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Board of Adjustment

City of Pembroke Pines  
Pembroke Pines, FL

**APRIL 6, 2023**

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Rodriguez-Soto on Thursday, April 6, 2023 at 6:33 P.M., in the City Commission Chambers, Charles F. Dodge City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

**PRESENT:** Chair Rodriguez-Soto, Vice Chair Goggin, Members Abbondandolo, Brito and Crawl; Alternate Member Siddiqui

**ABSENT:** 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 Vice Chair Goggin, seconded by Member Crawl, to approve the minutes of the March 2, 2023 meeting passed unanimously.

## **EXCUSED ABSENCES:**

A motion by Vice Chair Goggin, seconded by Member Crawl, to excuse the absence of 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.

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

## NEW BUSINESS:

## VARIANCES:

**VARIANCE FILE NUMBERS: ZV(R) 2023-0008 - 00012**

## **PETITIONER:**

Elena Aidova

## **ADDRESS:**

## **SUBJECT PROPERTY:**

16156 SW 16 Street  
Pembroke Pines, FL 33027

## **LEGAL DESCRIPTION:**

Lot 19, Block 12, of the HEFTLER HOMES AT PEMBROKE SHORES PLAT, according to the Plat thereof as recorded in Plat Book 159, Page 9B, of the Public Record of Broward County, Florida.

## **VARIANCES REQUESTED:**

Petitioner is requesting variances to allow:

**ZV(R) 2023-0008**) a 44% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

**ZV(R) 2023-0009**) a 55% of the lot's width instead of the allowed 40% of the lot's width for an existing driveway.

**ZV(R) 2023-0010**) a zero feet (0') rear setback instead of the required five feet (5') rear setback for an existing pool deck.

**ZV(R) 2023-0011**) a two feet (2') eastern side setback instead of the required two feet (2') side setback for an existing pool deck.

**ZV(R) 2023-0012**) a zero feet (0') western side setback instead of the required five feet (5') side setback for an existing pool deck.

## **REFERENCES:**

**ZV(R) 2023-0008, 0009)**

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

**ZV(R) 2023-0010, 0011, 0012)**

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

Chairman Rodriguez-Soto read the request into the record.

## **PROJECT DESCRIPTION / BACKGROUND:**

Elena Aidova, owner, submitted five Zoning Variance Requests for the property located in Pembroke Shores (PUD), Single Family-Residential Zoning District.

On June 29, 2022, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 220600672) for expanding the existing driveway at the subject property without a building permit.

In August 10, 2022, the applicant submitted a building permit application (RX22-05698) for the constructed driveway; however, the permit cannot be approved as the driveway exceeds the provisions of the City's Land Development Code (LDC). Therefore, the applicant is requesting:

- ZV(R) 2023-0008 to allow 44% front lot area instead of the allowed 35% front lot coverage for an existing driveway in a typical single family residential lot.
- ZV(R) 2023-0009 is to allow 55% of the lot's width instead of the allowed 40% of the lot's width for an existing driveway in a typical single family residential lot.

Upon review of construction documents for the driveway, per the survey, it was detected that the patio or deck extended to side and rear property lines, closer than the required five feet (5') setbacks. Ms. Aidova is requesting variance consideration to retain the items existing at the property, all built without permits:

- ZV(R) 2023-0010 is to allow zero feet (0') rear setback along a portion of the southern property line instead of the required five feet (5') for an existing pool deck or patio.
- ZV(R) 2023-0011 is to allow two feet (2') side setback along a portion of the eastern property line instead of the required five feet (5') for an existing pool deck or patio.

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- ZV(R) 2023-0012 is to allow two zero (0') side setback along a portion of the western property line instead of the required five feet (5') for an existing pool deck or patio.

Per staff findings, the pool deck, patio, and walkway have been present on the property since 2014; however, per city's records, no building permits are available.

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 Pembroke Shores Neighborhood. Ms. Aidova is providing copy of HOA Approval granted to the previous property owner from November 2013.

