

**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 5-3-04, Southern Homes of Davie II, LLC, 12901 Orange Drive, Generally located on the northwest corner of Flamingo Road and Orange Drive

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 the minimum 40' street side setbacks for single-family residences on the corner lots in A-1, Agricultural District; **TO:** reduce one street side setback to 30' for ten corner lots in Grove Creek.

REPORT IN BRIEF:

The Grove Creek site plan was approved for 79 single-family homes with seven (7) floor models and 25 elevations. There are ten (10) corner lots (Lots 1, 4, 25, 30, 39, 45, 48, 53, 73 and 79), ranging from 35,000 square feet to 42,165 square feet in the development. The Town of Davie Land Development Code Section 12-33 (I) (1) requires that corner lots shall provide the minimum front yard requirements for the respective zone for both intersecting streets. The minimum front setback for the single-family homes in A-1 (Agricultural District) is 40 feet. The applicant is requesting a variance to reduce one street side setback for ten (10) corner lots in Grove Creek to 30' in order to construct the approved models on these lots.

The ten corner lots meet the minimum required lot size of 35,000 square feet and the minimum required lot width of 140'. The smallest approved models (Model A and Model B) are 75' wide. Model C is 110' wide, Model D is 107'-4" wide, and Model G is 89' wide. These five (5) models were approved by Town Council for use in Grove Creek.

- Three (3) of the ten (10) lots (Lots 1, 4, and 39) are 140' wide. The smallest models (Models A and B) are 75' wide. The minimum interior side setback is 30' for these lots; therefore, the setback left on the street side is 35', which is 5' less than the required 40' street side setback. The requested variance is necessary to construct the smallest Models A and B on these lots.
- The remaining seven (7) lots are ranging from 145' to 168' in width. Two (2) or three (3) models can fit on these lots without a variance. However, the applicant desires to give

more choices of models for the customers on these lots. Therefore, the applicant is requesting to reduce one street side setback for these lots to 30'.

Staff has determined that with the currently approved models, no homes can be built on Lots 1, 4, and 39 without the requested variance approval. However, if the applicant reduces the width of Models A and B from 75' to 70', the two models would fit on these lots without a variance. The design of the homes on the lot is not a special circumstance, as the developer designs both the site plan and the models. The alleged hardship is self-created.

For the remaining seven (7) lots, the alleged hardship is self-created due to the intention of the developer to build large models on these lots. However, even with the requested variance, three (3) of these seven lots cannot fit any additional models. Therefore, granting of the variance is not necessary for the reasonable use of the land for these lots.

PREVIOUS ACTIONS: None

CONCURRENCES: At the July 14, 2004 Planning and Zoning Board meeting, Vice-Chair Turin made a motion, seconded by Mr. McLaughlin, to deny (Motion carried 4-0 with Mr. Stevens absent).

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, site plan for Grove Creek, Land use map, Subject site map, Aerial, and property survey.

Application #: V 5-3-04, Grove Creek
Exhibit "A"

Revisions: 7/23/04
Original Report Date: 6/23/04

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

Application Information

Owner/Petitioner:

Name: Southern Homes of Davie II, LLC
Address: 12900 SW 128 Street, Suite 100
City: Miami, FL 33186
Phone: (305) 971-0102

Background Information

Date of Notification: July 7, 2004 **Number of Notifications:** 61

Planning and Zoning Board Recommendation: At the July 14, 2004 Planning and Zoning Board meeting, Vice-Chair Turin made a motion, seconded by Mr. McLaughlin, to deny (Motion carried 4-0 with Mr. Stevens absent).

Application History: None

Application Request: A variance **FROM:** Section 12-287 (B) of the Land Development Code that requires the minimum 40' street side setbacks for single-family residences on the corner lots in the A-1, Agricultural District; **TO:** reduce one street side setback to 30' for ten corner lots in Grove Creek.

