

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Carlo F. Galluccio III, Planner I

SUBJECT: Quasi Judicial Hearing, Variance Application: V 2-2-08/08-60/Rogers/8310 SW 55 Court/Generally located on the eastside of Green River Lane, west of SW 136 Avenue

AFFECTED DISTRICT: District 2

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: V 2-2-08, Gallagher, 8310 SW 55 Court

REPORT IN BRIEF: A variance from the Land Development Code, Section 12-81(A), Conventional Single-Family Development Standards, for the R-3, Low Density Dwelling District FROM: a required minimum 15' side setback TO: provide a 7.9' side setback to accommodate additions to both sides of the home.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

V 2-2-08, Gallagher, 8310 SW 55 Court (R-3) Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Capozzoli – yes; Ms. Turin – yes. Motion carried 5-0

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

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

Attachment(s): Planning Report

Application: V 2-2-08/08-60/Gallagher

Original Report Date: 5/06/08

Revision(s): 06/12/08

Owner / Petitioner

Name: Al J. Gallagher
Address: 8310 SW 55th Court
City: Davie, Florida 33328
Phone: (954) 434-3119

Background Information

Date of Notification: May 7, 2008 **Number of Notifications:** 62

Petitioner’s Request: A variance from the Land Development Code, Section 12-81(A), Conventional Single-Family Development Standards, for the R-3, Low Density Dwelling District **FROM:** a required minimum 15’ side setback **TO:** provide a 7.9’ side setback to accommodate additions to both sides of the existing home.

Address: 8310 SW 55th Court

Location: Generally located on the southside of SW 55th Court, west of SW 82nd Avenue

Future Land Use Plan Map: Residential 3 DU/AC

Existing Zoning(s): R-3, Low Density Dwelling District

Existing Use(s): Single-Family Home

Parcel Size: 11,250 square feet

Proposed Use(s): Existing single-family home with a proposed one-story bedroom addition and enclosure of an existing concrete patio.

Surrounding Uses:

North: Childcare center/House of Worship Facility/Residential 3 DU/AC

South: Lake

East: Single-Family Home

West: Single-Family Home

Surrounding Land

Use Plan Designation:

Community

Residential 3 DU/AC

Residential 3 DU/AC

Residential 3 DU/AC

Surrounding Zoning:

North: CF, Community Facility District
South: R-3, Low Density Dwelling District
East: R-3, Low Density Dwelling District
West: R-3, Low Density Dwelling District

Zoning History

Related Zoning History:

Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Previous Request (s) on same property:

On October 5, 1978, Town Council adopted Ordinance No. 78-49 approving plat application known as “Davie Lake Estates”.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-305), Rezoning, Special Permits, Variances, and Vacations or Abandonment’s of Rights-of-Way. The purpose of this division is to guide the processing and granting of rezoning, special permits, variances and vacations or abandonment’s of rights-of-way in a manner consistent with the Town of Davie Comprehensive Plan, existing development and in a manner which protects the public health, safety and welfare.

Land Development Code (Section 12-81): The development standards that govern the construction of single-family dwelling units in the Low Density Dwelling District. The R-3, Low Density Dwelling District requires the following minimums: lot area of 12,000 square feet, 100’ minimum lot frontage, 30’ front setback, 15’ side setbacks, 25’ rear setback, 35’ maximum building height, and 40 percent maximum building coverage.

Comprehensive Plan Considerations

Planning Area:

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

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.

Application Details

*The variance is not necessary for the reasonable use of the land.
However, the proposed addition is relatively small in scale and would be
in alignment with the established side setback line.*

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

V 2-2-08, Gallagher, 8310 SW 55 Court (R-3) Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair McLaughlin – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Capozzoli – yes; Ms. Turin – yes. Motion carried 5-0

Exhibits

File Location: P&Z\Development Applications\Applications\V_Variance\V_08\V 2-2-08 Gallagher

Exhibit 1 (Justification Letter)

Albert & Karen Gallagher
8310 S. W. 55 Court
Davie, FL 33328

(954) 434-3119

March 18, 2008

Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: Variance

To Whom It May Concern:

We are hereby requesting approval for a variance that will allow us to convert our existing patio to a new family room and build an addition on the southwest rear corner for a new bedroom. Our home is located at 8310 S. W. 55 Court, Davie, FL 33328. Letters are attached from our neighbor to the East and our neighbor to the West stating they do not have a problem with our request for a variance. We do not have a neighbor to the North and a lake is to our South.