## **VARIANCE REQUEST DETAILS:**

**ZV(R) 2023-0008** to allow 44% front lot area instead of the allowed 35% front lot area for an existing driveway in a typical lot.

**ZV(R) 2023-0009** is to allow 55% of the lot's width instead of the allowed 40% of the lot's width for an existing driveway in a typical lot.

**ZV(R) 2023-0010** is to allow zero feet (0') rear setback along the southern property line instead of the required five feet (5') for an existing deck or patio.

**ZV(R) 2023-0011** is to allow two feet (2') side setback along the eastern property line instead of the required five feet (5') for an existing deck or patio.

**ZV(R) 2023-0012** is to allow zero feet (0') side setback along the eastern property line instead of the required five feet (5') for an existing deck.

### *Code References:*

#### **ZV(R) 2023-0008:**

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

#### **ZV(R) 2023-0009:**

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

#### **ZV(R) 2023-0010:**

Table 155.620 Accessory Building and Structures  
Type, Deck or Patio, Setback, Rear, 5 feet

#### **ZV(R) 2023-0011:**

Table 155.620 Accessory Building and Structures

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

**ZV(R) 2023-0012:**

Table 155.620 Accessory Building and Structures

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

Elena Aidova, petitioner, spoke to the variance request. She stated she purchased the home in 2019 and all the unpermitted work had been done by the prior owner. She stated she received a copy of the HOA approval to and from the prior owner. But he did not get permits from the City for the work. Dean Piper confirmed that the code before 2016 allowed larger builds and smaller setbacks, which leads to the code violations along with the non-permitted work that she is attempting to legalize and will pull permits if variances are approved. The pool was permitted and it was noted that there are no homes to the rear and actually a five foot swale from her property line to the wall and then another five foot area between the road and the wall.

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

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

Member of the public who asked to speak to the variance request was Attorney Joshua Rosenberg, General Counsel for the Pembroke Shores Association. He stated that the association has stated that they never approved the prior owner's builds and he was asked to inform the board that if the variances are approved, the association will still find petitioner in non-compliance with association guidelines and will not allow petitioner to retain the builds. Petitioner showed the prior approval of the HOA to the prior owner to show these had been approval by the HOA.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0008, under Sec. 155.301(O)(1)(b), to allow a 44% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway passed unanimously.

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A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0009, under Sec. 155.301(O)(1)(b), to allow a 55% of the lot's width instead of the allowed 40% of the lot's width for an existing driveway passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0010, under Sec. 155.301(O)(1)(b), to allow a zero feet (0') rear setback instead of the required five feet (5') rear setback for an existing pool deck passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0011, under Sec. 155.301(O)(1)(b), to allow a two feet (2') eastern side setback instead of the required two feet (2') side setback for an existing pool deck passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0012, under Sec. 155.301(O)(1)(b), to allow a zero feet (0') western side setback instead of the required five feet (5') side setback for an existing pool deck passed unanimously.

## **VARIANCE FILE NUMBERS: ZV(R) 2023-0013 & 00014 & 0024**

### **PETITIONER:**

Nancy Hurtado & Gianinna Carpio

### **ADDRESS:**

#### **SUBJECT PROPERTY:**

8301 NW 11 Court  
Pembroke Pines, FL 33024

### **LEGAL DESCRIPTION:**

Lot 33, Block 5, of the BOULEVARD HEIGHTS SECTION NINE PLAT, according to the Plat thereof as recorded in Plat Book 61, Page 47B, of the Public Record of Broward County, Florida.

### **VARIANCES REQUESTED:**

Petitioner is requesting variances to allow:

**ZV(R) 2023-0013)** a 42% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

**ZV(R) 2023-0014)** a zero feet (0') side setback (western) instead of the required five feet (5') side setback for an existing driveway.

**ZV(R) 2023-0024)** a 45% of the lot's width instead of the allowed 40% of the lot's width for an existing driveway.

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## REFERENCES:

ZV(R) 2023-0013 & 0014 & 0024)

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

Chairman Rodriguez-Soto read the request into the record.

