



Development Services Department
Planning & Zoning Division

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
PHONE: 954.797.1103 • FAX: 954.797.1204 • WWW.DAVIE-FL.GOV

MEMORANDUM

PZ 7-7-06

TO: Town Council Members and Mayor

THRU: Ken Cohen, Acting Town Administrator
Mark A. Kutney, AICP, Development Services Director
Bruce Dell, Planning & Zoning Manager

FROM: Ingrid Allen, Planner II

DATE: July 5, 2006

RE: V 4-1-06/Rodriguez

REQUEST:

Staff is requesting that the above referenced item, currently scheduled for the July 19, 2006 Town Council meeting, be tabled to the August 2, 2006 meeting. This is the first (1) request for deferral.

JUSTIFICATION:

This item was on the Planning and Zoning Board meeting agenda of June 28, 2006. This meeting was subsequently cancelled due to a lack of quorum. Items were therefore deferred to the July 12, 2006 Planning and Zoning Board meeting. In order to afford the appropriate time between meetings, staff requests a tabling of this item to the above referenced date.

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: Ingrid Allen, Planner II

SUBJECT: Quasi Judicial Hearing: Variance, V 4-1-06 Rodriguez, 10061 SW 15 Place, Generally located west of Nob Hill Road approximately 500 feet north of SW 16th Place.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: V 4-1-06 Rodriguez, 10061 SW 15 Place (PRD 3.4)

REPORT IN BRIEF: The applicant is requesting to reduce the required rear yard setback for waterfront lots within the Parkwood Isle community from a minimum 27.2' to 10.3' in order to allow the construction of a swimming pool. The Parkwood Isle community is zoned as a Planned Residential Development District (PRD). In a PRD, land development standards are dictated by the approved site plan. In this case, the Parkwood Isle site plan was approved on August 3, 1988. The approved site plan notes that the minimum rear yard setback to a pool for waterfront lots is 27.2'.

The 6,725 sq. ft. parcel requires a variance in order to support the addition of a rear yard swimming pool, regardless of size, as the existing boundary survey indicates that the rear yard from the edge of the existing lake to the residence totals 27.2'. This rear yard situation applies to some of the waterfront lots in the Parkwood Isle community while other waterfront lots have been able to accommodate a pool and comply with the required 27.2' rear yard setback.

Upon a review of approved pool permits for waterfront lots located within the Parkwood Isle community, there are pools that were approved in the correct place whereby the 27.2' rear setback is met. There is also a case where a waterfront lot located in the community was granted a pool permit without obtaining the required variance to encroach within the rear setback. The intent of the applicant is to obtain the appropriate variance in compliance with the Town's Land Development Code, Section 12-309 (A).

PREVIOUS ACTIONS: None

CONCURRENCES: The Planning and Zoning Board meeting of June 28, 2006 was cancelled due to a lack of quorum. Items were therefore deferred to the July 12, 2006 Planning and Zoning Board meeting.

FISCAL IMPACT: None

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

Attachment(s): Planning Report, Justification letter, Letter from HOA, Approved Site Plan Notes, Survey, Future Land Use Plan Map, Zoning and Aerial Map

Application: V 4-1-06 Rodriguez
Exhibit "A"

Revisions:
Original Report
Date: 6/19/06

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

Applicant Information

Owner/Petitioner:

Name: Emilio & Lisette Rodriguez
Address: 10061 SW 15 Place
City: Davie, FL 33324
Phone: (954) 473-5206

Background Information

Date of Notification: June 21, 2006 **Number of Notifications:** 171

Application History: No deferrals have been requested.

Application Request: Variance **FROM:** Approved site plan for Parkwood Isles, which requires a minimum 27.2' rear yard setback for waterfront lots; **TO:** reduce the minimum to 10.3' so that a pool may be constructed.

Address/Location: 10061 SW 15 Place/Generally located west of Nob Hill Road approximately 500 feet north of SW 16th Place.

