

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: Carlo F. Galluccio III Planning Aide

SUBJECT: Quasi Judicial Hearing, Variance Application: V 6-1-07 /07-98/Robert Bage Stirling Lake/Generally located on the corner of SW 56th street and SW 58th Street between Griffin and Stirling Road.

AFFECTED DISTRICT: District 1

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: V 6-1-07 /07-98/Robert Bage Stirling Lake

REPORT IN BRIEF: The petitioner is requesting a variance from Section §12-81 (A) of the Land Development Code, which requires fifteen (15') foot minimum side setback, and thirty (30') foot minimum front setback for the R-3, Low Density Dwelling District, to provide a ten foot (10') two (2") inch side setback and a fifteen (15') foot two (2") inch front setback, respectively

The petitioner's request is to reduce the required side and front setbacks of the R-3, Low Density Dwelling District, in order to accommodate a two-story addition to the existing one-story residence. When the house was built, the zoning was R-1-C (Broward) with setbacks of twenty five (25') front, seven point five (7'.5") side. When annexed into the Town of Davie in 1961 the area was rezoned to R-3, Low Density Dwelling District. The variance is needed to reduce the current set backs for the proposed addition. The addition will consists of a two-car garage on the first floor and a master bedroom on the second floor. The existing single-family home consist of approximately 1,706 square feet and the approximately 187 square feet addition brings the total amount of building coverage to 1,893 square feet, which is below the maximum building coverage of forty (40) percent or 3,098 square feet of building permitted on this site.

Staff finds the application complete and suitable for transmittal to Town Council for further consideration.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

At the August 8, 2007 Planning & Zoning Board meeting, Vice-Chair Stevens made a motion, seconded by Mr. Pignato, to approve Variance Application 06-01-07 (**Motion carried 5-0**).

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Planning Report

Application: V 6-1-07 Bage/Robert Bage

Original Report Date: 08/15/07

Revision(s):

Name: Robert Bage
Address: 5750 SW 56th Street
City: Davie, Florida 33314
Phone: (954) 792-8751

Background Information

Date of Notification: September 5, 2007 **Number** **of**
Notifications: 199

Petitioner’s Request: Variance: **FROM:** Section §12-81(A), fifteen (15’) foot minimum required side setback, and thirty (30’) foot minimum required front setback for R-3, Low Density Dwelling Zoning District. **TO:** provide a ten foot (10’) two inches (2”) side setback and a fifteen foot (15’) two inches (2”) front setback

Address: 5750 SW 56th Street

Location: Generally located on the south east corner of SW 56th Street and SW 58th Street.

Future Land Use Plan Map: Residential 5 dwelling units per acre

Existing Zoning(s): R-3, Low Density Dwelling District

Proposed Zoning(s): N/A

Existing Use(s): Single-Family Home

Parcel Size: Approximately 7,747 square feet

Proposed Use(s): Proposed addition an existing single-family home

		<u>Surrounding Future Land Use Plan Map</u>
<u>Surrounding Uses:</u>		
<u>Designations:</u>		
North:	Single family dwelling per Acre	Residential 5 Dwelling Unit
South:	Single family dwelling per Acre	Residential 5 Dwelling Unit

East:
per Acre
West:
per Acre

Single family dwelling
Single family dwelling

Residential 5 Dwelling Unit
Residential 5 Dwelling Unit

Zoning History

Related Zoning History:

Plat of Stirling Lakes was recorded in PB 48, p. 45 in 1961. This area of the Town was annexed in 1961.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

DIVISION 2. GENERAL REGULATIONS

Land Development Code (Section 12-309) of the Land Development Code, review for variances.

Land Development Code (Section 12-24) (I)(3) Low Density Dwelling (R-2 and R-3) Districts: The R-2 and R-3 Districts are intended to implement the three (3) dwelling units per acre residential classification of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for low density dwelling districts in the town.

Land Development Code (Section 12-81) 81(A) presents the development standards that govern the construction of single-family dwelling units in the residential districts. The R-3, Low Density Dwelling Unit District requires the following minimums: lot area of 12,000 square feet, 125' frontage, 30' front setback, 15' side setbacks, 25' rear setback, 35' maximum building height, and 40 percent maximum building coverage.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 9 This Planning Area is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

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.

Application Details

The petitioner is requesting a variance from Section §12-81 (A) of the Land Development Code, which requires fifteen (15') foot minimum side setback, and thirty (30') foot minimum front setback for the R-3, Low Density Dwelling District, to provide a ten foot

(10') two (2) inch side setback and a fifteen (15') foot two (2'') inch front setback, respectively.

The petitioner's house was zoned R-1-C (Broward), with setbacks of twenty five (25') front, seven point five (7'.5'') side and fifteen (15') in the rear prior to being annexed into the Town of Davie in 1961. The area was rezoned to a Town of Davie zoning of R-3 that has setbacks of fifteen (15') foot side setback, and thirty (30') foot front setback. The petitioner's request is to reduce the required front and side setbacks from thirty (30') foot to fifteen (15') foot two (2'') inches and from fifteen (15') foot to ten (10') foot two (2'') inches of the R-3, Low Density Dwelling District, in order to accommodate a two-

story addition to the existing one-story residence. The proposed addition consists of a two-car garage on the first floor and a master bedroom on the second floor. The existing single-family home is “L” shape and located on a corner lot on a canal. Due to the location of the house he only has one neighbor to the east that will not be affected by the addition (Letters provide). Because of the “L” shape lot only the southeast corner of the house needs the side setback variance. The addition will be in line with the existing house by maintaining the existing front setback of fifteen (15’) feet two (2”) inches along the east side of the property. The variance will be to maintain the existing setback of fifteen (15’) feet two (2”) inches. The house is approximately 1,706 square feet and the approximately 187 square feet addition brings the total amount of building coverage to 1,893 square feet, which is below the maximum building coverage of forty (40) percent or 3,098 square feet of building permitted on this site.

The required 15’ side setback and the 30’ front setback for single-family development in the R-3, Low Density Dwelling District applies equally to properties within this zoning district. However this development was built prior to 1961 when it was annexed into the Town of Davie and the set backs were changed.

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

At the August 8, 2007 Planning & Zoning Board meeting, Vice-Chair Stevens made a motion, seconded by Mr. Pignato, to approve Variance Application **06-01-07 (Motion carried 5-0)**.

Exhibits

File Location: P&Z\Development Applications\Applications\V_Variance\V_07\V 6-1-07 Robert Bage

Exhibit 1 (*Justification letter*)

August 30, 2007

Town of Davie
Planning and Zoning
6591 Orange Drive
Davie, FL 33314

To Whom It May Concern:

I am writing this letter to clarify my original justification for a set back variance for my house located at 5750 SW 56 ST, Davie, FL. In my original letter, I outlined the reasons why I must obtain a variance in order to reasonable use my property due to it's non-conforming L-shape and change in zoning since it's original construction in 1961 in unincorporated Broward County. The variance would allow me to rebuild my garage to a two-car garage and add a second floor with a new master bedroom.

I am requesting that my property be zoned a non-conforming R-3 with a variance for the following set back encroachments: a side set back (the side of the house would be considered the south and north sides of the structure) of 10'3". When the house was originally built in unincorporated Broward County it was zoned R-1-C and only required a 7.5 foot side set back. The construction will be on the south side of my house, which as a canal located approximately 14 foot from the closest point. The canal is approximately 50 foot wide so there would be a sufficient distance between my house and my adjacent neighbor's house. My adjacent neighbor fully supports my variance application. A signed letter was submitted with my original justification letter from my neighbor.

I am also requesting a variance to allow the new construction to match the existing footprint of my current house. My house has a 15'2" front set back when a 30 foot front set back is required, therefore, I am requesting a variance for a 15'2" front set back (the west side of the structure would be considered the front).

In order to fully and reasonably use my property, I need to have a variance for the setbacks. Due to the unusual L-Shape of my yard on the south side of my house the majority of my side yard is in one of the set back areas. There is no other way to improve my garage with out encroaching into the set back areas. This project fits the continuity of the neighborhood and has met the approval of my neighbors. A site plan and property survey has been submitted to Planning and Zoning Department.

Sincerely,


Robert Bage
5750 SW 56 ST
Davie, FL 33314

Exhibit 2 (Survey)

Attachment 6

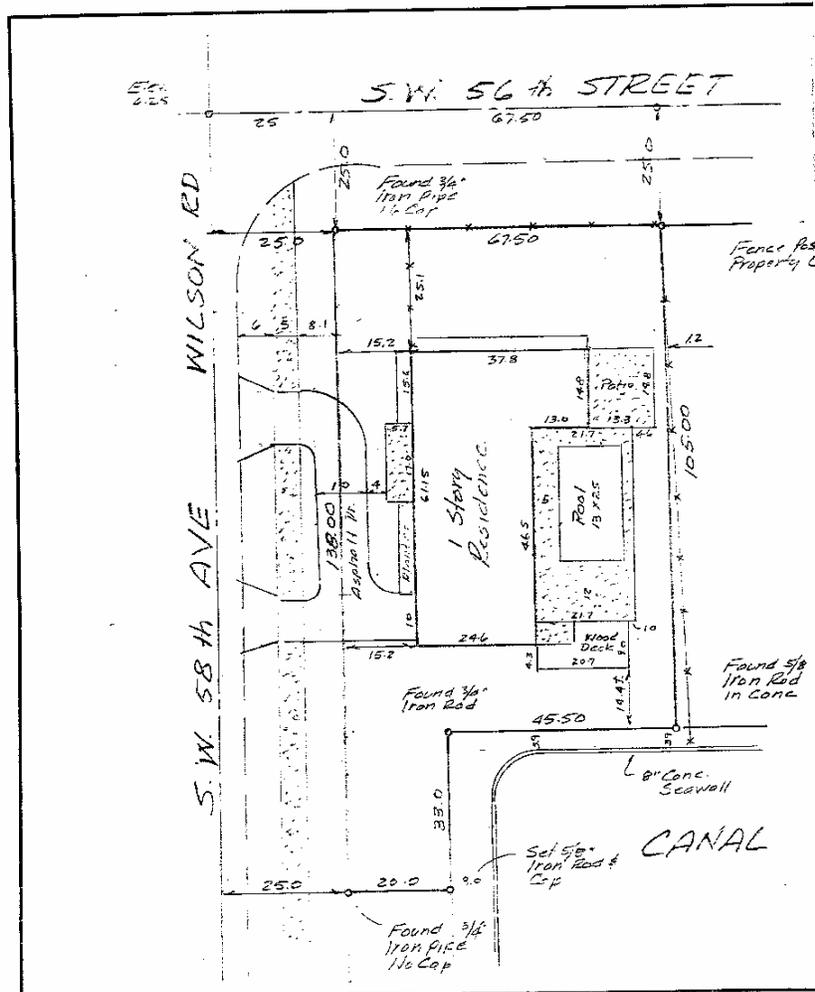
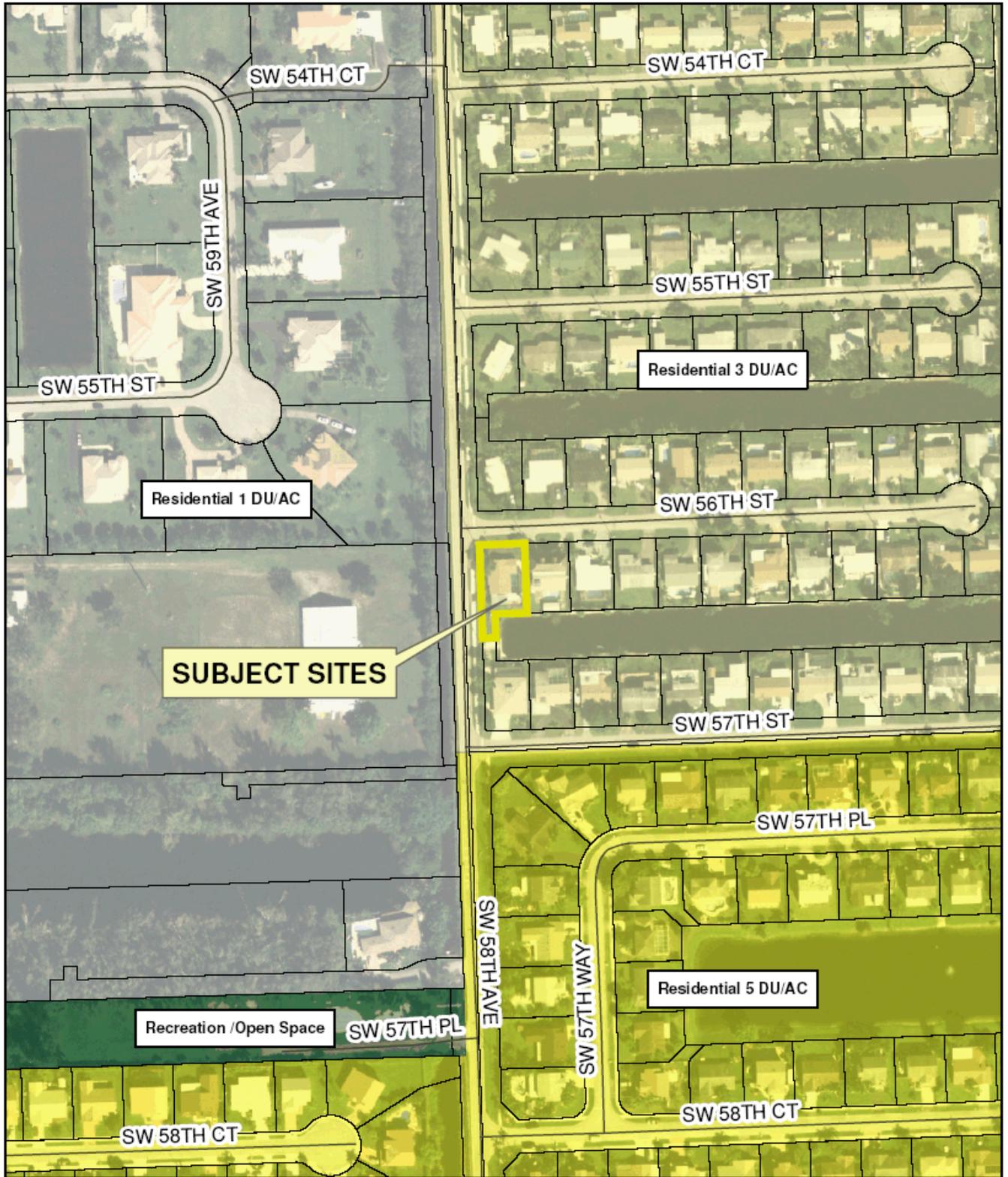
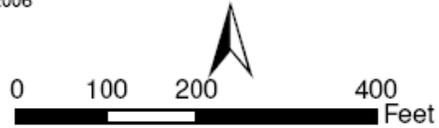


Exhibit 4 (*Future Land Use Map*)



Date Flown:
12/2006

N

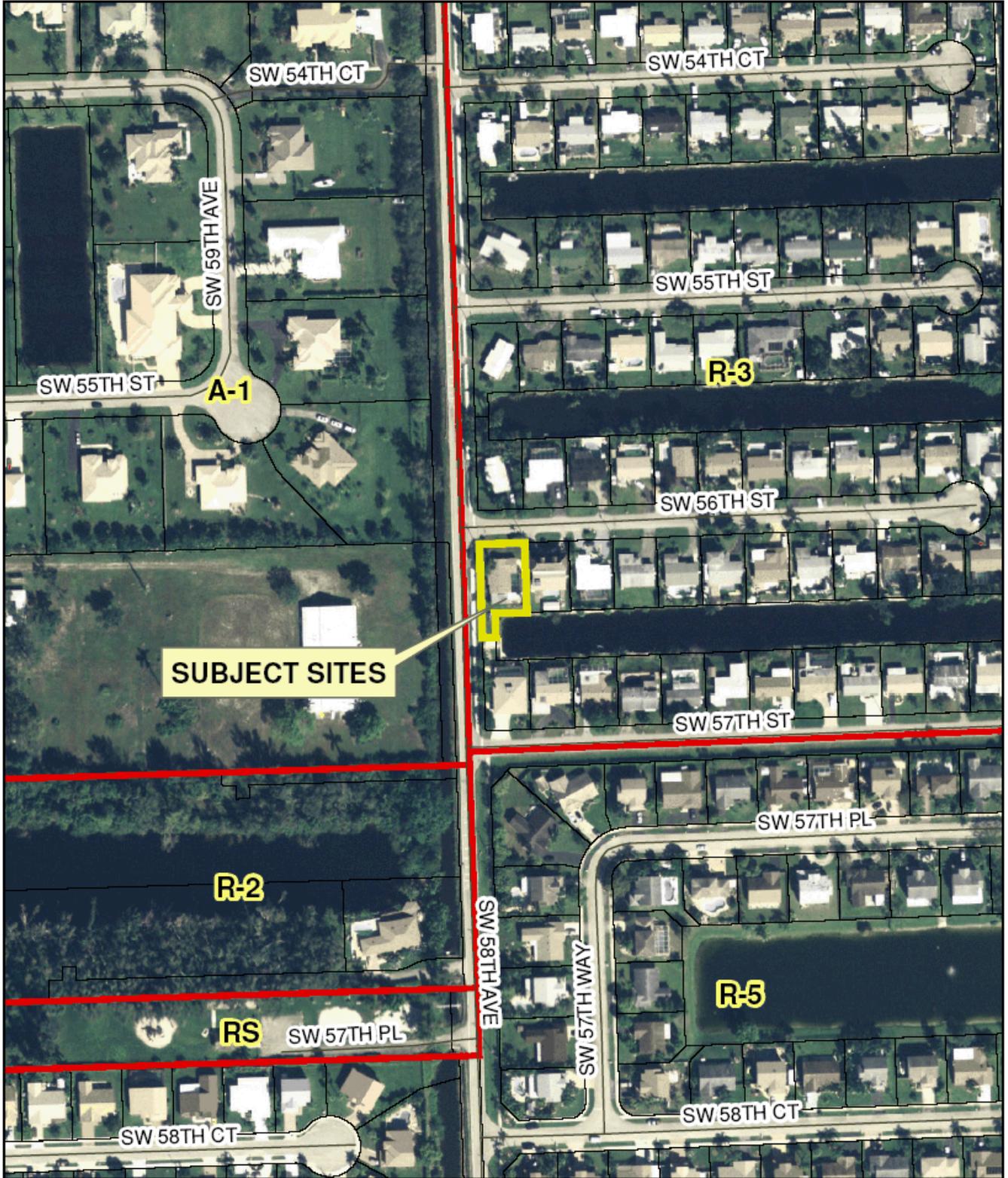


Prepared by the Town of Davie GIS Division

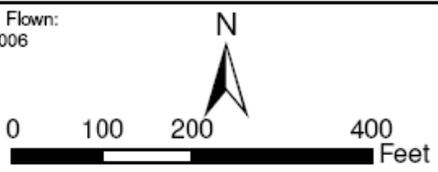
Variance
V 6-1-07
Future Land Use Map

Prepared by: ID
Date Prepared: 7/2/07

Exhibit 5 (*Zoning and Aerial Map*)



Date Flown:
12/2006



Prepared by the Town of Davie GIS Division

Variance
V 6-1-07
Zoning and Aerial Map

Prepared by: ID
Date Prepared: 7/2/07

