



Town Council Agenda Report

SUBJECT: QUASI JUDICIAL - VARIANCE

TITLE OF AGENDA ITEM:

V 7-2-99 - Davie Builders, LLC, Petitioner / Alpha Baptist Church, Inc., Anthony Galleta, George Janica, Virginia Ann Loecher, and John Loecher, Jr., Owners

REPORT IN BRIEF:

The petitioner is proposing to develop a detached single family subdivision comprised of 81 units. The target site is currently made up of several parcels under separate ownership. The petitioner plans to purchase these parcels and combine them as a unified site. The petitioner is also proposing to rezone the subject area to the R-5, Low Medium Dwelling District, which request is also on this agenda (ZB 7-1-99). Included in the rezoning is a request for reserve units.

Should the corresponding rezoning and reserve unit assignment be approved, the petitioner plans to develop the site at a density of 3.85 units per acre rather than the 5 units per acre permitted by the R-5 zoning district. However, the petitioner states this density is not achievable due to the excessive requirements of the R-5 zoning district for minimum lot size, lot frontage and side setback. The petitioner also states that, due to water management district drainage requirements which require a large lake, and the design of curvilinear lots, the maximum density permitted by the R-5 zoning district is not achievable. Therefore, the petitioner is requesting a variance to reduce the minimum required lot size, lot frontage and side setbacks. Staff believes the petitioner has the ability to achieve the proposed density, without reducing these requirements, with a more efficient site plan design.

DISCUSSION:

- Background: The subject site is currently vacant and is associated with a rezoning also on this agenda.
- Purpose of Request: To reduce the minimum lot area, within the R-5 zoning district from 7,000 square feet to 6,000 square feet, minimum lot frontage from 75 feet to 60 feet, and minimum side setback from 10 feet to 7.5 feet.
- SignificationImpacts: The proposed variance would have a negative impact on the livable area and unit design and would appear to be developed at a higher density than is permitted in a R-5 district.
- Conclusion: The proposed variance is a self-created hardship derived from the proposed rezoning and is inconsistent with the Town's Comprehensive Plan and intent of the Land Development Code.

CONCURRENCES:

The Planning and Zoning Board felt this was a self-created hardship and that the numbers provided by the petitioner pertaining to lake area and corner lots was questionable.

At the August 11, 1999, Planning and Zoning Board meeting, the Planning and Zoning Board recommended denial (3-1, Mr. Pisula approved, Mr. Kuvin absent).

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S):

Motion to deny the requested variance to reduce the minimum lot area of 7,000 square foot to 6,000 square feet, the minimum lot frontage of 75 feet to 60 feet, and the minimum side setback of 10 feet to 7.5 feet, with a finding that the request is inconsistent with the general intent of the Code and may be considered a self-created hardship.

Attachment(s): Planning Report, Variance Petition, Land Use Map, Subject Site Map, and Aerial.

September 1, 1999

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

SUBJECT: Variance V 7-2-99

APPLICANT: Davie Builders, LLC., Petitioner / Alpha Baptist Church, Inc., Anthony Galletta, George Janica, Virginia Ann Loecher, and John Loecher, Jr., Owners

ADDRESS/LOCATION: General Address: 5230 Pine Island Road / Generally located between SW 82nd Avenue to the east and Pine Island Road to the west, approximately 3/4 of a mile north of Stirling Road.

LAND USE PLAN/ZONING: Residential (3 du/ac) / A-1, Agricultural & CF

REQUEST: **From** Section 12-81(A), which requires a minimum lot area of 7,000 square foot, a minimum lot frontage of 75 feet, and a minimum side setback of 10 feet.

To: Reduce the minimum lot area from 7,000 square feet to 6,000 square feet, reduce the minimum lot frontage from 75 feet to 60 feet, and to reduce the minimum side setback from 10 feet to 7.5 feet.

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

DESCRIPTION: The subject site area contains 19.8 acres and is associated with the overall 23.5 acres proposed for rezoning, also on this agenda (ZB 7-1-99). If the rezoning is approved, the subject property for the variance will be designated R-5, Low Medium Density Dwelling District. The subject site, as it exists now, is bound on the north and south by vacant land designated A-1, to the east by land zoned RM-5, Low Medium Dwelling District, A-1, Agricultural, and B-3, Planned Business Center. To the west, across Pine Island Road, is land designated Residential (3 du/ac), within Cooper City. Should the rezoning be approved, all abutting zoning will stay the same with the exception of the property to south. The south changes from A-1 to, CF and A-1.