The scope of the job will involve enclosing the east end of our existing patio that has a solid roof and concrete floor and building a new 16' x 20' single story addition to the southwest.

The existing house has side setbacks of 7.9' (east side) and 8.2 (west side). We are requesting to extend the depth of our home, not the width. AFTER adding the new bedroom, we will still have 44' to the rear or south property line.

Side setbacks to be changed from 15' (new code) to 7.9' (east side) and 8.2 (west side).

Thank you for your consideration.

Sincerely,
Al & Karen Gallagher
Homeowners

Al Gallagher

Karen Gallagher

*Added to File
1/31/08
AKG 3 pages*

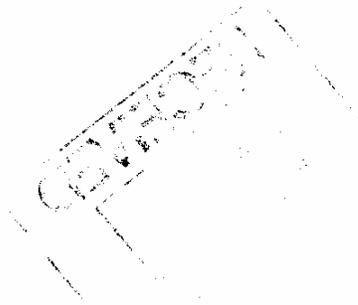


Exhibit 2 (Neighbors Approval Letters)

Donald & Martha Peak
8320 S. W. 55 Court
Davie, FL 33328

(954) 434-5429

February 25, 2008

Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: Variance

To Whom It May Concern:

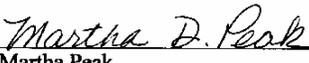
This letter is to inform you that we do not have a problem with our neighbor's request for a variance.

Should you have any questions, please feel free to contact us.

Sincerely,
Donald & Martha Peak
Homeowners



Donald Peak



Martha Peak

Norval & Debby Newland
8300 S. W. 55 Court
Davie, FL 33328

(954) 434-5102

February 25, 2008

Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: Variance

To Whom It May Concern:

This letter is to inform you that we do not have a problem with our neighbor's request for a variance.

Should you have any questions, please feel free to contact us.

Sincerely,
Norval & Debby Newland
Homeowners



Norval Newland



Debby Newland



February 25, 2008

To Whom It May Concern:

The Davie Lakes Homeowner's Association does not object to Albert & Karen Gallagher enclosing their existing porch/patio at their home located at:

