

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

DATE: May 20, 2025 **FILE:** 24-V-41

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Umar Javed, Planner II

SUBJECT: Variance requests pursuant to Article 4, Section 4.23 to modify setback, material, and dimension requirements for an accessory structure to permit an existing car port for a single-family home in the RM-25-SCB Zoning District.

REQUEST:

Three (3) Variance requests pursuant to Article 4, Section 4.23(B) to reduce the front setback to 0 feet, as well as modify material and dimension requirements for an accessory structure to permit an existing carport for a single-family home in the RM-25-SCB Zoning District.

RECOMMENDATION:

Variance: To be determined by the Planning and Development Board.

BACKGROUND

The subject property is in the RM-25-SCB South Central Beach Residential Multifamily Zoning District. The RM-25-SCB Zoning District is one of the multiple Zoning Districts within the Hollywood Beach area and allows for residential uses as well as hotels and motels. The applicant had constructed a carport in 2024 and is now seeking relief to permit the constructed carport, which requires a number of variances from the code.

The subject site is located in the Beach Community Redevelopment Agency (CRA) on the south side of Bougainvillea Terrace, generally east of South Ocean Drive and west of the Broadwalk/Beach Area. The property is zoned South Central Beach Residential Multifamily (RM-25-SCB) with a land use of Medium High (25) Residential (MHRES) District. The lands presently support a single-family dwelling with an existing carport that is located in the front yard, on a lot that is 40 feet wide and approximately 3,200 square feet in size. The carport was built in 2024, and was cited for works without permit (Violation reference: V24-18810). As a result of the violation, the applicant is committing to bring the carport into compliance and obtaining the necessary approvals to be permitted.

REQUEST

In an effort to legalize the carport, the applicant is requesting a total of 3 (three) variances in support of their request. The following relief is being requested:

- Variance 1: Section 4.23(B)(1)(C) – Setbacks as set forth in Section 4.23(B)(12)
- Variance 2: Section 4.23(B)(4)(b)(1) – Maximum Dimensions
- Variance 3: Section 4.23(B)(4)(e) – Material Requirements

Pursuant to Section 4.23, the minimum required setbacks for structures are not listed, however the code stipulates that setbacks shall be determined by using the setback requirements for a use or structure that is similar to the proposed construction. In this regard, Staff have interpreted the setback requirements pursuant to Section 4.23(B)(12) for Porte-Cocheres to be sufficient for the setback requirements of a carport, due to its built similarity. Porte-Cocheres is a passageway through a building or screen wall designed to let vehicles pass from the street to an interior courtyard. Staff interpreted this to be adequate as these structures are similar in size and are built to accommodate vehicles. In accordance with 4.23 of the Code, Staff are only applying the setback regulations from Porte-Cocheres as there are no setback regulations for carports.

With regards to the requested setback variance, where a sidewalk or curb exists, the Porte-Cochere (or similar structures) may not be closer than 18 inches of the sidewalk. As the existing carport seeking the variance abuts the sidewalk, a variance is required to address the 18-inch setback requirement that is not being met.

Pertaining to the requested variance for size, the existing carport is also seeking a variance with respect to the maximum dimension requirements (side-by-side) and is deficient by approximately 4 feet in width.

Lastly regarding materiality, the existing carport requires relief from the list of allowable materials, as the type of material being used is aluminum, which is not a permitted material type listed under the carport requirements. The code requires carports to be built with canvas, cloth, or similar lightweight material.

Staff notes that while the process undertaken to request the variance are not ideal, the requested variances in of themselves do not pose a malicious or deleterious conditions to adjacent properties. The carport is made of high quality materials and is intended to provide a modern and functional addition to the existing residence. The proposed variance request, if granted, is in keeping with the overarching character of a residential use and are not anticipated to be harmful the neighborhood.

SITE INFORMATION

Owner/Applicant:	Rafael Mordukhaev
Address/Location:	312 Bougainvilla Terrace
Net Size of Property:	3,200 sq. ft. (0.07 acres)
Land Use:	Medium High (25) Residential (MHRES)
Zoning:	South Central Beach Residential Multifamily District (RM-25-SCB)
Existing Use of Land:	Single Family Residence
Year Built:	1980

ADJACENT LAND USE

North:	Community Facility (COMFAC)
South:	Medium High (25) Residential (MHRES)
East:	Medium High (25) Residential (MHRES)

West: Medium High (25) Residential (MHRES)

ADJACENT ZONING

North: Government Use (GU) District
South: South Central Beach Residential Multifamily District (RM-25-SCB)
East: South Central Beach Residential Multifamily District (RM-25-SCB)
West: South Central Beach Residential Multifamily District (RM-25-SCB)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Located within the Hollywood Beach area, the subject site is surrounded primarily by residential, commercial, and hotel uses within the Medium High (25) Residential (MHRES) land use category. 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. The Medium High (25) Residential (MHRES) land use designation falls under the 'Coastal Element' category in the City's Comprehensive Plan, which promotes a number of uses within the beach area while still having regard for is the coastal area, its resources, as well as any natural disasters that may impact the area.

The project is consistent with the Comprehensive Plan based on the following Objectives:

Objective 3: Prohibit any increase in the number of permanent residential dwelling units on the Coastal High Hazard Area above that permitted by the adopted Comprehensive Plan (1998).

