

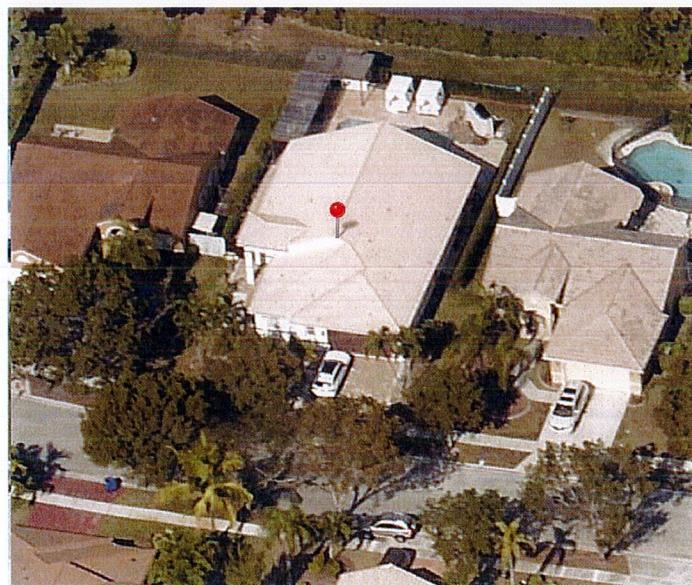
Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department

ZV(R) 2019-36 to 38

Zoning Variances

ESTEVE,MANUEL
16353 SW 6 ST PEMBROKE PINES FL 33027



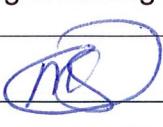


City of Pembroke Pines
Planning & Economic Development Department
601 City Center Way 3rd Floor
Pembroke Pines FL, 33025

Summary

Agenda Date:	February 6, 2020	Application ID:	ZV(R) 2019-36 - 38
Project:	Existing gazebo/pergola and pavers.	Project Number:	N/A
Project Planner:	Dean Piper, Zoning Administrator		
Owner:	Manuel Esteve	Agent:	N/A
Location:	16353 SW 6 Street, Pembroke Pines, 33027		
Existing Zoning:	Planned Unit Development (PUD)	Existing Land Use:	Residential
Reference Applications:	N/A		

Variance Summary

Application	Code Section	Required/Allowed	Request
ZV(R) 2019-36	155.049 (B)	5' rear yard setback	1'-3" rear yard setback for Gazebo/Pergola and Pavers
ZV(R) 2019-37	155.049 (B)	5' side yard setback	1'-3" west side yard setback for Gazebo/Pergola and Pavers
ZV(R) 2019-38	155.049 (I)	200 Square Feet	290 Square Feet Gazebo/Pergola
Final:	<input type="checkbox"/> Planning & Zoning Board		<input checked="" type="checkbox"/> Board of Adjustment
Reviewed for the Agenda:	Director: 	Zoning Administrator: 	

PROJECT DESCRIPTION / BACKGROUND:

Manuel Esteve, owner, has submitted three (3) variance requests:

2019-36: to allow an existing 290 square foot gazebo/pergola instead of the allowed 200 square foot maximum gazebo;

2019-37: to allow a 1'-3" rear yard setback for an existing gazebo/pergola and pavers instead of the required 5' rear yard setback;

2019-38: and to allow a 1'-3" west side yard setback for an existing gazebo/pergola and pavers instead of the required 5' s yard setback.

The gazebo/pergola and pavers were installed without permits and gazebo/pergola is currently under Code Compliance violation Case #1905003.

VARIANCE REQUEST DETAILS:

ZV(R) 2019-36 thru 37) Allow a 1'-3" rear yard setback and a 1'-3" west side yard setback instead of the allowed 5' rear and side yard setbacks for existing gazebo/pergola and pavers.

Code Reference: § 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS.

