



**Planning, Zoning & Economic Development
Memorandum**

DATE: September 14, 2021

TO: Members of the Planning and Zoning Board

THRU: Danny A. Holmes, AICP 
Planning, Zoning & Economic Dev Director

FROM: Gayle Easterling, AICP Senior Planner 
Thalein Rainford, Planner

I. PROJECT SUMMARY

A. Project Name: Physical Site Development Variance – Ngo Residence / PM21-0035

B. Physical Site Development Variance request:

From: Section 27-296(o)(2)(a), which limits the height of walls or fences in the front street setback to 4 feet in the RS-1A zoning district.

To: Increase the allowable fence or wall height in the front street setback from 4 feet to 5 feet.

C. Recommendation: Staff recommends **DENIAL** of the requested practical difficulty waiver. In the event the Planning and Zoning Board finds that the applicant has proven entitlement to the practical difficulty variances and recommends approval of the requests, Staff recommends the approval be subject to the conditions included in Section V.B.

II. APPLICATION SUMMARY

A. Owner: Vi Ngo & Ping Luo

B. Agent: Vi Ngo

C. Location: 425 Farmington Drive

D. Size: 43,605 square feet

E. Folio Number: 504102011270

F. Legal Description: See Exhibit C

G. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

<u>Existing Use & Zoning</u>	<u>Future Land Use Map</u>
Subject Property: Single-Family Residential / RS-1A (Residential Single Family)	Estate (1 du/ac)
North: Single-Family Residential / RS-1A (Residential Single Family)	Estate (1 du/ac)
South: Single-Family Residential / RS-1A (Residential Single Family)	Estate (1 du/ac)
East: Farmington Drive, then Single Family Residential zoned RS-1A (Residential Single Family)	Right-of-way
West: Canal right-of-way then Single Family Residential zoned RS-1A (Residential Single Family)	Estate (1 du/ac)

III. BACKGROUND

A. Subject Property/The Site

The subject site is zoned RS-1A (Residential Single-Family Zoning District), 43,605 ± square feet in area, and located on the west side of Farmington Drive approximately 130 feet north of Cypress Road within the East Acres neighborhood. The lot is currently being developed with a 2-story 4,200± square foot single-story residence. The site is bound by single-family residential uses to the north, south, and west together with Farmington Drive to the east then single-family residential uses. Refer to Exhibits B and C for the location and zoning maps.

B. Synopsis

In 2017, a permit for a new single-family residence (B17-00132) with a related fence permit (B17-04578) was submitted for review. Initially, the fence permit was denied as the requested 5' fence height in the front yard setback exceeded the 4' height allowed by code. The fence permit was revised to reflect a 4' fence height in the front yard setback and the fence permit was issued on January 3, 2018. Upon inspection of the fence in May of 2021, it was discovered that the fence had been installed at 5' in height in derogation of the permit.

The owner/applicant requests approval of a practical difficulty waiver to allow the newly constructed fence to remain installed at 5' in height. In deciding to approve or deny the practical difficulty waiver, the Board shall determine if the applicant has substantially met the criteria outlined below in Section 27-52(g)(2).

IV. PROJECT ANALYSIS, CRITERIA AND FINDINGS

A. Comprehensive Plan Considerations

Not applicable.

B. Zoning Considerations

Physical site development variances (Section 27-52(g)(2):

(g) Standards of Review. A variance shall be granted only where the preponderance of the evidence presented in the particular case shows that either of the following is met:

(2) Practical difficulty waiver. If the application does not meet the undue hardship variance criteria, the application may be considered under the requirements of practical difficulty waiver. The following are the standards that must be met for consideration of whether a practical difficulty exists:

a. The request shall not be substantial in relation to what is required by the Code; and

Applicant: The request is not substantial in relation to what is required by the code.

Staff: *The requested increase in fence height is considered by staff to be substantial to what is required by code. The applicant is requesting a 1-foot height increase (a 25% increase in the code requirement). Meets Standard – No*

b. The approval of the practical difficulty will be compatible with development patterns; and

Applicant: The approval of the p.d. will be comparable with the development patterns, because there are fences similar to ours in the neighborhood.

