



Town Council Agenda Report

SUBJECT: QUASI JUDICIAL - VARIANCE

TITLE OF AGENDA ITEM:

V 10-3-98 "Associated Engineers & Surveyors Building" : Gustavo Aguirre, petitioner / Gustavo & Leonor Aguirre, owner - 5450 Griffin Road.

REPORT IN BRIEF:

The petitioner's existing building is being affected by the Florida Department of Transportation (FDOT) taking along Griffin Road, which in turn requires him to seek variances to bring his property into compliance with current codes to the maximum extent possible as redevelopment occurs. As a result of the taking, the petitioner is requesting a reduction in the minimum required lot area, lot depth, front setback, landscape buffer along the south and north property lines, and the elimination of the requirement for a masonry wall within the southern landscape buffer.

The petitioner's redevelopment plan generally meets the intent of the code and can function well, however, staff believes the petitioner has the ability to modify the proposed plan to meet the required front setback and landscape buffer along Griffin Road. Therefore, staff believes the front setback and front landscape buffer request are not the minimum request necessary for reasonable use of the property, and can be considered to be a self-created hardship.

PREVIOUS ACTIONS:

The Town Council approved the continuation of this item, to the November 3, 1999, at their meeting of October 20, 1999.

CONCURRENCES:

The Planning and Zoning Board recommended approval (5-0) of items 1-6, as requested by the petitioner, at its October 27, 1999 meeting (motion by Mr. Stahl, second by Mr. Pisula).

Staff recommends approval of the variances for minimum lot area, lot depth, landscape buffer along the south property line, and the elimination of the requires 6 foot high masonry wall along the south property line, however, staff recommends denial for the requested variance to reduce the front setback and landscape buffer along Griffin Road, with a finding the request is not necessary for the reasonable use of the land or building and that the variance as requested is not the minimum variance that will accomplish the purpose.

FISCAL IMPACT:

Is appropriation required? No
Funding appropriated? No

RECOMMENDATION(S):

Motion to approve all variances except for the request to reduce the front setback and landscape buffer along Griffin Road.

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

Application #: V 10-3-98

Revisions:

Exhibit "A":

Original Report Date: 10/28/99

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

APPLICANT INFORMATION

Owner:

Name: Gustavo & Leonor Aguirre
Address: 10520 SW 50th Street
City: Cooper City, FL 33328
Phone: (954) 434-0949

Agent:

Name: Gustavo X. Aguirre
Address: 5450 Griffin Road
City: Davie, FL 33314
Phone: (954) 584-6880

BACKGROUND INFORMATION

Application Request:

1. To reduce the minimum lot area of 52,500 square to 21,094.33 square feet.
2. To reduce the minimum lot depth of 200 feet to 120.36 feet.
3. To reduce the minimum front setback of 25 feet to 6.66 feet.
4. To reduce the required 10 foot landscape buffer adjacent to any residentially zoned or used property to 7 feet for a distance of 70 feet adjacent to the parking spaces. Total property line distance is 147.82 feet.
5. To reduce the minimum 20 foot wide landscape buffer abutting existing public rights-of-way to 6.66 feet for the distance of the building frontage of 35 feet. Total distance of the north property line is 119.73 feet.
6. To eliminate the required 6 foot high continuous masonry wall between commercial zoned property and residential zoned property.

Address/Location: 5450 Griffin Road / Generally located at the SW corner of Griffin Road and SW 54 Terrace.

Future Land Plan Use Designation: Commercial

Zoning: B-2, Community Business District

Existing Use: Office (Associated Engineers of Florida, Inc.)

Proposed Use: Same

Parcel Size: 21,094.33 square feet / 484 acres

Surrounding Land Use:

North: Griffin Road and the New River Canal

South: Single Family Residential

East: Vacant Land

West: Commercial Retail

Surrounding Zoning:

North: RO, Residential Office, across Griffin Road and the New River Canal

South: R-5, Low Medium Density Dwelling

East: B-2, Community Business District

West: B-3, Planned Business Center

ZONING HISTORY

Related Zoning History: There is currently a zoning-in-progress for those properties affected by the Florida Department of Transportation taking affecting Griffin Road. This property lies within the designated zoning-in-progress area.