REQUEST:

The petitioner is purchasing several adjacent parcels of land on Pine Island Road, totaling 23.5 acres. 4.7 acres is currently zoned CF and 18.8 acres is currently zoned A-1. The petitioner is proposing to rezone all of the subject property to create 19.8 contiguous acres of R-5 zoning for the development of 81 detached single family homes and a 3.7 acre parcel zoned CF at the southern end of the property to accommodate a church and related facilities. For purpose of calculating density, total gross area is used. This includes right-of-ways which are required to be dedication at the time of development. Therefore, the proposed residential area totals 21.05 acres (19.84 useable area + 1.21 right-of-way = 21.05).

As part of a rezoning request (ZB 7-1-99), also on this agenda, the petitioner has requested the use of 18 reserve units as permitted by Broward County. Should the rezoning and associated reserve unit request be approved, the property could technically provide for a total of 81 units and a density of 3.8 du/ac (see Exhibit "A"). According to the petitioner, when the R-5 zoning requirements for minimum lot area, lot frontage, and side setback are applied, the project is unable to obtain the permitted density with the added reserve units. The petitioner, also states, this is a result of the area required to accommodate internal rights-of-way, Central Broward Drainage District, Water Management requirements, and lots which must be larger than the minimum allowed due to curvilinear frontages and depth of lots. Therefore, the petitioner is requesting a variance to reduce the required lot area, minimum lot frontage, and require side setback, to achieve their desired density permitted, should the rezoning and reserve units be approved.

When calculating density for the actual number of units possible, area for drainage and right-of-way must be considered. The petitioner has provided these calculations based on a density study for the two possible scenarios (one meeting code, one with proposed reduction in lot area, lot frontage and reduced setback).

<u>Land Use</u>	<u>Total Area</u>	<u>% of Total Area</u>
Total Residential Area	19.8409 Acres	100.0%
Total Lake Area	3.4837 Acres	17.6 %
Total R/W Area	3.5854 Acres (Inc. Lake Area and maint. easement)	18.0 %
Total Landscape Buffer Areas	0.2933 Acres	1.5 %
Total Residential Lot Area	12.4785 Acres (543,563 sq.ft.)	62.9 %

Applying this information to the minimum lot area for calculating density, the following densities are achieved:

Code Requirement: (Minimum 7,000 sq. ft. lot area)

$$543,563 \text{ s.f.} / 7,000 \text{ sq. ft. lots} = 77 \text{ lots (77 lots / 19.8409 acres} = 3.9 \text{ lots per acre)}$$

Proposed Min. Lot Area Through Variance (6,000 sq. ft. lot area)

$$543,563 \text{ s.f.} / 6,000 \text{ sq. ft. lots} = 90 \text{ lots (90 lots / 19.8409 acres} = 4.5)$$

The petitioner states, the above information does not consider curvilinear design, corner lot or cul-de-sac lot configurations, all of which will have profound effects on the net density. Based upon the density study site plan previously formulated for this property which maximized the available residential lot area, a total of 81 - 60-foot wide (6,000 s.f.) lots were created. This is a ten percent reduction in the amount of lots created using the literal logic shown above. If a similar density study site plan were created using 75-foot wide (7,000 sq.ft.) lots, there would be a least a 10% reduction in the number of lots resulting in a maximum of 70 lots. The petitioner also states, they believe that the minimum lot frontage of 75-feet will further reduce the number of lots created.

The petitioner has also indicated to staff that the R-5, Low Medium Density zoning district is the least restrictive zoning district which allows for development of detached single family homes, while still requiring a minimum lot frontage of 75 feet. They believe a 75 foot lot frontage is not consistent with densities associated with a potential 3 to 4 unit per acre land use / zoning designation, and that the current market does not require it. With a 75 foot lot frontage, the depth of the lot is compromised in order to conserve area to achieve the highest

density permitted. For example, a typical single family lot is 75' X 100' which equals 7,500 square feet. The minimum lot area required in the R-5 zoning district is 7,000 square feet. Therefore, the depth of the lots is compromised to achieve the 7,000 square foot minimum. The requested variance would allow the petitioner to ensure proper depth in lots providing for a more usable front and rear yard. In addition, the petitioner states, this would allow them to stagger front setbacks to provide for a more aesthetically pleasing streetscape.

