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CITY OF COOPER CITY  
PLANNING DIVISION

JUSTIFICATION STATEMENT FOR  
MINOR VARIANCE APPLICATION  
5786 SW 89<sup>TH</sup> WAY

Pursuant to Section V of the Minor Variance Residential Application, the applicant addresses each of the sub-section items (a) through (f) as follows:

- (a) Petitioner seeks variance to deviate from allowable driveway shape to increase the function, aesthetic appeal, and to maximize drainage and landscape area. Total square footage will be less than the allowable alternatives. Petitioner has a 4-bedroom residence and seeks to create parking for 3 or 4 cars. Other properties within the development have opted for circular driveways to the detriment of old growth trees and landscaped area. Petitioner seeks to preserve the mature trees, which is in the way of a circular driveway installation, and seeks to maintain as much landscaped area as possible. Other properties have a deeper front yard, which accommodates multiple cars on a 24' wide singular driveway due to depth of drive. The existing garage, which has a 15 foot 10 inch opening and maximum interior dimension of 18 feet and 3 inches depth by 20 feet wide, contains the main electrical panel, a water heater and emergency egress. Any vehicle parked in the north portion of the garage impairs egress. Thus, the petitioner believes that the garage is a storage unit or a 1-car garage at best. The City has made it clear that any parking options require that it be usable without moving another car (DRC comments). The garage space(s) negate any usable driveway in front of the garage since parking in front of the garage would render these spaces useless. The petitioner therefore sees the best option is to add the additional 2 feet of usable parking immediately adjacent to the allowed 24 feet. The mature trees in the swale and in the yard that stands in the way of a circular driveway was present prior to the petitioner's purchase of the home. Also, the City's comprehensive plan encourages the retention of trees, landscape and drainage.
- (b) Petitioner is requesting this variance for reasonable accommodations due to our son (Scott Baker) who resides with us, is legally disabled as he suffers from Cerebral Palsy (CP). He is non-ambulatory and requires use of a walker/wheelchair. In addition, Mr. Donald Baker, also petitioner, suffers from COPD and other health issues. This variance is being requested so that both son and father are able to safely access their means of transportation and home.
- (c) The variance sought is 12 feet wide at its maximum point, which is what is allowed for either a circular or additional driveway. The deviation from code is whether the additional parking area is immediately adjacent and part of the allowed 24 feet, or separated by a space of 5 or 20 feet. The petitioner has seen both distances of 5 and 20 feet at different intervals and is unsure which applies. The petitioner seeks a deviation to make the additional 12 feet immediately attached to and part of the allowed 24 foot wide driveway for



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reasons mentioned in sub-section (a) (trees and parking requirements). As the property currently stands, it does not conform to the minimum parking requirements for a single-family residence that is 3 spaces pursuant to (Ord. No. 08-7-1, Section 15, 7-15-08).

- (d) The granting of this variance will allow for my son and husband reasonable accommodation in order to safely access their transportation and home. In addition, the granting of this variance is beneficial to the public welfare and properties in the zoning district and in line with the goals of the City's comprehensive plan. It will also enhance the beauty and functionality of the immediate surroundings by improving the aesthetic value of the property, which contributes to the property value of all surrounding properties. The design submitted streets clear of harsh corners in favor of soft curves wherever possible. By maintaining the greatest amount of landscaping, the design not only appeals to the aesthetic enhancement of the area but also to the functional percolation of storm water runoff which reduces the amount of standing water post storm. This in turn lessens the need for storm water management by other means, which contributes, to a more cost effective approach for the City. The granting of the variance increases the area for off street parking which lessens the likelihood of parking on a swale or across the sidewalk, which improves public safety by protecting pedestrian traffic.
- (e) Granting this variance is in line with the stated goals of the comprehensive plan, with regards to aesthetics, drainage, landscaping and safety.
- (f) Granting this variance promotes open space, tree preservation and minimizes concrete.

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CITY OF COOPER CITY  
COMMUNITY DEVELOPMENT DEPARTMENT /  
PLANNING AND ZONING DIVISION

CITY OF COOPER CITY  
PLANNING DIVISION  
19090 SW 50th PLACE  
COOPER CITY, FL 33328  
(954) 434-4300

**GENERAL 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, and 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).