(B) In residential districts, all accessory buildings and uses in a rear yard shall be located at least five feet from any plot line, at least 15 feet from any street line, and at least ten feet from any main building or other accessory building. For water front lots located within developments approved under the design criteria of (RS-7) single family zoning districts, accessory structures shall be allowed to extend to the zero setback side property line. These accessory structures shall include, but not be limited to, concrete slabs, paver decks, wood decks, pools and pool decks, and screen enclosures.

ZV(R) 2019-38) allow a 290 square foot accessory structure (gazebo/pergola) instead of the allowed maximum 200 square foot open accessory structure.

Code Reference: § 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS.

(I) In all residential districts, free-standing open sided structures such as, but not limited to, gazebos, chickee huts and trellises shall not exceed 200 square feet.

VARIANCE DETERMINATION

The Board of Adjustment shall not grant any single-family residential variances, permits, or make any decision, finding, and determination unless it first determines that:

Its decision and action taken is in harmony with the general purposes of the zoning ordinances of the city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.

In the granting of single-family residential variances, the Board shall determine that the single-family residential variance granted is the minimum variance that will accomplish the intended purpose in accordance with above and:

- A) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
- B) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
- C) That granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.

Enclosed: Variance Request Application
Subject Site Aerial Photo



City of Pembroke Pines

Planning and Economic Development Department

Unified Development Application

Planning and Economic Development
City Center - Third Floor
601 City Center Way
Pembroke Pines, FL 33025
Phone: (954) 392-2100
<http://www.ppinies.com>

Prior to the submission of this application, the applicant must have a pre-application meeting with Planning Division staff to review the proposed project submittal and processing requirements.

Pre Application Meeting Date: 11/18/19

Plans for DRC _____ Planner: T. Dean

Indicate the type of application you are applying for:

- Appeal*
- Comprehensive Plan Amendment
- Delegation Request
- DRI*
- DRI Amendment (NOPOC)*
- Flexibility Allocation
- Interpretation*
- Land Use Plan Map Amendment*
- Miscellaneous
- Plat*
- Sign Plan
- Site Plan*
- Site Plan Amendment*
- Special Exception*
- Variance (Homeowner Residential)
- Variance (Multifamily, Non-residential)*
- Zoning Change (Map or PUD)*
- Zoning Change (Text)
- Zoning Exception*
- Deed Restriction

INSTRUCTIONS:

1. All questions must be completed on this application. If not applicable, mark N/A.
2. Include all submittal requirements / attachments with this application.
3. All applicable fees are due when the application is submitted (Fees adjusted annually).
4. Include mailing labels of all property owners within a 500 feet radius of affected site with signed affidavit (Applications types marked with *).
5. All plans must be submitted no later than noon on Thursday to be considered for Development Review Committee (DRC) review the following week.
6. Adjacent Homeowners Associations need to be noticed after issuance of a project number and a minimum of 30 days before hearing. (Applications types marked with *).
7. The applicant is responsible for addressing staff review comments in a timely manner. Any application which remains inactive for over 6 months will be removed from staff review. A new, updated, application will be required with applicable fees.
8. Applicants presenting demonstration boards or architectural renderings to the City Commission must have an electronic copy (PDF) of each board submitted to Planning Division no later than the Monday preceding the meeting.

Staff Use Only

Project Planner: T. Dean Project #: PRJ 20 _____ - _____ Application #: ZU(R) 2019-36-387

Date Submitted: 11/18/19 Posted Signs Required: (1) Fees: \$ 750.00

SECTION 1-PROJECT INFORMATION:

*Project Name: Manuel Estevan

*Project Address: 16353 SW 6th Street Pembroke Pines FL 33027

Location / Shopping Center: _____

Acreage of Property: _____ Building Square Feet: _____

Flexibility Zone: _____ Folio Number(s): _____

Plat Name: _____ Traffic Analysis Zone (TAZ): _____

Legal Description:

Has this project been previously submitted? Yes _____ No _____

Describe previous applications on property (Approved Variances, Deed Restrictions, etc...) Include previous application numbers and any conditions of approval.

