

**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 7-2-03, Raquel V. Cobb, 3820 SW 55 Avenue, generally located on the east side of SW 55 Avenue between SW 38 Street and SW 38 Court.

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 a minimum of 10-foot side setback for Single family homes in R-5 (Low Medium Dwelling District); **TO:** reduce the north side setback to 3.67 feet for an addition to the existing single family home. The variance will allow the addition to keep the same north side setback as the existing house.

REPORT IN BRIEF:

The subject property is a one-story single family house located in the R-5 zoning district, which requires the minimum lot size of 7,000 square feet, and the minimum lot frontage of 75 feet. The R-5 zoning district requires ten-foot side setbacks for main structures. The subject property is a legal non-conforming lot with a 61- foot lot frontage and 6,012 square feet in area. The existing house is 1,968 square feet with three bedrooms. The applicant is proposing to enclose the northwest corner of 13.8 feet by 13.1 feet for an extra room for her family needs. The back portion of the existing house is 3.67 feet from the north property line. The applicant is requesting a variance to reduce the north side setback to 3.67 feet for the addition. The addition will keep the same north side setback as the existing house. The north wall at the front portion of the house sets 17.1 feet from the north property line. To meet the ten-foot setback, the proposed room would be only 7.1 feet wide. The width and the size of the property create the hardship for the addition to meet the ten-foot required setbacks.

PREVIOUS ACTIONS: None

CONCURRENCES: At the September 24, 2003 Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Mr. McLaughlin, to approve (Motion carried 5-0).

FISCAL IMPACT: N/A

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.

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

Application Information

Owner/Petitioner:

Name: Raquel V. Cobb
Address: 3820 SW 55 Avenue
City: Davie, FL 33314
Phone: (954) 581-1136

Background Information

Date of Notification: September 3, 2003

Number of Notifications: 222 (1,000 feet notification)

Application History: This item was automatically tabled at the September 10, 2003 Planning and Zoning Board meeting due to lack of a quorum.

Application Request: Variance **FROM:** Section 12-81(A) of the Land Development Code that requires a minimum of 10-foot side setback for single family homes in R-5 (Low Medium Dwelling District); **TO:** reduce the north side setback to 3.67 feet for an addition to the existing single family home. The variance will allow the addition to keep the same north side setback as the existing house.

Address/Location: 3820 SW 55 Avenue, Generally located on the east side of SW 55 Avenue between SW 38 Street and SW 38 Court.

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: 6,012 square feet

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Single Family Home	Regional Activity Center
South:	Single Family Home	Regional Activity Center
East:	Lake	Regional Activity Center
West:	Single Family Home	Regional Activity Center

Surrounding Zoning:

North:	A-1, Agriculture 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 3, was approved by the Board of County Commissioners of Broward County in 1959, prior to incorporation into the Town.

Application Details

The subject property is a one-story single family house located in the R-5 zoning district. The R-5 zoning district requires ten-foot side setbacks for main structures. The back portion of the existing house is 3.67 feet from the north property line. The applicant is requesting a variance to reduce the north side setback to 3.67 feet for an addition proposed on the northwest corner of the existing house. The addition will keep the same north side setback as the existing 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 the R-5 district (Low Medium Dwelling District).
2. Section 12-309, Review criteria for variances.

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 61-foot lot frontage and 6,012 square feet in area. The house was built in 1962 under the Broward County Code. The existing house is 1,968 square feet with three bedrooms. The applicant is proposing to enclose the northwest corner of 13.8 feet by 13.1 feet for an extra room for her family needs. The north wall at the front portion of the house sets 17.1 feet from the north property line. To meet the ten-foot setback, the proposed room would be only 7.1 feet wide. The width and the size of the property create the hardship for the addition 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 61-foot lot frontage since the property was platted prior to incorporation into the Town. The addition is a logical expansion to the existing layout of the house. The existing size and lot frontage create the hardship to meet the ten-foot side setback 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 may not be the minimum variance that will accomplish this purpose.

