August 1, 2013

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Ryan on Thursday, August 1, 2013 at 6:33 P.M., in the City Commission Chambers, Pembroke Pines Municipal Center, 10100 Pines Boulevard, Pembroke Pines, Florida.

Present to wit: Chairman Ryan, Members Monroig and Hendry, Alternate Member Siddigui

Absent: Vice Chairman Rodriguez-Soto, Member Goggin and Alternate Member Amps **Also Present**: Assistant City Attorney Stacy Weinger, Michael Stamm, Director, Planning and Economic Development Division, and Board Secretary Katherine Borgstrom.

Board Secretary declared a quorum present.

LEGAL INSTRUCTION:

Assistant City Attorney Stacy Weinger explained the hearing process to the audience and applicants. The hearing is quasi judicial and all testimony taken is under oath. The Board has the right to ask witnesses questions that the Board deems relevant to the application. At the conclusion of the hearing, the Board will consider testimony and evidence and enter an order. Three votes are needed to approve a variance. The decisions are appealable to the City Commission of Pembroke Pines only.

[Board Secretary's Note: Interested parties were sworn under oath to give testimony in the relevant causes by Board Secretary.]

APPROVAL OF MINUTES

On a motion by Member Monroig, seconded by Member Hendry, to approve the minutes of the June 6, 2013 meeting as received, the following vote was recorded:

AYE: Chairman Ryan, Members Monroig and Hendry, Alternate Member Siddiqui

NAY: None

Motion Passed

OLD BUSINESS: VARIANCES:

VARIANCE FILE NUMBER: ZV 2012-38 F, G, & K

PETITIONER:

Tracey Meredith

ADDRESS:

7690 NW 16 Court Pembroke Pines, FL 33024

SUBJECT PROPERTY:

7690 NW 16 Court Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 10, Block 8 of the BOULEVARD HEIGHTS SECTION EIGHT Plat as recorded in Plat Book 57, Page 9 of the Public Records of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting variances to allow:

ZV 2012-38

- **(F)** a 3'7" side (east) yard setback instead of the required five (5) foot side yard setback for a tiki hut:
- **(G)** a three (3) foot side (east) yard setback instead of the required five (5) foot side yard setback for a deck;
- **(K)** 45% lot coverage for primary and accessory structures instead of the allowed 40% lot coverage for primary and accessory structures.

REFERENCES:

ZV 2012-38 (F & G)

- § 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS.
- (B) In residential districts, all accessory buildings and uses in a rear yard shall be located at least five feet from any plot line, at least 15 feet from any street line, and at least ten feet from any main building or other accessory building. For water front lots located within developments approved under the design criteria of (RS-7) single family zoning districts, accessory structures shall be allowed to extend to the zero setback side property line. These accessory structures shall include, but not be limited to, concrete slabs, paver decks, wood decks, pools and pool decks, and screen enclosures.
- (H) In all residential districts except A-1, RR, E-1, R-3, R-4, and R-6, only one accessory building is permitted which shall not exceed 100 square feet. In the A-1, RR, E-1, R-3, R-4, and R-6 districts, all accessory uses, storage sheds, and accessory buildings, except structures for housing livestock, up to 150 square feet in area shall be located at least five feet from any plot line and at least 15 feet from any street line. Also in the A-1, RR, E-1, R-3, R-4 and R-6 districts, only one storage container shall be permitted. Storage sheds and accessory buildings over 150 square feet and storage containers shall be subject to the limitations on location of a principal building and shall not be placed in any required yard. For purposes of this section, fall-out shelters and garages shall not be deemed accessory buildings.

ZV 2012-38 (K) § 155.106(C) ONE FAMILY DWELLING (R-1A THROUGH R-1C) DISTRICTS.

(C) Coverage. The combined area occupied by all principal and accessory buildings shall not

exceed 40% of the area of the plot. ('69 Code, App. A § 18.3)

Petitioner Tracey Meredith spoke to the variance request. These items were deferred by

the Board until the City Commission took action on the code ordinance that would include tiki

hut construction within the City. The Code retained the initial set-back measurements and the

already installed tiki hut extends into the set-back. The coverage of the principal and accessory

buildings still exceeds the 40% coverage allowed by code.