If approved, the reduction in lot area would then affect the existing side setback requirements. The 10 foot setback is consistent with a 7,000 square foot lot, the requested 7.5 foot setback would be consistent with the requested 6,000 square foot lot.

ANALYSIS:

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 a part hereof. Applying this section, staff does not find there are any special circumstances which apply to the land for which the variance is sought, such that the strict application of the provisions of the Code would deprive the applicant of the ability to use their property.

It is also important to note, the petitioner has requested the use of 18 reserve units as part of their proposed rezoning (ZB 7-1-99), also part of this agenda. If approved, the petitioner will be awarded approximately 1 additional unit per acre which will allow for a total of 77 units while meeting code requirements. Without these reserve units the requested R-5 zoning district would not be consistent with the proposed Residential (3 du/ac) Land Use. This would require the petitioner to develop the property at a strict density of 3 dwelling units per acre, for a maximum of 63 units.

Therefore, if the associated rezoning is approved, even without this variance, the petitioner could possibly be awarded an additional 14 units overall (77 units - 63 units = 14 units), providing for reasonable use of the land. Therefore, staff believes the request does not meet the criteria for a variance, and that the applicant has based their justification on the inability to meet code and owners cost from a market demand.

RECOMMENDATION: The Planning and Zoning Division therefore recommends **DENIAL** of the requested variance to reduce the minimum lot area of 7,000 square foot to 6,000 square feet, the minimum lot frontage of 75 feet to 60 feet, and the minimum side setback of 10 feet to 7.5 feet, with a finding that the request is inconsistent with the general intent of the Code and may be considered a self-created hardship.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **DENIAL** (3-1, Pisula approved, Kuvin absent), August 11, 1999.

Prepared by: _____

Reviewed by: _____

**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: A-1, CF
CODE SECTION: 12-32, 12-53

PROPOSED ZONING: R-5
CODE SECTION: 12-32, 12-53

LAND USE DESIGNATION: Res. (3)

TOWN OF DAVIE USE ONLY	
PETITION NO. <u>17-2-99</u>	
FEE: <u>4930.00</u>	
RECEIPT NO. <u>7653</u>	

FOLIO NUMBERS: 504133010280; 504133010281; 504133010270; 504133010412;
504133010392; 504133010310; 504133010311; 504133010400; 504133010320

July 8 1999
TOWN OF DAVIE
PLANNING & ZONING DEPARTMENT

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TOWN OF DAVIE
VARIANCE APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks Payable to Town of Davie.

DATE FILED: July 7, 1999

PHONE: 474-2800

PETITIONER: Davie Builders L.L.C.

MAILING ADDRESS: C/O Mark Stelnik, 2615 S. University Drive, Davie Florida 33328

RELATIONSHIP TO PROPERTY: Contract Purchaser

OWNERS: See Attachment 1

MAILING ADDRESS: See Attachment 1

ADDRESS OF PROPERTY: See Legal Description in Attachment 2

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application): See Attachment 2

ACREAGE: See Attachment 2

REQUEST: See Attachment 3

REASON FOR REQUEST: See Attachment 3

PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN

OFFICE USE ONLY	
APPROVED AS TO FORM: <u>Int</u>	PUBLICATION DATE: _____
MEETING DATE: PLANNING AND ZONING BOARD: <u>8/11/99</u>	TOWN COUNCIL: _____
NOTICES SENT: _____	REPLIES: FOR: _____ AGAINST: _____
UNDELIVERABLE: _____	

OWNER'S NAME(S)
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)
ADDRESS
CITY, STATE, ZIP
PHONE

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ who is personally known to me or who has produced

_____ as identification and who did take an oath.

NOTARY PUBLIC:
Sign: _____
Print: _____
My Commission Expires:

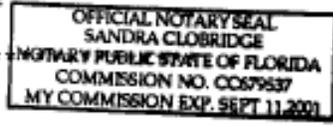
DAVIE BUILDERS, LLC
PETITIONER'S NAME
By: Mark Stelnik
PETITIONER'S SIGNATURE
2615 S. University Drive
ADDRESS
Davie, FL 33328
CITY, STATE, ZIP
954 474-2800
PHONE