## PROJECT DESCRIPTION / BACKGROUND:

Nancy Hurtado, owner, submitted three Zoning Variance requests for an existing circular driveway at the property located in Single Family Residential Zoning District (R-1C).

On January 11, 2023, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 230100154) for an existing driveway built without permit. As result, the applicant is requesting:

- ZV(R) 2023-0013 to allow 42% front lot coverage instead of the allowed 35% for an existing circular driveway in a typical lot.
- ZV(R) 2023-0014 to allow zero feet (0') side yard setback instead of the required five (5') for an existing circular driveway in a typical lot.
- ZV(R) 2023-0024 to allow 45% of the lot's width instead of the allowed 40% for an existing circular driveway in a typical lot.

Per staff review, the rectangular portion of the expanded driveway has been present in the property since at least 1998; however, there is no permit history available in city's records.

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

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Per the City's registered Homeowner's Association (HOA) list, there no HOA in the community where the property is located.

## **VARIANCE REQUEST DETAILS:**

**ZV(R)2023-0013:** to allow 42% front lot coverage instead of the allowed 35% for an existing circular driveway in a typical lot.

**ZV(R)2023-0014:** to allow zero feet (0') side setback instead of the required five feet (5') for an existing circular driveway in a typical lot.

**ZV(R)2023-0024:** to allow 45% width of lot instead of the allowed 40% for an existing circular driveway in a typical lot.

### *Code References:*

**ZV(R)2023-0013:**

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

**ZV(R)2023-0014:**

Table 155.620 Accessory Building and Structures  
Type, Circular Driveway, Setback, Side, 5 feet

**ZV(R)2023-0024:**

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

Nancy Hurtado, petitioner, spoke to the variance request. Her daughter, Gianinna Carpio, translated for her. She has been cited by Code Enforcement due to the size of the drive and that no permits for the build could be found. She purchased the house in 2019. Dean Piper confirmed that ariel photos of the driveway existed since 1998, so she is seeking to legalize the work done by the prior owner. Dean Piper confirmed there are utilities only in the back, not near the driveway or side of structure. Petitioner replaced the original driveway and left about two feet on the side setbacks. The original build had gone to the property line. Dean Piper confirmed the drainage goes to the yard, then the street to corner catch basins. Part of permitting is done by engineers and they will check that drainage. Petitioner stated the driveway is needed at this width, due to three drivers in the household, including an elderly parent.

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The members of the board who spoke to the variance request were Chair Rodriguez-Soto, Vice Chair Goggin, Members Abbondandolo and Crawl, 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 Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0013, under Sec. 155.301(O)(1)(c), to allow 42% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0014, under Sec. 155.301(O)(1)(c), to allow zero feet (0') side setback (western) instead of the required five feet (5') side setback for an existing driveway passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0024, under Sec. 155.301(O)(1)(c), to allow 45% of the lot's width instead of the allowed 40% of the lot's width for an existing driveway passed unanimously.

## **VARIANCE FILE NUMBERS: ZV(R) 2023-0016 - 0020**

### **PETITIONER:**

Carlos Casely

### **ADDRESS:**

#### **SUBJECT PROPERTY:**

341 SW 66 Avenue  
Pembroke Pines, FL 33023

### **LEGAL DESCRIPTION:**

Lot 2, Block 21, of the BOULEVARD HEIGHTS SECTION TEN PLAT, according to the Plat thereof as recorded in Plat Book 51, Page 15B, of the Public Record of Broward County, Florida.

### **VARIANCES REQUESTED:**

Petitioner is requesting variances to allow:

**ZV(R) 2023-0016)** a five feet side setback instead of the required 7.5 side setback for an existing addition.

**ZV(R) 2023-0017)** a 46% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

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**ZV(R) 2023-0018)** a 51% of the lot's width instead of the allowed 40% of the lot's width for an existing driveway.

**ZV(R) 2023-0019)** a zero feet (0') side setback (southern) instead of the required five feet (5') side setback for an existing driveway.

**ZV(R) 2023-0020)** a zero feet (0') side setback (southern) instead of the required five feet (5') side setback for an existing deck / patio.

