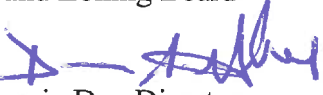





**Planning, Zoning & Economic Development
Memorandum**

DATE: January 11, 2022
TO: Members of the Planning and Zoning Board
THRU: Danny A. Holmes, AICP 
Planning, Zoning & Economic Dev Director
FROM: Lisa Zelch, Senior Planner 
Thalein Rainford, Planner

I. PROJECT SUMMARY

- A. Project Name: Practical Difficulty Waiver – Delgado Residence / PM21-0053
- B. Waiver request:
 - From: Section 27-105(a)(1)(c) which limits an accessory structure/guest house to 800 square feet in the RS-3D zoning district.
 - To: Increase the allowable size of an accessory structure/guest house from 800 square feet to 906 square feet.
- C. Recommendation: Staff recommends **APPROVAL** of the requested practical difficulty waiver. In the event the Planning and Zoning Board finds that the applicant has proven entitlement to the practical difficulty variances and recommends approval of the requests, Staff recommends the approval be subject to the conditions included in Section V.B.

II. APPLICATION SUMMARY

- A. Owner: Gabriel & Ruth V. Delgado
- B. Agent: Gabriel Delgado
- C. Location: 624 N. Bel Air Drive
- D. Size: 13,750 square feet
- E. Folio Number: 504102061060

F. Legal Description: See Exhibit D

G. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

<u>Existing Use & Zoning</u>	<u>Future Land Use Map</u>
Subject Property: Single-Family Residence / RS-3D (Single Family)	Residential (3 du/ac)
North: Single Family Residential zoned RS-3D (Single Family)	Residential (3 du/ac)
South: Single Family Residential zoned RS-3D (Single Family)	Residential (3 du/ac)
East: Single Family Residential zoned RS-3D (Single Family)	Residential (3 du/ac)
West: N. Bel Air Drive, then Single Family Residential zoned RS-3D (Single Family)	Right-of-way

III. BACKGROUND

A. Subject Property/The Site

The subject site is zoned RS-3D (Residential Single-Family Zoning District), 13,750 ± square feet in area, and located on the east side of N. Bel Air Drive approximately 255 feet north of Rose Terrace. The lot is currently developed with a 2,588± square foot single-story residence. The site is bound by single-family residential uses to the north, south, and east together with N. Bel Air Drive to the west then single-family residential uses. Refer to Exhibits B and C for the location and zoning maps.

B. Synopsis

Section 27-105(a)(c) limits the size of guest houses to 800 gross square feet, or 25% of the gross square feet of the principal residence (2,588 square feet x .25 = 647 square feet), whichever is greater. The code also limits the interior buildout to a maximum of three (3) rooms of which one room is to be a bedroom and one room is to be a bathroom. Guest houses shall not have a kitchen (oven or stove) but may have a microwave oven, refrigerator, and dishwasher. In addition, guest houses may not have an attached garage or carport.

In May 2005, the Building Department issued a permit (B05-02401) for a 900 square foot workshop to be built at the southeast corner of the rear yard.

The owner/applicant requests approval of a practical difficulty waiver to utilize the existing 906 square foot accessory structure (workshop) as a guest house. Section 27-310(f) of the Code requires all carports, garages, guest houses, and pool houses have the same color, type (cement tile, shingle, etc.), and style (gable, hip, mansard, etc.) of roof as the principal residence. Additionally, all carports, garages, guest houses, and pools houses must have walls, windows, and doors that match the principal residence's wall, window and door materials, finishes, color and style.

The existing accessory structure is constructed to match the principal residence's wall, window and door materials, finishes, color and style and has a roof that matches the existing sloped shingle roof on the primary residence. The interior space within the guest house includes one bedroom, one bathroom, and an open living/dining area with kitchenette. The location of the guest house is at the rear of the main residence and is minimally visible from N. Bel Air Drive.

