

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

DATE: May 14, 2024 **FILE:** 24-V-37

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Tasheema Lewis, Associate Planner

SUBJECT: Variance to reduce the required rear setback from 15.75 feet to 15 feet at 2226 Cody Street

REQUEST:

Variance to reduce the required rear setback from 15.75 feet to 15 feet pursuant to Article 4.1.C. for an existing legal non-conforming duplex in the RS-1 zoning district.

RECOMMENDATION:

Variance: Approval.

BACKGROUND

The subject property is located in the Liberia neighborhood zoned Single Family District (RS-1). The property owners acquired the property in September of 2021 under the pretense that the property was a legal 3-unit residential development. Upon a complaint in July of 2022, Code Compliance responded and issued a code violation, case # V22-10282, for work without permits which included the conversion from two to three units. According to the archival and permit history, the property was originally built as a duplex in 1958. Therefore, the property is considered legal nonconforming within RS-1, Single Family Zoning District. To comply with the code violation, the applicant applied for a building permit (B23-107585) to legalize the three units. The zoning does not permit three units, so the applicant decided to revert back to two units, utilizing the floor area within the existing footprint. As a result of the illegal conversion, which included an addition to the rear, the rear exterior wall encroaches into the rear setback by approximately eight (8) inches.

The applicant sought relief from the previous ownership's actions by requesting an Administrative Variance (24-AV-19) to retain the nonconformity. Approval of the Administrative Variance would have been granted if no objection was received by the adjacent properties pursuant to Article 5.4 of the Zoning and Land Development Regulations. *All owners of property within 300 feet of the parcel upon which a variance is requested are notified of the application and their right to protest such request in writing within ten calendar days of the mailing of such notice. The protest letter shall state the reasons and justification for the protest. Any protest received in response to such notice within ten calendar days of the date of mailing shall prohibit*

any administrative approval pursuant to this section. Receipt of a written protest in response to the notice within the time limit shall allow the applicant to file an application, together with the required fee, for a regulatory variance and be placed on the next available Board agenda.

REQUEST

On April 1, 2024, an objection to the Administrative Variance, in accordance with Article 5.4 of the Zoning and Land Development Regulations, was received by Linda Mcall Williams of 2220 Cody Street, which has led to this item being brought before the Planning and Development Board for approval.

The applicant requests a variance to reduce the required rear setback from 15.75 feet to 15 feet. Staff finds that the request is consistent with already existing development patterns within the surrounding area and with the standards listed in the Zoning and Land Development Regulations. This deviation would not be detrimental to the surrounding community.

SITE INFORMATION

Owner/Applicant:	Prosperous RE, LLC
Address/Location:	2226 Cody Street
Net Size of Property:	4,205 sq. ft. (0.10 acres)
Land Use:	Low/Medium Residential (LMRES)
Zoning:	Single Family District (RS-1)
Existing Use of Land:	Multi-family residential
Year Built:	1958 (Broward County Property Appraiser)

ADJACENT LAND USE

North:	Low/Medium Residential (LMRES)
South:	Low/Medium Residential (LMRES)
East:	Low/Medium Residential (LMRES)
West:	Low/Medium Residential (LMRES)

ADJACENT ZONING

North:	Single Family District (RS-1)
South:	Single Family District (RS-1)
East:	Single Family District (RS-1)
West:	Single Family District (RS-1)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The goal of the Land Use Element of the Comprehensive Plan is to promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing land owners to maximize the use of their property. Development of this site will enable the Applicant to construct a single family home that will contribute to the enhancement of the surrounding properties in the neighborhood without adversely affecting the character of the neighborhood. The applicant has demonstrated good faith effort to comply with the Zoning and Land Development Regulations, and the encroachment into the rear setback by approximately eight (8) inches does not undermine the Goals,

Objectives, and Policies of the Comprehensive Plan. The 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 3, East Central Hollywood, is defined by Dixie Highway to the east, Stirling Road to the north, Pembroke Road to the south and I-95 to the west. This area includes the residential neighborhoods of Liberia/Oakwood Hills, North Central and South Central. 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 3.13: *Prepare and implement programs to revitalize the Liberia neighborhood by removing non-conforming uses.*

The removal of the third unit reduces greater non-conformity which helps to preserve the residential neighborhood. In addition, the variance request does not compromise the goals of the surrounding community due to its minor deviation of just under 10 percent.

APPLICABLE CRITERIA

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

VARIANCE	To reduce the required rear setback from 15.75 feet to 15 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 variance request will have similar rear setbacks of existing non-conforming structures within the Liberia neighborhood. As the result the basic intent and purpose of the regulations will not impede upon the stability and 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 surrounding properties have similar non-conforming setbacks. The Liberia neighborhood is one of the oldest communities within the City and is prone to non-conforming uses and structures. Therefore, the requested variance is otherwise compatible with the surrounding land uses and will not have a negative effect on 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, 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 land owners to maximize the use of their property*. The Applicant's setbacks are reflective of the existing development pattern of the neighborhood.

FINDING: Consistent.

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

ANALYSIS: The need for the Variance is not economically based or self-imposed. The applicant acquired the challenges set forth by a previous ownership and has taken great measures to comply with the Zoning and Land Development Regulations and is seeking some relief to conform.

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