

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by: David M. Abramson, Planner I

**SUBJECT:** Quasi Judicial Hearing: Variance, V 9-2-04 Forcier / 8007 S.W. 30<sup>th</sup> Street/  
Generally located on the north side of S.W. 30<sup>th</sup> Street between S.W. 79<sup>th</sup> Terrace  
and S.W. 81<sup>st</sup> Terrace.

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** V 9-2-04 / 04-423 / Forcier

**REPORT IN BRIEF:** The applicant is requesting a variance from section 12-81 (A) of the Land Development Code, which requires a minimum fifteen (15) foot side setback, to reduce the minimum side setback to a nine (9) foot to allow for the construction of a solarium addition.

The 75' x 100' subject site is a .172 acre (7,500 square feet) parcel of land located on the north side of S.W. 30<sup>th</sup> Street between S.W. 79<sup>th</sup> Terrace and S.W. 81<sup>st</sup> Terrace. The parcels adjacent to the north, east, and west of the subject site are all zoned R-3, with a land use designation of Residential 3 DU/AC.

The applicant is proposing to upgrade their backyard patio from a screened porch to a modern solarium. The proposed solarium addition would be constructed on the northeast portion of the existing one-story residential structure with a side setback of nine (9) foot. According to § 12-81 (A) of the Land Development Code, Table of Conventional Single-Family Development Standards, R-3, Low Density Dwelling District requires a fifteen (15) foot side setback. This variance is to reduce the required fifteen (15) foot side setback, six (6) feet.

The criterion for approval of a variance requires that the applicant's request show no evidence of self-created hardship. According to section 12-81 (A) of the Land Development Code, the minimum lot size required in the R-3, Low Density Dwelling District is twelve-thousand (12,000) square feet, and the minimum lot frontage is one-hundred (100) feet. As a result, the applicant's property has become legal non-conforming with a frontage of seventy-five (75) in length, and seventy-thousand five-hundred (7,500) square feet lot. The proposed addition would maintain the existing building envelope with a side setback of nine (9) feet. The proposed solarium would be placed within the existing patio footprint and replace a screen enclosure destroyed by the recent hurricanes. The proposed addition is in a logical position within the existing layout of the house.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the December 8, 2004 Planning and Zoning Board Meeting, Ms. Lee made a motion, seconded by Vice-Chair Turin, to approve V 9-2-04 Forcier. (Motion carried 5-0)

**FISCAL IMPACT:** None

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

**Attachment(s):** Planning Report, Justification, Survey, Radius Map, Future Land Use Plan Map, Zoning and Aerial Map

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



**Applicant Information**

**Owner / Petitioner:**

**Name:** Loren & Gina Forcier  
**Address:** 8007 S.W. 30<sup>th</sup> Street  
**City:** Davie, Florida 33328  
**Phone:** (954) 424-1275

**Background Information**

**Date of**

**Notification:** November 25, 2004      **Number of Notifications:** 87

**P & Z Board**

**Recommendations:** At the December 8, 2004 Planning and Zoning Board Meeting, Ms. Lee made a motion, seconded by Vice-Chair Turin, to approve V 9-2-04 Forcier. (Motion carried 5-0)

**App. History:** None

**App. Request:** Variance **FROM:** Section 12-81 (A) of the Land Development Code, which requires a minimum fifteen (15) foot side setback **TO:** Reduce the minimum side setback to a nine (9) foot for an addition.

**Address/Location:** 8007 S.W. 30<sup>th</sup> Street/ Generally located on the north side of S.W. 30<sup>th</sup> Street between S.W. 79<sup>th</sup> Terrace and S.W. 81<sup>st</sup> Terrace.

