

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 6-1-06 Khan, 10940 SW 28 Court,
Generally located on the south side of SW 27th Court approximately 880
feet east of Hiatus Road.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: V 6-1-06 Khan, 10940 SW 28 Court (R-1)

REPORT IN BRIEF: The petitioner is requesting to reduce the required side yard setback of the R-1, Estate Dwelling District, from a minimum 25' to 21'5" in order to accommodate the southeast corner of an addition to the principal structure. Section 12-287 (B) of the Land Development Code requires a minimum 25' side setback from the property line in the R-1, Estate Dwelling District.

The petitioner has submitted a site plan which proposes the construction of a 203 square foot closet addition which connects to an existing bedroom. According to the site plan, the addition will meet the side setback requirement of 25' except for the southeast corner of the structure which will extend 3'7" into the east side setback.

PREVIOUS ACTIONS: None

CONCURRENCES: At the August 9, 2006 Planning and Zoning Board meeting, Ms. Turin made a motion, seconded by Chair Bender, to approve V 6-1-06. (Motion carried 4-1 with Bender, Busey, Stevens and Turin voting in favor and McLaughlin voting against).

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, Survey, Site Plan, Floor Plan, 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

<u>Owner:</u>	<u>Petitioner:</u>
Name: Majid Khan	Carl Cossin
Address: 10940 SW 28 th Court	3909 Taft Street
City: Davie, FL 33328	Hollywood, FL 33021
Phone: (954) 473-2667	(754)-204-4665

Background Information

Date of Notification: August 2, 2006 **Number of Notifications:** 88

Application Request: Variance **FROM:** Section 12-287 (B) of the Land Development Code, which requires a minimum 25' side setback from the property line in the R-1, Estate Dwelling District. **TO:** Reduce the minimum to a 21' 5" side setback from the property line in order to accommodate the SE corner of an addition to the principal structure.

Address/Location: 10940 SW 28th Court/Generally located on the south side of SW 27th Court approximately 880 feet east of Hiatus Road.

Future Land Use

Plan Map Designation: Residential (1 DU/AC)

Zoning: R-1, Estate Dwelling District

Existing Use: Single-family residential dwelling unit

Proposed Use: Single-family residential dwelling unit

Parcel Size: 49,816 square feet

Surrounding Future Land Use Plan Map

	<u>Designations:</u>
<u>Surrounding Uses:</u>	
North: Single family dwelling	Residential (1 DU/AC)
South: Single family dwelling	Residential (1 DU/AC)
East: Single family dwelling	Residential (1 DU/AC)
West: Single family dwelling	Residential (1 DU/AC)

Surrounding Zoning:

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

Zoning History

Related Plat History: The Plat, Davie Farnettes, was approved by the Board of Commissioners of Broward County, Florida on October 21, 1969, prior to incorporation into the Town.

Application Details

The petitioner is requesting a variance from Section 12-287 (B) of the Land Development Code to reduce the required side setback in the R-1, Estate Dwelling District from a minimum 25' to 21'5" in order to accommodate the SE corner of a new addition. The petitioner has submitted a site plan which indicates the construction of a 16'11" X 12' addition. The addition does meet the side setback requirement of 25' except for the SE corner of the structure which will extend 3'7" into the east side setback.

Applicable Codes and Ordinances

DIVISION 2. GENERAL REGULATIONS

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

DIVISION 3. RURAL LIFESTYLE DEVELOPMENT REGULATIONS

§12-287 (A) and (B) of the Land Development Code, for the R-1 zoning district, indicates that the minimum lot area shall be 35,000 square feet, the minimum lot frontage is 125', and maximum building coverage is 25%. The building setbacks shall be as follows for the R-1 zoning district: front 30'-40', side 25', rear 30', and 35' maximum height.

Article IX. Rural Lifestyle Regulations, Ordinance No. 2002-35, adopted on October 16, 2002.

Comprehensive Plan Considerations

Planning Area: 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 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 petitioner's request is to reduce the required side setback, on the east side of the property, of the R-1, Estate Dwelling District by 3'7" in order to accommodate the SE corner of an addition to the existing residence. The proposed 203 sq. ft. addition consists of a new closet area which connects to an existing bedroom. The maximum building coverage permitted in the R-1, Estate Dwelling District is 25 percent which allows for a maximum of 12,454 sq. ft. of building on this site. The existing living area is at 1,588 sq. ft. and the proposed new additions (noted on the site plan) which includes a 203 sq. ft closet (which applies to this variance request), a 628 sq. ft garage, and a 243 sq. ft entry brings the total amount of building coverage to 2,662 sq. ft.

