

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

DATE: December 13, 2018 **FILE:** 18-V-68

TO: Planning and Development Board

VIA: Leslie A. Del Monte, Planning Manager

FROM: Fitz Murphy, Planning Administrator

SUBJECT: 2243-47 Polk Street LLC requests a Variance to the required setbacks for a garage conversion located at 2243-2247 Polk Street (2243-47 Polk).

REQUEST:

Variance to reduce the required side setback from ten feet to five feet; and the rear setback from 20 feet to nine feet, continuing an existing building line.

RECOMMENDATION:

Variance: Approval with a condition that C/C of the site improvements be issued prior to the C/O of any required permits for garage conversion.

BACKGROUND

In 2009, the Applicant, 2243-47 Polk Street LLC, purchased the property located at 2243-2247 Polk Street, which includes three structures; a single family residences to the front, a two-story six unit residential building, and a rear structure originally built as a single family residence with garage which had previously been converted to a unit. Seeking to make overall improvements to the property, the current owner desires to rectify the conversion and legalize the unit. This triggers the variance request for the existing non-conforming setbacks.

REQUEST

The Applicant, 2243-47 Polk Street LLC requests a Variance to reduce the required side setback from ten feet to five feet; and the rear setback from 20 feet to nine feet, continuing an existing building line.

Article 3 of the City of Hollywood Zoning and Land Development Regulations, allows for the extension along the established building line for a legally constructed primary building which exists with setbacks less than those required by current regulations. The Applicant is requesting to continue the existing building line of a non-conforming setback along the rear of the property. The Applicant is also requesting a setback variance to the required side yard. While the rear setback may be processed as an administrative variance; the combined request triggers Board consideration.

Without this variance, the Applicant would not be able to use the garage area as a residential unit and would be required to partially demolish or revert the unit to a garage. 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 use of an existing enclosed building for a more appropriate use within a multi-family development. The Applicant is proposing significant site improvements to adequately accommodate parking and mitigate any impacts resulting from the loss of the garage. **As such, Staff conditions C/C of site improvements be issued prior to C/O of any required permits for the garage conversion.**

SITE INFORMATION

Owner/Applicant:	2243-47 Polk Street LLC
Address/Location:	2243-2247 Polk Street
Net Size of Property:	20,500 sq. ft. (0.47 acres)
Land Use:	Regional Activity Center (RAC)
Zoning:	Dixie Highway Medium Intensity Multi-Family District (DH-2)
Existing Use of Land:	Multi-family
Year Built:	1956 (Broward County Property Appraiser)

ADJACENT LAND USE

North:	Regional Activity Center (RAC)
South:	Regional Activity Center (RAC)
East:	Regional Activity Center (RAC)
West:	Regional Activity Center (RAC)

ADJACENT ZONING

North:	Dixie Highway Medium Intensity Multi-Family District (DH-2)
South:	Dixie Highway Medium Intensity Multi-Family District (DH-2)
East:	Dixie Highway Medium Intensity Multi-Family District (DH-2)
West:	Transitional Core (TC-1)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Located within the Regional Activity Center 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*. The intent of the Regional Activity Center Land Use designation is to *encourage redevelopment or development of areas that are regionally significant. The major purposes of this designation are to facilitate multi-use and mixed-use development, encourage mass transit, reduce the need of automobile travel, provide incentives for quality development, and give definition to the urban form*. Development of this site enhances the neighborhood, encourages redevelopment of the area, and provides a model for new development within the Regional Activity Center. The project is consistent with the Comprehensive Plan based on the following Objectives:

Objective 4: *Maintain and enhance neighborhoods, business, utilities, industrial and tourist areas that are not blighted.*

Objective 6: *Encourage multi-use areas and mixed uses concentrations of density near existing or planned major employment centers and major transportation routes in order to promote energy conservation and mass transit, preserve air quality, reduce the cost of services, encourage affordable housing, and promote economic development.*

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN:

The project is located in Sub-Area 2, 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 neighborhoods of Parkside, Royal Poinciana and Hollywood Lakes. 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.*

Policy CW.44: *Foster economic development through creative land use, zoning and development regulations, City services and City policies.*

Policy 6.7: *Prepare design plans to enhance the streetscape with emphasis on the pedestrian environment.*

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: **To reduce the required side setback from ten feet to five feet; and the rear setback from 20 feet to nine feet, continuing an existing building line.**

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: While the rear setback may have been processed as an administrative variance; the combined request triggers Board consideration. Although requesting variance to reduce the setback, the existing converted garage will not encroach into the setback further than the original garage. Additionally, it will not negatively impact the appearance of the City but rather fit in with the adjacent properties as they are also at similar setbacks. Additionally, the Applicant is proposing significant site improvements to adequately accommodate parking and mitigate any impacts resulting from the loss of the garage. **As such, Staff conditions C/C of site improvements be issued prior to C/O of any required permits for the garage conversion.**

FINDING: Consistent, with aforementioned condition.

CRITERION 2: That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

ANALYSIS: This variance would not be detrimental to the community as many structures along Polk Street are at reduced setbacks. Furthermore, the variance in no way changes the permitted uses and maintains compatibility with the surrounding land use. The proposed garage conversion is low in scale, and located to the rear of the property and does not take away from the relationship between the pedestrian and the built environment at the reduced setback.

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, the applicable Neighborhood Plan and all other similar plans adopted by the City.

ANALYSIS: The City of Hollywood Comprehensive Plan states as a Goal in the Land Use Element, "Promote a distribution of land uses that will enhance residential communities while allowing land owners to maximize the use of their property." Seeking to make overall improvements to the property, the current owner desires to rectify the conversion.. The Variance is consistent with this criterion as it will allow the owner to maximize use of the property.

FINDING: Consistent.

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

ANALYSIS: The existing rear and side setbacks, as demonstrated in the survey, are original to the structure and not a circumstance that was created by the Applicant. Therefore the request is not economically based or self-imposed.

FINDING: Consistent.

CRITERION 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