**REFERENCES:**

**ZV(R) 2023-0016)**

Table 155.421.3: Residential Single-Family (R-1C)		
Standard	Residential	Non-Residential
Side Setback	7.5 feet [2]	20 feet [3]

**ZV(R) 2023-0017, 0018, 0019)**

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) 2023-0020)**

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.

Chairman Rodriguez-Soto read the request into the record.

**PROJECT DESCRIPTION / BACKGROUND:**

Carlos Casely, owner, submitted five Zoning Variance requests for the property located in Single Family Residential Zoning District (R-1C).

On June 2, 2022, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 220600447) for work done without building permits.

On October 17, 2022, the owner through a General Contractor submitted a building permit application (No. RR22-08074) to address the violation.

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Per owner's submitted building plans, the existing bathroom addition is encroaching into the required seven and a half foot (7.5') side setback. As result, the applicant is requesting:

- ZV(R) 2023-0016 is to allow five feet (5.0') side setback instead of the required seven and a half feet (7.5') side setback for a bathroom addition.

The owner submitted four Zoning Variance requests to legalize existing conditions in the property. The existing driveway exceeds maximum front lot coverage and maximum allowable width as prescribed in the City's Land Development Code; also, the existing deck or patio along the south the property line is extending closer than the required five feet (5.0') setback:

- ZV(R) 2023-0017 is to allow 46% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical lot.
- ZV(R) 2023-0018 is to allow 51% width of lot instead of the allowed 40% of width of lot for an existing driveway in a typical lot.
- ZV(R) 2023-0019 is to allow zero feet (0') side setback instead of the required five feet (5') setback for an existing driveway in a typical lot.
- ZV(R) 2023-0020 is to allow zero feet (0') side setback along the full length of the southern property line instead of required five feet (5.0') for an existing deck or patio.

Per staff review, the driveway and patio have existed in the property since at least 2000; however, per city's records, no building permits are available.

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

Per the City's registered HOA list, there no HOA in the neighborhood where the property is located.

## **VARIANCE REQUEST DETAILS:**

**ZV(R) 2023-0016:** is to allow five feet (5.0') side setback instead of the required seven and a half feet (7.5') for a bathroom addition.

**ZV(R) 2023-0017:** is to allow 46% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical lot.

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**ZV(R) 2023-0018:** to allow 51% width of lot instead of the allowed 40% width of lot for a constructed driveway in a typical lot.

**ZV(R) 2023-0019:** is to allow zero feet (0') side setback instead of the required five feet (5') setback for an existing driveway in a typical lot.

**ZV(R) 2023-0020:** is to allow zero feet (0') side setback along the length of southern property line instead of required five feet (5') for an existing deck or patio.

*Code References:*

**ZV(R) 2023-0016:**

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

**ZV(R) 2023-0017:**

Table 155.620 Accessory Building and Structures  
Type, Driveway, Typical Lot, Maximum Dimension, 35% front lot coverage

**ZV(R) 2023-0018:**

Table 155.620 Accessory Building and Structures  
Type, Driveway, Typical Lot, Maximum Dimension, 40 % width of lot

**ZV(R) 2023-0019:**

Table 155.620 Accessory Building and Structures  
Type, Driveway, Typical Lot, Setback, 5 feet

**ZV(R) 2023-0020:**

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

Carlos Casey, petitioner, spoke to the variance request. He stated he received violation, and submitted permit to address violation of the bathroom addition setting into the seven foot setback. The patio and driveway have existed since 2005, petitioner purchased the home in 2022.

