

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

DATE: September 12, 2019 **FILE:** 19-V-12

TO: Planning and Development Board

VIA: Leslie A. Del Monte, Planning Manager

FROM: Fitz Murphy, Planning Administrator

SUBJECT: Kurt Dannwolf requests a Variance to the required setbacks for a detached garage addition located at 5401 Jefferson Street (5401 Jefferson).

REQUEST:

Variance to reduce the sum of the required side setback from twenty five percent (18.75 feet) to twenty three percent (17.25 feet); and the rear setback from 20 feet to 10 feet.

RECOMMENDATION:

Variance: Approval with the following conditions:

- (a) the Applicant shall submit signed and sealed tree survey, tree disposition plan and landscape plan providing mitigation for any trees to be removed, prior to the issuance of a Building Permit. If any trees are to be removed a Tree Removal Permit shall also be required.
- (b) the Applicant shall file in the public records of Broward County, a deed restriction in a form acceptable to the city acknowledging the specific limitation as to the number of lawful dwelling units and the use of the detached structure to garage only, and declaring an intent to comply with such limitations and limiting, as well as advising any successor in interest of such binding limitations, prior to the issuance of a Building Permit.

REQUEST

The Applicant, Kurt Dannwolf, requests a Variance to reduce the sum of the required side setback from twenty five percent (18.75 feet) to twenty three percent (17.25 feet); and the rear setback from 20 feet to 10 feet.

Without this variance, the Applicant would not be able to construct a detached garage due to the existing pool and mature landscape. 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. As

justification the Variance, the Applicant points to the existence of three mature palm trees on the site that limit the construction of the garage within the rear yard. As such, and in order to ensure the maintenance of these mature trees, **Staff conditions that the Applicant shall submit signed and sealed tree survey, tree disposition plan and landscape plan providing mitigation for any trees to be removed prior to the issuance of a Building Permit. If any trees are to be removed a Tree Removal Permit shall also be required.** Due to the unconventional shape of the garage, staff also conditions that **the Applicant file in the public records of Broward County, a deed restriction in a form acceptable to the city acknowledging the specific limitation as to the number of lawful dwelling units and the use of the detached structure to garage only, and declaring an intent to comply with such limitations and limiting, as well as advising any successor in interest of such binding limitations, prior to the issuance of a Building Permit.**

SITE INFORMATION

Owner/Applicant:	Kurt Dannwolf
Address/Location:	5401 Jefferson Street
Net Size of Property:	10,125 sq. ft. (0.23 acres)
Land Use:	Low Residential (LRES)
Zoning:	Single-Family Residential (RS-5)
Existing Use of Land:	Single-family
Year Built:	1965 (Broward County Property Appraiser)

ADJACENT LAND USE

North:	Low Residential (LRES)
South:	Low Residential (LRES)
East:	Low Residential (LRES)
West:	Low Residential (LRES)

ADJACENT ZONING

North:	Single-Family Residential (RS-5)
South:	Single-Family Residential (RS-5)
East:	Single-Family Residential (RS-5)
West:	Single-Family Residential (RS-5)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Located within the Low Residential land use, the subject site is surrounded by single family homes. 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.* Development of this site enhances the character of the neighborhood, and encourages redevelopment of the area. 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 lighted.*

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 6, defined by I-95 to the east, Pembroke Road to the south, Sheridan Street to the north and 56th Avenue to the west. This area includes the residential neighborhoods of Hollywood Hills, Park East and Hillcrest. 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 CW.85: *Prohibit new accessory housing in single-family neighborhoods.*

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 sum of the required side setback from twenty five percent (18.75 feet) to twenty three percent (17.25 feet); and the rear setback from 20 feet to 10 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: Although requesting variance to reduce the side setback, the proposed detached garage will not encroach into the setback further than the minimum required side setback. Additionally, it will not negatively impact the appearance of the City as the required rear setback is not visible from the street. To ensure that the garage cannot be converted to an accessory housing in the future, **Staff conditions the Applicant file in the public records of Broward County, a deed restriction in a form acceptable to the city acknowledging the specific limitation as to the number of lawful dwelling units and the use of the detached structure to garage only, and declaring an intent to comply with such limitations and limiting, as well as advising any successor in interest of such binding limitations, prior to the issuance of a Building Permit.**

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 the variance in no way changes the permitted uses and maintains compatibility with the surrounding land use. The proposed garage 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. On the contrary the garage reducing the amount to vehicle utilizing the primary streetscape and enhances the pedestrian environment.

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 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 proposed rear and side setbacks, as demonstrated in the site plan, are a result of the existing pool and mature landscape and not a circumstance created by the Applicant, therefore the request is not economically based or self-imposed. As justification to the Variance, the Applicant points to the existence of three mature palm trees on site that limit the construction of the garage within the rear yard. As such, and in order to ensure the maintenance of these mature trees, **Staff conditions that the Applicant shall submit signed and sealed tree survey, tree disposition plan and landscape plan providing mitigation for any trees to be removed prior to the issuance of a Building Permit. If any trees are to be removed a Tree Removal Permit shall also be required.**

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