

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

DATE: September 8, 2011 **FILE:** 11-V-72
TO: Planning and Development Board
VIA: Andria Wingett, Planning Manager *AW*
FROM: Leander Hamilton, Planning & Development Services Administrator *LH*
SUBJECT: Barton & Sharon Budman request a Variance to reduce the required setback for a covered porch at 3210 N. 37th Street.

APPLICANT'S REQUEST

Variance to waive the required rear (south) setback of 14 feet to allow 5 feet.

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 is requesting a Variance from the rear (south) setback to construct a permanent porch. In this area, the porch is proposed to be 5 feet from the property line. Based on the encroachment allowance described above, the required rear setback is 14 feet. So while some encroachment is a common occurrence, what is proposed 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 use permanent roofing materials consistent with the existing home. Upon completion, this area would be used for outdoor seating and grilling.

SITE INFORMATION

Owner:	Barton & Sharon Budman
Address/location:	3210 N. 37 th Street
Lot Size:	0.21 acres
Present Zoning:	Residential, Single Family (RS-5)
Land Use Designation:	Low Residential
Existing Land Use:	Single Family Home

ADJACENT LANDUSE

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

ADJACENT ZONING

North:	Single Family Residential (RS-5)
South:	Single Family Residential (RS-5)
East:	Single Family Residential (RS-5)
West:	Single Family Residential (RS-5)

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.

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 proposed proximity to the rear 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 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)

Porches are recognized as a refuge from the hot and often inclement weather in tropical South Florida. The proposed 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 south.

VARIANCE

Waive the required rear (south) setback of 14 feet to allow 5 feet.

The following criteria are listed in the Zoning and Land Development Regulations Section 5.6 F (1) and are utilized in evaluating Variances:

CRITERION 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 feet, whichever is less.

Currently, the home is set back approximately 7 feet from the side and 16 feet from the rear property line. The porch will continue the current side setback of 7 feet, but will decrease the rear setback to only 5 feet. Though this feature would provide added value to the homeowners, it far exceeds the allowable encroachment. Additionally, permanently extending a structure as well as activities closer to the property line may impede the privacy of the neighbor to the south.

FINDING: Inconsistent.

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

ANALYSIS: The proposed permanent 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 5 feet from the rear property line.

FINDING: Inconsistent.

CRITERION 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. While some encroachment is common, establishing a permanent structure only 5 feet from the rear property line is not in furtherance of these aims as it may impede the adjacent homeowner's privacy.

FINDING: Inconsistent.

CRITERION 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 can utilize a different material which is permitted by Code to achieve a similar result.

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

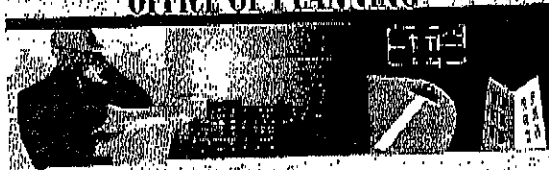
ATTACHMENT A: Application Package

ATTACHMENT B: Land Use and Zoning Map

Attachment A

Application Package

OFFICE OF PLANNING



File No. (to be filed by the Office of Planning): 11-V-72

GENERAL APPLICATION

2600 Hollywood Boulevard Room 315
Hollywood, FL 33022



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

Date of Application: 6/28/11

Location Address: 3210 N. 37TH ST.

Lot(s): 22 Block(s): 2 Subdivision: EMERALD HILLS

Folio Number(s): 514205070380

Zoning Classification: _____ Land Use Classification: _____

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

Is the request the result of a violation notice? () Yes (X) 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): _____

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

Explanation of Request: Continue existing building line to 5' from property line. REQ 18.75' to 5' (13.75 FOOT REDUCTION)

Number of units/rooms: _____ Sq Ft: _____

Value of Improvement: _____ Estimated Date of Completion: 10/11

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

Name of Current Property Owner: Barton & Sharon Budman

Address of Property Owner: 3210 N. 37TH ST., HOLLYWOOD, FL 33021

Telephone: 954-962-8299 Fax: _____ Email Address: brbudman@gmail.com

Name of Consultant/Representative/Tenant (circle one): STAN SCHACHNE

Address: 10101 S.W. 40TH ST. Telephone: 954-236-9660

Fax: 954-236-7977 Email Address: STAN@FLBUILDERS.COM

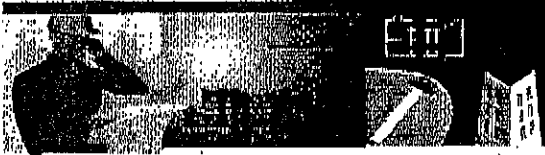
Date of Purchase: _____ Is there an option to purchase the Property? Yes () No (X)