**Future Land Use**

**Plan Map:** Residential 3 DU / Acre

**Zoning:** R-3, Low Density Dwelling District

**Existing Use:** Single-Family Residential Dwelling Unit

**Parcel Size:** .17 acres (7,500 square feet)

**Surrounding Future Land Use Plan Map Designations:**

|               |  |                             |
|---------------|--|-----------------------------|
|               | <b><u>Surrounding Uses:</u></b>            |                             |
| <b>North:</b> | Arrowhead Golf & Tennis Club (Residential) | Residential 3 DU / Acre     |
| <b>South:</b> | Rolling Hill Golf Course                   | Special Class 3.5 DU / Acre |
| <b>East:</b>  | Arrowhead Golf & Tennis Club (Residential) | Residential 3 DU / Acre     |
| <b>West:</b>  | Arrowhead Golf & Tennis Club (Residential) | Residential 3 DU / Acre     |

**Surrounding Zoning:**

**North:** R-3, Low Density Dwelling District  
**South:** PRD, Planned Residential Development  
**East:** R-3, Low Density Dwelling District  
**West:** R-3, Low Density Dwelling District

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**Zoning History**

**Related Zoning History:** Records indicate that this existing single-family residential home in Arrowhead Golf & Tennis Club was built around 1974; this date supersedes current amendments to the Land Development Code.

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**Applicable Codes and Ordinances**

§12-309(B)(1) of the Land Development Code, review for variances.

ARTICLE V. DEVELOPMENT AND USE STANDARDS

§12-81 (A) of the Land Development Code, for the R-3 zoning district, the minimum lot area shall be 12,000 square feet, the minimum lot frontage is 100', and maximum building coverage is 40%. The building setbacks shall be as followed for the R-3 zoning district: front 30', side 15', rear 25', and 35' maximum height.

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**Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 5. Nova Drive bounds this area on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are SW 36 Street, on the western portion. This planning area is comprised of residential uses developed at a density of three to 22 dwelling units per acre and commercial development, existing and proposed, along the University Drive and Orange Drive corridors. The Pine Island Ridge, classified as environmentally sensitive, has been preserved within this planning area.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 99.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 17 - Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses, *Land Use Compatibility and Community Appearance, Policy 17-7:* Adopted land development regulations shall continue to set forth setback or separation regulations landscaping requirements, and minimum open space criteria to enhance living and working environments.

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**Application Details**

The applicant (Forcier) is requesting a variance from section 12-81 (A) of the Land Development Code, which requires a minimum fifteen (15) foot side setback, to reduce the minimum side setback to a nine (9) foot for an addition.

The 75' x 100' subject site is a .172 acre (7,500 square feet) parcel of land located on the north side of S.W. 30<sup>th</sup> Street between S.W. 79<sup>th</sup> Terrace and S.W. 81<sup>st</sup> Terrace. The parcels adjacent to the north, east, and west of the subject site are all zoned R-3, with a land use designation of Residential 3 DU/AC. The property to the south, across S.W. 30<sup>th</sup> Street, is zoned PRD, with a land use designation of Special Classification 3.5 DU/AC. According to section 12-81 (A) of the Land Development Code, the minimum lot size required in the R-3, Low Density Dwelling District is twelve-thousand (12,000) square feet, and the minimum lot frontage is one-hundred (100) feet.

The applicant is proposing to upgrade their backyard patio from a screened porch to a modern solarium. The proposed solarium addition would be constructed on the northeast portion of the existing one-story residential structure with a side setback of nine (9) foot. According to § 12-81 (A) of the Land Development Code, Table of Conventional Single-Family Development Standards, R-3, Low Density Dwelling District requires a fifteen (15) foot side setback. This variance is to reduce the required fifteen (15) foot side setback, six (6) feet.

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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 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 property is a legal non-conforming lot with a seventy-five (75) of lot frontage. The existing lot frontage is less than the minimum required lot frontage which creates a hardship to meet the fifteen (15) side setbacks required by the R-3 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.