Date	Application	Request	Action	Resolution / Ordinance #	Conditions of Approval

SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION

* Owner's Name: Manuel Esteve
* Owner's Address: 16353 SW 6th STREET Pembroke Pines FL 33027
* Owner's Email Address: mesteve@engineer.com
* Owner's Phone: 9545445465 * Owner's Fax: 305 833 6594

Agent: _____

Contact Person: _____

Agent's Address: _____

Agent's Email Address: _____

Agent's Phone: _____ Agent's Fax: _____

All staff comments will be sent directly to agent unless otherwise instructed in writing from the owner.

SECTION 3- LAND USE AND ZONING INFORMATION:

EXISTING

Zoning: _____

Land Use / Density: _____

Use: _____

Plat Name: _____

Plat Restrictive Note: _____

PROPOSED

Zoning: _____

Land Use / Density: _____

Use: _____

Plat Name: _____

Plat Restrictive Note: _____

ADJACENT ZONING

North: _____

South: _____

East: _____

West: _____

ADJACENT LAND USE PLAN

North: _____

South: _____

East: _____

West: _____

-This page is for Variance, Zoning Appeal, Interpretation and Land Use applications only-

SECTION 4 – VARIANCE • ZONING APPEAL • INTERPRETATION ONLY

Application Type (Circle One): Variance Zoning Appeal Interpretation

Related Applications:

Code Section: 155.049(B) = 155.049(I)

Required: (36) 5' Rear Yard (37) 5' Side Yard (38) 200⁰ Max

Request: 36 1'-3" Rear Yard; 37 1'-3" Side Yard; 38 290 ft

Details of Variance, Zoning Appeal, Interpretation Request: # for existing gazebo/reqd
a. See Add-1) and pavers

* See Attached

SECTION 5 - LAND USE PLAN AMENDMENT APPLICATION ONLY

City Amendment Only

City and County Amendment

Existing City Land Use: _____

Requested City Land Use:

Existing County Land Use:

Requested County Land Use:

SECTION 7- PROJECT AUTHORIZATION

OWNER CERTIFICATION

This is to certify that I am the owner of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge.


Signature of Owner


Date

Sworn and Subscribed before me this 18th day
of November, 2019



n/a
Fee Paid


Signature of Notary Public

12/05/2019
My Commission Expires

AGENT CERTIFICATION

This is to certify that I am the agent of the property owner described in this application and that all information supplied herein is true and correct to the best of my knowledge.

Signature of Agent

Date

Sworn and Subscribed before me this _____ day
of _____, 20_____

Fee Paid

Signature of Notary Public

My Commission Expires

WARRANTY DEED

THIS INDENTURE made this 19 day of December 2013, between appeared ALFREDO JULIAN and MARIA FERNANDA BAGLIERO, his wife whose post office address is: 15875 SW 17 Street, Davie, Florida 33326 Grantor(s), and MANUEL ESTEVE whose post office address is: 16353 SW 6 Street, Pembroke Pines, Florida 33027 Grantee(s).

WITNESSETH that said Grantor(s), for an in consideration of the sum of \$10.00 (TEN DOLLARS), and other good and valuable consideration to said Grantor(s) in hand paid by said Grantee(s), the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee(s), and Grantee(s) heirs and assigns forever, the following described land, situated, lying and being in Broward County, Florida, to wit:

Lot 4, Block 4, HEFTLER HOMES AT PEMBROKE PINES, according to the Plat thereof, as recorded in Plat Book 159, at Page 9, of the Public Records of Broward County, Florida.

Subject to:

1. Taxes for the year 2014 and subsequent years.
2. Restrictions, conditions, limitations and dedications, if any; however this shall not be deemed to be a re-imposition of same.

and said Grantor(s) do/does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor(s) do/does hereunto set Grantor(s) hand(s) and seal(s) the date and year first above written.

WITNESSES:

~~Print Name:~~

John C. W. Smith

Peyang Duarte
Print Name: Leona Duarte

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

~~ALFREDO JULIANI~~

~~MARIA FERNANDA BAGLIERO~~

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgement, personally appeared ALFREDO JULIAN and MARIA FERNANDA BAGLIERO, his wife who have produced their drivers licenses as identification and are to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 19 day of December, 2013.