Staff: *The fence material and style are compatible with the adjacent single-family homes; however, the height is inconsistent with other front yard fences existing in the neighborhood. Meets Standard – No*

c. The essential character of the neighborhood would be preserved; and

Applicant: The essential character of the neighborhood would be preserved, because, there are fences similar to ours in the neighborhood.

Staff: The fence height is inconsistent with other front yard fences existing in the neighborhood. Meets Standard – No

- d. The request can be approved without causing substantial detriment to adjoining properties; and

Applicant: The essential character of the neighborhood would be preserved, because, there are fences similar to ours in the neighborhood.

Staff: The constructed fence should not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood. The fence & columns materials are typical of other fences in single family zoning districts. Meets Standard – Yes

- e. The request is due to unique circumstances of the property, the property owner, and/or the applicant which would render conformity with the strict requirements of the Code unnecessarily burdensome.

Applicant: The request is not due to unique circumstance of the property, but the request is due to maintain continuity of the neighborhood.

Staff: There are no unique circumstances relating to the property, the property owner, and/or the applicant which makes compliance with the code unnecessarily burdensome. The subject lot is typical in size and shape to adjacent lots in the community. The required front street setback is 35 feet for lots in the RS-1A district. The applicant has the option to maintain a 4' fence at the current location OR to set the fence back 35' from the front property line to a location which allows a 5' fence height. Meets Standard – No

C. Citizen Comments

The City of Plantation sends out notices to surrounding property owners when planning and zoning actions are requested. This provides an opportunity for citizen participation in the zoning process. In this case, the Planning, Zoning & Economic Development Department sent out notices on August 30, 2021, and to date has not received any written citizen comments nor phone calls about this application.

D. Concerns, Issues and other Pertinent Information

Code Violations: There are no violations for the property at this time.

V. RECOMMENDATION:

- A. Staff recommends **DENIAL** of the requested practical difficulty waivers. In the event the Planning and Zoning Board approves the request, Staff recommends the following conditions:

B. STAFF COMMENTS:

PLANNING AND ZONING:

1. If approved, the applicant shall obtain a building permit from the Building Department within twelve (12) months of the variance decision.
2. The Planning and Zoning Board approval is limited to the site plan, stamped received August 2, 2021.

LANDSCAPE: Staff has no objection.

ENGINEERING DEPARTMENT: No objections.

1. Contractor shall ensure that fence is placed properly to ensure no sight visibility obstruction- minimum 10'X10' sight triangle shall be offset to ensure proper sight visibility

BUILDING: No objection.

FIRE: No objections as to this physical site development variance.

UTILITIES: No objection to the Physical Site Development Variance.

VI. EXHIBITS:

- A. Letter of Intent
- B. Aerial Map
- C. Zoning Map
- D. Legal Description

EXHIBIT A
Letter of Intent

AVELINO R. LEONCIO

ARCHITECT

14511 Rosewood Road • Miami Lakes, Florida 33014 • Phone: (305) 557-7220

July 22, 2021

City of Plantation
Zoning & Economic
Development Department
401 N.W. 70th Terrace
Plantation, Florida. 33317

