



# Town Council Agenda Report

**SUBJECT:** Quasi Judicial Hearing: Variance

**CONTACT PERSON/NUMBER**

Name: Mark Kutney, AICP  
Phone: (954) 797-1101

**TITLE OF AGENDA ITEM:**

V 4-2-00 Davie Builders, LLC, petitioner/Virginia Ann Loecher and John Loecher, Jr., owners -  
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.

**REPORT IN BRIEF:**

The petitioner is seeking a variance to reduce the 2,500 foot minimum separation required between two houses of worship to 1,230 feet. Staff believes there are special circumstances which apply to the subject property, as an existing vacant property owned by Alpha Baptist Church and zoned for use as a church presents significant development challenges due to the shape of the site. Therefore, Alpha Baptist Church is proposing to relocate the church property to a more suitable abutting site which is smaller in size. The intent of the separation requirement is to avoid concentration of houses of worship. This variance request does not result in an increased concentration of religious institutions, but slightly reduces the distance between two of them.

Therefore, staff believes there are special circumstances which apply to the land, which conditions are such that the strict application of the code could deprive the applicant of the reasonable use of the land. Staff also finds the request is in harmony with the general intent and purpose of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:**

The Planning and Zoning Board recommended approval at its May 24, 2000 meeting (motion carried 5-0).

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Planning Report, Subject Site Plot Plan, Land Use Map, Subject Site Map, and Aerial.

**Application #:** V 4-2-00

**Revisions:**

**Exhibit "A":**

**Original Report Date:** 5/17/00

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

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**APPLICANT INFORMATION**

**Owner:**

**Agent:**

**Name:** Virginia Ann Loecher &  
John Loecher, Jr.

**Name:** Davie Builders, LLC  
Mark Stelnik, Director

**Address:** 2402 N. Berry's Chapel Rd.

**Address:** 2615 South University Drive

**City:** Franklin, TN 37069

**City:** Davie, FL 33328

**Phone:** (615) 595-7061

**Phone:** (954) 474-2800

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**BACKGROUND INFORMATION**

**Application Request:** To reduce the minimum separation between houses of worship from 2,500 linear feet to 1230 linear feet.

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

**Land Use Plan Designation:** Residential (3 du/ac)

**Zoning:** A-1, Agricultural District

**Existing Use:** Vacant Land

**Proposed Zoning:** A rezoning petition (ZB 4-1-00) is pending from A-1, Agricultural District to CF, Community Facilities District, scheduled for first reading on June 7, 2000 and second reading on June 21, 2000.

**Proposed Use:** Alpha Baptist Church

**Parcel Size:** 3.1 acres (135,684 square feet)

**Surrounding Land Use:**

**Land Use Plan Designation**

**North:** Vacant Land

Community Facilities

<b>South:</b> Vacant Land	Residential (3 du/ac)
<b>East:</b> Vacant Land	Residential (3 du/ac)
<b>West:</b> Single Family Homes, across Pine Island Road, within the municipal boundaries of Cooper City.	Residential (3 du/ac)

### **Surrounding Zoning:**

**North:** CF, Community Facilities District  
**South:** A-1, Agricultural District  
**East:** A-1, Agricultural District  
**West:** Cooper City Residential (3 du/ac)

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## **ZONING HISTORY**

**Related Zoning History:** None.

### **Previous Requests on same property:**

- ZB 7-1-99: Rezoning from A-1 and CF to R-5, and A-1 to CF, with 18 reserve units. Approved for merits on September 1, 1999 and first reading of the ordinance on September 15, 1999. This request will be amended by the applicant to exclude the subject site, at second reading which is scheduled for the June 7, 2000 Town Council meeting.
  - V 7-1-99: Variance for reduction in minimum separation between houses of worship (Alpha Baptist Church and United Pentecostal Church located south of the Alpha Baptist Church). Approved on merits on September 1, 1999.
  - ZB 4-1-00: Rezoning from A-1 to CF. Scheduled for first reading on June 7, 2000, and second reading on June 21, 2000.
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## **DEVELOPMENT PLAN DETAILS**

