Board of Adjustment **Pembroke Pines, FL**

March 7, 2013

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Ryan on Thursday, March 7, 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, Vice Chairman Rodriguez-Soto, Members Hendry, and Goggin, Alternate Member Siddiqui
Absent: Member Monroig and Alternate Member Amps
Also Present: Assistant City Attorney Stacy Weinger, Dean Piper, Zoning Administrator, 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 Goggin, seconded by Vice Chairman Rodriguez-Soto, to approve the minutes of the February 5, 2013 meeting as received, the following vote was recorded:

AYE: Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and Goggin, Alternate Member Siddiqui

NAY: None

Motion Passed

NEW BUSINESS:
VARIANCES:

VARIANCE FILE NUMBER: ZV(R) 2013-01

PETITIONER:
James & Susan Cumby

ADDRESS:
2330 NW 103 Avenue
Pembroke Pines, FL 33026

SUBJECT PROPERTY:
2330 NW 103 Avenue
Pembroke Pines, FL 33026

LEGAL DESCRIPTION:
Lot 5, Block 1 of "WOODBRIDGE" according to the Plat thereof as recorded in Plat Book 93, Page 28 of the Public Records of Broward County, Florida.

VARIANCE REQUESTED:
Petitioner is requesting a variance to allow a 3.9 foot rear yard setback instead of the required five (5) foot rear yard setback with a screened patio.

REFERENCE:
§ 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.

James Cumby, petitioner, spoke to the variance. He indicated that in seeking to replace the existing pool screen enclosure in order to meet hurricane standards and in the same placement of the original, which was put in by the home builder, it was discovered that the structure is less than one foot into the setback.

Chairman Ryan asked if it had met code when built and Dean Piper replied that is was permitted thirty years ago when originally built and that the adjacent development was not there. Member Siddiqui stated that with some new construction it is difficult to establish a hard property line. Member Goggin asked Mr. Piper if there is a utility easement to which Mr. Piper

replied that the homeowner will have to get release form from utility company to complete the permitting process.

On a motion by Vice Chairman Rodriguez-Soto, seconded by Member Hendry, to approve ZV(R) 2013-01 to allow a 3.9 foot rear yard setback instead of the required five (5) foot rear yard setback with a screened patio, under Sec. 32.034 (2) (c), the following vote was recorded:

AYE: Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and Goggin, Alternate Member Siddiqui

NAY: None

Motion Passed

VARIANCE FILE NUMBER: ZV(R) 2013-02

PETITIONER:
Konrad & Kathryn Walter

ADDRESS:
1301 NW 89 Terrace
Pembroke Pines, FL 33024

SUBJECT PROPERTY:
1301 NW 89 Terrace
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:
Lot 1 Block 7 of "WESTVIEW SEC 3 PART 1 AMENDED" according to the Plat thereof as recorded in Plat Book 86, Page 42 B, of the Public Records of Broward County, Florida.

VARIANCES REQUESTED:
Petitioner is requesting variances to allow:
A) a zero (0) foot side yard setback within the swale area instead of the required five (5) foot side yard setback for a stamped concrete driveway;
B) a zero (0) foot side yard setback within the property instead of the required five (5) foot side yard setback for a stamped concrete driveway.

REFERENCES:
A) CITY ENGINEERING STANDARD R-18
B) § 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.

Kathryn Walter, petitioner, spoke to the variance request. Also, petitioner handed some hand-produced renderings to the board members for them to view. Petitioner stated the asphalt is in bad shape and has been patched many times. There are no underground cables under the asphalt. She stated the addition of paved surface between existing asphalt to the door of the home is needed due to an elderly parent living in home. This will allow a seamless flat surface from driveway to walkway to the door. This additional area will put them over allowable coverage limit

Dean Piper stated that in 1992 a permit was allowed to put driveway into the set back and was allowed to go to the property line. Now because they want to put in stamped concrete, they have to have it permitted.

Chairman Ryan asked if the sidewalk was an issue and Dean Piper replied it was not. It is the area within the swale that is the issue, as the petitioner is asking to take the driveway all the way to the street. Currently driveway only goes to the property line, petitioner is asking to allow the apron area to be paved.

Member Goggin expressed concern about covering the swale, which will give no place for rain runoff. He also asked if the walkway could be done in pavers? Chairman Ryan stated that would be an uneven surface as pavers would settle over time. Member Hendry also express concern about so much of the yard being covered in concrete. Petitioner stated that they have four cars driven by occupants in the home and this would allow them to not have to park on swale and save that grass that is left, plus they believe it will allow value to home. Petitioner is willing to plant more landscaping in front yard to compensate for concrete coverage, in reply to Alternate Member Siddiqui's concerns.

On a motion by Member Goggin, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2013-02 to allow A) a zero (0) foot side yard setback within the swale area instead of the required five (5) foot side yard setback for a stamped concrete driveway; and B) a zero (0) foot side yard setback within the property instead of the required five (5) foot side yard setback for a stamped concrete driveway, under Sec. 32.034 (2) (c), the following vote was recorded:

AYE: Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and Goggin, Alternate Member Siddiqui

NAY: None

Motion Passed

ADJOURNMENT:

Meeting was adjourned by consent at 7:10 P.M.

Respectfully submitted:

CITY OF PEMBROKE PINES
BOARD OF ADJUSTMENT

Katherine Borgstrom

Katherine Borgstrom
Board Secretary