



# MEMORANDUM

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To: City Commission

From: Jason Chockley, Community Development Assistant Director

Date: June 14, 2022

Re: Variance – Sienna @ Cooper City

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PETITIONS: Sienna – Variance Petition  
Petition #: V 5-3-21

LOCATION: 8701 Sheridan Street; approximately 1,300 feet east of Pine Island Road

OWNER/PETITIONER: Metropolitan Baptist Church of Miami, FL, Inc., owner / Mattamy Homes, Petitioner

ZONING DESIGNATION: R-1 D, Single Family District

REQUEST:

1. Variance from Section 23-34(c) of the Code to reduce the minimum lot width from 60' to 50.6'.
2. Variance from Section 23-34(f)(3) of the Code to reduce the side interior setback from 7.5' to 3' for one side only.
3. Variance from Section 23-34(d) of the Code to increase the maximum building coverage from 33% to 42% of the lot.

BACKGROUND AND PROPERTY DESCRIPTION: The subject site is approximately 9.4 gross acres in size and is located on the north side of Sheridan Street about one quarter mile east of Pine Island Road. Accompanying this petition are site plan and plat petitions which reflect all lots exceeding 6,500 square feet in size. The site plan reflects one- and two-story single-family homes, with models ranging from 2,300 to over 4,300 square feet under air.

ANALYSIS:

Three variances are requested for approval of the accompanying site plan as submitted. The variances include the following:

1. To reduce the minimum lot width from 60' to 50.2'.
2. To reduce the side interior setback from 7.5' to 3' for one side only.
3. To increase the maximum building coverage from 33% to 42% of the lot.

The applicants justify the variance requests based on a number of statements including the following as per their justification statement:

1. The applicant states that this request is necessary for the property to reach its full development potential, due to its challenging size and seeks to develop the site in a manner consistent with the adjacent Monterra community zoned PMUD.
2. The second justification is compatibility. The proposed lot sizes and setbacks are compatible with the Monterra PMUD immediately adjacent to the East which is the La Costa neighborhood.

OUTSTANDING STAFF COMMENTS/RECOMMENDATIONS: All comments & concerns related to the Variance request have been addressed.

STAFF FINDING: Staff has determined that the application meets all the submittal requirements for review and processing of a variance petition based on the following findings:

1. The variance requested would be the minimum variance necessary for the petitioner to be relieved from the 33% maximum building coverage as this request is based purely on a lot-fit basis that would be applied only as necessary to approve a specific model home on a given lot. Based on the average lot size for the proposed model homes, the average building coverage per lot is only 35.4%.
2. The granting of the variances will not be detrimental to the public welfare or injurious to property or improvements in the zoning district or surrounding neighborhood. Lot sizes will be larger than the 6,000 square foot minimum requirement of the R-1-D zoning district. This project however will not be a part of the Monterra CDD or HOA and therefore should bring home prices in line with, yet independent from, Monterra home prices. The overall property value of Cooper City should increase with the development of this currently vacant land.

PLANNING AND ZONING BOARD RECOMMENDATION: The Planning and Zoning Board, at their meeting of May 2, 2022, recommended **Approval** of the proposed petition **7-3** with Mr. Rouse, Mrs. VanBuskirk and Mr. Katzman dissenting.



# COMMUNITY DEVELOPMENT DEPARTMENT CITY OF COOPER CITY

9090 SW 50 Place – P.O. Box 290910 - Cooper City, Florida  
33329-0910 Phone: (954) 434-4300, ext. 226 – Fax: (954) 680-1439

FILE COPY

## VARIANCE APPLICATION

**ATTENTION:** Prior to submission of application, the Petitioner &/or Owner must schedule a pre-submittal meeting with the Community Development Staff to review the proposed project, the submittal and processing requirements. The submittal dates for DRC and P&Z Board can be found on the City's website at: [www.coopercityfl.org](http://www.coopercityfl.org). ALL ADVERTISING AND RECORDING FEES WILL BE THE RESPONSIBILITY OF THE APPLICANT.