Previous Request on same property: None

DEVELOPMENT PLAN DETAILS

Development Details: The Applicant's SUBMISSION indicates the following:

- 1. Square footage of existing buildings: **2,393.92 square feet**
- 2. Access points/number of parking spaces: **2 proposed access points/
17 parking spaces required.
20 parking spaces provided.**
- 3. Drainage/Open Space information: **47.13% open space**
- 4. Building Setbacks: **Front (Griffin Road) 6.6 feet.
West Side (SW 54 Terrace) 100 feet.
East Side 12.94 feet.
Rear (south) 48.6 feet.**
- 5. Perimeter Buffers: **North: 20 feet with exception of 6.6 feet in front of the building.
South: 7 feet
East: 13 feet
West: 30 + feet**

Applicable Codes and Ordinances

Section 12-83, which requires a minimum lot area of 52,500 square feet within the B-2 District.

Section 12-83, which requires a minimum lot depth of 200 feet within the B-2 District.

Section 12-83, which requires a minimum front setback of 25 feet within the B-2 District.

Section 12-107(D)(3), which requires a minimum 10-foot landscape buffer adjacent to any residentially zoned or used property.

Section 12-107(D)(5)(a), which requires a minimum 20-foot-wide landscape buffer abutting existing public rights-of-way.

Section 12-33(N)(5), which requires a 6 foot high continuous masonry wall between commercial zoned property and residential zoned property.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 9 and Flexibility Zone 102. This area is characterized by agricultural lands and scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors. Agricultural uses are expected to diminish due to infill development in the upcoming years, succumbing to increased demand for residential and commercial development given the enhanced accessibility, afforded by the Griffin Road widening.

Staff Analysis

The Florida Department of Transportation (FDOT) is in the process of widening 2-lane Griffin Road to 6 lanes, from SR 7 to University Drive. Since Griffin Road is constrained on the north by the South New River Canal, FDOT is using its powers of eminent domain to acquire properties and portions of properties abutting the south side of Griffin Road in order to accommodate the right-of-way required for the new 6-lane facility. The subject property is one of seven (7) properties along Griffin Road which is located at the entrance to a residential neighborhood.

This site is also affected by the largest lot area requirement of all the B, Business zoned districts, requiring 52,500 square feet. Having lost the north 45.50 feet of their property to the FDOT for road right-of-way, the petitioner is requesting variances for reduced lot area, lot depth, and front setback. The petitioner is also requesting a variance from the requirement to construct a continuous masonry wall and 10 foot landscape buffer adjacent to the south property line in order to remedy existing non-conforming conditions that are not being created or exacerbated by the FDOT taking but were pre-existing. The petitioner's proposed redevelopment plan indicates the existing building is to remain, with the addition of new parking spaces, a new drive aisle and a new access opening located off Griffin Road.

The front yard setback of the existing building has been reduced from approximately 51.68 feet to 6.66 feet. However, all properties affected by the FDOT taking will be duly compensated for the value of affected development of the property. These funds can then be reinvested to redevelop the property and attempt to meet all current code requirements. In this case, staff believes the petitioner has the ability to remove that portion of building within the required front yard setback and replace this square footage elsewhere on site, while meeting both the front, side and rear yard setbacks. By leaving the building in its current location the petitioner cannot meet the required 20 foot landscape buffer along Griffin Road, for the length of the building frontage. Again, the petitioner can remedy this situation by relocating a portion of the building. Therefore, staff believes the proposed redevelopment plan does not attempt to meet all required setbacks or landscape requirements to the maximum extent possible.

The Griffin Road corridor studies identified variances which can be approved for those substandard parcels which are located at the entrance to residential neighborhoods. Staff believes this parcel, which is substandard, located at the entrance to a residential neighborhood, is useable as the petitioner can provide substantial landscaping along rights-of-way, meets open space requirements, can meet all parking requirements and has the ability to modify the existing building to meet all setbacks. Additionally, several of the variance requests were existing conditions which did not meet code prior to the taking, and are being improved as part of the redevelopment plan.

Findings of Fact

Variances:

Section 12-309(B)(1):

Note: Staff believes granting of the request for reduction in lot area, lot depth, landscape buffer along south property line and elimination of the required wall along the south property line is justified, and that the request for reduction in the front setback and landscape buffer along Griffin Road is not justified.

1. To reduce the minimum lot area of 52,500 square to 21,094.33 square feet.
2. To reduce the minimum lot depth of 200 feet to 120.36 feet.
3. To reduce the required 10 foot landscape buffer adjacent to any residentially zoned or used property to 7 feet for a distance of 70 feet adjacent to the parking spaces. Total property line distance is 147.82 feet.
4. To eliminate the required 6 foot high continuous masonry wall between commercial zoned property and residential zoned property.

