

MARCH 2, 2023

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chair Rodriguez-Soto on Thursday, March 2, 2023 at 6:34 P.M., in the City Commission Chambers, Charles F. Dodge City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

PRESENT: Chair Rodriguez-Soto, Members Crawl and Brito; Alternate Member Siddiqui

ABSENT: Vice Chair Goggin, Member Abbondandolo, Alternate Member Almeria

ALSO PRESENT: Dean Piper, Zoning Administrator, Christian Zamora, Planner/Zoning Specialist, Quentin Morgan, Assistant City Attorney, and Board Secretary Katherine Borgstrom

Board Secretary Borgstrom called roll and declared a quorum present.

APPROVAL OF THE MINUTES:

A motion by Alternate Member Siddiqui, seconded by Member Crawl, to approve the minutes of the January 5, 2023 meeting as received passed unanimously.

EXCUSED ABSENCES:

A motion by Member Brito, seconded by Alternate Member Siddiqui, to excuse the absence of Vice Chair Goggin, Member Abbondandolo and Alternate Member Almeria passed unanimously.

LEGAL INSTRUCTIONS:

Assistant City Attorney Quinten Morgan 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.

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

OLD BUSINESS:

VARIANCES:

VARIANCE FILE NUMBER: ZV(R) 2022-0035

PETITIONER:

Judith Molina

ADDRESS:

SUBJECT PROPERTY:

8800 SW 10 Street
Pembroke Pines, FL 33025

LEGAL DESCRIPTION:

Lot 150, of the CINNAMON PLACE V PLAT, according to the Plat thereof as recorded in Plat Book 132, Page 47B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a zero feet (0') rear setback instead of the required five feet (5') rear setback for a proposed pool and deck.

REFERENCE:

Table 155.620 Accessory Buildings and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Pool/Deck	Primary Building	5 feet	15 feet	5 feet	N/A	N/A	N/A.

Chairman Rodriguez-Soto read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Syney Fierro, agent, has submitted a Residential Zoning Variance request in conjunction with the owner plans to build a swimming pool and deck in the property's rear yard. Per proposed plan, the pool and deck will be built in the south yard of the lot, abutting to the community's common area.

Zoning Variance Application #ZV(R) 2022-0035 is to allow zero-foot (0') rear side setback along the southern property line instead of the required five feet (5') for a swimming pool and deck.

The applicant is aware that Board consideration of a residential variance request does not preclude the property owner from obtaining all necessary development related approvals or permits.

The subject property is in Honeywoods homeowner's association (HOA). The applicant has provided a letter of approval.

VARIANCE REQUEST DETAILS:

ZV(R) 2022-0035 to allow zero-foot (0') rear setback instead of the required five feet (5') rear setback for a proposed pool and deck.

Code Reference: Code Reference: Table 155.620 Accessory Building and Structures. Type, Pool/Deck, Rear, 5 feet

Michael Barro, contractor for the petitioner, spoke to the variance request. He stated he is representing Ms. Molina for the request to put in a pool to the property boundary lines, with zero set back. Dean Piper confirmed this location where the home property backs up to the 20 foot lake easement and that it does not back up to any other home property. Also, there are no easement in the yard. Mr. Piper also confirmed that there are no flooding concerns – the drainage is to the east.

The members of the board who spoke to the variance request were Chair Rodriguez-Soto, Members Brito, Crawl an Alternate Member Siddiqui.

The member of staff who spoke to the variance request was Dean Piper.

No one from the public asked to speak to the variance request.

On a motion by Member Brito, seconded by Member Crawl, to grant variance request ZV(R) 2022-0035, under Sec. 155.301(O)(1)(c), to allow a zero feet (0') rear setback instead of

the required five feet (5') rear setback for a proposed pool and deck, the following vote was recorded:

AYE: Chairman Rodriguez-Soto, Members Brito and Crawl

NAY: Alternate Member Siddiqui

Motion Passed

NEW BUSINESS:

VARIANCES:

VARIANCE FILE NUMBER: ZV(R) 2022-0036

PETITIONER:

James A. Mitchell

ADDRESS:

SUBJECT PROPERTY:

8861 NW 7 Court
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 14, Block 2, of the WESTVIEW SEC 1 PART 1 PLAT, according to the Plat thereof as recorded in Plat Book 94, Page 50B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 38% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total front lot coverage to replace and expand the existing driveway.

REFERENCE:

Table 155.620 Accessory Buildings and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Typical Lot	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40 % width of lot	[1] 10 foot minimum width

Chairman Rodriguez-Soto read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

James Mitchell, owner, has submitted a Zoning Variance request to replace and expand the existing driveway.