FOR STAFF ONLY:

PETITION # 75000

DATE PETITION FILED:

5-12-21

Date of Pre-Submittal Meeting: March 26, 2021

### INSTRUCTIONS TO APPLICANT:

1. Please complete all requested information on this application. If not applicable, indicate with N/A.
2. A completed Notarized General Application must accompany this application.
3. Make Checks payable to the City of Cooper City per the current Fee Schedule.

MAY 12 2021

## I. PROPERTY INFORMATION

CITY OF COOPER CITY  
PLANNING DIVISION

### ADDRESS OF PROPERTY AND GENERAL LOCATION INFORMATION:

8701 Sheridan Street, Cooper City, FL 33024 North side of Sheridan Street, approximately 2.9 miles west of the Florida Turnpike.

### SIZE AND DIMENSIONS OF PROPERTY:

8.98 Ac. (391,168.8 S.F.) - +/- 329.09' x +/- 1189.70'

## III. VARIANCE REQUEST(S)

Attach Separate Sheet(s) if More Space is Needed.

CODE SECTION	REQUIREMENT	REQUEST	DEGREE OF DEVIATION
Sec. 23-34.c	Minimum lot width = 60'	Minimum lot width = 50.6'	-9.4' (-15.7%)
Sec 23-34.d	Max. building coverage = 33%	Max. building coverage = 42. %	+9 %
Sec. 23-34.f.3	Interior side yard = 7.5'	Interior side yard (one side only) = 3.0'	-4.5' (-60%)

## IV. ADJACENT PROPERTIES

Adjacent Property	Land Use Plan Designation	Zoning Designation	Existing Use(s) of Property
NORTH	Irr. 3.66	PUD	Monterra Residential PUD
SOUTH	Res. Low 5 (Pem. Pines)	R-1 C (Pembroke Pines)	Residential - Pasadena Lakes Plat
EAST	Irr. 3.66	PUD	Monterra Residential PUD
WEST	Irr. 3.66	PUD	Monterra Residential PUD

## V. VARIANCE CRITERIA

Please address each of the following review criteria in an attached justification statement.

- (a) Special and unique conditions exist which are peculiar to the petitioner's case and which are not generally applicable to other property located in the zoning district.



COMMUNITY DEVELOPMENT DEPARTMENT – CITY OF COOPER CITY  
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VARIANCE APPLICATION

- (b) The special and unique conditions are not directly attributable to the actions of the petitioner.
- (c) The literal interpretation of the zoning code, as applied to the petitioner, would deprive the petitioner of rights commonly enjoyed by the owners of other property in the zoning district.
- (d) The variance granted is the minimum variance necessary for the petitioner to make reasonable use of the property.
- (e) Granting the variance is not detrimental to the public welfare, or injurious to property or improvements in the zoning district or neighborhood involved.
- (f) Granting the variance is not contrary to the objectives of the Comprehensive Plan as adopted April 6, 1989 by the Cooper City Commission.

VI. SUBMITTAL CHECKLIST

QTY	REQUIRED	YES (✓)
1	Completed Original General Application	X
1	Completed Original Variance Application	X
1	Certificate of Title, property deed or other proof of ownership	X
14	Surveys and 1 Signed & Sealed Survey	X
14	Architectural Plans (if applicable – check with staff)	X
14	Site Plans	X
14	Aerials Photos of subject site clearly delineating site boundary lines.	X
14	Subject Site Maps clearly delineating site boundary lines with adjacent and nearby street names labeled.	X
14	Justification Statements	X
1	List of names & addresses of property owners in the 300' radius	X
1	Sets of Mailing Envelopes (with labels already on the envelopes)	X
1	Radius Map from Property Appraisers Office showing 300' radius on tax map.	X

VI. STAFF USE ONLY

Petition #: U 5-3-21	Staff Intake By: B Johnson	Intake Date: 5/12/21
Sufficiency Completed by: J Checkley	Sufficiency Date: 5/14/21	

VIII. COOPER CITY CODE

Sec. 23-153. Variance.