8310 S. W. 55 Court
Davie, FL 33328

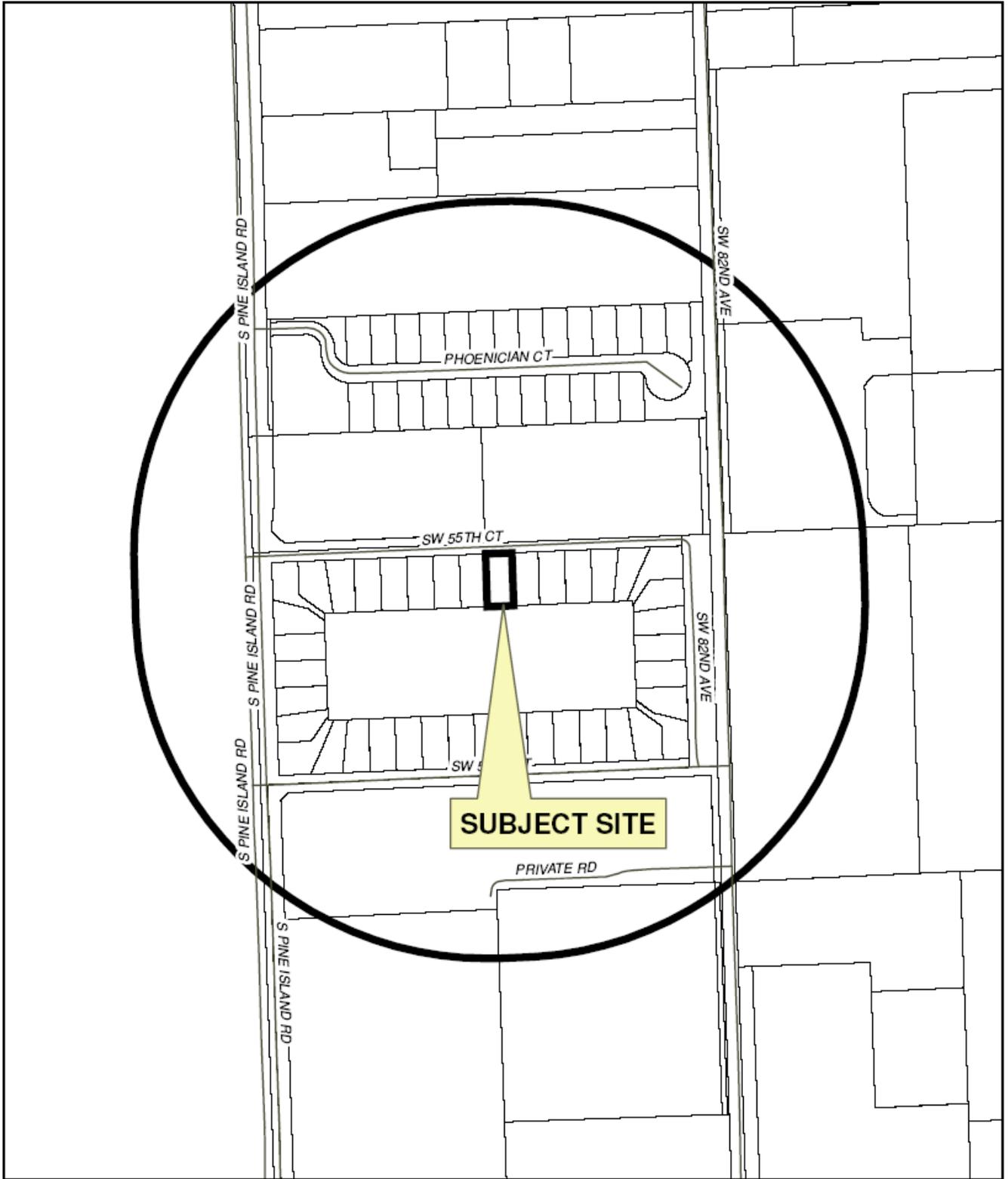
Homeowner will follow the guidelines set forth by the Town of Davie and apply for proper permits before work will begin.

Should you need additional information; or have questions, I can be contacted at 954-880-0410. If you receive my answering machine, leave a message as to when it would be best to return your call.

Sincerely,

Don Wilson
President,
Davie Lakes Homeowners Association
8240 S. W. 55 Court
Davie, FL 33328

Exhibit 3 (*Mail-out Map*)



Date Flown:
1/2/2008

N



0 100 200 400
Feet

Prepared by the Town of Davie GIS Division

Variance
V 2-2-08
1000 Foot Buffer

Prepared by: ID
Date Prepared: 4/21/08

Exhibit 4 (Mail-out)

V 2-2-08
AGUERRE-BENNETT, LOURDES D &
BENNETT, HENRY L
8310 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
ASHLEY, IVAN K & BETH
5591 SW 82ND AVE
DAVIE FL 33328-5207

V 2-2-08
BENGOZIAN, ANAT
8350 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
BUBANI, CAROL EDNA
KILLIAN, ROSINA &
KILLIAN, MICHAEL
5531 SW 82 AVE
DAVIE FL 33328-5207

V 2-2-08
CENTRAL BROWARD WATER
CONTROL
DISTRICT
8020 STIRLING ROAD
HOLLYWOOD FL 33024

V 2-2-08
CIACCI, JOSEPH &
CIACCI, HONG YING LISA
8201 SW 57 ST
DAVIE FL 33328-6018

V 2-2-08
DELAND, ROBERT E & GENEVIEVE
8400 SW 55TH CT
DAVIE FL 33328-5211

V 2-2-08
DUNN, LAURETTE &
SEMOY, ROAN L & LISA
8430 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
GOLDSTEIN, LUIS
8425 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
GRESELY, LUIS A & MARIA T
5631 SW 82ND AVE
DAVIE FL 33328-6001