Zoning Variance Application #ZV(R) 2022-0036 is to allow 38% total front lot coverage instead of the allowed 35% total front lot coverage for a new driveway.

The applicant is aware that Board consideration of a residential variance request does not preclude the property owner from obtaining all necessary development related approvals or permits.

There is no Homeowners Association where the property is located.

VARIANCE REQUEST DETAILS:

- **ZV(R) 2022-0036** is to allow 38% total front lot coverage instead of the allowed 35 % for an existing driveway expansion.

Code Reference:

Table 155.620 Accessory Buildings and Structures.

Type, Driveway, Typical Lot, Maximum Dimensions, 35% front lot coverage

James Mitchell, petitioner, spoke to the variance request. He stated they are seeking to expand driveway due to two driving age children in the home and allowing the eight feet addition gives enough distance for cars to open doors and would allow parking into the garage more accessible. Petitioner stated they have some wait at times to back onto 7th Court and that the extension is concrete next to the existing asphalt. Drainage is not a problem.

The members of the board who spoke to the variance request was Chair Rodriguez-Soto.

The member of staff who spoke to the variance request was Dean Piper.

No one from the public asked to speak to the variance request.

A motion by Member Crawl, seconded by Member Brito, to grant variance request ZV(R) 2022-36, under Sec. 155.301(O)(1)(c), to allow a 38% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total front lot coverage to replace and

expand the existing driveway passed unanimously.

VARIANCE FILE NUMBERS: ZV(R)2023-0001 & 0002

PETITIONER:

Patrick & Deborah Keller

ADDRESS:

SUBJECT PROPERTY:

18791 NW 23 Street
Pembroke Pines, FL 33029

LEGAL DESCRIPTION:

Lot 223 of Keystone Lake, AKA of the BIG SKY PLAT, according to the Plat thereof as recorded in Plat Book 158, Page 11B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to:

ZV(R)2023-0001 allow zero feet (0') side setback along the eastern property line instead of the required five feet (5') for a built walkway;

ZV(R)2023-0002 allow zero feet (0') side setback along the western property line instead of the required five feet (5') for a built walkway.

REFERENCES:

Table 155.620 Accessory Buildings and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Pool/Deck	NA	2 feet	5 feet	5 feet	N/A	3 feet in width	Lots with side yards 7 1/2 feet or less, only one walkway is permitted

Chairman Rodriguez-Soto read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Patrick & Deborah Keller, owners, have submitted two Zoning Variance requests to legalize existing walkways on the property. Per the provided survey, the existing location of the built items are to the east and west side yards of the home's building.

- ZV(R) 2023-0001 is to allow zero feet (0') side setback along the eastern property line instead of the required five feet (5') for a built patio/walkway.
- ZV(R) 2023-0001 is to allow zero feet (0') side setback along the western property line instead of the required five feet (5') for a built patio/walkway.

On July 7, 2022, the city issued a building permit (RX22-03058) to replace existing concrete driveway and front walkway with pavers. The approved construction plan included: existing driveway and walkway replacement and, a new walkway leading to the west side of the home's building (west side yard).

On September 7, 2022, during required building permit inspections, the engineering division detected the construction exceeded the work in the approved plans, as result, the inspection was failed. No further inspections have taken place since.

The applicant is aware that Board consideration of a residential variance request does not preclude the property owner from obtaining all necessary development related approvals or permits.

The petitioners have included a letter of architectural approval from the Keystone Lake HOA.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0001: to allow zero feet (0') side setback along the eastern property line instead of the required five feet (5') for a built walkway/patio.

ZV(R)2023-0002: to allow zero feet (0') side setback along the western property line instead of the required five feet (5') for a built walkway/patio.

Code References:

Table 155.620 Accessory Buildings and Structures

ZV(R) 2023-0001)

Type, Walkway (Single Family Lots), Setback, Side, 2 feet

ZV(R) 2023-0002)

Type, Walkway (Single Family Lots), Additional Regulations, Lots with side yards 7 ½ feet or less, only one walkway is permitted.

Deborah Keller, petitioner, spoke to the variance request. She stated they had put in pavers on the east side of the house so that the a/c unit and other utilities/waste bins would not be in the dirt, as the area is constantly wet. The walkway on the west was in the original permit, although she admits it went further into the set back than the permit allowed. She answered questions about the pavers from the board members, stating drainage is better and the equipment will last longer.

The members of the board who spoke to the variance request were Chair Rodriguez-Soto, Members Crawl and Brito, Alternate Member Siddiqui.

The member of staff who spoke to the variance request was Dean Piper.

No one from the public asked to speak to the variance request.