Date of Pre-Submittal Meeting: 8/29/25

FOR STAFF ONLY:  
PETITION #: V 11-1-25  
DATE PETITION FILED:  
11/03/2025

Check  type of application(s) for:

- |   |  |
|---|--|
| <input type="checkbox"/> Site Plan                            | <input type="checkbox"/> Abandonment               |
| <input type="checkbox"/> Site Plan Amendment                  | <input type="checkbox"/> Certificate of Conformity |
| <input type="checkbox"/> Rezoning                             | <input type="checkbox"/> Conditional Use           |
| <input type="checkbox"/> Plat or Plat Amendment               | <input type="checkbox"/> Sign Waiver               |
| <input type="checkbox"/> Sign Package/ Sign Package Amendment | <input type="checkbox"/> Other: _____              |

**INSTRUCTIONS TO APPLICANT:**

1. Please complete all requested information on this application. If not applicable, indicate with N/A.
2. Provide specific Petition Application(s).
3. Make Checks payable to the City of Cooper City per the current Fee Schedule.

**I. PROJECT NAME AND LOCATION**

- A. Project Name: HARDING-BAKER Driveway
- B. Project Address: 5786 SW 89th Way, Cooper City, FL 33328
- C. Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Total Acreage or square feet of Subject Property: 9,305 +- sqft.
- D. General Location Description (proximity to closest major intersection, in miles or fraction thereof): City south of Griffard, North of Sheridan Street, Between University Dr. and Flamingo Rd located in a developing neighborhood of mixed property uses. Area schools, shopping expressway access, and recreational facilities are within close proximity
- E. Folio Number(s): (If numerous Folio Numbers, list on a separate sheet and attach to this application). SD-41-32-18-1040
- F. Brief Legal Description: Lt. 18 (Pt Lake), Blk 4, Country Address Encore 132-29B

**II. LAND USE AND ZONING INFORMATION**

- A. Existing Zoning Designation: Residential
- B. Future Land Use Plan Designation: C-3
- C. Existing Use(s) on Property: Primary Residence
- D. Proposed Use(s): same - single family
- E. Other Land Use and Zoning conditions if applicable, i.e. approved variances, deed restrictions, previous conditions of approval: request driveway width to

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(954) 434-4300

III. PROPERTY OWNER/APPLICANT/AGENT INFORMATION

Property Owner(s) of Record: Donald Baker- Ana Hardings  
Address: 5786 SW 89th way City Cooper City ST FL Zip 33328  
Phone: 954-770-3429 Fax: \_\_\_\_\_ E-Mail: ana.harding@yahoo.com

I am/We: Ana R. HARDING, do hereby  
swear/affirm that I/we am/are the owner(s) of the property referenced in this application. I/We certify that the above statements and the statements or showings made in any paper or plans submitted herewith are true to the best of my/our knowledge and belief. Further, I/we understand that this application(s) attachments and fees become part of the official record of the Community Development Department of the City of Cooper City and the fee is not refundable. I/We understand that any knowingly false information given by me/us will result in the denial revocation or administrative withdrawal of the application or permit. I/We further acknowledge that additional information may be required by the City of Cooper City in order to process this application(s).

Ana R. Harding (Signature of Owner)      Ana R. HARDING (Print Name)

STATE OF Florida COUNTY OF Broward  
The foregoing instrument was acknowledged before me this 30 day of October 20 25  
By (Name of Person Acknowledging) Ana Rosa Harding She/he is personally known to me or has produced  
Florida Driver License as identification and did/did not take an oath.  
NOTARY PUBLIC SIGNATURE: [Signature]  
Name - Must be typed, printed, or stamped) Leann Hunter  
My Commission Expires: October 9th 2026



Petitioner(s) if other than Owner: N/A  
Address: \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Agent (if other than Owner): N/A  
Address: \_\_\_\_\_ City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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All Correspondence will be sent to the Agent unless otherwise requested.

I am/we are the  Agent  Petitioner  Other \_\_\_\_\_

Signature(s) \_\_\_\_\_

STATE OF _____	COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of, _____ 20 _____	
By (Name of Person Acknowledging) _____ She/he is personally known to me or has produced _____ as identification and did/did not take an oath.	
NOTARY PUBLIC SIGNATURE: _____	
Name – Must be typed, printed, or stamped) _____	
My Commission Expires: _____	

STAFF USE ONLY			
Petition #: <u>V 11-1-25</u>	Staff Intake By: <u>J. CHOCKLEY/T. MORLEY</u>	Intake Date: <u>11/03/2025</u>	
Sufficiency Completed by:		Sufficiency Date:	

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**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.coopercity.gov](http://www.coopercity.gov). ALL ADVERTISING AND RECORDING FEES WILL BE THE RESPONSIBILITY OF THE APPLICANT.

