

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

DATE: April 9, 2024 **FILE:** 24-V-45

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Cameron Palmer, Principal Planner – Development Planning

SUBJECT: Variance to the permitted height exemptions for covered rooftop areas greater than 10% of the ground floor area for a single-family house in the North Beach Development District – Control Zone.

REQUEST:

Variance to Article 4, §4.22(E) to increase the permitted rooftop scenery loft floor area from 10% to 39% of the ground floor area, in a single-family residence in the North Beach Development District (5405 N. Surf Road).

RECOMMENDATIONS:

To be determined by the Planning and Development Board.

BACKGROUND

The subject property is located at 5405 N. Surf Road within the North Beach Development District Control Zone. The property is currently occupied with a 1-story single family house on the lot fronting the east side of North Surf Road. The intent of this zone is to provide for and encourage appropriate residential, resort, hotel, motel, tourist uses (including ecotourism), and accessory uses within a coastal environment with unique natural, physical and manmade features. Specifically, the Control Zone of this zoning district is intended to facilitate a pattern of development that allows for the reasonable use of land considering the environmental limitations that may constrain development.

The variance request pertains to the construction of a new single-family dwelling with rooftop amenity areas. Section 4.22(E) provides for building elements that are exempt from the height regulations in all districts, including provisions for scenery lofts. A scenery loft is intended to offer areas that are generally open air in nature with opaque covering for weather protection. The Zoning Land Development Regulations (ZLDRs) provide for a maximum roof coverage area of 10% of the ground floor area for scenery lofts. Staff recognize that while, this provision has historically been in place, it is not a reasonable constraint in today's context given the urban and compact nature of development across the City.

On March 14, 2023, the Board heard and approved five variance requests for the subject property relating to setbacks, parking, and height projections of a proposed new construction home. One of the previously approved variances provided relief from the regulations for allowable projections of the ZLDRs and provided for an: *“increase the allowable projections for the partially covered roof deck and the elevator bulkhead from the maximum 25% to 29%.”* The variance language was in reference to the percentage of the building height, pursuant to Section 4.22(E).

At the time, there was miscommunication between staff and applicant that resulted in an approval of 29% in reference to the projection height and the specific variance did not provide relief from the roof coverage limitations of Section 4.22(E). The applicant’s original intention was to create amenity space on the rooftop by providing cover from weather elements up to 39% of the ground floor area. As a result, the applicant is seeking a second request for relief requesting a new variance for the same property to increase the permissible roof coverage from the current limit of 10%, as originally intended. The intent of this request is to supersede the condition placed on Variance #5 of the previous approval on the matter which stated “ with the condition that the covered roof deck cannot exceed 10% of the ground floor area.”.

Staff notes that there have been previous Board approvals regarding allowable height encroachments and floor area within the NBDD-DZ zone as rooftop amenity spaces, as they exist today, have become more prevalent in the design of newer homes. Notwithstanding this, Planning approval do not establish precedents, and the Board must evaluate each request on its own merits, as each request is unique to its property, proposal, and development context.

REQUEST

The applicant has an existing approval for the construction of a new contemporary 3,635-square foot house on the property within the North Beach Development District – Control Zone (NBDD-CZ) within the Medium/High Residential (MHRES) land use designation. Pursuant to the Zoning and Land Development Regulations, single-family homes are a main permitted use in the NBDD-CZ District.

The Applicant is requesting a variance for the new construction to attain relief from the maximum permitted roof coverage area. The request is to increase the coverage from the permitted 10% of the ground floor area maximum to 39% (449 SF of a total ground floor area of 1135 SF).

The requested variance is reflective and comparable to the overall development pattern of the neighborhood and aligns with the characteristics of the surrounding properties. Furthermore, this request is somewhat unique in nature, in that the applicant’s intended request was excluded from the report previously prepared by staff and approved by the Board. It is noted that the proposal does not pose negative effects to neighboring properties or create an undesirable condition when viewed from the right of way.

