

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

**DATE:** January 9, 2023 **FILE:** 22-V-73

**TO:** Planning and Development Board

**VIA:** Andria Wingett, Assistant Director of Development Services and Planning Manager

**FROM:** Tasheema Lewis, Associate Planner

**SUBJECT:** AAA Property Management, Inc. requests Variances for a new single-family home at 338 Oak Street.

**REQUEST:**

1. Variance to reduce the minimum required front setback from 25 feet to 20 feet.
2. Variance to reduce the minimum required rear setback from 15 feet to 12 feet.
3. Variance to reduce the minimum required amount of parking from 5 spaces to 4 spaces.
4. Variance to vertically extend the upper roof beyond 25% of the allowable maximum height.

**RECOMMENDATION:**

Variance 1: Approval.  
Variance 2: Approval.  
Variance 3: Approval.  
Variance 4: Approval.

**BACKGROUND**

The subject property is located in the North Beach neighborhood. Because of the unique variation in lot shape and size prevalent throughout the neighborhood, there is a precedent for the approval of certain variances for new construction. The inconsistent lot sizes found throughout North Beach results in circumstances where certain platted lots may easily meet the minimum requirements of the land development regulations whereas other lots, because of their small size, have significant hardship that may render the variances justified.

**REQUEST**

The Applicant requests multiple variances for the new construction of a single-family home at 338 Oak Street. Specifically the Applicant is requesting variances to the minimum front and rear setbacks; as well as a vertical encroachment beyond 25 percent of the maximum allowable height for an elevator; and a reduction in the minimum required parking to allow for four spaces instead of five.

The 3,146 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). Pursuant to the Zoning and Land Development Regulations, single-family homes are a main permitted use in the NBDD-DZ District. The subject site currently consists of a single-story single-family home. The current size, shape, and dimensions of the site render redevelopment potentially difficult without obtaining variances. As such, the applicant is requesting the above four referenced variances where staff have deemed appropriate and justifiable given the context of the existing conditions found on the site and the surrounding properties.

The North Beach Development District was established with the intention 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 man-made features. Specifically, the North Beach Development 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 NBDD also was established to ensure that the environmental quality of the area is not degraded, while simultaneously encouraging the efficient use of land for quality design and development. The proposed single-family home takes into consideration these intentions of the district as the requested variances are reasonable and justified considering the unique size of the parcel, while also contributing quality design to the neighborhood.

The surrounding neighborhood contains a mixture of housing types including single-family, townhouses, and apartments. Although it is residential in use, the nature of the built environment is more quasi-urban in form than it is suburban. A number of properties in this neighborhood have existing buildings with setbacks similar to what is being requested for this new single-family home. The specific setbacks requested are 20 feet in the front (instead of the requisite 25 feet) and 12 feet in the rear (instead of the requisite 15 feet). While each of these proposed setbacks necessitates a variance, the design is presented in a way that the variances will not impose a burden on neighboring property owners while simultaneously contributing unique design that is well integrated and effectually matches the setbacks of adjacent properties.

The building height proposed is approximately 33 feet to the flat portion of the active roof deck, which is permitted in the North Beach Development District. In addition, the Zoning and Land Development Regulations allows certain projections to extend beyond the maximum allowed building height, up to 25 percent, to allow for decorative features and functional elements (e.g. elevator bulkheads, vestibules, etc.). The overall projection as proposed in this design extends to a height above the allowable 25 percent to accommodate the elevator bulkhead and vestibule for access to the rooftop. If this was the extent of the request staff would find sufficient justification to recommend approval. However, the applicant is utilizing the justification of a vertical encroachment to accommodate necessary mechanical equipment. Effectively, the intent of the regulation that allows for vertical projections above maximum building height is being circumvented by using justification that the projection is required for necessary mechanical equipment. The intent of the regulation is not so that additional living space can be created, which is what the applicant is attempting to achieve.

The majority of the requested variances are reflective and comparable to the overall development pattern of the neighborhood. As such, Staff considers the variances requested to be appropriate for this site and recommends approval.

## SITE INFORMATION

**Owner/Applicant:** AAA Property Management Inc  
**Address/Location:** 338 Oak Street  
**Net Size of Property:** 3,146 sq. ft. (0.76 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:** 1975 (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 - Development Zone (NBDD-DZ)  
**South:** North Beach Development District - Development Zone (NBDD-DZ)  
**East:** North Beach Development District - Development Zone (NBDD-DZ)  
**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 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 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.

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

**VARIANCE 1:**                      **To reduce the required 25 feet front setback to allow for 20 feet.**

**VARIANCE 2:**                      **To reduce the required 15 feet rear setback to allow for 12 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 proposed home will have similar setbacks as the properties that are directly adjacent. The intent of the setback regulations are to ensure adequate buffering is maintained between neighboring properties and adjacent areas of public right-of-way. Furthermore, the front setback is still sufficient to adequately fit parking for two vehicles without infringing into the right-of-way. Because the proposed setbacks are consistent with adjacent properties, Staff finds this request as being consistent with the basic intent and purpose of the regulation.