Future Land Use

Plan Map Designation: Residential (5 DU/AC)

Zoning: PRD 3.4, Planned Residential Development District

Existing Use: Single-family residential dwelling unit

Proposed Use: Single-family residential dwelling unit

Parcel Size: 6,725 square feet

		<u>Surrounding Future Land Use Plan Map Designations:</u>
	<u>Surrounding Uses:</u>	
North:	Lake	Residential (5 DU/AC)
South:	Single family dwelling	Residential (5 DU/AC)
East:	Single family dwelling	Residential (5 DU/AC)
West:	Single family dwelling	Residential (5 DU/AC)

Surrounding Zoning:

North, South, East, & West: PRD 3.4, Planned Residential Development District

Zoning History

Related Zoning History: The rezoning from RM-5 to PRD 3.43, Planned Residential Development District, was approved on August 3, 1988 (Ordinance # 88-41).

Previous Request on Same Property:

The Plat, Nob Hill Village, was approved by Town Council on November 19, 1986 (R-86-219).

The Site Plan, SP 5-4-88, for Parkwood Isle/Nob Hill Village was approved by Town Council on August 3, 1988.

Application Details

The applicant has requested a reduction in the required rear yard setback for waterfront lots within the Parkwood Isle community from a minimum 27.2' to 10.3' in order to allow the construction of a swimming pool. The applicant has submitted a pool plan which indicates the construction of 13 X 30 pool surrounded by a 503 sq. ft deck. The applicant has submitted a letter approving the installation of a pool from the Parkwood Isle Homeowner Association (see Exhibit 2).

The applicant submitted a swimming pool permit (#4508) on March 8, 2006. A revision to the pool permit, in the form of a variance, is required being that the minimum rear yard (waterfront lot) setback requirements of the approved Parkwood Isle site plan were not met at the time of submittal.

Applicable Codes and Ordinances

§12-309 of the Land Development Code, Review for Variances.

DIVISION 2. GENERAL REGULATIONS

§12-33 (A) (7) (c) of the Land Development Code, indicates that in the PRD and PURD districts, unenclosed pools or screen enclosed pools may not be located less than five (5) feet from the rear plot line and shall maintain the required side setback as established by the conceptual master land use plan for the development. Pool or pool enclosures proposed to be located within a utility or drainage easement must meet the approval of appropriate jurisdictional agencies. For the purposes of the subparagraph regulating location, the minimum distance required from the plot line shall be measured from the exterior of the screen enclosure of a screen enclosed pool and from the inner edge of water line of the pool for an unenclosed pool.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 4. This Planning Area is bordered by SR 84 on its north, University Drive on its east, Flamingo Road on its west, and an irregular border on its south that corresponds to Nova Drive and, SW 14 Street and the Village of Harmony Lakes development. A portion of the University Drive and SR 84 commercial corridors are included in this area, as are several planned residential communities typically developed at five dwellings per acre, but in some cases up to ten, including Arrowhead Golf Course and Country Club, Village of Harmony Lakes, West ridge, the Ridgeview Lakes developments, Scarborough, Village at Pine Lakes, and the Pine Island Ridge, Park City and Rexmere Village developments, located within an area between Nob Hill Road and Pine Island Road.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

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.

Staff Analysis

The Parkwood Isle community is zoned as a Planned Residential Development District (PRD). In a PRD, land development standards are dictated by the approved site plan. In this case, the Parkwood Isle site plan was approved on August 3, 1988. The approved site plan notes that the minimum rear yard setback to a pool for waterfront lots is 27.2' (see Exhibit 3).

The applicant's request is to reduce the required rear yard setback for waterfront lots from 27.2' to 10.3' in order to construct a pool. Upon a review of approved pool permits for waterfront lots located within the Parkwood Isle community, there are pools approved in the correct place whereby the 27.2' rear setback is met. There is also a case whereby a pool located within the 27.2' rear setback was approved in error. A review of variance application logs indicates that a variance for this pool was never submitted. The justification by the applicant for the variance is based on the fact that a waterfront lot in their community was granted a pool permit without obtaining the required variance while their intent is to obtain a variance in compliance with the Town's Land Development Code, Section 12-309 (A).

According to the approved site plan for Parkwood Isle, a proposed 27.2' canal maintenance easement is indicated on the plan although this easement is not indicated on the applicant's boundary survey. Upon a review of boundary surveys for those waterfront lots with approved pool permits, some did indicate the 27.2' canal maintenance easement while another did not. As a result, staff recommends that the applicant receive approval from the Broward Water Control District (CBWCD) to encroach upon the 27.2' canal maintenance easement.