The dimensions of the addition are 13.1 feet by 13.8 feet, which can be considered minimum dimensions for a functional room. Granting of the variance will allow the applicant to build the addition. The requested variance may not be the minimum variance requested by the applicant to accomplish the room addition, but will accomplish her needs.

(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 existing north side setback from the north wall of the back portion of the house to the north property line is 3.67 feet. There is an existing six-foot high wood fence along the north property line, which will minimize the impact of the variance to the north neighbor. The adjacent single family home is located approximately 10 feet from the property line. 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 September 24, 2003 Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Mr. McLaughlin, to approve (Motion carried 5-0).

Town Council Actions

Exhibits

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

Prepared by: _____

Reviewed by: _____

Reason for Variance Request - July 21, 2003

Based upon today's current setbacks stated in Section 12-81(A) of the Land Development Code for my neighborhood, R-5, the minimum side setbacks of 10 feet is required. Since my home was built in the early 1960's, it was not at the time under the current requirements. As such, the northern wall of my home currently sits 3.64 feet from the north property line. A small section in front of my home on the north side has a setback of 17.44 feet from the property line (see survey). I would like to square up my home by enclosing the space on the north front side. This would require the setback of today's standards to be reduced by 6.36 feet on the north side thereby allowing the northern wall of my home to be even from back to front. Keeping in mind that the current code for land is 75 feet across, my property is way below that standard at 61 feet.

I have considered all available options for extra space on my property and there really isn't any left. My setbacks are all maxed out within the required standards of today. The only other space that could be used is in back of the home but it houses the septic tank and drain field. That would be a much more costly option that at this time I couldn't afford to do. The space in front would only require the addition of two walls since there are already two existing walls on the east and south side of the home. It would also entail an extension of the current flat room and electrical. This option would be the most cost efficient and easiest use of land.

I have to create extra space because I have to care for my mother who is 77 years old and will be moving in. She has lived in the same neighborhood since 1964 at 3900 S.W. 60 Terrace, Davie and is having a difficult time taking care of herself.

Currently my home has three bedrooms and two baths but there are already three adults, my sister, niece and myself, in the home who each have a bedroom. The extra space would allow some independence for my mother while maintaining everyone's privacy in the home.