**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:**                      One of the objectives of North Beach Development District is *to encourage a desirable mix of development uses, types and intensities that are harmonious with each other and with the natural characteristics of the area.* Many of the existing front setbacks that occur within the neighborhood are less than 25 feet, including properties directly adjacent to this parcel. The proposed project is consistent with the existing development pattern within the neighborhood. Therefore, the requested variance would not be detrimental to the neighborhood.

<b>FINDING:</b>	Consistent.
<b>CRITERION 3:</b>	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.
<b>ANALYSIS:</b>	The goal of the Land Use Element in the Comprehensive Plan is to <i>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</i> . The Applicant's setbacks are reflective of the existing development pattern of the neighborhood.
<b>FINDING:</b>	Consistent.
<b>CRITERION 4:</b>	That the need for requested Variance is not economically based or self-imposed.
<b>ANALYSIS:</b>	The need for the Variances are not economically based or self-imposed. The requested setback Variances are predicated on the fact the platted lot dimensions are fairly restrictive in comparison to some of the other lots in the neighborhood and a firm enforcement of the setbacks on a parcel of this size would result in a significant reduction in the amount of developable footprint, rendering the long term improvement and redevelopment of the property infeasible. The proposed setbacks are comparable to the setbacks of the surrounding properties.
<b>FINDING:</b>	Consistent.
<b>CRITERIA 5:</b>	That the Variance is necessary to comply with State or Federal Law and is the minimum Variance necessary to comply with the applicable law.
<b>FINDING:</b>	Not applicable.
<b>VARIANCE 3:</b>	<b>Variance to reduce the minimum required amount of parking from 5 spaces to 4 spaces.</b>
<b>CRITERIA 1:</b>	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.
<b>ANALYSIS:</b>	The intent of the regulation is to ensure sufficient off-street parking is provided for residences so that there is not a substantial need to rely on public right of way for overflow parking. Simultaneously, the parking regulations are established so that there is consistency of appearance amongst parking facilities across residential neighborhoods. While the proposed home would be required five spaces based on the overall square footage, the spatial limitations due to the small parcel size do not render a fifth space feasible without substantially reducing the space available for the building footprint or ignoring other regulations relating to the aesthetic consistency of parking facilities (e.g. curb cut width, landscape buffering, etc.). Based on the width of the lot, a driveway width more than 18 feet is not permitted by code,

and therefore, the maximum number of parking spaces that can be accommodated side by side is two. Moreover, if a tandem driveway were required in order to accommodate a third parking space in the driveway, this would substantially reduce the amount of remaining space that is usable for the actual building footprint, as the driveway would encroach almost 50% of the depth of the parcel. Furthermore, the existing use of the property is a three unit multi-family residential rental with non-conforming parking. Because the proposed use is shifting from multi-family to single-family there will theoretically be less demand for parking and the degree of parking nonconformity is being reduced. As such, the intent of the regulation is being maintained.

**FINDING:** Consistent.

**CRITERIA 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 as the proposed parking for the single-family home, while requiring a variance, is still reducing the degree of nonconformity that currently exists.

**FINDING:** Consistent.

**CRITERIA 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 reduction in parking allows for the applicant to reasonably maximize the use of the property, given the spatial limitations of the parcel dimensions, while facilitating redevelopment that maintains consistency with the surrounding neighborhood.

**FINDING:** Consistent.

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

**ANALYSIS:** The need for the Variance is not economically based or self-imposed. The requested variance is facilitated by the spatial constraints of the small parcel size.

**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.

<b>VARIANCE 4:</b>	<b>Variance to vertically extend the upper roof beyond 25% of the allowable maximum height.</b>
<b>CRITERIA 1:</b>	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.
<b>ANALYSIS:</b>	The Zoning and Land Development Regulations allows certain projections to extend beyond the maximum allowed building height, up to 25 percent, to allow for decorative features and functional elements, e.g. elevator bulkheads, vestibules, etc. The overall projection as proposed in this design extends to a height above the allowable 25 percent to accommodate the elevator bulkhead and vestibule for access to the rooftop.
<b>FINDING:</b>	Consistent.
<b>CRITERIA 2:</b>	That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.
<b>ANALYSIS:</b>	Vertical projections to a smaller degree that are proposed for the purpose of accommodating necessary mechanical equipment for access to an active rooftop deck have been approved and are deemed compatible with the neighborhood.
<b>FINDING:</b>	Consistent.
<b>CRITERIA 3:</b>	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.
<b>ANALYSIS:</b>	The goal of the Land Use Element in the Comprehensive Plan is to <i>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</i> . The projection of the roof above maximum building height for the purpose intended is essential to the project remaining compliant with the goals of the comprehensive plan.
<b>FINDING:</b>	Consistent.
<b>CRITERIA 4:</b>	That the need for the requested Variance is not economically based or self-imposed.
<b>ANALYSIS:</b>	The need for the Variance is not self-imposed as the extension required for mechanical equipment is justified.
<b>FINDING:</b>	Consistent.
<b>CRITERIA 5:</b>	That the Variance is necessary to comply with State or Federal Law and is the minimum Variance necessary to comply with the applicable law.
<b>FINDING:</b>	Not applicable.

## **ATTACHMENTS**

ATTACHMENT A: Application Package

ATTACHMENT B: Land Use and Zoning Map