


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

DATE: September 8, 2011

FILE: 11-V-58

TO: Planning and Development Board

VIA: Andria Wingett, Planning Manager 

FROM: Travis Kendall, Associate Planner 

SUBJECT: Anthony Busigo is requesting a variance to reduce the required side yard setback for a covered porch at 322 57th Way.

APPLICANT'S REQUEST

Waive the required side (north) yard setback of 8.75' to allow 2'.

STAFF'S RECOMMENDATION

Variance: Denial.

BACKGROUND

Porches are a traditional architectural feature in Hollywood and serve as protection from the sun and frequent inclement weather in Florida. Porches also provide transitional spaces between the interior and exterior of a home. This feature comes in two forms: temporary or permanent. Temporary porches consist of materials such as canvas or metal pan which are suitable only for the establishment of shaded outdoor space. Permanent porches are constructed of materials similar to the home, which include insulated roofs along with traditional roofing materials. Unlike temporary porches, these permanent ones can create outdoor living space and may also be suitable for conversion into living space.

In addition to using different materials, the Zoning and Land Development Regulations provide different setback requirements for temporary and permanent shade structures. Subsequently, temporary porches are permitted to be established within 3 feet of any property line. Requirements for permanent porches are more stringent, but because they are still a less intense than the home itself they can encroach into required setbacks by 25% up to 6 feet, whichever is less.

REQUEST

The applicant was cited last year for doing work with out a Building Permit, as they constructed a permanent porch with out appropriate approvals. In an attempt to obtain an after the fact Building Permit the applicant is requesting a variance from the side (north) setback for an existing permanent porch. The house was originally built off-center and as a result any additions would not be parallel to the property line. This configuration resulted in the porch, including the roof overhang having setbacks ranging from 2'-3.9'. Based on required side yard setbacks (sum of the side yard shall be 25% of the lot width, with a 7.5' minimum) and the encroachment allowance described above, the required side setback is 8.75 feet. So while utilization of the permissible 25% encroachment is a common occurrence, what has been built is much less than what is required. Staff informed the applicant a temporary porch would eliminate the need for a Variance; however, the applicant desires to continue to use the existing permanent porch.

SITE INFORMATION

Owner:	Anthony Busigo
Address/location:	322 57 th Way
Lot Size:	.17 Acres
Present Zoning:	RS-5, Residential Single Family
Land Use Designation:	Low Residential
Existing Land Use:	Single Family Home

ADJACENT LANDUSE

North:	Low Residential
South:	Low Residential
East:	Low Residential
West:	Commercial

ADJACENT ZONING

North:	RS-5, Single Family Residential
South:	RS-5, Single Family Residential
East:	RS-5, Single Family Residential
West:	SR7CCD-CC, State Road Seven Commercial Core

CONSISTENCY WITH CITY-WIDE MASTER PLAN

The variance is inconsistent 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.

A porch brings added value to the home and in turn helps preserve the overall value of the neighborhood while enhancing the property. However, its proximity to the side property line appears to be less than any of the surrounding homes and may be intrusive to the privacy of the adjacent neighbor.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The variance is inconsistent 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 CW.19)

Porches are recognized as a refuge from the hot and often inclement weather in tropical South Florida. The porch would provide added value to the homeowners; however, permanently extending activities closer to the property line may impede the privacy of the neighbor to the east.

VARIANCE

Waive the required side yard setback of 8.75 feet to allow 2'.

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: Setback requirements are designed to provide separation standards based on the desired type, scale and intensity of development appropriate to each neighborhood and to provide landscaping and safe distances between adjacent structures and right-of-ways. In residential districts, they are further intended to protect residents' privacy. However, because porches, though permanent, are recognized as a

less intense use the Zoning and Land Development Regulations allow these features to encroach required setbacks by 25% up to 6', whichever is less.

The applicant is seeking to reduce the side yard setback to 2' were 8.75' is required. As stated by the applicant the purpose of the porch is to, "Afford protection from the sun and rain where it would not have been possible otherwise." Though this feature would provide added value to the homeowners, it far exceeds the allowable encroachment. A temporary canopy or shade structure would be permitted in the same location and would be permitted by code. The choice by the applicant to use a permanent roofing material is inconsistent with the code. Additionally, permanently extending a structure as well as activities closer to the property line may impede the privacy of the neighbor to the north.