The owner of the subject site is also seeking a rezoning from A-1, Agricultural District to CF, Community Facilities District, under petition ZB 4-1-00, which was approved on its merits on May 17, 2000. Pursuant to approval of first reading on June 7, 2000, and second reading on June 21, 2000, the subject site will be zoned CF, Community Facilities for purposes of a church. Presently, there is a 3 acre property to the north, currently zoned CF, Community Facilities, owned by the Vietnamese Buddhist Church restricted to a church use only. Town Code requires a minimum separation between houses of worship of 2,500 linear feet. Pursuant to the rezoning, the petitioner's property will be within 1,230 linear feet of the Vietnamese Church. Therefore, the petitioner is seeking a variance to allow for the reduction in separation.

It is important to note, the Vietnamese Buddhist Church has recently sold their property to the owners of the Madison Lakes Townhome development abutting this property to the south. The new owners are in the process of rezoning this property under petition ZB 3-1-00, from CF, Community Facilities District to RM-5, Low Medium Density Dwelling District, in order to expand the existing Madison Lake Townhome development. This item (ZB 3-1-00) was approved on its merits by the Town Council on May 17, 2000. Pursuant to approval of first reading on June 7, 2000, and second reading on June 21, 2000, the petitioner of this

request will no longer require a variance for separation between houses of worship. However, the petitioner is on a strict time line and wishes to seek this variance in the event petition ZB 3-1-00 would delay their efforts to rezone the subject site for Alpha Baptist Church.

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### **Applicable Codes and Ordinances**

Land Development Code Section 12-34(DD), which states, no free-standing house of worship shall be located closer than twenty-five (2,500) feet from any other free-standing house of worship, measured from the nearest point on the nearest property line of one house of worship to the nearest point of the nearest property line of another house of worship in a straight line. The applicant shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the property lines of the proposed house of worship and any other house of worship.

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### **Comprehensive Plan Considerations**

**Planning Area:** This property falls within Planning Area 10. This planning area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Commercial development of retail centers and office buildings line the west side of the University Drive corridor. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses of varying scales, a girl scout campground facility, and a private school.

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### **Broward County Comprehensive Plan Considerations**

This property falls within flexibility Zone 102. This request has no impact on Broward County or Town concurrency requirements.

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### **Staff Analysis**

The petitioner is seeking a variance to reduce the minimum separation requirements between two houses of worship. Staff believes there are special circumstances which apply to the subject property, as an existing property owned by Alpha Baptist Church and zoned for use as a church, is considered unusable by the church due to the shape of the site. Therefore, Alpha Baptist Church is proposing to relocate the church to a more suitable site which is smaller in scale and would reduce the impact of the Church use to the area. The intent of the separation requirement is to avoid concentration of houses of worship. This variance request doesn't increase the concentration, it simply changes the distance between two of them.

Therefore, staff believes there are special circumstances which apply to the land, which conditions are such that the strict application of the code could deprive the applicant of the reasonable use of the land, is in harmony with the general intent and purpose of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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### **Findings of Fact**

**Variances:**

**Section 12-309(B)(1):**

(a) There are special circumstances and conditions applying to the land and building for which the variance is sought; the circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district. Said circumstances or conditions are such that the strict application of the provisions of this chapter may deprive the applicant of the reasonable use of the land or building for which the variance is sought, and would deprive the Town of encouraged redevelopment consistent with the Town's Comprehensive Plan.

(b) The granting of the variance may be 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) Granting of the requested variances is 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.

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**Staff Recommendation**

**Recommendation:** Based upon the above and the overall finding of facts in the positive, staff recommends approval of application no. V 4-2-00.

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**Planning and Zoning Board Recommendation**

The Planning and Zoning Board recommended approval at its May 24, 2000 meeting (motion carried 5-0).