In deciding to approve or deny the practical difficulty waiver, the Board shall determine if the applicant has substantially met the criteria outlined below in Section 27-52(g)(2).

IV. PROJECT ANALYSIS, CRITERIA AND FINDINGS

A. Comprehensive Plan Considerations

Not applicable.

B. Zoning Considerations

The variance process for physical site development is intended to provide limited relief from the requirements of this Code in those cases where strict application of those requirements will create an undue hardship or practical difficulty, as distinguished from a mere inconvenience, prohibiting the use of land in a manner otherwise allowed under this Code.

Practical difficulty Waiver (Section 27-52(g)(2):

(g) Standards of Review. A variance shall be granted only where the preponderance of the evidence presented in the particular case shows that either of the following is met:

(2) Practical difficulty waiver. If the application does not meet the undue hardship variance criteria, the application may be considered under the requirements of practical difficulty waiver. The following are the standards that must be met for consideration of whether a practical difficulty exists:

- a. The request shall not be substantial in relation to what is required by the Code;**
- and**

Applicant: The property owners are seeking an accommodation from 800 square feet to 900 square feet to convert a pre-existing building on the property to a “Guesthouse”.

Staff: *The requested increase in size is not considered by staff to be substantial to what is required by code. The applicant is requesting a 100 square foot increase (12.5% increase in the code requirement). Meets Standard – Yes*

b. The approval of the practical difficulty will be compatible with development patterns; and

Applicant: The property owners believe that this pre-existing building appears to be compatible and in accordance with our neighborhood’s development patterns.

Staff: *The single story 906 square foot accessory structure is compatible with the existing bulk and scale of existing residential structures in the neighborhood. The accessory structure was originally permitted as a 900 square foot workshop and has been built since 2005. Meets Standard – Yes*

c. The essential character of the neighborhood would be preserved; and

Applicant: The current property owners, confidently believe this pre-existing building has and will continue to preserve our lovely neighborhoods charm, character & quality of life.

Staff: *The single story 906 square foot accessory structure is compatible with the existing residential character of the neighborhood. The structure has very limited visibility from N. Bel Air Drive and therefore, the visual impact of the accessory structure is not substantial. Meets Standard – Yes*

d. The request can be approved without causing substantial detriment to adjoining properties; and

Applicant: The property owners believe since they will be updating the pre-existing building to a “Guesthouse”, the granting of the variance will have no ill, negative, or detrimental effect on any of the adjoining properties.

Staff: *The size of the guest house should not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood. A guesthouse is a typical accessory use to a single-family residence. Meets Standard – Yes*

e. The request is due to unique circumstances of the property, the property owner, and/or the applicant which would render conformity with the strict requirements of the Code unnecessarily burdensome.

Applicant: The Literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue hardship to the current property owners. It would also deprive the current property owners of rights and privileges currently enjoyed in this community and by the other property owners with similar conditions in this zoning district, RS-3D.

Staff: *There are unique circumstances relating to the property, the property owner, and/or the applicant which makes compliance with the code unnecessarily burdensome. The cost to renovate the existing structure and provide an 800 square foot structure to meet the code requirement may be financially substantial and burdensome. Meets Standard – Yes*

C. Citizen Comments

The City of Plantation sends out notices to surrounding property owners when planning and zoning actions are requested. This provides an opportunity for citizen participation in the zoning process. In this case, the Planning, Zoning & Economic Development Department sent out notices on December 28, 2021, and to date has not received any written citizen comments nor phone calls about this application.

D. Concerns, Issues and other Pertinent Information

Code Violations: There are no violations for the property at this time.

V. **RECOMMENDATION:**

A. Staff recommends **APPROVAL** of the requested practical difficulty waivers. In the event the Planning and Zoning Board approves the requests, Staff recommends the following conditions:

B. **STAFF COMMENTS:**

PLANNING AND ZONING:

1. The development of this project must be consistent with the Plans stamped “Received NOV 29 2021 Planning, Zoning and Economic Development”, except as modified by conditions of approval.
2. Guest houses require conditional use approval in the RS-3D zoning district. A conditional use application shall be submitted and approved by the City.
3. No building permit will be issued for this project until all conditions of approval are complied with and reflected in the plans submitted with the building permit application. The building permit application must be submitted within 12 months or the approval will expire.