(a) There are special circumstances and conditions applying to the land and 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;

1. To reduce the minimum front setback of 25 feet to 6.66 feet.
2. To reduce the minimum 20 foot wide landscape buffer abutting existing public rights-of-way to 6.66 feet for the distance of the building frontage of 35 feet. Total distance of the north property line is 119.73 feet.

(a) There are not special circumstances and conditions applying to the land and building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do apply generally to land or buildings in the same district, and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would not deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is self-created by any person having an interest in the property;

1. To reduce the minimum lot area of 52,500 square to 21,094.33 square feet.
2. To reduce the minimum lot depth of 200 feet to 120.36 feet.
3. To reduce the required 10 foot landscape buffer adjacent to any residentially

zoned or used property to 7 feet for a distance of 70 feet adjacent to the parking spaces.
Total property line distance is 147.82 feet.

4. To eliminate the required 6 foot high continuous masonry wall between commercial zoned property and residential zoned 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;

1. To reduce the minimum front setback of 25 feet to 6.66 feet.
2. To reduce the minimum 20 foot wide landscape buffer abutting existing public rights-of-way to 6.66 feet for the distance of the building frontage of 35 feet. Total distance of the north property line is 119.73 feet.

(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 not the minimum variance that will accomplish this purpose;

1. To reduce the minimum lot area of 52,500 square to 21,094.33 square feet.
2. To reduce the minimum lot depth of 200 feet to 120.36 feet.
3. To reduce the required 10 foot landscape buffer adjacent to any residentially zoned or used property to 7 feet for a distance of 70 feet adjacent to the parking spaces.
Total property line distance is 147.82 feet.
4. To eliminate the required 6 foot high continuous masonry wall between commercial zoned property and residential zoned property.

(c) Granting of the requested variances 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.

1. To reduce the minimum front setback of 25 feet to 6.66 feet.
2. To reduce the minimum 20 foot wide landscape buffer abutting existing public rights-of-way to 6.66 feet for the distance of the building frontage of 35 feet. Total distance of the north property line is 119.73 feet.

(c) Granting of the requested variances will not be in harmony with the general purpose and intent of this chapter and will be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive and negative, staff recommends **approval** of the variances to reduce the minimum lot area to 21,094.33, reduce the minimum lot depth to 120.36 feet, to reduce the landscape buffer along the south property line feet to 7 feet and to eliminate the requirement of the continuous masonry wall along the south property line, and **denial** of the requests to reduce the front setback to 6.66 feet and to reduce the required landscape buffer along Griffin Road to 6.66 feet for the length of the building frontage.

Planning and Zoning Board Recommendation

petitioner, at its October 27, 1999 meeting (motion by Mr. Stahl, second by Mr. Pisula).

Exhibits

1. Exhibit "B", letter from abutting owner
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: _____

Reviewed by: _____

EXHIBIT "B"

October 11th, 1999

Town of Davie
Planning and Zoning Board
Town Council

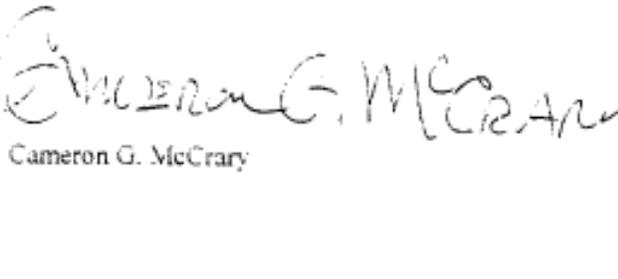
Re: Gustavo Aquirre
V 10-3-98

Dear Board Members and Councilmen:

Please accept this letter as our acknowledgment of the petition by Gus Aquirre and our support of his requests.

Our property located at 4600 SW 54th Terrace, lies directly to the south of the subject site, sharing a common north/south property line. On the map mailed to us by your office, our property is shown as the two un-numbered parcels between subject site 1 and two, as our property, and the subject site were evidently at one time, one parcel.

