

# ATTACHMENT A

## Application Package

## PLANNING DIVISION



2600 Hollywood Boulevard Room 315  
Hollywood, FL 33022

File No. (internal use only): \_\_\_\_\_

# GENERAL APPLICATION



Tel: (954) 921-3471

Fax: (954) 921-3347

This application must be completed in full and submitted with all documents to be placed on a Board or Committee's agenda.

The applicant is responsible for obtaining the appropriate checklist for each type of application.

Applicant(s) or their authorized legal agent must be present at all Board or Committee meetings.

At least one set of the submitted plans for each application must be signed and sealed (i.e. Architect or Engineer).

Documents and forms can be accessed on the City's website at

<http://www.hollywoodfl.org/DocumentCenter/Home/View/21>



### APPLICATION TYPE (CHECK ONE):

- ☐ Technical Advisory Committee ☐ Historic Preservation Board  
☐ City Commission ☒ Planning and Development Board

Date of Application: \_\_\_\_\_

Location Address: 840 S. Southlake Drive

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_ Subdivision: \_\_\_\_\_

Folio Number(s): 514214025140

Zoning Classification: RS-6 Land Use Classification: Low Residential

Existing Property Use: Single Family Sq Ft/Number of Units: 4,875 sf

Is the request the result of a violation notice? (x) Yes ( ) No If yes, attach a copy of violation.

Has this property been presented to the City before? If yes, check all that apply and provide File Number(s) and Resolution(s): No

- ☐ Economic Roundtable ☐ Technical Advisory Committee ☐ Historic Preservation Board  
☐ City Commission ☐ Planning and Development

Explanation of Request: Variance from Section 155.12(A(1)(c) re fence height

Number of units/rooms: \_\_\_\_\_ Sq Ft: \_\_\_\_\_

Value of Improvement: \_\_\_\_\_ Estimated Date of Completion: \_\_\_\_\_

Will Project be Phased? ( ) Yes ( ) No If Phased, Estimated Completion of Each Phase \_\_\_\_\_

Name of Current Property Owner: Angela Kelsey

Address of Property Owner: 840 S. Southlake Drive

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email Address: \_\_\_\_\_

Name of Consultant/Representative/Tenant (circle one): Gregory McAloon, Esq.

Address: 110 SE 6th Street, #1500, Fort Lauderdale, FL 33301 Telephone: 954-765-2920

Fax: \_\_\_\_\_ Email Address: gmc@trippscott.com

Date of Purchase: \_\_\_\_\_ Is there an option to purchase the Property? Yes ( ) No (x)

If Yes, Attach Copy of the Contract.

List Anyone Else Who Should Receive Notice of the Hearing: Wilson C. Atkinson, Esq.

Address: 110 SE 6th Street, #1500

Fort Lauderdale, FL 33301 Email Address: wca@trippscott.com

# PLANNING DIVISION



File No. (internal use only): \_\_\_\_\_

2600 Hollywood Boulevard Room 315  
Hollywood, FL 33022

## GENERAL APPLICATION

### CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

The applicant/owner(s) signature certifies that he/she has been made aware of the criteria, regulations and guidelines applicable to the request. This information can be obtained in Room 315 of City Hall or on our website at [www.hollywoodfl.org](http://www.hollywoodfl.org). The owner(s) further certifies that when required by applicable law, including but not limited to the City's Zoning and Land Development Regulations, they will post the site with a sign provided by the Office of Planning and Development Services. The owner(s) will photograph the sign the day of posting and submit photographs to the Office of Planning and Development Services as required by applicable law. Failure to post the sign will result in violation of State and Municipal Notification Requirements and Laws.

(I)(We) certify that (I) (we) understand and will comply with the provisions and regulations of the City's Zoning and Land Development Regulations, Design Guidelines, Design Guidelines for Historic Properties and City's Comprehensive Plan as they apply to this project. (I)(We) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my)(our) knowledge. (I)(We) understand that the application and attachments become part of the official public records of the City and are not returnable.

Signature of Current Owner: \_\_\_\_\_

Date: 03/04/2020

PRINT NAME: Angela Kelsey

Date: \_\_\_\_\_

Signature of Consultant/Representative: \_\_\_\_\_

Date: 3/05/2020

PRINT NAME: Gregory McAloon

Date: \_\_\_\_\_

Signature of Tenant: \_\_\_\_\_

Date: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

Date: \_\_\_\_\_

#### Current Owner Power of Attorney

I am the current owner of the described real property and that I am aware of the nature and effect the request for a variance to my property, which is hereby made by me or I am hereby authorizing Gregory McAloon to be my legal representative before the Board (Board and/or Committee) relative to all matters concerning this application.

