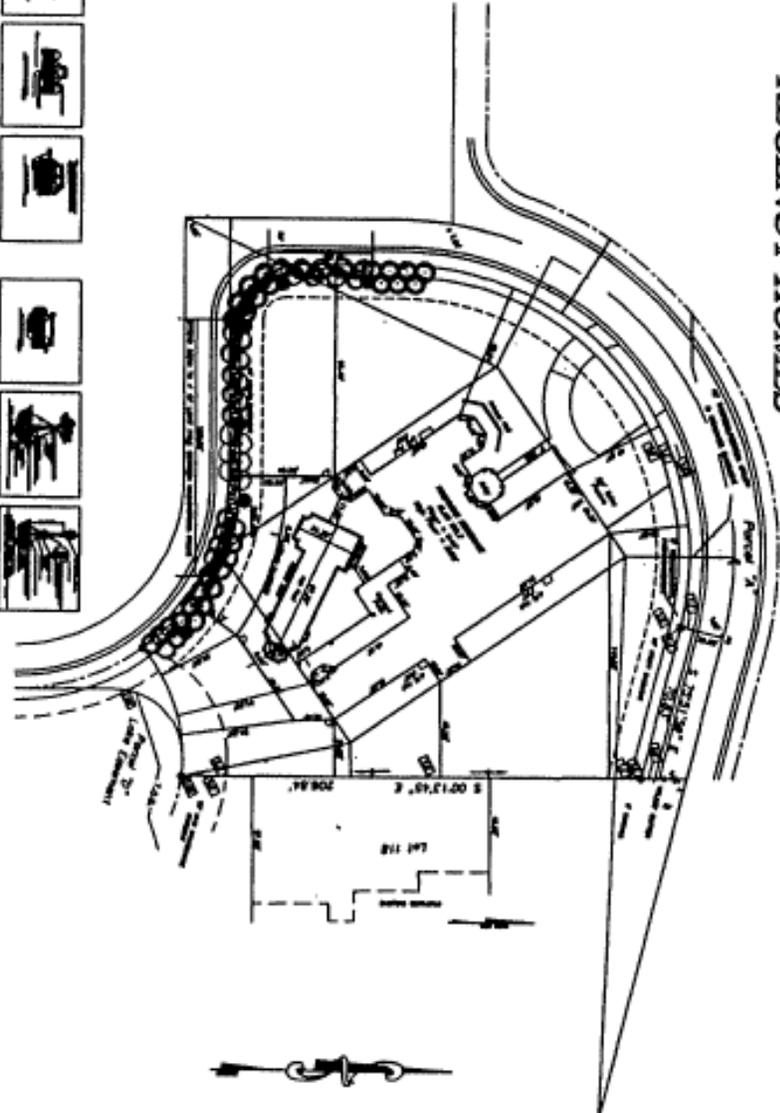
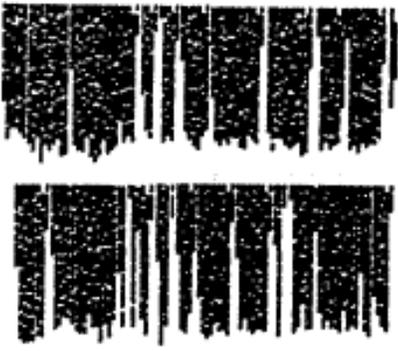
Fisher Island Office  
One Fisher Island Drive  
Fisher Island, Florida 33109  
Telephone: 305-538-9477  
Facsimile: 305-538-7748



