

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
DIVISION OF PLANNING AND URBAN DESIGN**

DATE: April 9, 2024 **FILE:** 24-V-17

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Carmen Diaz, Planning Administrator

SUBJECT: Variance to reduce the lot width requirement in a Single-Family Zoning District (RS-6) in the Lakes Area Historic Multiple Resource Listing District.

REQUEST:

Variance to reduce the lot width requirement from 60 feet to allow 50 feet in a Single-Family Zoning District (RS-6)

RECOMMENDATIONS:

To be determined by the Historic Preservation Board.

BACKGROUND

Nonconforming lots are subject to the provisions of Sections 3.8, 3.9 and 4.1 of the City's Zoning and Land Development Regulations.

Pursuant to the table provided under Section 4.1(B)(2)(a) of the City's Zoning and Land Development Regulations (ZLDR), entitled "Single-Family Districts," *platted lots or lots of record as of April 6, 1994 are considered as legal non-conforming and may be developed consistent with [current zoning and land development] regulations.* Simultaneously, Section 3.8 of the ZLDR, below, indicates that such non-conformities are valid provided the subject plot remain under separate ownership:

§ 3.8. Plots in Separate Ownership.

The requirements of these Zoning and Land Development Regulations as to minimum plot area or width shall not be construed to prevent the use of any lot or parcel of land for any use otherwise allowable within the applicable zoning district provided such lot or parcel was held with no other contiguous land within the same ownership on the date that such plot area or width requirements became applicable to the property and further provided that all other requirements of the applicable zoning district are satisfied.

Additionally, Section 3.9 of the ZLDR states that:

§ 3.9. Reduction of Plots Below Minimum Requirements.

No parcel of land, which has less than the minimum width and area requirements of the zoning district within which it is located, may be separated from a larger parcel of land ownership for the purpose, whether immediate or future, of building or development as a separately owned plot.

Further affirming that once lost, the non-conformity may not be reestablished by subdivision. Therefore, developing non-conforming vacant lots such as the subject parcels, requires relief from the code.

REQUEST

The Applicant is requesting a variance to reduce the minimum lot width requirement from 60 feet to allow 50 feet. While the undeveloped lot is an originally legally platted lot, property records indicate that for a period of time, the subject lot was held in common ownership with the adjacent lot to the west. Both parcels were tied as one. There was a house which was demolished in 2006 with a building permit.

Although previously under common ownership, the site was originally platted at the requested reduction. The original house, before demolition, was built in two lots, lots 25 and 26. Furthermore, original plat records indicate that adjacent parcels to the south, were also originally platted with reduced lot widths, consistent with the proposed request. To facilitate the use of the land, the Applicant requests a variance to reduce the minimum lot width requirement. As the both the land use and zoning allow for single-family residential, the Applicant has expressed the intent to develop as such.

The purpose of Sections 3.8, 3.9, and 4.1 is to protect the character and urban fabric of the neighborhood. Granting this variance does not negatively impact the character of the neighborhood or hinder the intent of the regulation.

SITE INFORMATION

Owner/Applicant: Bidask Ladrillo LLC.
Address/Location: 824 Polk Street & Folio No. 5142-14-02-4271
Size of Property: 6,397 Sq. Ft. (0.15 net acre)
Future Land Use: Low Residential ()
Present Zoning: Single-Family Residential (RS-6)
Present Use of Land: Vacant

ADJACENT LAND USE

North: Open Space Recreational (OSR)
South: Low Residential (LRES)
East: Low Residential (LRES)
West: Low Residential (LRES)

ADJACENT ZONING

North: Intracoastal (GU)
South: Single-Family Residential (RS-6)
East: Single-Family Residential (RS-6)
West: Single-Family Residential (RS-6)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Within the Comprehensive Plan, the primary goal of the Land Use Element is to *promote a distribution of land uses that will enhance and improve the residential, business, resort and natural communities while allowing the land owners to maximize the use of their property*. It also states:

Policy 2.6: *Provide programs and incentives for infill development of single-family lots.*

The variance would allow for the development of a lot which is consistent with the fabric of the surrounding neighborhood; while allowing the Applicant to maximize the use of their property.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The City-Wide Master Plan (CWMP) places a priority on protecting, preserving and enhancing residential neighborhoods, stating:

Policy 2.46: *Preserve stable neighborhoods and encourage rehabilitation initiatives that will revitalize and promote stability of neighborhoods.*

Policy CW.15: *Place a priority on protecting, preserving and enhancing residential neighborhoods.*

As the proposed reduction in lot width and area allows for the use of an originally platted lot which is currently vacant, the integrity of the neighborhood is not altered.

APPLICABLE CRITERIA

Analysis of criteria and finding for Variances as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

Variance: **To reduce the lot width requirement from 60 feet to 50 feet.**

CRITERION 1: That the requested Variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city.

ANALYSIS: The purpose of Sections 3.8, 3.9, and 4.1 is to protect the character of the urban fabric of the neighborhood. This lot remained undeveloped for many years. The existing house was demolished in 2006 under a building permit, and the proposed reduction is consistent with the similarly situated properties within the neighborhood. Granting this variance does not negatively impact the character of the neighborhood.

FINDING: Consistent

CRITERION 2: That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

ANALYSIS: The subject lot has a Future Land Use designation of Low Residential. The neighborhood is primarily comprised of single-family homes. The Variance request, which would allow for the development of a single-family home, does not affect the land use; thus maintaining the existing and persisting compatibility with surrounding land uses and would not be detrimental to the community.

FINDING: Consistent

CRITERION 3: That the requested Variance is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan, as amended from time to time.

ANALYSIS: The Land Use Element of the Comprehensive Plan *promote[s] a distribution of land uses to enhance and improve the residential, business, resort and natural communities while allowing land owners to maximize the use of their property.* It also states an intention to *provide programs and incentives for infill development of single-family lots (Policy 2.6).* The Variance would allow for the development of a lot which is consistent with the fabric of the surrounding neighborhood.

FINDING: Consistent

CRITERION 4: That the need for requested Variance is not economically based or self-imposed.

ANALYSIS: The Variance request is necessary due to the fact the lot was held under common ownership, and the lot does not comply with the minimum lot width requirement. As such, the Variance is economically based or self-imposed. These parcels constituted one lot. A Certificate of Appropriateness for Demolition and Design were granted in 2006 by the Historic Preservation Board. A building permit was submitted for demolition of the existing house. The building permit was approved, and the existing house was demolished in 2006. A new house was not built.

FINDING: Inconsistent

CRITERION 5: That the Variance is necessary to comply with state or federal law and in the minimum Variance necessary to comply with the applicable law.

ANALYSIS: State or Federal law is not the impetus of the requested variance.

FINDING: Not applicable.

ATTACHMENTS

ATTACHMENT A: Application Package

ATTACHMENT B: Aerial Map