Findings of Fact

Variances:

Section 12-309(B) (1):

The following findings of facts apply to the variance request:

- (a) There are not special circumstances or conditions applying to the land or building for which the variance is sought;

The 6,725 square foot parcel requires a variance in order to support the addition of a rear yard swimming pool, regardless of size, as the existing boundary survey indicates that the rear yard from the edge of the existing lake to the residence totals 27.2'. This rear yard situation applies to some of the waterfront lots in the development while other

waterfront lots have been able to accommodate a pool and comply with the required 27.2' rear yard setback.

which circumstances or conditions are not peculiar to such land or building and do apply generally to land or buildings in the same district;

The required 27.2' rear yard setback for waterfront lots applies equally to all waterfront properties located within the Parkwood Isle community and that legally permitted structures unless granted a variance have to comply with this rear yard setback. At least one pool permit was approved in error for waterfront lots within the community without a required variance.

and that said circumstances or conditions are not 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;

Upon a review of variance application logs, there is no record of a variance being submitted to reduce the rear yard setback for an approved pool encroaching within the 27.2' required rear setback. Upon a review of approved pool permits, there are pools approved in the correct place whereby the 27.2' rear setback is met. The parcel is being reasonably used, however a pool addition, regardless of size, cannot be constructed in the rear yard without a variance.

and that alleged hardship is self-created by any person having an interest in the property.

The need for the variance is created by the owner's desire for a pool as an addition to the existing single family home.

- (b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is not the minimum variance that will accomplish this purpose.

The applicant currently does have reasonable use of the land, however according to the applicant a pool will improve their quality of life. The request to reduce the rear yard setback to 10.3' is based on the applicant's pool plan, which indicates a 13X30 pool surrounded by a 503 sq. ft deck. However this is not the minimum variance needed, the applicant could possibly submit plans for a smaller pool and deck that would encroach less into the rear yard setback.

- (c) Granting of the requested variance will be in harmony with the general purpose and intent of this chapter and may not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person's proposal. Allowing the rear yard setback to be reduced from 27.2' to 10.3' will not be detrimental to adjacent properties being that the rear yard abuts a lake to the north and the side setbacks will continue to be met. However, the reduction in the rear yard setback will impact access to the canal maintenance easement and therefore it is staff's recommendation that an approval letter to encroach upon the canal maintenance easement be obtained by the applicant from Central Broward Water Control District (CBWCD). The applicant has obtained approval to install a pool from the Parkwood Isle Homeowners Association (see attached letter).

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council subject to the following condition:

1. Approval from Central Broward Water Control District (CBWCD) to encroach upon 27.2' canal maintenance easement.
-

Planning and Zoning Board Recommendation

The Planning and Zoning Board meeting of June 28, 2006 was cancelled due to a lack of quorum. Items were therefore deferred to the July 12, 2006 Planning and Zoning Board meeting.

Town Council Action

Exhibits

1. Justification letter
2. Letter from HOA
3. Approved Site Plan Notes
4. Survey
5. Future Land Use Plan Map
6. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

April 17, 2006

To Whom This May Concern:

We are writing to ask the Town of Davie to support an important request that will greatly improve the quality of our lives both physically and socially. Emilio and Lisette Rodriguez residing at 10061 Southwest 15th Place Davie, Fl. 33324 for 11 years are requesting approval of a variance to build a pool on said property. The Planning and Zoning Department has rejected approval of the permit stating that a variance can be applied for. The permit is being denied according to the application site plan. Waterfront lots require a 27.2 feet rear setback to the pool structure which we do not have. We are requesting the variance to have the rear setback reduced from 27.2 to 10.5. Please note two of our neighbors recently had pools built and were not required to obtain a variance. One neighbor is Kim Davis and lives at 1650 Southwest 100 terrace and her setback is 21.5 and the other is Carlos Rebolgar at 1710 Southwest 100 Terrace and his setback is 15.5 feet. These two homes were perhaps approved without a variance in error. We are being restricted and feel this process is not fair but we are willing to comply with the rules. We are just asking to have our permits approved. We would like to be accepted like many homeowners in our older subdivision who have had pools built.