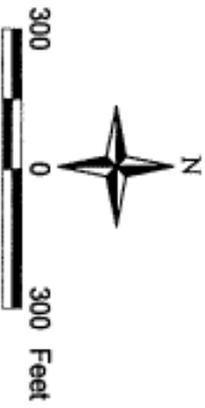
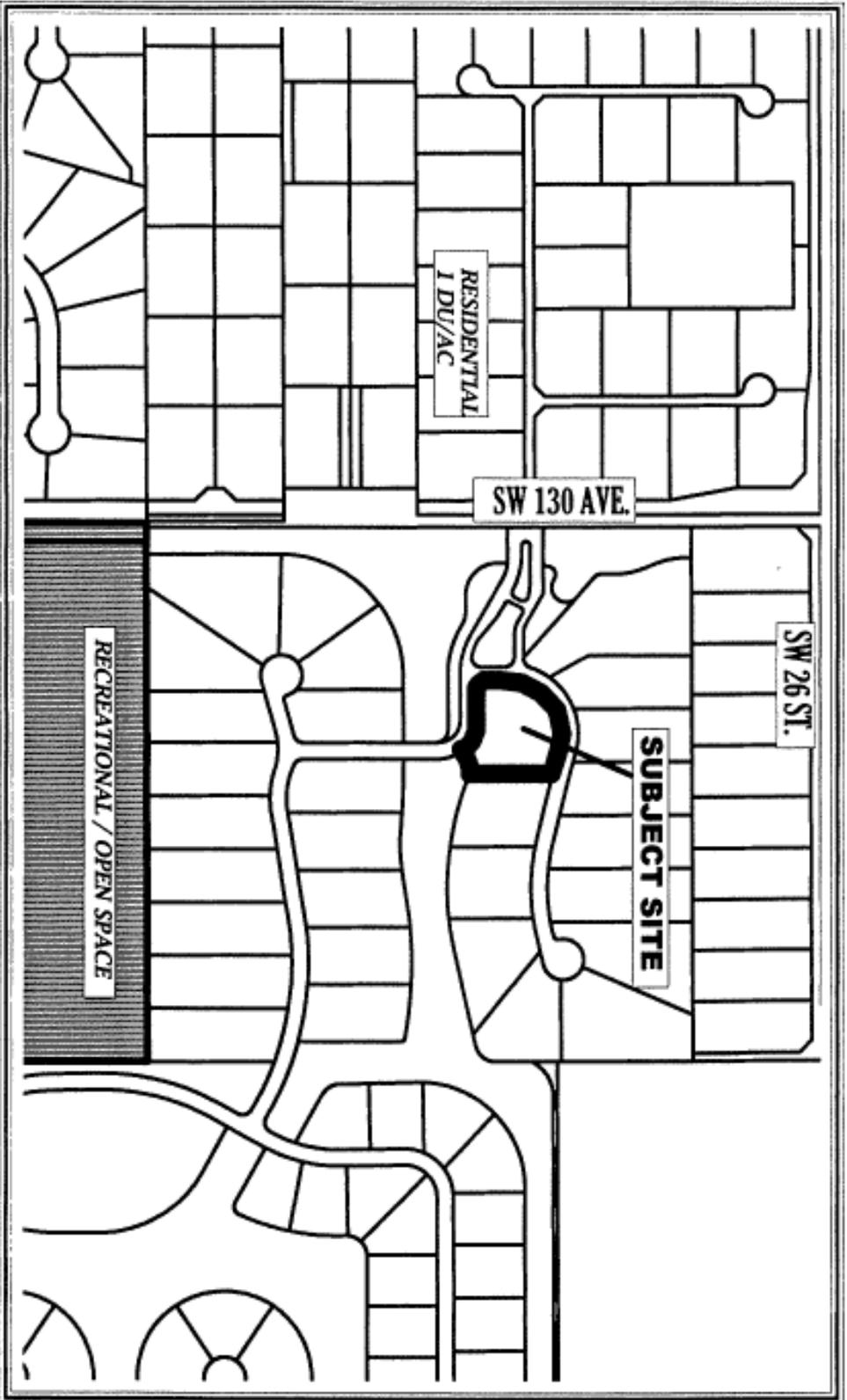