V 2-2-08
ALFASSA, STELLA REV TR
5690 S PINE ISLAND ROAD
DAVIE FL 33328-5935

V 2-2-08
BABYAK, PAUL M & ROSEMARIE
8365 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
BRAMAN, JOYCE &
BRAMAN, PAUL
5600 S PINE ISLAND ROAD
DAVIE FL 33328-5935

V 2-2-08
CAPITA, MARIE C &
PAUL, EDRICK
8205 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
CERNA, CESAR A &
CERNA-CHIRINOS, MARIA R
8420 SW 55 CT
DAVIE FL 33328

V 2-2-08
CULVER, TINA S TRSTEE
TINA S CULVER REV LIV TR
8330 SW 55 CT
DAVIE FL 33328-5209

V 2-2-08
DIAZ, JAQUELIN &
DIAZ, NOBEL
8330 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
FALLOON, GORDON & HELEN
8225 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
GONZALEZ, EFRAIN &
GONZALEZ, MYRNA
10551 NW 8 ST
PEMBROKE PINES FL 33026-3947

V 2-2-08
HARRIS, ROBERT A & LYNDA
ALBERTS, ANNA BELLE
8210 SW 55TH CT
DAVIE FL 33328-5200

V 2-2-08
APPEL, ALAN J & CHERYL L
8321 SW 57TH ST
DAVIE FL 33328-6014

V 2-2-08
BELL, PALMER LEE
8411 SW 57 ST
DAVIE FL 33328-6016

V 2-2-08
BROWARD COUNTY
BOARD OF COUNTY
COMMISSIONERS
115 S ANDREWS AVE ROOM 326
FORT LAUDERDALE FL 33301-1801

V 2-2-08
CATHEDRAL OF PENTECOST INC
5500 PINE ISLAND DR
DAVIE FL 33328-4300

V 2-2-08
CHOVOOR, ALEXANDER G &
CHOVOOR, SUSAN A
8385 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
DEERWOOD ESTATES INC
11441 INTERCHANGE CIR S
MIRAMAR FL 33025

V 2-2-08
DO, SOON SHIN
8325 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
GALLAGHER, ALBERT JOHN &
KAREN P
8310 SW 55TH CT
DAVIE FL 33328-5209

V 2-2-08
GOODMAN, GILBERT LEE & BOBBIE
L
5501 SW 82ND AVE
DAVIE FL 33328-5207

V 2-2-08
HOOTEN, CHAD &
HOOTEN, PAMELA
8231 SW 57 ST
DAVIE FL 33328-6018

V 2-2-08
HOYT,GENE A & TERRI L
12301 NW 4TH ST
PLANTATION FL 33325-2425

V 2-2-08
KASSE,RICKI
8230 SW 55TH CT
DAVIE FL 33328-5200

V 2-2-08
LAGUARDIA,ANALYN
8370 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
LUNETTA,CARL &
LUNETTA,ARLENE
8210 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
MARKEY,DONNA &
MARKEY,KEVIN
8270 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
MCKENZIE,KANDIS LE
KANDIS R MCKENZIE REV LIV TR
8445 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
OMEGA,REYNALD &
GUSTAVE-OMEGA,ROUDIE
8465 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
PENA,LUIS &
PENA,LUZ M
5590 S PINE ISLAND ROAD
DAVIE FL 33328-5931

V 2-2-08
PEREZ,GRACIELA
8341 SW 57 ST
DAVIE FL 33328

V 2-2-08
REEP,CHERYL &
REEP,ROBERT
8401 SW 57 ST
DAVIE FL 33328-6016

V 2-2-08
JEWISH FEDERATION OF BROW CO
5890 S PINE ISLAND RD
DAVIE FL 33328

V 2-2-08
KUTTIYANI,JOY & ALISHA
8305 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
LEVY,LAWRENCE I & PAMELA FAM TR
8421 SW 57 ST
DAVIE FL 33328-6016

