

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

**DATE:** June 13, 2019 **FILE:** 19-V-18

**TO:** Planning and Development Board

**VIA:** Leslie A. Del Monte, Planning Manager

**FROM:** Carmen Diaz, Associate Planner

**SUBJECT:** MS Auto Sales LLC, requests a Variance to reduce the required front setback for a commercial building located at 1650 N. State Road 7.

**REQUEST**

Variance to reduce the required front setback for a commercial building from 10 feet to 0 feet.

**RECOMMENDATION**

Variance: Approval.

**BACKGROUND**

The Applicant submitted a building permit in 2016. Since then he has tried to work with Staff to comply with Code requirements. The Applicant has proposed a building where his business can work, but since the property is limited in size, the building area had to be reduced. The shape and reduction of the site during the expansion of US 441/SR 7 Corridor has caused the Applicant hardship to build a structure that complies with all Zoning and Land Development Regulations.

**REQUEST**

The request today is to reduce the front setback for a commercial building from a minimum of 10 feet to 0 feet. Current code regulations require that the front setback for a commercial building be at least 10 feet with a maximum setback of 30 feet facing State Road 7, and 10 feet on any other frontage. Due to existing site constraints and other Code requirements, the proposed building could not be accommodated on site at the required setback without losing some significant building area.

The subject property is 4,771 square feet. Due to Engineering, Landscape, Utilities, and Zoning requirements, the Applicant can only build 20 percent of the site. The proposed variance will allow the Applicant to build 24 percent of the site to accommodate two small buildings. One building will have the sales area and the other building will have the service and storage areas. The proposed use complies with the new zoning district uses. It also maintains the commercial building profile of State Road 7. 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:** MS Auto Sales LLC  
**Address/Location:** 1650 N. State Road 7  
**Net Area of Property:** 4,103 square foot  
**Land Use:** TOC (Transit Oriented Corridor)  
**Zoning:** SR-7 Central Mixed Use District (CMU-SR7)  
**Existing Use of Land:** Commercial

#### **ADJACENT LAND USE**

**North:** Transit Oriented Corridor (TOC)  
**South:** Transit Oriented Corridor (TOC)  
**East:** Transit Oriented Corridor (TOC)  
**West:** Transit Oriented Corridor (TOC)

#### **ADJACENT ZONING**

**North:** SR-7 Central Mixed Use District (CMU-SR7)  
**South:** SR-7 Central Mixed Use District (CMU-SR7)  
**East:** SR-7 Central Mixed Use District (CMU-SR7)  
**West:** Open Space (OS)

#### **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

Located within the Transit Oriented Corridor land use, the subject site is surrounded by mostly commercial 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:

***Policy 2.2.11:*** *Promote the development of US 441/SR 7 as a major transit corridor.*

***Policy 3.1.1:*** *Continue to prioritize US 441/SR 7 Corridor for redevelopment opportunities and work with the Florida Department of Transportation and other applicable agencies on design of the highway, and create innovative zoning to implement future plans.*

#### **CONSISTENCY WITH THE CITY-WIDE MASTER PLAN**

The City-Wide Master Plan recognized the need for a mix of uses along the corridors and identifies the US 441/SR 7 Corridor as a special emphasis area of high importance for the development of the City and its image. The guiding principle of the City-Wide Master Plan is to *attract and retain businesses that will increase economic opportunities for the City while enhancing the quality of life for residents*. The proposed request is consistent with City-Wide Master Plan based upon the following:

**Policy CW.46:** *Place emphasis on redevelopment along the major highway corridors; SR 7, US1, Dixie Highway, Hollywood Boulevard and A-1-A by limiting expansion of residential areas, and deepening industrial and commercial zones to increase tax revenues.*

## **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 front setback for a commercial building located at 1650 N. State Road 7.

**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:** Requesting the Variance to reduce the setback allows the Applicant to propose two buildings occupying 24 percent of the total site. The shape and reduction of the site during the expansion of US 441/SR 7 Corridor has caused the Applicant hardship to build a structure that can comply with all Zoning and Land Development Regulations. This variance request will not negatively impact the appearance of the City but rather fit in with the adjacent commercial properties.

**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. Furthermore, the variance in no way changes the permitted uses of the land use and maintains compatibility with the surrounding land use. The proposed two buildings are located in the front of the property. They do not take away from the relationship between the street and the built environment at the reduced setback. The two buildings are of small scale and provide the parking area behind the buildings as Code requires.

**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, business, resort and natural communities while allowing land owners to maximize the use of their property."* The owner is seeking a Variance to enhance the property and make overall improvements to the site. 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 buildings 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