# REGENCY HOMES

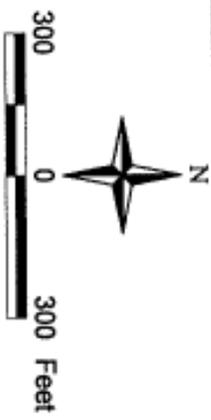
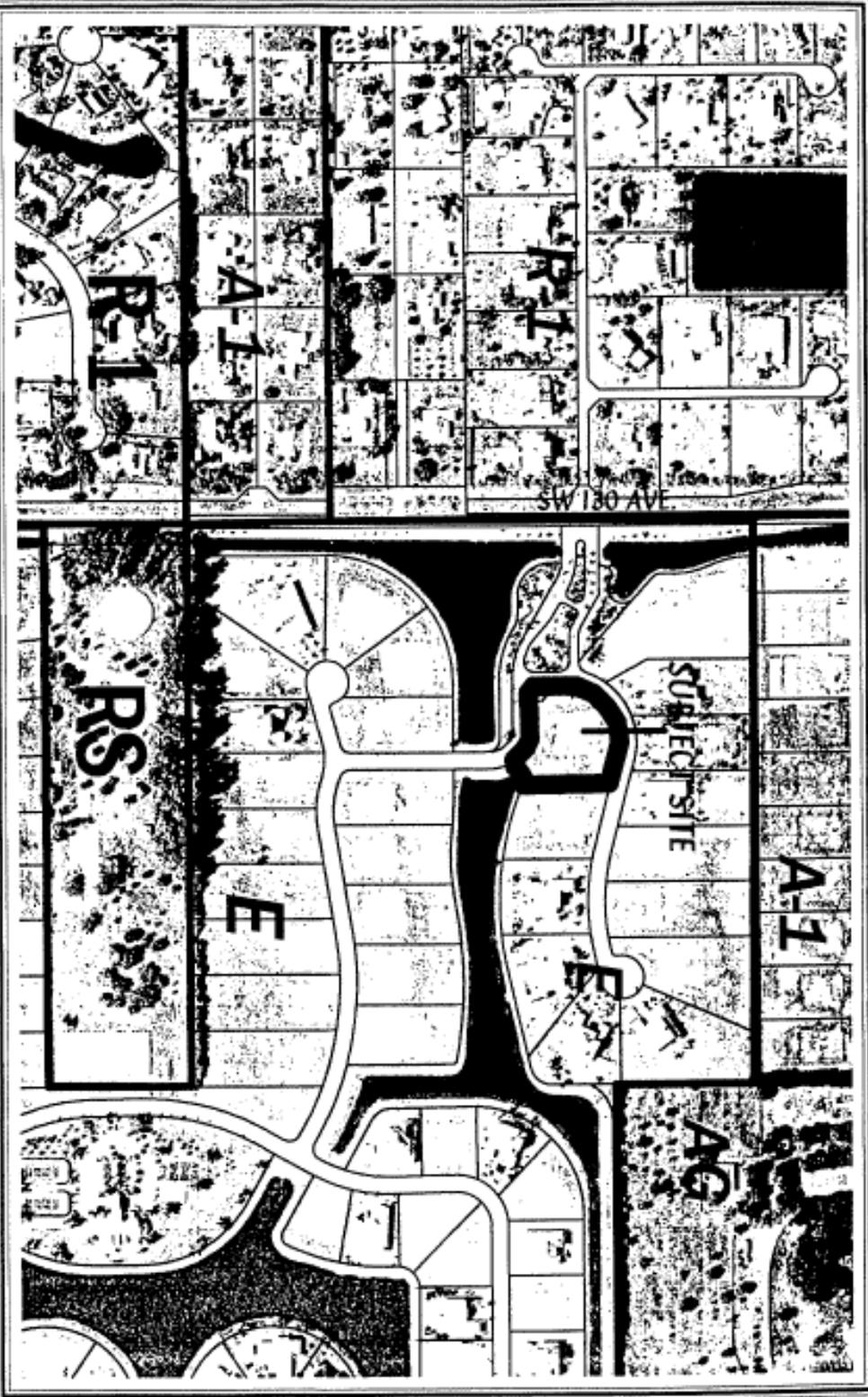
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| 1 | EXISTING SUBSTANTIAL PAIR 1000   |
| 2 | NEW SUBSTANTIAL PAIR 10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100 |
| 3 | REGENCY HOME PLAN 10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100    |
| 4 | REGENCY HOME PLAN 10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100    |
| 5 | REGENCY HOME PLAN 10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100    |
| 6 | REGENCY HOME PLAN 10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100    |
| 7 | REGENCY HOME PLAN 10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100    |



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|--|--|--|--|
| REVISIONS  |  | DATE   | BY   |
| DATE REVISIONS   |  | 04/17/02   | INC  |
| <b>REGENCY HOMES</b><br><b>LOT 117</b><br><b>STONEBROOK</b><br><b>DAVIE FLA.</b>   |  |  |  |
| <small>THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND OFFICIALS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO THE DESIGNER. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN.</small> |  | SCALE: 1" = 30'<br>DESIGNED BY: [Signature]<br>DRAWN BY: [Signature]<br>C.D. BY: [Signature] | JOB NO.: 1014<br>C.D. FILE: [Signature]<br>DATE: [Signature]<br>APPROVAL: [Signature]<br>PROJ. FILE: [Signature] |
| <b>SCHULZ</b><br><b>LANDSCAPE</b><br><b>SERVICE</b>  |  |  |  |



**PETITION NUMBER: V 4-1-02**  
 FUTURE LAND USE MAP  
 Date: Flown: January, 2001  
 Scale: 1" = 300'  
 Planning & Zoning Division - GIS  
 Prepared 4/23/02



**PETITION NUMBER: V 4-1-02**  
 Zoning and Aerial Map  
 Date: Flown: January, 2001  
 Scale: 1"=300'  
 Planning & Zoning Division - GIS  
 Prepared 4/24/02