V 2-2-08
MALONEY,HOWARD H &
MALONEY,CLAUDETTE Y
8390 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
MATHEW,KUNGIMON 1/2 INT
MATHEW,MINI
8410 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
MELGAR,EDUARDO & NORA
8285 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
PEAK,DONALD B & MARTHA D
8320 SW 55TH CT
DAVIE FL 33328-5209

V 2-2-08
PENA,YOLANDA
5601 SW 82 AVE
DAVIE FL 33328-6001

V 2-2-08
PHOENICIAN COVE HOA INC
11441 INTERCHANGE CIR S
MIRAMAR FL 33025

V 2-2-08
RIMONDI,JOSEPH & NORA
8440 SW 55TH CT
DAVIE FL 33328-5211

V 2-2-08
JIMENEZ,CARLOS A & CANDACE C
8410 SW 55 CT
DAVIE FL 33328-5211

V 2-2-08
LACHANCE,SEAN &
SEBREGANDIO,JOELLE
8405 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
LORD,NANCY C
8220 SW 55 CT
DAVIE FL 33328-5200

V 2-2-08
MARINO,JOSE L &
MARINO,SANDRA
8221 SW 57 ST
DAVIE FL 33328-6018

V 2-2-08
MATHEW,LIZZAMMA & JENNIS P
8345 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
NEWLAND,NORVAL A & DEBORAH
8300 SW 55TH CT
DAVIE FL 33328-5209

V 2-2-08
PEMBROKE PARK CHILD CARE
CENTER
5499 SW 82 AVE
DAVIE FL 33328-5205

V 2-2-08
PEREZ,ANTONIO P & RENELLYS
8211 SW 57 ST
DAVIE FL 33328-6018

V 2-2-08
PRICE,JASON THOMAS & TAMARA L
8265 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
ROSS,ROBERT A LE
ROSS,JOHN & SMITH,EMILIE
5560 S PINE ISLAND RD
DAVIE FL 33328-5931

V 2-2-08
ROXBY, MAURA A
8340 SW 55 CT
DAVIE FL 33328

V 2-2-08
SCHUMACKER RECREATION CO LLC
4380 OAKES ROAD STE 802
DAVIE FL 33314

V 2-2-08
SHANNON, DANIEL & JOLI
8245 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
SHOEMAKER, LINDA T
8331 SW 57 ST
DAVIE FL 33328-6014

V 2-2-08
SILVERMAN, RICHARD S
8241 SW 57 ST
DAVIE FL 33328-6018

V 2-2-08
SIMMONS, RONALD J & LINDA T
8301 SW 57TH ST
DAVIE FL 33328-6014

V 2-2-08
SOUTH BROWARD JEWISH FED
HOUSING
5701 SW 82 AVENUE
DAVIE FL 33328-6021

V 2-2-08
SUNRISE COMMUNITY INC
% LESLIE W LEECH JR
9040 SUNSET DR
MIAMI FL 33173

V 2-2-08
THOMAS, DONALD J & MARIE ANNE
5530 S PINE ISLAND RD
DAVIE FL 33328-5931

V 2-2-08
UNDERWOOD, JOSEPH & NANCY
8250 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
VO, CUONG &
LE, HUONG
8230 PHOENICIAN CT
DAVIE FL 33328