FINDING: Inconsistent.

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

ANALYSIS: The porch is an extension of the existing single-family residential use established on this property. It will provide shade from the sun and protection from other elements. This use is compatible with the surrounding neighborhood which also consists of single-family homes; however, it may be a detriment to the adjacent neighbor with a setback of only 2 feet from the property line.

FINDING: Inconsistent.

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.

ANALYSIS: A common goal of all City documents which regulate and provide guidance for development of residential properties is to enhance and improve residential communities while allowing land owners reasonable use of their property. Although some encroachment is common, establishing a permanent structure only 2 feet from the side property line is

not in furtherance of these aims as it may impede the adjacent homeowner's privacy. In this case the applicant constructed a porch prior to obtaining a building permit and was cited for work without a permit. The porch including the overhang is constructed 2 feet from the property line.

FINDING: Inconsistent.

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

ANALYSIS: As mentioned earlier in this report, porches are widely recognized as a valuable addition to any home here in South Florida where extreme weather conditions are common. However, this feature is typically seen more as an amenity and exceeds the allowable encroachment for permanent porches already allowed by the Code. This request is self-imposed as the applicant could have obtained a permit by utilizing a different roofing material.

FINDING: Inconsistent.

CRITERION 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:

Denial.

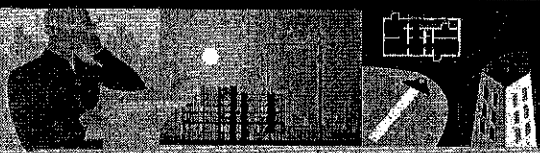
ATTACHMENTS

ATTACHMENT A: Application Package

ATTACHMENT B: Land Use and Zoning Map

ATTACHMENT A
APPLICATION PACKAGE

OFFICE OF PLANNING

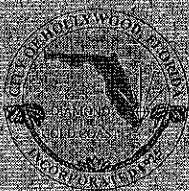


File No. (to be filled by the Office of Planning)

11-DAY-58

2600 Hollywood Boulevard Room 315
Hollywood, FL 33022

GENERAL APPLICATION



Tel: (954) 921-3471
Fax: (954) 921-3347

This application must be completed in full and submitted with all documents to be placed on a Board or Committee's agenda.

The applicant is responsible for obtaining the appropriate checklist for each type of application.

Applicant(s) or their authorized legal agent must be present at all Board or Committee meetings.

At least one set of the submitted plans for each application must be signed and sealed (i.e. Architect or Engineer).

Documents and forms can be accessed on the City's website at http://www.hollywoodfl.org/comm_planning/appforms.htm



APPLICATION TYPE (CHECK ONE):

- Development Review Board
- Historic Preservation Board
- Planning and Zoning Board
- Technical Advisory Committee
- City Commission

Date of Application: 6/14/11

Location Address: 322 S ST WAY Hollywood 33023

Lot(s): _____ Block(s): _____ Subdivision: _____

Folio Number(s): _____

Zoning Classification: _____ Land Use Classification: _____

Existing Property Use: Residential Sq Ft/Number of Units: _____

Is the request the result of a violation notice? () Yes () No If yes, attach a copy of violation.

Has this property been presented to the City before? If yes, check all that apply and provide File Number(s) and Resolution(s): NO

- Economic Roundtable
- Technical Advisory Committee
- Development Review Board
- Planning and Zoning Board
- Historic Preservation Board
- City Commission

Explanation of Request: VARIANCE/REDUCE SIDE YARD SETBACK

Number of units/rooms: 3 Bed rooms Sq Ft: _____

Value of Improvement: _____ Estimated Date of Completion: _____

Will Project be Phased? () Yes () No If Phased, Estimated Completion of Each Phase

Name of Current Property Owner: Anthony BUSICO

Address of Property Owner: SAME

Telephone: 305 831 1021 Fax: _____ Email Address: _____

Name of Consultant/Representative/Tenant (circle one): _____

Address: _____ Telephone: _____

Fax: _____ Email Address: _____

Date of Purchase: _____ Is there an option to purchase the Property? Yes () No ()

If Yes, Attach Copy of the Contract.