Sincerely,


Cameron G. McCrary

EXISTING ZONING: B-2
CODE SECTION:

PROPOSED ZONING: B-2
CODE SECTION:

LAND USE DESIGNATION: Commercial

FOLIO NUMBER 10126-11-01700

TOWN OF DAVIE USE ONLY	
PETITION NO.	V-10-3-98
FEE.	\$930.00
RECEIPT NO.	7237

TOWN OF DAVIE
VARIANCE APPLICATION

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

DATE FILED: Sept. 15, 1999 (orig. filed 10/7/98) PHONE: (954) 584-6880

PETITIONER: Gustavo X. Aguirre

MAILING ADDRESS: 5450 Griffin Rd., Davie, FL 33314

RELATIONSHIP TO PROPERTY: Owner

OWNER: Gustavo X. & Leonor A. Aguirre

MAILING ADDRESS: 10520 S.W. 50th St., Cooper City, FL 33328

ADDRESS OF PROPERTY: 5450 Griffin Rd., Davie, FL 33314

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

ACREAGE: 0.484 ± acres

REQUEST: See Attached

REASON FOR REQUEST: (attach additional sheet as necessary)

As directed by Florida Department of Transportation, who insists that the existing building does not have to be cut & refaced to meet the existing codes, as a result of the Right-of-Way taken by F.D.O.T.

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

OFFICE USE ONLY

APPROVED AS TO FORM: gab PUBLICATION DATE: 10/20/99
MEETING DATE: PLANNING AND ZONING BOARD: 10/27/99 TOWN COUNCIL: 11/3/99
NOTICES SENT: 40 REPLIES: FOR: _____ AGAINST: 2
UNDELIVERABLE: _____

Gustavo X. & Leonor A. Aguirre

OWNER'S NAME(S)

Gustavo X. Aguirre
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

10520 S.W. 50th St.

ADDRESS

Cooper City, FL 33328

CITY, STATE, ZIP

(954) 434-0949

PHONE

The foregoing instrument was acknowledged before me this 15 day of September, 1999, by Gustavo X & Leonor A. Aguirre ^{are} who ~~is~~ personally known to me ~~or who has produced~~

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Laura E. Hawks

Print: _____

My Commission Expires:

OFFICIAL NOTARY SEAL
LAURA E HAWKS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC799985
MY COMMISSION EXP. JAN. 30, 2003

Gustavo X. Aguirre

PETITIONER'S NAME

Gustavo X. Aguirre
PETITIONER'S SIGNATURE

5450 Griffin Road

ADDRESS

Davie, FL 33314

CITY, STATE, ZIP

(954) 584-6880

PHONE

The foregoing instrument was acknowledged before me this 15 day of September, 1999, by Gustavo X. Aguirre who is personally known to me ~~or who has produced~~

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Laura E. Hawks

Print: _____

My Commission Expires:

OFFICIAL NOTARY SEAL
LAURA E HAWKS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC799985
MY COMMISSION EXP. JAN. 30, 2003