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 49,816 square foot parcel and existing home can support an addition that does not require a variance. While the design of the closet addition logically aligns with the existing structure, the parcel and existing home can accommodate the proposed addition with a 25' side setback that includes the desired amenities.

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 25' side setbacks or 50' separation between all new structures in the R-1, Estate Dwelling District applies equally to properties within this zoning district.

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 is being reasonably used now without a variance, and an addition can be constructed at the required 25' side setback.

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 an addition in line with the existing 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 the minimum variance that will accomplish this purpose.

Currently, the parcel is being reasonably used, however the request is the minimum needed to allow an addition that is in line with the existing home.

- (c) Granting of the requested variance 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 east side setback to be reduced from 25' to 21'5''' to construct the proposed addition may not be detrimental to the adjacent property to the east as it is located on the northern side of the property and is accessed from SW 27th Court. The petitioner's residence is located on the southern side of the property and is accessed from SW 28th Court.

Staff Recommendation

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

Planning and Zoning Board Recommendation

At the August 9, 2006 Planning and Zoning Board meeting, Ms. Turin made a motion, seconded by Chair Bender, to approve V 6-1-06. (Motion carried 4-1 with Bender, Busey, Stevens and Turin voting in favor and McLaughlin voting against).

Town Council Action

Exhibits

1. Justification letter
2. Survey
3. Site Plan
4. Floor Plan
5. Future Land Use Plan Map
6. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

REQUEST OF VARIANCE FOR PROPERTY LOCATED AT
10940 SW 28TH CT, DAVIE FL

We would like to respectively request a variance concerning the separation requirements of our particular property located at 10940 SW 28th CT., Davie, FL. The subdivision is Davie Farnettes and consists of approximately two acres. The setback requirement is 25 feet from the side of the lot.

Per Town of Davie Land Development Code Section 12-309 1.a There are special circumstances and conditions applying to the orientation of the building on this land. The original structure was built in the 1960's and oriented at a 45-degree angle to the general layout of the lot. The particular lot is on a curve of the road and the corner of the rectangular lot is the frontage and the entrance from the road. The building faces this frontage causing the SE corner of the building to lie on the 25-foot setback line.

This structure had an addition in the 1970's, which has a flat roof and is 3 feet narrower than the main part of the building. Hurricane Wilma damaged the roof in this part of the house. We intend to extend the gabled roof from the main part of the house and cover the old addition with a hip roof ending on this portion of the house. The structure needs to be widened 3 feet on the side of the old addition to follow the roofline of the rest of the main house. The side wall and footing structure on the old addition are not sufficient to meet the wind load requirements or properly support the new roof to today's standards. We intend to wreck out the old wall and install new footings and wall that meet the current building codes and standards and also build the new roof to follow the current roof structure of the main part of the house.

The current structure's SE corner of the old addition is 24 feet from the property line. The corner of the proposed new roof will be 21' 5" from the side property line extending 3'7" into the 25-foot separation requirement. We are requesting a variance to allow the corner of the structure to extend 3'7" into the 25' separation requirement.