The foregoing instrument was acknowledged before me this 6th day of July, 1999, by Mark Stelnik who is personally known to me or who has produced

_____ as identification and who did take an oath.

NOTARY PUBLIC:
Sign: Sandra Clobridge
Print: SANDRA CLOBRIDGE
My Commission Expires:

***** OFFICE USE ONLY *****



Alpha Baptist Church, Inc.
OWNER'S NAME(S) Ralph Button
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN) Ralph Button, President
6301 Fillmore Street
ADDRESS
Hollywood, FL 33024
CITY, STATE, ZIP
(954) 981-8419
PHONE

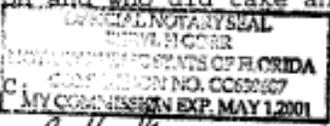
PETITIONER'S NAME
PETITIONER'S SIGNATURE
ADDRESS
CITY, STATE, ZIP
PHONE

The foregoing instrument was acknowledged before me this 6 day of July, 1999, by Ralph Button who is personally known to me or who has produced

The foregoing instrument was acknowledged before me this ___ day of _____, 19___, by _____ who is personally known to me or who has produced

_____ as identification and who did take an oath.

_____ as identification and who did take an oath.



NOTARY PUBLIC: _____
Sign: Beryl H. Gorr
Print: BERYL H. GORR
My Commission Expires:

NOTARY PUBLIC: _____
Sign: _____
Print: _____
My Commission Expires:

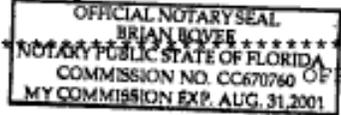
OFFICE USE ONLY

Anthony Galletta
OWNER'S NAME(S)
Anthony Galletta
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)
5157 SW 82nd Ave
ADDRESS
DAVIE FL 33328
CITY, STATE, ZIP
(954) 434-1131
PHONE

The foregoing instrument was acknowledged before me this July day of 1999, by Anthony Galletta who is personally known to me or who has produced

DL as identification and who did take an oath.

NOTARY PUBLIC:
Sign: DBB
Print: _____
My Commission Expires: _____



PETITIONER'S NAME

PETITIONER'S SIGNATURE

ADDRESS

CITY, STATE, ZIP

PHONE

The foregoing instrument was acknowledged before me this ___ day of _____, 19___, by _____ who is personally known to me or who has produced

_____ as identification and who did take an oath.

NOTARY PUBLIC:
Sign: _____
Print: _____
My Commission Expires: _____

George Janica
OWNER'S NAME(S)
[Signature]
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)
5151 SW 82 Ave
ADDRESS
DAVE FL 33328
CITY STATE ZIP
(954) 434-1131
PHONE

PETITIONER'S NAME

PETITIONER'S SIGNATURE

ADDRESS

CITY, STATE, ZIP

PHONE

The foregoing instrument was acknowledged before me this 6 day of JULY, 1999, by George Janica who is personally known to me or who has produced _____ as identification and who did take an oath.

The foregoing instrument was acknowledged before me this ____ day of _____, 19__, by _____ who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:
Sign: [Signature]
Print: _____
My Commission Expires:

NOTARY PUBLIC:
Sign: _____
Print: _____
My Commission Expires:

OFFICIAL NOTARY SEAL OFFICE USE ONLY
BRIAN BOVER
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC670760
MY COMMISSION EXP. AUG. 31, 2001

John Loecher, Jr.
OWNER'S NAME(S)
[Signature]
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)
2402 N. BERRY'S CHAPEL RD.
ADDRESS
FRANKLIN, TN. 37069
CITY, STATE, ZIP
(615) 595-7061
PHONE

PETITIONER'S NAME

PETITIONER'S SIGNATURE

ADDRESS

CITY, STATE, ZIP

PHONE

The foregoing instrument was acknowledged before me this 7 day of July, 1979, by John Loecher Jr. who is personally known to me or who has produced Tenn Drivers License as identification and who did take an oath.