OFFICE USE ONLY

PLANNING AND ZONING BOARD RECOMMENDATION
10/13/99 - tabled to 10/27/99

T.C. tabled to 11/3/99 on 10/20/99 gr

Variance Application

Request

September 15, 1999

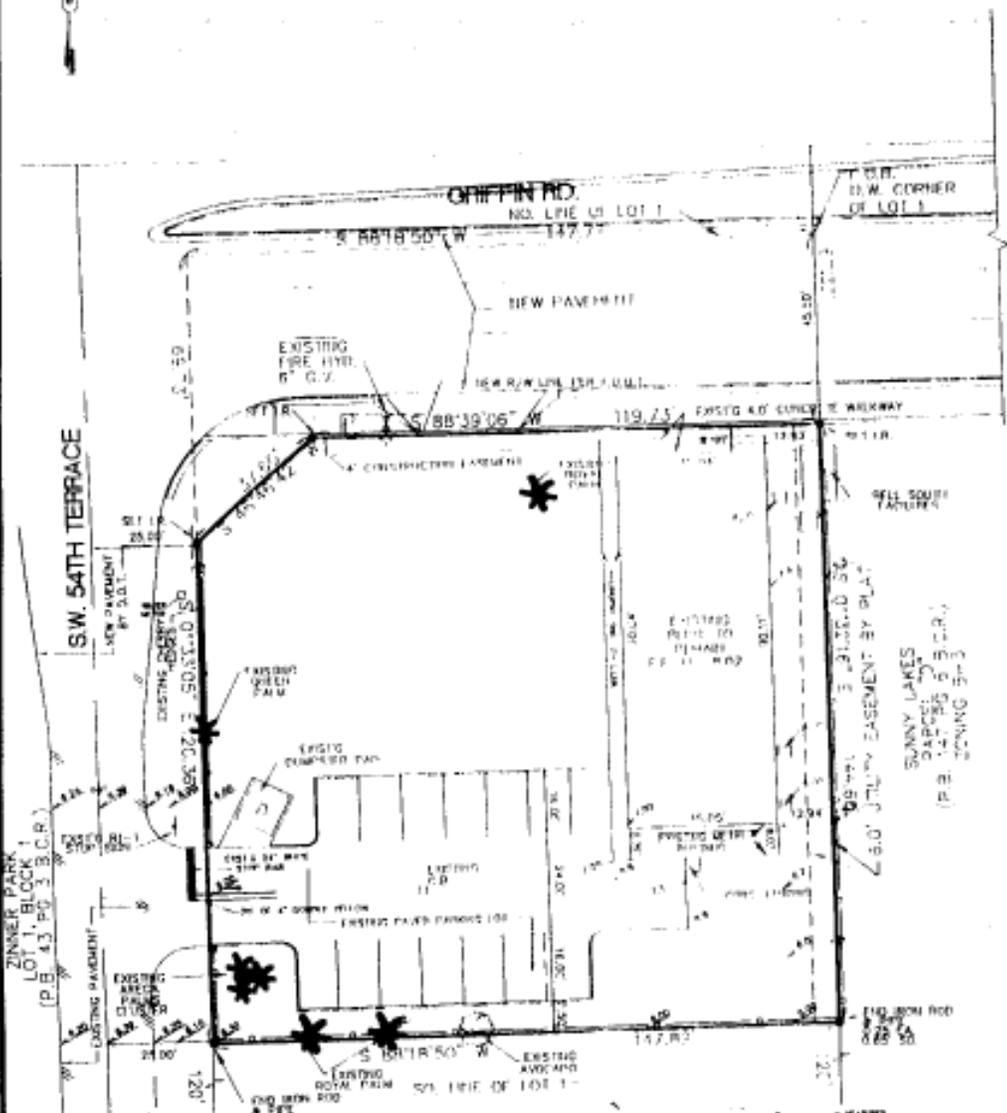
1. To reduce required building setback from 25.0 ft. to 6.18 ft.
2. ~~To reduce landscape buffer along Griffin Rd. from 20.0 ft. to 3.0 ft.~~
3. To reduce embankment slope from 20 to 1 to 2 to 1.
4. ~~To reduce the required minimum property frontage to 147.82 L.F.~~
5. To reduce the minimum lot area to 21,094.23 S.F.

6. ~~To reduce the required minimum lot depth from 200' to 120.36'~~

SKETCH OF SURVEY

PAGE 1 OF 2

C-11 CANAL SOUTH P.W. RIF



ZINNER PARK
LOT 1, BLOCK 1
(P.B. 43 PG 3 B.C.R.)

ZINNER PARK
LOT 2, BLOCK 2
(P.B. 43 PG 3 B.C.R.)

LEGEND:

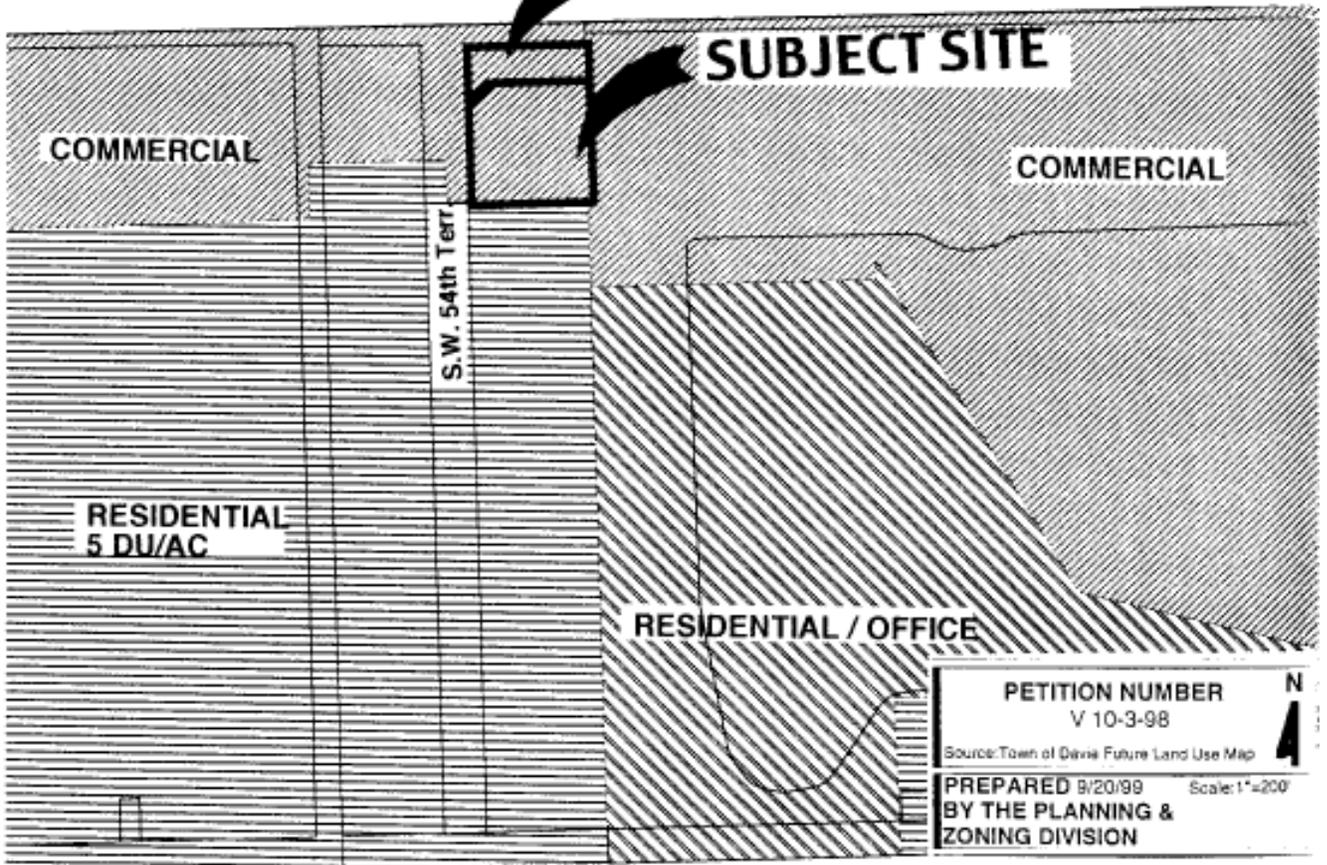
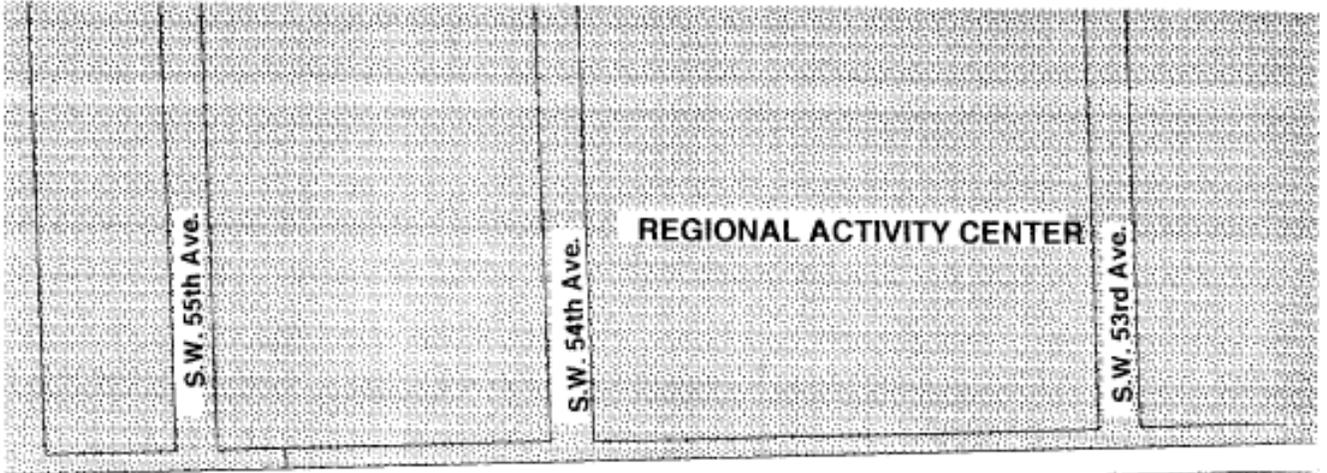
- 1.00 - MEASURED
- 1.01 - 1/4\"/>