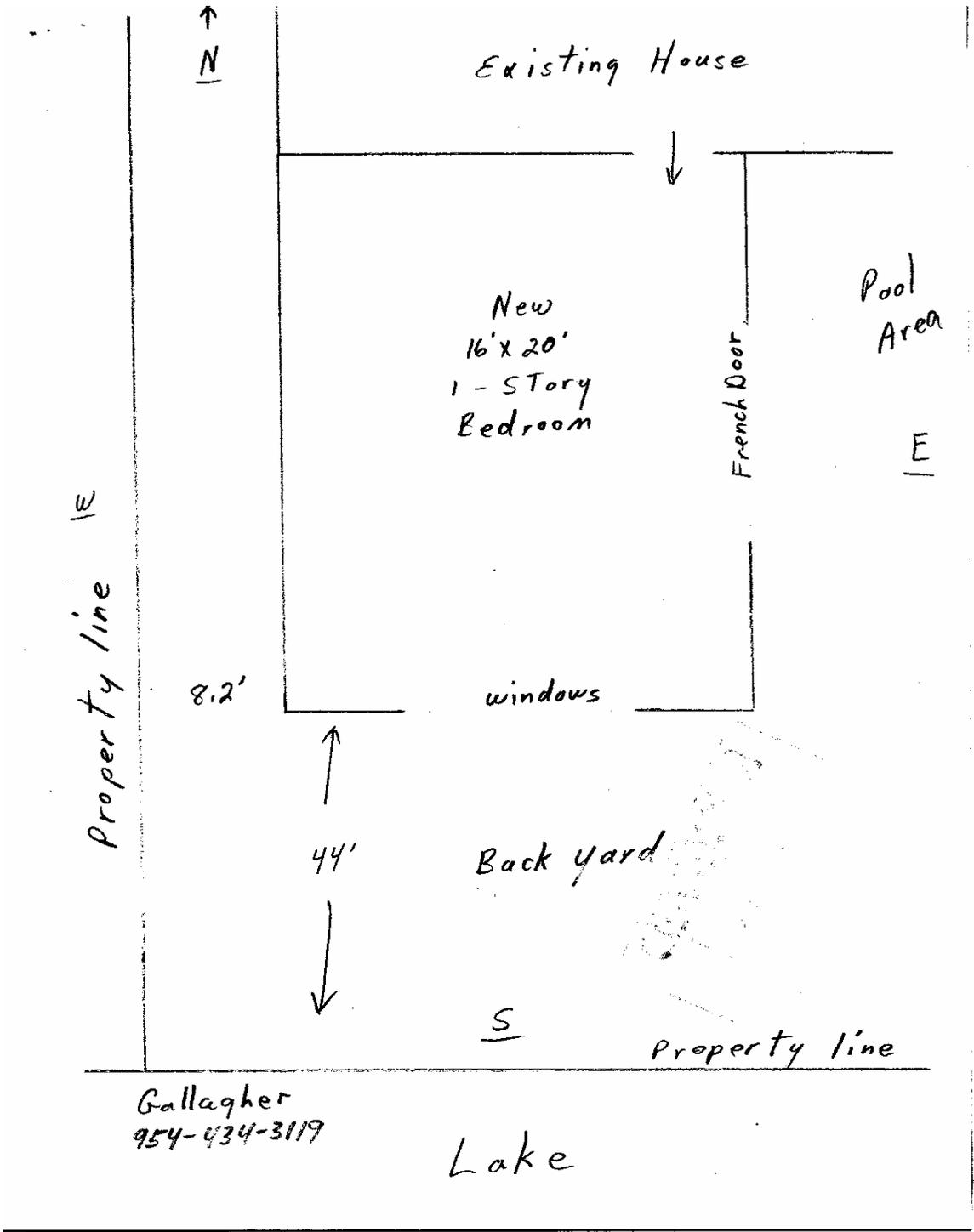
V 2-2-08
WERBIN, MARIO
8251 SW 57TH ST
DAVIE FL 33328-6018