SITE INFORMATION

Owner/Applicant:	Heidi Humphries
Address/Location:	5405 N Surf Road
Net Size of Property:	3,146 sq. ft. (0.76 acres)
Land Use:	Medium/High Residential (MHRES)

Zoning:	North Beach Development District - Control Zone (NBDD-CZ)
Existing Use of Land:	Single-family residential
Year Built:	1932 (Broward County Property Appraiser)

ADJACENT LAND USE

North:	Medium/High Residential (MHRES)
South:	Medium/High Residential (MHRES)
East:	Medium/High Residential (MHRES)
West:	Medium/High Residential (MHRES)

ADJACENT ZONING

North:	North Beach Development District - Control Zone (NBDD-CZ)
South:	North Beach Development District - Control Zone (NBDD-CZ)
East:	Atlantic Ocean
West:	North Beach Development District - Development Zone (NBDD-DZ)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Located within the Medium/High Residential Land Use designation, the site is surrounded by Medium/High Residential uses. 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*. 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 proposed home will provide a unique piece of architecture that will contribute to the interest of the streetscape, while also thoughtfully considering the scale of the existing neighborhood fabric. 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.*

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

Sub-Area 4, Hollywood Beach, is 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 (of which this project is located), Central Beach and South Beach. 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 4.1: *Recognize and protect the unique character of Hollywood Beach and each of the three areas that comprise it; north, Central and South Beach; and provide a clear vision for creating a more harmonious and attractive community.*

The proposed single-family home is designed in a manner complementary to the development pattern and unique character of North Beach. This project will help the community by creating a viable development that fits within the context of the neighborhood while simultaneously enhancing the streetscape through creative and unique design.

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 increase the permitted rooftop scenery loft floor area from 10% to 39% of the ground floor area, pursuant to Article 4, §4.22(E)**

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 Zoning and Land Development Regulations allow for covered scenery lofts up to 10% of the ground floor area. The intent is ensure the rooftop uses are auxiliary in nature to the primary use and do not act as additional habitable area, and in doing so creating an unintended story above the zoning district's established height limit. Staff does not believe the intent of the regulation is to sterilize rooftop areas from amenity uses but rather to protect the zoning district's scale and limit undesirable height implications on the surrounding neighborhood.

The applicant's proposal includes a covered area of the roof totaling 449 square feet or 39% of the ground floor area located to the rear of the building. The covered area is proposed to be 8% over the ZLDR's maximum and will be open on 3 sides and does not create an enclosed area on the roof similar to a story. Due to its location and design the requested covered rooftop area meets the intent of a scenery loft, with recreational area located on the roof and does not create the appearance of an additional story from the street frontage of the property, maintaining the stability and appearance of the neighborhood.

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 proposed project is compatible with the surrounding neighborhood and does not create harm to the community. While previous decisions of the Board are not precedent setting, the request to increase the covered roof area is consistent with previously approved variances in the neighborhood.

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.

ANALYSIS: The Land Use Element of the Comprehensive Plan *promote[s] 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.* It also states an intention to *provide programs and incentives for infill development of single-family lots (Policy 2.6).* The Variance would allow for the development of a lot which is consistent with the fabric of the surrounding neighborhood.

FINDING: Consistent

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

ANALYSIS: Staff notes that the Applicant's intent was for this request to be captured as part of the Boards previous variance approvals for the same property, wherein the Board found the requested variances of similar nature were not self-imposed or economically driven. The rationale for this request remains the same as the variances previously requested, that the size of the lot creates a smaller allowable building footprint which results in an even smaller allowable footprint for covered roof areas. The restricted covered roof area can be argued to create a non-feasible rooftop condition.

The applicant indicates:

"the requested variance is the minimum amount needed to provide a functional, safe rooftop structure that is open on all sides, for the homeowners and their guests to gather out of the sun, while still compatible and in line with previously approved rooftop variance in this neighborhood.

Maintaining a proportionate roof design complies with several similar 3-story buildings with roof decks in this immediate area of North Beach Development District. This variance allows for the continuity of an integrally designed rooftop structure that does not exceed previously approved variances while providing a functional and usable rooftop terrace that takes advantage of the spectacular oceanfront views of this property."

Staff recognize that while this provision has historically been in place, it is not a reasonable constraint in today's context given the urban and compact nature of development across the City.

staff notes the rationale behind the request is not for economical reasons but rather to enable the “maximization of the use of the property” which is inline with the goals of the City’s Comprehensive Plan.

FINDING: Inconclusive

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: Aerial Map