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**Exhibits**

1. Separation Distance Survey
2. Land Use Map
3. Subject Site Map
4. Aerial

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

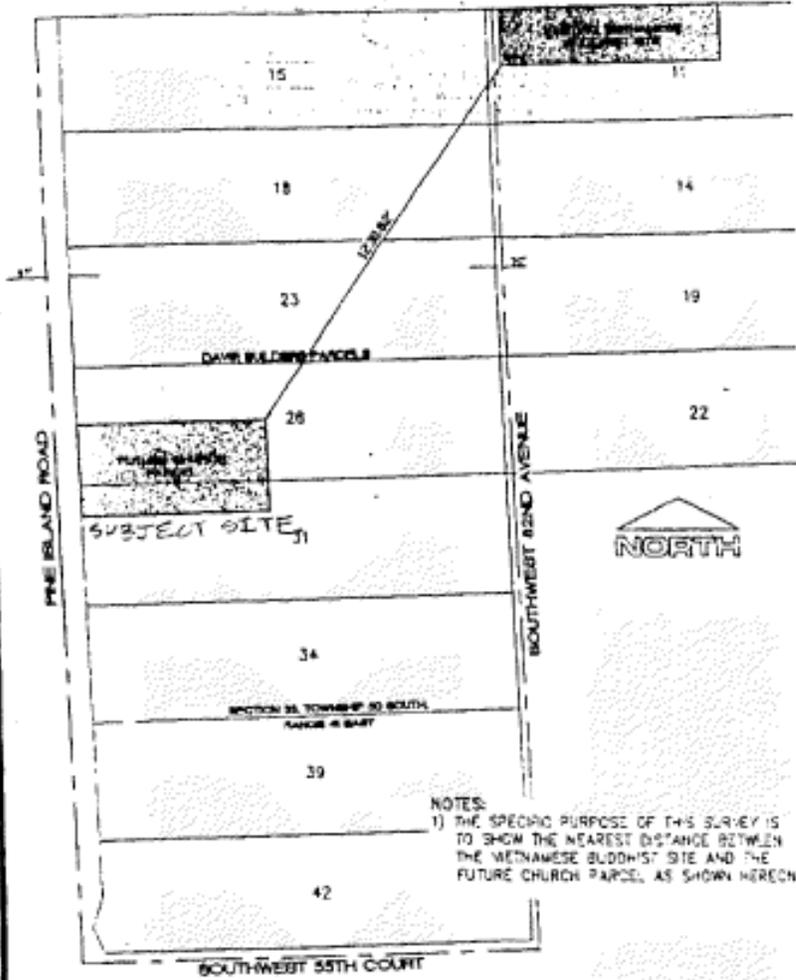
Reviewed by: \_\_\_\_\_



SPECIFIC PURPOSE SURVEY  
BY  
**PULICE LAND SURVEYORS, INC.**

3081 NOR HILL ROAD  
BUNNELL, FLORIDA 32001

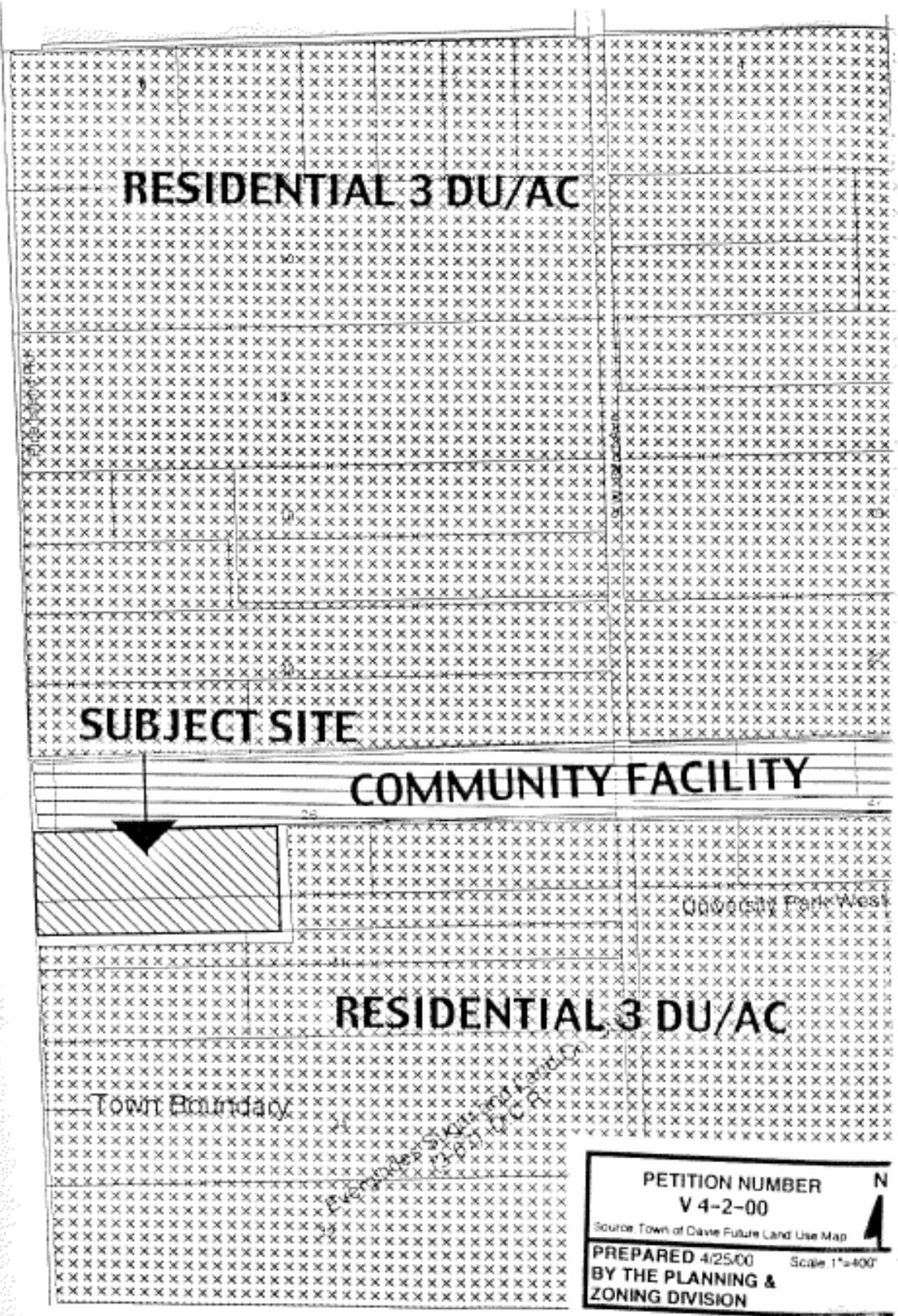
TELEPHONE: (386) 372-1777 • FAX: (386) 372-1778  
E-MAIL: SURVEY@PULICELANDSURVEYORS.COM CERTIFICATE OF AUTHORIZATION # 133870



NOTES:  
1) THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE NEAREST DISTANCE BETWEEN THE METNAMESE BUDDHIST SITE AND THE FUTURE CHURCH PARCEL AS SHOWN HEREON

FILE: DAVIS BUILDERS, LLC  
SCALE: 1"=300'  
ORDER NO: 38529  
DATE: MAY 10, 2000  
PINE ISLAND ROAD, DAVIS, FL  
SECTION 33-50-41  
FOR DAVIS BUILDERS, LLC

JOHN F. PARDO, Reg. Land Surveyor 8054, State of Florida  
MICHAEL CHARLES TYRRE, Reg. Land Surveyor 13201, State of Florida  
JOY CARL, Reg. Land Surveyor 8270, State of Florida