List Anyone Else Who Should Receive Notice of the Hearing: _____

Address: _____

Email Address: _____

TONY TORESTA AOL

OFFICE OF PLANNING



2600 Hollywood Boulevard Room 315
Hollywood, FL 33022

GENERAL APPLICATION

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

The applicant/owner(s) signature certifies that he/she has been made aware of the criteria, regulations and guidelines applicable to the request. This information can be obtained in Room 315 of City Hall or on our website at www.hollywoodfl.org. The owner(s) further certifies that when required by applicable law, including but not limited to the City's Zoning and Land Development Regulations, they will post the site with a sign provided by the Office of Planning. The owner(s) will photograph the sign the day of posting and submit photographs to the Office of Planning as required by applicable law. Failure to post the sign will result in violation of State and Municipal Notification Requirements and Laws.

(I)(We) certify that (I) (we) understand and will comply with the provisions and regulations of the City's Zoning and Land Development Regulations, Design Guidelines, Design Guidelines for Historic Properties and City's Comprehensive Plan as they apply to this project. (I)(We) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my)(our) knowledge. (I)(We) understand that the application and attachments become part of the official public records of the City and are not returnable.

Signature of Current Owner: *Anthony Busigo* Date: 9.30.10

PRINT NAME: Anthony Busigo Date: _____

Signature of Consultant/Representative: _____ Date: _____

PRINT NAME: _____ Date: _____

Signature of Tenant: _____ Date: _____

PRINT NAME: _____ Date: _____

CURRENT OWNER POWER OF ATTORNEY

I am the current owner of the described real property and that I am aware of the nature and effect the request for (project description) _____ to my property, which is hereby made by me or I am hereby authorizing (name of the representative) Anthony Busigo to be my legal representative before the _____ (Board and/or Committee) relative to all matters concerning this application.

Sworn to and subscribed before me this 14th day of June

[Signature]
Notary Public State of Florida
WILLIAMS
MY COMMISSION # DD729159
EXPIRES: January 05, 2012
FL. Notary Discourt Assoc. Co.

[Signature]
SIGNATURE OF CURRENT OWNER

Anthony Busigo
PRINT NAME

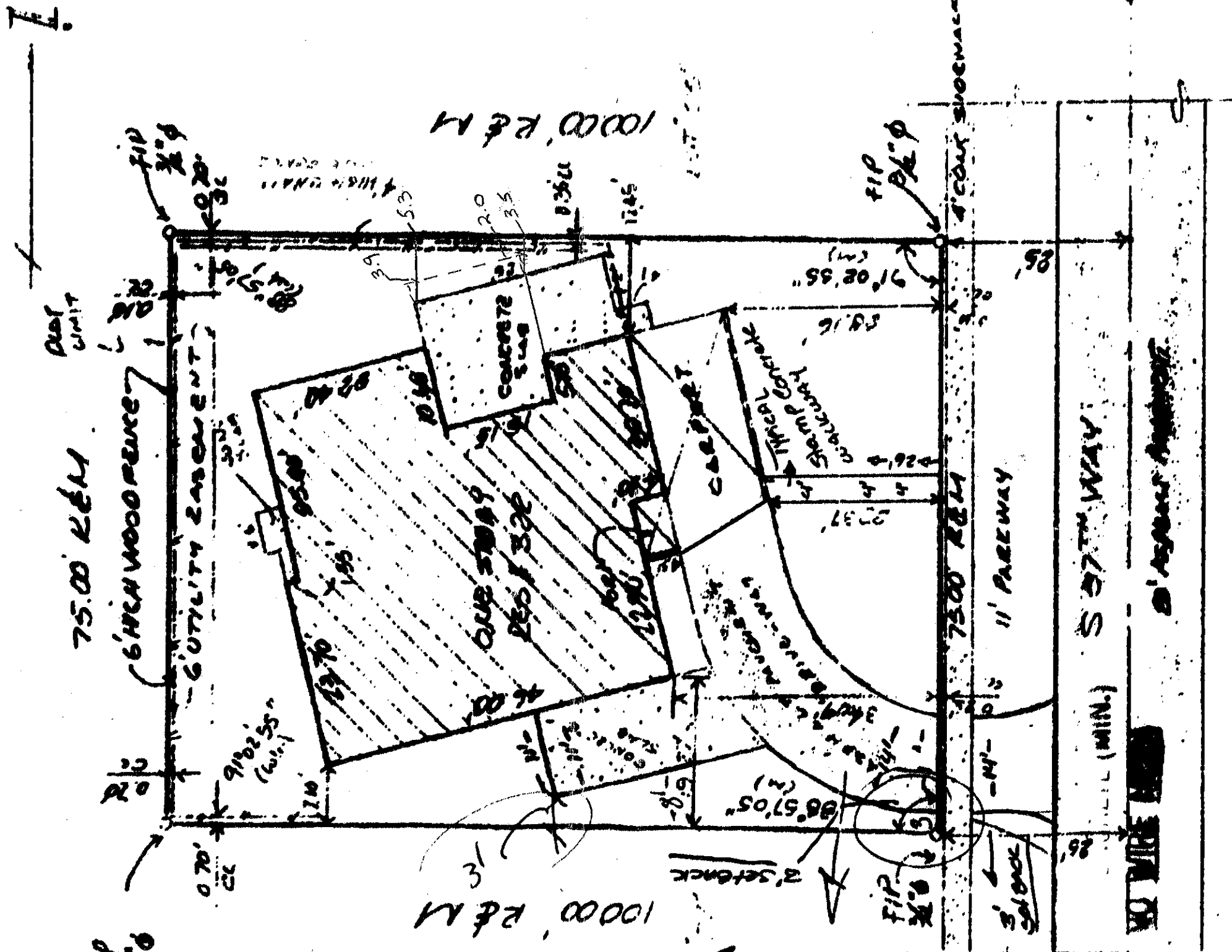
My Commission Expires _____ (Check One) _____ Personally known to me; OR License

