

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
PLANNING DIVISION**

DATE: May 10, 2018

FILE: 18-V-13

TO: Planning and Development Board

VIA: Leslie A. Del Monte, Planning Manager



FROM: Deandrea Moise, Planning Administrator

DM

SUBJECT: Irving Cowan requests a Variance to reduce the required lot width and area for a Single Family District (RS-10) zoned property generally located on Diplomat Parkway north of Atlantic Shores Boulevard (Lot 1, Block 16 of Diplomat Golf Estates Addition Plat).

REQUEST:

Variance: Reduce the required lot width to from 100 feet to 88 feet; and area from 15,000 square feet to 13,200 square feet.

RECOMMENDATION:

Variance: Approval

BACKGROUND

Pursuant to the table provided under Section 4.1(B)(2)(a) of the City's Zoning and Land Development Regulations (ZLDR), entitled "Single-Family Districts," *platted lots or lots of record as of April 6, 1994 are considered as legal non-conforming and may be developed consistent with [current zoning and land development] regulations.* Simultaneously, Section 3.8 of the ZLDR, below, indicates that such non-conformities are valid provided the subject plot remain under separate ownership:

§ 3.8. Plots in Separate Ownership.

The requirements of these Zoning and Land Development Regulations as to minimum plot area or width shall not be construed to prevent the use of any lot or parcel of land for any use otherwise allowable within the applicable zoning district provided such lot or parcel was held with no other contiguous land within the same ownership on the date that such plot area or width requirements became applicable to the property and further provided that all other requirements of the applicable zoning district are satisfied.

Additionally, Section 3.9 of the ZLDR states that *no parcel of land, which has less than the minimum width and area requirements of the zoning district within which it is located, may be separated from a larger parcel of land ownership for the purpose, whether immediate or future, of building or development as a separately owned plot.* Further affirming that once lost, the non-conformity may

not be reestablished by subdivision. Therefore, developing non-conforming vacant lots such as the subject parcel, requires a lot width and area variance.

REQUEST

Section 4.1 of the City of Hollywood Zoning and Land Development Regulations, establishes lot widths and area for single family districts, which in the RS-10 district requires 100 feet lot width and 15,000 square feet lot area. The Applicant is requesting a variance to these regulations to reduce the required lot width to 88 feet and lot area to 13,200 square feet

Although under common ownership, the site was originally platted at the requested reduction and never used to conform to requirements in the development of the adjacent property to the north (1615 Diplomat Parkway). Furthermore, because the subject site was platted abutting the City's boundary, acquiring a portion the adjacent land south of the City limits to conform to the required regulations would involve a complicated process and agreement between both cities. In order to facilitate the use of the land, the Applicant requests a variance to reduce the minimum lot width and area requirements.

As this lot has solely been developed as a tennis court and was not used in conjunction for development granting this variance does negatively impact the character of the neighborhood or hinder the intent of the regulation. On the contrary, granting the variance would allow for the development of a vacant lot, significantly improving the overall look of the block. The request is compatible with the surrounding land use and community as a single-family home is the intended development for the property. Although the Applicant requests a reduction, the lot is subject to current setback requirements and other applicable requirements as outlined in the regulations.

SITE INFORMATION

Owner/Applicant: Irving Cowan
Address/Location: Generally located on Diplomat Parkway north of Atlantic Shores Boulevard (Lot 1, Block 16 of Diplomat Golf Estates Addition Plat)
Net Size of Property: 13,238 square feet
Land Use: Low Residential (LRES)
Zoning: Single-Family District (RS-10)
Existing Use of Land: Vacant

ADJACENT LAND USE

North: Low Residential (LRES)
South: Located with the City of Hallandale
East: Low Medium Residential (LMRES)
West: Low Residential (LRES)

ADJACENT ZONING

North: Single-Family District (RS-10)
South: Located with the City of Hallandale
East: High Multiple Family (RM-25)
West: Single-Family District (RS-10)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Located within the Low Residential land use, the subject site is surrounded by residential properties. 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.*

Policy 2.6: *Provide programs and incentives for infill development of single-family lots.*

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 2, East Hollywood, is geographically defined by the Intracoastal Waterway to the east, Dixie Highway to the west, Sheridan Street to the north and Pembroke Road to the south. This area includes the residential neighborhood of the Lakes, West Lake and the ill-defined residential areas between Federal and Dixie Highways. The proposed project is consistent with the City-Wide Master Plan, based upon the following Guiding Principles and Policies.

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.*

As the proposed reduction in lot width allows for the use of an originally platted lot which is currently vacant, the integrity of the neighborhood is not altered.

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: Reduce the required lot width to from 100 feet to 88 feet; and area from 15,000 square feet to 13,200 square feet.

CRITERIA 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 variance maintains the basic intent of the regulations. Regardless of the variance, the Applicant will be required to meet the setback and other applicable regulations as outlined in the Zoning and Land Development regulations, thus

minimizing the effects of any impacts to the stability and appearance of the City. Although the Applicant requests a reduction in lot width, the lot still meets the minimum lot size requirements.

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 request to reduce the lot width is compatible with the surrounding land use and community as a single family home is the intended development. As this lot has solely been developed as a tennis court and was not used in conjunction for development granting this variance does negatively impact the character of the neighborhood or hinder the intent of the regulation.

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: It is the purpose of the Comprehensive Plan and City Wide Master Plan to encourage reinvestment, protect and enhance residential neighborhoods. The lot was originally platted at the requested reductions and located on the edge of the City boundary, so it appears that it was always the intent for the site to be developed in this manner. This would allow the Applicant to maximize the use of their land without detriment to the community.

FINDING: Consistent.

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

ANALYSIS: This variance is requested as means to allow development of the site in line with the regulations. Therefore the request is not economically based or self-imposed.

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.

ATTACHMENTS

ATTACHMENT A: Application Package

ATTACHMENT B: Land Use and Zoning Map