**RESIDENTIAL 3 DU/AC**

**SUBJECT SITE**

**COMMUNITY FACILITY**

**RESIDENTIAL 3 DU/AC**

Town Boundary

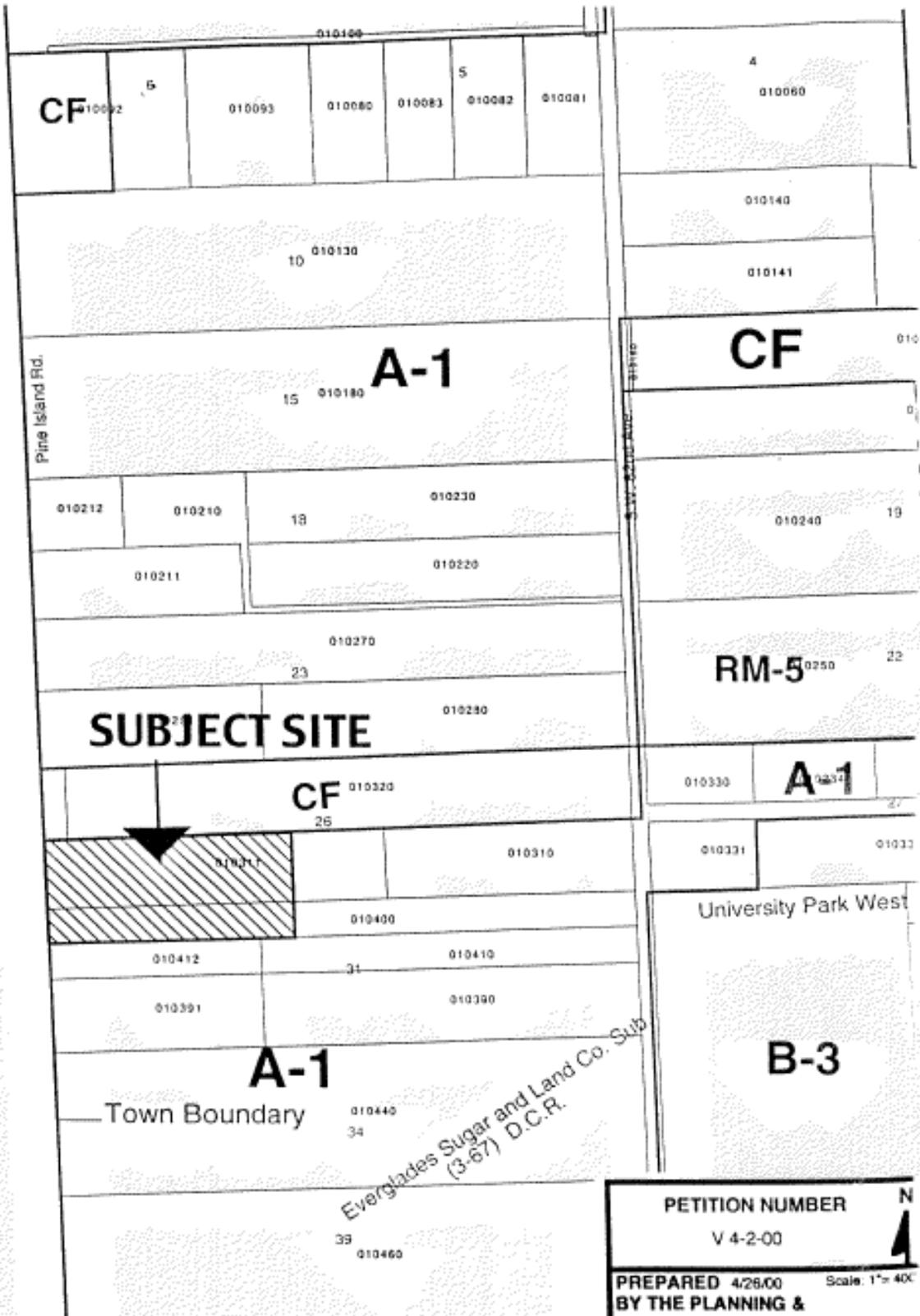
PETITION NUMBER  
V 4-2-00

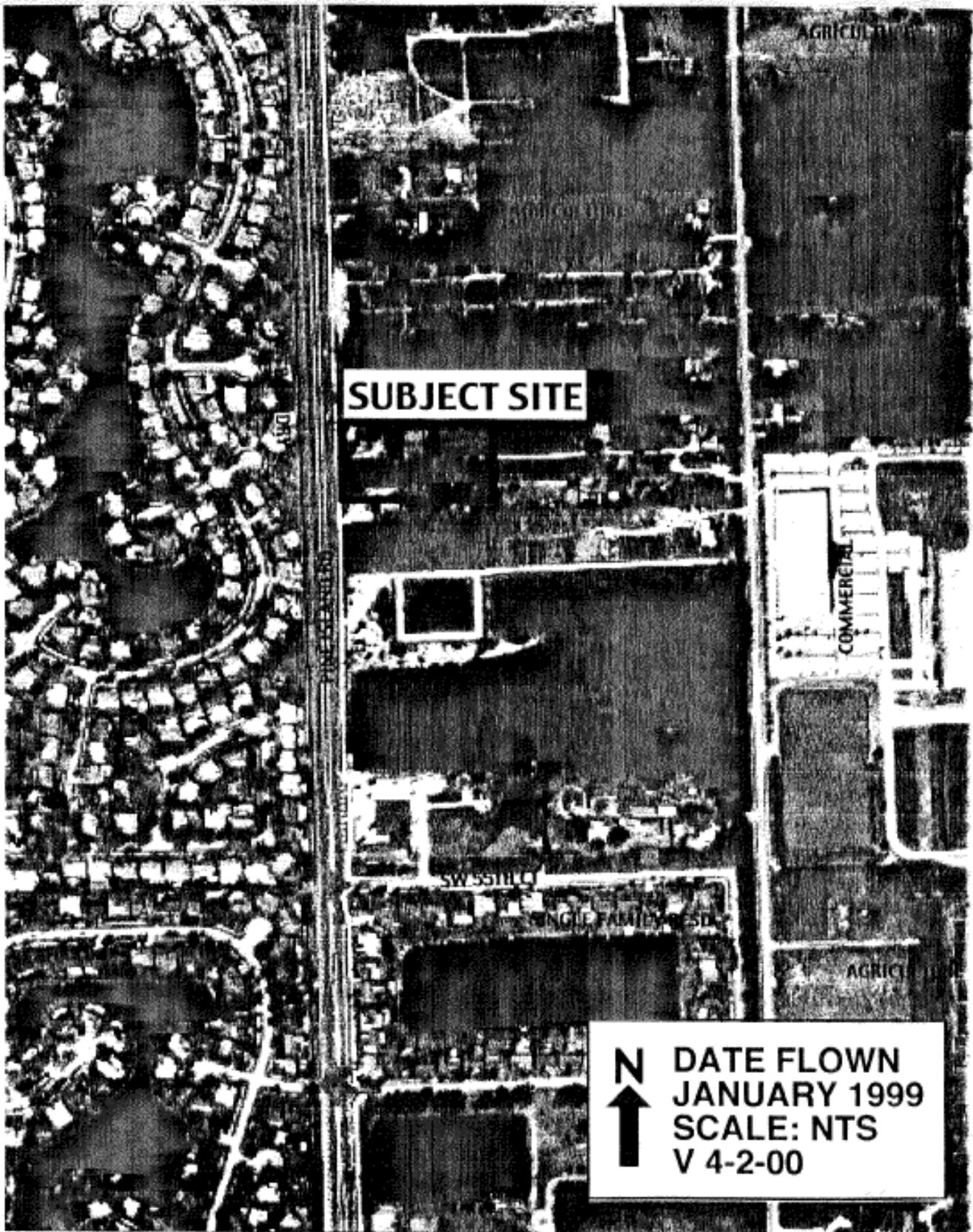
Source: Town of Davis Future Land Use Map

PREPARED 4/25/00 BY THE PLANNING & ZONING DIVISION

Scale 1"=400'

N





**SUBJECT SITE**

AGRICULTURE

COMMERCIAL

SW 55TH ST

SINGLE ALLEY RD

AGRIC



**DATE FLOWN  
JANUARY 1999  
SCALE: NTS  
V 4-2-00**