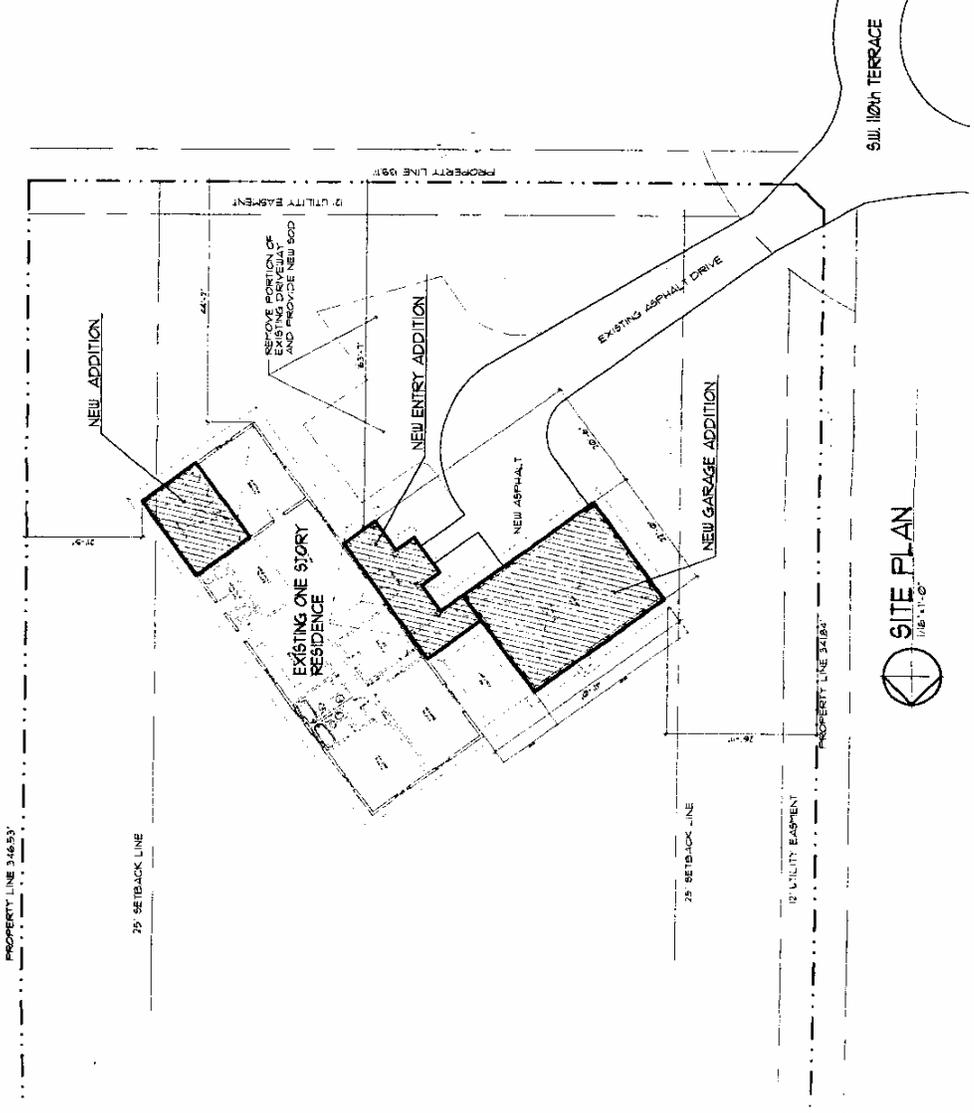
We are requesting this minimum variance to enable us to make the structure safer and compliant with current wind load requirements. The granting of the variance is in harmony with the general purpose and intent of Section 12-309 and is not injurious to the neighborhood or the public welfare. This minimum variance is peculiar to this particular lot could not apply generally to land or buildings in this district.

NEW ADDITIC
 KHAN RESIDI
 TOWN OF DAVIE, FLORIDA

GENE H. BIEDER
 ARCHITECT INC.
 1020 W. 25th St.
 809 N.W. 9th Avenue
 Dania, Florida 33024

