

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

DATE: May 14, 2024 **FILE:** 24-SV-05

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Tasheema Lewis, Associate Planner

SUBJECT: 88 Real Estate Investment Corp requests a Special Exception for the Expansion of a Lawful Nonconforming Use within a Building and Variances to reduce the required side and rear setbacks.

REQUEST:

Special Exception:

1. Expansion of a lawful nonconforming use within a building to utilize additional floor area within such building not otherwise permitted.

Variances:

1. Variance to reduce the minimum required rear setback from 5 feet to 3.4 feet pursuant to Article 4.6.C.2.b.(4).(a).
2. Variance to reduce the minimum required side setback from 5 feet to 2.10 feet pursuant to Article 4.6.C.2.b.(4).(a).

RECOMMENDATION:

Special Exception: Approval.
Variance 1: Approval.
Variance 2: Approval.

BACKGROUND

The property at 321 Hayes Street was built in 1940 as an 8-unit residential development. Permit history, microfilm, and the Certificate of Use confirms the property's legal nonconformity. The property is considered legal nonconforming because the current Zoning District is Beach Resort Commercial District (BRT-25-C) which does not permit residential uses. The 8-unit residential development is comprised of four one-story detached buildings consisting of two units in each building. The buildings are separated by an average of 13.4 feet and there are 8 parking spaces provided on site. In the Beach District, residential units require 1 parking

space per unit. Therefore, the parking count currently complies with the Zoning and Land Development Regulations and will exceed the requirements with the proposed reduction in units from eight (8) to seven (7) by combining two units into a single unit.

REQUEST

The applicant requests a Special Exception and Variances to maximize to use of the residential property by adding a second story to one of the four buildings comprised of units 7 and 8, which will be combined into a single unit, located at the northeast area of the site. Pursuant to Article 3.12.G of the Zoning and Land Development Regulations, the Planning and Development Board shall hear applications for the expansion of a lawful nonconforming use within a building to utilize additional floor area within such building not otherwise permitted. The variances for the side and rear setbacks are requested to continue the existing nonconforming setbacks along the north and east property lines, respectively. The variance request is appropriate because it coincides with the purpose and intent of the Special Exception request.

SITE INFORMATION

Owner/Applicant:	88 Real Estate Investment Corp
Address/Location:	321 Hayes Street
Net Size of Property:	9,924 sq. ft. (0.23 acres)
Land Use:	General Business (GBUS)
Zoning:	Beach Resort Commercial (BRT-25-C)
Existing Use of Land:	Multi-Family Residential
Year Built:	1940 (Broward County Property Appraiser)

ADJACENT LAND USE

North:	General Business (GBUS)
South:	General Business (GBUS)
East:	General Business (GBUS)
West:	General Business (GBUS)

ADJACENT ZONING

North:	Beach Resort Commercial (BRT-25-C)
South:	Beach Resort Commercial (BRT-25-C)
East:	Beach Resort Commercial (BRT-25-C)
West:	Beach Resort Commercial (BRT-25-C)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The 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 landowners to maximize the use of their property. Redevelopment of this site will enable the applicant to construct a second story to an existing building that will give way for future redevelopment of the remaining three buildings, and enhance the surrounding properties in the neighborhood. The expansion will provide a unique piece of architecture that will partially contribute to the interest of the streetscape, while also considering the

scale of the existing neighborhood fabric. The proposed project is consistent with the Comprehensive Plan based on the following Objectives and Policies:

Objective 4: *Maintain and enhance neighborhoods, business, utilities, industrial and tourist areas that are not blighted.*

Policy 4.9: *Place a priority on protecting, preserving and enhancing residential neighborhoods while incorporating the unique characteristics of redevelopment areas.*

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

Sub-Area 4, Hollywood Beach, is defined by the Atlantic Ocean to the east, the Intracoastal Waterway to the west, Hallandale Beach Boulevard to the south and Dania Beach Boulevard to the north. The Beach is comprised of three very distinct areas, North Beach (of which this project is located), Central Beach and South Beach. The proposed request is consistent with City-Wide Master Plan based upon the following:

Guiding Principles and Policies:

- *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

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

Policy 4.1: *Recognize and protect the unique character of Hollywood Beach and each of the three areas that comprise it; north, Central and South Beach; and provide a clear vision for creating a more harmonious and attractive community.*

Although this request does not include design, the proposed second-story expansion is designed in a manner complementary to historic art deco style of the existing buildings. The requested variances to continue the nonconforming setbacks help to maintain the architectural balance and scale of the design. This project will certainly add to the harmony and attractiveness of the community.

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Special Exception as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 3.

CRITERION 1: The approval of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

ANALYSIS: Permitting the second story expansion would enhance the historic art deco style of the existing building while extending the historic design language of the building to the new addition. Property owners have the right to expand their homes within the provisions of the Zoning and Land Development Regulations, and the applicant is seeking this same privilege through the Special Exception process. The additional square footage will allow for enjoyment of the property in the coveted Hollywood Beach District.

FINDING: Consistent.

CRITERION 2: The approval will not, under any circumstances of the particular case, be detrimental to the health, safety and general welfare of persons working or residing within the vicinity.

ANALYSIS: The proposed expansion will not be detrimental to the health, safety, and general welfare of residents working or residing in the vicinity as the expansion does not encroach onto neighboring properties, but rather continue the existing setback of building. In addition, the expansion results in a reduction of density by decreasing the number of units from 8 to 7.

FINDING: Consistent.

CRITERION 3: The approval will not be detrimental or injurious to property and improvements in the vicinity or to the general welfare of the city.

ANALYSIS: The proposed expansion will not be detrimental or injurious to property and improvements in the vicinity or general welfare because the second-story addition will not encroach into the required setback beyond what is existing. This alignment with the existing building does not adversely impact the surrounding properties as the existing footprint is not significantly altered.

FINDING: Consistent.

CRITERION 4: The approval will, to the maximum extent possible, bring the use or building and the site upon which it is located into compliance with city regulations.

ANALYSIS: Although the property is located in the Beach Resort Commercial District (BRT-25-C), the residential component of the Beach Resort District (BRT-25-R), also share a density of 25 units per acre. As a result, the reduction of residential units from 8 to 7 complies with the density regulations of this district.

FINDING: Consistent.

Analysis of Criteria and Findings for Variance as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

VARIANCE 1: **Variance to reduce the minimum required rear setback from 5 feet to 3.4 feet pursuant to Article 4.6.C.2.b.(4).(a).**

VARIANCE 2: **Variance to reduce the minimum required rear setback from 5 feet to 2.10 feet pursuant to Article 4.6.C.2.b.(4).(a).**

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 proposed second story addition will continue the existing nonconforming setbacks which will not affect the stability of the building as it is not creating greater nonconformity. To the contrary, the addition will enhance the appearance of the City.

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 existing land use is General Business. The variance request to continue the existing setbacks will not be detrimental to the community adjacently composed of hotels, motels, and other legal nonconforming residential developments.

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, the applicable Neighborhood Plan and all other similar plans adopted by the City.

ANALYSIS: The goal of the Land Use Element in the Comprehensive Plan is to *promote a distribution of land uses to enhance and improve the residential, business, resort and natural communities while allowing landowners to maximize the use of their property*. The proposed expansion will enhance the aesthetic of the building while affording the applicant the ability to maximize the use of the land.

FINDING: Consistent.

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

ANALYSIS: The need for the Variances is not economically based or self-imposed. The need for the variances is rational to maintain the scale, massing, character, and compatibility of the existing buildings and surrounding community.

FINDING: Consistent.

CRITERIA 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.

FINDING: Not applicable.

ATTACHMENTS

ATTACHMENT A: Application Package
ATTACHMENT B: Land Use and Zoning Map