My Commission Expires:



Rotary Public
Print Name:

At. Zoning Board

Gazebo/Pergola Variance Request

Purpose: To keep the Back Yard & Pool Area Improves-Updating-Enhancing as is it.

I am requesting the Zoning Board to authorized me to keep the back yard and pool area as is it. I have been living in this house from 2013 to date, since then I just have repaired, improved and enhanced the existing areas.

Indeed, it was *repaired and reinforced the structure* of an existing pergola, *covering a section* as a gazebo to protect oven area from the sun and the rain. In addition, it was covered all concrete areas with travertine tiles, including west side setback. Tiles were added over existing concrete leveled with sand, assuring rainwater would drain fast, giving more protection to my house in case a water flood happens. *I made sure not to affect any flood water drains and lawn areas.*

Unfortunately, I wasn't told that I had to require any permits from the city to do so. As I said, I just improved and repaired existing areas which I understood they were built with required permits as *is described in the 2013 Survey* done by Title Company.

However, before to do anything I did make sure that I wasn't affecting any neighbors in the back or sides, it was well-concealed from street public view, with not negatively environment impact.

Actually, it has improved "The Beaches" neighborhood and properties value to those living nearby in the "Pembroke Shores" and to Pembroke Pines city communities.

So, in behalf of everything I have mentioned, I am asking to the Zoning Board to approve the existing work I have made. It was already approved by the Pembroke Shores HOA, by my nearby neighbors, by the Water District and I have also asked a real state to make an evaluation.

I am attaching support documents to this request:

1. HOA Approval of Existing Gazebo
2. South Broward Drainage District Approval
3. Police Officer Nelson Camacho (Right Neighbor),
4. Michael Johnson letter (Left Neighbor)
5. Real State valuation of home and neighborhood
6. Email to Code Compliance Supervisor when HOA want to close case
7. 2013 survey
8. Request to Mr. Ortis Honorable City Mayor.

Thanks for the attention to improve Pembroke Pines City and Community,

Manuel Esteve
16353 SW 6th St.
Pembroke Pines, FL 33027
954 544 5465
mesteve@engineer.com



Pembroke Shores Community Assoc., Inc.
c/o FirstService Residential
2950 North 28 Terrace
Hollywood, FL 33020

Wednesday, July 10, 2019

Manuel Esteve
Laura Cuevas
16353 SW 6th St
Pembroke Pines, FL 33027

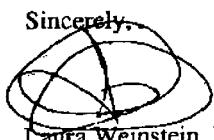
RE: 16353 SW 6th St – Back Patio Architectural Modification

To whom it may concern,

Please allow this letter to serve as confirmation from the Pembroke Shores Community Association, Inc. that Mr. Esteve and Mrs. Cuevas have complied with the Architectural Modification requirements for the Association. Mr. Esteve and Mrs. Cuevas have been exemplary residents in completing all Association requested changes to the Architectural Modifications for their unit and are in compliance with the Rules and Regulations of the Association.

Should you require any information or assistance from the Association in resolving any outstanding issues with their home please do not hesitate to reach contact me.

Sincerely,



Laura Weinstein, LCAM
Property Manager

Thursday April 7th of 2019
Pembroke Pines, FL

TO WHOM MAY CONCERN

This letter is to certify that our neighbor situated at 16353 SW 6th St, has an existing gazebo in the backyard close to our right end yard that does not affect or disturb us.

It is nice, beautiful and we like it, because gives a good look to the area, improves the houses' values and neighborhood.

