

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 8-2-04, Cantillo / Generally located on the eastside of East Ridgeview Drive within Laurel Oaks North

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: V 8-2-04 / 04-408 / Cantillo

REPORT IN BRIEF: The applicant is requesting a variance from Section 12-287 (B) of the Land Development Code, which requires a minimum thirty (30') foot side setback from the property line, to reduce the minimum to a twenty-five (25') foot side setback from the property line in the A-1 zoning district.

The subject site is approximately one-hundred fifty-nine (159) feet in width by two hundred ninety two (292) feet in depth and .98-acre (approx. 43,009 square feet) parcel of land located on the eastside of East Ridgeview Drive within Laurel Oaks North. The zoning and land use for parcels adjacent to the north, south, east and west of the subject site are all residential 1 dwelling unit per acre. The subject site situated in Davie's Rural Lifestyle neighborhoods.

The applicant is proposing to expand and enclose the existing 225 sq. ft. covered patio/gazebo structure to accommodate an exercise room, barbeque area, and courtyard. The proposed expansion would be constructed on the southern side of the existing one-story residential home. The original building side setbacks for this property were twenty-five (25) feet. The new structural expansion would maintain the original building side setbacks.

The criteria for approval of a variance requires that the applicant's request show no evidence of self-created hardship. In the case of Mr. & Mrs. Cantillo, their property is approximately one-hundred fifty-nine (159) feet in width by two hundred ninety two (292) feet in depth. The existing house is one-story in height and approximately 4,699 square feet in area. In review of the survey and expansion plan, staff concluded that Mr. & Mrs. Cantillo could not logically accommodate this expansion without a variance.

Residential homes approved and/or built prior to the adoption of the Rural Lifestyle Initiative (RLI) regulations in Laurel Oaks North currently have a twenty-five (25) foot side-building setback.

The RLI provides for a side setback dimension of thirty (30) feet creating a sixty (60) foot separation between all new structures. Granting a variance to allow a twenty-five (25) foot side-building setback from the property line would result in a fifty-five (55) foot separation between the two structures.

Thus, a side setback reduction would only directly affect the house to the south, would not harm the existing open space, and would be consistent with the original approved community plan for Laurel Oaks North.

PREVIOUS ACTIONS: None

CONCURRENCES: At the September 24, 2004 Planning and Zoning Board Meeting, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve V 8-2-04, Cantillo. (Motion carried 4-0, Mr. Stevens was absent)

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: Abelardo & Maria Cantillo
Address: 4032 East Ridgeview Drive
City: Davie, Florida 33330
Phone: (954) 423-8439

Background Information

Date of

Notification: September 8, 2004 **Number of Notifications:** 50

App. Request: Variance **FROM:** Section 12-287 (B) of the Land Development Code, which requires a minimum thirty (30) foot side setback from the property line in the A-1, Agricultural Zoning District. **TO:** Reduce the minimum to a twenty-five (25) foot side setback from the property line.

Address/Location: 4032 East Ridgeview Drive / Generally located on the eastside of East Ridgeview Drive within Laurel Oaks North

Future Land Use

Plan Map: Residential 1 DU / Acre

Existing Zoning: A-1, Agricultural District

Existing Use: Single-Family Residential Dwelling Unit

Parcel Size: .98 acres (approx. 43,009 square feet)

Surrounding Uses:

North: Single-Family Residential
South: Single-Family Residential
East: Vacant
West: Single-Family Residential

Surrounding Future Land Use Plan Map Designations:

Residential 1 DU / Acre
Residential 1 DU / Acre
Residential 1 DU / Acre
Residential 1 DU / Acre

Surrounding Zoning:

North: A-1, Agricultural District
South: A-1, Agricultural District
East: AG, Agricultural District
West: A-1, Agricultural 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 Requests on same property:

Plat Request (P 11-1-94): Town Council approved the subdivision plat on April 5, 1995.

Site Plan Request (SP 7-3-95): Town Council approved Laurel Oaks North (19 single family lots) Site Plan on September 20, 1995.

Vacation Request (VA 11-1-95): Town Council approved vacating the internal roadways shown within the Laurel Oaks North Plat on November 5, 1996.

Applicable Codes and Ordinances

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

DIVISION 3. RURAL LIFESTYLE REGULATIONS

§12-287 (A) & (B) of the Land Development Code, For the A-1 zoning district, the minimum lot area shall be 35,000 square feet, the minimum lot frontage is 150', and maximum building coverage is 25%. The building setbacks shall be as follows for the A-1 zoning district: front 40'-50', side 30', rear 35', and 35' maximum height.

Town Council approved the Rural Lifestyle Regulations on October 16, 2002. At that time, Laurel Oaks North acquired these regulations for all new structures, modifications, and/or additions.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. This planning area 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 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, *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.