Board Members who spoke to the variance request were Chairman Ryan, Members

Hendry and Monroig. Michael Stamm stated that due to the Code change concerning tiki huts,

that prior variance request had been dropped. Petitioner stated that because the buildings and

patio are already installed she does not believe she can change the size of them in order to

meet the code requirements. Petitioner stated she has support of all her neighbors concerning

the buildings and patio she has installed in her rear yard.

No one from the public came forward to speak to the request.

On a motion by Member Hendry, seconded by Member Monroig, to approve ZV 2012-38

to allow: (F) a 3'7" side (east) yard setback instead of the required five (5) foot side yard setback

for a tiki hut; (G) a three (3) foot side (east) yard setback instead of the required five (5) foot side

yard setback for a deck; and (K) 45% lot coverage for primary and accessory structures instead

of the allowed 40% lot coverage for primary and accessory structures, under Sec. 32.034 (2)

(a), the following vote was recorded:

AYE:

Chairman Ryan, Members Monroig and Hendry, Alternate Member Siddiqui

NAY: None

Motion Passed

NEW BUSINESS:

VARIANCES:

VARIANCE FILE NUMBER:

ZV(R) 2013-05 A & B

PETITIONER:

Robert Magnuson

ADDRESS:

1908 NW 78 Way Pembroke Pines, FL 33024

SUBJECT PROPERTY:

1908 NW 78 Way Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 38, Walnut Creek Parcel G-1. AKA: A portion of Parcel "A" of the WALNUT CREEK Plat, according to the Plat thereof as recorded in Plat Book 167, Page 40 of the Public Records of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

- A) a 10.25" rear yard setback instead of the required three (3) foot rear yard setback for a paver patio;
- B) a two (2) foot interior side yard setback instead of the required five (5) foot interior side yard setback for a paver patio.

REFERENCES:

Walnut Creek Planned Unit Development (PUD) Guidelines

Petitioner was not present. No one from the public came forward to speak to the request.

On a motion by Member Hendry, seconded by Member Monroig, to defer ZV 201305 A

& B to the end of the meeting to allow petitioner time to appear, the following vote was recorded:

AYE: Chairman Ryan, Members Monroig and Hendry, Alternate Member Siddiqui

NAY: None

Motion Passed

VARIANCE FILE NUMBER: ZV(R) 2013-06

PETITIONER:

Hau Ho

ADDRESS:

11750 SW 10 Street Pembroke Pines, FL 33025

SUBJECT PROPERTY:

11750 SW 10 Street Pembroke Pines, FL 33025

LEGAL DESCRIPTION:

Lot 147 Eagle Creek. AKA: A portion of Tract "R-4" of the "PEMBROKE LAKES SOUTH" Plat, according to the Plat thereof as recorded in Plat Book 119, Page 1 of the Public Records of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a driveway width of 36' (60% of lot width) instead of the required 24' (40% of lot width) for a paver driveway.

REFERENCE:

Engineering Standards Manual R-18 Residential Driveway Spacing and Dimensions

Mr. Frenchy Roy, of Your Permit Solution, who is a permit expediter hired by Mr. Ho, spoke for the Petitioner. He explained the request was a result of the limited street to swale to driveway space in the development and that the larger drive would allow the petitioner and his two vehicles to exit the home drive, which they considered dangerous before the new driveway was installed. Mr. Roy also stated the installation was done without a permit from the City and that this installation came to the attention of Code Enforcement, so that is why they are now seeking the variance, in order to get permit and not been in violation of code.

Members of the Board who spoke to the variance were Chairman Ryan, Members Hendry, Monroig, and Alternate Member Siddiqui. Board members expressed concern over the lack of the HOA overseeing that residents get building permits for installations after HOA has given the resident permission to make changes on their property. Mr. Stamm stated that this driveway installation is just one of several, including the next request, where the driveways were enlarged without building permits. Another concern of the Board focused on the coverage of the entire front of the lot by this driveway, thereby possibly causing drainage problems from heavy rains or storms.

Mr. Sergio Duran, 11650 SW 10th Street, homeowner on same street, spoke against the request. He installed a paver driveway four months ago at his own home. He went through the HOA and received their approval and did obtain the required building permit. Three neighbors have installed their driveways without permits. He believes this installation does not follow the standards of water management because it covers the entire front of the property. He stated he

is very concerned about water drainage in the development. Mr. Turan stated he works as a subcontractor and worked after the last hurricane to clear limbs and debris that resulted from ponding water.