I can assure you we will be in total harmony with all our neighbors. We live in a great community and get along with everybody. We want to have a pool built that my family, friends and neighbors will enjoy and be safe in. A pool will be a beautiful addition to our home and will only improve the overall attractiveness. We pride ourselves on keeping a well maintained home. We will never tell you that we are perfect but we will always try to meet or exceed the expectations of our homeowner's association.

Thank you very much for considering this request. If you require further information, please do not hesitate to contact us.

Sincerely,

Emilio Rodriguez
Lisette Rodriguez

Emilio and Lisette Rodriguez
10061 Southwest 15th Place
Davie, Florida 33324
954 473-5206
Email: EROD813@bellsouth.net

PARKWOOD ISLE

HOMEOWNERS ASSOCIATION

April 19, 2006

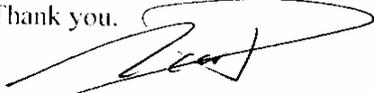
To: Emilio & Lisette Rodriguez
#45
10061 SW 15 PL
Davie, FL 33324

From: Parkwood Isle Board of Directors

Re: Request for Pool

Response: Your request to install a pool has been approved. Please be sure to obtain all required building codes and permits.

Thank you.



Parkwood Isle HOA Board
Ken White - President
George Gwiazdowski - Vice Chairman
Leonard Rappa - Vice Chairman
Adele Robbins - Vice Chairwoman
Alisa Wolfe - Vice Chairwoman
Ida Jolie - Treasurer and Vice Chairwoman
Mike Bowen - Vice Chairman

SITE DATA:

Lake Area = 827,640 SF or 19.0000 AC	40%
Perimeter Buffer = 214,697 SF or 4.9288 AC	10%
Site Area + 1,019,548 SF or 23.4056 AC	50%
Gross Area = 2,061,885 SF or 47.3344 AC	100%

A) **Minimum Required Open Space**
 Gross area x 20% = 412,377 SF or 9.4669 AC

B) **Lake Area Utilized for Open Space**
 Open Space x 75% = 309,283 SF or 7.1002 AC

Area of Perimeter Open Park Utilized to Meet Minimum Remaining Required Open Space Requirement
 A-B = 103,094 SF or 2.3667 AC

C) **123 Lots x minimum Lot Area (7040 SF)**
 123 x 7040 SF = 865,920 SF or 19.8788 AC

D) **Actual Area of 123 Lots**
 837,567 SF or 19.2279 AC

Supplemental Open Space Required
 C-D = 28,353 SF or 0.6509 AC

Area Remaining in Perimeter Open Park Available to Satisfy Supplemental Open Space Requirement
 111,603 SF or 2.5621 AC

As per the data shown above this site has an excess of open space and conforms to the Davie zoning requirements as set forth in Section 27-705 (minimum regulations)

Parkwood
Isles

CURRENT ZONING - RM 5
PROPOSED ZONING P.R.D.

Proposed 123 Units - Detached Single Family Units - (Private Streets)

MINIMUM BUILDING SETBACKS

FRONT YARD	-	25'
REAR YARD	-	15'
REAR YARD	-	27.2' (WATERFRONT LOTS)
SIDE YARD	-	10' BETWEEN BUILDINGS (MIN.)
SIDE YARD	-	20' CORNER LOTS

MINIMUM SETBACKS TO SCREEN (POOL ENCLOSURES)

SIDE YARD	-	5'
REAR YARD	-	5'
REAR YARD (WATERFRONT LOTS)	-	27.2'

MINIMUM SETBACKS TO POOL (FENCED ENCLOSURES)

SIDE YARD	-	5'
REAR YARD	-	5'
REAR YARD (WATERFRONT LOTS)	-	27.2'

MINIMUM SETBACKS TO SCREEN (POOL ENCLOSURES)

SIDE YARD	-	5'
REAR YARD	-	5'
REAR YARD (WATERFRONT LOTS)	-	27.2'

MINIMUM SETBACKS TO POOL (FENCED ENCLOSURES)

SIDE YARD	-	5'
REAR YARD	-	5'
REAR YARD (WATERFRONT LOTS)	-	27.2'