- (a) *Purpose and intent.* For purposes of this section, “variance” shall mean a modification of the zoning district regulations when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- (b) *Applicability.* A variance is authorized only for height, area, size of structure or size of yards and open spaces, and off-street parking and loading requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or classification or in adjoining zoning districts or classifications.
- (1) Use variance. The establishment or expansion of a use otherwise prohibited in the zoning district may be permitted by variance provided that the characteristics of the site (for example, the presence of jurisdictional wetlands, environmentally-sensitive lands) or other pre-existing uses on the site or adjacent thereto would serve to preclude the development of the property within the permitted uses allowed in the applicable zoning district.



**COMMUNITY DEVELOPMENT DEPARTMENT – CITY OF COOPER CITY**

9090 SW 50 Place – P.O. Box 290910 - Cooper City, Florida 33329-0910

**VARIANCE APPLICATION**

Applicants for use variances shall submit with their application, a statement from a Florida registered engineer explaining the unique circumstances of the site which would preclude alternate development within the permitted uses of the zoning district.

(c) *Application.* Any person applying for a building permit found to be in non-conformance to the city zoning code may apply for a variance from the existing zoning regulations of the city if found to be in accordance with subsection (b) above, and the procedures for requesting a variance which are set forth as follows:

- (1) Clear architectural plans and site plan shall be submitted, prior to variance application, to the building department, in such detail that all required variances to the city code may be determined by city staff.
- (2) The building department shall issue to the applicant in writing a letter indicating:
  - a. Administrative denial of application for a building permit;
  - b. That the city has received plans in such detail as to enable determination of all required variances to specific sections of the city code;
  - c. A specific list of variances required in order for the plans to be in complete compliance with the city code.
- (3) Filing of variance application shall be in duplicate, on forms to be supplied by the city, with the city clerk. The application must be accompanied by the letter required in subsection (2) above, and shall include the following:
  - a. Name of applicant;
  - b. Applicant's relation to the property involved;
  - c. The legal description of the property;
  - d. The variance(s) from existing regulations requested;
  - e. The hardship for requesting the variance(s).
  - f. A copy of the administrative denial from the building department.
- (4) Each application for a variance shall be accompanied by a fee (refer to fee schedule), payable to the city. Said fee shall be nonrefundable, provided, however, the city commission shall have the authority to direct the refunding of said fee in their sole and exclusive discretion.

(ci) *Scheduling of public hearings.* Upon receipt of the application the city clerk shall docket same for a public hearing to be held for review and recommendation by the planning and zoning board at the next regular meeting of the planning and zoning board, which shall be at least twenty-five (25) days subsequent to the date of the filing of the application. The city clerk shall docket same for a public hearing to be held by the city commission at the next regular or special meeting of the city commission, which shall be at least twenty-five (25) days subsequent to the date of the filing of the recommendation by the planning and zoning board.

(cii) *Notification.*

- (1) Notice of each meeting shall be published by the city clerk in a newspaper of general circulation in the city, which notice shall be published once, with the dates of the respective meetings.
- (2) The city clerk shall send notice of the aforesaid planning and zoning board meeting and city commission public hearing by first class United States mail to each owner of real property located within three hundred (300) feet of the property on which the variance is requested. Notice of said meetings shall also be sent, via certified mail, to the petitioner.
- (3) Notice of each public hearing shall be posted in a conspicuous place in the city hall at least fifteen (15) days prior to the date of the hearing.