*Granting of the variance will allow the applicant to situate the solarium in place of the existing screened patio. 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 solarium addition is compatible with the surrounding neighborhood. The design and location of the addition is positioned within the existing building envelope. 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.*

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### **Staff Analysis**

The criterion for approval of a variance requires that the applicant's request show no evidence of self-created hardship. According to section 12-81 (A) of the Land Development Code, the minimum lot size required in the R-3, Low Density Dwelling District is twelve-thousand (12,000) square feet, and the minimum lot frontage is one-hundred (100) feet. As a result, the applicant's property has become legal non-conforming with a frontage of seventy-five (75) in length, and seventy-thousand five-hundred (7,500) square feet lot. The applicants are proposing to modify their backyard patio from a screened porch to an enclosed 31' x 8' solarium. This addition would maintain the existing building envelop with a side setback nine (9) feet to and from eastern property line. The addition is in a logical position within the existing layout of the house. The proposed solarium would replace the already existing impervious patio. In addition, the non-conforming width of the property creates the hardship for the solarium addition to meet the fifteen (15) foot required side setback. Enforcing the required side setback would result in an inadequate solarium size.

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### **Staff Recommendation**

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

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### **Planning and Zoning Board Recommendation**

At the December 8, 2004 Planning and Zoning Board Meeting, Ms. Lee made a motion, seconded by Vice-Chair Turin, to approve V 9-2-04 Forcier. (Motion carried 5-0)

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### **Town Council Action**

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### **Exhibits**

1. Justification Letter
2. Survey
3. Future Land Use Plan Map
4. Zoning and Aerial Map

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

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

**"Exhibit 1" (Justification Letter)**

September 20, 2004

Loren & Gina Forcier  
8007 S.W. 30<sup>th</sup> Street  
Davie, Florida 33328

Planning & Zoning Division  
Town of Davie  
6591 Orange Drive  
Davie, Florida 33314

**REF: Application for Variance – Folio Number 10121-05-07100**

Dear Sirs,

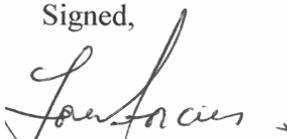
This letter serves as a justification letter for our variance application enclosed. We are applying for a variance for the following reason: Our plans are to upgrade our back patio, from a screened in porch to a modern solarium. The back patio was built many years ago per all construction and permitting codes, with one border nine (9) feet from our property line. We understand there is a new ordinance which requires a 15-ft. set-back. Our planned new sunroom is a modern, hurricane-proof structure that will be located on the same foot print of the existing patio. We are requesting a variance to the 15-ft. setback for this patio replacement.

We are providing the following detail/analysis for your review, per Section 12-309 of Davie Code 756.80.2:

1. We are not requesting this variance based on special circumstances or conditions applying to the land or building.
2. We do not contend that the granting of this variance is necessary for the reasonable use of the land or building.
3. We do; however, request this variance, presenting that our request is in full 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. On the contrary, our new solarium (a) increases the value of our property, (b) is an aesthetic improvement to our home, and (c) is a structural upgrade to our existing patio.

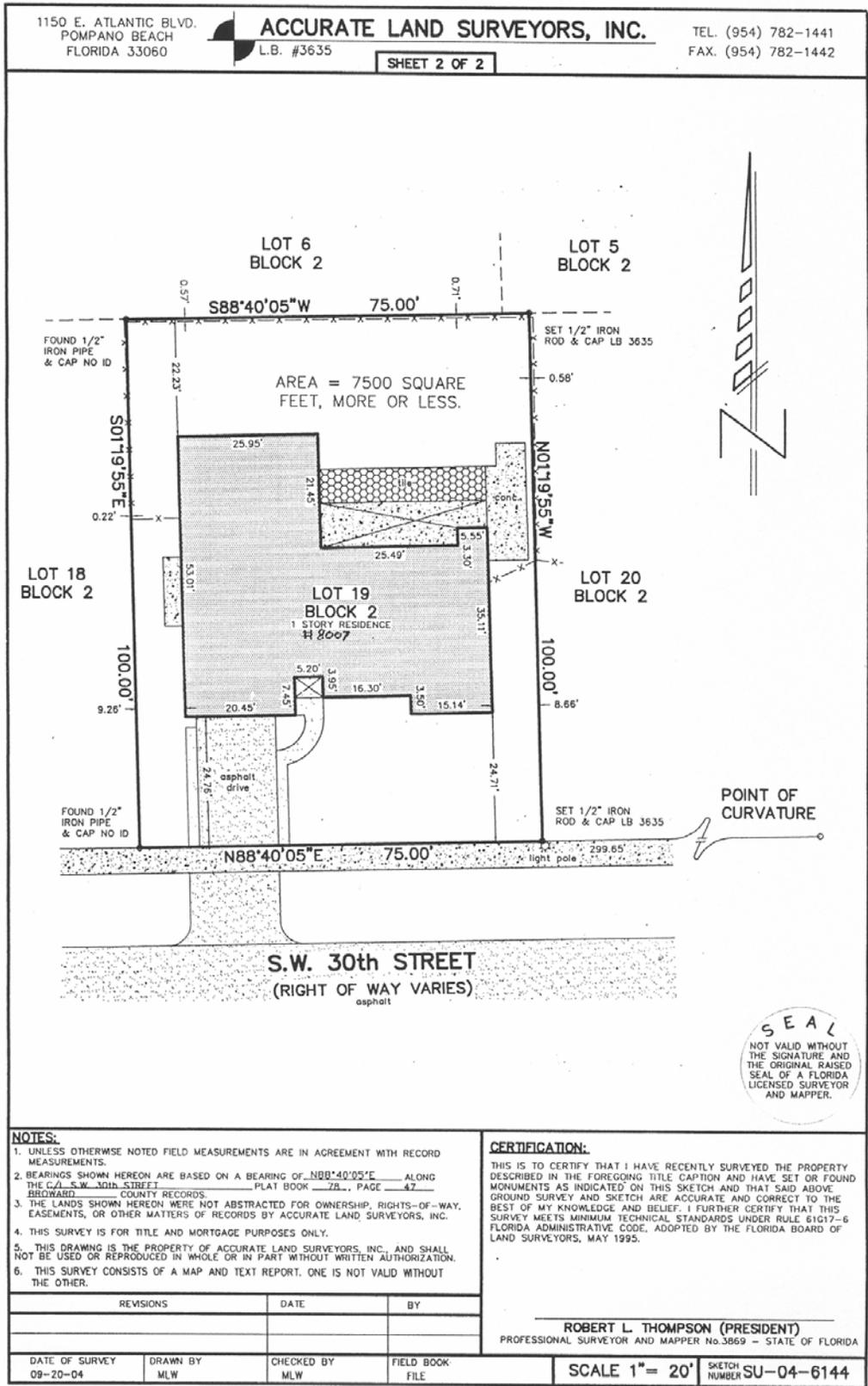
Please grant this variance, and allow the upgrade of our existing patio structure. We are very happy with our community and intend to maintain our Davie home for many years.

