

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by: Annie Feng, Planner II

SUBJECT: Quasi Judicial Hearing: Variance
V 5-4-03, Lisa R Hubert, 5520 SW 38 Court, generally located on the south side of 38 Court, 132 feet west of SW 55 Avenue

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM:

The petitioner requests a variance **FROM:** Section 12-81(A) of the Land Development Code that requires the minimum side setbacks of 10 feet for Single family homes in R-5 (Low Medium Dwelling District); **TO:** reduce the east side setback to 5.4 feet, and west side setback to 7.15 feet for additions to the existing single family home.

REPORT IN BRIEF:

The subject property is a one-story single family house located in an R-5 zoning district. The minimum lot size required by an R-5 district is 7000 square feet, and the required minimum lot frontage is 75 feet. The subject property is a legal non-conforming lot with 63 feet lot frontage and 6300 square feet in area. The existing house has a living room and kitchen in the front area of the house and two bedrooms with a screen porch in the back. The applicant is proposing to build a dining room west to the kitchen, and a den east to the living room. The additions are logical expansions to the existing layout of the house. The width of the property creates the hardship for the additions to meet the ten-foot required setbacks.

PREVIOUS ACTIONS: None

CONCURRENCES: At the June 25, 2003 Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve (Motion carried 4-1, with Mr. McLaughlin dissenting).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds that the subject application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Planning Report, Justification letter, Land use map, Subject site map, Aerial, and property survey.

Application #: V 5-4-03
Exhibit "A"

Revisions: 6/26/03
Original Report Date: 6/13/03

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

Application Information

Owner/Petitioner:

Name: Lisa R. Hubert
Address: 5520 SW 38 Court
City: Davie, FL 33314
Phone: (954) 597-0618

Background Information

Date of Notification: June 18, 2003 **Number of Notifications:** 258 (1,000 feet notification)

Application History: No deferrals have been requested.

Application Request: Variance **FROM:** Section 12-81(A) of the Land Development Code that requires the minimum side setbacks of 10 feet for Single family homes in R-5 (Low Medium Dwelling District); **TO:** reduce the east side setback to 5.4 feet, and west side setback to 7.15 feet for additions to the existing single family home.

Address/Location: 5520 SW 38 Court, Generally located on the south side of 38 Court, 132 feet west of SW 55 Avenue

Future Land Use Plan Designation: Regional Activity Center

Zoning: R-5 (Low Medium Dwelling District)

Existing Use: Single Family Home

Proposed Use: Single Family Home

Parcel Size: 6300 square feet

Surrounding Uses:
North: Single Family Home
South: Single Family Home
East: Single Family Home
West: Single Family Home

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

Surrounding Zoning:

North: R-5, Low Medium Dwelling District
South: R-5, Low Medium Dwelling District
East: R-5, Low Medium Dwelling District
West: R-5, Low Medium Dwelling District

Zoning History

The plat, Playland Village Section Two, was approved by the Board of County Commissioners of Broward County on June 23, 1959, prior to incorporation into the Town.

Application Details

The subject property is a one-story single family house located in an R-5 zoning district. The R-5 zoning district requires ten-foot side setbacks for main structures. The existing house is 12.1 feet from the west property line and 18.7 feet from the east property line. The applicant is requesting a variance to reduce the west side setback to 7.15 feet and the east side setback to 5.4 feet for additions proposed on both sides of the house.

Applicable Codes and Ordinances

1. Section 12-81(A) of the Land Development Code that requires the minimum side setbacks of 10 feet for Single family homes in R-5 (Low Medium Dwelling District).
 2. Section 12-309, Review for variance.
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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 Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 98.

Applicable Goals, Objectives and Policies:

Objective 1: No later than December 1, 1989, the Town shall adopt and implement land development regulations, including subdivision regulations, that will encourage and facilitate

residential development in accordance with the Future Land Use Plan, and in an aesthetically and environmentally sound manner.

