

# City of Coconut Creek

## InterOffice Memorandum

**To:** Planning and Zoning Board  
**From:** W. SCOTT STOUDENMIRE, AICP  
Deputy Director of Development Services  
**Date:** March 8, 2017  
**Subject:** 4680 NW 74 Place  
Variance  
Agenda Item No. 8

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**Applicant/Agent:** Tamara Peacock  
**Owner:** Tomas Diaz  
**Requested Action/Description:** Variance for Reduced Setbacks  
**Location:** 4680 NW 74 Place  
**Legal Description:** Lot 1, Less the South 218 Feet, RAIN FOREST ADDITION, according to the Plat thereof, recorded in Plat Book 176, Page 118, of the Public Records of Broward County, Florida.  
**Size:** 0.672 ± acres  
**Existing Zoning:** RS-1, Residential Single-Family Detached 1 DU/Ac  
**Existing Use:** Vacant  
**Future Land Use Plan Designation:** Residential Estate 1 DU/Ac  
**Platted:** Rain Forest Addition  
**Plat Restriction:** Two (2) single family detached units.

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### **Requested Action/Description:**

The applicant, Tamara Peacock, on behalf of the owner, Tomas Diaz, is requesting a variance from Section 13-333(d)(4) of the City's Land Development Code to reduce the required minimum front setback from fifty (50) feet to thirty (30) feet and from Section 13-333 (d)(6) to reduce the required rear setback from fifty (50) to thirteen (13) feet for the property located at 4660 NW 74 Place.

### **Public Involvement:**

Per Section 13-33(c), property owners within 500 feet of the subject property (84 property owners) were notified by mail of the variance request and invited to attend the Planning and Zoning Board meeting. To date, staff has not received any public inquires related to the project.

### **Analysis and Findings:**

This property is uniquely situated where the majority of the front property line is immediately adjacent to the neighboring property's rear property line with access provided through a private driveway from NW 74th Place. Further, when this site was originally platted and rezoned to RS-

1, it was a much deeper lot that exceeded two (2) acres as it included the adjacent lake located to the rear of the subject property. Over time, the lake area was formally separated from the subject property to create a common drainage area for the overall project.

The standards for granting a variance are listed in Section 13-33 (d) of the Land Development Code. Immediately following each criteria are the applicant's verbatim responses as provided in their formal application.

***(1) Special conditions and circumstances exist which are peculiar to land, structures or buildings involved, and which are not applicable to other lands, structures or buildings in the same zoning districts.***

This is an application for both front and rear setback for the property located at 4680 NW 74th Place, Coconut Creek, FL 33073. This variance only applies to the house structure.

This is a unique situation where the front property line is directly behind someone else's property. When this was originally platted and zoned as RS-1, it was over 2-acre lot as it included the lake. However, when it was sold off, it was dissected into smaller parcels when the common drainage area was created.

Currently, the site is zoned as RS-1, which has a front and rear setback of 50' and side setbacks at 35'. The uniquely shaped site is unable to meet the setbacks as defined by the RS-1 zoning classification. We are able to meet the 50' setback from the road into the driveway as well as the required 35' side setbacks. However, we are unable to meet the rear setback.

We are asking for a front relief of 20' of that portion of the property to the north, and a relief for 10' for the rear. The front relief will allow 30' setback between the house and the property line and the rear setback will provide a 14'.6" between the house and the southern property line.

***(2) The special conditions and circumstances do not result from actions of the applicant.***

RS-1 has a minimum lot depth of 200'. The actual usable lot area for this parcel is 141' deep and does not meet the code. Furthermore this site is unique in the sense that the front setback is located directly behind an existing home at 4640 NW 74th Pl, Coconut Creek, FL. The site is also undersize per RS-1 standards as it has been dissected and parceled off since it was originally platted.

We are unable to meet the front setback at 50'. We are proposing to keep the 50' distance from the road, but asking for a 20' relief for the front since it's located behind someone else's property. We are also asking for a 10' relief for the rear setback.

***(3) Granting a variance will not confer special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.***

With the newly proposed setbacks, the client will be able to abide by the RS-1 code to a reasonable extent without encroaching on the property to its north. The side setbacks will be met as per RS-1 requirements with a relief for the front and rear setbacks.

***(4) Literal interpretation of the regulations of this chapter will deprive the applicant of rights shared by other property owners holding property in the same zoning district under the terms of the Land Development Code and cause unnecessary and undue hardship on the applicant.***

If the RS-1 zoning setbacks are enforced, the property owner/developer will be left with a smaller usable lot space than the other property owners under the same zoning classification.

***(5) The variance granted is the minimum variance that will make possible the reasonable use of land, buildings or structures.***

The variance that is being requested is a reasonable use of the land for the structural improvements. If granted, it will allow the property owner/developer to construct and maintain property value as appropriate to the surrounding homes.

***(6) Approval of a variance will be harmonious with the general intent and purpose of the Land Development Code and that such variance will not degrade the area involved or be detrimental to public welfare.***

Approval of this variance will be harmonious to the general intent and the purposed of this chapter. It will also be favorable to the public welfare by improving the look and value of the homes in the surrounding neighborhood.

In summary, the variance application is in substantial compliance with the City's Land Development Code. However, prior to final approval, the following comments must be addressed:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit.

**Staff Recommendation:**

City staff has reviewed the application and finds the proposed variance request consistent with Section 13-33 of the City of Coconut Creek Land Development Code and recommends approval.

Pursuant to Section 13-33(f), unless additional time is granted at the time of approval of any variance, any variance authorized by the city which relates to a structure or use requiring a permit, shall expire one hundred eighty (180) days after the date of the effective date of the variance if no permit, certificate of use or other required license has been issued based upon and incorporating the variances, and if all conditions and limitations of the variance have not been satisfied.

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LA:WSS:jwAttachments:  
Aerial Photo  
DRC Report  
Exhibit