The foregoing instrument was acknowledged before me this ___ day of _____, 19___, by _____ who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:
[Signature]
Sign: _____
Print: Tommy H. Ward
My Commission Expires: 12-11-3601

NOTARY PUBLIC:
Sign: _____
Print: _____
My Commission Expires: _____

OFFICE USE ONLY

Virginia Ann Loecher
OWNER'S NAME(S)
Virginia Ann Loecher
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)
2402 N. BERRY CHAPEL RD.
ADDRESS
FRANKLIN, TN. 37069
CITY, STATE, ZIP
(615) 595-7061
PHONE

PETITIONER'S NAME

PETITIONER'S SIGNATURE

ADDRESS

CITY, STATE, ZIP

PHONE

The foregoing instrument was acknowledged before me this 7 day of July, 1997, by Virginia Ann Loecher who is personally known to me or who has produced Tenn Drivers License as identification and who did take an oath.

The foregoing instrument was acknowledged before me this ___ day of _____, 19___, by _____ who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:
Sign: [Signature]
Print: Tammy H. Ward
My Commission Expires: 12-11-2000

NOTARY PUBLIC:
Sign: _____
Print: _____
My Commission Expires: _____

OFFICE USE ONLY



Davie Builders, LLC

P.O. Box 15728, Plantation, FL 33318-5728 • (954) 474-2800 • Fax (954) 476-7300

July 6, 1999

Ms. Barbara Hall
Greenberg Traurig
515 East Las Olas Boulevard
Fort Lauderdale, FL 33301

Subject: Pine Island Road Property

Dear Barbara:

We hereby authorize Greenberg Traurig to act as our agent to process the attached rezoning and variance applications.

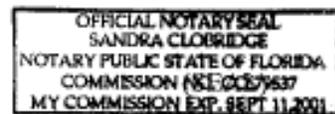
Sincerely,
Davie Builders, LLC

by: Mark E. Stelnik

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, the foregoing instrument was acknowledged before me by Mark E. Stelnik, who is personally known to me ~~or who has produced~~ _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 6th day of July, 1999.

Notary Public
Printed Name: Sandra Clobridge
My Commission Expires:
My Commission No:



ATTACHMENT 1

Names and Addresses of Property Owners

John Loecher, Jr.
Virginia Loecher
2402 N. Berrys Chapel Road
Franklin, Tennessee 37069-6603

Alpha Baptist Church, Inc.
6301 Fillmore Street
Hollywood, FL 33024

Anthony Galletta
5151 S.W. 82nd Avenue
Davie, FL 33328

George Janica
5151 S.W. 82nd Avenue
Davie, FL 33328

ATTACHMENT 2
FUTURE RESIDENTIAL PROPERTY

LEGAL DESCRIPTION:

A PORTION OF TRACTS 23, 26 AND 31 OF "THE EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION" OF SECTION 33, TOWNSHIP 50 SOUTH RANGE 41 EAST ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3 AT PAGE 67 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 33; THENCE RUN NORTH 01 DEGREES 54 MINUTES 10 SECONDS WEST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 33 FOR A DISTANCE OF 904.04 FEET; THENCE RUN SOUTH 87 DEGREES 54 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 87 DEGREES 54 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 780.00 FEET; THENCE RUN NORTH 01 DEGREES 54 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 113.10 FEET; THENCE RUN SOUTH 87 DEGREES 54 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 453.00 FEET; THENCE RUN NORTH 01 DEGREES 54 MINUTES 10 SECONDS WEST ALONG A LINE 67.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 31, 26 AND 23 FOR A DISTANCE OF 629.40 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 23; THENCE RUN NORTH 87 DEGREES 54 MINUTES 41 SECONDS EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 1233.00 FEET; THENCE RUN SOUTH 01 DEGREES 54 MINUTES 10 SECONDS EAST ALONG A LINE 20.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 33 FOR A DISTANCE OF 742.50 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 864,264 SQUARE FEET.

ATTACHMENT 3

Description of Request

Variance from Four Dimensional Criteria in the R-5 Zoning

The Petitioner is purchasing several adjacent parcels of land on Pine Island Road, totaling approximately 23.5 acres (the "Property"), with a plan to develop approximately 20 acres of the Property ("Future Residential Property") with 81 single family homes. The land use designation for the Future Residential Property is, or will be, Residential 3 (4.67 net acres of the Property is the subject of a small scale amendment from CF to Residential) The proposed zoning for the Future Residential Property is R-5. The proposed density is 3.83.