If Yes, Attach Copy of the Contract. * Cell 954-410-0409

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

Address: _____ Email Address: _____

OFFICE OF PLANNING



GENERAL APPLICATION

2600 Hollywood Boulevard Room 315
Hollywood, FL 33022

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.

(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.

Signature of Current Owner: [Signature] Date: 6/27/2011

PRINT NAME: Barton & Sharon Budman Date: 6/27/2011

Signature of Consultant/Representative: [Signature] Date: 6/27/11

PRINT NAME: STAN SCHARNE Date: 6/27/11

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) CONVERT PATIO COVERED PATIO to my property, which is hereby made by me or I am hereby authorizing (name of the representative) STAN SCHARNE 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 27th day of JUNE



Lisa M. Bliskis
COMMISSION # DD821191
EXPIRES: SEP. 09, 2012
WWW.AARONNOTARY.COM

[Signature]
SIGNATURE OF CURRENT OWNER

Notary Public State of Florida

PRINT NAME

My Commission Expires: 9-9-12 (Check One) _____ Personally known to me; OR [checked]



Stanley N. Schachne Architect, P.A.

August 9, 2011

Ms. Leander Hamilton
Planning Administrator
City of Hollywood
Planning & Development Services
2600 Hollywood Blvd. Rm. 315
Hollywood, FL
33022

Re: 3210 North 37th Street

Dear Ms. Hamilton

We are submitting the attached package to the Development Review Board for consideration of a setback variance. Attached are the following items:

- General Application
- Cover Letter
- Survey
- Drawing including plans and elevations
- Color photographs of site
- CD containing copies of this application
- Criteria statement

We have contracted with Cutro & Associates to handle the notice work. If we can answer any questions for you please feel free to call.

Sincerely,

Stan Schachne AIA



Stanley N. Schachne Architect, P.A.

August 9, 2011

Ms. Leander Hamilton
Planning Administrator
City of Hollywood
Planning & Development Services
2600 Hollywood Blvd. Rm. 315
Hollywood, FL
33022

Re: 3210 North 37th Street

CRITERIA STATEMENT

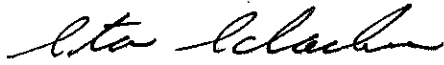
The owner is requesting approval of a zoning variance to allow a covered overhang to be built up to the 5'-0" utility setback line. The current setback is 18.75' and we are requesting the setback to go up to the 5' utility setback line. The covered porch will not be enclosed but will be built solely for the purpose of a covered sitting area. The existing barrel tile roof line will be continuous without any disruption. We offer the following comments:

F. Variances

- 1a.) The addition will be the extension of the existing roof line only, no walls are to be built. The purpose of the extended porch area is to provide a shaded sitting area adjacent to the existing house. At one time there was an existing screen enclosure that abut the same 5'-0" utility set back. The owner decided that they did not want to replace the screen enclosure but merely provided a shaded sitting area.
- 1b.) The extended patio would not be any burden on either of the adjacent properties but would be consistent with the surrounding neighborhood aesthetics.
- 1c.) The requested variance is consistent with the current goals, objectives and policies of the comprehensive and neighborhood plan. The addition would not hinder the health, safety or appearance of the neighborhood.
- 1d.) The requested variance in no manner is economically based or self-imposed.
- 1e.) The variance request does not affect any state or federal law but will comply with any local applicable laws.

We appreciate the board's review of this proposal and seek approval for the applicable variance.
If there are further questions or concerns please feel free to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stan Schachne".

