

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

**DATE:** November 12, 2024 **FILE:** 24-V-62

**TO:** Planning and Development Board

**VIA:** Anand Balram, Planning Manager

**FROM:** Joseph A. Colón, Planner II

**SUBJECT:** Variances seeking relief from **Article 4, Section 4.1.C** of the Zoning and Land Development Regulations to permit a total side yard setback of 16.5% of the lot width where 25% is required for a single family dwelling located at 3301 Hollywood Oaks Drive in the RS-8 Single Family District.

**APPLICANT'S REQUEST**

*Variance:* To request relief from **Article 4, Section 4.1.C** to construct an addition to the single-family principal structure in a required side yard with an insufficient aggregate of side yard setbacks, where a minimum of 27 feet is required, only 17 feet 10 inches is proposed.

**STAFF'S RECOMMENDATION**

*Variance:* **TO BE DETERMINED BY THE BOARD.**

**BACKGROUND**

The subject property is located within the Hollywood Oaks subdivision, which was originally developed in the county with Broward County zoning regulations. The property was subsequently annexed to the City and in 1998, the City Commission of the City of Hollywood passed Ordinance #0-98-02 regulating the subdivision. The ordinance stipulated the following: "The Hollywood Oaks Development shall have the option of utilizing the City's Zoning and Land Development Regulations or the County's zoning regulations (regulations in effective as of the date the development was platted) until January 1, 2003. After that date, the Hollywood Oaks Development shall be zoned according to the above schedule." Since there is no reference to Broward County regulations and the sunset date of January 1, 2003 has passed, the RS-8 Single Family District standards apply to the variance request.

Properties located within the RS-8 Single Family District are regulated by the table provided under **Section 4.1.C** of the City's Zoning and Land Development Regulations (ZLDR). Main structures within require the follow side/interior setback:

*The sum of the side yard setbacks shall be at least 25% of the lot width, but not to exceed 50 ft. with no side yard less than 7.5 ft.; except, platted and recorded lots of 50 ft. or less in width may have a 5 ft. setback (only applies to one story additions and new construction of one-story buildings). Any construction in excess of one story must meet the 25% rule with a minimum 7.5 ft. setback.*

## **REQUEST<sup>1</sup>**

### *Existing*

The Applicant is requesting a variance to permit a reduced interior side yard setback to permit an addition to the main structure, a single-family home. The existing main structure conforms to the existing zoning standards of the RS-8 zone and contains 4,417 square feet square feet on a lot measuring 10,722 square feet. The existing setbacks are 25 feet from the front lot line, 10 feet 5 inches from the west side lot line, 8 feet from the rear lot line, and 16 feet 8 inches from the east side lot line, and an aggregate side yard setback of 27 feet and 1 inch.

The submitted plans depict the lot width along the front property line measuring 108 feet. The ZLDR require a minimum setback of 7.5 feet for each interior side lot line and an aggregate total side setback of 25% of the lot width. The lot measures 108 feet in width. Therefore, the required aggregate side setback is 27 feet. The existing site maintains an aggregate of 27 feet and 1 inch and is currently compliant.

### *Proposal*

The applicant proposes to construct an addition within the east side yard for a home gym, yoga room, and a bathroom. The addition would total 364 square feet, 45 feet in length, and 10 feet at the largest width. This would result in a total proposed floor area of 4,531 square feet, and an eastside east yard setback with a dimension of 7 feet 6 inches at its smallest width. In conjunction with the existing 10 foot 5inch west interior side yard, an aggregate side yard setback of 17 feet 10 inches is proposed which constitutes a deficiency of 9 feet 2 inches, or 51% of the required aggregate side yard setback requirement. These are reflected in the table below:

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<sup>1</sup> All measurements, unless otherwise stated, are approximate.