Policy 1-1: The Town shall investigate and implement, as appropriate, innovative land development regulations that afford flexibility in developing residential communities while maintaining adequate standards necessary to promote the health, safety and welfare of Town residents.

Staff Analysis

The minimum lot size required by the R-5 zoning district is 7,000 square feet, and the required minimum lot frontage is 75 feet. The subject property is a legal non-conforming lot with a 63-foot lot frontage and 6,300 square feet in area. The existing house has a living room and kitchen in the front area of the house and two bedrooms with a screen porch in the back. The applicant is proposing to build a dining room west to the kitchen, and a den east to the living room to meet her family needs. The dining room is 12 feet wide and the den is 13.5 feet wide, which are the minimum dimensions for the proposed uses. The width of the property creates the hardship for the minimum additions to meet the ten-foot required setbacks.

Finding of Facts

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variance request.

a) There is a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and does not apply generally to land or building in the same district, and that said circumstance or condition is 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 is not self-created by persons having an interest in the property.

The subject site is a legal non-conforming lot with a 63-foot lot frontage. The additions are logical expansions to the existing layout of the house. The dimensions for the additions are the minimum dimensions for the proposed uses. The existing lot frontage that is less than the minimum required lot frontage creates the hardship to meet the ten-foot setbacks required by the R-5 district. The alleged hardship is not self-created.

(b) 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.

The existing house is 713 square feet in area with two bedrooms, which is less than the minimum floor area of 1,000 square feet required by the R-5 zoning district. The new additions will add 216 square feet on the east side, and 125 square feet on the west side. The total square footage will be 1,054 square feet. Granting of the variance will allow the applicant to build the additions that are logically expanded from the existing living room and kitchen area, and make the floor area comply with the current code. The requested variance 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.

The additions are compatible with the surrounding neighborhood. The design of the additions is consistent with the existing building in terms of the scale and finish of walls. Granting of the requested 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.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and the Town Council for further consideration.

Planning & Zoning Board Recommendation

At the June 25, 2003 Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve (Motion carried 4-1, with Mr. McLaughlin dissenting).

Town Council Actions

Exhibits

Justification letter, Site Survey, Subject Site Map, Land Use Map and Aerial

Prepared by: _____

Reviewed by: _____

Lisa R. Hubert
5520 S. W. 38th Court
Davie, FL 33314
954-792-0620

May 28, 2003

To: Davie Town Council

VIA: Planning and Zoning Board

I am seeking a variance for land utilization of accessories in size to provide my family with a reasonable use of our property. The accessories items for which the special circumstances may apply are Plat Book 50, Page 14, pre 1989 set back requirements. My lot is 63' wide and 100' deep, 6300 sq ft.

I would like to make my dining room larger on the west side. And would like to make my living room larger on the east side. This double addition will allow only a 5.4' side yard set back on the east side and 7.15' set back on the west. The west side already has a wall and concrete slab existing at this set back. The new set back requirements state 10' side yard. The total living space is less than 10% of the lot size.