Stan Schachne AIA

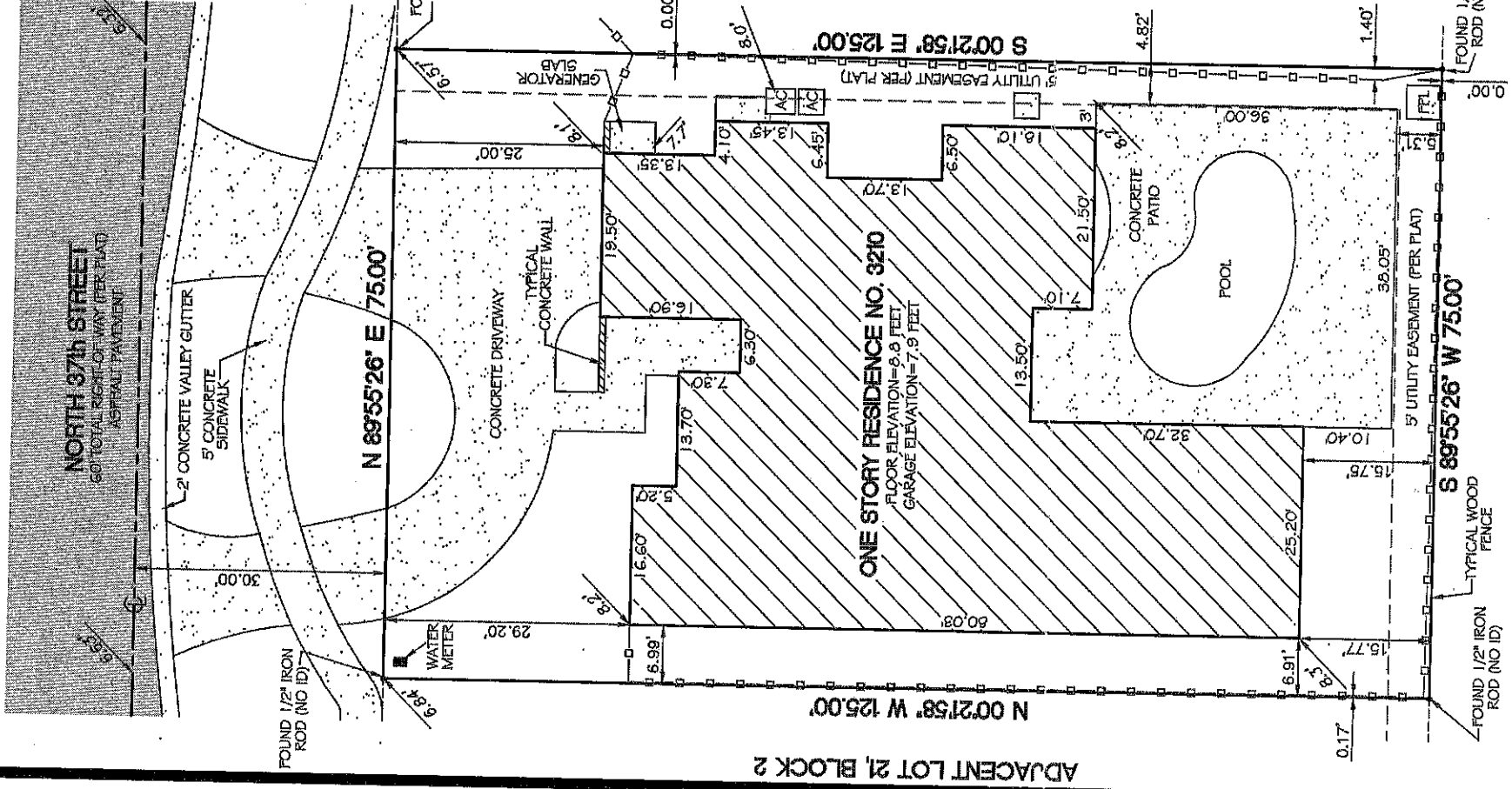
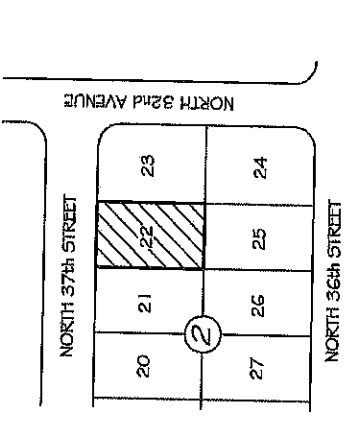


KERI LAND SURVEYING, INC.