RE: 425 Farmington Drive
Aventura, Plantation

Good morning Mr. Lamey,

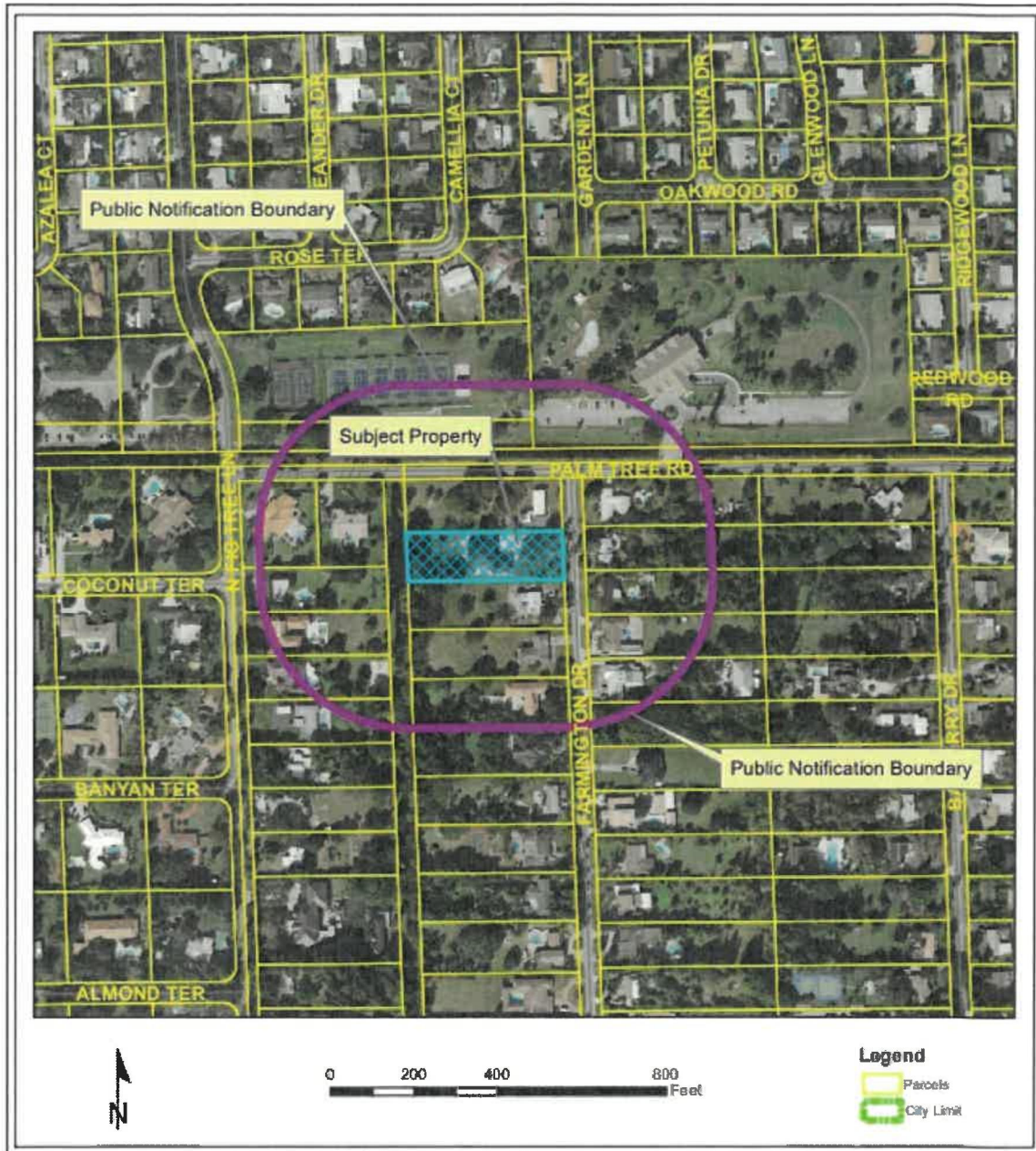
As per our telephone conversation, this letter is to inform you that the aluminum fence (SUJECT IN VARIANCE) was built as 5'-0" in height is because the owner wanted to maintain the concrete columns and the aluminum fence at the same height for aesthetic purposes.

I hope this meets with your approval, if you need additional information, do not hesitate to contact me.

Sincerely,


Avelino R. Leoncio, Jr., A.I.A., N.C.A.R.B., C.S.I.