Analysis: The subject site is located in a Coastal Area, as defined by the Comprehensive Plan. The applicant is not proposing to increase the number of residential dwelling units on their lands, rather they are only requesting to permit a carport, to protect their vehicles from extreme weather, which is a concern in the Coastal Area.

Objective 4: Promote improved architectural and streetscape design standards, code enforcement, economic development, neighborhood planning, and public information dissemination to maintain and enhance neighborhoods, businesses, and tourist areas.

Analysis: The request to permit a carport is not anticipated to have a negative impact on the streetscape. The applicant is intending to uphold enforcement of the code and is thereby requesting a variance in order to maintain compliance.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The project is located in Sub-Area 4, 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, Central Beach and South Beach. The following policies and principles of the City-Wide Master Plan are relevant to this proposal and should be taken into consideration:

Guiding Principle: 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 CW.44: Foster economic development through creative land use, zoning and development regulations, City services and City policies.

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Variances as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.3.F.

VARIANCE 1: Variance request pursuant to Article 4, Section 4.23(B)(1)(C) as forth in Section 4.23(B)(12) to reduce the minimum required front yard setback to the sidewalk from 18 inches to 0 feet.

VARIANCE 2: Variance request pursuant to Article 4, Section 4.23(B)(4)(b)(1) to increase the maximum allowable dimensions (side by side carports) from 21 feet in width to 25 feet in width.

VARIANCE 3: Variance request pursuant to Article 4, Section 4.23(B)(4)(e) to allow for aluminum material rather than cloth, canvas, or similar lightweight material.

CRITERION 1: That the requested Variances maintain the basic intent and purpose of the subject regulations particularly as it affects the stability and appearance of the City.

ANALYSIS: The intent of a front yard setback is to ensure a uniform appearance along streets, provide space for sidewalks, landscaping, utilities/drainage, and safe ingress and egress from the property, and contribute to the aesthetic appeal and openness of a neighborhood. The requested front yard setback reduction variance maintains the basic intent and purpose of the subject regulations by ensuring it does not adversely affect the stability or appearance of the City. This request is minor in nature and does not significantly alter the character of the surrounding area. The carport is constructed to complement the existing neighborhood that contains carports, and the reduced setback will not impede pedestrian circulation or negatively impact public space, as the required relief amounts to only 18 inches. Staff also note that drainage is not a concern— as the applicant is using downspouts to direct stormwater to areas away from the neighbors and public right of way.

The intent of the maximum allowable dimensions is to ensure cohesiveness in site design and consistency with the area that does not impede the neighborhood. The requested increase in the carport width is consistent with the intent of the regulations, as it seeks to enhance the functionality of the carport, being generally in line with the existing layout of the home and driveway. This variance is not expected to affect the overall stability or visual character of the City or the neighborhood's appearance. The additional width allows for practical vehicle accommodation while maintaining the aesthetic balance of the property.

The intent of material requirements is based on structures being non-permanent or permanent, and include materials that aid in good design. The type of material that is permitted is cloth, canvas or similar lightweight material, which was originally intended for non-permanent carports. However, as the applicant preferred a permanent carport, and decided to use aluminum as the construction material for its long term capabilities. The applicant is using durable, aesthetically pleasing, and

weather-resistant materials. This material choice does not disrupt the overall appearance or stability of the City, as aluminum is not considered to be a malicious material, rather complementing the existing home.

FINDING: Consistent for Variances 1, 2, 3.

CRITERION 2: That the requested Variances are otherwise compatible with the surrounding land uses and would not be detrimental to the community.

ANALYSIS: The variance to reduce the setback of the carport will not affect the stability and appearance of the neighborhood. The use of land will remain the same and due to the location of the requested variance, the impact will be minimal to the community. The requested variance does not appear to be malicious with minimal relief being requested, and as such staff do not anticipate any adverse impacts to the surrounding area.

Increasing the carport width by 4 feet will not negatively impact the surrounding land uses or community. This modest expansion is would generally be permitted at the discretion of the Director of Planning and Development, however as the applicant is seeking two other variances already, they are looking to address this discrepancy in conjunction.

Allowing aluminum material for the carport does not create incompatibility with surrounding land uses. Aluminum is a widely accepted m and will not have a negative impact on the surrounding community. The change in material will enhance the durability and appearance of the structure without detracting from the neighborhood's aesthetic qualities.

FINDING: Consistent for Variances 1, 2, 3.

CRITERION 3: That the requested Variances are 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 property owner is intending to maximize usage of their property without increasing additional units or density, rather making efforts to protect their vehicles from intense weather, thereby requesting three variances as noted throughout the report, in order to be legally permitted.

FINDING: Consistent for Variances 1, 2, 3.

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

ANALYSIS: The variances are being requested as there are minor discrepancies from the code requirement for the existing carport. As the carport was constructed by the

applicant and now requires relief, it would be considered self-imposed. Despite being inconsistent with the criteria above, the requested variances does not appear to be malicious or negative in nature, according to review by staff.

FINDING: Inconsistent for Variances 1, 2, 3.

CRITERION 5: That the Variances are necessary to comply with State or Federal Law and is the minimum Variance necessary to comply with the applicable law.

FINDING: Not applicable for Variances 1, 2, 3.

ATTACHMENTS

ATTACHMENT A: Application Package

ATTACHMENT B: Aerial Map