BOUNDARY SURVEY
BY

1840 NORTH PINE ISLAND ROAD
PLANTATION, FLORIDA 33322
PHONE (954) 473-8010 FAX (954) 473-8020
E-MAIL: KERILANDSURVEYING@YAHOO.COM

CERTIFICATE OF AUTHORIZATION #LB7086



LEGAL DESCRIPTION:

LOT 22, BLOCK 2 OF "EMERALD HILLS SECTION THREE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63 AT PAGE 27 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

NOTES

- 1) ELEVATIONS, IF SHOWN HEREON, ARE RELATIVE TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929. BASED ON CITY OF HOLLYWOOD BENCHMARK, MH AT 37th ST. AND PARK ROAD, ELEVATION = 6.76 FEET.
- 2) UNDERGROUND IMPROVEMENTS AND/OR UNDERGROUND ENCROACHMENTS NOT LOCATED OR SHOWN.
- 3) BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF LOT 22 BEING NORTH 89°55'26" EAST (AS PER RECORD PLAT).
- 4) ROOF OVERHANG NOT LOCATED UNLESS OTHERWISE SHOWN.
- 5) THIS SURVEY IS FOR BUILDING PERMITTING PURPOSES ONLY.
- 6) REASONABLE EFFORTS WERE MADE REGARDING THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITIES. THIS FIRM, HOWEVER, DOES NOT ACCEPT RESPONSIBILITY FOR THIS INFORMATION. BEFORE EXCAVATION, CONTACT THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION.
- 7) ALL BEARINGS/ANGLES AND DISTANCES SHOWN HEREON ARE BOTH MEASURED ON THE GROUND AND RECORDED (AS PER PLAT) UNLESS OTHERWISE SHOWN.
- 8) THIS SURVEY IS CERTIFIED EXCLUSIVELY TO: BARTON AND SHARON BIDMAN SCHACHNE ARCHITECTS & BUILDERS, INC. CITY OF HOLLYWOOD, FLORIDA
- 9) - *sw* - DENOTES OVERHEAD WIRES.
- 10) *1.00'* DENOTES EXISTING GRADE ELEVATION.

NOTICE

LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THE SURVEYOR FOR RIGHTS-OF-WAY AND/OR EASEMENTS OF RECORD. THEREFORE, ONLY THOSE RIGHTS-OF-WAY AND EASEMENTS SHOWN ON THE REFERENCED PLAT ARE SHOWN.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
"NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER."

JAY KERI
PROFESSIONAL SURVEYOR AND MAPPER NO. 5721
STATE OF FLORIDA
SIGNATURE DATE: 6-8-11

FLOOD INFORMATION

FLOOD ZONE: AE | BASE FLOOD ELEV.: 7.0 FEET
COMMUNITY PANEL # 125113 0306 F
BUILDING DIAGRAM NO. 1A | MAP DATE: 08-18-92
LOWEST FLOOR ELEVATION: 8.8 FEET
GARAGE FLOOR ELEVATION: 7.9 FEET

