

SEPTEMBER 7, 2023

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chair Rodriguez-Soto on Thursday, September 7, 2023 at 6:30 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 Abbondandolo, Crawl and Brito; Alternate Member Siddiqui

ABSENT: Vice Chair Goggin, Alternate Member Almeria

ALSO PRESENT: Christian Zamora, Senior Planner, 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 August 3, 2023 meeting passed unanimously.

EXCUSED ABSENCES:

A motion by Alternate Member Siddiqui, seconded by Member Crawl, to excuse the absence of Vice Chair Goggin, Member Brito (arrived 6:37pm) 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 NUMBERS: ZV(R)2023-0073 - 0076

PETITIONER:
Martha Camba

ADDRESS:
SUBJECT PROPERTY:
11440 NW 23 Street
Pembroke Pines, FL 33026

LEGAL DESCRIPTION:
Lot 14, Block 45, of the PEMBROKE LAKES SECTION 4 PLAT, according to the Plat thereof as recorded in Plat Book 91, Page 8B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:
Petitioner is requesting variances to allow:
ZV(R) 2023-0073) a 67% total front lot coverage instead of the required 35% total front lot coverage for an existing circular driveway.
ZV(R) 2023-0074) a 48% width of lot instead of the allowed 40% width of lot for a existing circular driveway.
ZV(R) 2023-0075) a one foot, ten inches (1’ – 10”) side setback along a portion of the eastern property line instead of the required five feet (5’) side setback for an existing patio.

ZV(R) 2023-0076) a three feet, two inches (3’ – 2”) side setback along a portion of the eastern property line instead of the required seven and a half feet (7.5’) side setback for an existing attached covered patio.

REFERENCES:
ZV(R)2023-0073 - 0074)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Circular*	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40% lot coverage for zero lot line. 40 % width of lot	[1] Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

ZV(R)2023-0075)

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

ZV(R)2023-0076)

Table 155.421.3: Residential Single-Family (R-1C)	
Standard	Residential
Side Setback	7.5 feet

PROJECT DESCRIPTION / BACKGROUND:

Martha Camba, owner, submitted four residential zoning variance requests to legalize an existing circular driveway and attached covered patio for the single-family residence located at 11440 NW 23 Street in the Pembroke Lakes neighborhood.

On May 14, 2021, the City’s Code Compliance Division cited the property owner (Case No. 127688) for a circular driveway, covered patio and fence built without building permits.

On October 12, 2021 the owner submitted a building permit application (BUL-259398) to legalize the constructed driveway. The building permit was approved, and the permit issued; however, building inspections failed as the approved plans did not match the conditions on the field (refer to building permit report, approved layout, attached) The owner submitted a survey showing the unpermitted work, the document revealed the existing circular driveway exceeded the size approved in the building permit issued on February 2, 2023.

- ~~ZV(R) 2023-0073: to allow a 67% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing circular driveway in a typical single-family residential lot.~~
- ~~ZV(R) 2023-0074: to allow a 48% of lot’s width instead of the allowed 40% width of lot for an existing circular driveway at a typical single-family residential lot.~~

The above requests for the driveway at the property were heard by the Board on August 3, 2023 Meeting where the owner was directed to reconsider their request and to possibly provide

an alternative plan to reduce further the amount of paving in the front of the house. Per the updated plan, the applicant now is requesting:

- **ZV(R) 2023-0073**: to allow a 58% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing circular driveway in a typical single-family residential lot.
- **ZV(R) 2023-0074**: to allow a 42% of lot's width instead of the allowed 40% width of lot for an existing circular driveway at a typical single-family residential lot.

Also, the survey document depicts an existing fifty feet, 3 inch (50' – 3") by eight feet, eleven inches (8' – 11") concrete patio located along the east side of the home building, located closer than required five feet (5.0') side setback. Per staff research and Broward County Property Appraiser Imagery, it was found the sixty feet by nine feet (60'- 9') attached covered patio is extending closer than the required seven and a half (7' - 6 ") side setback along a portion of the eastern property line.

Specifically, the owner is requesting the following:

- **ZV(R) 2023-0075**: to allow one foot, ten inches (1' – 10") side setback along a portion of the eastern property line instead of the required five feet (5') side setback for an existing patio.
- **ZV(R) 2023-0076**: to allow three feet, two inches (3' – 2") side setback along a portion of the eastern property line instead of the required seven and a half feet (7' – 6") side setback for an existing attached covered patio in a typical single-family residential lot.