Application Details

The applicant is requesting a variance from Section 12-287 (B) of the Land Development Code, which requires a minimum thirty (30') foot side setback from the property line, to reduce the minimum to a twenty-five (25') foot side setback from the property line in the A-1 zoning district.

The subject site is a .98-acre (approx. 43,009 square feet) parcel of land approximately one-hundred fifty-nine (159) feet in width by two hundred ninety two (292) feet in depth located on the eastside of East Ridgeview Drive within Laurel Oaks North. The zoning and land use for parcels adjacent to the north, south, east and west of the subject site are all residential 1 dwelling unit per acre.

The applicant is proposing to expand and enclose the existing 225 sq. ft. covered patio/gazebo structure to accommodate an exercise room, barbeque area, and courtyard. The proposed expansion would be constructed on the southern side of the existing one-story residential home. The original building side setbacks for this property were twenty-five (25) feet. The new structural expansion as proposed would maintain the original building side setbacks.

The applicant has provided staff with a letter from the Ridge at Laurel Oaks Homeowners Association approving the expansion plan. According to § 12-81(A) of the Land Development Code, Table of Conventional Single-Family Development Standards, typical A-1, Agricultural Districts are required to provide a thirty foot (30') side setback. This variance is reduce the required thirty foot (30') side setback five (5) feet.

Findings of Fact

Variances:

Section 12-309(B) (1):

The following findings of facts apply to the variance request:

- (a) There are no special circumstances or conditions applying to the land or building for which the variance is sought;

The .98-acre (approx. 43,009 square feet) parcel can support an addition to the existing structure that does not require a variance. However, the design of the expansion logically aligns with the previous side setbacks of twenty-five (25) feet.

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 parcel can continue its development rights and can be used in accordance with the A-1, Agricultural District without a variance.

Variance Application
V 8-2-04, Cantillo

and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would not deprive the application of the reasonable use of such land or building for which the variances are sought;

The parcel can be reasonably used without a variance. The parcel can support an addition in other locations that would not require a variance. However, due to the existing residential layout and site plan, the most sensible place to locate an expansion would be on along the southern portion of the home.

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

The need for a variance is created by the owner's desire for the expansion to be located on the southern portion of the existing one-story residential building.

- (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 the minimum variance that will accomplish this purpose.

The applicant can achieve reasonable use of the land without a variance, and as such the variance is not the minimum needed.

- (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 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 side-building setback to be reduced from thirty feet (30') to twenty-five feet (25') will not be detrimental to the adjacent properties, as the next closest structure is approximately fifty-five (55) feet from the addition.

Staff Analysis

The criteria for approval of a variance requires that the applicant's request show no evidence of self-created hardship. In the case of Mr. & Mrs. Cantillo, the property is approximately one-hundred fifty-nine (159) feet in width by two hundred ninety two (292) feet in depth. The existing house is one-story in height and approximately 4,699 square feet. In review of the survey and expansion plan, staff concluded that Mr. & Mrs. Cantillo could not logically accommodate this expansion without a variance.

Residential homes approved and/or built prior to the adoption of the Rural Lifestyle Initiative (RLI) regulations in Laurel Oaks North currently have a twenty-five (25) foot side-building setback.

The RLI provides for a side setback dimension of thirty (30) feet creating a sixty (60) foot separation between all new structures. Granting a variance to allow a twenty-five (25) foot side-building setback from the property line would result in a fifty-five (55) foot separation between the two structures.

Thus, a side setback reduction would only directly affect the house to the south, would not harm the existing open space, and would be consistent with the original approved community plan for Laurel Oaks North.

Staff Recommendation

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

Planning and Zoning Board Recommendation

At the September 24, 2004 Planning and Zoning Board Meeting, Mr. McLaughlin made a motion, seconded by Ms. Lee, to approve V 8-2-04, Cantillo. (Motion carried 4-0, Mr. Stevens was absent)

Town Council Action

Exhibits

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

Prepared by: _____

Reviewed by: _____

“Exhibit 1”

Justification for the Variance

Background:

There is an existing 225 sq. ft. structure on the south section of our property with a side setback of 25 feet. This structure was constructed in 2000.

Preliminary consultation with the Planning and Zoning Department on March 11, 2004 indicated that the minimum required side setback for our property was still 25 feet. Building plans were developed and a construction contract was executed in subsequent months. A request to obtain a building permit was later filed.

On August 26, 2004, we were informed by the Planning and Zoning Department that new constructions built after October 2002 now required a side setback of 30 feet. The information provided by the Department in March 2004 was incorrect. It corresponded to Laurel Oaks East and not to Laurel Oaks North where our property is located.