Criteria Statement

**Anthony Busigo
322 South 57th Way
Hollywood, fl 33023**

- A. The requested variance shall maintain the basic intent and purpose of the subject regulations. This request affords protection from sun and rain where it would not have been possible otherwise.
- B. The requested variance shall be compatible with the surrounding land uses and would not be detrimental to the community as the requested variance is to afford protection from sun and rain.
- C. The requested variance shall be consistent with and in furtherance of the goals, objective, and policies of the adopted comprehensive plan, and shall serve its purpose of providing protection from sun and rain.
- D. The requested variance is self-imposed due to a unique situation where the property is built at an angle of such that forced me to come out closer to the fence.
- E. The requested variance is not necessary to comply with any federal or state laws.

SKETCH OF SURVEY SCALE 1" = 20'



SEP 13 2004
FIP 2/0

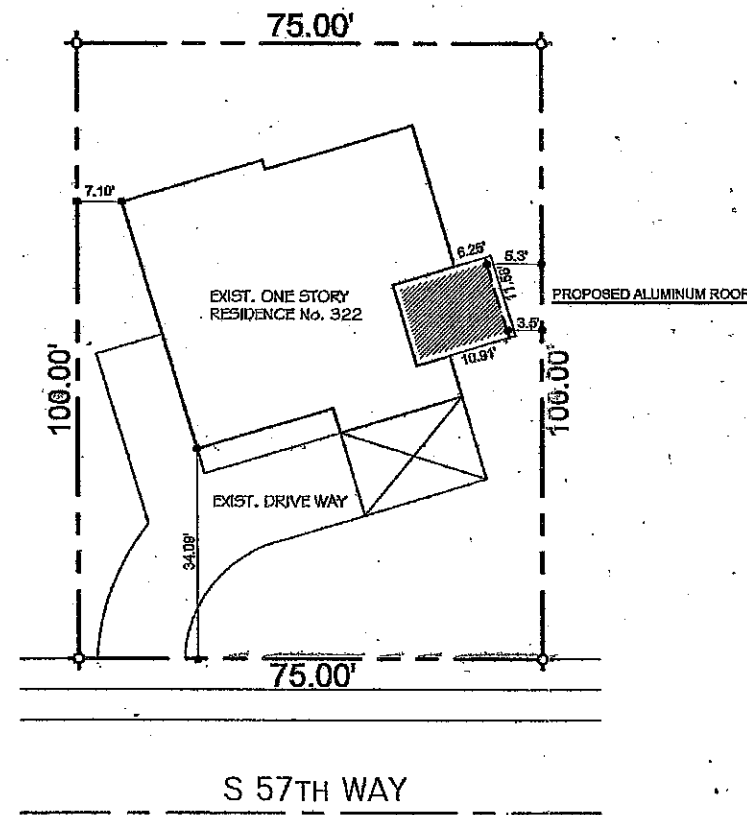
TYPICAL stamp Concrete
@ 1200 square feet / using 3000 P.S.I
w/ fiber mesh 14" P.O.U. on site 16" OFF SITE