**COMMUNITY DEVELOPMENT DEPARTMENT – CITY OF COOPER CITY**  
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**VARIANCE APPLICATION**

- (f) *Planning and zoning board action.* The planning and zoning board shall consider the application for the variance at the meeting docketed by the city clerk, and may recommend approval of the variance as requested, recommend approval as amended, recommend disapproval or table the variance.
  - (g) *City commission action.* The city commission shall consider the application for the variance at the hearing docketed by the city clerk, and the approval of the variance as requested or as amended by the commission shall only be on the affirmative vote of at least three (3) members of the commission.
  - (h) *Expiration of approval.* Any variance authorized by the city commission shall expire ninety (90) days after the date of action on the variance by the city commission unless building permit, based upon and incorporating the variance, is issued within the aforementioned ninety (90) day period.
  - (i) *Reapplication.* Upon rejection by the city commission of any application for a change, exception, and/or variance in existing zoning ordinances and regulations as same affects a specific lot, piece or parcel of land in the city, a period of not less than twelve (12) months shall elapse before the city commission will accept other, further, or new applications for the same change, exception, and/or variance, regardless of the identity of the petitioner.
- (Ord. 95-4-2, § 1, 4-11-95)

**Sec. 23-154. Additional fees for rezonings and variances.**

In addition to all other fees required in connection with an application for a zoning change or an application for a granting of a variance, the applicant shall pay unto the city the actual cost incurred by the city in the completion of the ownership search of adjacent property owners who are required to receive notification of the application, the cost of publication of the notice and the cost of mailing and duplicating the notice. The city shall upon a determination of the exact cost as aforesaid forthwith notify the applicant of the costs incurred or to be incurred as hereinabove set forth and may defer any further action upon the application for rezoning or for a variance until the aforesaid costs have been paid in full, which costs shall be determined to be a part of the application fee, and in addition to any amount otherwise required. The city may, as a condition precedent to taking any action on the application, require the posting of a deposit in an amount estimated by the city to be the costs to be incurred as aforesaid. All funds received hereunder shall be receipted and deposited in the same manner as the application fee heretofore required on the applications for rezoning and/or granting of variances.

(Ord. No. 03-1-4, § 1, 1-28-03)  
Rev. Suppl. No 5 (July, 2003)

## Section I: Variance Justification Statement

### Introduction and Proposed Applications

This Variance Application is being filed on behalf of Mattamy Home Corporation for the development of the Sienna Village Property (Subject Property). The property is located on the north side of Sheridan Street, approximately 2.9 miles west of the Florida Turnpike. The Subject Property was annexed into the City of Cooper City on October 14, 2014, per Ordinance 14-10-1. The property also received Rezoning approval on January 12, 2016, per Ordinance 16-1-2. Finally, the property also received a Variance and Final Site Plan Approval on June 20, 2017, per Resolution 17-6-1. The original applicant never proceeded with the construction of the project and therefore the approvals granted by Resolution 17-6-1 have since expired. The current applicant, Mattamy Homes, is resubmitting the Variance Application to the City and is not proposing any revisions to the original approval.

The Subject Property is approximately 8.97 net acres. The Subject Property has an existing Land Use Designation of Irregular Residential 3.3 D.U./Ac. The Subject Property has an existing Zoning Designation of Single-Family Zoning District, R-1-D. The Subject Property received approvals to develop the property to a thirty (30) unit residential subdivision, with 50.6' x 130' minimum lot dimensions. See below for summary:

- To reduce the minimum lot width from 60' to 50.6'
- To reduce the side interior setback from 7.5' to 3' for one side only
- To increase the maximum building coverage from 33% to 42% of the lot