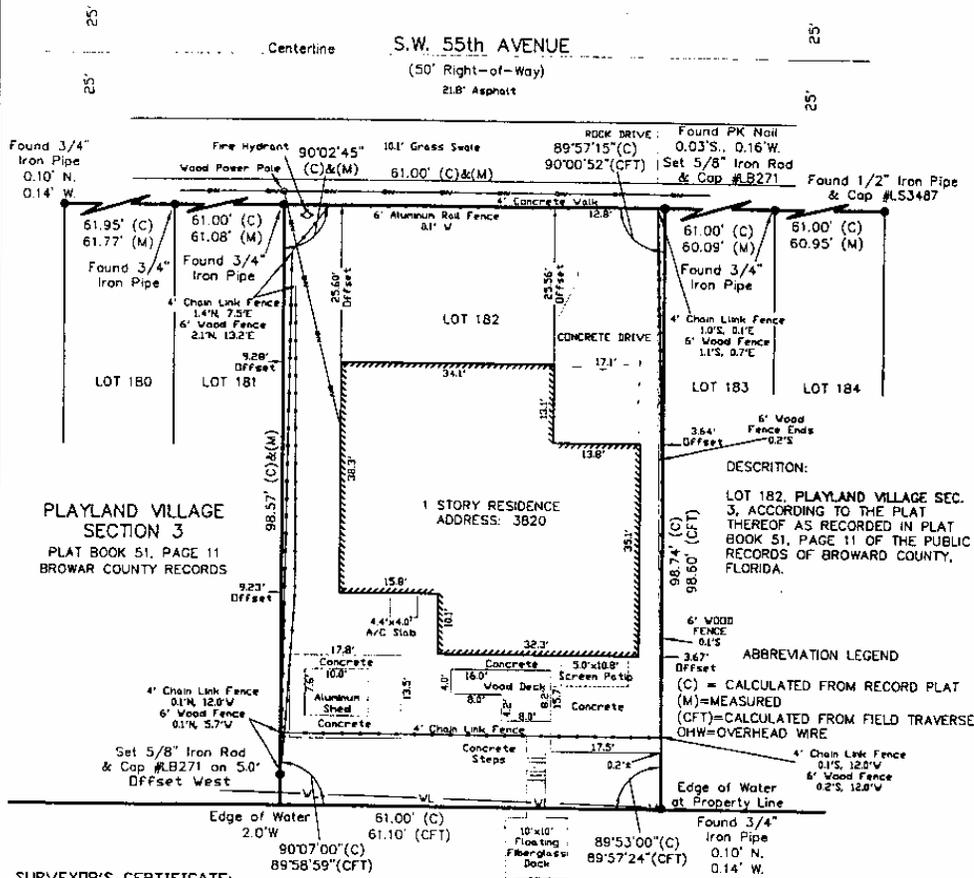
Request Case



FOR: RAQUEL COBB

SKETCH OF SURVEY

SCALE: 1"=20'



PLAYLAND VILLAGE SECTION 3
 PLAT BOOK 51, PAGE 11
 BROWARD COUNTY RECORDS

DESCRIPTION:
 LOT 182, PLAYLAND VILLAGE SEC. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 51, PAGE 11 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

ABBREVIATION LEGEND
 (C) = CALCULATED FROM RECORD PLAT
 (M) = MEASURED
 (CFT) = CALCULATED FROM FIELD TRAVERSE
 OHW = OVERHEAD WIRE

SURVEYOR'S CERTIFICATE:

I hereby certify that this sketch of survey and other pertinent data shown hereon, of the above described property was made on the ground, conforms to the Minimum Technical Standards for Land Surveying in the State of Florida, as outlined in Chapter 61G17-6, (Florida Administrative Code) as adopted by the Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers in September, 1981, as amended, pursuant to Chapter 472.027, Florida Statutes and that said survey is true and correct to the best of our knowledge and belief as surveyed under our direction in June 2003.

Last date of field work: June 29, 2003
 CRAVEN THOMPSON & ASSOCIATES, INC.
 CERTIFICATE OF AUTHORIZATION NO. LB271