Sworn to and subscribed before me

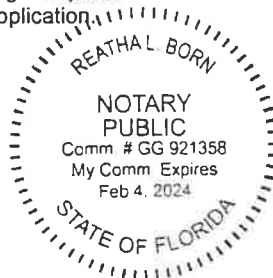
this 4<sup>th</sup> day of March, 2020

Reatha L Born

Notary Public

State of Florida

My Commission Expires: 2-4-24 (Check One) ☒ Personally known to me; OR ☐ Produced Identification \_\_\_\_\_



Signature of Current Owner

Print Name

Angela M Kelsey



Gregory A. McAloon, Esq.  
Direct Dial: 954-765-2920  
Email: [gmc@trippscott.com](mailto:gmc@trippscott.com)

May 4, 2020

**VIA EMAIL**

DEVELOPMENT REVIEW COMMITTEE  
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT  
DIVISION OF PLANNING AND URBAN DESIGN  
CITY OF HOLLYWOOD  
2600 HOLLYWOOD BOULEVARD  
HOLLYWOOD, FL 33020

**Re: 840 S SOUTHLAKE DRIVE – Variance Justification Narrative**

Dear Development Review Committee:

This firm represents Angela Kelsey (the “Applicant”), as Owner and Applicant of the real property located at 840 S Southlake Drive, Hollywood, FL 33019 (the “Property”), Folio No. 5142-14-02-5140. Applicant hereby requests approval of a variance from the maximum rear yard fence height in a residential district as provided in §155.12(A)(1)(c), City of Hollywood Zoning and Land Development Regulations, to accommodate an eight foot (8') fence to an existing single-family house. *See rear yard fence for 840 S Southlake Drive attached as Exhibit A.* Please see a detailed summary below.

**I. Project Description**

The Property is zoned single-family RS-6 with an underlying land use of Low Residential. The parcel is approximately 0.287 acres (12,505 square feet). The plat was recorded around 1923, Plat Book 1 / Page 32 in the public records of Broward County. The original single-family house was built in 1963 according to Broward County Property Appraiser records, with site improvements conducted throughout the years.

Applicant proposes a variance from §155.12(A)(1)(c), City of Hollywood Zoning and Land Development Regulations to accommodate an already constructed eight foot (8') fence in the rear yard of the Property. This variance request arose due to a neighbor complaint, which resulted in a Notice of Violation issued by the City of Hollywood, Case No. V19-12890. *See Notice of Violation attached as Exhibit B.* Subsequent to the Notice of Violation, Applicant submitted for a permit to accommodate the extended fence height, Permit No. B19-106693. While in permitting, it was determined this matter needed to obtain a variance to accommodate the additional two feet (2') in height for the rear yard fence. As such, Applicant now submits this variance application and associated justification narrative demonstrating the applicable variance criteria is met. Applicant respectfully requests approval of this variance request from the rear yard fence height requirement to accommodate an additional two feet (2') in fence height.

110 Southeast Sixth Street, Fifteenth Floor • Fort Lauderdale, Florida 33301  
Post Office Box 14245 • Fort Lauderdale, Florida 33302  
Tel 954.525.7500 • Fax 954.761.8475 • [www.trippscott.com](http://www.trippscott.com)

Fort Lauderdale • Boca Raton • Tallahassee

## **II. Variance Criteria**

### **a. 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; and**

The requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City. Height is defined as the vertical distance from the established grade of the plot upon which it is located to the highest point. Multiple other properties within the same zoning district contain an elevated fence which surpasses the six foot (6') rear yard threshold from the established grade. These properties surpass the six foot (6') maximum height from the established grade as they are built on an elevated surface. Photographs of the other properties in the Hollywood Lakes neighborhood with fences greater than six feet (6') in height from the established grade have been attached as Exhibit C.

The additional two feet (2') in fence height maintains the privacy and security of the Property. The rear yard fence abuts an alley which is classified as public right-of-way, meaning the general public can traverse the rear yard of the Property. Furthermore, the pool on the Property is constructed at a higher elevation than the established grade of the alley. The additional two feet (2') in fence height assists in maintaining the privacy and security of Applicant's Property.

Additionally, the City of Hollywood Land Development Regulations permits a rear yard fence height of eight feet (8') in non-residential districts. Because the eight foot (8') fence height is contemplated in other zoning districts, the requested variance maintains the intent of the subject regulations.

This variance request only pertains to the maximum rear yard fence height, and all other aspects of the Property comply with the applicable regulations. The stability and appearance of the City are maintained with this variance request as other properties in the Hollywood Lakes neighborhood contain a fence height greater than six feet (6') from the established grade. Furthermore, the land development regulations contemplate an eight foot (8') rear yard fence height in other zoning districts.

### **b. That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community; and**

The variance is compatible with the surrounding land uses and is not detrimental to the community. Fences are permitted on single-family RS-6 zoned properties provided that the structure meets the maximum height requirements. Applicant proposes fence that is two feet (2') taller than the maximum height for residential districts as contained within the City of Hollywood Land Development Regulations. Multiple other properties in the Hollywood Lakes neighborhood have fences that are greater than six feet (6') when measured from the established grade.

The proposed fence adequately screens surrounding neighbors from viewing the pool and associated backyard. As mentioned, the difference in elevation between the pool and the established grade in the alley has reduced the effectiveness of the six foot (6') fence. Applicant had to construct the new fence with the additional height in order to maintain the privacy and security of the home. Privacy and security are of utmost importance for single family and low residential



neighborhoods. Therefore, the requested variance is compatible with the surrounding land uses, fulfills the intent of single family neighborhoods, and is not detrimental to the community.

- c. 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; and**

The variance is consistent with and in furtherance of the Goals, Objective, and Policies of the adopted Comprehensive Plan and applicable City-Wide Master Plan. The Property is located in Hollywood Lakes, which is in Sub-Area 2 of the City of Hollywood City-Wide Master Plan. Hollywood Lakes is comprised of predominately residential uses, with the Property located in the single-family district. According to the City of Hollywood City-Wide Master Plan, the single-family areas east of Federal Highway have expressed an interest in preserving the existing housing stock. These areas are somewhat buffered from commercial activities due to the transitional multi-family uses. However the areas west of Federal Highway are still permeable to the adverse impacts from cut-through traffic and crime.

Hollywood Lakes has experienced an increase in activity due to the recent development in the area. Foremost is the expanded use of short-term rentals in the community. The short-term rentals in Hollywood Lakes has created more activity in the single-family neighborhood. Tourists and renters have frequented the area east of Federal Highway, creating more pedestrian traffic. Applicant is seeking to preserve the security and privacy of the single-family neighborhood by creating a fence which shields the backyard activity from the general public. As mentioned above, the rear alley is a public right-of-way which anyone can traverse. The increase in fence height assists in shielding the backyard from view to the general public and protects the privacy and security of the single family home. This objective meets Policy 4.9 of the City of Hollywood Comprehensive Plan by placing a priority on protecting, preserving, and enhancing residential neighborhoods. Furthermore, the City of Hollywood City-Wide Master Plan states that Sub-Area 2 should maintain the individual character of each of the neighborhoods.

Additionally, the City of Hollywood Comprehensive Plan seeks to take into account rising sea levels. Multiple other properties in the area have constructed an elevated surface, which their fence then sits on top. This elevated surface assists in combatting rising sea levels. Applicant's pool is constructed at an elevated surface when compared to the established grade of the alley.

Due to the changing nature of the area, in combination with the City's desire to maintain and preserve single-family neighborhoods, the proposed variance is consistent with the City of Hollywood Comprehensive Plan and the City-Wide Master Plan.

- d. That the need for the requested Variance is not economically based or self-imposed; or**

The need for the requested variance is not economically based or self-imposed. The proposed maximum height for the fence is the only configuration which maintains the privacy and security of the single family home's back yard from being accessed by the general public.

The variance requests the minimum variance necessary in order to maintain the privacy and security of the single family home.

- e. That the variance is necessary to comply with State or Federal Law and is the minimum Variance necessary to comply with the applicable law.

Not applicable.

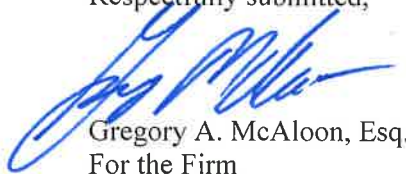
### III. Conclusion

Approval of this variance request will accommodate an already constructed fence in the rear yard of a residential zoning district at eight feet (8') in height. Multiple other properties within the Hollywood Lakes neighborhood also possess a rear fence at a height greater than six feet (6') from the established grade. The height provided is the minimum height which effectively shields and protects the general public from viewing and encroaching upon the pool and abutting decking contained on the Property. This variance request is in conformance with the surrounding area, furthers the goals and policies of the City of Hollywood, and seamlessly fits into the character of the community.

Applicant requests approval of the variance from the rear yard maximum fence height contained in §155.12(A)(1)(c), City of Hollywood Zoning and Land Development Regulations to accommodate an already constructed eight foot (8') fence in the rear yard of the Property.

If we can provide any additional information, or if you have any questions, please do not hesitate to contact the firm.

Respectfully submitted,



Gregory A. McAloon, Esq.  
For the Firm

## Exhibit A





**(2) 840 S Southlake Drive-alley  
New Fence**

# FENCE LAYOUT

840 S. SOUTHLAKE DR.  
HOLLYWOOD, FLORIDA

## DRAWING INDEX:

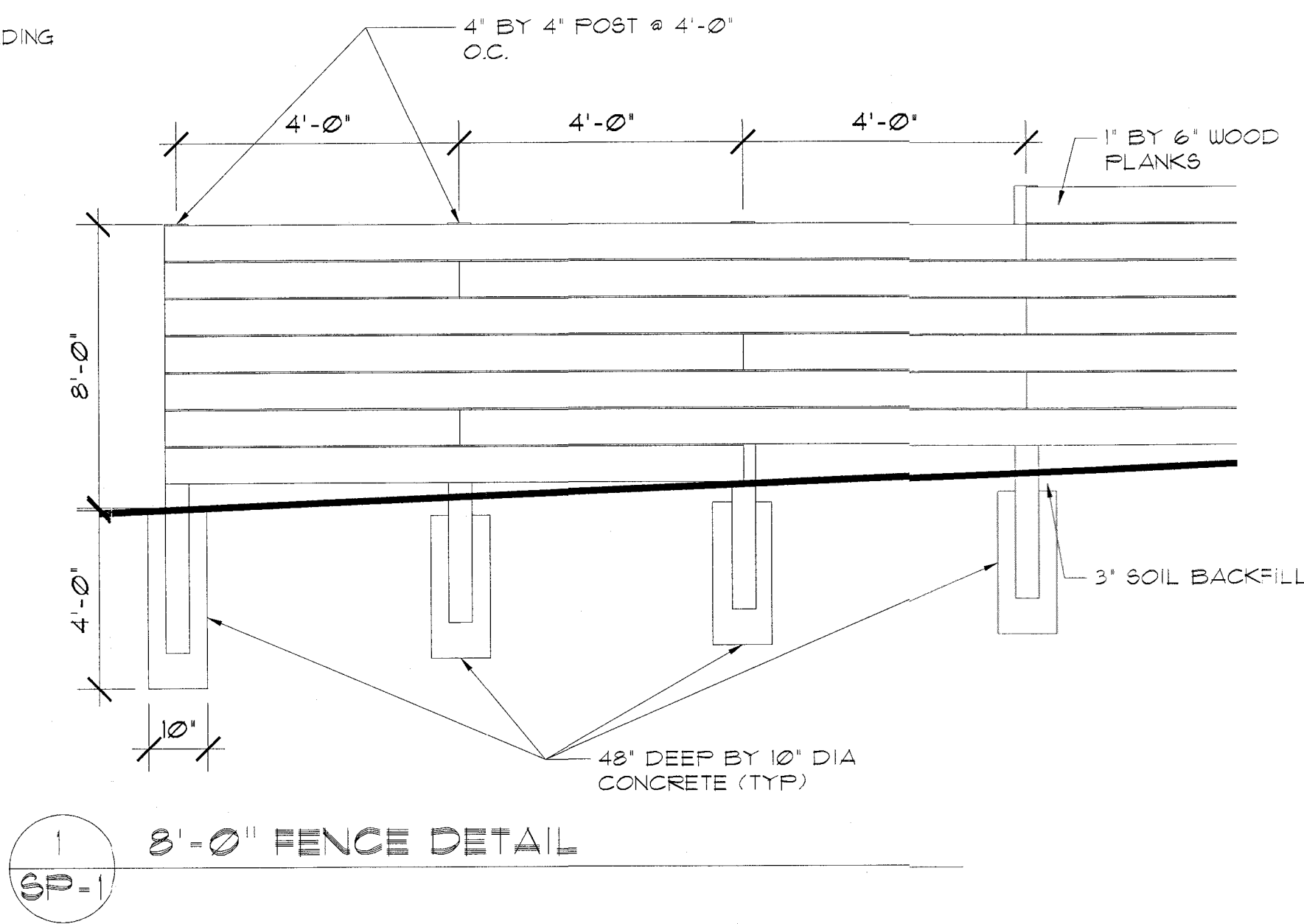
FENCE LAYOUT SP-1

### LEGAL DESCRIPTION

LOT 35 & 36, BLOCK 78  
HOLLYWOOD LAKES SECTION  
PLAT BOOK 1, PAGE 32  
BROWARD COUNTY, FL.

### GENERAL NOTES:

- CONSTRUCTION SHALL FOLLOW FLORIDA RESIDENTIAL BUILDING CODE-2014 ED.; AS ADOPTED BY THE COUNTY AS APPLICABLE AND ALL APPLICABLE AMENDMENTS.
- BUILDER SHALL COORDINATE ALL THE WORK OF ALL THE TRADES.
- BUILDER SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT JOB SITE PRIOR TO STARTING ANY WORK AND NOTIFY ARCHITECT IN WRITING IMMEDIATELY OF ANY DISCREPANCY.
- DO NOT SCALE DRAWINGS.
- SUBMIT MINIMUM THREE (3) COPIES OF SHOP DRAWINGS AS REQUIRED BELOW. THESE PLANS AS DRAWN AND NOTED, COMPLY WITH THE BUILDING ENVELOPE CODE. CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE GOVERNING CODE IN ITS ENTIRETY, AND BUILD IN ACCORDANCE WITH ALL PROVISIONS OF THIS CODE WHICH MAY NOT BE SPECIFICALLY ADDRESSED ON THE PLANS AND NOTES.
- THE BUILDER RESERVES THE RIGHT TO SUBSTITUTE ITEMS WHICH THEY BELIEVE TO BE EQUAL OR BETTER THAN ITEMS SPECIFIED ON THESE DRAWINGS WITHOUT ANY PRIOR NOTICE. ITEMS WHICH, WHEN SUBSTITUTED, REQUIRE APPROVAL OF THE BUILDING OFFICIAL, WILL BE SUBMITTED TO THE BUILDING OFFICIAL.
- BUILDER IS RESPONSIBLE FOR ADEQUATE BRACING OF STRUCTURAL OR NON-STRUCTURAL MEMBERS DURING CONSTRUCTION.
- CABINET SUPPLIER TO PROVIDE SHOP DRAWINGS TO THE BUILDER.
- WINDOW AND DOOR SUPPLIER TO PROVIDE SHOP DRAWINGS TO THE BUILDER.
- ALL FIXED GLASS, BUTT GLASS, AND GLASS BLOCK SHALL BE INSTALLED TO WITHSTAND 140 MPH WIND LOAD.
- TRUSS MANUFACTURER SHALL SUBMIT FOUR (4) COPIES OF SHOP DRAWINGS AND ENGINEERING CALCULATIONS SIGNED AND SEALED BY A FLORIDA REGISTERED ENGINEER, OR THEIR ROOF TRUSS DESIGN FOR APPROVAL INCLUDING TWO COPIES FOR ARCHITECT'S REVIEW PRIOR TO FABRICATION. TRUSSES TO BE DESIGNED TO CARRY LOADS OF ATTIC AHUS AND MISCELLANEOUS EQUIPMENT. COORDINATE LOCATIONS WITH BUILDER PRIOR TO FABRICATION AND INDICATE ON TRUSS DRAWINGS.
- ADEQUATE VERTICAL AND HORIZONTAL SHORING SHALL BE PROVIDED TO SAFELY SUPPORT ALL LOADS DURING CONSTRUCTION.
- CONCRETE BEAM SIZES MAY BE INCREASED (8" MAXIMUM) AS REQUIRED FOR ARCHITECTURAL DETAILS OR TO FIT BLOCK COURSING. DROP BOTTOM OF TIE BEAMS AS REQUIRED AT WINDOW AND DOOR BEAMS (28" MAXIMUM) AND ADD 2 - #5 BOTTOM IF DROP EXCEEDS 8".
- ALL WOOD IN CONTACT WITH MASONRY, CONCRETE, OR STEEL SHALL BE PRESSURE TREATED. PROVIDE AN APPROVED MOISTURE VAPOR BARRIER BETWEEN THE CONCRETE OR OTHER CEMENTITIOUS MATERIALS AND THE WOOD AS REQUIRED PER APPLICABLE CODE.
- BUILDER SHALL BE RESPONSIBLE FOR PROVIDING ADEQUATE BRACING AND BRIDGING USED DURING ERECTION OF THE TRUSSES TO PREVENT COLLAPSE OR DAMAGE TO SAME.
- DIMENSIONAL LUMBER FOR HEADERS AND COLUMNS SHALL BE SOUTHERN YELLOW PINE, NO. 2 OR BETTER OR SHALL PROVIDE ALLOWABLE STRESS VALUES OF 1200 PSI IN BENDING FOR SINGLE MEMBER USES, 90 PSI IN HORIZONTAL SHEAR AND SHALL HAVE A MODULUS OF ELASTICITY OF 1600 KSI OR BETTER, AS DETERMINED BY AN APPROVED LUMBER GRADING AGENCY.
- TOPICAL CURING REQUIRED FOR ALL SLABS AND FLAT WORK (U.N.O.).



AREA OF WORK

EXISTING FENCE TO REMAIN

EXISTING ONE STORY SINGLE FAMILY RESIDENCE

EXISTING POOL DECK

EXISTING POOL

8'-0" FENCE SEE DETAIL 1/SP-1

EXISTING FENCE TO REMAIN

SITE PLAN  
SCALE: 1/8" = 1'-0"

S. SOUTHLAKE DRIVE

100.00'

EXISTING STREET CURB

11'-6 1/2"

20'-0"

33'-10 1/2"

21'-0"

29'-0"

28'-7"

125.00'

125.00'

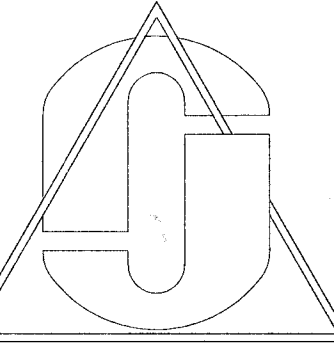
### FENCE LAYOUT

840 S. SOUTHLAKE DRIVE  
HOLLYWOOD, FLORIDA

DATE OF LAST REVISION: 10/09/19

### REVISIONS:

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### FENCE LAYOUT PLAN

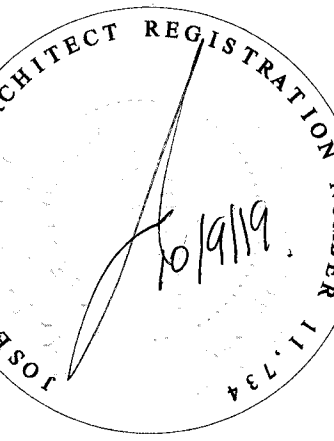
FOR THE PROJECT:

NEW FENCE  
840 S. SOUTHLAKE DRIVE  
HOLLYWOOD, FLORIDA 33019

CONTENTS:

### JAO. ARCHITECTS & PLANNERS

300 N.W. BOCA RATON BLVD.  
SUITE 115  
BOCA RATON, FL 33431  
TEL (561) 391-4115  
FAX (561) 391-4173  
E-MAIL JAOARCH@AOL.COM



DATE DRAWN:  
DRAWN BY: L.M.  
CHECKED BY: JAO  
JOB NUMBER:  
SHEET NO:

SP-1

## Exhibit B





**CITY of HOLLYWOOD, FLORIDA**  
**Code Compliance Division**

2600 Hollywood Blvd. • P.O. Box 229045 • Hollywood, Florida 33022-9045  
Phone (954) 921-3061 • Fax (954) 921-3924 • www.hollywoodfl.org

**NOTICE OF VIOLATION**

9/18/2019 11:26:12 AM

**KELSEY, ANGELA M**  
**840 S SOUTHLAKE DRIVE**  
**HOLLYWOOD FL 33019**

**SITE ADDRESS: 840 S SOUTHLAKE DR**  
**COMPLAINT/VIOLATION NUMBER: V19-12890**

On or about 09/18/2019, a Notice of Violation was either posted, hand delivered, or mailed at the above-referenced property, informing you that you are in violation of the following:

**CODE SECTION VIOLATED: 151.130(A)(1)**  
**Permit Required; Exceptions**

**ACTION REQUIRED:**

**Permits must be obtained from the Building Dept. for all construction, renovations to property.**

**NOTES:**

**EXTENSION OF WOOD FENCE IN ALLEY TO APPROXIMATELY 2 FEET IN HEIGHT IS:  
PROHIBITED WITHOUT A PERMIT. PLEASE OBTAIN PROPER PERMIT FOR EXTENSION  
OR REMOVE TO COMPLY.**

Notice was given, and is hereby confirmed, that you must correct the above violation(s) by 10/18/2019. Continued non-compliance may result in your appearance at a Special Magistrate hearing. The Special Magistrate is empowered to rule on outstanding violations and may assess a fine, plus costs, for each day the violation continues, after the deadline established by the Special Magistrate's Final Order. The City may also have the violation abated at the expense of the property owner.

Pursuant to 162.09, Florida Statutes, repeat violations may result in the assessment of a fine for each and every day the violation is found to exist.

**Jennie Dennett, INSPECTOR**  
**JDENNETT@HOLLYWOODFL.ORG**  
**954-921-3061**

**IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO NOTIFY  
THE OFFICE OF CODE ENFORCEMENT WHEN THE PROPERTY IS IN  
COMPLIANCE, SO THAT A REINSPECTION CAN BE SCHEDULED.**

Our Mission: We are dedicated to providing municipal services for our diverse community in an atmosphere of cooperation, courtesy and respect.  
We do this by ensuring all who live, work and play in the City of Hollywood enjoy a high quality of life.

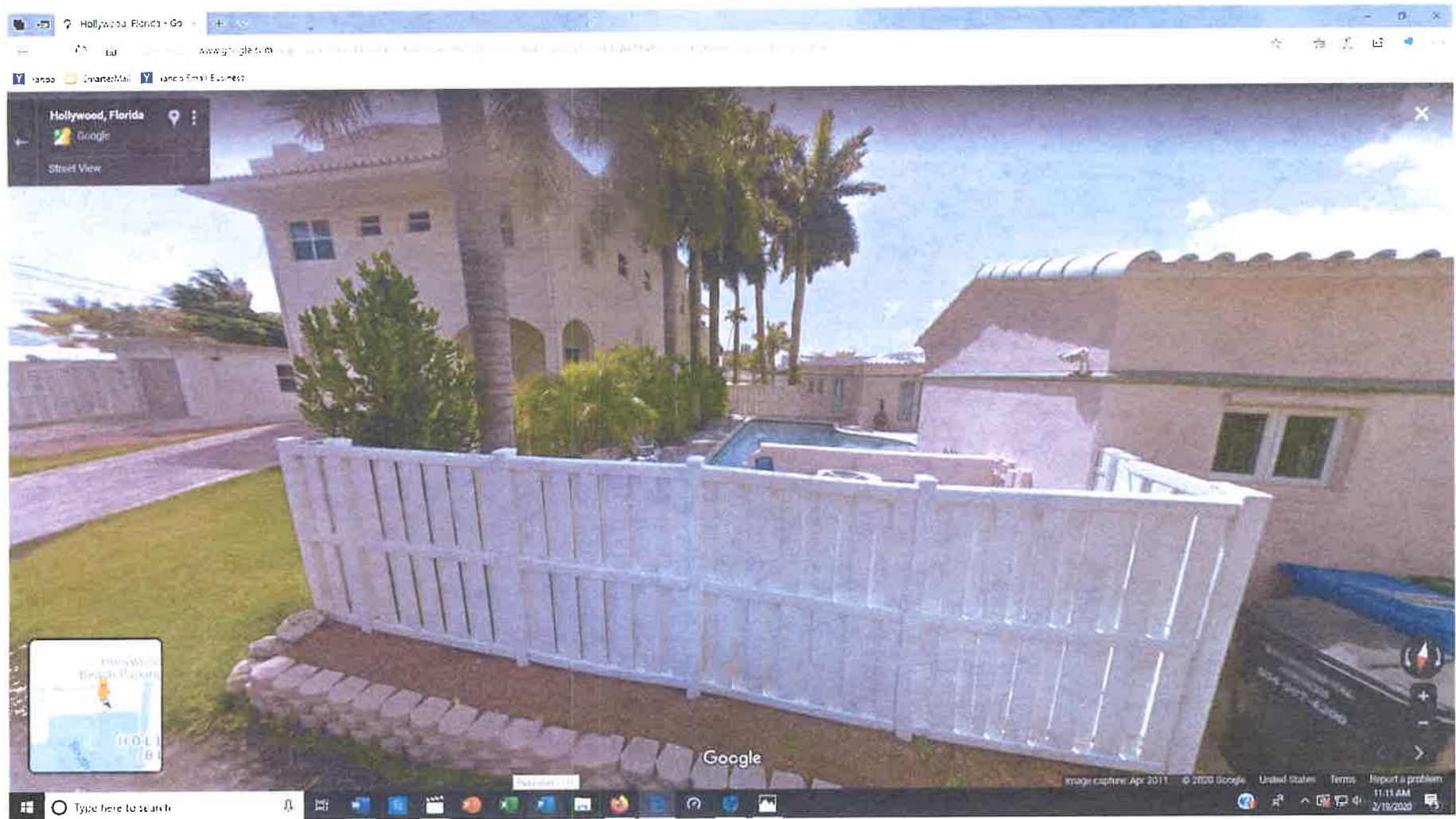
**"An Equal Opportunity and Service Provider Agency"**

## Exhibit C

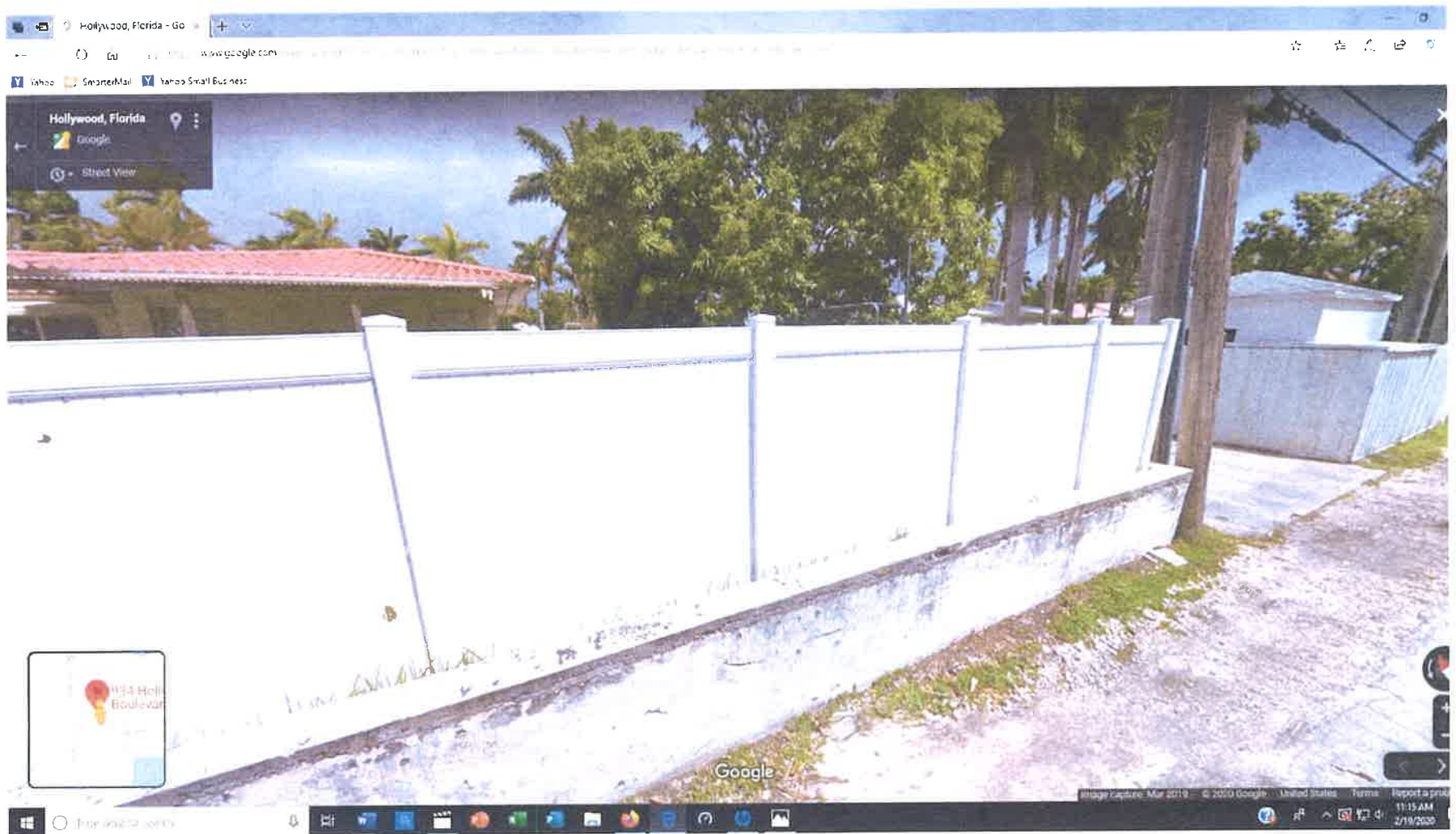


(3) 940 Adams Street-alley  
Built-up berm-no retaining wall for elevated fence  
1 block west of 840 S Southlake Drive  
Renovation





(4) 749 N Southlake Drive-alley  
Decorative pavers used as retaining wall not connected to elevated fence  
Renovation



(5) 934 Hollywood Boulevard-alley  
Older retaining wall-not connected to elevated fence  
Renovation





(6) 928 Tyler Street-alley  
New retaining wall not connected with elevated fence  
New Construction