FOR STAFF ONLY:

PETITION # V11-1-25

DATE PETITION FILED:

11/03/2025

Date of Pre-Submittal Meeting: \_\_\_\_\_

**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.

**I. PROPERTY INFORMATION**

ADDRESS OF PROPERTY AND GENERAL LOCATION INFORMATION:

5786 SW 89<sup>th</sup> Way - Cooper City, FL 33328

SIZE AND DIMENSIONS OF PROPERTY:

9,305+ - Sq. Ft. 4.18 (PT lake) B1K4, Country Address Encore 132-29-B

**III. VARIANCE REQUEST(S)**

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

CODE SECTION	REQUIREMENT	REQUEST	DEGREE OF DEVIATION
<u>25-100(d)1</u>	<u>24 Ft.</u>	<u>36 Ft.</u>	<u>12 Ft.</u>

**IV. ADJACENT PROPERTIES**

Adjacent Property	Land Use Plan Designation	Zoning Designation	Existing Use(s) of Property
NORTH	<u>L-3</u>	<u>R-1-C</u>	<u>Simple Farm. Home</u>
SOUTH	<u>L-3</u>	<u>R-1-C</u>	
EAST	<u>L-3</u>	<u>R-1-C</u>	
WEST	<u>L-3</u>	<u>R-1-C</u>	

**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.

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- (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 (y)
1	Completed Original General Application	<input checked="" type="checkbox"/>
1	Completed Original Variance Application	<input checked="" type="checkbox"/>
1	Certificate of Title, property deed or other proof of ownership	<input checked="" type="checkbox"/>
14	Surveys and 1 Signed & Sealed Survey	<input checked="" type="checkbox"/>
14	Architectural Plans (if applicable – check with staff)	<input checked="" type="checkbox"/>
14	Site Plans	<input checked="" type="checkbox"/>
14	Aerials Photos of subject site clearly delineating site boundary lines.	<input checked="" type="checkbox"/>
14	Subject Site Maps clearly delineating site boundary lines with adjacent and nearby street names labeled.	<input type="checkbox"/>
14	Justification Statements - letter	<input checked="" type="checkbox"/>
1	List of names & addresses of property owners in the 700' radius	<input type="checkbox"/>
1	Sets of Mailing Envelopes (with labels already on the envelopes) w/ postage City Return	<input type="checkbox"/>
1	Radius Map from Property Appraisers Office showing 700' radius on tax map.	<input type="checkbox"/>

VI. STAFF USE ONLY			
Petition #:	V 11-1-25	Staff Intake By:	J. CHADLEY / T. MARLEY
		Intake Date:	11/03/2025
Sufficiency Completed by:		Sufficiency Date:	

DRC  
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Proposed  
14 P12  
Ad. Docs.

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from BCPA.

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.



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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 seven hundred (700) 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.



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- (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)

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CITY OF COOPER CITY  
PLANNING DIVISION

9700 Stirling Road, suite 107, Cooper City, FL 33024.

[pazmedical@yahoo.com](mailto:pazmedical@yahoo.com) [www.pazmedical.com](http://www.pazmedical.com)

Ph: 754-260-5880 Fax: 754-260-5881

October 30<sup>th</sup>, 2025

Attention: Copper City Planning and Zoning Division.

Scott Baker DOB: 01/10/1986 Sex: Male

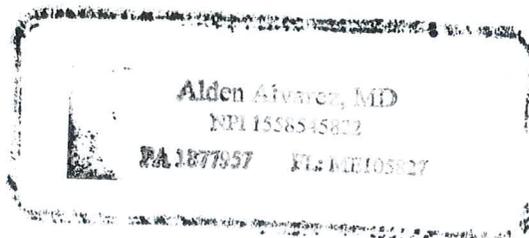
I am writing this letter on behalf of my patient Scott Baker who resides with his parents Ana Harding and Donald Baker at 5786 SW 89<sup>th</sup> Way, Cooper City, Florida. He is under my care since 2020, and is home bound and dependent of parents since birth. Mr. Scott Baker is legally disabled as he has Cerebral Palsy since Birth and is currently non-ambulatory requiring the use of a rolling walker and a wheelchair every day. He is receiving physical therapy several times per month for his lifelong condition. Reasonable accommodations have been suggested from me, including **the expansion of the house driveway and entryway** to facilitate proper transportation in and out the house in his walker/wheelchair.

The patient has been confined to his domicile and needs assistance for transferring into the bathroom, toilet and to get into the car. These modifications will be of great help and prevent unnecessary falls or accidents.

Shall you have further question, feel free to contact us during regular business hours.

Sincerely,

Alden R. Alvarez, MD.  
Primary Care Physician



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