

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

DATE: April 11, 2019 **FILE:** 19-V-07

TO: Planning and Development Board

VIA: Leslie A. Del Monte, Planning Manager

FROM: Carmen Diaz, Associate Planner

SUBJECT: Gary and Beth Hopen request a Variance to reduce the required side yard setback for an addition to a Single Family home.

REQUEST

Variance to reduce the required side yard setback from a minimum of 12.5 feet (25% cumulative) to a minimum of 7.5 feet (15% cumulative).

RECOMMENDATION

Variance: Approval with the condition of

- a. Prior to the issuance of a Building Permit, the Applicant shall submit a Deed Restriction in a form acceptable to the City Attorney, acknowledging the specific limitation as to the number of lawful dwelling units and declaring an intent to comply with such limitations, as well as advising any successor in interest of such binding limitations; and prior to the issuance of a Certificate of Completion (C/C) or Certificate of Occupancy (C/O), the City shall record the Deed Restriction in the Public Records of Broward County, Florida.

REQUEST

The request today is to reduce the side yard setback from a minimum of 12.5 feet (25% cumulative) to a minimum of 7.5 feet (15% cumulative). Current code regulations require that the side yard setback be at least the sum of the 25 percent of the lot width, but not to exceed 50 feet with no side yard less than 7.5 feet, however the proposed addition is providing approximately 7.5 feet on both sides. Due to existing site constraints, the proposed addition could not be accommodated on site at the required setback without extensive demolition of the existing structures.

The Applicant has worked with staff to minimize the request and help reduce the non-conformities on site, while still accommodating their needs; including purchasing an additional piece of land to comply with the required rear yard setback.

The proposed addition is low in scale and is located on the side and rear of the house. It is almost imperceptible from the right of way. Furthermore, the Variance is consistent with the criteria as it will allow the owner to maximize use of the property without creating a negative impact on the community.

Owner/Applicant:	Gary and Beth Hopen
Address/Location:	2821 Palmer Drive
Net Area of Property:	16,014 square foot (0.367 acres)
Land Use:	Low Residential (LRES)
Zoning:	Single Family District (RS-7)
Existing Use of Land:	Residential

ADJACENT LAND USE

North:	Low Residential (LRES)
South:	Low Residential (LRES)
East:	Open Space Recreation (OSR)
West:	Low Residential (LRES)

ADJACENT ZONING

North:	Single Family District (RS-7)
South:	Single Family District (RS-7)
East:	Country Club District (CC)
West:	Single Family District (RS-7)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Located within the Low Residential land use the subject site is surrounded by mostly 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 proposed variance will not conflict with the goals and objectives of the Comprehensive Plan and is consistent based in the following:

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 7, North Hollywood, is defined by 56th Avenue to the west, I-95 to the east, Sheridan Street to the south and SR84 and Broward County Unincorporated areas to the north. This area of North Hollywood is comprised of very distinct areas, Emerald Hills, Hollywood Oaks, Mapleridge, Oakridge, and Arapahoe subdivision, which could be broken down further into sub-sectors of activity. The proposed request is consistent with City-Wide Master Plan based upon the following:

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.*

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 yard setback for an addition from 25 percent lot width to 15 percent.

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: Although requesting variance to reduce the cumulative setback, the proposed building addition will be setback as the individual side minimum required per Article 4.1 from the Zoning and Land Development Code for a Single Family District. 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.

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: This variance would not be detrimental to the community as many structures in Emerald Hills have similar setbacks. Furthermore, the variance in no way changes the permitted uses of the land use and maintains compatibility with the surrounding land use. The proposed addition is low in scale and located in the rear and side of the property. It does not take away from the relationship between the street 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."* The owner is seeking a Variance for the side yard setback in order to expand his residence without requiring extensive demolition of existing structures on the property. 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 request is not economically based or self-imposed as existing site constraints do not allow the proposed addition to meet required setbacks.

FINDING: Consistent.

CRITERION 5: That the Variance is necessary to comply with State of 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