Signed,

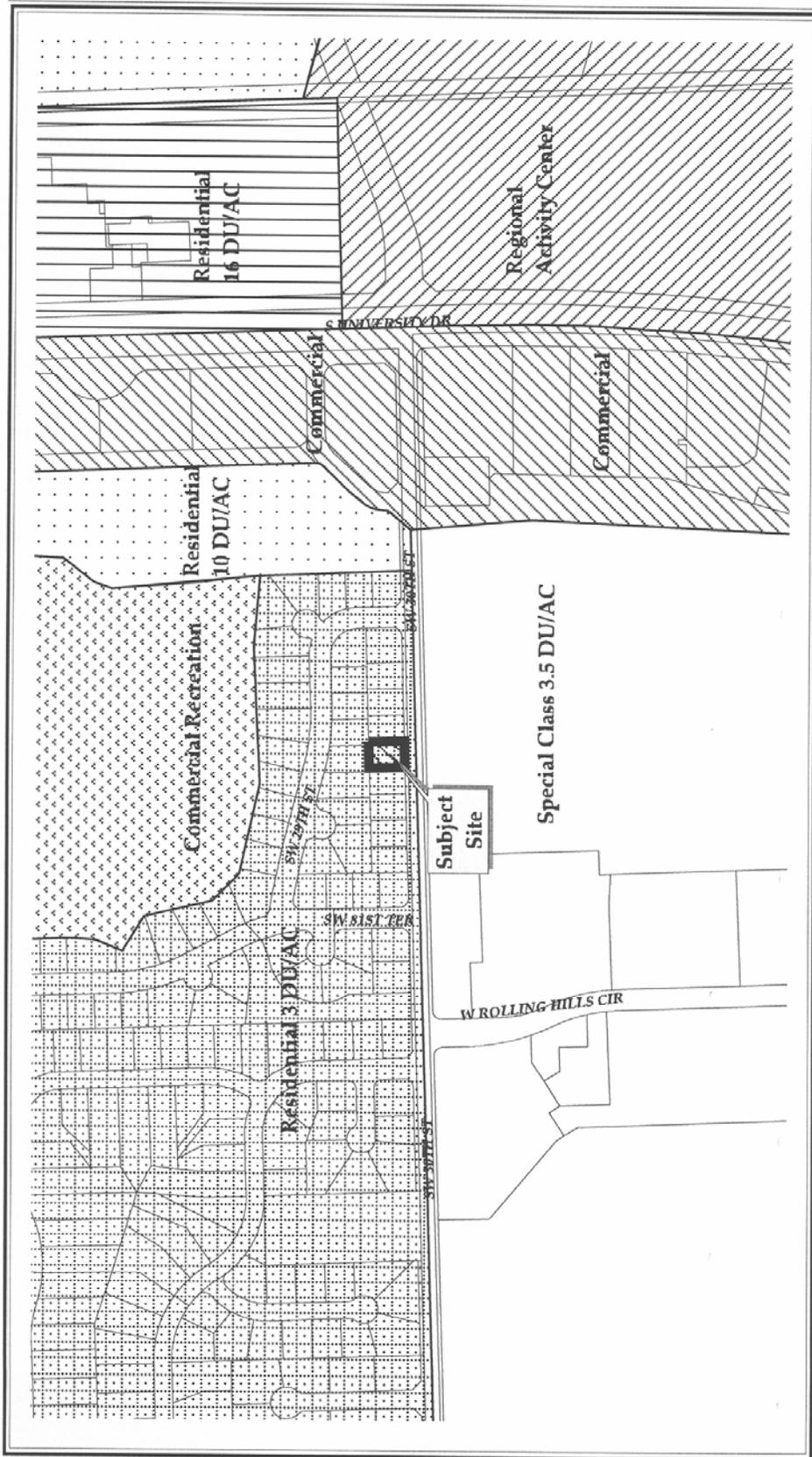
  
Loren Forcier

  
Gina Forcier

"Exhibit 2" (Survey)



"Exhibit 3" (Future Land Use Map)