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

The subject property is in the Pembroke Lakes neighborhood. Per City's registered Homeowner's Association, there is no registered HOA.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0073 is to allow a 67% front lot coverage (total) instead of the allowed 35% total front lot coverage for an existing circular driveway in a typical single-family residential lot.

ZV(R) 2023-0074) is to allow a 48% width of lot instead of the allowed 40% width of lot for an existing circular driveway at a typical single-family residential lot.

ZV(R) 2023-0075) is to allow one foot, ten inches (1' – 10") side setback along a portion of the eastern property line instead of the required five feet (5') side setback for an existing patio.

ZV(R) 2023-0076) is to allow three feet, two inches (3' – 2") side setback along a portion of the eastern property line instead of the required seven and a half feet (7' – 6") side setback for an existing attached covered patio.

Code References:

ZV(R) 2023-0073)

Table 155.620 Accessory Building and Structures
Type, Driveway, Circular, Maximum Dimensions, 35% front lot coverage

ZV(R) 2023-0074)

Table 155.620 Accessory Building and Structures
Type, Driveway, Circular, Maximum Dimensions, 40 % width of lot

ZV(R) 2023-0075)

Table 155.620 Accessory Building and Structures
Type, Deck or patio, Setback, Side, 5 feet

ZV(R) 2023-0076)

Table 155.421.3 Residential Single Family (R-1C)
Standard, Residential, Side Setback, 7.5 feet

Martha Camba, petitioner, spoke to the variance request. She stated she had reduced the driveway to 53% and the front width to 48%. Board members stated still not acceptable reductions. Petitioner stated she would be willing to reduce further.

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

The member of staff who spoke to the variance request was Christian Zamora.

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

A motion by Alternate Member Siddiqui, seconded by Member Crawl, to table variances ZV(R)2023-0073 – 0076 for the purpose of further reduction to the October meeting passed unanimously.

NEW BUSINESS:

VARIANCES:

VARIANCE FILE NUMBERS: ZV(R)2023-0077 - 0080

PETITIONER:

Jose Duran

ADDRESS:

SUBJECT PROPERTY:

500 NW 86 Avenue
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 34, Block 7, of the WESTVIEW SECTION ONE PART TWO PLAT, according to the Plat thereof as recorded in Plat Book 103, Page 40B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2023-0077) a 57% total front lot coverage instead of the required 35% total front lot coverage for an existing circular driveway.

ZV(R) 2023-0078) a 41% width of lot instead of the allowed 40% width of lot for a existing circular driveway.

ZV(R) 2023-0079) a one foot two-inch (1' – 2") side setback along the southern property line instead of the required five feet (5') side setback for an existing driveway.

ZV(R) 2023-0080) a 131 square feet shed instead of the required 100 square feet for an existing shed.

REFERENCES:

ZV(R)2023-0077 - 0079)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Circular*	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40% lot coverage for zero lot line. 40 % width of lot	[1] Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

ZV(R)2023-0080)

Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Shed	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	[1] 100 square feet	[2] If over 200 square feet it shall meet primary building setbacks

PROJECT DESCRIPTION / BACKGROUND:

Jose Duran, owner, submitted four residential zoning variance requests for an existing driveway, deck or patio, and a shed at the single-family residence located at 500 NW 86 Avenue in the Westview neighborhood, which is zoned R-1C (Residential Single-Family).

On February 10, 2022, the City's Code Compliance Division cited the property owner (Case No. 230200667) for work performed without building permits.

In November 3, 2022, the property owner submitted a building permit application (RX22-08690) to legalize the completed work. The permit application and documents revealed that the existing driveway and deck exceeded the limitations of the City's Land Development Code (LDC); therefore, the building permit application cannot be approved. The applicant is requesting the following:

- **ZV(R) 2023-0077:** to allow 57% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing circular driveway in a residential single-family typical lot.
- **ZV(R) 2023-0078:** to allow 41% width of lot instead of the allowed 40% width of lot for an existing circular driveway in a residential single-family typical lot.
- **ZV(R) 2023-0079:** to allow one foot (1') side setback along a segment of the east property line instead of the required five feet (5') setback for an existing circular driveway in a typical lot.

Per the survey, it was detected an existing (16.1' x 8.1') Accessory Building (shed) installed to the north side of the lot within the required five-foot side setback. City staff reviewed aerial photography from the Broward County Property Appraiser, and it appears that the existing shed has been in the property since at least 2020. The city does not have any permit records for the existing shed.

