

# 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 8-2-06 Curtiss, 8601 SW 27<sup>th</sup> Court,  
Generally located east of S. Pine Island Road approximately 1,100 feet  
north of SW 30<sup>th</sup> Street.

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** V 8-2-06 Curtiss, 8601 SW 27<sup>th</sup> Place (R-3)

**REPORT IN BRIEF:** The petitioner is requesting a variance from Section 12-81 (A) of the Land Development Code, which requires a minimum 15' side setback from the property line in the R-3 zoning district, to reduce the minimum to a 7.7' side setback so that a 509 square foot addition may be constructed in line with the eastside setback of the existing home.

The petitioner has submitted a site plan indicating a 509 square foot addition that connects to the existing residence. The petitioner is requesting that the proposed addition be constructed flush with the existing eastside wall of the existing home which is located 7.7' from the property line.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the October 11, 2006 Planning and Zoning Board meeting, Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve. (Motion carried 5-0)

**FISCAL IMPACT:** None

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

1. **Attachment(s):** Planning Report, Justification letter, Survey, Site Plan, Letters from adjacent property owners, Photos of front yard, Future Land Use Plan Map, Zoning and Aerial Map

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

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**Applicant Information**

**Owner/Petitioner:**

**Name:** Barrie A. Curtiss  
**Address:** 8601 SW 27<sup>th</sup> Place  
**City:** Davie, FL 33328  
**Phone:** (954) 474-7233

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**Background Information**

**Date of Notification:** October 4, 2006                      **Number of Notifications:** 184

**Application Request:** Variance **FROM:** Section 12-81 (A) of the Land Development Code, which requires a minimum 15' side setback from the property line in the R-3 zoning district. **TO:** Reduce the minimum to a 7.7' east side setback from the property line in order to accommodate an addition to the principal structure.

**Address/Location:** 8601 SW 27<sup>th</sup> Place/Generally located east of S. Pine Island Road approximately 1,100 feet north of SW 30<sup>th</sup> Street.

**Future Land Use**

**Plan Map Designation:** Residential (3 DU/AC)

**Zoning:** R-3, Low Density Dwelling District

**Existing Use:** Single-family residential dwelling unit

**Proposed Use:** Single-family residential dwelling unit

**Parcel Size:** 9,607 square feet

**Surrounding Future Land Use Plan Map**

	<b><u>Surrounding Uses:</u></b>	<b><u>Designations:</u></b>
<b>North:</b>	Single family dwelling	Residential (3 DU/AC)
<b>South:</b>	Single family dwelling	Residential (3 DU/AC)
<b>East:</b>	Single family dwelling	Residential (3 DU/AC)
<b>West:</b>	Single family dwelling	Residential (3 DU/AC)

**Surrounding Zoning:**

**North, South, East, & West:** R-3, Low Density Dwelling District

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**Zoning History**

**Related Plat History:** The Plat, “Rolling Hills Lake Estates Phase III”, was approved by Town Council on April 4, 1979.

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**Application Details**

The petitioner is requesting a variance from Section 12-81 (A) of the Land Development Code, which requires a minimum 15’ side setback from the property line in the R-3 zoning district, to reduce the minimum to a 7.7’ side setback so that a 509 square foot addition may be constructed in line with the eastside setback of the existing home.

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**Applicable Codes and Ordinances**

DIVISION 2. GENERAL REGULATIONS

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

§12-81 (A) Conventional Single Family Development Standards, R-3, Low Density Dwelling District, requires the following minimums: lot area of 12,000 square feet, 100’ frontage, 30’ front setback, 15’ side setbacks, 25’ rear setback , 35’ maximum building height, and 40 percent maximum building coverage.

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**Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 5. Planning Area 5 is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are SW 36 Street, on the western portion. This planning area is comprised of residential uses developed at a density of three to 22 dwelling units per acre and commercial development, existing and proposed, along the University Drive and Orange Drive corridors. The Pine Island Ridge, classified as environmentally sensitive, has been preserved within this planning area.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 99.

**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.

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**Staff Analysis**

The applicant’s request is to reduce the required side setback, on the east side of the property, of the R-3, Low Density Dwelling District, from 15’ to 7.7’ in order to accommodate a 509 square foot addition in line with the existing one story residence. The proposed 509 sq. ft.

addition consists of a foyer, bedroom/office, and bedroom. The existing living area which consists of 2,704 sq. ft. in addition to the proposed 509 sq. ft. addition brings the total amount of building coverage to 3,213 sq. ft. well below the maximum building coverage of forty (40) percent or 3,842.8 sq. ft. of building permitted on this site.

Upon a review of approved building permits for additions located within Rolling Hills Lake Estates Phase III, there is a case in 2004 whereby an addition was constructed in line with the existing home side setback of 8.6'. A review of variance application logs indicates that a side setback variance for this addition was not submitted and therefore the building permit was approved in error. It is the applicant's intent to obtain a variance in compliance with the Town's Land Development Code, Section 12-309 (A).