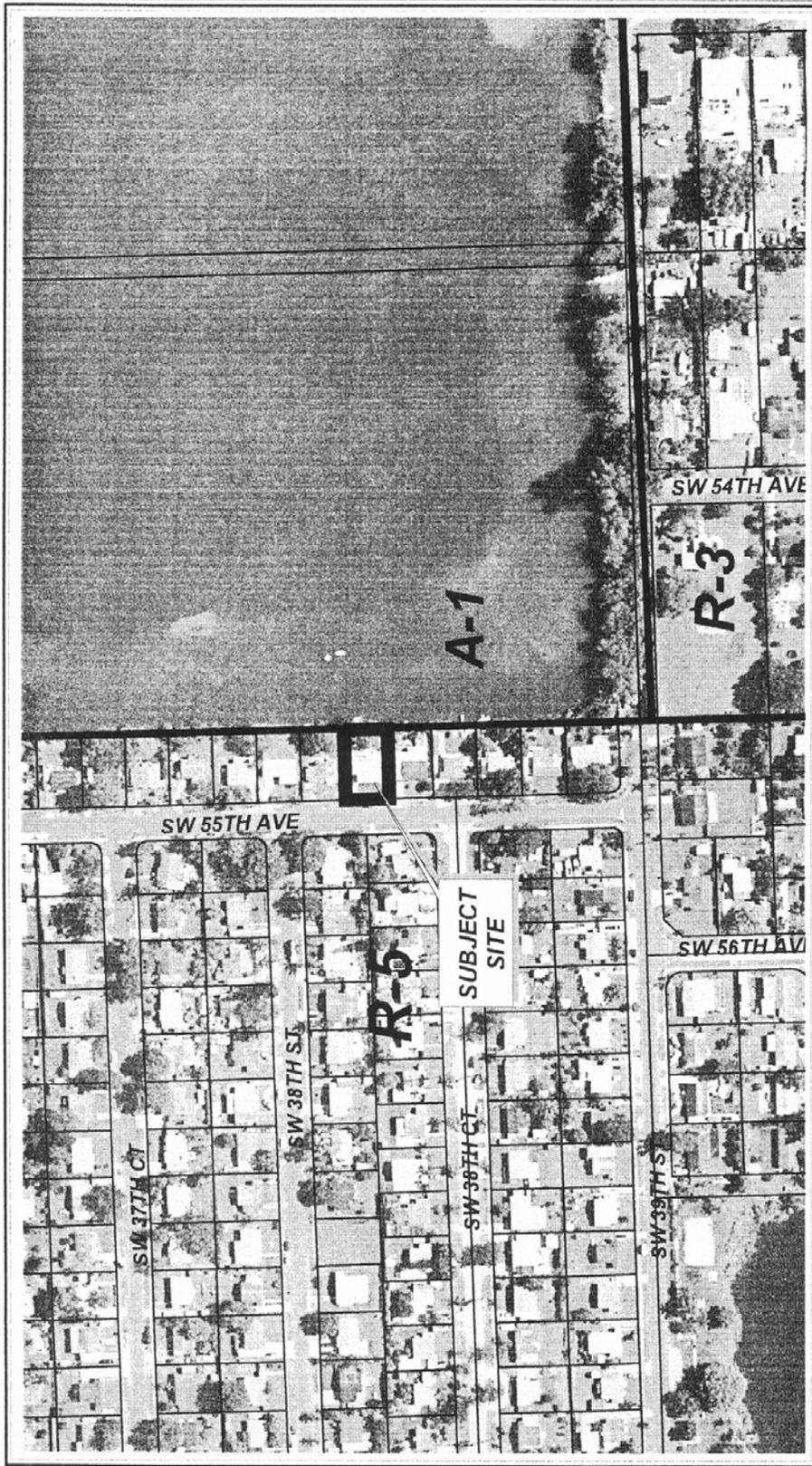
JUL 16 2003

Thomas C. Shahan
 THOMAS C. SHAHAN
 Professional Surveyor & Mapper No. 4387
 State of Florida

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

UPDATES and/or REVISIONS	DATE	BY	CK'D	NOTE
				NOTE The undersigned and CRAVEN-THOMPSON & ASSOCIATES, INC. make no representations or guarantees as to the information reflected hereon pertaining to easements, rights-of-way, set back lines, reservations, agreements and other similar matters, and further, this instrument is not intended to reflect or set forth all such matters. Such information should be obtained and confirmed by others through appropriate title verification. NOTE Lands shown hereon were not abstracted for right-of-way and/or easements of record. H: \SHAHAN\JOEY1.DWG

JOB NO.: 03-0000	DRAWN BY: T.S.	CHECKED BY: JVN	F.B. 1978	PG. 77.78	DATED: 6-29-03
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Date Flown:
12/31/01