FRONT SETBACKS TO BE MEASURED AT LIMITS OF INGRESS/EGRSS LINE
UTILITIES TO BE SERVICED BY: CITY OF SUNRISE

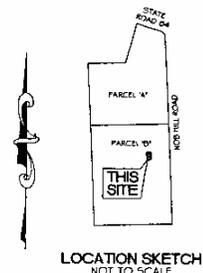
BOUNDARY SURVEY
BY
KERI LAND SURVEYING, INC.
 1843 NORTH UNIVERSITY DRIVE
 PLANTATION, FLORIDA 33322
 PHONE (954) 473-8010 FAX (954) 473-8020
 CERTIFICATE OF AUTHORIZATION #LB7086 E-MAIL: KERILANDSURVEYING@YAHOO.COM

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF PARCEL 'B' OF 'NOB HILL VILLAGE', ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 134, AT PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID PARCEL 'B'; THENCE NORTH 02 DEGREES 16 MINUTES 56 SECONDS WEST ALONG THE WESTERLY BOUNDARY OF SAID PARCEL 'B' FOR 1174.90 FEET; THENCE NORTH 87 DEGREES 37 MINUTES 40 SECONDS EAST ALONG A LINE PERPENDICULAR TO THE MOST EASTERLY BOUNDARY OF SAID PARCEL 'B' FOR 890.15 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87 DEGREES 37 MINUTES 40 SECONDS EAST FOR 59.52 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 02 SECONDS EAST FOR 107.27 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 50.00 FEET (A RADIAL LINE TO SAID POINT BEARS NORTH 00 DEGREES 37 MINUTES 02 SECONDS WEST); THENCE WESTERLY AND SOUTHWESTERLY 38.91 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44 DEGREES 35 MINUTES 18 SECONDS TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY AND WESTERLY 18.69 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42 DEGREES 50 MINUTES 00 SECONDS TO A POINT OF TANGENCY; THENCE SOUTH 87 DEGREES 37 MINUTES 40 SECONDS WEST FOR 3.71 FEET; THENCE NORTH 02 DEGREES 22 MINUTES 20 SECONDS WEST FOR 127.20 FEET TO THE POINT OF BEGINNING.

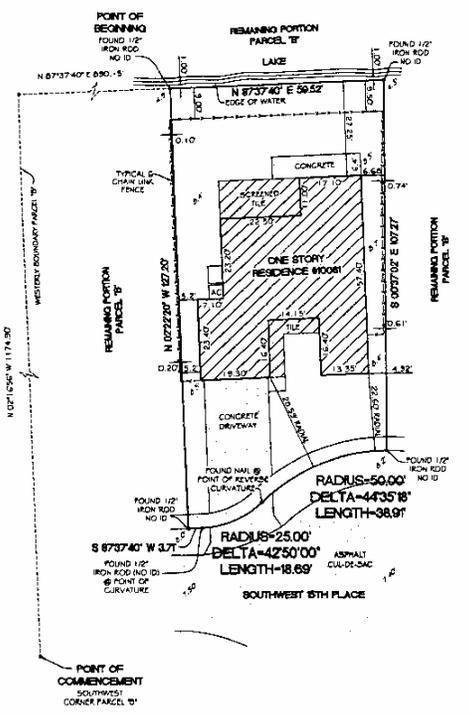
SAID LANDS LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA
 ALSO KNOWN AS LOT 45 OF THAT CERTAIN UNRECORDED PLAT KNOWN AS PARKWOOD ISLE, LOCATED AT 10061 SOUTHWEST 15TH PLACE, DAVIE, FLORIDA.



