



Hallandale Beach  
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## City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

<b>Applicant:</b>	Victor Caban-Diaz and Journey C+D Group	<b>Meeting Date:</b>	September 26, 2024
<b>Project Name:</b>	538 NW 6 Avenue Duplex		
<b>Property Address:</b>	538 NW 6 Avenue		
<b>Application No.:</b>	V-24-06190	<b>Application Type:</b>	– Variances
<b>Parcel Size:</b>	4,030 square feet (0.09)	<b>Quasi-Judicial:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Planning District:</b>	Northwest	<b>Public Hearing:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Existing Use:</b>	Vacant	<b>After the Fact:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Existing Zoning:</b>	RD-12 residential two-family (duplex) district		
<b>Future Land Use Designation:</b>	Residential Low Medium Density		
<b>Proposed Use:</b>	Residential Two Family Dwelling		
<b>Surrounding Zoning:</b>		<b>Surrounding Land Use:</b>	
North: RD-12 residential two-family (duplex) district South: West RAC – Foster Road subdistrict East: RD-12 residential two-family (duplex) district West: Recreation and Open Space district		North: Residential Low Medium Density South: Regional Activity Center (RAC) East: Residential Low Medium Density West: Regional Activity Center (RAC)	
<b>Business Impact Estimate:</b>	Not Applicable		
<b>Staff Recommendation:</b>	<b>Sponsor Name:</b>		
<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve with Conditions <input type="checkbox"/> Deny	Vanessa Leroy, Department of Sustainable Development Director		
	<b>Prepared By:</b>		
	Deandrea Moise, AICP, Principal Planner		

## Request

The Applicant, Victor Caban-Diaz and Journey C+D Group requests variances to reduce the required front yard setback, rear yard setback, interior side yard setback, corner side yard setback, minimum unit size, and landscape buffer for vehicular use areas, for a three-bedroom two-family home located at 538 NW 6 Avenue in the RD-12 two-family (duplex) district.

Staff recommends the Planning and Zoning Board consider the proposed request.

## Staff Summary

The Applicant requests the following variances to develop a two-family dwelling located at 538 NW 6 Avenue:

1. Reduce the required front yard setback from 25 feet to 23 feet.
2. Reduce the required rear yard setback from 30 feet to 12 feet.
3. Reduce the required side interior setback from 7.5 feet to 4.5 feet.
4. Reduce the required side corner yard setback from 15 feet to 7 feet.
5. Reduce the required minimum unit size for a three-bedroom from 1,150 sq. ft. to 1,082 sq. ft.
6. Reduce the required perimeter landscape buffer adjacent to public right of way from 10 feet to 8 feet.

The subject property was originally platted in its current configuration and size. While the code allows for smaller lots platted prior to November 21, 1978 to be developed, the code does not provide accommodations for those lots, and still requires that the property meet all other applicable development regulations as it relates to setbacks and unit size. The unique shape of the lot triggers the need for variances, as many of the regulations did not consider the limited number of lots such as the subject property. Additionally, Staff has proposed a code amendment that was forwarded by the Board with a recommendation of approval to the City Commission to reduce the required minimum unit size to 750 sq. ft. Upon adoption of the code amendment the variance related to the minimum unit size would be considered compliant.

The proposed site plan, while not under consideration by the Board (excluding requested variances) features a two-story two family dwelling with three bedrooms per unit. One unit is located on the ground floor and the second unit is accessed from a stairway along the north property line. There will be two separate driveways to accommodate the required number of parking spaces. The units are intended to be available as affordable housing units. The proposed two-family dwelling is currently under Minor Development Review.

### **Variance Criteria:**

Pursuant to Section 32-925 (b) of the Zoning and Land Development Code, in order to authorize any variances to the terms of this chapter, the following criteria must be met:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not generally applicable to other lands, structures or building in the same zoning district.

***The lot was originally platted in its current configuration. Typical lots found throughout the City do not share the same unique configuration and size.***

- (2) The special conditions and circumstances do not result from the actions of the applicant.

***The lot was originally platted in its current configuration triggering challenges in meeting the minimum setback requirements. The current configuration of the subject property was not as a result of the Applicant. Furthermore, in a recent code amendment Staff has proposed to reduce the minimum unit size to 750 sq. ft. as it has been identified that the current minimum unit sizes based on bedrooms may not be relevant. This code amendment was forwarded by the Board to the City Commission with a recommendation of approval. Upon adoption of the code amendment the variance related to the minimum unit size would be considered compliant.***

- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same district.

***The requested variances are triggered due to the unique configuration of the lot. The regulations do not consider the limited number of atypical lots such as the subject property as it related to development regulations for setbacks. Furthermore, in a recent code amendment Staff has proposed to reduce the minimum unit size to 750 sq. ft., which would apply to all properties with this zoning district. Upon adoption of the code amendment the variance related to the minimum unit size would be considered compliant.***

- (4) Literal interpretation of the provisions of this chapter would deprive the applicant of the rights commonly enjoyed by the properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardships on the applicant.

***Due to the original plat of the property, complying with the setback requirements does create undue hardships on the proposed development. Furthermore, in a recent code amendment Staff has identified that the current minimum unit sizes based on bedrooms may not be relevant. Upon adoption of the code amendment the variance related to the minimum unit size would be considered compliant.***

- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

***The Applicant has requested the minimum variance needed to make reasonable use of the subject property.***

- (6) The grant of the variance will be in harmony with the general intent and purpose of this chapter.

***The requested variance will be in harmony with the general intent of the purpose of the regulations.***

- (7) Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

***The requested variances would not be detrimental to the community. Additionally, it does not alter the permitted land use and remains compatible with the surrounding area.***

**Why Action Is Necessary:**

Pursuant to Section 2-231(f)(3) and Section 32-965(a) of the City's Code of Ordinances, the Planning and Zoning Board has the authority to approve non-administrative variances pertaining to minor developments. The applicant is requesting a non-administrative variance; therefore, the Planning and Zoning Board approval is required for the request to be granted.

**Cost Benefit**

There is no cost associated with this request.

**Business Impact Estimate**

As per 166.041(4)(c), a business impact estimate is not applicable for this application.

**Staff Recommendation:**

Staff recommends that the Planning and Zoning Board consider the requested variances.

**Attachment(s):**

- Exhibit 1 – Location Map
- Exhibit 2 – Zoning Map
- Exhibit 3 – Application Package

Reviewed by: Christy Dominguez  
Planning and Zoning Manager