



**CITY COMMISSION
ORDINANCE/RESOLUTION**

TITLE: Resolution 24-16 (Community Development)

DATE: June 11, 2024

DESCRIPTION: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, GRANTING THE REQUEST FOR VARIANCE PETITION #V4-1-24, ATTACHED HERETO AS EXHIBIT “A” AND INCORPORATED HEREIN, SUBMITTED BY JENNIFER ROGENSKI, FOR THE PROPERTY GENERALLY LOCATED AT 9425 S.W. 53rd STREET IN COOPER CITY, FLORIDA; GRANTING A VARIANCE FROM SECTION 25-5(E)(1)(a) OF THE CITY’S CODE OF ORDINANCES TO ALLOW FOR A NINE (9) FOOT WIDE RESIDENTIAL PARKING SPACE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. – **Community Development**

CITY MANAGER RECOMMENDATION:

The City Manager recommends approval of Resolution 24-16, granting the request for Variance Petition #V4-1-25. At the meeting on May 20, 2024, the Planning and Zoning Board unanimously recommended APPROVAL of the variance request with a 10-0 Vote.

BACKGROUND INFORMATION:

PETITION/OWNER: Jennifer Rogenski

LOCATION: 9425 SW 53 Street

LOT SIZE: 6000 square feet

FUTURE LAND USE

PLAN DESIGNATION: R-5, Residential 3-5 DU/AC

ZONING DESIGNATION: R-1-C, Single Family District

ANALYSIS:

This item is a variance petition seeking deviation from Section 25-5(e)(1)a, Driveway Standards of the Municipal Code to allow a **9ft wide** residential parking space vs. the code required **12ft wide**. The applicant wants to keep the current **18ft x 40ft** driveway vs. widening to the code required **24ft x 40ft**, in order to preserve a mature tree and preserve open space. This request is part of a carport conversion which requires the eliminated carport parking space to be “made

up for” with additional surface parking, meeting the minimum of 3 parking spaces for a single-family residential unit.

VARIANCE JUSTIFICATION:

The applicant has responded to the variance review criteria in an effort to justify approval of the variance. The justification states that the petitioner’s goal is to preserve the mature tree located on the swale of her property. Widening the driveway to 24ft would require the tree to be removed. Photos are included in the backup showing that 4 vehicles can be parked on the existing driveway. A unique physical distinction of this property is the house is setback 40ft vs. the typical 25ft, allowing 2 vehicles to fit “front to back” without blocking the sidewalk.

Further justification is provided in that the City’s comprehensive plan encourages the retention of trees, landscaping, and drainage; hence why the petitioner is asking for this specific driveway variance. The petitioner feels this existing layout will enhance the beauty and functionality of the immediate surroundings and believes it will minimize any flooding potential for her or her neighbors vs. adding additional impervious area.

The complete justification statement from the owner is included in the backup.

STAFF FINDING: Staff has determined that the application meets all the submittal requirements for review and processing of a variance petition and may therefore be recommended for approval.

Criteria Elements:

- 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. The lot has a greater setback of 40’vs the standard of 25’ that is typical of this zoning district allowing for 2 cars front to back.
- B) The special and unique conditions are not directly attributable to the actions of the petitioner. The applicant is trying to preserve a mature tree in the swale which was planted by the City.
- 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. The 12’ minimum is only under the garage conversion section of the code. A normal driveway for residential is 18’ minimum and commercial only requires 9’x18’ dimensions.
- D) The variance granted is the minimum variance necessary for the petitioner to make reasonable use of the property. The request matches typical minimums for a non-converted garage as well as commercial parking space standards.
- E) Granting the variance is not detrimental to the public welfare, or injurious to property or improvements in the zoning district or neighborhood involved. This variance helps

prevent flooding and watershed to the surrounding properties by having less impervious surface area than a code required 24' wide driveway.

- F) Granting the variance is not contrary to the objectives of the Comprehensive Plan as adopted April 6, 1989 by the Cooper City Commission. The City's comprehensive plan promotes City beautification and this applicant is trying to preserve a mature canopy tree by keeping the driveway at 18'. Widening the driveway to 24' would result in tree removal.

STRATEGIC PLAN:

Helps promote beautification by preserving a mature tree and public safety by minimizing potential flood impacts.

FISCAL IMPACT:

None

ALTERNATIVES:

Requiring homeowner to construct a 24ft wide driveway.

ATTACHMENTS:

1. Resolution 24-16
2. May 20, 2024 P&Z Minutes
3. Backup Documents
 - Application
 - Justification
 - Photos
 - Property Survey