The primary justification for the variance request from the property development regulations of the R-1-D Zoning Designation is threefold. The first justification for the request is for the property to reach its full development potential, due to its challenging size. Upon annexation into the City of Cooper City the property was rezoned to R-1-D. Based upon the limited size of the property, at 8.97 acres, the R-1-D Zoning District provided the smallest single-family lots that the property can be developed into. At a 6,000 square feet minimum lot size and a sixty (60) feet lot width minimum, this Zoning District represented the only manner in which the property could be developed to its maximum potential. In addition, when the property was annexed into Cooper City, the Land Use Designation adopted for the property is Irregular Residential 3.3. With this Land Use Designation the property's density is capped at 3.3 dwelling units per acre. At 9.43 gross acres, the maximum density for the property is thirty – one (31) dwelling units. This Land Use Designation is compatible with the Irregular Residential 3.663 of the adjacent Monterra PMUD to the east of the subject property. The variance requests would allow for the property to be developed in a manner that achieves the maximum allowable density. The request to reduce the lot widths from the required sixty (60) feet down to 50.6' minimum lot width, would allow the project to be developed into thirty (30) single family lots, which would allow the maximum development capability of the property.

As indicated, the Sienna parcel is only 8.97 net acres. Unlike the Monterra property, the Sienna property does not meet or exceed the Cooper City minimum acreage threshold for a Planned Unit Development of fifteen (15) acres. Per Section 23 – 66 of the Cooper City code, Planned Unit Developments are required to be a minimum of fifteen (15) acres. The PUD districts provides a means of achieving flexibility in development of land appropriate in size, mix of uses, and shape to facilitate utilization in a manner not possible in conventional zoning districts. An applicant for a PUD Zoning would propose development regulations (lot widths, setbacks etc), which encourage a more imaginative and innovative design and conservation of land in developments; and should promote a more desirable living environment. Due to not meeting the acreage threshold the property was rezoned to the Zoning Designation that provides the smallest lot widths and the variance request is the mechanism to achieve a more compatible community with La Costa / Monterra PMUD.

The second justification for the variance requests is compatibility. As indicated, with the request for the reduced lots widths, the development of the subject property into thirty single family lots, at 50.6' minimum lot width, would be compatible with the Monterra neighborhood directly to the east which is the La Costa neighborhood. The approved design guidelines for Monterra indicate a minimum lot size of 50' x 100' minimum (interior lots) for the La Costa neighborhood. The minimum lot size that Mattamy is proposing is 50.6' x 130' minimum and would be compatible with this neighborhood directly to the east. Much like La Costa / Monterra, Mattamy would be constructing single family homes that will be a mix of single and two story traditional single-family homes. In addition, the setbacks requested are also compatible with the setbacks proposed within La Costa / Monterra PUD. The

setbacks within La Costa / Monterra are three (3) foot side and a seven (7) foot side setback, which also provides for a ten (10) foot separation between single family homes. From a lot size, setback and density standpoint the Sienna at Cooper City residential community would be compatible with Monterra PMUD and the La Costa neighborhood.

The third and final justification for the variance request is market driven. Mattamy will be constructing single- and two-story homes within Sienna at Cooper City. The single-story homes are typically larger within the lots in order to have the master bedroom on the first floor, for prospective home buyers looking for single story master down residential homes.

As part of the application being filed on behalf of Mattamy, new architectural plans will be submitted for review by staff that will adhere to the approved variance property development regulations. Besides the architectural plans, all of the technical items and plans previously approved will be consistent with the past expired approval. Finally, the applicant is requesting that should the variance be approved the approval be memorialized within the Final Site Plan Resolution. The justification for this request is in order to provide ample time to pull a building permit, based upon the length of time for the Broward County plat approval process, and to address City Code Section 23-153.h which provides for ninety (90) day expiration from City Commission action.

## **Variance Application Requirements – City Land Development Regulations**

The following is a brief summary of how the proposed Sienna Village Residential Development conforms to the application requirements of City of Cooper City Code Chapter 23, Article VI, Section 23-153 Variance Criteria.

### **A. Variance Application Criteria**

- a. Special and unique conditions exist which are peculiar to the petitioner's case and which are not generally applicable to other property located in the zoning district.

