

CITY OF HOLLYWOOD, FLORIDA

**DEPARTMENT OF DEVELOPMENT SERVICES
DIVISION OF PLANNING AND URBAN DESIGN**

DATE: July 09, 20223

FILE: 24-V-47

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Laura Gomez, Planner II

SUBJECT: Variance to the required side setback for an accessory structure located within the RS-5 Single-Family District.

REQUEST:

Variance request to remedy a construction error on an approved permit (B22-104533) that resulted in a reduction to the required side yard setback to 6'-7" whereas 7'6" is required in the RS-5 Single-Family District.

RECOMMENDATIONS:

Variance: Approval.

BACKGROUND

The subject property is located within the RS-5 Single-Family zoning District. On October 10, 2022, the applicant submitted permit B22-104533 for an addition to their single-family home. However, after obtaining final approval from zoning on July 6th, 2023, the scheduled inspections by the building department revealed construction errors related to the side setback on the northwest side of the property. Upon staff review, the original permit records indicate that the proposed setbacks on the approved site plans, specifically the 7'6" setback on the west side of the property, initially met side setback requirements.

Due to an error during construction, the accessory structure was built encroaching in the required side yard setback. The discrepancy between the measurements on the west side setback of the constructed building and approved side plan has led to the Applicant failing the final inspection.

Additionally, Section 4.1.(C) of the ZLDR states that:

Pursuant to the zoning standards table in Section 4.1(C) of the City's Zoning and Land Development Regulations (ZLDR), entitled "Single-Family Districts," under Side/Interior *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.

Therefore, built setback of 6'-7", does not meet the minimum required side yard setback requirement and the deviation exceeds the allowable percentage for an Administrative Variance. Accordingly, the applicant's request has been brought before the Planning Development Board for relief from the ZLDRs due to the construction error that took place

REQUEST

The Applicant is requesting a variance to reduce the minimum side setback requirement from 7'-6" to 6'-7" in order to remedy a construction error. Staff notes that typically in cases where inspection cannot be passed due to setback discrepancies, have significant hardship that may render the variances justified.

SITE INFORMATION

Owner/Applicant:	Ivelisse Gonzales
Address/Location:	752 North Crescent Drive
Size of Property:	12,302 Sq. Ft. (0.29 net acre)
Future Land Use:	Low Residential (LRES)
Present Zoning:	Single-Family Residential (RS-5)
Present Use of Land:	Single-Family residential
Year Built:	1959 (Broward County Property Appraiser)

ADJACENT LAND USE

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

ADJACENT ZONING

North:	Single-Family Residential (RS-5)
South:	Single-Family Residential (RS-5)
East:	Single-Family Residential (RS-5)
West:	Single-Family Residential (RS-5)

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 required side yard setback from 7'6" to 6'7" for a building located within the RS-5 Single-Family District (RS-5).**

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: This variance request would not be detrimental to the community. Additionally, it does not alter the permitted land use and remains compatible with the surrounding area. The building addition, situated in the northwest corner toward the rear of the property, maintains the existing relationship between the street and the built environment despite the reduced setback. Importantly, its small scale will not have a negative impact on parking supply, building height, or landscape requirements as stipulated by the Code.

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 maintenance of the existing 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. The proposed addition is situated at the

rear, specifically on the northwest corner of the property, and remains hidden from view from the right of way.

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 City of Hollywood Comprehensive Plan states as a Goal in the Land Use Element, "Promote a distribution of land uses that will enhance residential, business, resort and natural communities while allowing land owners to maximize the use of their property." The owner is seeking a variance to enhance the property and make overall improvements to the site. The Variance is consistent with this criterion as it will allow the owner to maximize use of the property.

FINDING: Consistent

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

ANALYSIS: The request is not economically based or self-imposed as existing construction errors do not allow the proposed buildings to meet required setbacks. It is noted that the permit documents depict a zoning compliant setback, which demonstrates that applicant's intent in good faith to abide by the requirements of the Code. The error that took place during the construction process was not self-imposed and the request for the variance is not economically driven.

FINDING: Consistent

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: Land Use and Zoning Map