On a motion by Member Crawl, seconded by Member Brito, to grant variance request ZV(R) 2023-0001, under Sec. 155.301(O)(1)(c), to allow zero feet (0') side setback along the eastern property line instead of the required five feet (5') for a built walkway, the following vote was recorded:

AYE: Chairman Rodriguez-Soto, Members Crawl and Brito

NAY: Alternate Member Siddiqui

Motion Passed

On a motion by Member Crawl, seconded by Member Brito, to grant variance request ZV(R) 2023-0002, under Sec. 155.301(O)(1)(c), to allow zero feet (0') side setback along the western property line instead of the required five feet (5') for a built walkway, the following vote was recorded:

AYE: Chairman Rodriguez-Soto, Members Crawl and Brito

NAY: Alternate Member Siddiqui

Motion Passed

VARIANCE FILE NUMBERS: ZV(R) 2023-0003 & 0004

PETITIONER:

Karina Betancur

ADDRESS:

SUBJECT PROPERTY:

18951 NW 19 Street
Pembroke Pines, FL 33029

LEGAL DESCRIPTION:

A.K.A. Lot 161, 18951 NW 19 St, "PROFILES 2 AT CHAPEL TRAIL", a portion of the CHAPEL TRAIL II PLAT, according to the Plat thereof as recorded in Plat Book 112, Page 16B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to:

ZV(R) 2023-0003) allow a 63% total front zero lot line coverage instead of the required 40% total front lot coverage for a proposed driveway.

ZV(R) 2023-0004) allow a 61% width of lot instead of the 40% required width of lot for a proposed driveway.

REFERENCES:

ZV(R) 2023-0003 & 0004)

Table 155.620 Accessory Buildings and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Zero Lot Line	0 feet	0 on the zero side, 5 feet on the nonzero side	15 feet 155.600(B)	N/A	N/A	40% front lot coverage 40 % width of lot	[1] 10 foot minimum width

Chairman Rodriguez-Soto read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Karina Betancur, owner, has submitted two variance requests for a proposed driveway:

- ZV(R)2023-0003 is to allow a 63% total front lot coverage for a Single Family Residential Zero Lot instead of the allowed 40% total front lot coverage for a new driveway.
- ZV(R)2023-0004 is to allow 61% total width instead of the allowed 40% for total driveway width for a new driveway.

The applicant is aware that Board consideration of a residential variance request does not preclude the property owner from obtaining all necessary development related approvals or permits.

The subject property is in Chapel Trail Neighborhood. Ms. Betancur has supplied HOA Letter of approval and letters of support from her neighbors.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0003 to allow a 63% total front lot coverage for a Single Family Residential, Zero Lot instead of the allowed 40% total front lot coverage for a proposed driveway.

ZV(R) 2023-0004 to allow a 61% total width instead of the allowed 40% for total driveway width for a proposed driveway.

Code Reference: Table 155.620 Accessory Building and Structures.

Table 155.620 Accessory Building and Structures

Type, Driveway, Zero Lot Line, Maximum Dimensions, 40% front lot coverage

Type, Driveway, Zero Lot Line, Maximum Dimensions, 40% Width of lot

Karina Bentancur, petitioner, spoke to the variance request. She stated that she needs the additional space to park on driveway and to be able to safely enter and exit car into her wheelchair. Dean Piper confirmed that there are no drainage issues.

The members of the board who spoke to the variance request were Chair Rodriguez-Soto and Member Brito.

The member of staff who spoke to the variance request was Dean Piper

No one from the public asked to speak to the variance request.

A motion by Alternate Member Siddiqui, seconded by Member Crawl, to grant variance

request ZV(R) 2023-0003, under Sec. 155.301(O)(1)(c), to allow a 63% total front zero lot line coverage instead of the required 40% total front lot coverage for a proposed driveway passed unanimously.

A motion by Alternate Member Siddiqui, seconded by Chair Rodriguez-Soto, to grant variance request ZV(R) 2023-0004, under Sec. 155.301(O)(1)(c), to allow a 61% width of lot instead of the 40% required width of lot for a proposed driveway passed unanimously.

VARIANCE FILE NUMBERS: ZV(R) 2023-0005 - 0007

PETITIONER:

Anthony Arriaga

ADDRESS:

SUBJECT PROPERTY:

2411 NW 102 Way
Pembroke Pines, FL 33029

LEGAL DESCRIPTION:

Lot 16, Block 4, of the WOODBRIDGE PLAT, according to the Plat thereof as recorded in Plat Book 93, Page 28B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to:

ZV(R) 2023-0005) allow a 40% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway.

ZV(R) 2023-0006) allow zero feet (0') rear setback instead of the required five feet (5') rear setback for an existing pool deck and patio.