4. Provide a note on Sheet A-4 (Elevations) that the exterior finishes of the guest house shall match the existing residence including window and door materials, surface material finishes, colors and styles.

LANDSCAPE: No objection. Please be advised of the following.

1. The lot is currently deficient of the min. Landscape Standards of Article X.
 - a. Pursuant **Sec. 27-257(a)(4)** All new single family residential or modifications (not including roofing) to existing buildings exceeding ten (10) percent of the appraised value shall meet the minimum landscape requirements.
2. If this project exceeds the threshold stated above, please submit a Landscape Plan showing Existing and Proposed vegetation to meet the following standards at permitting.
 - a. **Sec. 27-257** Residential properties Table 257-1: Properties over ¼ acre require 4 trees (min. 2 in front half); 15 shrubs in front half of property; 10 shrubs in rear half of property.
 - b. Section 27-254(22) Shade trees requirement is 12' Height, Canopy Spread 6 feet, Caliper 2.5"
[Please be advised: shade tree requirements are not satisfied by Existing City swale tree(s).]
 - c. Shrubs - Sec. 27-254(18) shall be installed at min 24" height Hedges - Sec. 27-254(19)
[Please be advised: shrub requirements are not satisfied by required above ground equipment screening.]

ENGINEERING DEPARTMENT: No objection

BUILDING: Staff has no objections for 624 N Bel Air Drive physical variance.

1. Please provide Energy Calculations per separate buildings and clarify Finish
2. Floor Elevation on plans (as per City of Plantation Code of Ordinances)

FIRE: No objections as to this practical difficulty waiver request.

UTILITIES: No objection to the Physical Variance request. While the structure does not encroach into the 7.5' easement along the eastern property, Utilities will periodically need access to perform general maintenance and repairs on the existing gravity main (wastewater collection system) serving the surrounding area.

VII. EXHIBITS:

- A. Letter of Intent
- B. Aerial Map
- C. Zoning Map
- D. Legal Description

**EXHIBIT A
Letter of Intent**

DATE: 11.29.2021

City of Plantation
Planning, Zoning & Economic Development
401 NW 70th Terrace
Plantation, FL 33317

Letter of Intent:

Ruth and Gabriel Delgado
624 N Bel Air Dr.
Plantation, FL 33317

ZONING: RS-3D PARCEL ID #: 504102061060

Letter of intent for Zoning Variance / Special Accommodation (Section 27-105(a)(1)(c))

Dear Planning and Zoning Committee Members,

We are requesting a variance for the above address to seek an accommodation for a "Guest House/ Inn laws quarters" size limitation, for the reasons detailed below, the proposed increase from 800 square feet to 900 square feet will allow us the property owners to utilize the existing building.

1. The lot has an existing free-standing accessory building identified as a workshop, which the previous owner constructed legally following all the city of Plantations permitting and construction requirements in April of 2009. Due to the uniqueness of the free-standing accessory buildings in the RS-3D district. We, the current property owners would like to convert the Accessory building from a workshop to an "Inn-laws quarters / Guest House".