Address/Location: 12901 Orange Drive, Generally located on the northwest corner of Flamingo Road and Orange Drive

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

Zoning: A-1 (Agricultural District)

Existing Use: Vacant

Proposed Use: Single Family Homes

Lot Size: 35,000 to 42,165 net square feet

	<u>Surrounding Uses:</u>	<u>Surrounding Land</u>
North:	Horse farm & Flamingo ESL	<u>Use Plan Designation:</u> Residential (1 DU/AC)
South:	Flamingo Commons & Orange Drive	Commercial and Right-of-way
East:	Flamingo Commons & Flamingo Road	Commercial and Right-of-way
West:	Single Family (Imagination Farms)	Residential (1 DU/AC)
	<u>Surrounding Zoning:</u>	
North:	A-1, Agricultural District	
South:	B-3, Planned Business Center & Orange Drive	
East:	B-3, Planned Business Center & Flamingo Road	
West:	E, Estate District	

Zoning History

Zoning History:

On October 2, 2002, the Town of Davie adopted Ordinance No. 2002-35 approving rural lifestyle regulations.

Previous Request on same property:

On November 20, 2001, the Town Council approved the plat, Flamingo Plat.

On June 18, 2003, the Town Council approved the site plan, MSP 2-3-02, for construction of 79 single-family homes.

Application Details

The Grove Creek site plan was approved for 79 single-family homes with seven (7) floor models and 25 elevations. There are ten (10) corner lots (Lots 1, 4, 25, 30, 39, 45, 48, 53, 73 and 79), ranging from 35,000 square feet to 42,165 square feet in the development. The Town of Davie Land Development Code Section 12-33 (I) (1) requires that corner lots provide the minimum front yard requirements for the respective zone for both intersecting streets. The minimum front setback for single-family homes in A-1 (Agricultural District) is 40 to 50 feet. The applicant is requesting a variance to reduce one street side setback for ten (10) corner lots in Grove Creek to 30' in order to construct the approved models on these lots.

Applicable Codes and Ordinances

1. Section 12-287 of the Land Development Code requires a minimum front setback of 40 to 50 feet for the single-family residences in the A-1, Agricultural district.
2. Section 12-33 (I) (1) of the Land Development Code requires that corner lots shall provide the minimum front yard requirements for the respective zone for both intersecting streets.
3. Section 12-309, Review criteria for variances.

Comprehensive Plan Considerations

Planning Area: The subject site is located in 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 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.

Staff Analysis

The A-1 zoning district requires minimum 35,000 square feet lot size and minimum 140' lot width. The size of the ten (10) corner lots is ranging from 35,000 square feet to 42,165 square feet with lot width ranging from 140' to 168'. The smallest approved models (Model A and Model B) are 75' wide. Model C is 110' wide, Model D is 107'-4" wide, and Model G is 89' wide. These five (5) models will be used for Grove Creek.

- Lots 1, 4, and 39 are 140' wide. The smallest models (Models A and B) are 75' wide. The minimum interior side setback is 30' for these lots; therefore, the setback left on the street side is 35', which is 5' less than the required 40' street side setback. As such, a variance is required to allow the smallest models (Models A and B) to be constructed on these lots.
- Lots 48 and 53 are 145' wide. No variance is required to build Models A and B on these lots. However, even with the requested variance, no more additional models would fit on these lots.

- Lot 30 is 154' wide. No variance is required to build Models A and B on this lot. However, the requested variance will allow Model G to be built on this lot.
- Lots 73 and 79 are 168' wide. No variance is required to build Models A, B and G on these lots. However, the requested variance will allow Model D to be built on these lots.
- Lot 25 is 162' wide. No variance is required to build Models A, B and G on this lot. However, even with the requested variance, no additional models would fit on this lot.
- Lot 45 has an irregular shape and is 150' in width at the front setback line, and 188' in width at the back. No variance is required to build Models A, B, and G on this lot. However, the requested variance would allow Models C, D, or G to be built on this lot.

The applicant desires to give more choices of models for the customers on Lots 25, 30, 45, 48, 53, 73, and 79, although two (2) or three (3) approved models can be constructed on these lots without a variance. However, the requested variance does not give the customers more options on Lots 48, 53, and 25. The alleged hardship for these lots is self-created due to the desire of the developer to build large models on these lots.

However, the requested variance is necessary to construct the smallest Models A and B on Lots 1, 4, and 39.

Finding of Facts

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variance request.

- (a) There is no 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;

All of these lots meet the minimum required lot size of 35,000 square feet and lot width of 140' for the A-1 zoning district. The design of the homes on the lot is not a special circumstance, as the developer designed both the site plan and the models.

and that said circumstance or condition may not be 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 applicant desires to construct the approved models with a minimum width of 75' on Lots 1, 4, and 39. The reasonable use of these lots will not be deprived because the applicant can reduce the width of the Models A and B.