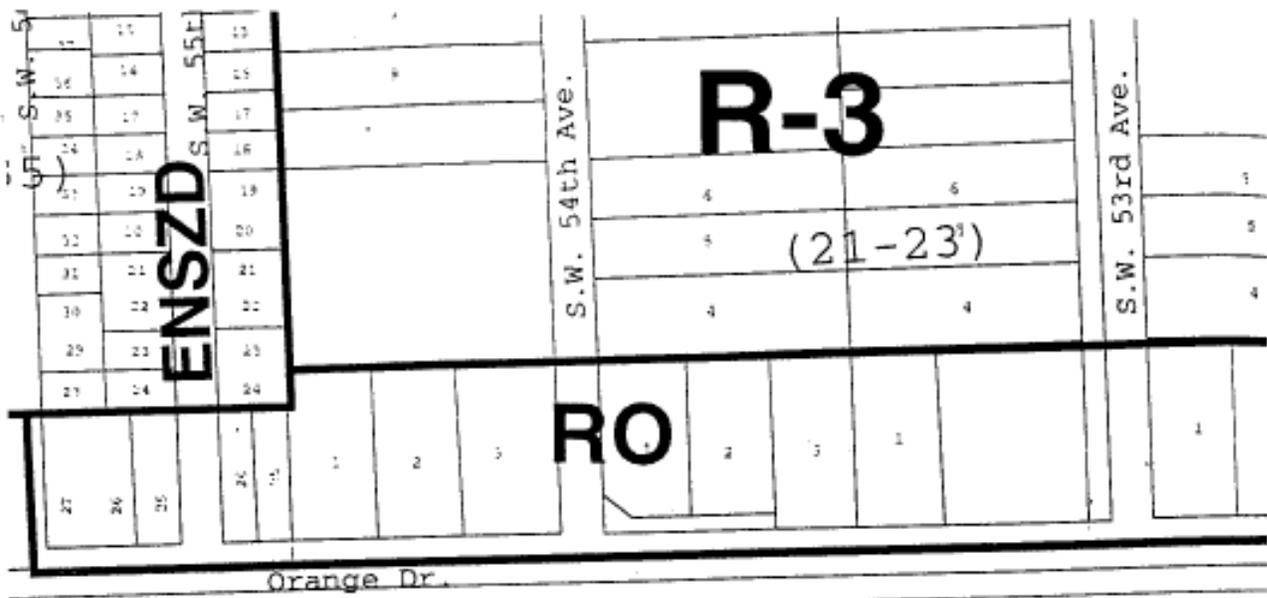
SCALE: 1"=50' DRAWN BY: M.J. CHECKED BY: T.A.A. P.L. PG. PROJECT No.: 99-00

ASSOCIATED ENGINEERS AND SURVEYORS, INC.
 STUDIES, DESIGN, INSPECTION SERVICES
 AND LAND SURVEYING
 5460 GRIFFIN RD., SUITE B, FL 33514
 PHONE (335) 864-8698