DATE OF FLOOD INSURANCE PROGRAM	PROPERTY NO.	PARCEL NO.	DATE OF FLOOD INSURANCE	DATE OF FLOOD INSURANCE	DATE OF FLOOD INSURANCE	DATE OF FLOOD INSURANCE
12/5/13	03/2	F	7/21/75	X		N/A

PROPOSED ALUMINUM ROOF

ANTHONY RESIDENCE
322 S 57th WAY
HOLLYWOOD, FLORIDA



SITE PLAN

SCALE: 1" = 20'

REVISIONS	BY:

RAMMS ENGINEERING, INC.

Structural Design

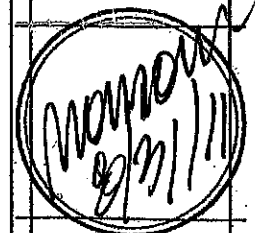
2100 W. 76th STREET, SUITE 311
HIALEAH, FLORIDA 33016
ROBERT MONSOUR
TEL: 822-3141

LIC# 11865
EB 0006024

PROPOSED 3" RISER PAN ROOF

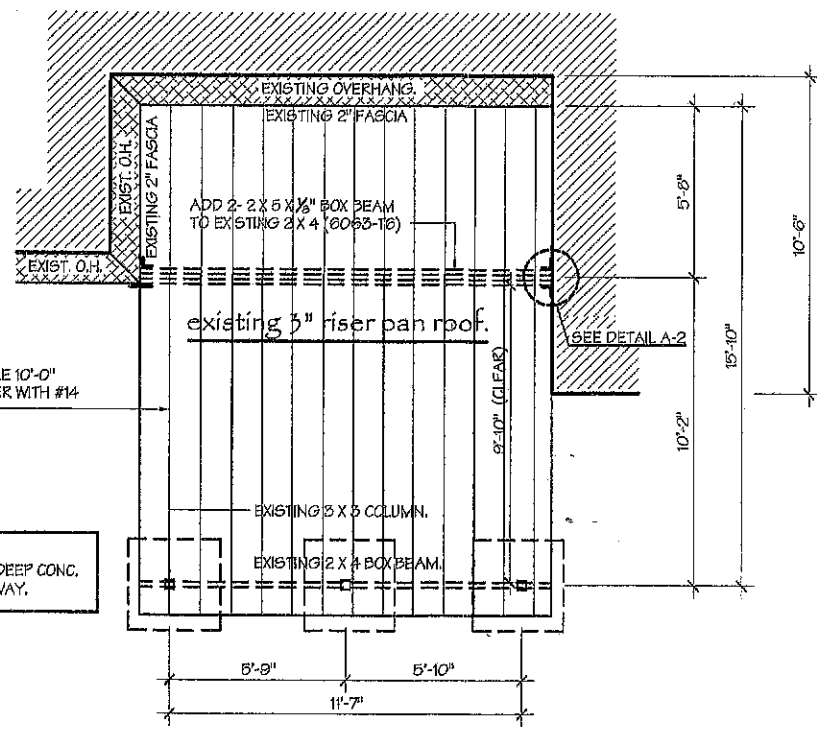
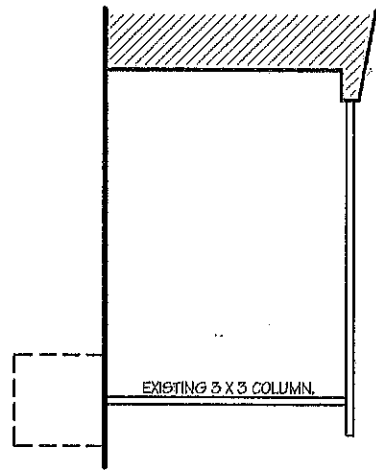
ANTHONY RESIDENCE
322 S 57 WAY
HOLLYWOOD, FLORIDA