On a motion by Member Hendry, seconded by Member Monroig, to approve ZV 2013-06 to allow a driveway width of 36' (60% of lot width) instead of the required 24' (40% of lot width) for a paver driveway, under Sec. 32.034 (2) (a), the following vote was recorded:

AYE: None

NAY: Chairman Ryan, Members Monroig and Hendry, Alternate Member Siddiqui

Motion Failed

VARIANCE FILE NUMBER: ZV(R) 2013-07

PETITIONER:

Gary Berman

ADDRESS:

11701 SW 10 Street Pembroke Pines, FI 33025

SUBJECT PROPERTY:

11701 SW 10 Street Pembroke Pines, FI 33025

LEGAL DESCRIPTION:

Lot 169 Eagle Creek. AKA: A portion of Tract "R-4" of the "PEMBROKE LAKES SOUTH" Plat, according to the Plat thereof as recorded in Plat Book 119, Page 1 of the Public Records of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a driveway width of 35' (59% of lot width) instead of the required 24' (40% of lot width) for a paver driveway.

REFERENCE:

Engineering Standards Manual R-18 Residential Driveway Spacing and Dimensions

Mr. Frenchy Roy, of Your Permit Solution, who is a permit expediter hired by Mr. Berman, spoke for the Petitioner. Mr. Roy stated this property is a corner unit and the incoming turning traffic comes very close to this property when entering. By making the drive circular petitioner will be able to exit the property safely, due to the corner traffic. Mr. Roy stated there

are three vehicles parking on the property. Mr. Roy stated that the corner lot at the entrance to

the development and located close to this property was approved for the enlarged driveway

previously. Chairman Ryan did remind petitioners that each variance request stands on its own

merits and granting of a variance to one petitioner does not indicate a variance should or will be

granted to another petitioner. Mr. Roy stated this installation has been in for several years and

was done without a permit.

Board members who spoke to the variance request were Chairman Ryan, Members

Hendry and Monroig. Mr. Stamm reminded the Board there is an opening in this driveway

making it a true circular drive, thereby less coverage of green space. Members also noticed

there are wider set-backs with this property thereby allowing for more drainage. Another

concern of the Board members was that the installation may or may not have been installed

according to code.

Mr. Sergio Duran, 11650 SW 10th Street, homeowner on same street, spoke against the

request. He stated there is concern about ponding water, due to these oversized installations

and that there are so many installations being completed without permits.

Member Hendry suggested that if this community is going to continue to allow these

larger drives, the HOA should petition the City Commission to have their community PUD

changed to allow them.

On a motion by Member Hendry, seconded by Member Monroig, to approve ZV 2013-07

to allow a driveway width of 35' (59% of lot width) instead of the required 24' (40% of lot width)

for a paver driveway, under Sec. 32.034 (2) (a), the following vote was recorded:

AYE: Member Monroig and Alternate Member Siddiqui

NAY: Chairman Ryan and Member Hendry

Motion Failed

DEFERED VARIANCE:

VARIANCE FILE NUMBER:

ZV(R) 2013-05 A & B

The Petitioner, Robert Magnuson, has not appeared and there is no one to speak to the

variance request.

On a motion by Member Hendry, seconded by Member Monroig, to defer ZV 201305 A

& B to a time certain, the August 29, 2013 meeting, the following vote was recorded:

Chairman Ryan, Members Monroig and Hendry, Alternate Member Siddiqui

NAY: None

Motion Passed

CHANGE OF MEETING DATE DUE TO HOLIDAY

Mr. Stamm reminded the Board that they need to vote to change the date of the

September 5, 2013 meeting to August 29, 2013, due to the religious holiday. Board members

had been contacted previously concerning this date change and had verbally approved the

change.

On a motion by Member Monroig, seconded by Member Hendry, to change the date of

the September 5, 2013 meeting to August 29, 2013, the following vote was recorded:

Chairman Ryan, Members Monroig and Hendry, Alternate Member Siddiqui

NAY: None

Motion Passed

ADJOURNMENT:

On a motion by Member Hendry, seconded by Member Monroig, to adjourn the meeting

at 7:29 P.M., the following vote was recorded:

AYE: Chairman Ryan, Members Monroig and Hendry, Alternate Member Siddiqui

NAY: None

Motion Passed

Respectfully submitted:

CITY OF PEMBROKE PINES BOARD OF ADJUSTMENT

Katherine Borgstrom

Katherine Borgstrom Board Secretary