

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

**DATE:** July 23, 2020 **FILE:** 20-V-25

**TO:** Historic Preservation Board

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

**FROM:** Deandrea Moise, Planning Administrator

**SUBJECT:** Angela Kelsey requests a variance to increase the permitted fence height for a single-family home located at 840 S. Southlake Drive.

**REQUEST:**

Variance to increase the permitted fence height from six feet to eight feet for a single-family home.

**RECOMMENDATION:**

Denial

**REQUEST**

The subject property, located at 840 S. Southlake Drive, is within a Single Family Residential District. The current request is for a Variance to increase the permitted height of the fence from six feet to eight feet in the rear yard. The portion of the fence along the rear property line was constructed without a permit and received a notice of violation. While the Applicant later submitted for a permit, the permit was later disapproved as the fence exceeds the permitted height in that district. The Applicant purports that the additional height is necessary for “added privacy and security of the single family home’s back yard from being accessed by the general public.”

Pursuant to Section 155.12 of the Code of Ordinances, residentially zoned districts are permitted to construct a fence up to six feet in height in the rear yard. Rear fences are only permitted up to eight feet in non-residential zoning districts (commercial, industrial, etc...) or when the rear yard of the residential property is adjacent to a non-residential zoning district. In this case, the property is residentially zoned and the rear yard is not adjacent to a non-residentially zoned property. While the fence height may be limited to six feet in the rear yard for all residential zoning districts, bushes and hedges are permitted to exceed that. Furthermore, the regulations do allow for ornamental features to extend up to two additional feet provided that the ornamental features are a minimum of eight feet. The City’s regulations are comparable with other neighboring cities, and should there be need to increase the height for residential properties city-wide, it would require a text amendment to be considered by the City Commission.

Staff does not find the request consistent with the criteria for a variance, as there are other alternatives that could meet the Applicant’s desire for additional privacy and security that are permitted within the parameters

of the regulations that preserve the single-family character of the neighborhood.

#### **SITE INFORMATION**

<b>Owner/Applicant:</b>	Angela Kelsey
<b>Address/Location:</b>	840 S. Southlake Drive
<b>Net Size of Property:</b>	12,500 sq. ft. (0.29 acres)
<b>Land Use:</b>	Low Residential (LRES)
<b>Zoning:</b>	Single-Family Residential (RS-6) Lakes Area Multiple Resource Listing District (HMPRL0D-1)
<b>Existing Use of Land:</b>	Single Family Residence
<b>Year Built:</b>	1963 (Broward County Property Appraiser)

#### **ADJACENT ZONING**

<b>North:</b>	Government Use (GU)
<b>South:</b>	Single-Family Residential District (RS-6) Lakes Area Multiple Resource Listing District (HMPRL0D-1)
<b>East:</b>	Single-Family Residential District (RS-6) Lakes Area Multiple Resource Listing District (HMPRL0D-1)
<b>West:</b>	Single-Family Residential District (RS-6) Lakes Area Multiple Resource Listing District (HMPRL0D-1)

#### **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.*

The requested Variance requires that non-residentially zoned allowances be applied to a single family residential property. This does not enhance the residential community where the subject property is located. There are other possible alternatives that would allow the Applicant to maximize the use of their property while meeting the intent of the regulations and Comprehensive Plan.

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

The City-Wide Master Plan (CWMP) places a priority on protecting, preserving and enhancing residential neighborhoods. It addresses the need for strict design controls to maintain the individual character of each neighborhood. The proposed Variance is inconsistent with the City-Wide Master Plan, based upon the following Guiding Principles and Policies as the requested height discourages the single family character of the neighborhood.

***Policy CW.15:*** *Place a priority on protecting, preserving and enhancing residential neighborhoods.*

#### **CONSISTENCY WITH THE HOLLYWOOD LAKES NEIGHBORHOOD PLAN**

The Hollywood Lakes Neighborhood Plan seeks to maintain and preserve the character and integrity of the existing residential community by protecting historical areas. It also seeks to eliminate the encroachment of negative residential uses.

The regulations are clear in that eight feet is permitted only for non-residentially zoned properties, or properties that are adjacent to non-residentially zoned properties. There are other alternatives that could meet the Applicant's desire for additional privacy and security that are permitted within the parameters of the regulations and that preserve the single-family character of the neighborhood.

#### **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 1:** To increase the permitted fence height from six feet to eight feet for a single-family home.

**CRITERIA 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 Variance does not maintain the basic intent of the regulations, as the regulations clearly state that eight feet is only permitted for non-residentially zoned properties or properties that are adjacent to non-residentially zoned properties. The subject property does not meet any of the referenced conditions. Residentially zoned properties are limited to six feet in order to maintain the character of residential areas.

**FINDING:** Inconsistent.

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

**ANALYSIS:** While the single-family use is consistent with the surrounding land uses, the fence is not consistent with what is permitted for residential land uses. There are other alternatives that could meet the Applicant's desires that would be consistent with regulations set forth for residential land uses and uses.

**FINDING:** Inconsistent.

**CRITERIA 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 Comprehensive Plan and Lakes Neighborhood Plan call for residential communities to be protected and maintain their character. The requested variance requires that non-residentially zoned allowances be applied to a single family property which would be in conflict with those plans. Additionally, as there are other possible alternatives that are code compliant, this variance would not be necessary.

**FINDING:** Inconsistent.

**CRITERIA 4:** That the need for the requested Variance is not economically based or self-imposed;

**FINDING:** The Variance is self-imposed as there are other alternatives that could meet the Applicant's desire for additional privacy and security that are permitted within the parameters of the

regulations that preserve the single-family character of the neighborhood.

**FINDING:** Inconsistent.

**CRITERIA 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: Aerial Photograph