DRAWN BY:
JUAN JARA
DATE:
4-29-10
SCALE:
1/4" = 1'-0"
JOB No:
ANTHONY



1 of 2

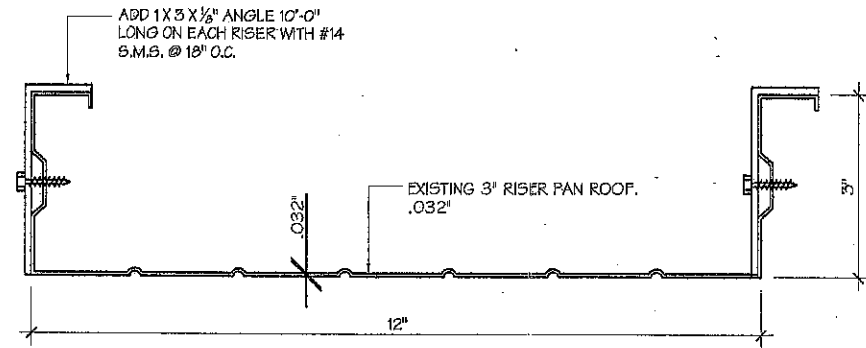
SIDE VIEW



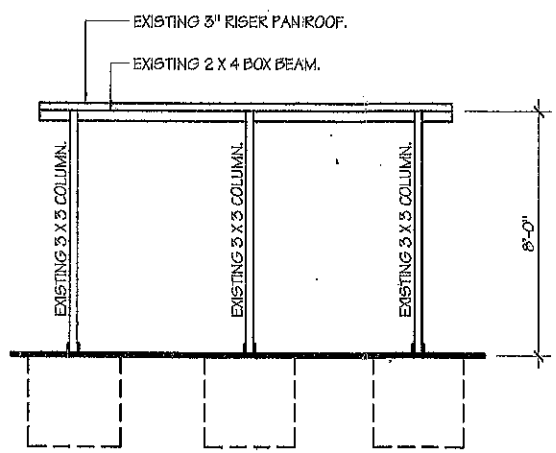
FOOTING LEGEND:
TYPICAL 2'-0" X 2'-0" X 2'-2" DEEP CONC. FOOTING WITH 3- #5 EACH WAY.

ADD 1 X 3 X 1/8" ANGLE 10'-0" LONG ON EACH RISER WITH #14 S.M.S. @ 18" O.C. (AS SHOWN)

TOP VIEW 1/4"

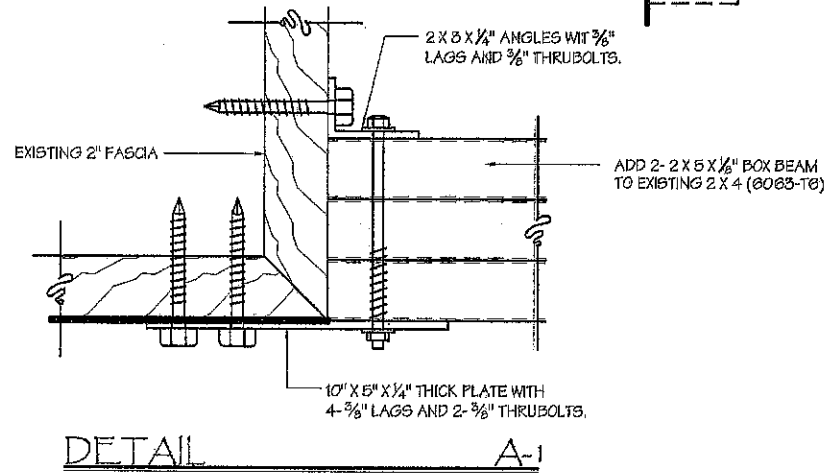
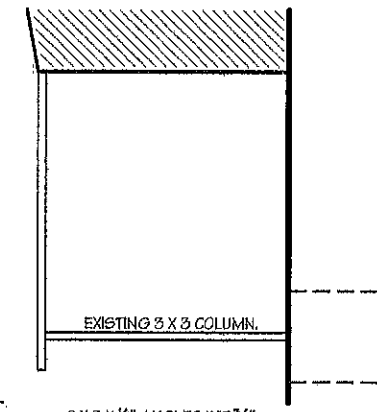