CLIENT: BUDMAN

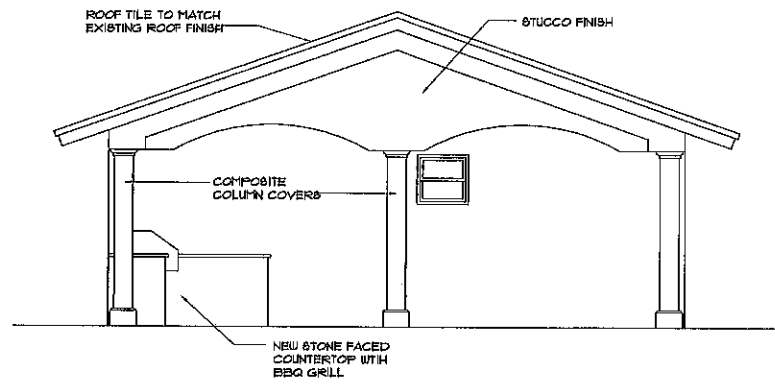
PROJECT NO: 17086

SURVEY DATE: JUNE 22, 2011

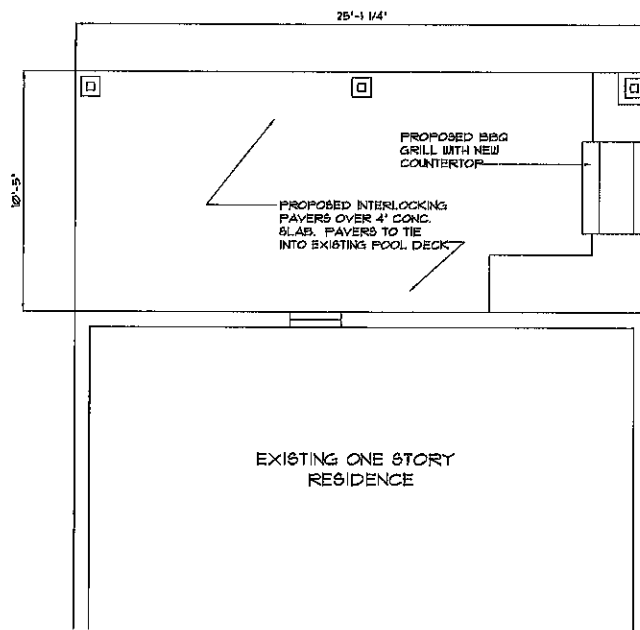
3210 NORTH 37th STREET

HOLLYWOOD, FL 33021

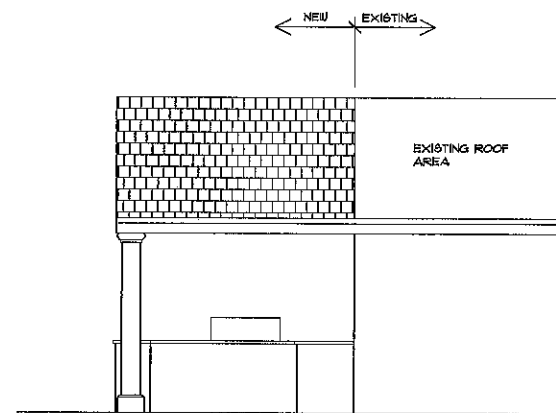
SCALE: 1"=20'
FILE: SCHACHNE ARCHITECTS



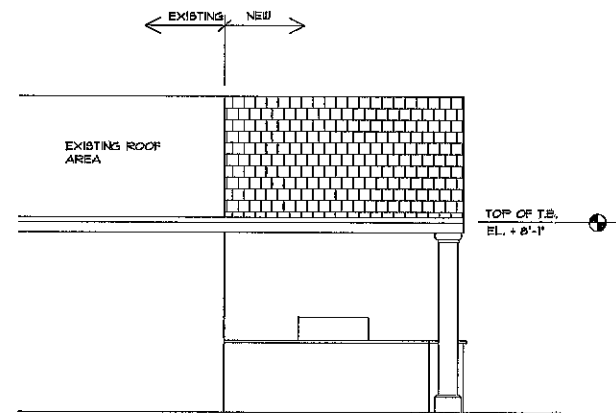
3 SOUTH ELEVATION
A-1 SCALE: 1/4"=1'-0"