- NOTES**
- 1) ELEVATIONS, IF SHOWN HEREON, ARE RELATIVE TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.
 - 2) UNDERGROUND IMPROVEMENTS AND/OR UNDERGROUND ENCROACHMENTS NOT LOCATED OR SHOWN.
 - 3) BEARINGS/ANGLES SHOWN HEREON REFER TO THE ABOVE MENTIONED PLAT OR LEGAL DESCRIPTION.
 - 4) ROOF OVERHANG NOT LOCATED UNLESS OTHERWISE SHOWN.
 - 5) THIS SURVEY IS FOR PERMITTING PURPOSES ONLY.
 - 6) REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION. BEFORE EXCAVATION, CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
 - 7) ALL BEARINGS/ANGLES AND DISTANCES SHOWN HEREON ARE BOTH MEASURED ON THE GROUND AND RECORD (AS PER PLAT) UNLESS OTHERWISE SHOWN.
 - 8) THIS SURVEY IS CERTIFIED EXCLUSIVELY TO: EMILIO RODRIGUEZ, TOWN OF DAVIE.
 - 9) "±" DENOTES EXISTING GRADE ELEVATION.

NOTICE

LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THE SURVEYOR FOR RIGHTS-OF-WAY AND/OR EASEMENTS OF RECORD. THEREFORE, ONLY THOSE RIGHTS-OF-WAY AND EASEMENTS SHOWN ON THE REFERENCED PLAT ARE SHOWN.



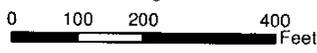
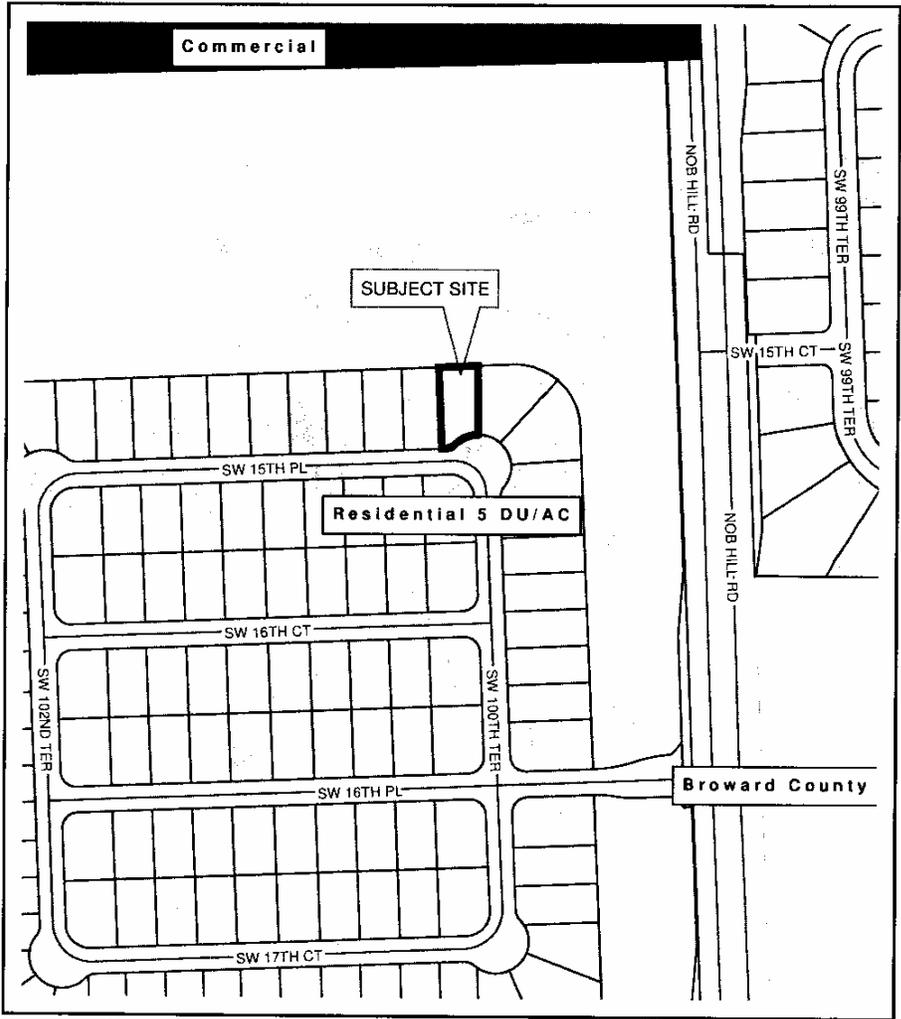
CERTIFICATION:

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
 "NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER."

