



400 South Federal Highway
Hallandale Beach, FL 33009
Phone: (954) 458-1378
Fax: (954) 457-1488

Memorandum

DATE: October 23, 2019

TO: Planning and Zoning Board Members

FROM: Christy Dominguez, Principal Planner/Planning and Zoning Board Liaison

SUBJECT: Application #V-19-00042 by Yamilka Cordovi

On June 26, 2019, the Planning and Zoning Board held a public hearing on Application # V-19-0042 by Yamilka Cordovi for request of a variance relative to the minimum rear yard setback required for properties zoned RS-6 District in order to legalize a canopy structure and patio constructed without a building permit. The application was approved by a vote of 3 to 2 (*Mr. Wu and Mr. Garson-no*).

At its meeting of August 28, 2019 at the Planning and Zoning Board passed a motion by a vote of 5 to 0 to bring back the subject application by Ms. Cordovi for reconsideration at its next meeting. Reconsideration of applications require the matter be heard at a public hearing and the item be advertised and notice to neighboring owners mailed in accordance with the City Code. The subject application has been duly noted as required as well as the property owner notified of this hearing. The June 26, 2019 Cover Memo on the application and Minutes of the hearing are attached for your convenience.

Respectfully,

Christy Dominguez
Principal Planner
City of Hallandale Beach



City of Hallandale Beach Planning and Zoning Board Agenda Cover Memo

Applicant:	Yamilka Cordovi	Meeting Date:	June 26, 2019	
Project Name:	Cordovi Residence	Property Address:	413 SW 2nd Street	
Application #s:	#V-19-00042	Application Type:	Variance	
Planning District:	Southwest	Quasi-Judicial: <i>(Enter X in box)</i>	YES	NO
			X	
Parcel Size:	0.14 acre	Public Hearing: <i>(Enter X in box)</i>	YES	NO
			X	
Existing Zoning:	RS-6 (Residential, Single-family) District			
Existing Use:	Single Family Residence			
Proposed Use:	Single Family Residence			
Comprehensive Plan Future Land Use Designation:	Residential, Low- Medium Density			
Surrounding Zoning:		Surrounding Land Use:		
North: ED (Educational Facility) District South: RS-6 (Residential, Single-family) District East: RS-6 (Residential, Single-family) District West: RS-6 (Residential, Single-family) District		North: Educational Facility South: Residential (Residential, Single-family) East: Residential (Residential, Single-family) West: Residential (Residential, Single-family)		
Staff Recommendation:		Strategic Plan Priority Area:		
<input type="checkbox"/> Approve <input type="checkbox"/> Approve with Conditions <input checked="" type="checkbox"/> Deny		<input type="checkbox"/> Safety <input checked="" type="checkbox"/> Quality <input type="checkbox"/> Vibrant Appeal		
Sponsor Name:	Vanessa J. Leroy, Acting Director, Development Services	Prepared By:	Luis Fontanills, R.A., Zoning Technician	

STAFF SUMMARY:

The Applicant is requesting a variance from Section 32-142(d)(4) of the Zoning and Land Development Code relative to the minimum rear yard setback required for properties zoned RS-6, Residential Single-Family, District in order to legalize a canopy structure and patio constructed without a building permit at the house located at 413 SW 2 Street.

REQUEST:

Background:

A new metal canopy and concrete patio were recently constructed by the owners of the existing single-family detached residence located at 413 SW 2nd Street. A building permit was not applied for and the owner was given a Notice of Violation with case number: CEC-18-00899 on July 28, 2018 for work without building permits. The applicant wishes to retain the structure built without a permit, however, this action creates a deficiency in the required rear yard setback, for which this variance is requested. According to the applicant, the patio and metal canopy were built without a permit by her ex-husband.

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.

Development Details:

The applicant's plans depict the following:

1. A 6,250 square feet (.14 acre) parcel at the intersection of SW 2nd Street and 6th Avenue.
2. The existing single-family detached residence is 16.5 feet/one story in height (max. allowed is 30 feet in height /2 stories).
3. A concrete driveway which allows for 2 off-street parking spaces (2 spaces are required).
4. 58% of the site will be landscaped (50% is the minimum required).
5. The new unpermitted covered patio is 19.62 feet from the rear property line (30 feet is the minimum required). The covered patio is located 10 ½ feet from the corner side and 10 feet from the interior side (10 feet is required from the corner side and 7 ½ feet from the interior side).
6. An existing unpermitted shed located 7 feet from the rear property line (7 ½ feet is the minimum required).
7. An existing 6 feet high wood fence borders the rear property line, partially along SW 6th Avenue and partially along the interior east property line.
8. No credited trees exist on-site (3 credited on-site trees are required).

Applicable Codes and Ordinances

1. Sec. 32-142(d)(4)(b) requires a minimum 30 feet rear setback, a 10 feet corner side setback, and 7 ½ feet interior side setback for buildings in RS-6 District.

The new covered patio creates a deficiency in the 30 foot minimum required rear yard setback. The new covered patio is setback 19.62 feet from the proposed property line. This constitutes a 34.6% deficiency of the required rear yard setback, for which the applicant is requesting the variance. It is attached on the south of the existing single-family residence.

It should be noted that the concrete patio slab is 10 feet or more from the side property lines and therefore, meets the required side setbacks, but that the metal canopy structure is non-compliant as it does not meet the 30 feet minimum rear setback requirement.

2. Sec. 32-142(d)(4)(d) requires a minimum rear and side setback of 7 ½ feet for accessory structures in the RS-6 District.

There is an existing shed in the rear yard which is unpermitted and does not meet the required 7.5 feet of setback from the rear property line. The applicant/owner has agreed to apply for a permit to remove this non-compliant structure.

3. Sec. 32-384(c)(3) requires a minimum of 3 credited trees for a single-family residence lot.

Presently the property is deficient in landscaping trees and does not comply with the required minimum of 3 credited trees as specified by Code; at present there are no credited trees on the property. The applicant/owner has agreed to plant the 3 required trees to bring the property into compliance.

4. Sec. 32-384(a)(1) requires a minimum of 50% landscape area for all single-family detached residential uses.

The proposed landscape area, including the impermeable rear covered patio, will be 58% of the property; 50% minimum is required, thus meeting the minimum required landscape area.

Variance Criteria

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 Chapter 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.

Noncompliance. The property currently does not conform to various sections of the Code. The conditions are not peculiar to the land, structure or building involved, and which are 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.

Noncompliance. The special conditions and circumstances existing on the property do result from the actions of the applicant. Additionally, the new covered patio constructed without a permit by the applicant creates a rear yard setback deficiency. Therefore a variance is necessary to allow the metal canopy cover to remain and obtain an after-the-fact building permit.

- (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.

Noncompliance. Granting the applicant's variance request would confer special privilege to the property that would be denied to other similar properties in the same zoning district. All properties in the RS-6 District are required to be compliant with the setbacks specified by the applicable 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.

Noncompliance. Literal interpretation of the Code would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. All properties in the RS-6 District are required to be compliant with Code requirements specified by the applicable district.

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

Noncompliance. The requested variance is not the minimum variance that would make possible the reasonable use of the land. The request for the variance is due to the applicant's desire to have a metal canopy over the concrete patio slab in the rear yard; the property could continue to be used reasonably without the metal canopy.

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

Noncompliance. The general intent of RS-6 residential zoning district is to provide suitable sites for the development of detached single-family dwellings. Granting the proposed variance will not be in harmony with the intent and purpose of the Code standards of setbacks required for single-family homes in the RS-6 District.

- (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.

STAFF RECOMMENDATIONS:

Setbacks are established to maintain comfortable distances between structures and property lines. In addition, the setbacks help create and maintain a uniform aesthetic without imposing physical encumbrances on neighboring properties. The applicant is proposing to maintain the rear metal patio canopy that was erected without a permit.

In staff's opinion, the request does not meet the criteria for granting variance, therefore, staff does not recommend approval of the requested variance from the rear yard setback required. However, should the Planning and Zoning Board decide to approve the application, staff recommends the following conditions of approval to ameliorate the violations on the property. Such conditions shall be resolved prior to the expiration of the variance approval:

1. Obtain the required building permit and final inspections for the existing metal canopy structure and concrete slab patio according to the processes set in place by the City.
2. Provide landscaping trees to comply with a minimum of 3 credited trees as specified by Code.
3. Demolition, by permit, of the existing un-permitted shed in the rear yard prior to final inspections of the metal canopy structure.

ATTACHMENT(S):

Exhibit 1 – Location Map
Exhibit 2 –Aerial Map
Exhibit 3 – Applicant's Letters and Backup
Exhibit 4 – Site Plans

Concurred with:


Christy Dominguez
Principal Planner