Per the owner's proposed plan, the existing shed will be relocated five-feet, nine inches (5'-9") away from the northern property line; however, the applicant would like to retain the existing shed dimensions. The applicant, specifically is requesting:

- **ZV(R) 2023-0080:** to allow a 132 square foot instead of the required 100 square feet for an existing shed located along a segment of the northern property line.

The homeowners are aware that Board consideration of residential variance requests does not preclude the property owner from obtaining all necessary development related approvals or permits.

The property is not located within a homeowner's association.

VARIANCE REQUEST DETAILS:

ZV(R)2023-0077) to allow 57% total front lot coverage instead of the required 35% total front lot coverage for an existing circular driveway in a residential single-family typical lot.

ZV(R)2023-0078) to allow 41% width of lot instead of the allowed 40% width of lot for an existing circular driveway in a residential single-family typical lot.

ZV(R)2023-0079) to allow a one-foot (1.0') side setback along a portion of the southern property line instead of the required five feet (5') side setback for an existing circular driveway.

ZV(R)2023-0080) to allow 132 square feet instead of the required 100 square feet for an existing (16.1' x 8.1') shed.

Code References:

Table 155.620 Accessory Building and Structures

ZV(R)2023-0077)

Accessory Structures, Type, Driveway, Circular, Maximum Dimensions, 35% front lot coverage

ZV(R)2023-0078)

Accessory Structures, Type, Driveway, Circular, Maximum Dimensions, 40% width of lot

ZV(R)2023-0079)

Accessory Structures, Type, Driveway, Circular, Setback, Side, 5 feet

Table 155.620 Accessory Building and Structures

ZV(R)2023-0080)

Accessory Buildings, Type, Shed, Maximum Dimensions, [1] 100 square feet

Jose Duran, petitioner, spoke through interpreter Marta De La Pezuela, to the variance request. He stated the work was done without permits. He has since received a permit from South

Broward Drainage but needs variances to get City permit. The shed is a little over the code but he has all of his tools stored in it. He needs to circular driveway because he has five drivers. There is a double car garage but it is also used for storage. Petitioner stated there is no business being run out of the home. During discussion, petitioner agreed to reduce the total front lot coverage to 46% instead of the original request of 57%, which would make request ZV(R)2023-0079 no longer necessary. The board tabled ZV(R)2023-0079 in case it is needed and the proper front lot coverage is not put in place.

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

The member of staff who spoke to the variance request was Christian Zamora.

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)2023-0077, under Sec. 155.301(O)(1)(c), to allow a 46% total front lot coverage instead of the required 35% total front lot coverage for an existing circular driveway passed unanimously.

A motion by Member Crawl, seconded by Alternate Member Siddiqui, to grant variance request ZV(R)2023-0078, under Sec. 155.301(O)(1)(c), to allow a 41% width of lot instead of the allowed 40% width of lot for an existing circular driveway passed unanimously.

A motion by Member Crawl, seconded by Alternate Member Siddiqui, to table if further needed (variance request ZV(R)2023-0079, under Sec. 155.301(O)(1)(c), to allow a one foot two-inch (1' – 2") side setback along the southern property line instead of the required five feet (5') side setback for an existing driveway) passed unanimously.

A motion by Member Abbondandolo, seconded by Member Brito, to grant variance request ZV(R)2023-0080, under Sec. 155.301(O)(1)(c), to allow a 131 square feet shed instead of the

required 100 square feet for an existing shed passed unanimously.

VARIANCE FILE NUMBERS: ZV(R)2023-0084 & 0085

PETITIONER:

Marta De La Pezuela

ADDRESS:

SUBJECT PROPERTY:

18652 NW 23 Street
Pembroke Pines, FL 33029

LEGAL DESCRIPTION:

Lot 30, KEYSTONE LAKE a portion 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 allow:

ZV(R)2023-0084) a 38% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

ZV(R)2023-0085) a four feet (4') side setback along a portion of the eastern property line instead of the required five feet (5') for an existing deck / patio.

REFERENCES:

ZV(R)2023-0084)

Table 155.620 Accessory Building 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)2023-0085)

Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Deck or Patio*	Primary Building	5 feet	5 feet	5 feet	N/A	N/A	N/A

PROJECT DESCRIPTION / BACKGROUND:

Marta De la Pezuela, owner, submitted two residential zoning variance requests to legalize an existing driveway and patio for the single-family residence located at 18652 NW 23 Street in

Keystone Lake neighborhood. The property is part of the Big Sky Planned Unit Development (PUD) and follows PUD Zone SF-1 (single-family conventional lot) guidelines. The PUD does not address driveways, walkways, or patios; therefore, the provisions of the City's Land Development Code (LDC) apply when PUD guidelines are silent.

On May 20, 2022, the City's Code Compliance Division cited the property owner (Case No. 22050034) for work performed without permits.

In June 27, 2022, the owner submitted a building permit application (No. RX22-03944) to legalize the driveway and patio/walkway; however, the permit cannot be approved as the existing work exceeds the limitations of the City's Land Development Code (LDC).

The owner is requesting:

- **ZV(R) 2023-0084** is to allow a 38% front lot coverage (total) instead of the allowed 35% front lot coverage (total) in a typical single family residential lot for an existing driveway.

Per the survey, there are existing paved areas along the east and west side yards of the home's structure, closer than the required five-foot (5') setbacks. The applicant, via demolition permit (RO22-09445) is permanently removing gazebo, reducing the footprint of unpermitted driveway, and patio.

Nevertheless, the applicant would like to keep the existing three-foot wide walkway located on the side yard (west) and running parallel to the western property line. Specifically, the owner is requesting:

- **ZV(R) 2023-0085** is to allow four feet (4') side setback along a portion of the eastern property line instead of the required five feet (5') side setback for an existing fifty-four feet by three feet (54' x 3') patio.

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

The subject property is in the Keystone Lake neighborhood. No HOA approval has been provided.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0084 is to allow a 38% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical single-family residential lot.

ZV(R) 2023-0085 is to allow four feet (4') side setback along a portion of the eastern property line instead of the required five feet (5') side setback for an existing fifty-four feet by three feet (54' x 3') deck or patio.

Code References:

Table 155.620 Accessory Building and Structures

ZV(R) 2023-0084

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

ZV(R) 2023-0085

Type, Deck or patio, Setback, Side, 5 feet

Marta De La Pezuela, petitioner, spoke to the variance request. She stated that she needs to larger driveway for parking four cars and even though the garage is supposed to park two cars, due to the placement of the utilities, washing machine and dryer, two vehicles do not fit into the garage. Her mother is going into a wheelchair and so there is the need also for more space to allow access into and out of the car with a wheelchair. She did purchase a gazebo from Home Depot, installed it with a permit and then learned it is the incorrect type for Florida, so it has been taken down. She stated before the installation of the patio deck there had been drainage problems, but there are none now. She stated she hired a contractor to build the driveway, believing him to pull permit. She then got ill and had to be hospitalized and contractor did the work without permit.

Christian Zamora stated petitioner has done everything staff asked her to do to get to these minimal requests. Member Crawl asked Mr. Zamora if there is any allowed interpretation of the code variances that would allow staff to approve such small requests, so that the public does not have to pay the fees required to go before the Board of Adjustment for approval of the requested

variances. Mr. Zamora stated staff cannot approve any request for variance, no matter the size, that the approval must come from the Board of Adjustment.

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

The member of staff who spoke to the variance request was Christian Zamora.

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

A motion by Member Crawl, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0084, under Sec. 155.301(O)(1)(c), to allow a 38% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway passed unanimously.

A motion by Member Brito, seconded by Member Crawl, to grant variance request ZV(R)2023-0085, under Sec. 155.301(O)(1)(c), to allow a four feet (4') side setback along a portion of the eastern property line instead of the required five feet (5') for an existing deck / patio passed unanimously.

VARIANCE FILE NUMBERS: ZV(R)2023-0086 & 0087

PETITIONER:

Albert & Stacey Abello

ADDRESS:

SUBJECT PROPERTY:

662 SW 159 Drive
Pembroke Pines, FL 33027

LEGAL DESCRIPTION:

Lot 12, Block 10, of the PASADENA AT PEMBROKE SHORES PLAT, according to the Plat thereof as recorded in Plat Book 159, Page 45B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2023-0086) a 56% total front lot coverage instead of the required 35% total front lot coverage for an existing circular driveway.

ZV(R) 2023-0087) a 52% width of lot instead of the allowed 40% width of lot for a existing circular driveway.

REFERENCES:

ZV(R)2023-0086 - 0087)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Circular*	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40% lot coverage for zero lot line. 40 % width of lot	[1] Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

PROJECT DESCRIPTION / BACKGROUND:

Albert Abello, property owner, has submitted two residential zoning variance requests for a proposed circular driveway at the property located at 662 SW 159 Drive. The property is part of the Pembroke Shores Planned Unit Development (PUD) and follows the guidelines for single-family homes with a lot larger than 8,800 square feet. The PUD guidelines do not address driveways, front lot coverage; therefore, the provisions of the City’s Land Development Code (LDC) are applicable.

On March 8, 2023, the owner submitted a building permit application (No. RX23-03239) to build a circular driveway on the property; however, the permit cannot be issued as the proposal exceeds the limitations of the City’s LDC. The applicant is requesting the following:

- **ZV(R) 2023-0086** is to allow 56% of front lot coverage instead of the allowed 35% front lot coverage for a proposed circular driveway in a typical single-family residential lot.
- **ZV(R) 2023-0087** is to allow 52% of lot’s width instead of the allowed 40% of lot’s width for a proposed circular driveway in a typical single-family residential lot.

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 petitioner has not provided HOA Approval.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0086) to allow 56% of front lot coverage instead of the allowed 35% front lot coverage for a proposed circular driveway in a typical single-family residential lot.

ZV(R)2023-0087) is to allow 52% of lot's width instead of the allowed 40% of lot's width for a proposed circular driveway in a typical single-family residential lot.

Code References:

ZV(R) 2023-0086)

Table 155.620 Accessory Building and Structures

Type, Driveway, Circular, Maximum Dimensions, 35% front lot coverage

ZV(R) 2023-0087)

Type, Driveway, Circular, Maximum Dimensions, 40 % width of lot

Albert Abello, petitioner, spoke to the variance request. He stated they need the larger driveway due to more drivers in the home and there is an elderly parent living with them, so they need the expanse for the handicapped van to be able to turn into the driveway and pick up the elderly parent. Petitioner stated they have new information about the measurements on the drawing. Christian Zamora stated he could not confirm the new information at this meeting. Members discussed tabling the variance requests to the next meeting so the measurements can be verified by staff.

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 Christian Zamora.

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

A motion by Member Abbondandolo, seconded by Member Brito, to table ZV(R)2023-0086 and ZV(R)2023-0087, to the October 5, 2023 meeting passed unanimously.

VARIANCE FILE NUMBERS: ZV(R) 2023-0089 - 0091

PETITIONER:

Eduardo Gomez

ADDRESS:

SUBJECT PROPERTY:

19454 NW 24 Place

Pembroke Pines, FL 33029

LEGAL DESCRIPTION:

Lot 327, KEYSTONE LAKE a portion 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 allow:

ZV(R)2023-0089) a 210 square feet instead of the code prescribed 200 square feet for an existing Open Sided Structure, Freestanding (Gazebo);

ZV(R)2023-0090) a 3 feet side (west) setback instead of the required 5 feet for an existing Open Sided Structure, Freestanding (Gazebo);

ZV(R)2023-0091) a 0 feet side (west) setback instead of the required 5 feet for an existing deck/patio.

REFERENCES:

ZV(R)2023-0089)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Open Sided Structure (Free Standing)	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	200 square feet	When located in A or R-E it may exceed 200 square feet and shall meet the setbacks of the primary building

ZV(R)2023-0090 & 0091)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Deck or Patio*	Primary Building	5 feet	5 feet	5 feet	N/A	N/A	N/A

PROJECT DESCRIPTION / BACKGROUND:

Eduardo Gomez, owner, submitted three residential zoning variance requests to legalize an Open Sided Structure (Freestanding), and patio, both existing at the single-family residence located at 19454 NW 24 Court in the Keystone Lake neighborhood. The property is part of the

Big Sky Planned Unit Development (PUD) and follows PUD Zone SF-1 (single-family conventional lot) guidelines. The PUD does not address Open Sided Structures (Freestanding) nor decks or patios; therefore, the provisions of the City's Land Development Code (LDC) apply when PUD guidelines are silent.

On February 3, 2023, the City's Code Compliance Division cited the property owner (Case No. 230200597) for work performed without permits.

In June 27, 2022, the owner submitted a building permit application (No. RX23-01674) to legalize the constructed driveway. The building permit was approved, inspections satisfied, and the building permit for the driveway was completed as of June 6, 2023. Nevertheless, during plan review, it was detected a new gazebo and existing underlaying deck, all altered without building permits. City staff reviewed aerial photography from the Broward County Property Appraiser, and it appears the existing modifications took place in late 2022. Per city's archives, no permits are available for the detected work at the property's rear.

As of result of the existing work, the applicant would like to request:

- **ZV(R) 2023-0089:** to allow two hundred ten Square Feet (210 SF) instead of the allowed two hundred Square Feet (200 SF) for an existing Open Sided Structure (Freestanding).
- **ZV(R) 2023-0090:** to allow three feet (3.59') side setback instead of the required five feet (5.0') for an existing Open Sided Structure (Freestanding).
- **ZV(R) 2023-0091:** to allow zero feet (0.0') setback, augmenting to three feet (3.42') side setback along a portion of the western property line instead of the required five feet (5.0') for an approximately (70' x 14') existing 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 Keystone Lake Neighborhood. The applicant has provided a copy of the Homeowners Association (HOA) Letters of approval, dated April 17, and May 16, 2023.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0089) to allow 210 square feet instead of the code prescribed 200 square feet for an existing Open Sided Structure, Freestanding (Gazebo).

ZV(R)2023-0090) to allow a 3 feet side (west) setback instead of the required 5 feet for an existing Open Sided Structure, Freestanding (Gazebo)

ZV(R)2023-0091) to allow zero feet side setback along a portion of the western property line instead of the required five feet (5.0') side setback for an existing deck or patio.

Code References:

Table 155.620 Accessory Building and Structures

ZV(R)2023-0089)

Accessory Structures, Type, Open Sided Structure (Free Standing), Maximum Dimensions, 200 square feet

ZV(R)2023-0090)

Accessory Structures, Type, Open Sided Structure (Free Standing), Setback, Side, 5 feet

ZV(R)2023-0091)

Accessory Structures, Type, Deck or Patio, Side, 5 feet

Eduardo Gomez, petitioner, spoke to the variance request. He stated that after a permitted driveway was installed, Code found the open structure and deck in the rear of the home had been installed without permit. Petitioner has received permit for the dock from South Broward Drainage District. Petitioner replaced the pavers around the pool but extended into the setback. The open structure is engineered to hurricane strength. Drainage goes to the lake, which petitioner states had drainage problems until the pavers were installed. Petitioner states he put the roof on the open structure in 2005 but the City has not found the permits.

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

The member of staff who spoke to the variance request was Christian Zamora.

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)2023-0089, under Sec. 155.301(O)(1)(c), allow a 210 square feet instead of the code prescribed 200 square feet for an existing Open Sided Structure, Freestanding (Gazebo) passed

unanimously.

On a motion by Member Brito, seconded by Abbondandolo, to grant variance request ZV(R)2023-0090, under Sec. 155.301(O)(1)(c), allow a 3 feet side (west) setback instead of the required 5 feet for an existing Open Sided Structure, Freestanding (Gazebo);, the following vote was recorded:

AYE: Chairman Rodriguez-Soto, Members Brito and Abbondandolo, Alternate Member Siddiqui

NAY: Member Crawl

Motion Passed

On a motion by Member Abbondandolo, seconded by Member Brito, to grant variance request ZV(R)2023-0091, under Sec. 155.301(O)(1)(c), allow a 0 feet side (west) setback instead of the required 5 feet for an existing deck/patio, the following vote was recorded:

AYE: Members Brito and Abbondandolo, Alternate Member Siddiqui

NAY: Chairman Rodriguez-Soto and Member Crawl

Motion Passed

VARIANCE FILE NUMBERS: ZV(R) 2023-0092 & 0093

PETITIONER:

Lisandro Hernandez & Gloria Mateo

ADDRESS:

SUBJECT PROPERTY:

16403 NW 18 Street
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:

Lot 430, of the PARKSIDE AT SPRING VALLEY PLAT, according to the Plat thereof as recorded in Plat Book 158, Page 13B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R)2023-0092) a five feet (5') rear setback instead of the required fifteen feet (15') for an existing nine feet by twenty-four (9' x 24') attached roofed open patio in a residential single-family zero lot type

- ZV(R) 2023-0092: to allow five feet (5') rear setback instead of the required fifteen feet (15') rear setback for an existing nine feet by twenty-four (9' x 24') roofed open sided attached patio in a residential single-family zero lot.
- ZV(R) 2023-0093: to allow a Maximum Lot Coverage of 47% of the lot's area instead of the allowed 45% Maximum Lot Coverage for an existing nine feet by twenty-four feet (9' x 24') attached roofed open patio in a residential single-family zero lot.

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 the Spring Valley Neighborhood. The applicant has provided a copy of the Homeowners Association (HOA) approval, dated February 25, 2023.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0092) to allow five feet (5') rear setback instead of the required fifteen feet (15') for an existing nine feet by twenty-four (9' x 24') attached roofed open patio in a residential single-family zero lot type.

ZV(R) 2023-0093 to allow a Maximum Lot Coverage of 47% of the lot's area instead of the allowed 45% Maximum Lot Coverage for an existing nine feet by twenty-four feet (9' x 24') attached roofed open patio in a residential single-family zero lot type.

Code References:

Table 155.422: Residential Single-Family Zero Lot Line (R-1Z)

ZV(R) 2023-0092) Standard, Residential, Rear Setback, 15 feet

ZV(R) 2023-0093) Standard, Residential, Maximum Lot Coverage, 45%

Lisandro Hernandez and Gloria Mateo, petitioners, appeared. Their daughter Channel Hernandez spoke to the variance request. She stated they are trying to solve the permit issue, but need this variance. The roofed open patio is in the rear of the home. It was built so that the mother can have a place to go outside without being in direct sun, due to medical allergies and skin problems. Due to these issues, the mother has anxiety and will not venture out of the home. They have also included doctor's notes that address the mother's medical issues. They also put in a pipe drain to help with the drainage and neighbors provided letters of no objection.

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

The member of staff who spoke to the variance request was Christian Zamora

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

A motion by Member Brito, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0092, under Sec. 155.301(O)(1)(c), allow a five feet (5') rear setback instead of the required fifteen feet (15') for an existing nine feet by twenty-four (9' x 24') attached roofed open patio in a residential single-family zero lot type passed unanimously.

A motion by Member Brito, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0093, under Sec. 155.301(O)(1)(c), allow a Maximum Lot Coverage of 47% of the lot's area instead of the allowed 45% Maximum Lot Coverage for an existing nine feet by twenty-four feet (9' x 24') attached roofed open patio in a residential single-family zero lot type passed unanimously.

VARIANCE FILE NUMBERS: ZV(R)2023-0094 & 0095

PETITIONER:

Aboud & Lori Kobaitri

ADDRESS:

SUBJECT PROPERTY:

16246 NW 21 Street
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:

Lot 20, of the PARKSIDE AT SPRING VALLEY PLAT, according to the Plat thereof as recorded in Plat Book 158, Page 13B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2023-0094) a 49% total front lot coverage instead of the required 40% total front lot coverage for a proposed circular driveway on a zero lot line property.

ZV(R) 2023-0095) a 43% width of lot instead of the allowed 40% width of lot for a proposed circular driveway on a zero lot line property.

REFERENCES:

Table 155.620 Accessory Building 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% lot coverage for zero lot line. 40 % width of lot	[1] 10 foot minimum width

PROJECT DESCRIPTION / BACKGROUND:

Lori Kobaitri, owner, submitted two residential zoning variance requests to legalize an existing driveway for the single-family residence located at 16246 NW 21 Street in Parkside at Spring Valley neighborhood which is zoned Residential Single-Family Zero Lot Line (R-1Z).

On January 27, 2023, the City’s Code Compliance Division cited the property owner (Case No. 230702934) for work performed without a building permit.

The applicant is requesting:

- **ZV(R) 2023-0094** is to allow 49% front lot coverage (total) instead of the allowed 40% front lot coverage (total) in a zero-lot.
- **ZV(R) 2023-0095** is to allow 43% width of lot instead of the allowed 40% of lot’s width for an existing driveway in a zero-lot.

City staff reviewed aerial photography from the Broward County Property Appraiser, and it appears that the driveway has existed since at least 2016. Per City’s records, there are no permits are on file for the existing driveway at the property.

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

The subject property is in Parkside in the Spring Valley Neighborhood. The applicant has provided a copy of the Homeowner Association (HOA) approval, dated September 1, 2016.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0094 is to allow 49% front lot coverage (total) instead of the allowed 40% front lot coverage (total) in a zero-lot.

ZV(R) 2023-0095 is to allow 43% of lot's width instead of the allowed 40% width of lot for an existing driveway in a zero-lot.

Code References:

Table 155.620 Accessory Building and Structures

ZV(R) 2023-0094

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

ZV(R) 2023-0095

Type, Driveway, Zero-Lot, Maximum Dimensions, 40 % width of lot.

Aboud and Lori Kobaitri, petitioners, spoke to the variance request. Lori Kobaitri stated the work was done in 2016 and they had HOA approval but did not pull City permits. This is a pie shaped lot and they have a lake at the rear of the home. She stated there is no drainage problem and there is no street parking allowed.

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

The member of staff who spoke to the variance request was Christian Zamora

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

A motion by Member Crawl, seconded by Alternate Member Siddiqui, to grant variance request ZV(R)2023-0094, under Sec. 155.301(O)(1)(c), allow a 49% total front lot coverage instead of the required 40% total front lot coverage for a proposed circular driveway on a zero lot line property passed unanimously.

A motion by Member Crawl, seconded by Alternate Member Siddiqui, to grant variance request ZV(R)2023-0095, under Sec. 155.301(O)(1)(c), allow a 43% width of lot instead of the allowed 40% width of lot for a proposed circular driveway on a zero lot line property passed

unanimously.

VARIANCE FILE NUMBERS: ZV(R)2023-0096 & 0097

PETITIONER:

Marilu Verdecia & Carlos Usallan

ADDRESS:

SUBJECT PROPERTY:

17840 NW 15 Court
Pembroke Pines, FL 33029

LEGAL DESCRIPTION:

Lot 17, of the SILVER LAKES AT PEMBROKE PINES RESIDENTIAL PARCEL 'D' PLAT, according to the Plat thereof as recorded in Plat Book 150, Page 2B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2023-0096) a 36% total front lot coverage instead of the required 35% total front lot coverage for a proposed circular driveway.

ZV(R) 2023-0097) a 47% width of lot instead of the allowed 40% width of lot for a proposed circular driveway.

REFERENCES:

ZV(R)2023-0096 - 0097)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Circular*	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40% lot coverage for zero lot line. 40 % width of lot	[1] Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

PROJECT DESCRIPTION / BACKGROUND:

Carlos Usallan, owner, has submitted two residential zoning variance requests to build a circular driveway at the property located at 17840 NW 15 Court. The property is part of the Silver Lakes Planned Unit Development (PUD) and follows the guidelines for single-family homes with

a lot larger than 5,000 square feet. The PUD guidelines do not address front lot coverage and driveway width; therefore, the provisions of the City's Land Development Code (LDC) are applicable.

On March 15, 2023, the owner submitted a building permit application (No. RX23-03641) to build a circular driveway at the property. The proposed driveway exceeds the limitations of the City's LDC, so the permit cannot be issued.

The applicant is requesting the following:

- ZV(R) 2023-0098 to allow 36% front lot coverage (total) instead of the allowed 35% for a proposed circular driveway in typical single-family residential lot.
- ZV(R) 2023-0099 to allow 47% of the lot's width instead of the allowed 40% of the lot's width for a proposed circular driveway in a typical single-family residential lot.

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 the Silver Lakes neighborhood. The owner has provided a copy of the Homeowners Association (HOA) approval, dated January 4, 2023.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0098 to allow a 36% total front lot coverage instead of the required 35% total front lot coverage for a proposed circular driveway.

ZV(R) 2023-0099 to allow a 47% width of lot instead of the allowed 40% width of lot for a proposed circular driveway.

Code Reference:

Table 155.620 Accessory Building and Structures

ZV(R) 2023-0098) Type, Driveway, Circular, Maximum Dimensions, 35% front lot coverage

ZV(R) 2023-0099) Type, Driveway, Circular, Maximum Dimensions, 40 % width of lot

Carlos Usallan, petitioner, spoke to the request. He stated that the work has not been done

and they need the larger driveway to allow access to handicapped van to pull in and pick up elderly parent.

The member of the board who spoke to the variance request was Chair Rodriguez-Sotoi.

The member of staff who spoke to the variance request was Christian Zamora

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)2023-0096, under Sec. 155.301(O)(1)(c), allow a 36% total front lot coverage instead of the required 35% total front lot coverage for a proposed circular driveway passed unanimously.

A motion by Member Crawl, seconded by Alternate Member Siddiqui, to grant variance request ZV(R)2023-0097, under Sec. 155.301(O)(1)(c), allow a 47% width of lot instead of the allowed 40% width of lot for a proposed circular driveway passed unanimously.

STAFF CONCERNS:

There were no staff concerns.

ADJOURNMENT:

Chair Rodriguez-Soto adjourned the meeting at 9:01 PM.

Respectfully submitted:

Katherine Borgstrom

Katherine Borgstrom
Board Secretary

Adjourned: 9:01 P.M.

Approved: 10/5/2023