

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

DATE: January 23, 2024 **FILE:** 23-V-96

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Tasheema Lewis, Associate Planner

SUBJECT: Request for a Variance to increase the maximum allowable curb cut from 18 feet to 23 feet located at 4600 North Ocean Drive.

REQUEST:

Variance to increase the maximum curb cut from 18 feet to 23 feet.

STAFF'S RECOMMENDATION:

Denial.

BACKGROUND

The subject property is located at 4600 North Ocean Drive in the North Beach neighborhood adjacent to conservation lands to the north and one single-family home to the south. The 5,974 square foot site has a zoning designation of 'North Beach Development District-Development Zone' (NBDD-DZ) and a Land Use Designation of 'Medium/High Residential' (MHRES). The property currently consists of a 3-story single-family home. The parcel has a maximum width of 50 feet, where the maximum curb cut requirement is 18 feet wide pursuant to Chapter 155.08 of the Code of Ordinances.

REQUEST

The Applicant is seeking a variance to increase the curb cut by 5 feet to allow for easier back out from the two-car garage. The current driveway configuration has a curb cut width of 18 feet where the driveway expands to about 23 feet after the 5 feet setback from the front property line. The Applicant claims that the current configuration of the driveway creates safety issues when exiting onto State Road A1A roadway. Staff advised that a circular driveway would aid in safety concerns as it would reduce the need to back out onto the roadway. Furthermore, the circular driveway recommendation would not require a variance. In addition, the expansion of the driveway would reduce pervious areas that are necessary to comply with stormwater retention requirements regulated by the South Florida Waste Management District. Every property is required to retain its stormwater onsite so as to mitigate drainage issues and help prevent stormwater runoff

onto neighboring properties. For the aforementioned reasons, Staff does not find the justification for the variance satisfactory and recommends denial.

SITE INFORMATION

Owner/Applicant:	Catherine Spear, Revokable Trust/Jeffrey Spear
Address/Location:	4600 N. Ocean Drive
Net Size of Property:	5,974 sq. ft. (0.14 acres)
Land Use:	Medium/High Residential (MHRES)
Zoning:	North Beach Development District - Development Zone (NBDD-DZ)
Existing Use of Land:	Multi-family residential
Year Built:	2012 (Broward County Property Appraiser)

ADJACENT LAND USE

North:	Open Space and Recreation (OSR)
South:	Medium/High Residential (MHRES)
East:	Open Space and Recreation (OSR)
West:	N/A, Intracoastal

ADJACENT ZONING

North:	Government Use (GU)
South:	North Beach Development District - Development Zone (NBDD-DZ)
East:	Government Use (GU)
West:	N/A, Intracoastal

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan is a high-level document that sets a strategic focus and guidance for the City. This document does not contemplate specifics around curb cuts associated with driveways. Therefore, consistency with the Comprehensive Plan is not substantiated.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

Similarly to the Comprehensive Plan, the City-Wide Master Plan is also a high-level document that does not provide specific policies for curb cuts. However, curb cuts are typically regulated by Engineering standards guided by Chapter 155.08 of the Code of Ordinances which is applied city-wide. The following variance criteria analysis justifies Staff's recommendation for denial.

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Variance as stated in the City of Hollywood's Code of Ordinances, Chapter 155.08.

CRITERION 1: That special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands.

ANALYSIS: There are no special conditions or circumstances that exist at 4600 N. Ocean Drive that are not applicable to other lands. The width of the parcel is 50 feet which is standard across many single-family parcels. In fact, the North Beach Districts are known to have unique parcel sizes, such as lot areas less than 3,200 square feet and parcel widths of 40 feet, whereas, the subject parcel exceeds these limitations.

FINDING: Inconsistent.

CRITERION 2: That a literal interpretation of the conditions set forth in this section would deprive the applicant of rights commonly enjoyed by other properties.

ANALYSIS: Compliance with the 30 percent curb cut is commonplace among other properties. Granting the variance request would provide a privilege that is not commonplace among other properties.

FINDING: Inconsistent.

CRITERION 3: That the special conditions and circumstances do not result from actions of the applicant.

ANALYSIS: Compliance with Chapter 155.08 of the Code of Ordinances is achievable by the applicant. The actions by the applicant to expand the driveway is self-impose and is not as a result of any local, county, or state government or agency actions that would create hardship for the applicant.

FINDING: Inconsistent.

CRITERION 4: That the granting of the variances requested will not confer on the applicant any special privilege that is denied by this section to other lands. No pre-existing conditions on neighboring land which are contrary to this section shall be considered grounds for the issuance of a variance.

ANALYSIS: Allowing the curb cut to increase from 18 feet to 23 feet will not confer onto the applicant any special privilege so long as the justification for said variance demonstrates consistency with the criteria. The applicant did not provide substantially reasoning to support the variance. As such, granting the variance will indeed grant a special privilege to the applicant not typically granted to other properties with similar conditions.

ATTACHMENTS

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