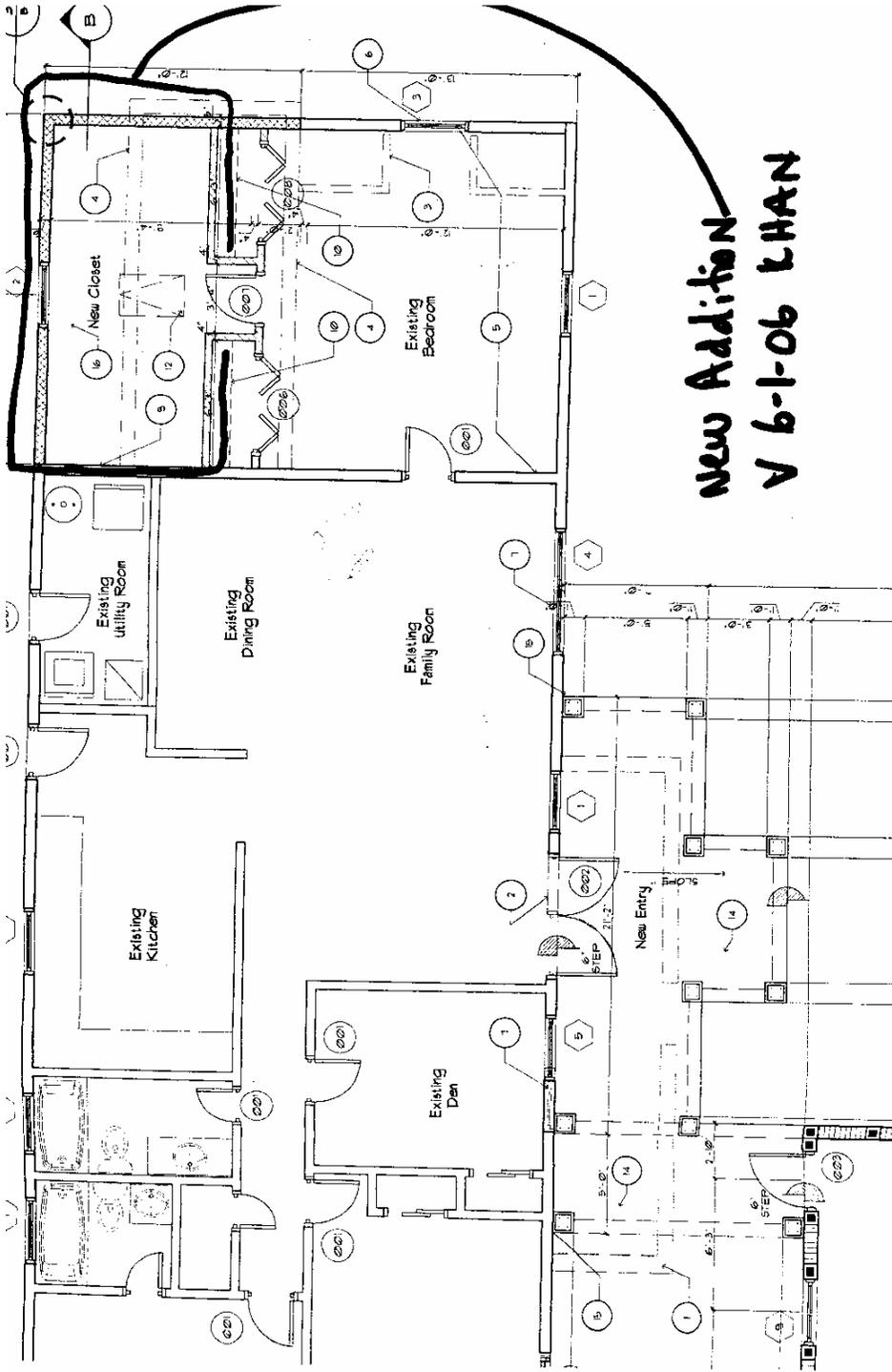
5/9/11
 DATE
 11/16/05
 DATE

DRAWN BY	GP
CHECKED BY	GH
DATE	5/9/09
SCALE	
JOB NO.	
SHEET	1
OF SHEETS	3

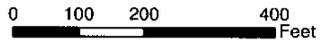
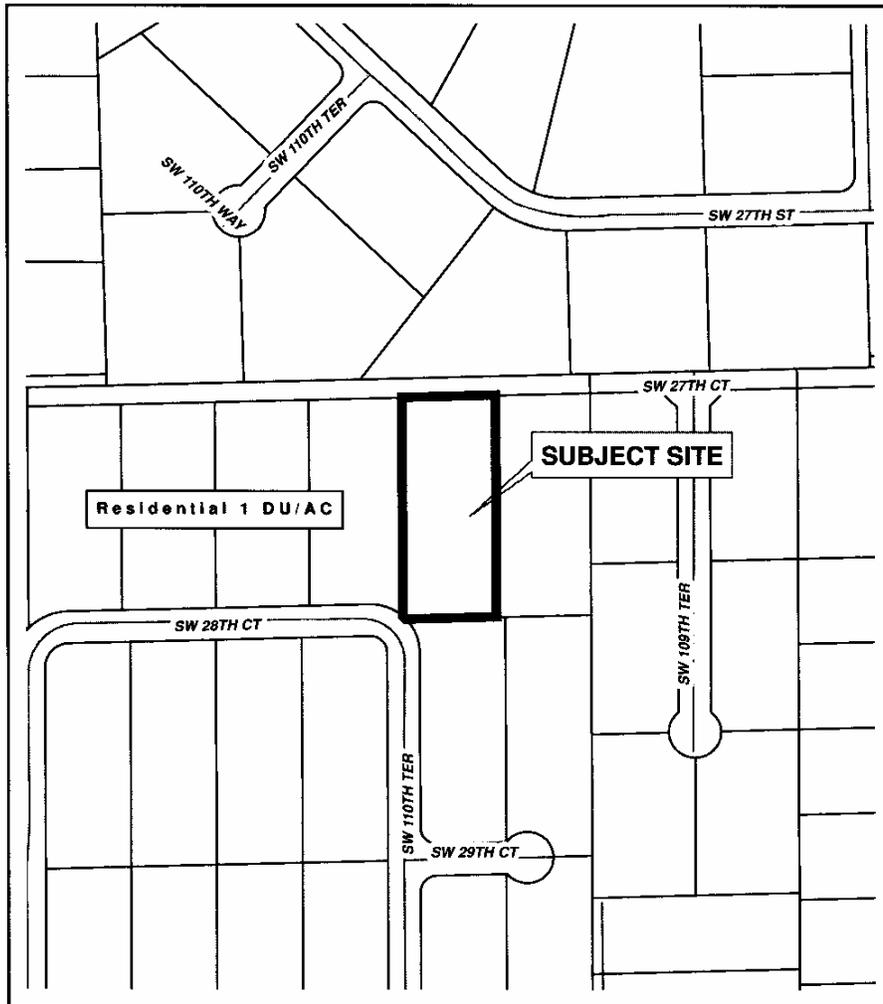