Regarding the remaining seven lots, it is the applicant's desire to give the customers more choices of models, so the variance is requested. The reasonable use of these lots will not be deprived because the applicant can build two (2) or three (3) approved models on these lots without a variance.

and the alleged hardship is self-created by persons having an interest in the property.

The alleged hardship is self-created due to the facts as stated above.

- (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.

Granting of the variance is not necessary for the reasonable use of the land for the seven lots (Lots 25, 30, 45, 48, 53, 73, and 79) since the applicant can build two (2) or three (3) approved models on these lots without a variance. However, the requested 10-foot reduction is the minimum variance for Lots 73, 79, and 45 to accommodate additional models. For Lot 30, a five (5) foot reduction is the minimum variance to allow one additional model to be built on this lot. For the remaining three (3) lots (Lots 25, 48, and 53), even with the 10-foot reduction, no additional models can be built on these lots.

For Lots 1, 4, and 39, granting of the variance may not be necessary for the reasonable use of the land since the applicant can narrow the proposed models. However, in order to use the approved models, five (5) feet reduction is the minimum variance to accomplish this purpose.

- (c) Granting of the requested variances may 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 requested 10' reduced setback is abutting the streets and does not affect any adjacent neighbors. The design of the street includes an 8-foot-wide swale with large canopy trees. Landscaping proposed around each house, may soften visibility of the structure from the street. Therefore, granting of the variance 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 July 14, 2004 Planning and Zoning Board meeting, Vice-Chair Turin made a motion, seconded by Mr. McLaughlin, to deny (Motion carried 4-0 with Mr. Stevens absent).

Exhibits

- 1) Justification letter;

- 2) Site plan for Grove Creek;
- 3) Subject Site Map;
- 4) Land Use Map and Aerial

Prepared by: _____

Reviewed by: _____

JUSTIFICATION LETTER
VARIANCE REQUEST FOR CORNER SETBACKS

REASON FOR REQUEST:

This request is to allow a variance to Section 12-33 to allow the corner lot setback for the designated side of the home to be consistent with the minimum side yard requirement of 30 feet within the Grove Creek "Flamingo Plat" project. With the approval of the Master Model Plan, this variance is required in order to allow the construction of the homes upon the corner lots. The streets within the Flamingo Plat were designed to provide eight-foot swales to accommodate large street trees and sidewalks were provided on both sides of the streets. We believe the improved street landscape areas are more beneficial to the overall community and the side yard reduction is not detrimental to the individual lots.

The Flamingo Plat was approved November 20, 2001. The Site Plan was approved by the Planning and Zoning Board on May 13, 2003 and the Town Council on June 18, 2003. Concurrently with the Site Plan, a Master Model Plan was approved for seven (7) floor models with 25 elevations.

