



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

<b>Applicant :</b>	Michael Terrinoni	<b>Meeting Date:</b>	June 28, 2017	
<b>Project Name:</b>	Terrinoni Variance	<b>Property Address:</b>	466 Alamanda Drive	
<b>Application #s:</b>	V-17-01109	<b>Application Type:</b>	Variance	
<b>Planning District:</b>	SE Quadrant	<b>Quasi Judicial:</b> <i>(Enter X in box)</i>	<b>YES</b>	<b>NO</b>
			X	
<b>Parcel Size:</b>	15,000 Square feet (0.34 acres)	<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>YES</b>	<b>NO</b>
			X	
<b>Applicable Zoning :</b>	Residential Single-Family District (RS-5) District			
<b>Existing Use:</b>	1 Single-Family Residence			
<b>Proposed Use:</b>	1 Single-Family Residence with Outdoor Kitchen Area			
<b>Comprehensive Plan Future Land Use Designation:</b>	Low Density up to 7.0 DU/Acre			
<b>Surrounding Zoning:</b>		<b>Surrounding Land Use:</b>		
North: Residential Single-Family District (RS-5) District		North: Single-family Residence (SFR)		
South: Residential Single-Family District (RS-5) District		South: Single-family Residence (SFR)		
East: Residential Single-Family District (RS-5) District		East: Single-family Residence (SFR)		
West: Residential Single-Family District (RS-5) District		West: Single-family Residence (SFR)		
<b>Staff Recommendation:</b>		<b>Strategic Plan Priority Area:</b>		
<input type="checkbox"/> <b>Approve</b> <input type="checkbox"/> <b>Approve with Conditions</b> <input checked="" type="checkbox"/> <b>Deny</b>		<input type="checkbox"/> Safety <input type="checkbox"/> Quality <input type="checkbox"/> Vibrant Appeal		
<b>Sponsor Name:</b>	Keven Klopp, Development Services Director	<b>Prepared By:</b>	Vanessa Leroy, Associate Planner	

### **Requests:**

Application # V-17-01109, by Michael Terrinoni, requesting variances to renovate the property and construct an outdoor kitchen in the rear yard of the property located at 466 Alamanda Drive. The variances requested are from the following Sections of the Hallandale Beach Zoning and Land Development Code:

- a. Section 32-141(d)(4)(b)(2), to allow a 5-foot rear yard setback, where 40 feet are required;
- b. Section 32-141(d)(4)(c)(1), to allow a 7-foot side yard setback, where 10 feet are required;
- c. Section 32-384(a)(1), to allow 39.06% of landscape area throughout the property, where a minimum of 50% is required.
- d. Section 32-242(a)(4), to allow a 450 square-foot accessory structure, where a maximum of 100 square feet is allowed.

### **Staff Summary:**

#### **Background:**

The property located at 466 Alamanda Drive obtained Minor Development Review approval for construction of a single-family dwelling at the subject location. The approved plans were compliant with the applicable Zoning Codes. The applicant obtained building permits for the construction of the single-family structure which construction is presently nearing completion. The property owner is now seeking to construct a covered outdoor kitchen in the rear yard, which would violate 4 code sections with respect to minimum rear and side yard setbacks, minimum lot landscape area and maximum floor area for accessory structures. Despite staff's attempts to encourage modification of the plans to meet Code, the applicant is requesting variances from the following Code Sections:

- a. Section 32-141(d)(4)(b)(2), to allow a 5-foot rear yard setback, where 40 feet are required;
- b. Section 32-141(d)(4)(c)(1), to allow a 7-foot side yard setback, where 10 feet are required;
- c. Section 32-384(a)(1), to allow 39.06% of landscape area throughout the property, where a minimum of 50% is required.
- d. Section 32-242(a)(4), to allow a 450 square-foot accessory structure, where a maximum of 100 square feet is allowed.

Notifications of the proposed variance application number V-17-0119 were mailed to the property owners according to Article IX, Notice Requirements, Section 32-1001- 1004 of the City's Code of Ordinances.

#### **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, greater than the 25 percent maximum threshold

to process such application administratively; therefore, Planning and Zoning Board approval is required for the request to be granted.

### **Analysis:**

The subject property is zoned Residential Single-Family (RS-5) Zoning District, which allows one single-family dwelling on a lot measuring a minimum of 7,500 square feet and a minimum of 75 feet in lot width. Accessory structures, such as gazebos, chickees and cabanas, are permitted within the rear and side yards, provided that they meet the underlying zoning district's required yard setbacks. Accessory structures on properties zone RS-5, located in Golden Isles, are subject to the same setback requirements as for the primary structure. The primary single-family structure currently meets the required setbacks. However, the proposed outdoor kitchen, considered an accessory structure, falls short of the minimum setback requirements as follows:

<b>Code Section</b>	<b>Location</b>	<b>Minimum Required Yard Setback</b>	<b>Proposed Yard Setback</b>	<b>Percentage of Code Deficiency</b>
Section 32-141(d)(4)(b)(2)	Rear	40 feet	5 feet	87.5%
Section 32-141(d)(4)(b)(1)	Side	10 feet	7 feet	30%

Additionally, single-family dwellings are required to maintain a minimum of 50% of the total lot to be landscaped. The subject property has a lot size of 15,000 square feet; therefore, the minimum required landscape area is 7,500 square feet. The proposed landscape area on previously approved plans was indicated as 7,580 square feet or 50.53% of the lot. The outdoor kitchen is proposed in a location previously reserved and approved for drainage retention area. The proposed improvements on the site will reduce the landscape area provided to 5,859 square feet and will create a 39.06% deficiency in the landscape area required, as follows:

<b>Code Section</b>	<b>Lot Size</b>	<b>Minimum Required Landscaping</b>	<b>Current Landscape Area (Before Variance)</b>	<b>Proposed Landscape Area</b>	<b>Percentage of Code Deficiency</b>
Section 32-384(a)(1)	15,000 sq. ft.	50% of lot size, or 7,500 sq. ft.	7,500 sq. ft.	5,859 sq. ft.	21.88%

Finally, accessory structures, such as gazebos, chickees and cabanas are permitted a maximum floor area of 100 square feet. The applicant is proposing a 450 square-foot accessory structure, which represents 450% of the allowable size:

<b>Code Section</b>	<b>Maximum Accessory Structure Size Permitted</b>	<b>Proposed Accessory Structure Size</b>	<b>Percentage of Code Deficiency</b>
Section 32-242(a)(4)	100 sq. ft.	450 sq. ft.	450%

In reviewing applications for variances, the following standards are required to be adhered to in making any decisions or recommendations:

To authorize any variances to the terms of Section 32-965, it must be found that:

- (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 buildings in the same zoning district.

**Not in Compliance.** The property currently does not have any special conditions and circumstances that are peculiar to the land, structure or building involved, and which are not generally applicable to other lands, structures or buildings in the same zoning district.

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

**Not in Compliance.** The nonconformities for which the proposed variances are requested would be self-imposed by the applicant. The applicant's justifications for the variances are based upon the owner's desire to include a pool deck and bar-b-que area as a feature of the house for outdoor pleasure and dining, and is not a result of any special conditions or circumstances relative to the land, structure, or building.

- (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.

**Not in Compliance.** Granting the applicant's variance request would confer special privilege to the subject property, as no hardship was determined, the variances requested are excessive and other similar properties in the same zoning district are required to meet the minimum Code requirements to the property that would be denied to other similar properties in the same zoning district.

- (4) Literal interpretation of the provisions of this chapter would deprive the applicant of 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.

**Not in Compliance.** Literal interpretation of the adopted Code of Ordinances would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district will not cause unnecessary and undue hardship on the applicant. Similar outdoor kitchen areas would be allowed in the same zoning district given that the applicant meets the setback and landscaping requirements set forth in the Zoning and Land Development Regulations. The variances requested are excessive.

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

**Not in Compliance.** The requested variance is not the minimum variance that would make possible the reasonable use of the land. The proposed variances exceed the criteria established by the Code. The reasonable use of the single-family dwelling is not affected by the current Code regulations. The outdoor kitchen area is an accessory use to the single-family residential structure.

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

**Not in Compliance.** The purpose and intent of the RS-5 district is to provide suitable sites for the development of detached single-family dwellings on relatively large lots. The general intent of the Code requires landscaped, pervious area for aesthetic, drainage, air quality, and aquifer recharge purposes. Setbacks are required in order to maintain comfortable distances between structures. In addition, setbacks help in creating and maintaining a uniform aesthetic without imposing viewshed encumbrances upon neighboring properties.

**As such, the approval of the requested variances will be contrary to the general intent and purpose of the Zoning and Land Development Code.**

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

**Compliance.** The proposed variance would not be injurious to the area involved or otherwise detrimental to the public welfare.

Options for a reduced variation from City Code requirements were discussed with the applicant; however, the applicant chose to request the variances set forth, which exceed the Code by as much as 450% of base requirements.

#### **Staff Recommendations:**

Analysis of the application was based upon the variance criteria cited in Chapter 32-965. Staff finds that the application for variances of the required rear and side yard setbacks, minimum landscape area required and maximum size for an accessory structure at the subject property are non-compliant with the minimum requirements of the Code; are not in harmony with the general purpose and intent of the Code; and, no sufficient hardship has been demonstrated for approval.

As such, staff recommends the Planning and Zoning Board DENY application V-17-01109, requesting variances of the following Sections:

- a. Section 32-141(d)(4)(b)(2), to allow a 5-foot rear yard setback, where 40 feet are required;
- b. Section 32-141(d)(4)(c)(1), to allow a 7-foot side yard setback, where 10 feet are required;
- c. Section 32-384(a)(1), to allow 39.06% of landscape area throughout the property, where a minimum of 50% is required.
- d. Section 32-242(a)(4), to allow a 450 square-foot accessory structure, where a maximum of 100 square feet is allowed.

#### **Attachment(s):**

Exhibit 1 – Location Map  
Exhibit 2 – Aerial Map  
Exhibit 3 – Applicant's Response Letter  
Exhibit 4 – Plans/Surveys