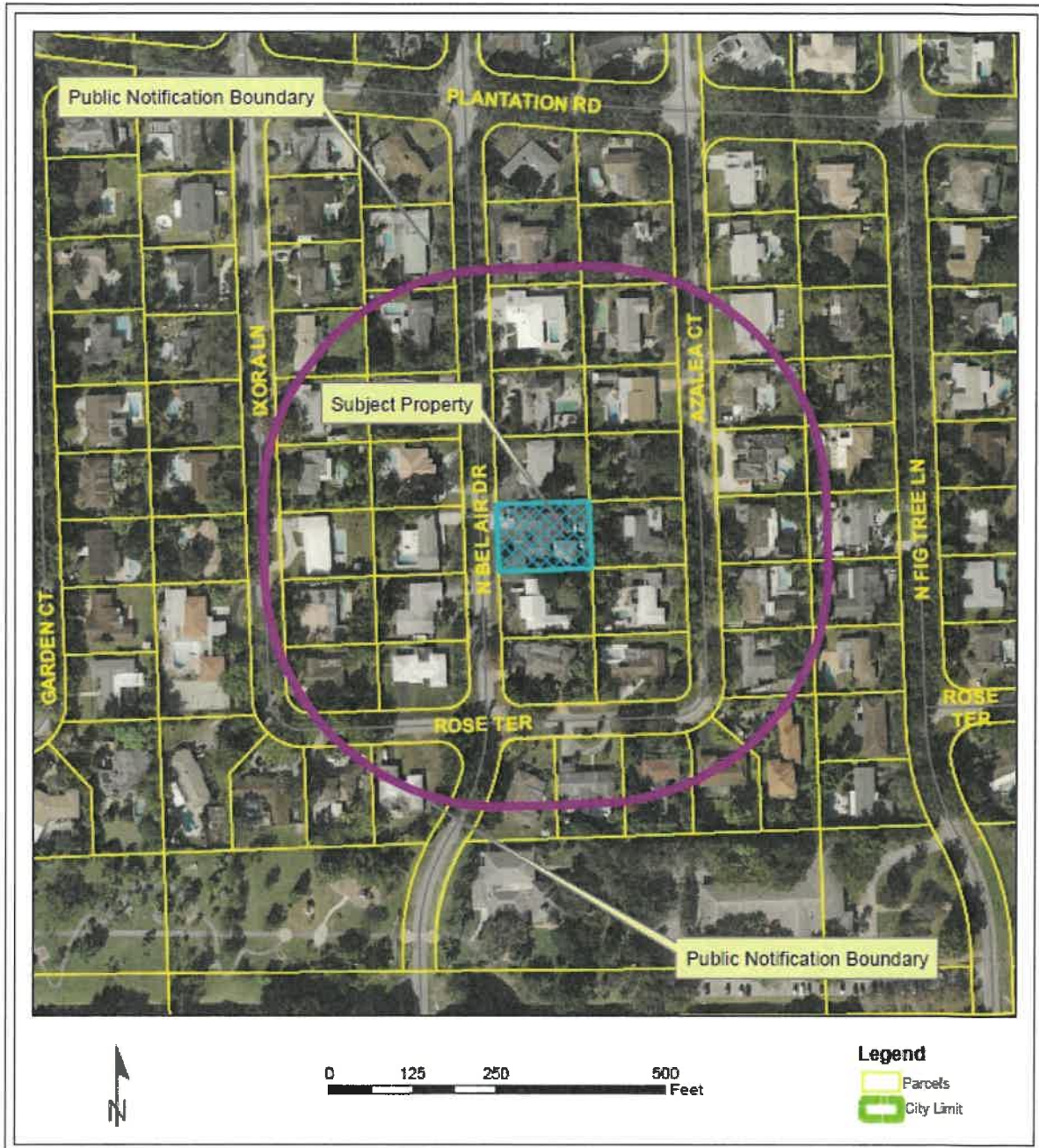
We, the property owners would like to kindly request an accommodation to increase the allowable maximum size for a "Guest House" in the RS-3D district from 800 square feet to 900 square feet. (Section 27-105(a)(1)(c))