200 0 200 400 Feet

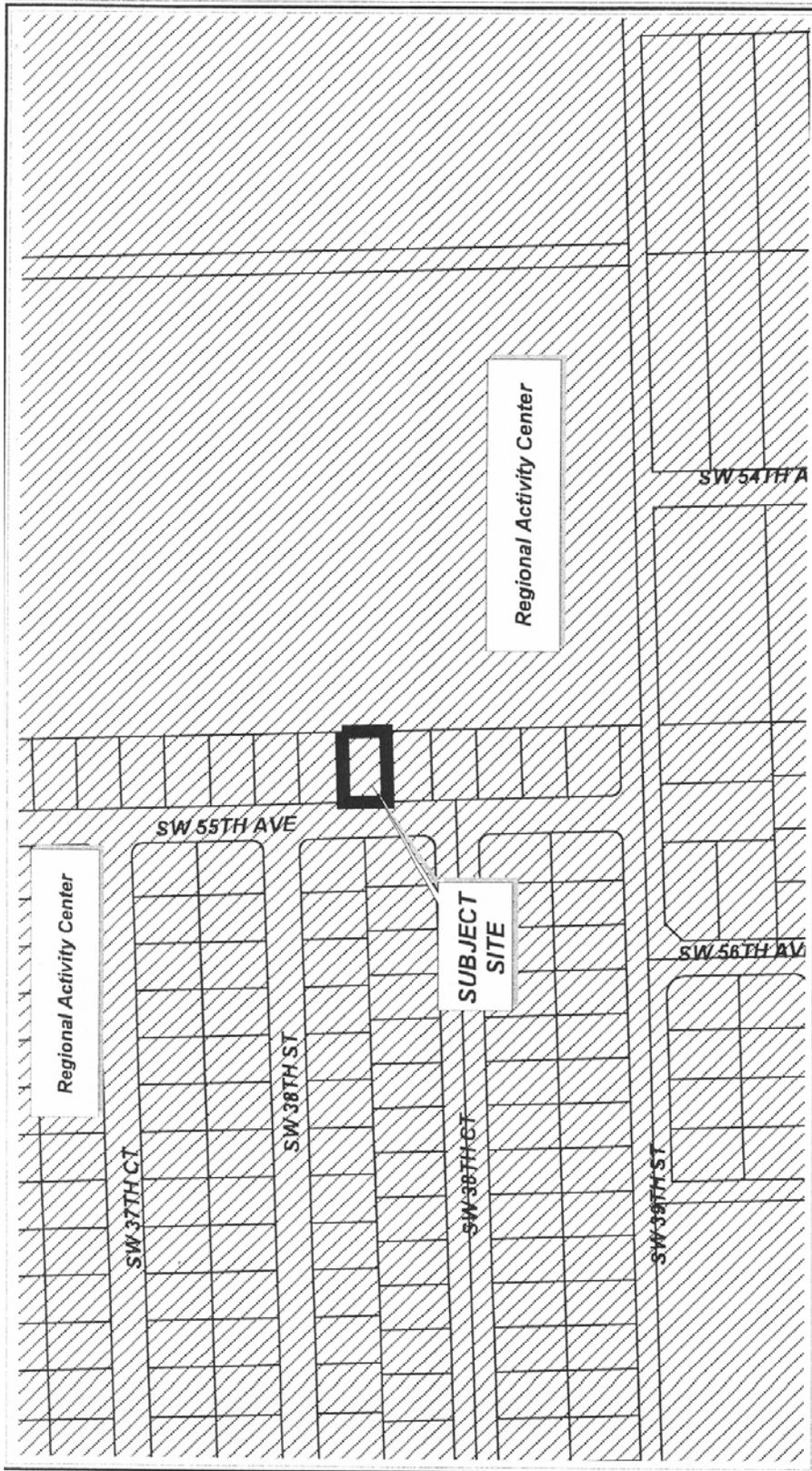


Planning & Zoning Division - GIS

VARIANCE
V 7-2-03
Zoning and Aerial Map

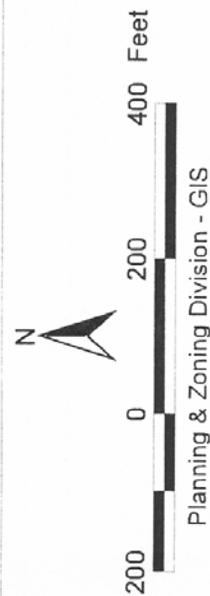
Prepared By: ILD
Date Prepared: 8/19/03





**VARIANCE
V 7-2-03
Future Land Use Map**

Prepared By: ILD
Date Prepared: 8/19/03



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