Thanks for the attention,



Michael Johnson

16367 SW 6th Street
Pembroke Pines, FL 33027

4/18/19

Natalia P Johnson
16367 SW 6th Street
Pembroke Pines, FL 33027
4/18/19

**At. Lou Brawer
Community Association Manager
First Service Residential**

**We are happy and pleased to let you know that our neighbors at
16353 SW 6th St., on the left to my property have a backyard gazebo
structure built there before they moved to that house.**

**Please know that we do not have any objection to what has been
done, as it is very well done and maintained, grateful to our view and
does not act as an inconvenience to us.**

**It has helped improve the look and value of our house and
neighborhood.**

Sincerely,

Signature:



Name: *Nelson Camacho*

Address: *16329 SW 65th Street
Pembroke Pines, FL 33027*

Date: *4/8/19*



SOUTH BROWARD DRAINAGE DISTRICT

Site Address	16353 S.W. 6 th Street, Pembroke Shores, FL 33027-1002	Lot #	5140 20 05 1220
Property Owner	ESTEVE, MANUEL	Address	16353 S.W. 6 th Street, Pembroke Shores, FL 33027-1002

City of Pembroke Pines
Building Department
10100 Pines Boulevard
Pembroke Pines, FL 33025

July 23, 2019

To Whom It May Concern:

This letter shall serve as confirmation that the below-referenced property owner has applied for a permit from South Broward Drainage District (SBDD) for the following improvement(s): Existing BBO/Gazebo. SBDD will not issue a permit to the property owner for the following reasons:

There are no easements or rights-of-way on the property that SBDD has interests in. No SBDD permit is required.

Proposed improvements do not encroach into a SBDD easement. No SBDD permit is required.

Although proposed improvement encroaches into an easement, no SBDD permit will be required.

Proposed improvement does not meet SBDD standards. No SBDD permit will be issued until proposed improvements meet District criteria.

No new permit is required.

SBDD final inspection is required.

Property Owner: **ESTEVE, Manuel**

SOUTH BROWARD DRAINAGE DISTRICT

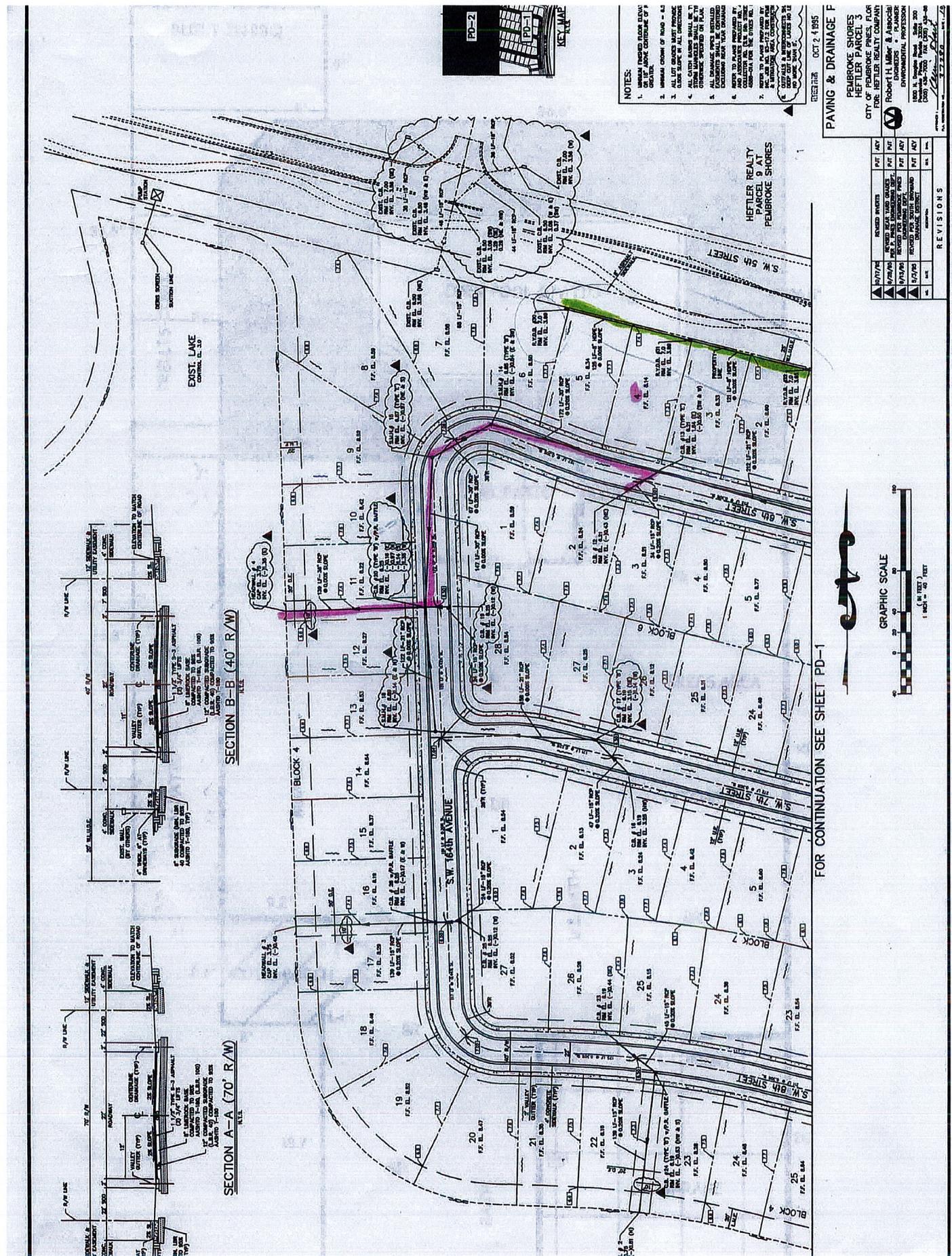
Address: **16353 S.W. 6th Street**
Pembroke Pines, FL 33027