Thank you for your consideration,

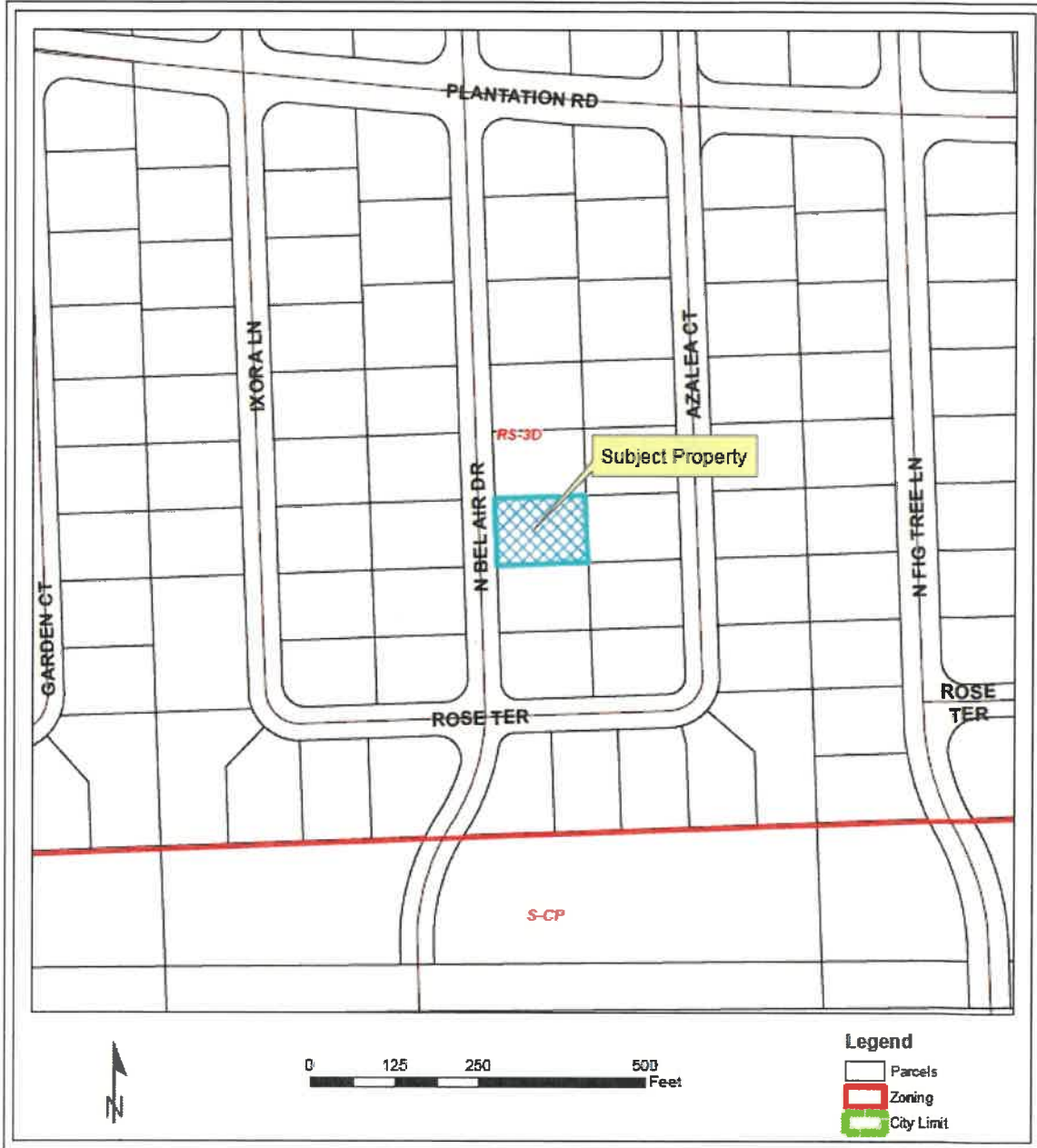
Sincerely,

Property Owner

AERIAL MAP



ZONING MAP



624 N. Bel Air Drive
CASE # PM21-0053

PLANTATION, FLORIDA
12/16/21

EXHIBIT D
Legal Description

This property is described as:
Lot 6, Block 12,
PLANTATION GARDENS 2ND SEC,
according to the Plat thereof,
as recorded in Plat Book 38, Page 29,
of the Public Records of Miami-Dade County, Florida.