EXISTING 3" RISER PAN ROOF. (.032")

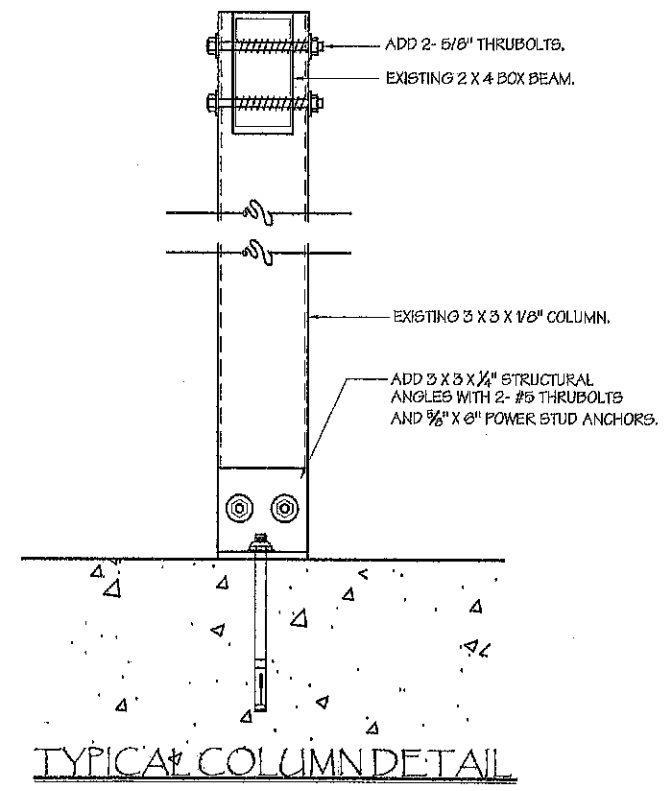


FRONT VIEW 1/4"

SIDE VIEW

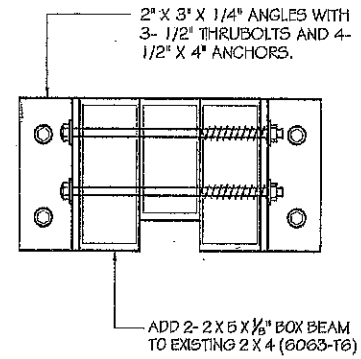
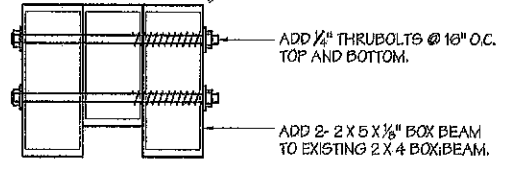


DETAIL A-1



TYPICAL COLUMN DETAIL

BM TO BM CONNECTION DETAIL



GENERAL NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS
2. SEE ATTACHED SPECIFICATION SHEETS FOR ADDITIONAL DETAILS.
3. STRUCTURE SHALL BE BUILT ACCORDING TO ATTACHED SPECIFICATION SHEETS AND DETAILS.
4. FLORIDA BUILDING-CODE 2007
5. ASCE 7-08, 140 MPH
6. EXPOSURE "C"

REVISIONS	BY:
RAMMS ENGINEERING, INC. <i>Structural Design</i>	
2100 W. 76th STREET, SUITE 311 HIALEAH, FLORIDA 33016 TEL: 822-3141	
LIC# 11965 EB 0006024	ROBERT MONSOUR TEL: 822-3141
PROPOSED 3" RISER PAN ROOF ANTHONY RESIDENCE 322 S 57 WAY HOLLYWOOD, FLORIDA	
DRAWN BY: JUAN JARA	
DATE: 4-29-10	
SCALE: 1/4" = 1'-0"	
JOB No: ANTHONY	
SHEET: 2 of 2	