**Response:** The applicant is requesting a variance approval based on the one granted by Resolution 17-6-1, Application # V 5-1-15. The subject property was a residual infill property that voluntarily annexed into Cooper City Ordinance 14-10-1 on October 28, 2014. Based upon the fact that the Monterra PUD surrounds the property, the annexation was justified and did not create an enclave. The property is 8.97 acres in size. Based upon the size of the property and the fact that it has R-1-D Zoning, which allows for the smallest lots within the City of Cooper City, the variances would provide for design efficiencies for a property this size. Per Section 23-66.e.1 of the Cooper City code, a PUD would allow for efficient design criteria and property development regulations, but this parcel is not the minimum 15-acre size for a PUD. The requested variances (3 total) provide for compatibility and is comparable to the existing residential lots within the La Costa / Monterra PUD. See above for additional details.

- b. The special and unique conditions are not directly attributable to the action of the petitioner.

**Response:** The property is a vacant 8.97-acre parcel and the applicant has not developed or disturbed the land in any manner to warrant the variance requests. The property is surrounded by preservation areas within the Monterra PUD. Currently, the existing overgrown exotics are a nuisance to the surrounding Monterra preservation areas. In order to achieve the maximum development potential of the property and to be compatible with the approved La Costa / Monterra PMUD, the variance request would be the mechanism to create a compatible community with the existing La Costa / Monterra PMUD.

- c. The literal interpretation of the zoning code, as applied to the petitioner, would deprive the petitioner of rights commonly enjoyed by the owners of other property in the zoning district.

**Response:** The property has approval as an R-1-D Zoning District parcel. The approved variances would allow for efficient development of the infill piece and will result in compatibility with the adjacent Monterra PMUD. If the variance application is not approved, the property cannot be developed to the strict interpretation of the R-1-D Zoning District.



This would result in the property not being developed and remaining vacant. Section 23-34.i, R-1-D Single Family District also provides exceptions to yard requirements. The Code goes on to indicate, "Notwithstanding anything to the contrary herein, the planning and zoning board shall have the right to permit reasonable modifications of the yard and setback requirements of the R-1-D district where, in the discretion of the board, strict enforcement of the aforesaid requirements would be a hardship."

- d. The variance granted is the minimum variance necessary for the portioner to make reasonable use of the property.

**Response:** The approval of the variances are the minimum required in order to provide design efficiencies and reduce the strict property development regulations of the R-1-D Zoning District. As previously indicated, the property does not meet the acreage criteria for a PUD, which would have provided the ability to develop the parcel in the most efficient design techniques and property development regulations.

- e. Granted the variance is not detrimental to the public welfare, or injurious to property or improvement in the zoning district or neighborhood involved.

**Response:** The variances would not be detrimental to the public welfare or injurious to surrounding properties or neighborhoods. In fact, the applicant has already had preliminary discussions and meetings with the Monterra PMUD CDD Board regarding the development of the parcel and had a meeting on July 19, 2021 and there were no objections. Additionally, Temporary Construction Easement Agreements, a Drainage Easement Agreement, and a Landscape Agreement are in the process of being reviewed by the CDD. Development of the parcel will improve the existing condition of the property as much of the overgrown exotic plant material that exists on the property is causing negative effects to the surrounding Monterra PMUD preservation areas. Development of the parcel, with perimeter landscape buffers and drainage improvements will directly benefit the Monterra PMUD preservation areas. Finally, approval of the variances would result in development of the Sienna property to a more compatible community with the existing La Costa / Monterra PMUD.

- f. Granted the variance is not contrary to the objections of the Comprehensive Plan as adopted April 6, 1989 by the Cooper City Commission.

**Response:** Upon annexation into the City of Cooper City, the property's Land Use was amended to Irregular Residential 3.3. The Monterra PMUD has Irregular Residential 3.663 Land Use Designation. The Land Use Designation of the subject property is compatible to the surrounding Monterra community and provides for less density on an infill parcel directly adjacent. The R-1-D Zoning District is an allowable Zoning District within the existing Land Use Designation of Irregular Residential 3.3. Approval of the variance will provide for design efficiencies and reduced property development regulations, which will further result in compatibility with the surrounding Monterra PMUD existing neighborhoods.

