

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

DATE: May 15, 2018

FILE: 18-CV-17

TO: Historic Preservation Board

VIA: Leslie A. Del Monte, Planning Manager

FROM: Julian Gdaniec, Assistant Planner 

SUBJECT: Frauen LLC / Nancy Gaggino requests a Certificate of Appropriateness for Design and Variance for a single family home located at 1547 Jackson Street in the Lakes Area Historic Multiple Resource Listing District.

REQUEST:

Certificate of Appropriateness for Design and Variance for a single family home located in the Lakes Area Historic Multiple Resource Listing District.

Variance: To reduce the minimum lot width requirement from 60 feet to allow for 40 feet.

RECOMMENDATIONS:

Variance for lot width requirement: Approval.

Certificate of Appropriateness for Design: Approval, if Variance is granted.

BACKGROUND

Nonconforming lots are subject to the provisions of Sections 3.8, 3.9 and 4.1 of the City's Zoning and Land Development Regulations. Historically, the City's position has been that the most recent provision, Section 4.1 (1994) superseded the applicability of 3.8 and 3.9 (1984). However, presented with new evidence, Staff now finds the applicable regulations to be supplemental, rather than conflicting.

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 variance.

REQUEST

The Applicant is requesting a variance to reduce the minimum lot width requirement from 60 feet to allow for 40 feet, and is requesting a Certificate of Appropriateness for Design to construct a new single family home on a 0.12 acre vacant lot located at 1547 Jackson Street. While the undeveloped lot is an originally legally platted lot, property records indicate that, between 1951 and 2004, the subject lot was held in common ownership with the lot to the east (1543 Jackson Street). As such, this period of common ownership effectively annulled the lot's legal non-conforming status.

Although the lots were held in common ownership, records indicate that no portion of the subject lot was used to conform to requirements in the development of the adjacent lots (1543 Jackson Street and 1551 Jackson Street); which was carried out many years ago (1949 and 1942, respectively, according to property records). The purpose of Sections 3.8, 3.9, and 4.1 is to protect the character of the urban fabric of the neighborhood. As this lot remained undeveloped for many years and was not used in conjunction for the development of any other lot, granting this variance does not 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 Applicant is requesting a Certificate of Appropriateness for Design to construct a new single family home on a lot that has sat vacant since it was originally platted. The design proposes a two-story, contemporary styled home. The new home consists of four bedrooms, three bathrooms, a large living area open to the second floor, and covered terrace that leads into a large, open rear yard. The home is oriented on the narrow lot in such a way that maximizes the functionality of the living space, while also maintaining requisite setbacks and pervious area (40%). Required parking for the home will be provided via a driveway constructed of pavers accessed off of Jackson Street. The new home meets all applicable requirements including setbacks, height, and open space.

Contemporary design elements such as asymmetrical composition, tall narrow windows, and a flat roof design, enhance the massing of the home. The design on the proposed home also utilizes a neutral palette with complimentary design elements and cohesive materials such as concrete, glass, metal, and wood features. The proposed request is consistent with other contemporary home designs within the district. Additionally, the proposed landscaping will enhance the ambience achieved by the home's design, allowing for shade, visibility, and framing of the property. The Applicant has worked with Staff to ensure a design that fits within the setting of the neighborhood, and enhances the character along the Jackson Street corridor.

The Historic Preservation Board is guided by the Secretary of the Interior's Standards for Rehabilitation and the City of Hollywood's Design Guidelines for Historic Properties and Districts. These documents offer design controls for materials, scale, massing and location for all properties within the district.

The design of the proposed construction is consistent with the character of Lakes Area Historic Multiple Resource Listing District. As proposed, the design maintains the spatial relationship with surrounding properties in its scale and massing.

SITE INFORMATION

Owner/Applicant:	Frauen LLC
Address/Location:	1547 Jackson Street
Size of Property:	5,379 Sq. Ft. (0.1235 net acre)
Future Land Use:	Low Residential (LRES)
Present Zoning:	Single-Family Residential (RS-6) Lakes Area Historic Multiple Resource Listing District (HMPRLD-1)
Present Use of Land:	Vacant

ADJACENT ZONING

North:	Single-Family Residential District (RS-6) Lakes Area Multiple Resource Listing District (HMPRLD-1)
South:	Single-Family Residential District (RS-6) Lakes Area Multiple Resource Listing District (HMPRLD-1)
East:	Single-Family Residential District (RS-6) Lakes Area Multiple Resource Listing District (HMPRLD-1)
West:	Single-Family Residential District (RS-6) Lakes Area Multiple Resource Listing District (HMPRLD-1)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Within the Comprehensive Plan, the primary 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 the land owners to maximize the use of their property*. It also states:

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

The City-Wide Master Plan (CWMP) places a priority on protecting, preserving and enhancing residential neighborhoods, stating:

Policy 2.46: *Preserve stable neighborhoods and encourage rehabilitation initiatives that will revitalize and promote stability of neighborhoods.*

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. The proposed design is also reflective of the character of the neighborhood and will serve to enhance the streetscape.