In order to accomplish the density needed to provide services and facilities to the development but maintain the design of traditional detached single family homes, the Petitioner will develop the property under the R-5 district but is requesting a variance from four of the dimensional requirements in the R-5 district, set forth in Sections 12-24, 12-53, and 12-81 of the Town Land Development Code, as follows:

	R-5 Standard	Requested
Site Area	7,000 sq. ft.	6,000 sq. ft.
Lot Area	7,000 sq. ft.	6,000 sq. ft.
Minimum Frontage	75 ft.	60 ft.
Minimum Side Setback	10 ft.	7.50 ft.

VARIANCE JUSTIFICATION

The Code of Ordinances provides two different sets of development standards for residential property, the Conventional standards and the Planned standards. The Conventional standards provide for a greater site and lot area, larger setbacks and more minimum frontage than the Planned development standards, as illustrated in the chart below.

	CONVENTIONAL	PLANNED	REQUESTED
SITE AREA	7,000 sq. ft.	5,000 sq. ft.	6,000 sq. ft.
LOT AREA	7,000 sq. ft.	5,000 sq. ft.	6,000 sq. ft.
MIN. FRONTAGE	75 ft.	50 ft.	60 ft.
MIN. SIDE SETBACK	10 ft.	8 ft.	7.5 ft.

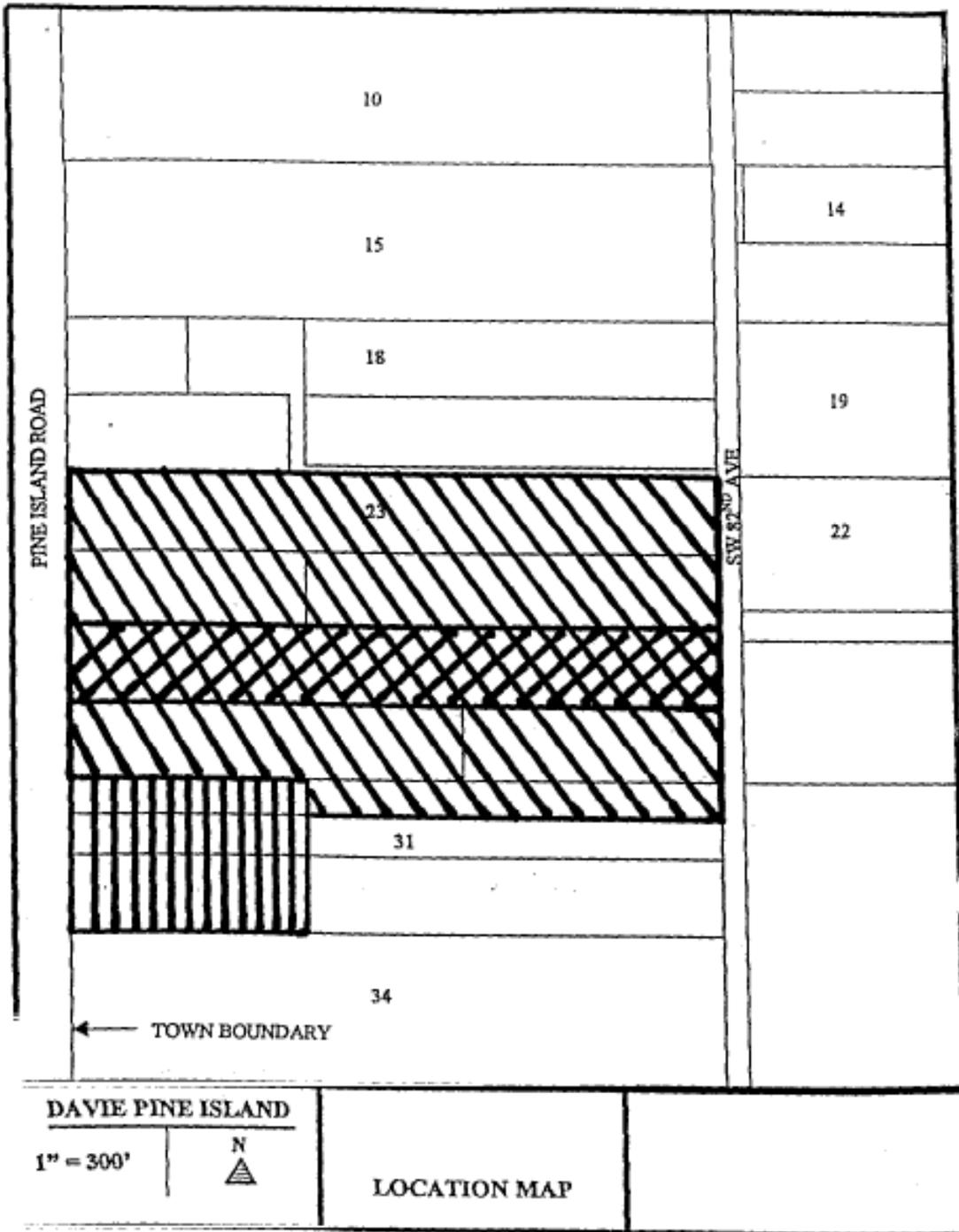
As depicted above, the requested variances that are the subject of this application will be for the site area, lot area and minimum frontage that are larger than those that would be provided under the Planned R-5 District, while the difference in side setbacks totals a minimal six-inch difference.