The variance application is to expand the existing 225 sq. ft. structure to accommodate an exercise room, barbeque area and courtyard while maintaining the present 25 feet side setback.

Hardship:

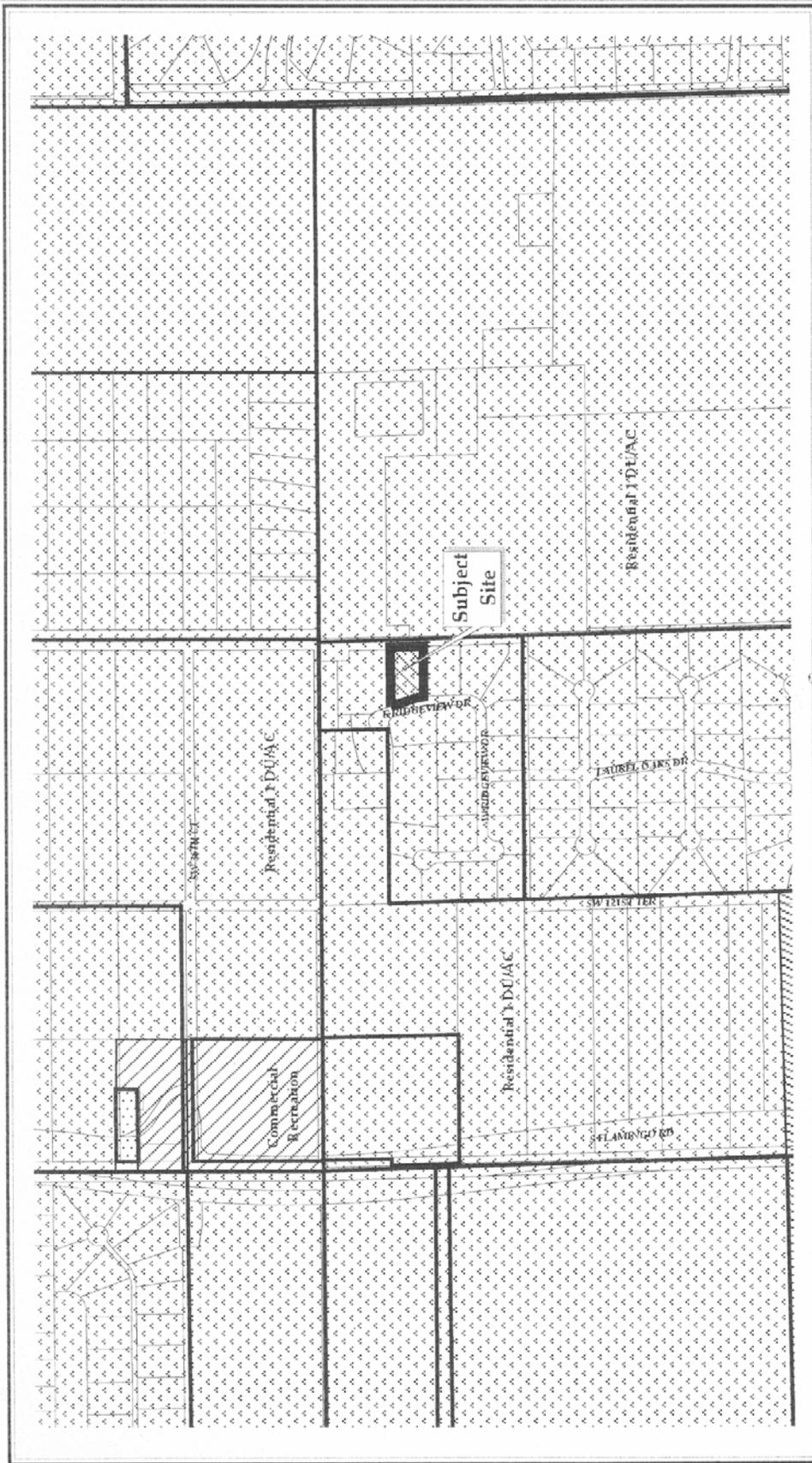
The new construction will house the exercise room, barbeque and courtyard; will be directly attached to the existing structure, which has a 25 feet side setback. Changing the setback on the new construction to 30 feet will produce the misalignment of walls and rooflines, and consequently will disrupt the overall appearance and architectural beauty of the house.

The architectural plans with a 25 feet side setback were approved and supported in full by the HOA architectural review board (see attached letter). Most of the homes in our community were built prior to October 2002, and have structures at 25 feet side setback. The project in question is in harmony with existing residences in the community.

The space for construction is limited by the existing swimming pool. Increasing the side setback to 30 feet will push the new structure 5 feet further into the property and drastically reduce the available space, making it impractical to create a comfortable and functional environment.