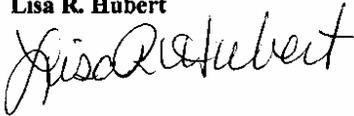
Summary

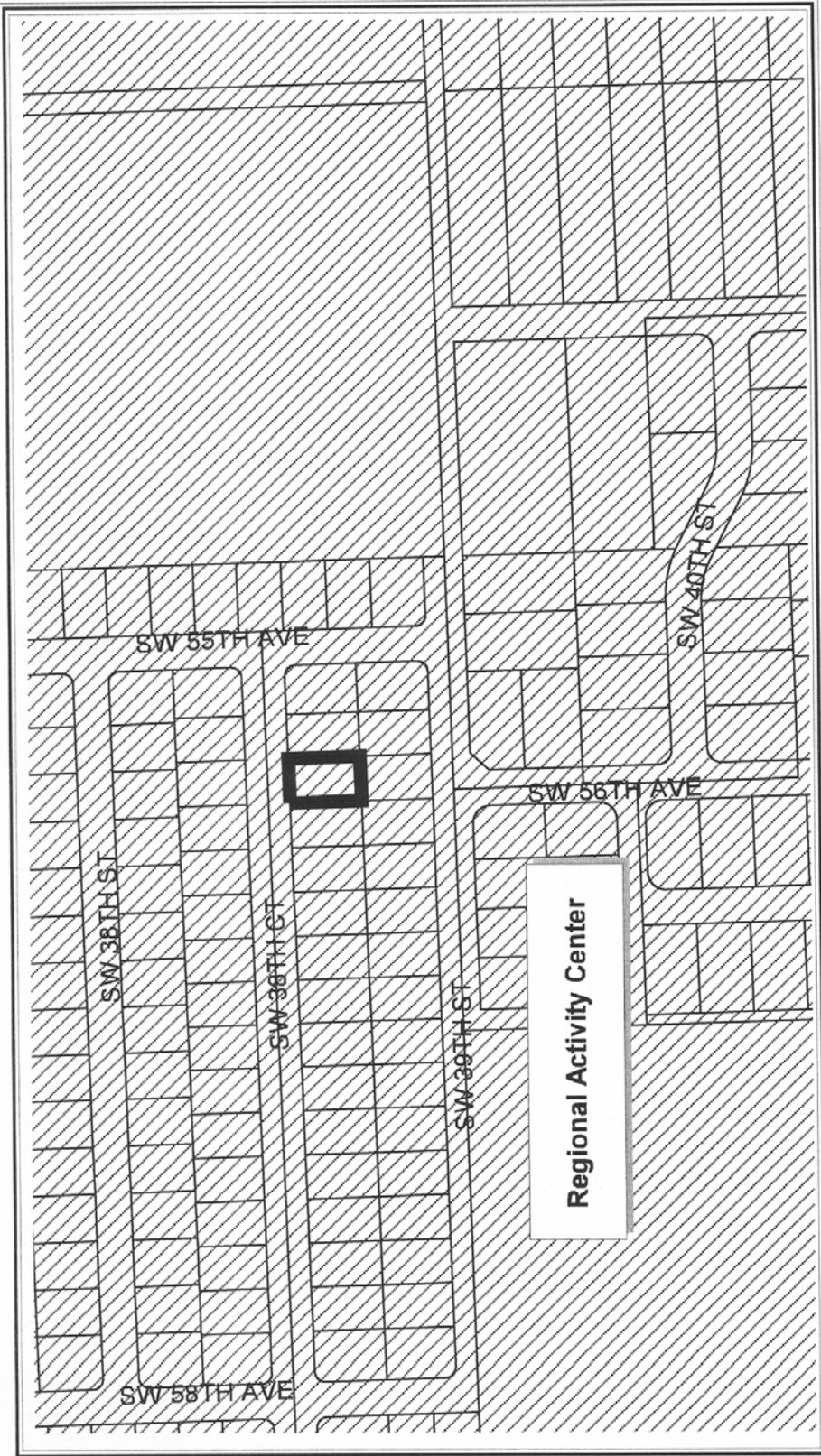
- 1) The closest the house will be on the west side is 7.15' to the property line.
- 2) The closest the house will be on the east side is 5.4' to the property line.
- 3) This is consistent with the neighborhood.
- 4) There are many homes with similar set backs on our street.

I respectfully ask your permission for this variance of the fore mentioned accessories, in the Town of Davie.