CONSISTENCY WITH THE HOLLYWOOD LAKES NEIGHBORHOOD PLAN

The Hollywood Lakes Neighborhood Plan seeks to maintain and preserve the character and integrity of the existing residential community by protecting historical areas. It also seeks to eliminate the encroachment of negative residential uses.

The proposed two-story home will be built on a vacant lot facing Hollywood Boulevard. The infill development will be in a contemporary architectural style, a timestamp of its period, as well as emphasizing the unique character of the existing historical properties. Therefore, Staff finds the proposed home an enhancement to the property, neighborhood and the integrity of the Historic District.

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 reduce the minimum lot width requirement from 60 feet to allow for 40 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 purpose of Sections 3.8, 3.9, and 4.1 is to protect the character of the urban fabric of the neighborhood. As this lot remained undeveloped for many years and was not used in conjunction for the development of any other lot, granting this variance does not 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.

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 subject lot is located in the Lakes Area Multiple Resource Listing District (HMPROLD-1) with a Low Residential Future Land Use Designation, which is primarily comprised of single-family homes. The Variance request, which would allow for the development of a single family home, does not affect the land use; thus maintaining the existing and persisting compatibility with surrounding land uses and would not be detrimental to the community.

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; while allowing the Applicant to maximize the use of their property.

FINDING: Consistent

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

ANALYSIS: The variance request is necessary due to the fact the lot was held in common ownership by a previous owner for a period of time; which effectively annulled its legal non-conforming status. As such, the Variance is not economically based or self-imposed. Furthermore, as both adjacent properties are already developed, making an expansion of the lot width through land acquisition improbable, the lot is effectively undevelopable without the Variance being granted.

FINDING: Consistent

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.

Analysis of criteria and finding for Certificate of Appropriateness of Design as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

CRITERION 1: INTEGRITY OF LOCATION

ANALYSIS: The Historic District Design Guidelines *encourages new construction to be compatible with the character of the neighborhood with regard to scale, materials, texture, and color.* The design element of scale *relates to the size of the building components or spaces relative to the human body as well as to the larger context relative to the surrounding buildings, streetscape and environment.* The proposed construction complies with required setbacks and site coverage. The home maintains the pattern of development as intended by the regulations and as manifested in the neighborhood.

FINDING: Consistent.

CRITERION 2: DESIGN

ANALYSIS: The Historic Design Guidelines recommend maintaining *consistent spacing and setbacks and further state new construction should be compatible with existing buildings. Within the context of historic preservation, elements of design such as massing, scale, and rhythm reflect architectural style as well as the richness of the historic district.* The proposal demonstrates a contemporary design that can be found throughout the Lakes District. Furthermore, the Historic Districts richness is derived from the design of the homes being appropriate for the period in which they were constructed. The Applicant is proposing a design that is representative of the current architectural styles of the time. The Applicant has worked with Staff to ensure a design that fits within the setting of the neighborhood.

FINDING: Consistent.

CRITERION 3: SETTING

ANALYSIS: The Historic Design Guidelines states that setting is *relationship of a building to adjacent buildings and the surrounding site environment.* The proposed home meets all applicable setback requirements. The proposed design is similar to that of homes found throughout the Lakes District and maintains the spatial relationship with surrounding properties. Massing plays an important role in determining the character of individual properties, the street, and the surrounding neighborhood. The new construction provides a similar proportion with the existing home and surrounding properties, complying with the Design Guidelines.

FINDING: Consistent.

CRITERION 4: MATERIALS

ANALYSIS: Design Guidelines state materials are *an important part of the fabric of any historic district or property and help to maintain the historic character of the place. Furthermore, materials should be compatible in quality to those that are used in the historic district.* The design on the proposed home utilizes a neutral palette with complimentary design elements and materials such as concrete, glass, metal, wood features, and a paver driveway. Contemporary design elements such as asymmetrical composition, tall narrow windows, and a flat roof design, enhance the massing of the home. The proposed request is consistent with other contemporary home designs within the district. The design is enhanced by a formal landscape plan that further accentuates the design of the home. The proposed elements and materials are consistent with the surrounding neighborhood.

FINDING: Consistent.

CRITERION 5: WORKMANSHIP

ANALYSIS: The proposed design is consistent with current workmanship styles and methods and does not imitate or copy any existing style or period. In addition, the proposal does comply with all regulations and it fits within the neighborhood's character.

FINDING: Consistent.

CRITERION 6: ASSOCIATION

ANALYSIS: Design Guidelines recommend maintaining *consistent spacing and setbacks* and further states *new construction should be compatible with existing buildings...* *Within the context of historic preservation, elements of design such as massing, scale and rhythm reflect architectural style as well as the richness of the historic district.* Meeting all applicable code requirements, the proposed design enhances the surrounding neighborhood, and is consistent with the scale and massing of the adjacent properties and surrounding neighborhood. It is enhanced by a formal landscape plan with the appropriate pervious area. Required parking is accommodated in the driveway.

FINDING: Consistent.

ATTACHMENTS

ATTACHMENT A: Application Package
ATTACHMENT B: Aerial Photograph
ATTACHMENT C: Correspondence