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

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 Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0016, under Sec. 155.301(O)(1)(c), to allow a five feet side setback instead of the required 7.5 side setback for an existing addition, the following vote was recorded:

AYE: Chair Rodriguez-Soto, Members Brito, Abbondandolo and Crawl

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NAY: Vice Chair Goggin

Motion Passed

On a motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0017, 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 driveway, the following vote was recorded:

AYE: Chair Rodriguez-Soto, Members Brito, Abbondandolo and Crawl

NAY: Vice Chair Goggin

Motion Passed

On a motion by Vice Chair Goggin, seconded by Member Brito, to grant variance request ZV(R) 2023-0018, under Sec. 155.301(O)(1)(c), to allow a 51% of the lot's width instead of the allowed 40% of the lot's width for an existing driveway, the following vote was recorded:

AYE: Chair Rodriguez-Soto, Members Brito, Abbondandolo and Crawl

NAY: Vice Chair Goggin

Motion Passed

On a motion by Vice Chair Goggin, seconded by Member Brito, to grant variance request ZV(R) 2023-0019, under Sec. 155.301(O)(1)(c), to allow a zero feet (0') side setback (southern) instead of the required five feet (5') side setback for an existing driveway, the following vote was recorded:

AYE: Chair Rodriguez-Soto, Members Brito, Abbondandolo and Crawl

NAY: Vice Chair Goggin

Motion Passed

On a motion by Vice Chair Goggin, seconded by Member Brito, to grant variance request ZV(R) 2023-0020, under Sec. 155.301(O)(1)(c), to allow a zero feet (0') side setback (southern)

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instead of the required five feet (5') side setback for an existing deck / patio, the following vote was recorded:

AYE: Chair Rodriguez-Soto, Members Brito, Abbondandolo and Crawl

NAY: Vice Chair Goggin

Motion Passed

**VARIANCE FILE NUMBER: ZV(R) 2023-0021**

**PETITIONER:**

Eduardo de Jesus

**ADDRESS:**

**SUBJECT PROPERTY:**

8690 Pasadena Boulevard  
Pembroke Pines, FL 33024

**LEGAL DESCRIPTION:**

Lot 38, Block 18, of the PASADENA LAKES WEST PLAT, according to the Plat thereof as recorded in Plat Book 69, Page 37B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a 55% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total lot coverage for an existing circular driveway.

**REFERENCE:**

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	5 feet	N/A	35% front lot coverage  40 % width of lot	Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

Chairman Rodriguez-Soto read the request into the record.

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## PROJECT DESCRIPTION / BACKGROUND:

Eduardo de Jesus, owner, submitted a Zoning Variance request for a proposed circular driveway at the property located in a Single-Family Residential Zoning District (R-1C).

On July 19, 2022, the City received a Building Permit Application (No. RX22-04582) to build a circular driveway at the property. The proposed circular driveway exceeds the permissible front lot coverage; as result, the applicant is requesting:

- ZV(R) 2023-0021 to allow 55% front lot coverage instead of the allowed 35% for a proposed circular driveway in a typical 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.

Per the city's registered Homeowner's Association (HOA) list, there no HOA in the community where the property is located.

## VARIANCE REQUEST DETAILS:

**ZV(R) 2023-0021:** to allow 55% front lot coverage instead of the allowed 35% for a proposed circular driveway in a typical lot.

### **Code Reference:**

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

Eduardo deJesus, petitioner, spoke to the variance request. He stated the request for the circular drive is due to having two disabled residents in the home and trees in the neighboring yard block clear view of the busy street in order to back a vehicle into traffic. He stated that a circular drive would allow vehicle to pull into the current section of the drive and proceed around to be facing forward while attempting to pull into traffic. This distance would give them a better view as that exit would not be right next to the trees that are blocking view to street. The garage is on the side of the property nearest to the trees and neighbor also parks trucks that block the

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view to the street. Christian Zamora confirmed that the family has been working with the City landscaping division about the trees and they may have to be removed. Petitioner stated he went with concrete due to recommendations from neighbors and cost. Dean Piper confirmed there have been no drainage problems and the trees may actually cause the swale to rise about the street heights and cause the standing water at the end of the driveway.

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

The members of staff who spoke to the variance request were Dean Piper and Christian Zamora.

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

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0021, under Sec. 155.301(O)(1)(c), allow a 55% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total lot coverage for an existing circular driveway passed unanimously.