Thank You,

Lisa R. Hubert



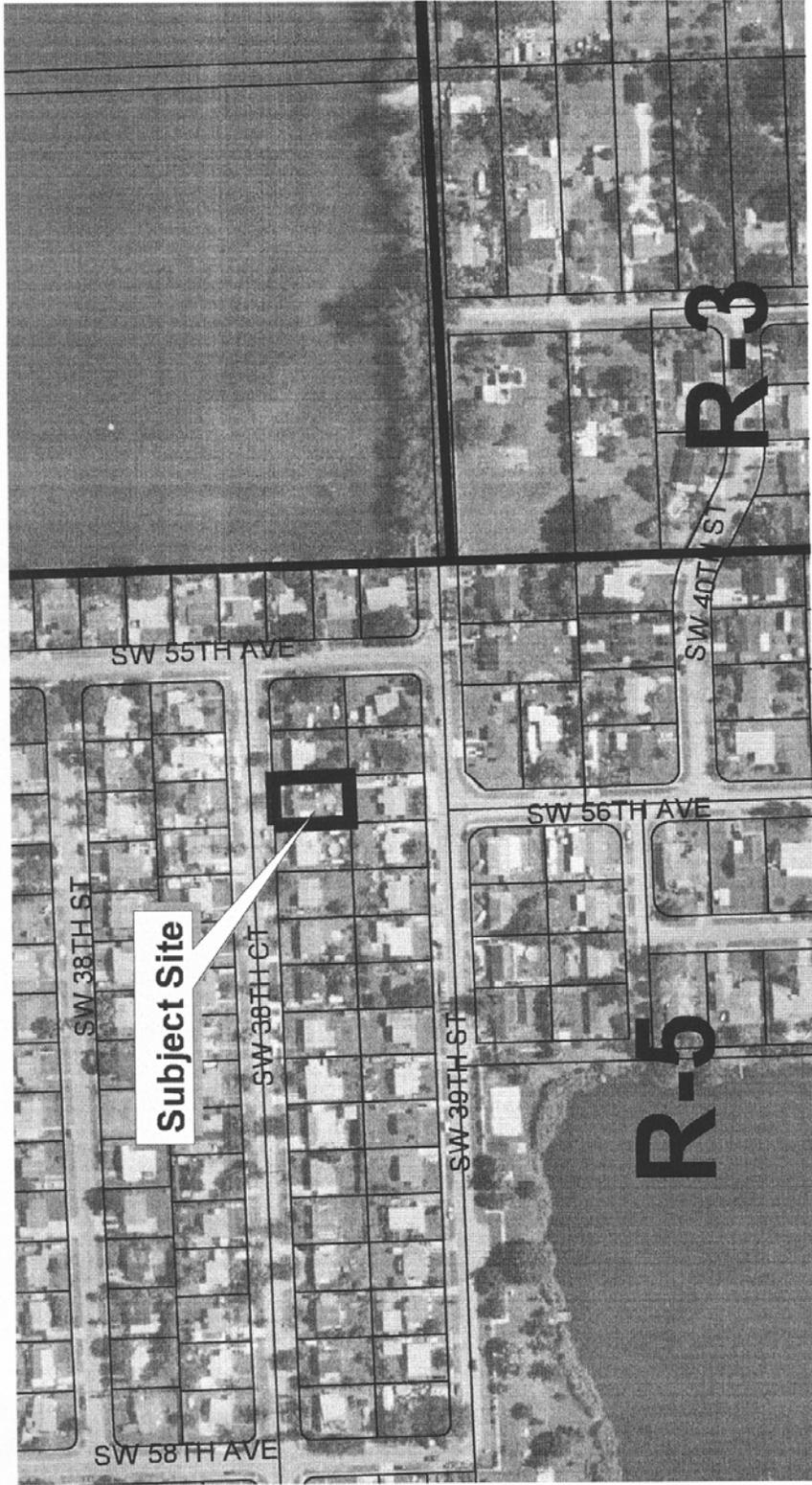


Planning & Zoning Division - GIS



**Variance
V 5-4-03
Future Land Use Map**

Prepared By: AF
Date Prepared: 6/11/03



Date Flown:
12/31/00



200 0 200 400 Feet



Planning & Zoning Division - GIS



**Variance
V 5-4-03
Zoning and Aerial Map**

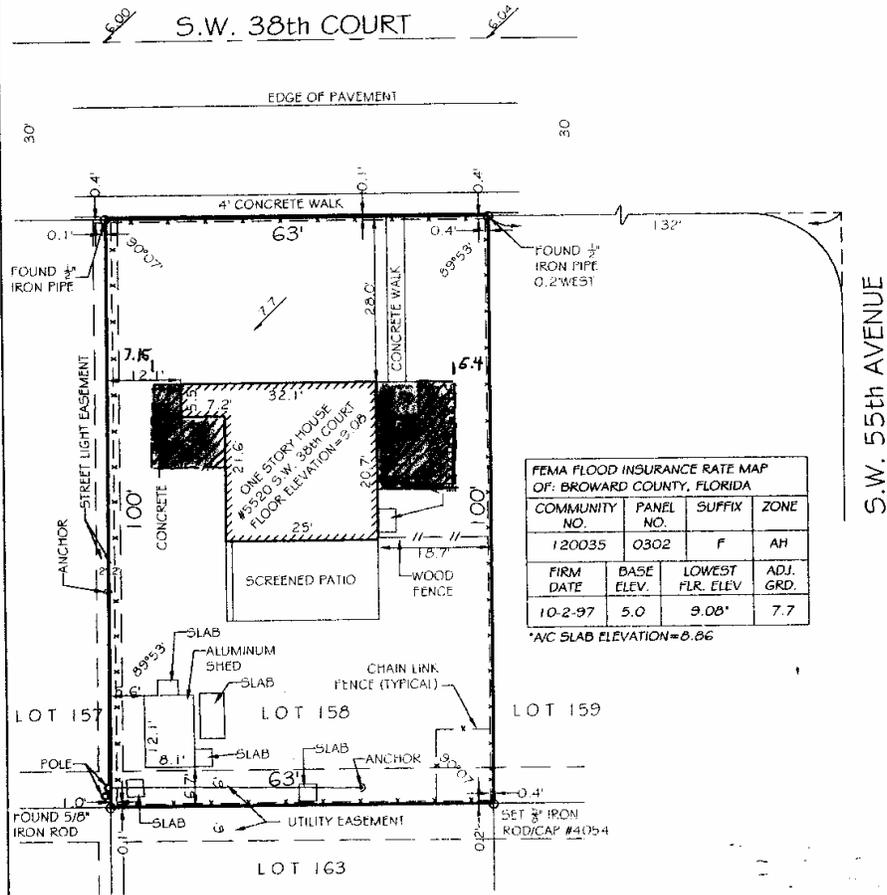
Prepared By: AF
Date Prepared: 6/11/03

DESCRIPTION: LOT 158, "PLAYLAND VILLAGE SECTION TWO", ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 50, PAGE 14, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

NOTE: THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT. EASEMENTS AND RIGHTS-OF-WAY PER RECORD PLAT HAVE BEEN SHOWN HEREON. NO FURTHER SEARCH FOR MATTERS OF RECORD HAS BEEN MADE BY THIS FIRM.

ELEVATIONS SHOWN ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929 SHOWN THUS:

NORTH ARROW RELATIVE TO ASSUMED EAST ALONG THE CENTER LINE OF S.W. 38th COURT.



FEMA FLOOD INSURANCE RATE MAP OF: BROWARD COUNTY, FLORIDA

COMMUNITY NO.	PANEL NO.	SUFFIX	ZONE
120035	0302	F	AH

FIRM DATE	BASE ELEV.	LOWEST FLR. ELEV.	ADJ. GRD.
10-2-97	5.0	9.08'	7.7

*AC SLAB ELEVATION=8.86

Stephen J. Gibbs
 STEPHEN J. GIBBS, FOR THE FIRM
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA REGISTRATION NO. 4051

REVISION	DATE	BY	GIBBS LAND SURVEYORS	SKETCH OF BOUNDARY SURVEY
			2111 HOLLYWOOD BOULEVARD, SUITE 201 HOLLYWOOD, FL 33020 (954) 923-7666 LICENSED BUSINESS NO. 7018	JOB # RNS120 DATE 05-12-03 SCALE 1"=20' FILE NO. DRAWN BY: JIM CHECKED BY: SHW