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## Findings of Fact

### Variations:

#### **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 9,607 square foot parcel and existing home can support an addition that does not require a variance. While the design of the addition logically aligns with the existing structure, the parcel and existing home can accommodate an addition with a 15' 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 15' side setbacks or 30' separation between all new structures in the R-3, Low Density 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 15' 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 15' to 7.7' to construct the proposed addition may not be detrimental to the adjacent property to the east being that the existing separation distance between structures is approximately 15.4' and the proposed addition would maintain this existing distance.*

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### **Staff Recommendation**

Staff recommends that the applicant provide acknowledgment letters from adjacent property owners. Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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### **Planning and Zoning Board Recommendation**

At the October 11, 2006 Planning and Zoning Board meeting, Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve. (Motion carried 5-0)

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### **Town Council Action**

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#### **Exhibits**

1. Justification letter
2. Survey
3. Site Plan
4. Letters from adjacent property owners
5. Photos of front yard
6. Future Land Use Plan Map
7. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

brasnall  
**brasnall architect,**

## REQUEST FOR VARIANCE

Date: **August 16, 2006**

To: **Planning & Zoning Board**

*Town Of Davie*  
6591 Orange Drive  
Davie, Florida 33314

Tel. 954-797-1103

Tel. 954-797-1204

Re: **Variance Request**

*Williams Residence*  
8601 Southwest 27<sup>th</sup> Avenue  
Davie, Florida 33328

Dear City Officials,

I am the Architect of Record for the above project. The owners, Griff Williams and his wife Barrie Curtis, are applying for a variance regarding a proposed addition to their existing single family home in Davie.

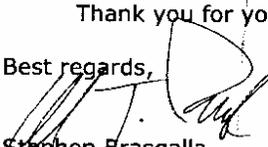
When the home was originally constructed, the side yard setback was apparently set at 7'-6" from the property line. Revisions in the zoning ordinance have resulted in a current required side yard setback of 15'-0". **This condition was not self-created by any person having an interest in the property.**

The owners wish to make an addition to the front of the home which will not encroach on the front yard setback of 30'-0". However, they would like to continue the lines of the house from the existing side wall which is now non-conforming.

The request of this variance is to allow the addition to be constructed flush with the existing side wall of the home to a dimension of 7'-7" from the side property line, for a proposed encroachment into the current 15'-0" side yard setback of 7'-5". **This is the minimum variance that will accomplish the purpose.** We have included dimensional plans and an elevation of the proposed addition for your consideration. **The proposed addition will continue the flavor of the existing home and thus will remain in harmony with the neighborhood and will not be injurious or detrimental.**

Thank you for your kind consideration of this application.

Best regards,

  
Stephen Brasgalla

7161 West Broward Boulevard  
Florida License No. AR0012239

Plantation, Florida 33317

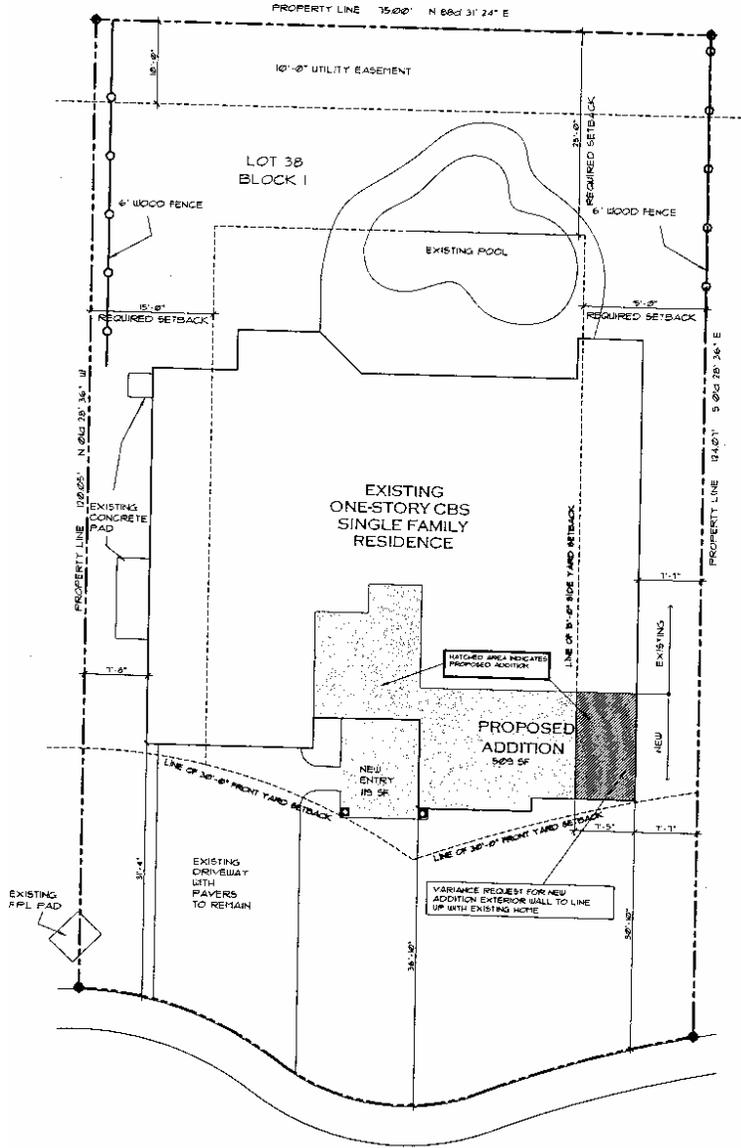
954.614.3801



# WILLIAMS RESIDENCE

8601 S.W. 27TH PLACE  
DAVIE, FLORIDA 33328

## VARIANCE REQUEST



**SITE PLAN**  
SCALE: 1/8" = 1'-0"



Revisions:



Project Number

060503

WILLIAMS RESIDENCE  
ADDITION & RENOVATION  
8601 S.W. 27TH PLACE  
DAVIE, FLORIDA 33328

Project Name

WILLIAMS  
RESIDENCE

STEPHEN  
BRASGALLA,  
ARCHITECT

STATE OF FLORIDA  
REGISTRATION NO. AR12334  
7701 WEST BRUNNEN BOULEVARD  
PLANTATION, FLORIDA 33324  
TELEPHONE 954.474.3900  
FLEXLINE 954.208.0800  
WWW.STEVENBRASGALLA.COM

*[Handwritten Signature]*  
9.26.06

Drawn By: S.F.

Checked By: STB

Date: SHOWN

Date: 9.26.06

Project Number

060503

Sheet:

VR-1

Date: 12/7/06

Marc & Donna Girard  
8581 SW 27<sup>th</sup> Place  
Davie, FL 33328

Town of Davie  
6591 Orange Drive  
Davie, FL 33314

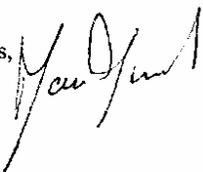
Re: Variance Request # V 8-2-06

To Whom It May Concern,

We have reviewed the plans for the proposed remodeling project for the home located at 8601 SW 27<sup>th</sup> Place with the property owner, and approve of the planned revisions to the property. We understand that the details of the variance request are to enable continuance of the East-facing wall of the structure along the current boundary, approximately 13 ½ feet forward, as part of the remodeling project.

As the owners of the property immediately next to the area subject to the variance, we are satisfied that the completed project will add to the appearance and value of the properties within the neighborhood, and do not object to the granting of the variance to the property owners.

Regards,



Date: Oct. 9, 2006

Clarence & Gail Wilson  
8621 SW 27<sup>th</sup> Place  
Davie, FL 33328

Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Re: Variance Request # V 8-2-06

To Whom It May Concern,

We have reviewed the plans for the proposed remodeling project for the home located at 8601 SW 27<sup>th</sup> Place with the property owner, and approve of the planned revisions to the property. We understand that the details of the variance request are to enable continuance of the East-facing wall of the structure along the current boundary, approximately 13 ½ feet forward, as part of the remodeling project.

As the owners of the property immediately West of the subject property, we believe the proposed remodeling project will result in a structure that compliments the existing homes within the neighborhood, and will add to the appearance and value of the neighborhood.

We support the property owners' request for granting of the variance to enable completion of the project.

Regards,



Date: 10/9/06

Greg & Melissa Roye  
2711 SW 86 Way  
Davie, FL 33328

Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Re: Variance Request # V 8-2-06

To Whom It May Concern,

We have reviewed the plans for the proposed remodeling project for the home located at 8601 SW 27<sup>th</sup> Place with the property owner, and approve of the planned revisions to the property. We understand that the details of the variance request are to enable continuance of the East-facing wall of the structure along the current boundary, approximately 13 ½ feet forward, as part of the remodeling project.

As property owners residing close to the property subject to the variance, we are satisfied that the completed project will be complimentary for the other properties within the neighborhood, and do not object to the granting of the variance to the property owners.

Regards,



Date: 6 October 2006

Ronald Cunniff  
8600 SW 27<sup>th</sup> Place  
Davie, FL 33328

Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Re: Variance Request # V 8-2-06

To Whom It May Concern,

I have reviewed the plans for the proposed remodeling project for the home located at 8601 SW 27<sup>th</sup> Place with the property owner, and approve of the planned revisions to the property. I understand that the details of the variance request are to enable continuance of the East-facing wall of the structure along the current boundary, approximately 13 ½ feet forward, as part of the remodeling project.

As the owner of the property across the street from the subject property, I believe the proposed remodeling project will be a pleasing improvement to the property, will compliment the existing homes, and will not detract from the appearance of the neighborhood.

I support the property owners' request for granting of the variance to enable completion of the project.

Regards,

  
RONALD CUNNIFF



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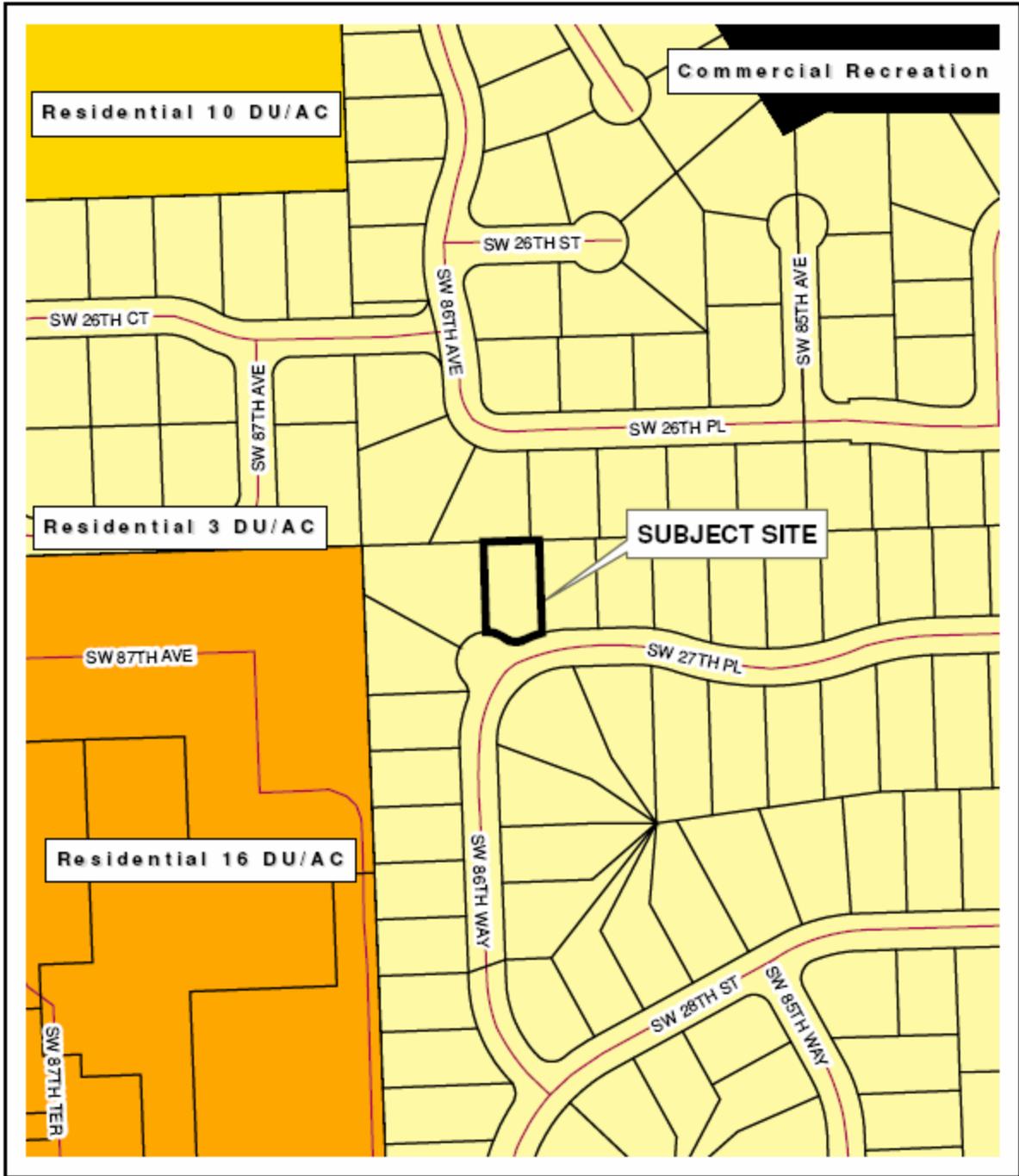
3





5





0 100 200 400 Feet

Prepared by the Town of Davie GIS Division

**Variance  
V 8-2-06  
Future Land Use Map**

Prepared by: ID  
Date Prepared: 9/19/08



Date Flown:  
12/2004



0 100 200 400 Feet

Prepared by the Town of Davie GIS Division

**Variance**  
**V 8-2-06**  
**Zoning and Aerial Map**

Prepared by: ID  
Date Prepared: 9/19/08

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