SITE PLAN
 1/8" = 1'-0"

H 11111
 5/16/11



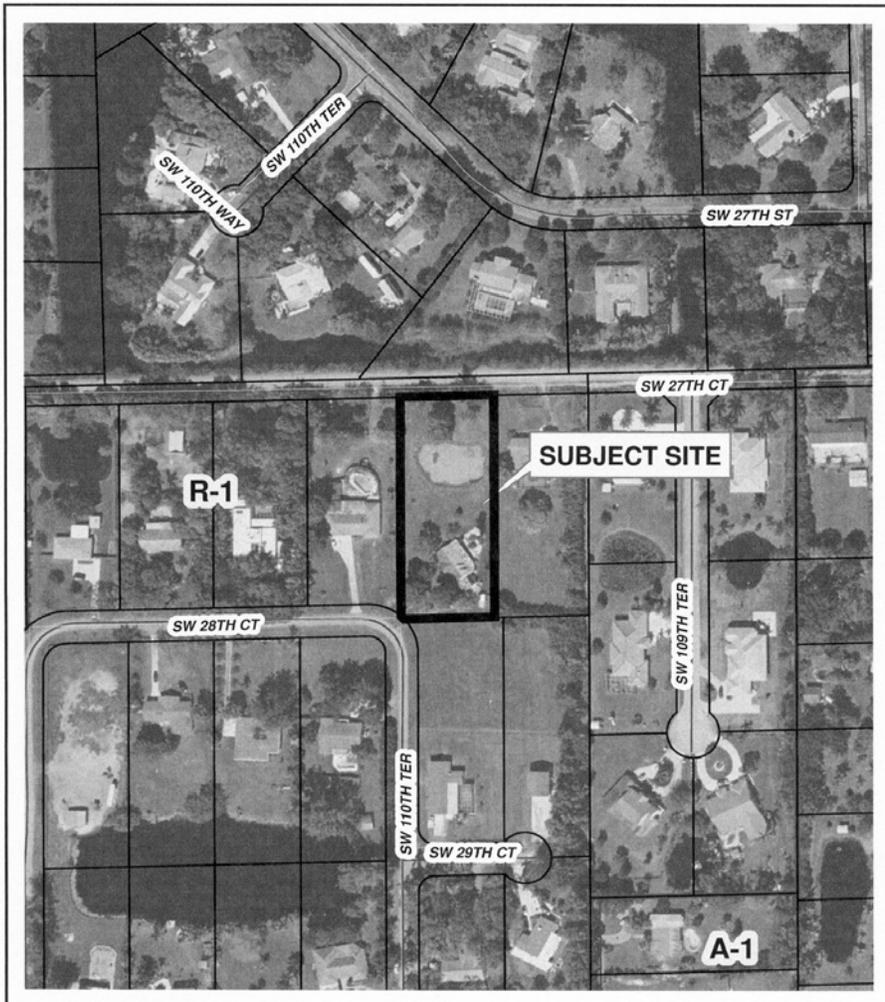
New Addition
V 6-1-06 KHAN



Prepared by the Town of Davie GIS Division

**Variance
V 6-1-06
Future Land Use Map**

Prepared by: ID
Date Prepared: 7/13/06



Date Flown:
12/2004



0 100 200 400 Feet

Prepared by the Town of Davie GIS Division

**Variance
V 6-1-06
Zoning and Aerial Map**

Prepared by: ID
Date Prepared: 7/13/06

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