V 2-2-08
WILSON, JONATHAN & JENNIFER
8240 SW 55 CT
DAVIE FL 33328-5200

V 2-2-08
WU, BEN RONG & AI SHAO
8290 PHOENICIAN CT
DAVIE FL 33328

V 2-2-08
YI, EDUARDO & MARIANA
8311 SW 57 ST
DAVIE FL 33328-6014

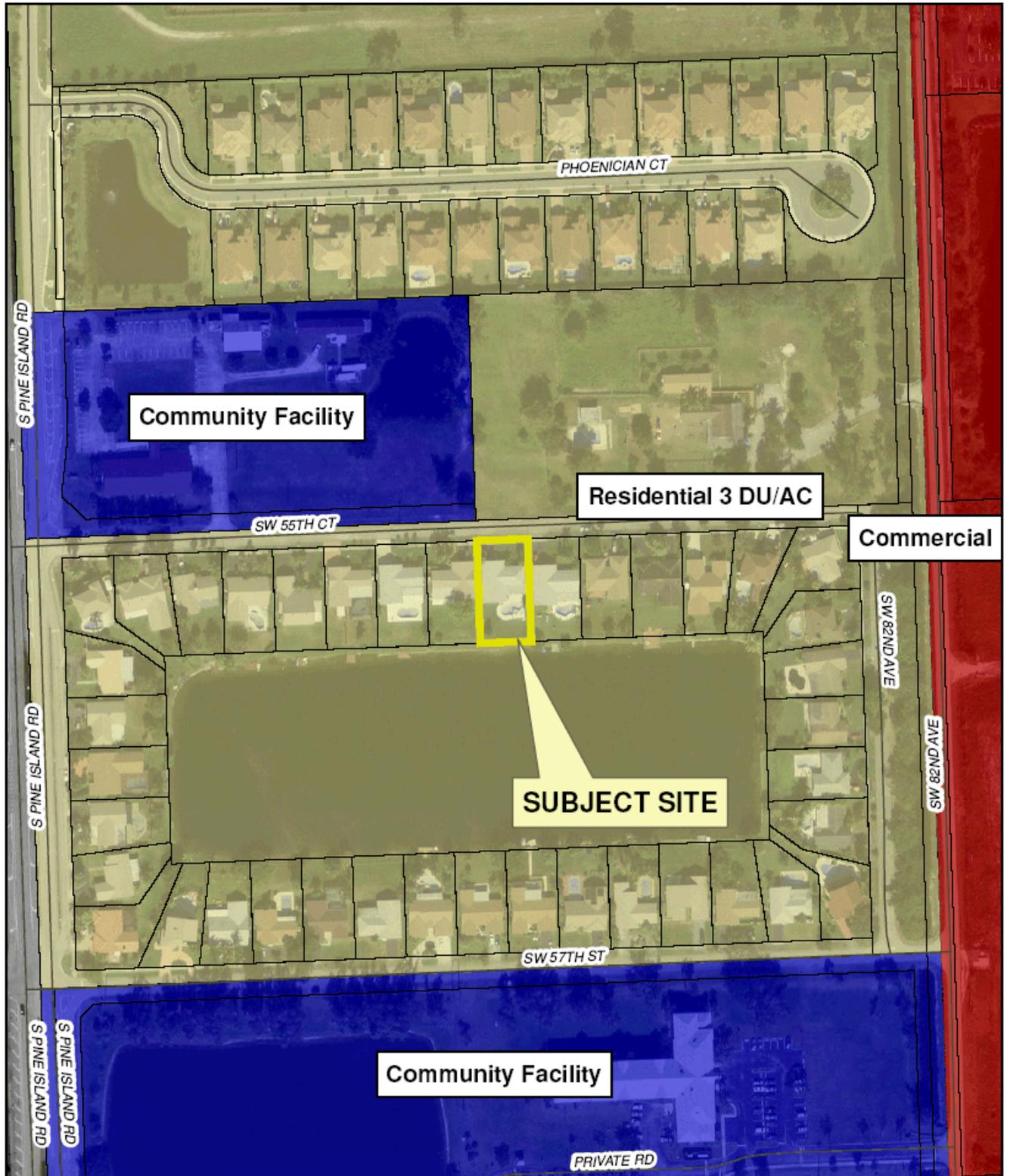
V 2-2-08
ZAIDI, TAYYAB
1200 NW 10TH AVE
MIAMI FL 33136-2206



Gallagher
954-434-3119

Lake

Exhibit 6 (*Future Land Use Map*)



Date Flown:
1/2/2008

N



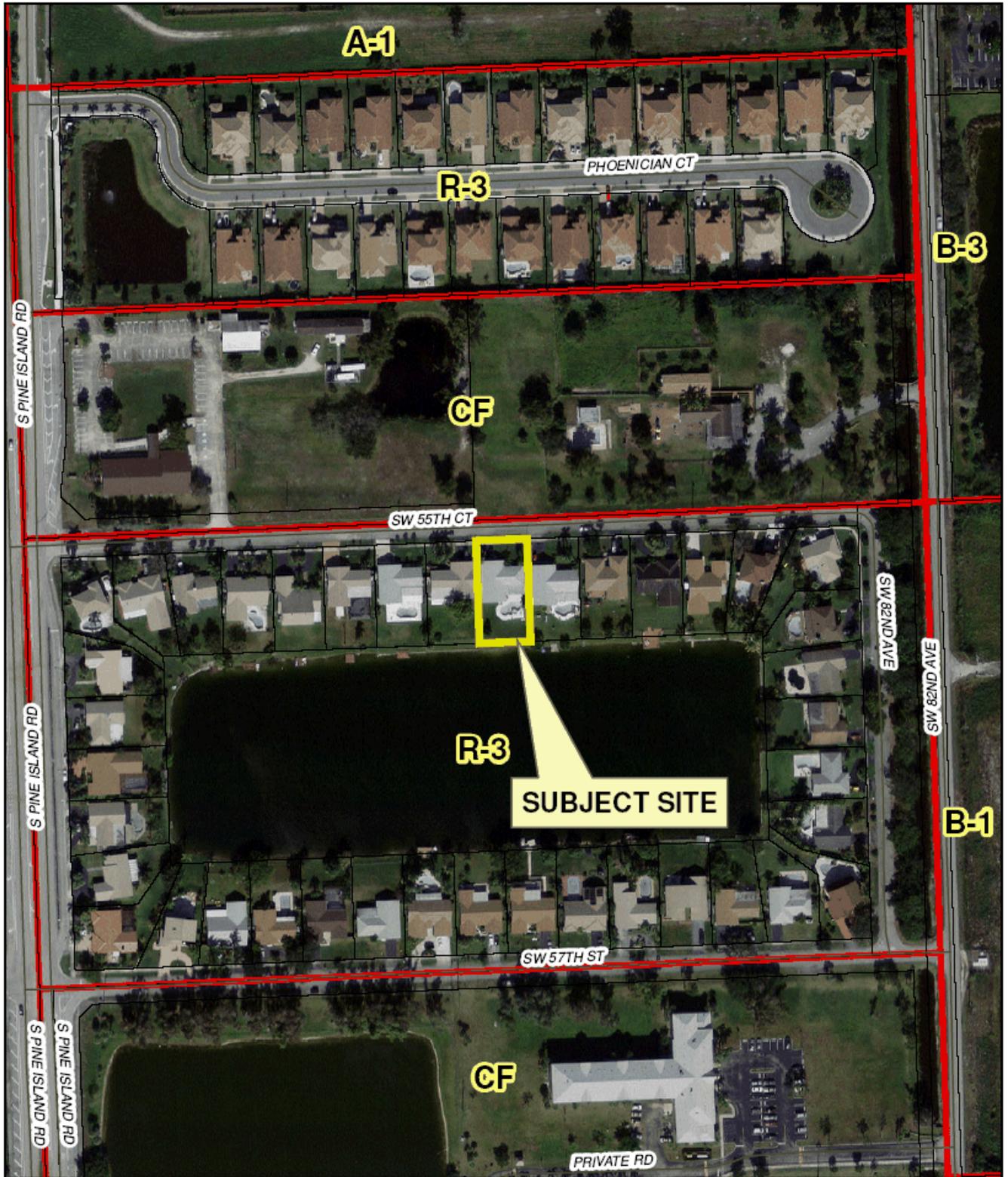
0 100 200 400 Feet

Prepared by the Town of Davie GIS Division

Variance
V 2-2-08
Future Land Use Map

Prepared by: ID
Date Prepared: 4/21/08

Exhibit 7 (Aerial, Zoning, and Subject Site Map)



Date Flown:
1/2/2008

N



0 100 200 400 Feet

Prepared by the Town of Davie GIS Division

Variance
V 2-2-08
Zoning and Aerial Map

Prepared by: ID
Date Prepared: 4/21/08