ZV(R) 2023-0007) allow 3 feet 6 inches (3' - 6") side setback instead of the required five feet (5') rear setback for an existing pool deck and patio.

REFERENCES:

ZV(R) 2023-0005)

Table 155.620 Accessory Buildings and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Typical Lot	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40 % width of lot	[1] 10 foot minimum width

ZV(R) 2023-0006 & 0007)

Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Pool/Deck	Primary Building	5 feet	15 feet	5 feet	N/A	N/A	N/A.

Chairman Rodriguez-Soto read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Anthony Arriaga, owner, submitted three Zoning Variance Requests for the property located in Single Family Residential Zoning District (R-1C).

On September 9, 2022, the city issued a building permit (RX22-03790) to replace existing driveway and front walkway/entryway with pavers. On October 24, 2022, during required building permit inspections, the engineering division noted the construction exceeded the approved plans; subsequently, the inspection failed, and no further inspections have taken place since.

As result of the deviation in the construction of the approved item(s) Mr. Arriaga is requesting:

- ZV(R) 2023-0005 is to allow 40% front lot coverage instead of the allowed 35% for a newly built driveway in a typical single family residential lot.

Also, the property owner, submitted two Zoning Variance requests to legalize exiting conditions on the property. Per survey, existing pool deck/patio is extending closer than the required five feet (5') setback to rear (north) and side (east) property lines:

- ZV(R) 2023-0006 is to allow zero feet (0') rear setback along the eastern property line instead of the required five feet (5') for an existing pool deck/patio.
- ZV(R) 2023-0007 is to allow three feet, six inches (3' -6") side setback along the northern property line instead of required five feet (5') for an existing pool deck/patio.

Per staff findings, the pool deck/patio has been present on the property for several years (early 2000's) however, there are no permits in city's records.

The applicant is aware that Board consideration of a residential variance request does not preclude the property owner from obtaining all necessary development related approvals or permits.

The property is located in Woodbridge Community. Per City's registered HOA list, there no HOA.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0005: to allow 40% front lot coverage instead of the allowed 35% for a new built driveway in a typical single family residential lot.

ZV(R) 2023-0006: to allow zero feet (0') rear setback along the eastern property line instead of the required five feet (5') for an existing pool deck/patio.

ZV(R)2023-0007: to allow three feet, 6 inches (3' – 6") side setback along the northern property line instead of the required five feet (5') for an existing pool deck/patio.

Code References:

Table 155.620 Accessory Buildings and Structures

ZV(R) 2023-0005:

Type, Driveway, Typical Lot, Setback, Maximum Dimensions, 35% front lot coverage

ZV(R) 2023-0006 & 0007:

Type, Pool/Deck, Setback, Side, 5 feet

Type, Pool/Deck, Setback, Rear, 5 feet

Anthony Arriaga, petitioner, spoke to the variance request. He stated he had obtained a permit to put in new paver driveway but exceeded the permitted size, the inspection failed. After it failed two violations were also found. One is a patio deck around the pool for which there could be no permit found, that was built in 2000. The deck goes into the setbacks. Mr. Arriaga purchased the home in 2014 with the pool and decking already installed. He has an open air structure also in the rear yard, but it meets code. To get these violations cleared up, he has applied for these variances.

The members of the board who spoke to the variance request were Chair Rodriguez-Soto and Alternate Member Siddiqui.

The member of staff who spoke to the variance request was Dean Piper.

No one from the public asked to speak to the variance request.

A motion by Alternate Member Siddiqui, seconded by Member Brito, to grant variance request ZV(R) 2023-0005, under Sec. 155.301(O)(1)(c), allow a 40% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway passed unanimously.

A motion by Member Brito, seconded by Member Crawl, to grant variance request ZV(R) 2023-0006, under Sec. 155.301(O)(1)(c), to allow zero feet (0') rear setback instead of the required five feet (5') rear setback for an existing pool deck and patio passed unanimously.

A motion by Member Brito, seconded by Member Crawl, to grant variance request ZV(R) 2023-0007, under Sec. 155.301(O)(1)(c), allow 3 feet 6 inches (3' - 6") side setback instead of the required five feet (5') rear setback for an existing pool deck and patio passed unanimously.

STAFF CONCERNS:

Dean Piper stated there will be a full agenda for the April meeting.

ADJOURNMENT:

On a motion by Alternate Member Siddiqui, seconded by Member Crawl, to adjourn the meeting at 7:42 P.M., passed unanimously.

Respectfully submitted:

Katherine Borgstrom

Katherine Borgstrom
Board Secretary

Adjourned: 7:42 P.M.
Approved: 04/06/2023