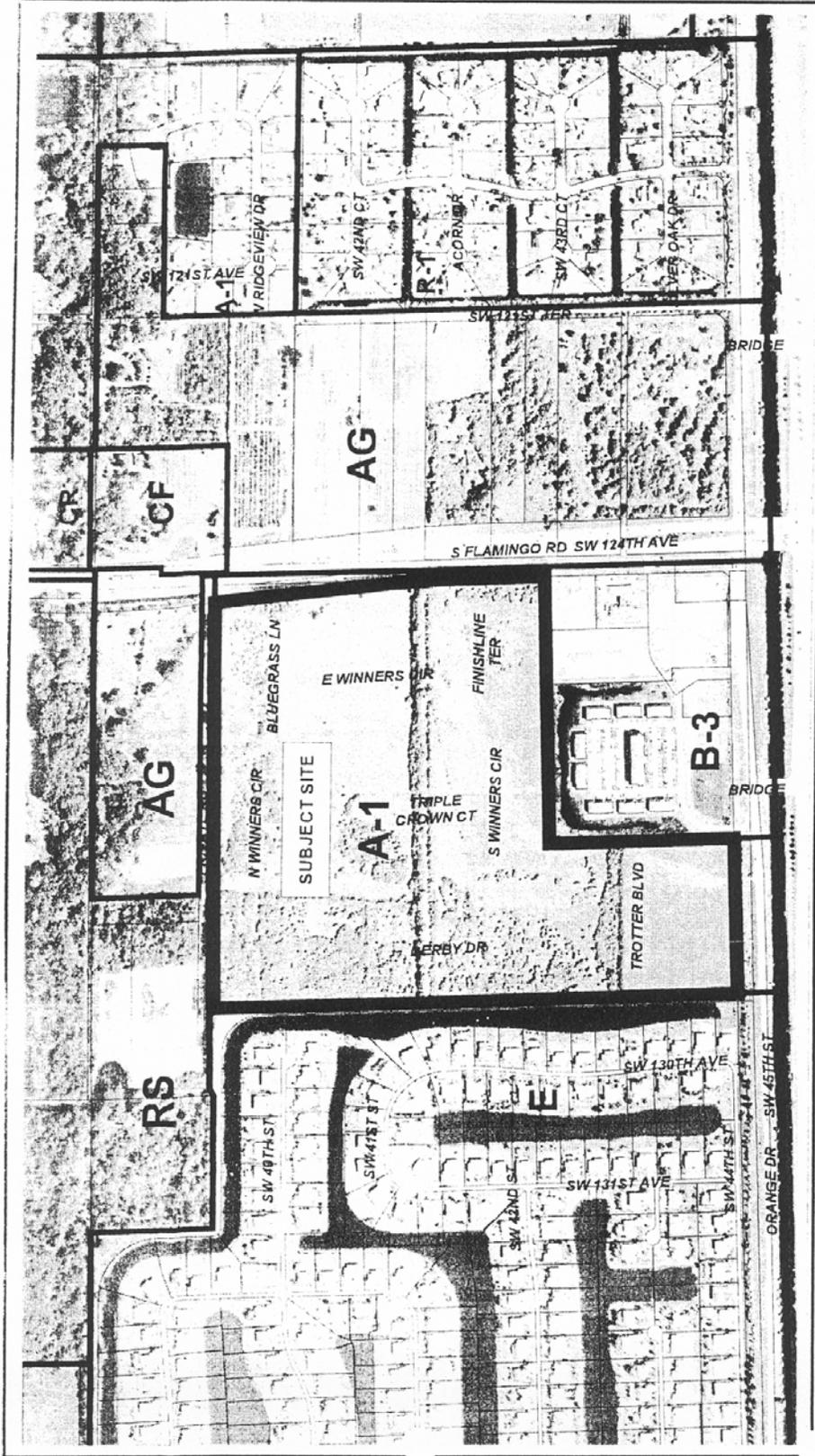
Town of Davie Land Development Code Section 12-81, Table 12-81A, Conventional Single-Family Development Standards; requires within District A-1 that Minimum Yards shall be Front 40-50 feet and Side 30 feet.

Town of Davie Land Development Code Section 12-33 (I)(1) Corner Lot Yard Regulations; requires Corner lots shall provide the minimum front yard requirements for the respective zone for both intersection streets.

REVIEW CRITERIA OF SECTION 12-309 OF THE LAND DEVELOPMENT CODE:

- a) This application has special conditions applying to Grove Creek with the approval of the Master Model Plans and approved design of the street landscaping. These conditions do not generally apply to land or buildings in the same district. Strict application of Section 12-33 would create a hardship, as the homes approved for the Master Model Plans would not be useable on the corner lots.
- b) The granting of the variance is necessary for the reasonable use of the land and homes approved by the Master Model Plan on June 18, 2003. The application submitted is the minimum variance that will accomplish this purpose.
- c) The granting of the variance is consistent with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

d) The roadway and open space design within the Grove Creek project allows the residents to enjoy wider landscape corridors, roundabouts, sidewalks, open space park oval areas adjacent to the corner lots which support the reduced corner side setback request. This variance will not be detrimental to the public, but will provide a smoother street network for vehicles, pedestrians, police and fire services.