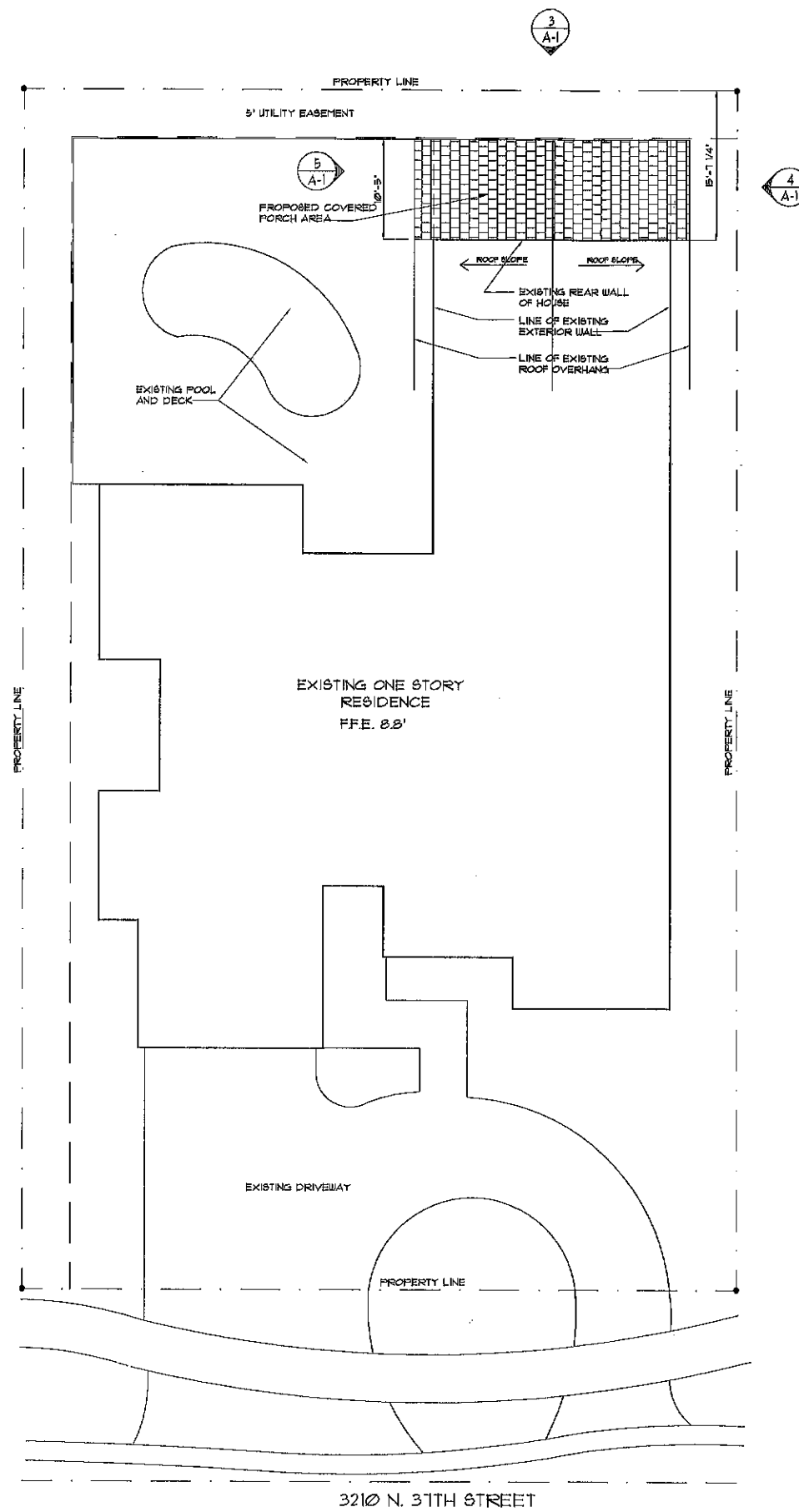
2 PARTIAL FLOOR PLAN
A-1 SCALE: 1/4"=1'-0" NORTH



5 EAST ELEVATION
A-1 SCALE: 1/4"=1'-0"



4 WEST ELEVATION
A-1 SCALE: 1/4"=1'-0"



1 SITE PLAN
A-1 SCALE: 1/8"=1'-0" NORTH

GENERAL NOTES

COVERED PORCH ADDITION FOR
MR. & MRS. BART BUDMAN
3210 N. 31TH STREET
HOLLYWOOD, FL
33021

STANLEY N.
SCHACHNE
ARCHITECT

10001 W. OAKLAND PARK BLVD
SUITE 204
SUNRISE, FLA. 33351
(954) 746-5333
LIC. # 12151

REVISIONS		
NO.	DATE	DESCRIPTION

SHEET TITLE:
SITE PLAN

SEAL
DATE: 6/28/11
SCALE: AS NOTE.
DRW. BY: SNG
PRO. NO.
SHEET NO.
A-1



END OF HOUSE
LOOKING WEST



END OF HOUSE
LOOKING EAST



WEST SIDE OF
HOUSE LOOKNG
SOUTH

Attachment B

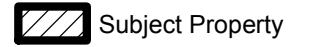
Land Use & Zoning Map

3210 N. 37th Street

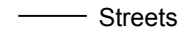


PLANNING AND DEVELOPMENT SERVICES

Legend



Subject Property



Streets

Land Use



LRES

Zoning



RS-2



RS-6