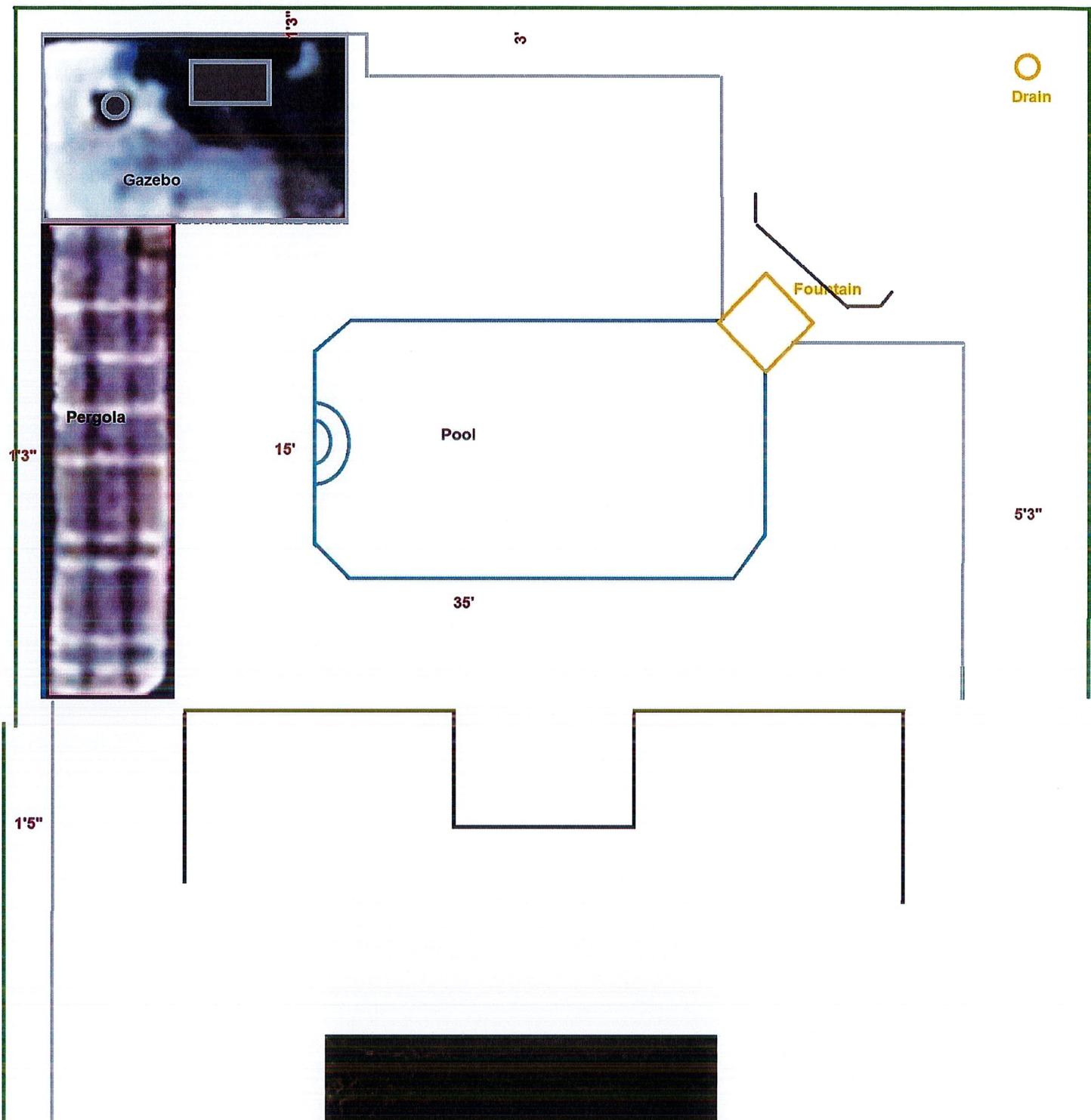

BY: LUIS OCHOA, P.E.
TITLE: ASSISTANT DISTRICT DIRECTOR