AERIAL MAP

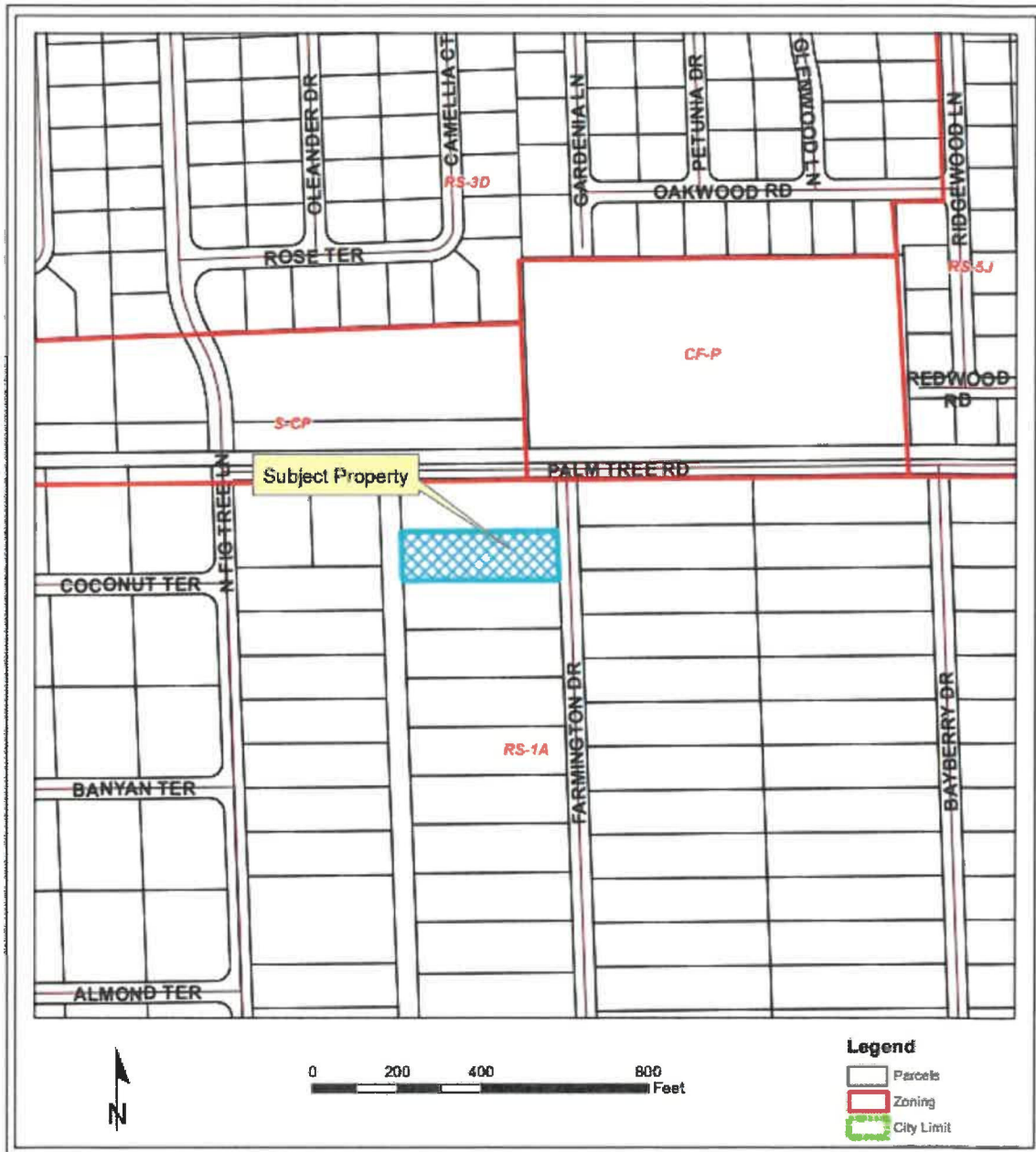


425 Farmington Drive
CASE # PM21-0035



PLANTATION, FLORIDA
08/30/21

ZONING MAP



425 Farmington Drive

CASE # PM21-0035

PLANTATION, FLORIDA

08/30/21



EXHIBIT D
Legal Description

Abbreviated Legal Description	PLANTATION 23-28 B LOT 2 BLK 5
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