FOR:
GUSTAVO X AQUILIE

PROJECT:
SKETCH OF SURVEY



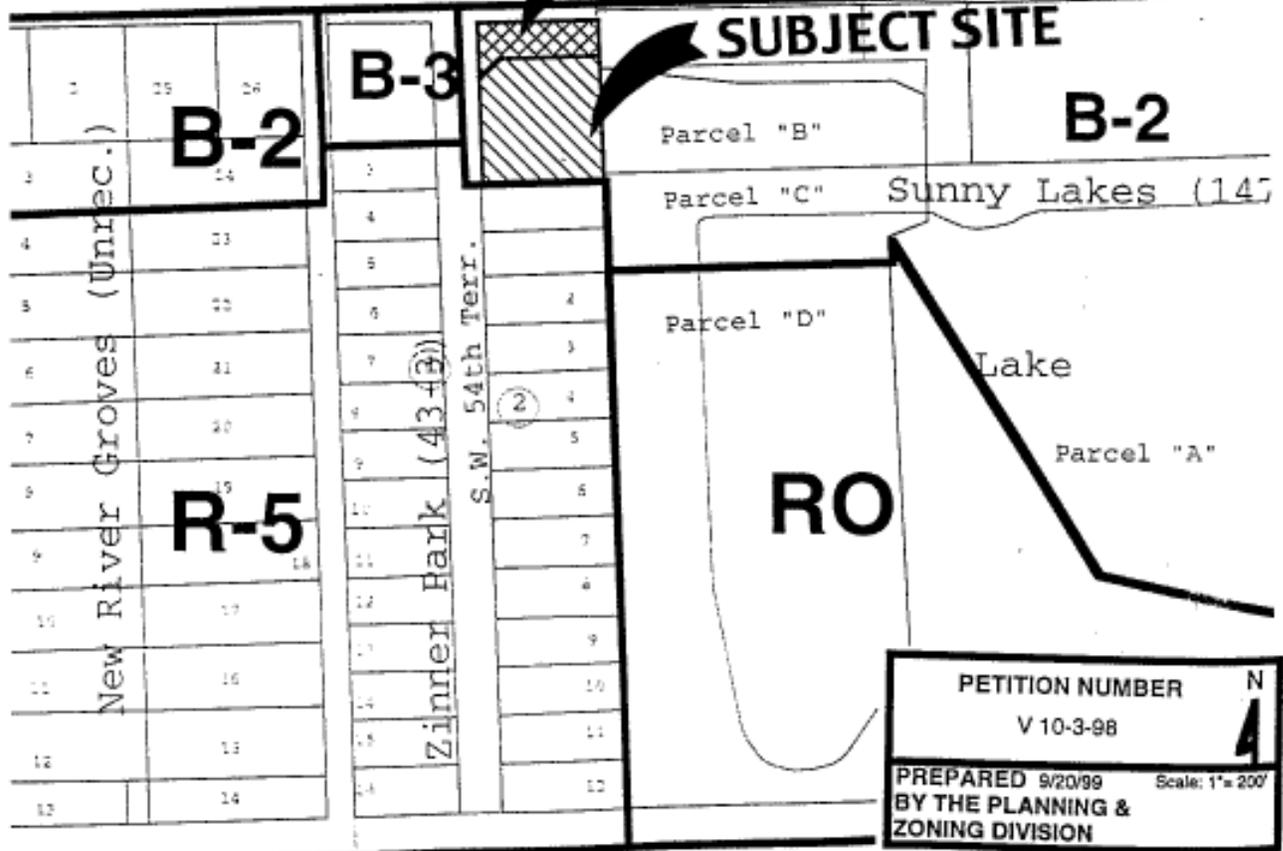


SOUTH NEW RIVER CANAL

Griffin Rd.

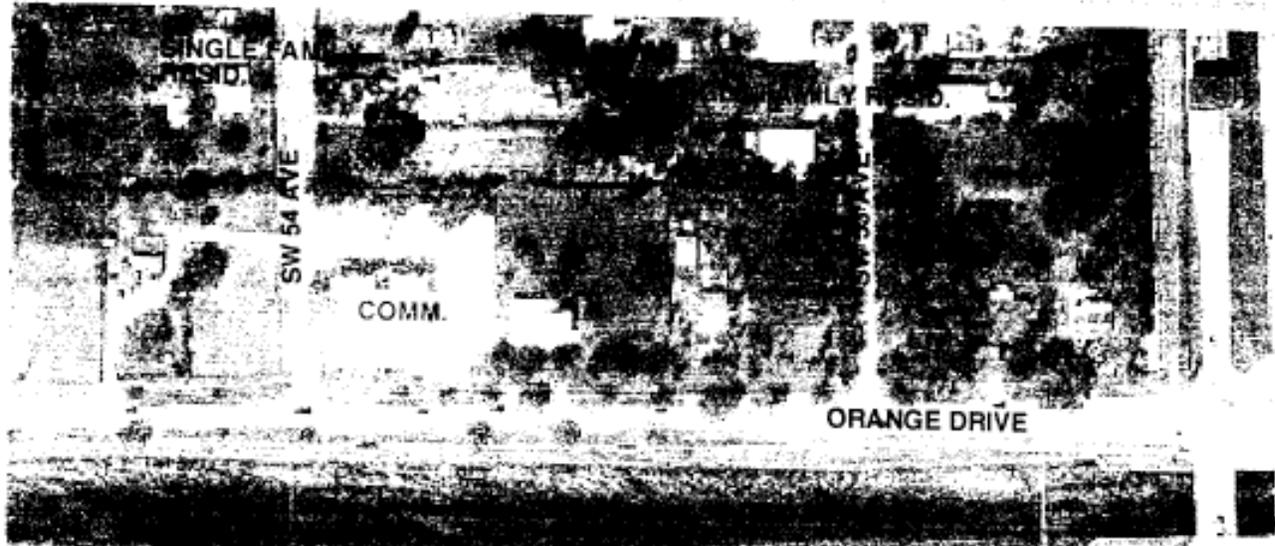
FDOT TAKING

SUBJECT SITE



PETITION NUMBER N
 V 10-3-98 4

PREPARED 9/20/99 Scale: 1" = 200'
 BY THE PLANNING &
 ZONING DIVISION



SUBJECT SITE



N
↑
DATE FLOWN
JANUARY 1998
SCALE: nts
V 10-3-98