

**CITY OF HOLLYWOOD, FLORIDA  
INTER-OFFICE MEMORANDUM  
DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES**

**DATE:** September 2, 2010 **FILE:** 10-V-45

**TO:** Development Review Board

**VIA:** Andria Wingett, Planning Manager *AW*

**VIA:** Julie Walls Krolak, Principal Planner *JW*

**FROM:** Travis Kendall, Associate Planner

**SUBJECT:** John and Irma Brunke request a variance to waive the maximum fence height of 6 ft to allow 8 ft on the north and east sides at 349 Georgia Street.

**APPLICANT'S REQUEST**

Variance to increase the permitted fence height from 6 feet to 8 feet on the north and east side.

**STAFF'S RECOMMENDATION**

Variance: Approval, with the condition a Unity of Title, in a form acceptable to the City Attorney, must be submitted prior to the issuance of any building permits and recorded in the Public Record of Broward County prior to issuance of a Certificate of Occupancy (C/C).

**BACKGROUND**

John and Irma Brunke request a variance to waive the maximum permitted fence height to allow an 8 foot fence to be constructed at 349 Georgia Street. The subject property has two residential structures, constructed in 1945, totaling 1,226 square feet. The properties located to the north, east, south, and west are zoned BRT-25-R (multi-family residential). The property owners have received a violation for work done without a permit, and have since been working with staff to propose an appropriate fence.

The code currently allows a maximum 4 foot fence on the first 10 feet of the property. The remaining portions permit a 6 foot fence. The request is a variance to increase the permitted fence height to 8 feet on the east (side) and north (rear) of the property. Due to an existing 10 story multi-family structure to the north and an elevated pool to the east, staff is supporting the proposed 8 foot fence along these sections. The proposed 8 foot fence is consistent with the community's appearance and the intent and purpose of the residential zoning district. Originally the applicant applied for an eight foot fence around the entire property but has since worked with staff and reduced the request to the sides which have the greatest impact on the property.

Additionally, since the property spans multiple lots, staff is recommending the condition a Unity of Title, in a form acceptable to the City Attorney, be submitted prior to the issuance of any building permits and recorded in the Public Record of Broward County prior to issuance of a Certificate of Occupancy (C/C).

#### **SITE INFORMATION**

**Owner:** John and Irma Brunke  
**Address/location:** 349 Georgia Street  
**Lot Size:** 4,800 Square Feet (0.11 Acres)  
**Present Zoning:** BRT-25-R, Multi-Family Residential  
**Land Use Designation:** Medium/High Residential  
**Existing Land Use:** Residential

#### **ADJACENT LAND USE**

**North:** Medium/High Residential  
**South:** Medium/High Residential  
**East:** Medium/High Residential  
**West:** Medium/High Residential

#### **ADJACENT ZONING**

**North:** BRT-25-R, Multi-Family Residential  
**South:** BRT-25-R, Multi-Family Residential  
**East:** BRT-25-R, Multi-Family Residential  
**West:** BRT-25-R, Multi-Family Residential

#### **CONSISTENCY WITH CITY-WIDE MASTER PLAN**

The proposed variance is consistent with the City-Wide Master Plan based upon the following Policy:

*Policy 2.46 Preserve stable neighborhoods and encourage rehabilitation initiatives that will revitalize and promote stability of neighborhoods.*

The proposed 8 foot fence in the rear and side yard would create both a visual and physical barrier. The proposed fence is consistent in scale with similar properties. The fence promotes the stability of the neighborhood by providing necessary screening of the property.

#### **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The proposed variance is consistent with the Comprehensive Plan, based upon the following:

#### ***Land Use Element***

**Objective 4:** *Promote improved architectural and streetscape design standards, code enforcement, economic development, neighborhood planning, and public information dissemination to maintain and enhance neighborhoods, businesses, and tourist areas.*

**Policy 4.9:** *Place a priority on protecting, preserving and enhancing residential neighborhoods while incorporating the unique characteristics of redevelopment areas. (CWMP Policy CW.15 and CW19)*

The proposed construction would not be a visual detractor due to its proximity to the property line and would not adversely affect the property's appearance..

## **VARIANCE**

**Variance to increase the permitted fence height from 6 feet to 8 feet on the north and east side.**

Analysis of Criteria and Findings for Variances as stated in the City of Hollywood Zoning and Land Development Regulations Section 5.4.J.1. are utilized in evaluating the following variance.

**CRITERIA 1:** 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.

**ANALYSIS:** Requirements are designed to provide separation standards based on the desired type, scale and intensity of development appropriate to each neighborhood. The subject property has two residential structures totaling 1,226 square feet. Both structures were originally constructed in 1945. The request is a variance to increase the permitted fence height to 8 feet on the east (side), and north (rear). Due to an existing structure to the north and an elevated grade to the east, staff is supporting the proposed 8 foot fence along these sections. The proposed 8 foot fence is consistent with the community's appearance and the intent and purpose of the residential zoning district.

Additionally, since the property spans multiple lots, staff is recommending the condition a Unity of Title, in a form acceptable to the City Attorney, be submitted prior to the issuance of any building permits and recorded in the Public Record of Broward County prior to issuance of a Certificate of Occupancy (C/C)

**FINDING:** Consistent, with the imposition of staff's condition.

**CRITERIA 2:** That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

The subject property is surrounded by multi family structures, including a multi story building with a parking lot at the ground level to the north. The at-grade parking lot abuts the subject property and

the applicant would like the added security and barrier created by an 8 foot wood fence.

**FINDING:** Consistent.

**CRITERIA 3:** 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.

The Land Use Element of the Comprehensive Plan seeks to promote a distribution of land uses that will enhance and improve residential communities while allowing land owners reasonable use of their property. Due to the adjacent existing use to the north and an elevated grade to the east, staff is supporting the proposed 8 foot fence along these sections.

**FINDING:** Consistent.

**CRITERIA 4:** That the need for the requested variance is not economically based or self imposed.

**ANALYSIS:** The proposed 8 foot fence along the north and east property line is consistent with other development trends located in the area. The existing conditions on site have created a unique situation and warrant the application for a variance in order to provide privacy.

**FINDING:** Consistent.

**CRITERIA 5:** That the variance is necessary to comply with State or Federal Law and is the minimum Variance necessary to comply with the applicable law.

**FINDING:** Not Applicable

**RECOMMENDATION:**

**Variance:** Approval, with the condition a Unity of Title, in a form acceptable to the City Attorney, must be submitted prior to the issuance of any building permits and recorded in the Public Record of Broward County prior to issuance of a Certificate of Occupancy (C/O).

**ATTACHMENTS**

- ATTACHMENT A:** Application Package
- ATTACHMENT B:** Land Use and Zoning Map