ATTACHMENT B
LAND USE AND ZONING MAP

322 S 57th Way





**PLANNING AND
DEVELOPMENT SERVICES**




Legend

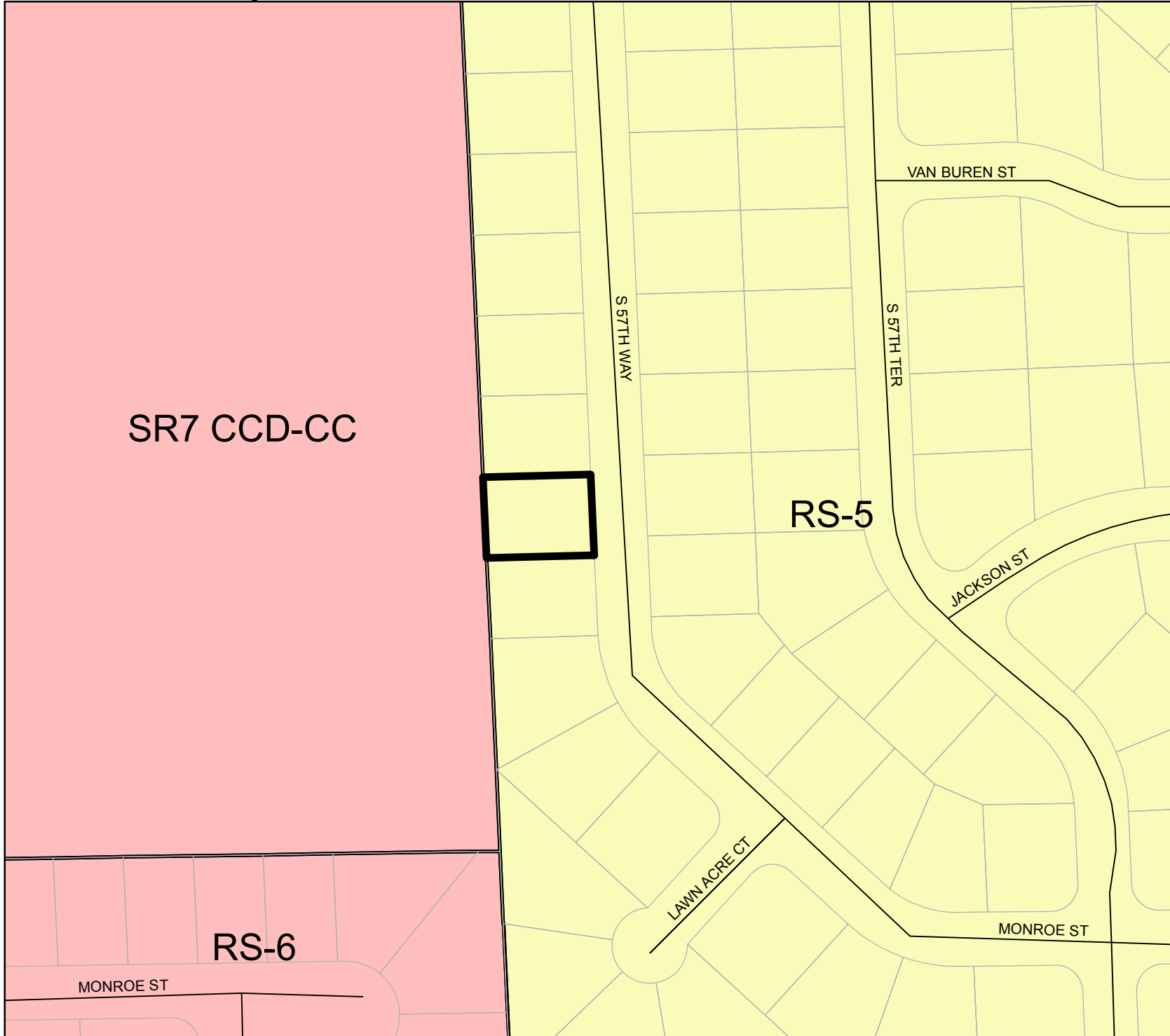
-  Subject Property
-  Streets

Land Use

-  Low Residential
-  TOC

Zoning

-  RS-5
-  RS-6
-  SR7 CCD-CC



0 30 60 120 Feet