

CITY OF HOLLYWOOD  
PLANNING AND DEVELOPMENT BOARD  
RESOLUTION NO. 14-FZV-22

A RESOLUTION OF THE CITY OF HOLLYWOOD  
PLANNING AND DEVELOPMENT BOARD CONSIDERING  
A VARIANCE REQUEST TO WAIVE THE 6 FOOT HIGH  
CONCRETE WALL REQUIREMENT ON THE EAST SIDE  
AND ALLOW THE EXISTING WOOD FENCE TO REMAIN  
FOR THE PROPERTY LOCATED AT 2535 N. 40<sup>TH</sup>  
AVENUE, HOLLYWOOD, FLORIDA PURSUANT TO  
PROVISIONS OF THE CITY OF HOLLYWOOD ZONING  
AND LAND DEVELOPMENT REGULATIONS.

WHEREAS, the Zoning and Land Development Regulations provide that an application for a Variance may be filed; and

WHEREAS, The Legal Plan, Inc., as applicant/owner for the property located at 2535 N. 40<sup>th</sup> Avenue, Hollywood, Florida, applied for a Variance as set forth herein; and

WHEREAS, the Director of the Department of Planning and Planning staff ("Staff"), following an analysis of the application and its associated documents have determined that the proposed request for a Variance for the waiver of the 6 foot high concrete wall requirement on the east to allow the existing wood fence to remain does meet the criteria set forth in Section 5.3 F.1. a. through d. of the Zoning and Land Development Regulations, criteria e. is not applicable, and have therefore recommended that the Variance be approved; and

WHEREAS, on April 10, 2014, the Planning and Development Board met and held an advertised public hearing to consider the Variance request; and

WHEREAS, the Board reviewed the application for the Variance and reviewed the evidence submitted and testimony received at the public hearing, and the Board applied the applicable criteria for granting the Variance as set forth in Section 5.3. F. 1. a. through d. of the City of Hollywood's Zoning and Land Development Regulations, criteria e. is not applicable, and made the following findings:

- a. That the requested Variance does maintain the basic intent and purpose of the subject regulations, particularly as its affects the stability and appearance of the City; and
- b. That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community; and

- c. 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; and
- d. That the need for the requested Variance is not economically based or self-imposed; and
- e. Since the Board finds that criteria a. through d. have been met, then criteria e. is not applicable.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND DEVELOPMENT BOARD OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, and all submitted written and oral testimony received during the public hearing, and the consideration of the criteria listed herein for approving/denying the requested Variance for the property located at 2535 N. 40<sup>th</sup> Avenue to waive the 6 foot high concrete wall requirement to allow the existing wood fence on the east side to remain on the subject property, the Board finds that the necessary criteria have been met, and the requested Variance is hereby **approved with the following conditions:**

- (a) A landscape plan, meeting the City's current regulations, shall be reviewed and approved by the City's Landscape Architect and all material shall be installed and inspected prior to establishing any commercial/office use; and
- (b) In the event that the wood fence is replaced, the replacement fence shall be with a concrete masonry unit barrier in lieu of an opaque six (6) foot vinyl fence.

Section 2: That the Variance shall become null and void unless the Applicant has applied for all applicable building or other permits(s) or license(s) within 24 months of the Board's approval. Said 24 months shall commence upon passage and adoption of this Resolution.

RESOLUTION OF CITY OF HOLLYWOOD, FLORIDA PLANNING AND  
DEVELOPMENT BOARD FOR 2535 NORTH 40<sup>TH</sup> AVENUE

Section 3: That the Department of Planning is hereby directed to forward a copy of this resolution to the applicant/owner of the property upon which the request was made and a copy shall be recorded in the Public Records of Broward County, as provided by the applicable provisions of Article 5 in the Zoning and Land Development Regulations.

PASSED AND ADOPTED THIS 10th DAY OF April, 2014.

RENDERED this 14 day of May, 2014.

ATTEST:

  
JOSHUA LEVY, Secretary

  
JOHN PASSALACQUA, Chair

APPROVED AS TO FORM & LEGALITY  
for the use reliance of the Planning and  
Development Board of the City of Hollywood,  
Florida, only.

  
JEFFREY P. SHEFFEL BOARD COUNSEL

**EXHIBIT "A"**  
**Legal Description**

**PROPERTY ADDRESS**

2535 N. 40<sup>TH</sup> AVENUE  
Hollywood, Florida 33021-3005

**LEGAL DESCRIPTION:**

A PORTION OF BLOCK THIRTY-TWO (32) OF "HOLLYWOOD GARDENS", A SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; ALSO, A PORTION OF FLORIDA STREET BETWEEN SAID BLOCK THIRTY-ONE (31) AND THIRTY-TWO (32), AS SHOWN ON SAID PLAT OF HOLLYWOOD GARDENS, A SUBDIVISION, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF HOLLYWOOD, BROWARD COUNTY, FLORIDA.

FOLIO NUMBER: 5142 05 01 1570 (BROWARD COUNTY PUBLIC RECORDS/PROPERTY APPRAISER'S OFFICE)