In good faith, we have spent and committed thousands of dollars in the development of plans and the execution of the construction contract, with the goal in mind of creating a beautiful and functional environment to enjoy with our family and friends. A substantial portion of these expenditures is non-recoverable.

“Exhibit 4”



Variance Application
V 8-2-04 / 04-408 / Cantillo
Future Land Use Map

Prepared By: D.M.A.
Date Prepared: 9/15/04



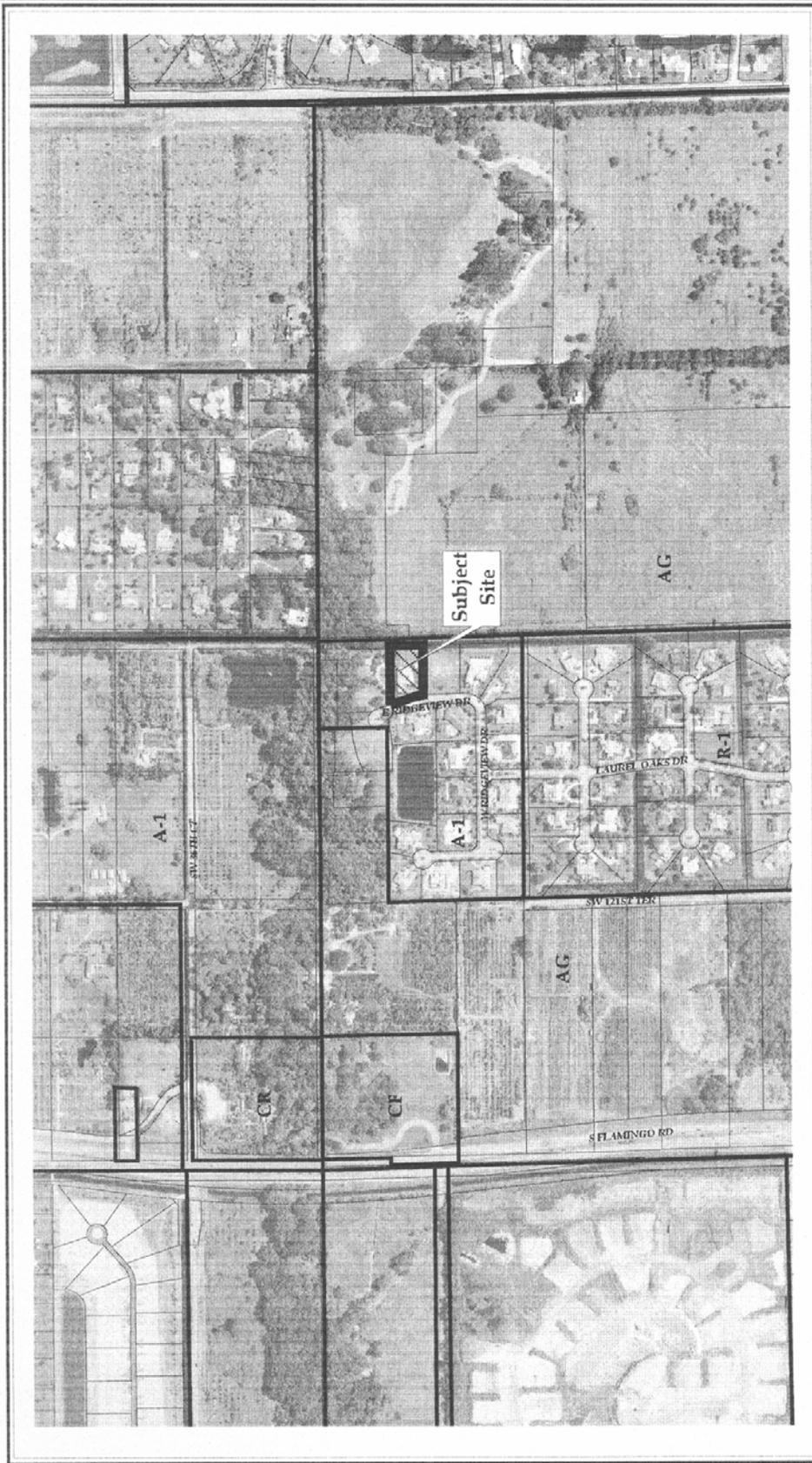
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Development Service Department
Planning & Zoning Division



Scale



Variance Application
V 8-2-04, Cantillo



Variance Application
V 8-2-04, Cantillo

Variance Application
V 8-2-04 / 04-408 / Cantillo
Subject Site, Zoning and Aerial Map

Prepared By: D.M.A.
Date Prepared: 9/15/04



The Town of Davie
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