## **VARIANCE FILE NUMBERS: ZV(R) 2023-0022 - 0023**

### **PETITIONER:**

Venessa Flores

### **ADDRESS:**

#### **SUBJECT PROPERTY:**

10820 NW 18 Street  
Pembroke Pines, FL 33026

### **LEGAL DESCRIPTION:**

Lot 3, Block 17, of the PEMBROKE LAKES SEC 2 PLAT, according to the Plat thereof as recorded in Plat Book 81, Page 48B, of the Public Record of Broward County, Florida.

### **VARIANCES REQUESTED:**

Petitioner is requesting variances to:

**ZV(R) 2023-0022**) allow four feet four inches (4'-4") rear setback (southern) instead of the required five feet (5') rear setback for an existing patio.

**ZV(R) 2023-0023**) allow a two feet six inches (2'-6") side setback (eastern) instead of the required five feet (5') side setback for an existing patio.

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## REFERENCES:

### ZV(R) 2023-0022 & 0023)

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:

Marvin Flores, owner, submitted two Zoning Variance requests to legalize an existing patio. The property is in a Single-Family Residential District (R-1C).

On October 13, 2022, the applicant submitted a building permit application (RX22-08016) to build a driveway at the property, the permit application was approved (2/24/2023). However, upon review of the property survey and aerial photography from Broward County Property Appraiser, it was detected the existing patio located to the southeast corner of the lot closer than the required five feet (5') setback to rear and side property lines. As result, the applicant is requesting:

- ZV(R) 2023-0022 to allow four feet, four inches (4'-4") rear setback instead of the required five feet (5.0') rear setback for an existing patio.
- ZV(R) 2023-0023 to allow two feet, six inches (2'-6") side setback instead of the required five feet (5.0') side setback for an existing patio.

Per staff findings, the patio has been present in the property since at least 2021; however, per city's records, there are no building permits on file.

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 Pembroke Lakes neighborhood. Per the City's registered Homeowner's Association (HOA) list, there no HOA in the community where the property is located.

# DRAFT

## VARIANCE REQUEST DETAILS:

**ZV(R) 2022-0022** to allow four feet, four inches (4'-4") rear setback for an existing patio instead of the required five feet (5.0') rear setback.

**ZV(R) 2022-0023** to allow two feet, six inches (2'-6") side setbacks for an existing patio instead of the required five feet (5.0') side setback.

### **Code Reference:**

#### **ZV(R) 2022-0022:**

Table 155.620 Accessory Building and Structures  
Type, Deck or Patio, Setback, Rear, 5 feet

#### **ZV(R) 2022-0023:**

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

Marvin Flores, petitioner, spoke to the variance request. He stated he applied for a permit for a driveway and it was discovered that the patio was within the setbacks and no permit could be found for the permit. Dean Piper confirmed that the utilities do go on all sides of the home and owner would have to sign off on hold harmless agreements for utilities if the variances are granted as part of the permitting process. He also stated the petitioner has worked with planning and reduced the size to make it as close to compliant as possible. There is no HOA in this neighborhood.

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

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 Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2023-0022, under Sec. 155.301(O)(1)(c), allow four feet four inches (4'-4") rear setback (southern) instead of the required five feet (5') rear setback for an existing patio passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request

# DRAFT

ZV(R) 2023-0023, under Sec. 155.301(O)(1)(c), allow a two feet six inches (2'-6") side setback (eastern) instead of the required five feet (5') side setback for an existing patio passed unanimously.

## **STAFF CONCERNS:**

Members were given a copy of the 2021-2022 Annual Board Report, the current year attendance report and the yearly report on the Board's actions. Board members are to come prepared to the May meeting with any additional items for the 2022-2023 report, and to approve the draft at the May meeting. Chair Rodriguez-Soto will present the report at the Annual Board Night for City Commission on Wednesday, June 7, 2023.

## **ADJOURNMENT:**

On a motion by Vice Chair Goggin, seconded by Member Abbondandolo, to adjourn the meeting at 8:35 P.M., passed unanimously.

Respectfully submitted:

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Katherine Borgstrom  
Board Secretary

Adjourned: 8:35 P.M.  
Approved: