

TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT
PLANNING AND ZONING DIVISION
PLANNING REPORT

June 2, 1999

SUBJECT: Variance V 4-3-99

APPLICANT: Damiano and Karen Pignato, petitioners / owners

ADDRESS/LOCATION: 6920 SW 56 Court / Generally located within the subdivision known as Calder Farms

LAND USE PLAN/ZONING: Residential (1 du/ac) / R-1

REQUEST: **From** Section 12-33(A)(7) which requires a 20 foot rear setback for screen enclosed pools in the R-1 district.
To: reduce the required rear setback from 20 feet to 7 feet.

EXHIBITS TO BE INCLUDED: Variance application, subject site map, planning report, and aerial.

ANALYSIS: The subject site is 1 acre in size and contains a single family residence with unenclosed swimming pool. The property is surrounded on the north, east, and west by residential properties of a similar nature within the same community. Single family residential property zoned R-2 lies to the south.

Where applicable, the review of a variance request should include consideration of the criteria noted in Section 12-309 of the Land Development Code which is attached hereto and made part hereof.

Comprehensive Plan Policy 17-7 provides that land development regulations shall establish setbacks or separation regulations to enhance living and working environments. Setback requirements address this policy and are designed to maintain the character associated with each of the various zoning districts and to ensure that there is adequate separation between permitted uses.

This variance request to reduce the rear setback requirement is associated with the installation of a screen enclosure over an existing swimming pool constructed in 1993. At the time of construction, the code required an 8 foot setback from the property line to the enclosure for screen enclosed pools in all residential districts. The code was revised in May of 1997 to address various lot sizes and now requires a 20 setback for screen enclosed pools within the R-1 district. Field inspections in this older established neighborhood revealed several homes in the vicinity with 8 foot setbacks for swimming pools developed under the old code requirements.

The applicant is requesting a reduction in the rear yard to 7 feet to accommodate the footer required for installation of the screen enclosure. The granting of this variance request will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The placement of the proposed enclosure is consistent with the established development patterns of this neighborhood, accommodates a reasonable use of the property, and can be considered in harmony with the general intent and purpose of the code.

RECOMMENDATION: The Planning and Zoning Division recommends **APPROVAL** of the requested variance to reduce the required rear setback from 20 feet to 7 feet with a finding the request is consistent with the general intent and purpose of the code.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** failed due to a tie vote (2-2, Mr. Davenport and Mr. Pisula dissenting), May 26, 1999.

**TOWN OF DAVIE
CODE OF ORDINANCES
(EXCERPT)**

Section 12-309. Review for variances.

Whether or not:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are 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, and that alleged hardship is not self-created by any person having an interest in the property;
- (b) The granting of the variance is 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;
- (c) That granting the 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.

EXISTING ZONING: R-1
CODE SECTION:

PROPOSED ZONING:
CODE SECTION:

LAND USE DESIGNATION: Residential (IDU/AC)

FOLIO NUMBER _____

TOWN OF DAVIE USE ONLY
PETITION NO. <u>14-3-11</u>
FEE. <u>1400</u>
RECEIPT NO. <u>7534</u>

TOWN OF DAVIE
VARIANCE APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to TOWN OF DAVIE

DATE FILED:

PHONE: 954-792-9914

RECEIVED
APR 21 1999

PETITIONER: Damiano and Karen Pignato

MAILING ADDRESS: 6920 SW 56 Court, Davie, FL 33314

RELATIONSHIP TO PROPERTY: Owner

OWNER: Damiano and Karen Pignato

MAILING ADDRESS: 6920 SW 56 Court, Davie, FL 33314

ADDRESS OF PROPERTY: 6920 SW 56 Court, Davie, FL 33314

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

A PORTION OF TRACTS 22, 23, AND 24, EVERGLADES LAND SALES CO. SUBDIVISION OF SECTIONS 27 AND 34 AND THE WEST 1/2 OF SECTIONS 23 AND 35, TOWNSHIP 50 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 34 OF THE PUBLIC RECORDS OF DADE COUNTY FLORIDA.

ACREAGE: reduce rear setback
REQUEST: Zoning variance from 20' to 7' rear property line

REASON FOR REQUEST: (attach additional sheet as necessary)

My pool was built in 1993 and is only 8' from my rear property line and to put up a screen enclosure I need this variance.

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY

APPROVED AS TO FORM: Jat

PUBLICATION DATE: 5/12/99
5/19/99

MEETING DATE: PLANNING AND ZONING BOARD: 5/24/99

TOWN COUNCIL: 6/16/99

NOTICES SENT: _____ REPLIES: FOR: _____ AGAINST: _____

UNDELIVERABLE: _____

DAMIANO J. PIGNATO
OWNER'S NAME(S)

[Signature]
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

6920 SW 56 Court
ADDRESS

DAVIE FL 33314
CITY, STATE, ZIP

954-792-9214
PHONE

DAMIANO J. PIGNATO
PETITIONER'S NAME

[Signature]
PETITIONER'S SIGNATURE

6920 SW 56 Court
ADDRESS

DAVIE, FL 33314
CITY, STATE, ZIP

954-792-9214
PHONE

The foregoing instrument was acknowledged before me
this 21 day of April, 1999, by
Damiano J. Pignato who is personally
known to me or who has produced _____

as identification and who did take an oath.

NOTARY PUBLIC:
Sign: *[Signature]*

Print: PATRICIA E. GIURTIÑO

My Commission Expires:  Patricia E Giurino
My Commission CC748281
Expires July 18, 2002

The foregoing instrument was acknowledged before me
this 21 day of April, 1999 by
Damiano J. Pignato who is personally
known to me or who has produced _____

as identification and who did take an oath.

NOTARY PUBLIC:
Sign: *[Signature]*

Print: PATRICIA E. GIURTIÑO

My Commission Expires:  Patricia E Giurino
My Commission CC748281
Expires July 18, 2002

OFFICE USE ONLY

4/21/99

TO: TOWN OF DAVIS
PLANNING + ZONING Department

RECEIVED
APR 21 1999

Dear Sir:

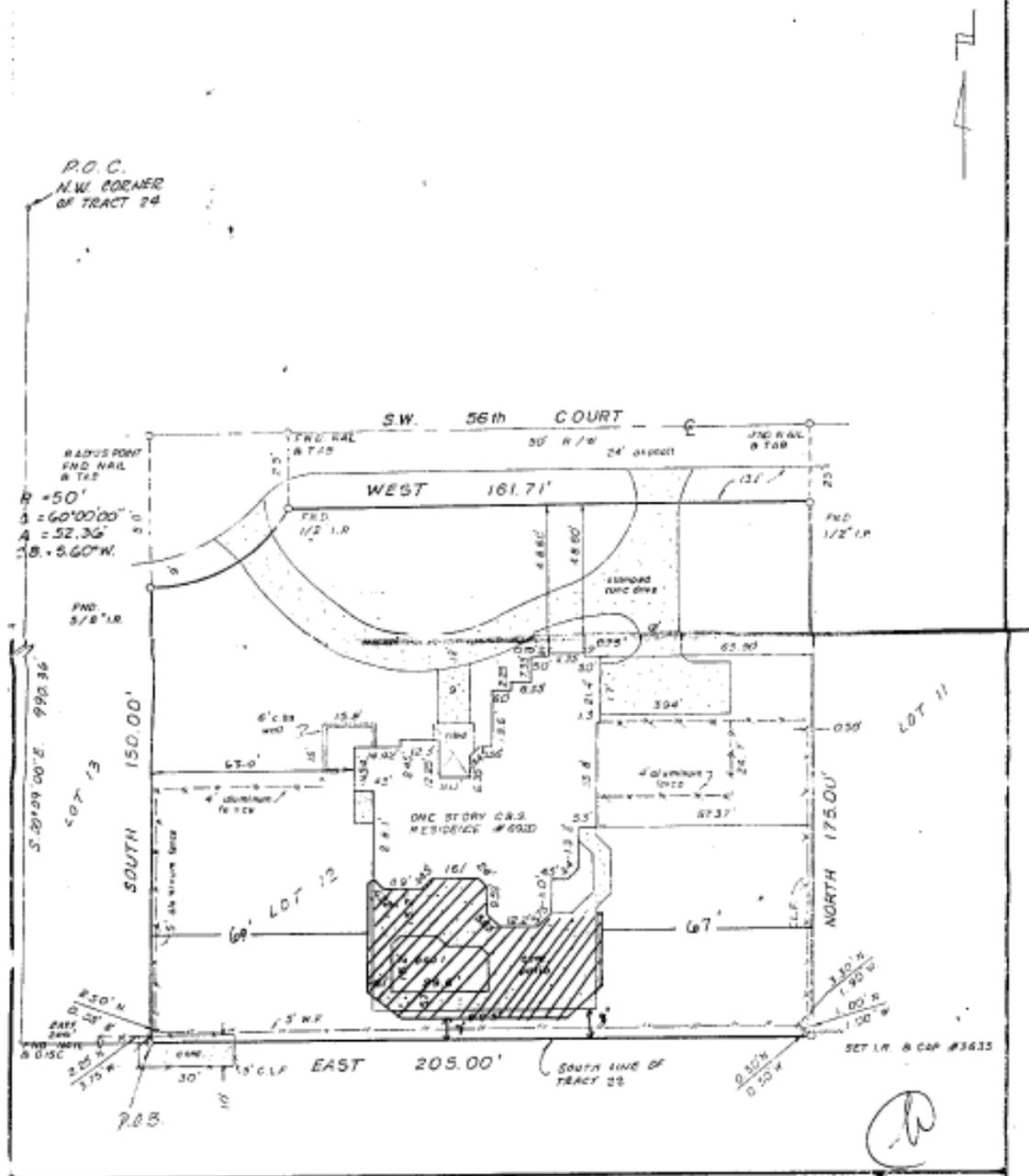
I built my house at 6920 SW 56 COURT IN MARCH 1993. AT THAT TIME MY ASSOCIATION (CORDER FARMS HOMEOWNERS ASSOCIATION) CHARTER REQUIRED A 50' SET BACK FROM THE ROAD FOR MY HOUSE.

THE POOL + PATIO WAS BUILT WITH THE HOUSE AND IS LOCATED BEHIND MY HOUSE. THERE IS 8' FROM THE EDGE OF MY POOL DECK TO MY REAR PROPERTY LINE. WHEN I BUILT THE HOUSE + POOL THE DAVIS REQUIREMENT WAS ONLY 5' REAR SETBACK FROM THE PROPERTY LINE

I WOULD LIKE TO PUT UP A SCREEN ENCLOSURE AROUND THE POOL AND PATIO (AS INDICATED IN THE PLANS). IN ORDER TO DO THIS I NEED A VARIANCE FROM THE NEW ORDINANCE REQUIRING A 20' SETBACK. SINCE THE SCREEN ENCLOSURE MUST HAVE A FOOTER FOR SUPPORT, I NEED A VARIANCE TO 7' FROM THE PROPERTY LINE
THANK YOU FOR YOUR CONSIDERATION.



DAMIANO J. PIGNATO - OWNER



NOTES:

- UNLESS OTHERWISE NOTED FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
- BEARINGS SHOWN HEREIN ARE BASED ON A BEARING OF (PER DEAD) ALONG THE COUNTY RECORDS.
- THE LANDS SHOWN HEREIN WERE NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS, OR OTHER MATTERS OF RECORD BY ACCURATE LAND SURVEYORS, INC.
- THIS SURVEY IS FOR SALE AND MORTGAGE PURPOSES ONLY.

REVISIONS	DATE	BY

CERTIFICATION:

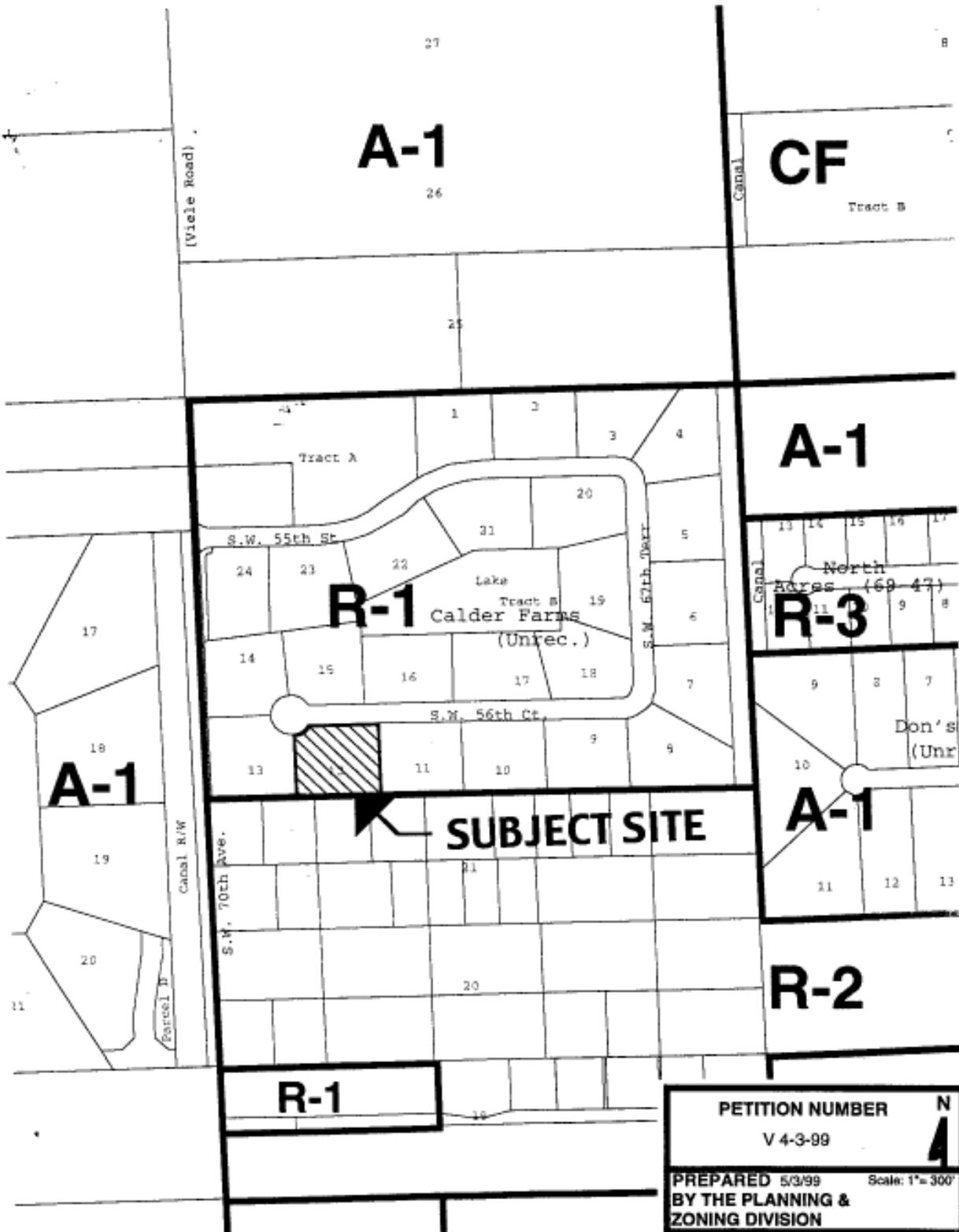
THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE FOUND MONUMENTS & SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I CERTIFY THAT THE SURVEY WERE MADE BY TECHNICIANS STANDING UNDER PUBLIC REGULATION ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS MAY 1985.

(Signature)
ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No. 3840 - STATE OF FLORIDA

JASON H. PINNELL
PROFESSIONAL SURVEYOR AND MAPPER No. 5714 - STATE OF FLORIDA

SEAL

NOT USED WITHOUT THE SIGNATURE AND THE ORIGINAL EMBED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



PETITION NUMBER **N 4**
 V 4-3-99
 PREPARED 5/3/99 Scale: 1" = 300'
 BY THE PLANNING & ZONING DIVISION