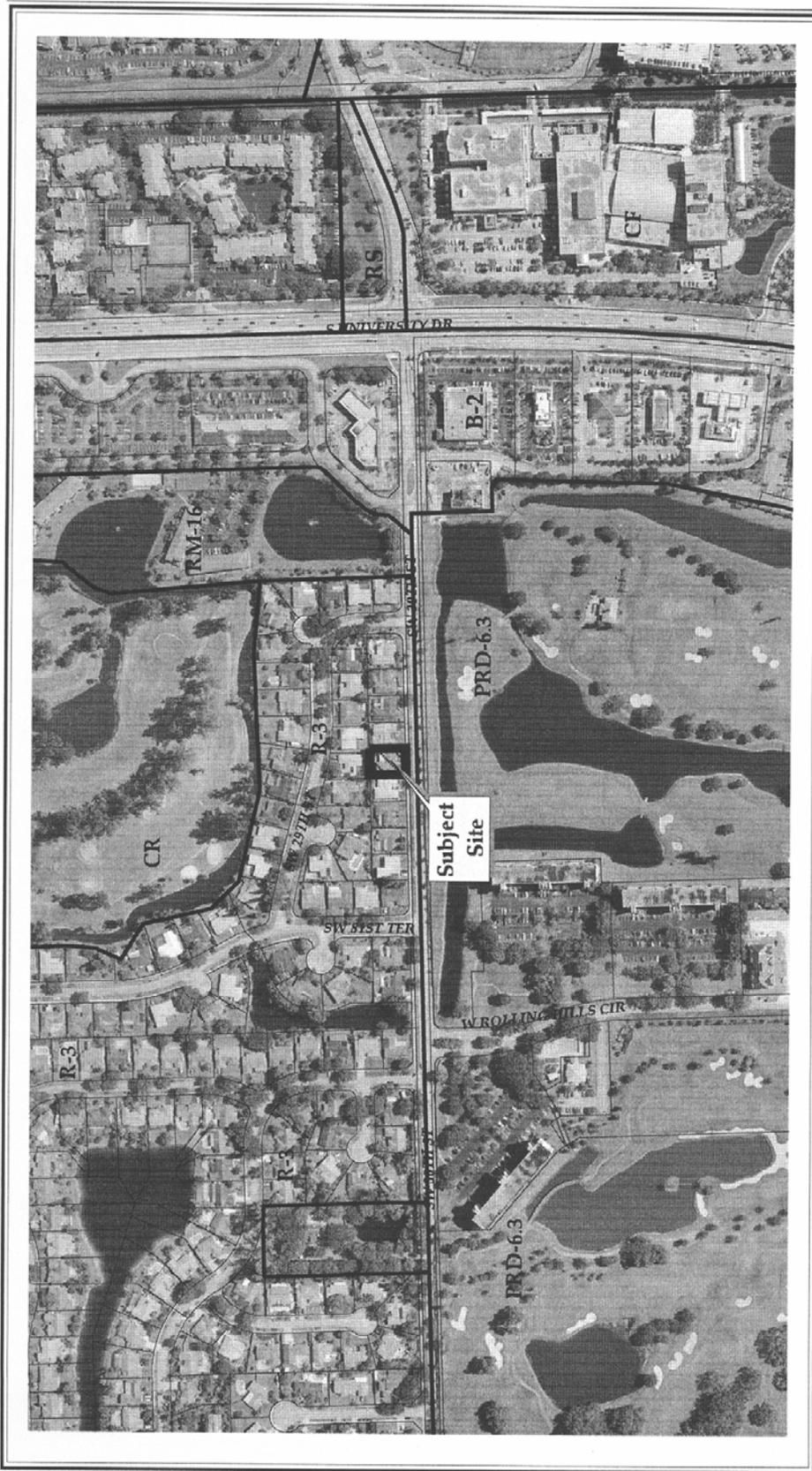
The Town of Davie  
Development Services Department  
Planning & Zoning Division



Variance Application  
V 9-2-04 / 04-423 / Forcier  
Future Land Use Map

Prepared By: D.M.A.  
Date Prepared: 11/22/04

“Exhibit 4” (Aerial, Zoning, and Subject Site Map)



Variance Application  
 V 9-2-04 / 04-423 / Forcier  
 Aerial, Zoning, and Subject Site Map

Prepared By: D.M.A.  
 Date Prepared: 11/22/04



The Town of Davie  
 Development Service Department  
 Planning & Zoning Division