## **B. Chapter 23, Article VI, Section 23-153**

- a) *Purpose and intent.* For purposes of this section, "variance" shall mean a modification of the zoning district regulations when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

**Response:** The request has no adverse effect to the public interest, as the requested lot width is compatible with some of the existing single family home widths within the adjacent La Costa / Monterra PMUD, to the east of the subject property. Landscape buffer transition zones are proposed in order to provide transitions to the surrounding existing Monterra neighborhoods to the east. In addition, there is an existing lake that serves as a natural buffer between neighborhoods.

- b) *Applicability.* A variance is authorized only for height, area, size of structure or size of yards and open spaces, and off-street parking and loading requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or classification or in adjoining zoning districts or classifications.

**Response:** The applicant is proposing three variances from the property development regulations of the R-1-D Single Family District. These variances primarily focus on the width of the lots and size of the yard space areas. To the knowledge of the applicant, there are no non-conformities with the adjacent Zoning District or the Zoning District of the subject property. See table below for details:

Code Section	Requirement	Variance Request	Deviation
Sec. 23-34.c	Minimum lot width = 60'	Minimum lot width = 50.6'	-9.4' (-15.7%)
Sec. 23-34.d	Max. building coverage = 33%	Max. building coverage = 42%	+9%
Sec. 23-34.f.3	Interior side yard = 7.5'	Interior side yard (one side only) = 3.0'	-4.5' (-60%)

- 1) Use variance. The establishment or expansion of a use otherwise prohibited in the zoning district may be permitted by variance provided that the characteristics of the site (for example, the presence of jurisdictional wetlands, environmentally-sensitive lands) or other pre-existing uses on the site or adjacent thereto would serve to preclude the development of the property within the permitted uses allowed in the applicable zoning district.

Applicants for use variances shall submit with their application, a statement from a Florida registered engineer explaining the unique circumstances of the site which would preclude alternate development within the permitted uses of the zoning district.

**Response:** The subject property has residential zoning, in accordance to its Zoning Designation of R-1-D and therefore the applicant is not requesting a use variance. The subject property is approximately 8.97 acres in size and is surrounded to the north and west by jurisdictional wetlands that have been placed in a conservation easement. The subject property also has jurisdictional wetlands that the applicant is in the process of mitigating for with the relevant permitting agencies. Finally, the subject property is also proposing a water management tract onsite in order to store and treat the drainage for the proposed development. Design efficiencies are necessary in order develop the property remaining net developable acreage.

- c) *Application.* Any person applying for a building permit found to be in non-conformance to the city zoning code may apply for a variance from the existing zoning regulations of the city if found to be in accordance with subsection (b) above, and the procedures for requesting a variance which are set forth as follows:
- 1) Clear architectural plans and site plan shall be submitted, prior to variance application, to the building department, in such detail that all required variances to the city code may be determined by city staff.

**Response:** Accompanying this Variance Application, the applicant submitted a Final Site Plan Application. Within this Final Site Plan Application, the applicant has submitted architectural plans for review and approval, based upon the variance request. The architectural plans are also included within this Variance Application.

2) The building department shall issue to the applicant in writing a letter indicating:

a. Administrative denial of application for a building permit;

**Response:** The applicant has not received an administrative denial of a building permit application, since the applicant has not filed a building permit application. In addition, the applicant is in the preliminary stages to renew the past expired approvals in order to submit for building permits at a later date.

b. That the city has received plans in such detail as to enable determination of all required variances to specific sections of the city code;

**Response:** Accompanying this Variance Application, the applicant submitted a Final Site Plan Application. The Final Site Plan Application has the details of the residential lots, as well as the building envelopes in accordance to the property development regulations requested as part of the Variance application.

c. A specific list of variances required in order for the plans to be in complete compliance with the city code.

**Response:** See variance request table above.