Date Flown:
12/31/02

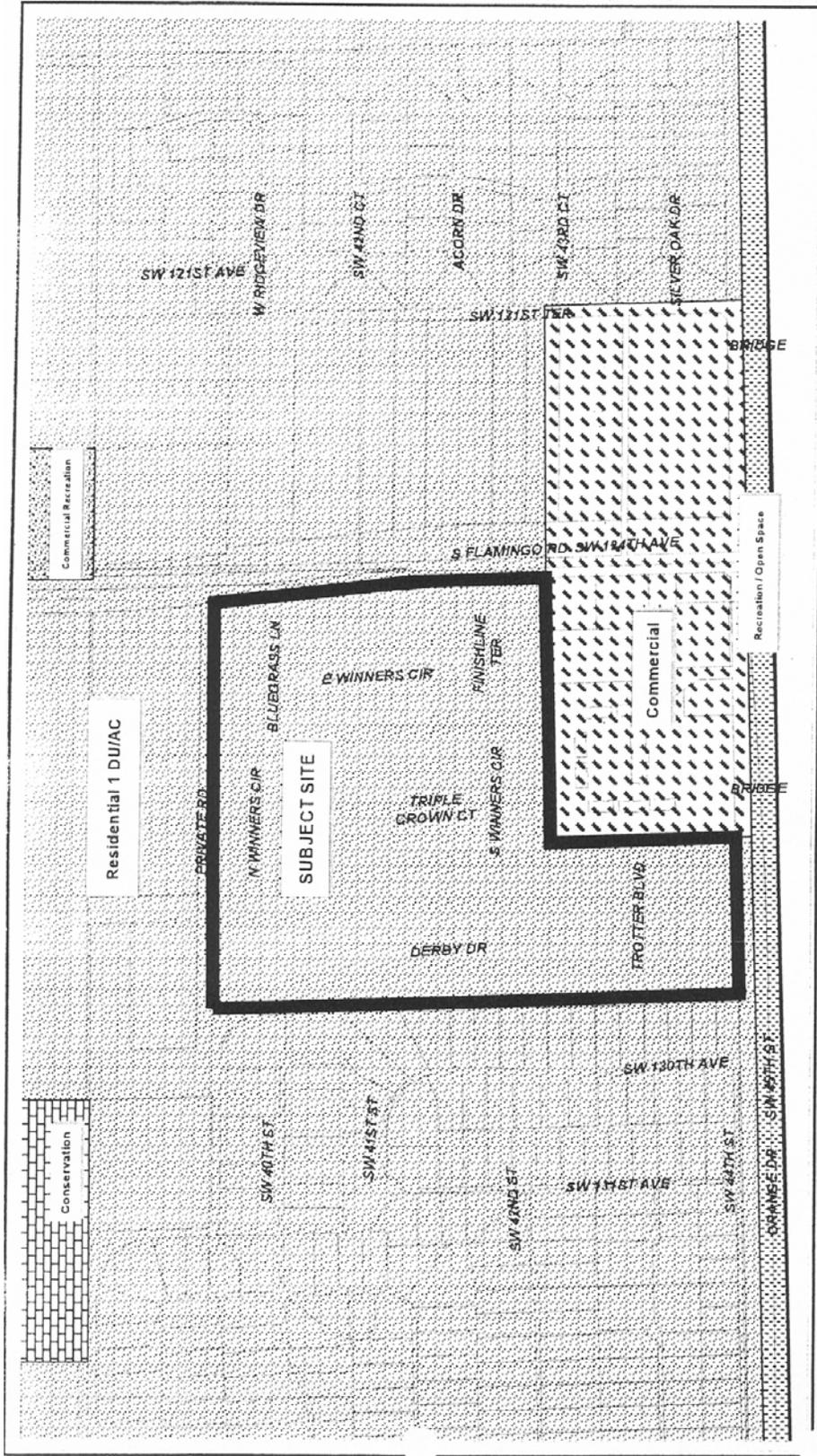


Prepared by the Town of Davie GIS Division



VARIANCE V 5-3-04 Zoning and Aerial Map

Prepared By: ID
Date Prepared: 6/21/04



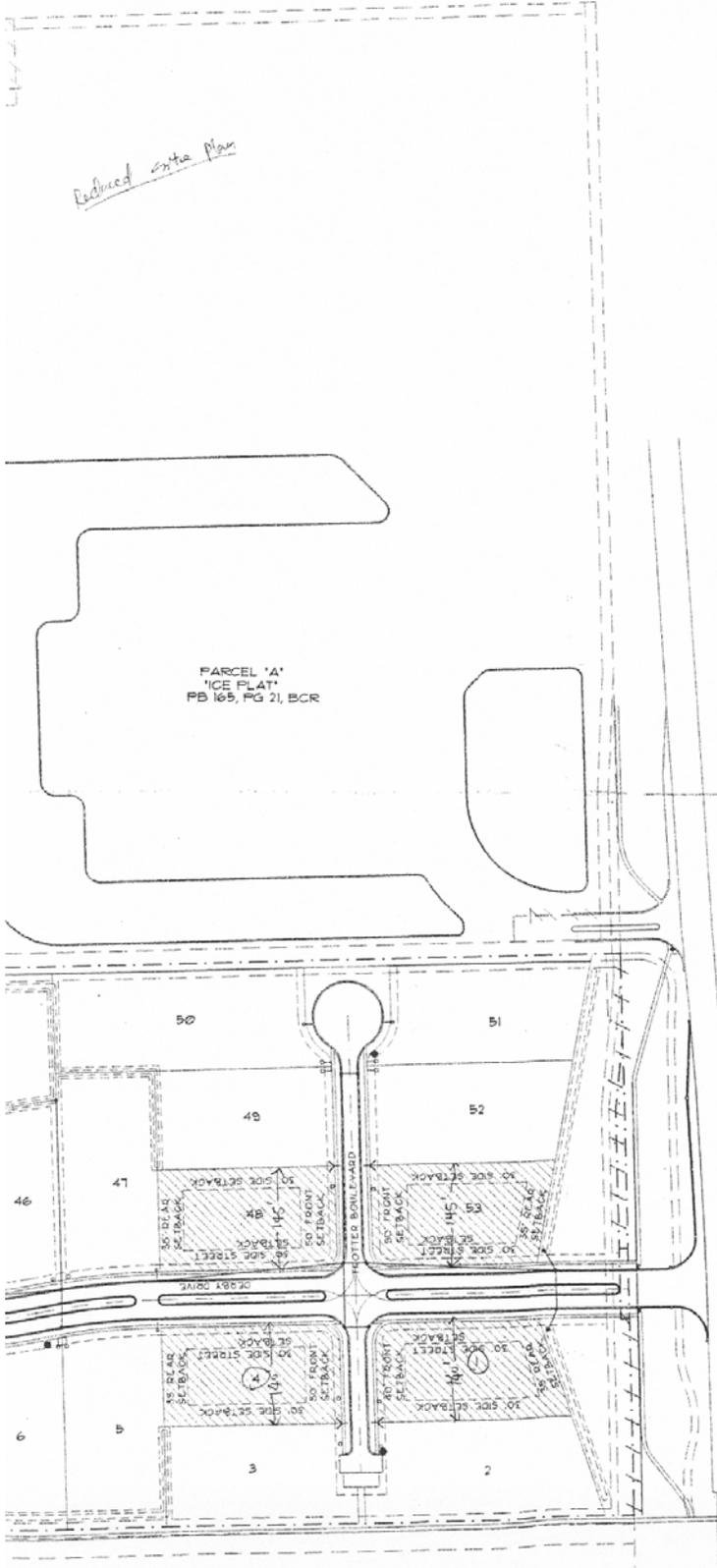
VARIANCE V 5-3-04 Future Land Use Map

Prepared By: ID
Date Prepared: 6/21/04

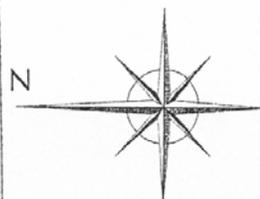


Prepared by the Town of Davie GIS Division

Reduced site plan



SITE PLAN



1:100

SA Group
 12800 S.W. 28th St.
 Suite 204
 Miami, Florida 33186
 Phone: (305) 971-6162
 Fax: (305) 971-6662
 AAF000177

OWNER:
 Southern Homes of Davie
 12800 SW 28th STREET
 MIAMI, FLORIDA 33186
 PHONE: (305) 971-0062
 FAX: (305) 971-0190

GROVE CREEK
 BY
 Southern Homes of Davie.
 Davie, Florida.

Revisions:

SEAL:
[Signature]
 4-20-7

DATE: 04 - 12 - 04
 SCALE: SHOWN
 DRAWN: KKK
 JOB NO.: 04-001

SHEET NO.:
SP-1
 OF: