



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>	617 NW 4 Avenue Duplex		
<b>Property Address:</b>	617 NW 4 Avenue		
<b>Application No.:</b>	V-24-06194	<b>Application Type:</b>	– Variances
<b>Parcel Size:</b>	6,000 square feet (0.14 acres)	<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: RD-12 residential two-family (duplex) district East: RD-12 residential two-family (duplex) district West: RD-12 residential two-family (duplex) district		North: Residential Low Medium Density South: Residential Low Medium Density East: Residential Low Medium Density West: Residential Low Medium Density	
<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 interior side yard setback, and minimum unit size for a three-bedroom two-family home located at 617 NW 4 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 side interior setback from 7.5 feet to 4 feet
2. Reduce the required minimum unit size for a three-bedroom from 1,150 sq. ft. to 1,095 sq. ft.

The subject property was originally platted at a reduced lot width than required by code (75 feet). 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. Both the north and south side interior setbacks do not meet the required 7.5 setback. 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. for duplex structures. Upon adoption of the code amendment the variance related to the minimum unit would be considered compliant.

The proposed site plan, while not under consideration by the Board (excluding requested variances) features a one-story two-family dwelling with three bedrooms per unit. The units oriented side by side. There will be 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 at its current size. Had the property been originally platted as required by code, the proposed modular structure would have the ability to meet the required setbacks. 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.***

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

***The lot was originally platted at its current size triggering challenges in meeting the minimum setback requirements. However, the use of modular structures as the construction method by the Applicant does not allow for modifications to the size of the***

**units. Furthermore, in a recent code amendment, Staff has proposed to reduce the minimum unit size of duplex structures 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 regulations do not consider accommodations for setbacks for properties that may have been originally platted below the minimum requirements. 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.**

- (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.

**The literal interpretation of the provisions would not cause an undue hardship on the Applicant, however, as it is the intent of the Applicant to increase the availability of affordable housing units in the City, they have proposed using modular structures to reduce construction costs. Furthermore, in a recent code amendment Staff has identified that the current minimum unit sizes based on bedrooms may not be relevant and have proposed to reduce the 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.**

- (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 grant of the variance would be in harmony with the general intent. 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 for duplexes to 750 sq. ft. Upon adoption of the code amendment the variance related to the minimum unit size would be considered compliant.**

- (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 the 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