

**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 10-1-03, Matthew Stermer, 2980 SW 137 Terrace, Generally located on the east side of SW 137 Terrace between SW 26 Street and SW 32 Street

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:

The petitioner requests a variance **FROM:** Section 12-287(B) of the Land Development Code that requires a minimum of 25-foot side setback for Single-family residences in the R-1 zoning district (Estates Dwelling District); **TO:** reduce the north side setback to 20 feet for an addition to the existing single-family residence. The variance will allow the applicant to build a two-car garage attached to the north side of the existing single-family residence.

REPORT IN BRIEF:

The subject property is a one-story single-family house located in the R-1 zoning district. It is governed by the Rural Lifestyle Regulations for any new construction. The R-1 zoning district requires a 25-foot side setback for main structures. The minimum lot size required by the R-1 zoning district is 35,000 square feet, and the required minimum lot frontage is 125 feet. The subject property is 132 feet wide, 314 feet long, and 41,605 square feet in area. The existing house has a 63-foot front setback, a 41.91-foot north side setback, a 25-foot south side setback, and a 200-foot rear setback. The applicant is proposing to convert the existing garage to an extra room for his family needs and build an addition of two-car garage attached to the north side of the house. The proposed garage is 21.67 feet by 24 feet with the garage door facing the street. Therefore, the applicant is applying for a variance to reduce the north side setback to 20 feet to accommodate the garage.

The subject property exceeds the minimum standards of the R-1 zoning district with respect to lot size and lot frontage. The rear yard is approximately 200 feet by 132 feet. There is no special circumstance or condition applying to the land and the building to prevent the applicant from building a two-car garage within the required setbacks in the rear yard. In addition, the Rural Lifestyle Regulations encourage a separate garage located in the rear of the house or oriented to the side of the house. When a garage must be front-loaded, it shall be set back 15 feet measured from the facade of the principle building. The requested variance is to reduce the side setback from 25 feet to 20 feet for an attached front-loaded garage with the same setback as the main building. The hardship for the variance is self-created because the applicant wishes to build the front-loaded garage attached to the existing house. No variance

would be needed if the garage were proposed in the rear of the house as encouraged by the Rural Lifestyle Regulations.

PREVIOUS ACTIONS: None

CONCURRENCES: At the December 10, 2003 Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Vice-Chair Turin, to approve (Motion carried 4-1 with Mr. McLaughlin being opposed).

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.

Application #: V 10-1-03 Matthew Stermer
Exhibit "A"

Revisions: 12/15/03
Original Report Date: 12/1/03

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

Application Information

Owner/Petitioner:

Name: Matthew Stermer
Address: 2980 SW 137 Terrace
City: Davie, FL 33330
Phone: (954) 423-9413

Background Information

Date of Notification: December 3, 2003

Number of Notifications: 107 (1,000 feet notification)

Planning and Zoning Board Recommendation: At the December 10, 2003 Planning and Zoning Board meeting, the board made a motion to approve the variance.

Application History: None

Application Request: Variance **FROM:** Section 12-287(B) of the Land Development Code that requires a minimum of 25-foot side setback for Single-family residences in the R-1 zoning district (Estates Dwelling District); **TO:** reduce the north side setback to 20 feet for an addition to the existing single-family residence. The variance will allow the applicant to build a two-car garage attached to the north side of the existing single-family residence.

Address/Location: 2980 SW 137 Terrace, Generally located on the east side of SW 137 Terrace between SW 26 Street and SW 32 Street

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

Zoning: R-1 (Estate Dwelling District)

Existing Use: Single Family Home

Proposed Use: Single Family Home

Parcel Size: 41,605 square feet (.955 acres)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Single Family Home	Residential (1DU/AC)
South:	Single Family Home	Residential (1DU/AC)
East:	Single Family Home	Residential (1DU/AC)
West:	Single Family Home	Residential (1 DU/AC)

Surrounding Zoning:

North:	R-1, Estate Dwelling District
South:	R-1, Estate Dwelling District
East:	R-1, Estate Dwelling District
West:	R-1, Estate Dwelling District

Zoning History

On October 16, 2002, the Town Council approved Ordinance 2002-35, amending the Land Development Code to create Article IX of Chapter 12, entitled “Rural Lifestyle Regulations”. Rural Lifestyle Regulations are applicable to one unit per acre land use category implemented through the corresponding zoning districts.

Applicable Codes and Ordinances

1. Section 12-287(B) of the Land Development Code that requires the minimum side setbacks of 25 feet for Single-family homes in the R-1 district (Estate Dwelling District).
2. Section 12-309, Review criteria for variances.
3. Section 12-290 (E) of the Land Development Code, Minimum Garage Standards, encourages that garages be located in the rear of the house or oriented to the side of a house. When a garage must be front-loaded, they shall be set back at least 15 feet measured from facade of the principal building.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

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.

Application Details and Staff Analysis

The subject property is a one-story single-family house located in the R-1 zoning district. It is governed by the Rural Lifestyle Regulations for any new construction. The R-1 zoning district requires a 25-foot side setback for main structures. The existing north setback for the house is 41.91 feet to the north property line. The applicant is requesting a variance to reduce the north side setback to 20 feet for an addition of two-car garage attached to the north side of the existing house.

The minimum lot size required by the R-1 zoning district is 35,000 square feet, and the required minimum lot frontage is 125 feet. The subject property is 132 feet wide, 314 feet long, and 41,605 square feet in area. The existing house has a 63-foot front setback, a 41.91-foot north side setback, a 25-foot south side setback, and a 200-foot rear setback. The applicant is proposing to convert the existing garage to an extra room for his family needs and build an addition of two-car garage attached to the north side of the house. The proposed garage is 21.67 feet by 24 feet with the garage door facing the street. Therefore, the applicant is applying a variance to reduce the north side setback to 20 feet to accommodate the garage.

The subject property exceeds the minimum standards of R-1 zoning district with respect to lot size and lot frontage. The rear yard is approximately 200 feet by 132 feet. There is not a special circumstance or condition applying to the land and the building to prevent the applicant from building a two-car garage within the required setbacks in the rear yard. In addition, the Rural Lifestyle Regulations encourage a separate garage located in the rear of the house or oriented to the side of the house. The hardship for the variance is self-created because the applicant wishes to build the front-loaded garage attached to the existing house.

Finding of Facts

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variance request.

a) There is no 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 not 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 self-created by persons having an interest in the property.

The subject property exceeds the minimum standards of R-1 zoning district with respect to lot size and lot frontage. The rear yard is approximately 200 feet by 132 feet. There is no special circumstance or condition applying to the land and the building to prevent the applicant from building a two-car garage with the required setbacks in the rear yard. Therefore, the hardship for the variance is self-created.

(b) 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.

No variance would be needed if the garage were proposed in the rear of the house as encouraged by the Rural Lifestyle Regulations. Therefore, granting of the variance is not necessary for the reasonable use of the land and the requested variance is not the minimum variance to build a two-car garage on the property.

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

Rural Lifestyle Regulations encourage large side setbacks and a separate garage located in the rear of the house or oriented to the side of the house. When a garage must be front-loaded, it shall be set back 15 feet measured from the facade of the principle building. The requested variance is to reduce the side setback from 25 feet to 20 feet for an attached front-loaded garage with the same setback as the main building. Granting of the requested variance will be contradictory to the intent of the Rural Lifestyle Regulations, and will have adversely impact to the neighbor to the north. Therefore, It will be injurious to the neighborhood and 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 December 10, 2003 Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Vice-Chair Turin, to approve (Motion carried 4-1 with Mr. McLaughlin being opposed).

Town Council Actions

Exhibits

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

Prepared by: _____

Reviewed by: _____

Matthew & Joanne Stermer
2980 SW 137th Terrace
Davie, FL 33330
(954) 423-9413

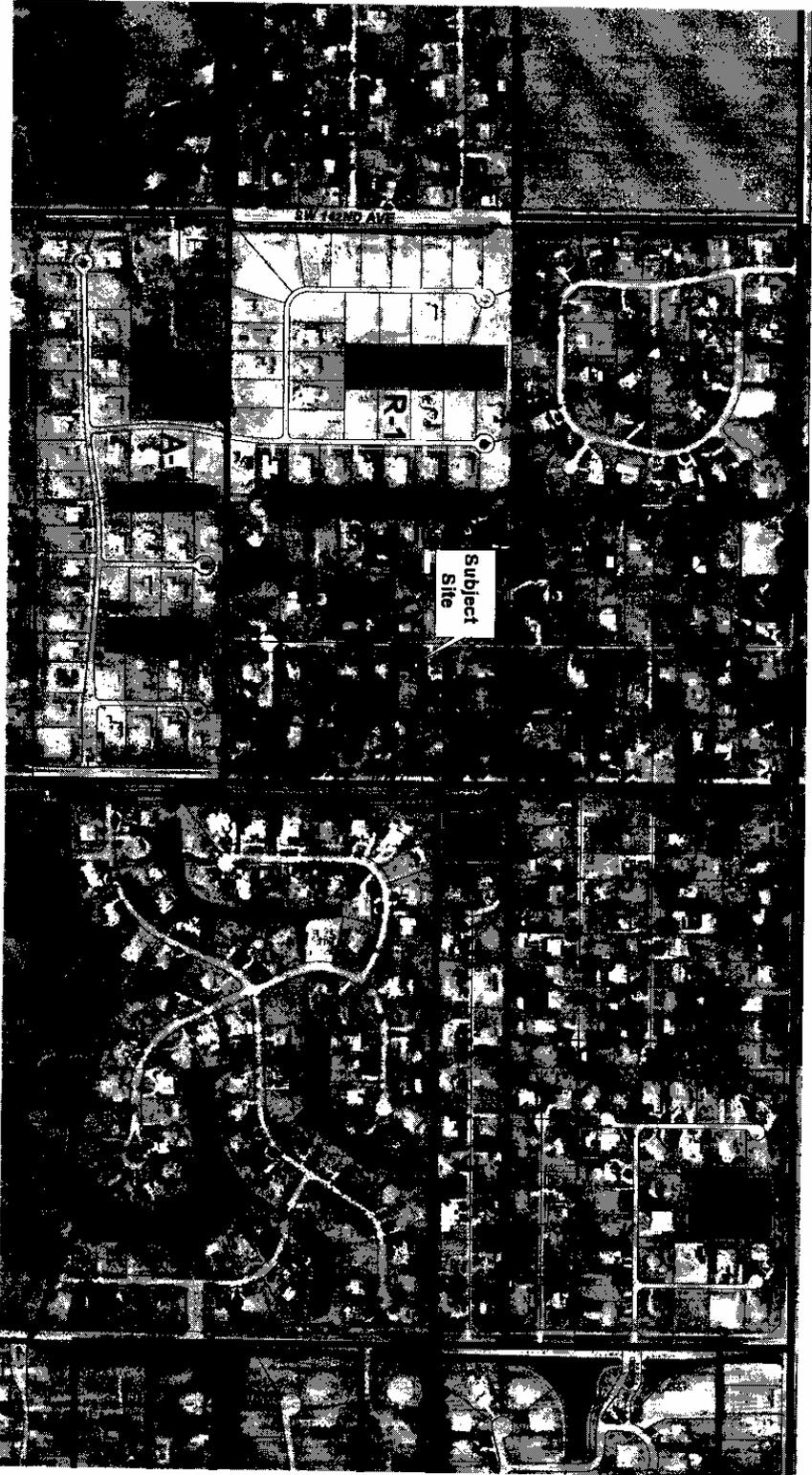
October 2, 2003

Written Request for Variance

We are hereby requesting an increase of allowable square footage in regards to a 25' side setback for our residence zoned R-1. We would like to build a minimum size 21', two-car, attached garage facing the street (West).

Due to unusual family circumstances, we have been given full guardianship for my wife's father and he is in need of our full time care. In order to provide adequate care and living conditions for my wife's father, it is our intent to convert the existing garage into a bedroom for him and build a new two-car, attached garage to our home for much needed storage. In order to accomplish this task, we are requesting an allowance of 4.81 linear feet, which would leave a 20.9' side setback from the south side adjacent home to our property.

We've attached a current survey and drawings from the contractor showing our intent.



Date Flown:
12/31/00

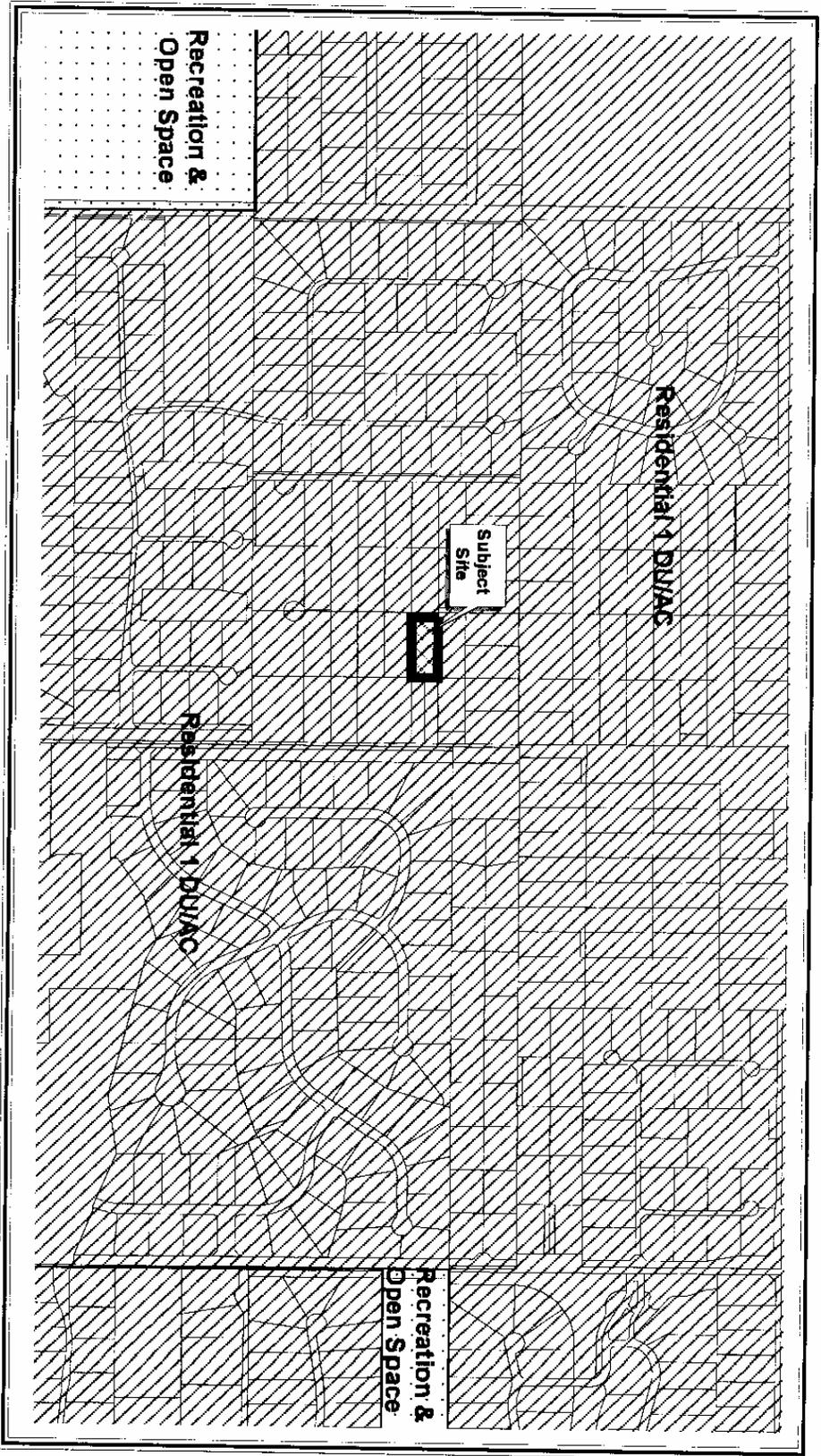


Planning & Zoning Division - GIS



Variance Application
V 10-1-03
Subject Site, Zoning and Aerial Map

Prepared By: D.M.A.
Date Prepared: 11/25/03



Date Flown:
12/31/00



600 0 600 1200 Feet

Planning & Zoning Division - GIS



Prepared By: D.M.A.
Date Prepared: 11/25/03

**Variance Application
V 10-1-03
Future Land Use Map**