

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

DATE: October 11, 2018 **FILE:** 18-V-38

TO: Planning and Development Board

VIA: Leslie A. Del Monte, Planning Manager

FROM: Julian Gdaniec, Assistant Planner

SUBJECT: West Park Homes LLC requests a Variance to reduce the lot width and lot area requirement for a Single-Family District (RS-6) zoned property at 5725 Wiley Street.

REQUEST:

Variance: To reduce the lot width and lot area requirement for a Single-Family District (RS-6) zoned property.

RECOMMENDATIONS:

Variance: Approval.

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 Historically, the City's position has been that the most recent provision, Section 4.1 (1994) superseded the applicability of 3.8 and 3.9 (1984).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 50 feet, and to reduce the minimum lot size requirement from 6,000 square feet to allow for 5,192 square feet. While the undeveloped lot is an originally legally platted lot, property records indicate that for a period of time prior to October 1986 the subject lot was held in common ownership with the lot to the west (5729 Wiley 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 (5721 Wiley Street and 5729 Wiley Street). The lot at 5721 Wiley Street was never held under common ownership with the subject property; and the existing home at 5729 Wiley Street was constructed in 1988 (according to BCPA records), at which point the lot was no longer under common ownership with the subject property.

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.

SITE INFORMATION

Owner/Applicant:	West Park Homes LLC
Address/Location:	5725 Wiley Street
Size of Property:	5,192 Sq. Ft. (0.119 net acre)
Future Land Use:	Low Residential (LRES)
Present Zoning:	Single-Family Residential (RS-6)
Present Use of Land:	Vacant

ADJACENT ZONING

North:	Low / Medium Intensity Industrial and Manufacturing District (IM-2)
South:	Single-Family Residential District (RS-6)
East:	Single-Family Residential District (RS-6)
West:	Single-Family Residential District (RS-6)

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.

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 lot width requirement from 60 feet to allow for 50 feet; and to reduce the lot area requirement from 6,000 square feet to allow for 5,192 square 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 has a Future Land Use designation of Low Residential. The neighborhood 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.

ATTACHMENTS

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