	Regulation	Existing	Proposed	Deficiency /Excess <sup>2</sup>	Difference <sup>3</sup>	Compliant
Main Structure GFA	Min: 1,500ft. <sup>2</sup>	4,417 ft. <sup>2</sup>	4,781 ft. <sup>2</sup>	+3,281 ft. <sup>2</sup>	+364 ft. <sup>2</sup> -	Compliant
East Interior Yard Setback (Minimum)	7 ft. 6 in.	16 ft. 8 in	7 ft. 6 in.	-1 in.	-9 ft. 3 in.	Compliant
West Interior Yard Setback (Minimum)	7 ft. 6 in.	10 ft. 5 in.	10 ft. 5 in.	+2 ft. 11 in.	0	Compliant
Aggregate Interior Side Yard	25% of lot width	27 ft. 1 in. (27 ft. = .25 x 108 ft.)	17 ft. 10 in.	-9 ft. 2 in.	-9 ft. 3 in.	Variance Required
Rear Yard Setback	15 ft.	8 ft.	8 ft.	-7 ft.	0	Legal Non-Conforming <sup>4</sup>

**BOARD REVIEW**

*Variance*

Due to the aforementioned insufficient site conditions, the variance is ineligible for administrative approval and is being brought before the PDB for a determination pursuant to **Article 5, Section 5.3.D.**

**SITE INFORMATION**

**Owner/Applicant:** Ben-David, David & Rina  
**Address/Location:** 3301 Hollywood Oaks Dr.  
**Folio Nos./Property ID:** 504231190270  
**Size of Property:** 10,722 Sq. Ft. (0.25 net acre)  
**Future Land Use:** Low Residential (LRES)  
**Present Zoning:** Single-Family Residential (RS-8)  
**Present Use of Land:** Single Detached Dwelling

**ADJACENT LAND USE**

**North:** Low Residential (LRES)  
**South:** Low Residential (LRES)  
**East:** Low Residential (LRES)  
**West:** Low Residential (LRES)

<sup>2</sup> The “Deficiency/Excess” column shows the difference from the “Regulation” standard to “Proposed” conditions.

<sup>3</sup> The “Difference” column shows the difference from *Existing* conditions to *Proposed* conditions;

<sup>4</sup> The rear yard setback non-conformity is legally authorized pursuant to **Article 3, Section 3.11.**

## ADJACENT ZONING

North: Open Space District (OS)  
South: Single-Family Residential (RS-8)  
East: Single-Family Residential (RS-8)  
West: Single-Family Residential (RS-8)

## 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 an addition to an existing structure that 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.*

The proposed addition will create an insufficient interior side yard setback encroaching on the required light and air within the surrounding area.

## 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:

- 1. To create an insufficient aggregate of interior side yard setbacks of 17 feet 10 inches, which constitutes a deficiency of 9 feet 2 inches.**

**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 *Zoning District Intent & Purposes* as listed **Article 4, Section 4.1** for the R-8 District is as follows: “These districts are designed to protect the character of the single-family neighborhoods.”. The proposal supports the existing low-density residential use of the site, meets most of the applicable requirements of the Zoning and Land Development Regulations (ZLDR), and thus maintains the basic intent and purpose of the subject regulations. The proposed addition would only constitute approximately an 8% increase in ground floor area from the existing structure’s 4,417 square footage and an approximately 11% increase in the total width of the main structure from its existing 85 feet 2-inch width. These percentages constitute overwhelming small additions to the main structure that is well below the 25% increase threshold as enumerated in other sections of the ZLDR and thus, would not have overtly affect the stability and appearance of the city in this 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 requested variance will permit a new addition to an existing structure that will create an insufficient east interior side yard. The subject lot has a Future Land Use designation of Low Residential. The neighborhood is primarily comprised of, and the subject site is surrounded by single-family residential on all sides except the rear, which fronts an open space district developed with a park, a lake, and a walking trail. These conditions exist in the neighborhood, and the staff finds the requested variance is compatible with the surrounding land uses.

**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 Variances would allow for the construction of an addition to the existing low-density residential use and structure on the site which is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan. In addition, the proposed addition would be consistent with “enhancing and improving residential communities” while “allowing land owners to maximize the use of their property.” Lastly, the addition can be seen as further infill development of a single-family lot. Therefore, staff can find the proposal consistent with this criterion.

**FINDING:** Consistent.

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

**ANALYSIS:** The applicant has stated that the Variance request is necessary for health reasons and has submitted corroborating documentation (Attachment D).

**FINDING:** Inconclusive.

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

**ANALYSIS:** State or Federal law is not the basis for the requested variance.

**FINDING:** Not applicable.

**ATTACHMENTS**

ATTACHMENT A: Application Package

ATTACHMENT B: Aerial Map

ATTACHMENT C: Ordinance #0-98-02

ATTACHMENT D: Applicant's Medical Statement

ATTACHMENT E: Applicant's Response to Variance Criteria