The Planned R-5 District, while available for possible utilization, would require the applicant to construct single family detached homes that are completely enclosed by walls at the front property line, creating "patio homes." Patio homes could be developed without the need for any variance. However, the Petitioner believes that conventional single family homes are more appropriate in this location and more compatible with the general area. Enclosing each of the front yards with walls is not desirable at this location. As a result of that decision to build conventional single family detached homes, a number of variances from the R-5 zoning requirements are required.

Consideration of a variance request includes review of the criteria contained in Section 12-309 of the Code. These are each discussed below.

Criterion (a): Whether there are special circumstances applying to the land or building and whether strict application of the Code would create a hardship that is not self-created.

The on-site drainage requirements for this property coupled with the development standard requirements of the R-5 zoning district would not allow a property owner to achieve anything close to the 5 DU/acre density contemplated by the intent of the district. In fact, a strict application of the Code would result in a density lower than the 3.83 needed to create an economically feasible project. Conversely, an application of the Planned development standards, which the subject site would generally meet or exceed, would result in a density similar to that contemplated by the Code, but would also result in home designs which are less desirable than what is proposed and which are not visually compatible with the area. As a result, a strict application of the Code would create a hardship that is not self-created, but a result of Code requirements, coupled with property characteristics including drainage and surrounding land uses.



DAVIE PINE ISLAND

1" = 300'



LOCATION MAP



FUTURE RESIDENTIAL PROPERTY



FUTURE CHURCH PROPERTY



CURRENT CHURCH PROPERTY / FUTURE RESIDENTIAL PROPERTY

Pine Island Rd.

S.W. 82nd Ave.

RESIDENTIAL
3 DU/AC

RESIDENTIAL
5 DU/AC

SUBJECT SITE

COMMUNITY FACILITY

RESIDENTIAL
3 DU/AC

COMMERCIAL

COMMUNITY
FACILITY

S.W. 55th Ct.

PETITION NUMBER
V 7-2-99

Source: Town of Davis Future Land Use Map

PREPARED 7/23/99 Scale: 1"=300'
BY THE PLANNING &
ZONING DIVISION

N

Pine Island Rd.

A-1

CF

SUBJECT SITE

RM-5

CF

A-1

A-1

B-3

Town Boundary

Everglades Sugar and Land Co. Sub.
(3-67) C.R.

University Park West (14)

United Pentecostal Church
Park-Town of Davie
(135-34) **CF**

University Acres (144-11)

S.W. 55th Ct.

PETITION NUMBER		N
V 7-2-99		4
PREPARED 7/27/99	Scale: 1" = 300'	
BY THE PLANNING & ZONING DIVISION		

Rena



AGRICULTURAL

VACANT

SW 82 AVENUE

PINE ISLAND ROAD

SUBJECT SITE

SINGLE FAMILY RESID.

AGRICULTURAL

COMMERCIAL

VACANT

N
↑
DATE FLOWN
JANUARY 1998
SCALE: NTS
V 7-2-99