KERI LAND SURVEYING, INC.
 PROFESSIONAL SURVEYOR AND MAPPER NO. 5721
 STATE OF FLORIDA

FLOOD INFORMATION	
FLOOD ZONE: AH (BASE FLOOD ELEV.: 6.0 FEET)	
COMMUNITY PANEL #: 20035 0215 F	
BUILDING DIAGRAM NO: 111, MAP DATE: 08-18-92	
LOWEST FLOOR ELEVATION: 9.3 FEET	
GARAGE ELEV.: 8.4 FEET	SITE ELEV.: 8.7 FEET

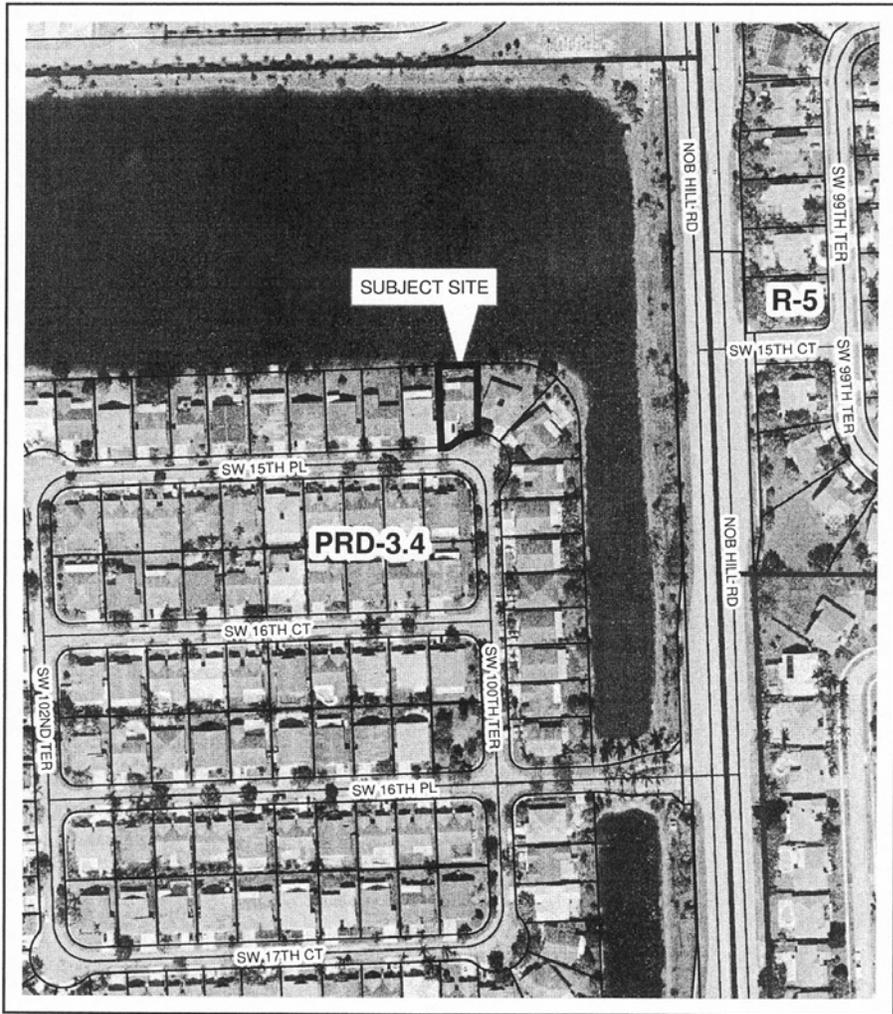
CLIENT: RODRIGUEZ
PROJECT NO: 08466
SURVEY DATE: FEBRUARY 9, 2006
10061 SOUTHWEST 15TH PLACE
DAVIE, FLORIDA 33324
SCALE: 1"=30'
FILE: RODRIGUEZ, EMILIO



Prepared by the Town of Davie GIS Division

**Variance
V 4-1-06
Future Land Use Map**

Prepared by: ID
Date Prepared: 6/07/06



Date Flown:
12/2004



0 100 200 400 Feet

Prepared by the Town of Davie GIS Division

**Variance
V 4-1-06
Zoning and Aerial Map**

Prepared by: ID
Date Prepared: 6/07/06

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