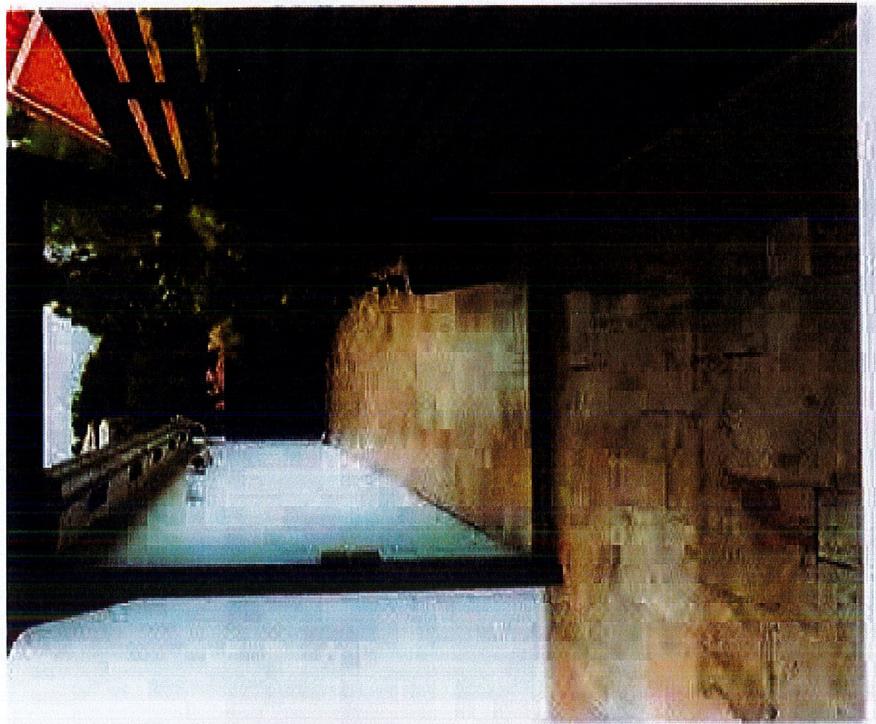
Legal Description: **Heftler Homes @ Pembroke Shores**

DATE: 7/23/19 (SEAL)

Lot: 4 Block: 4

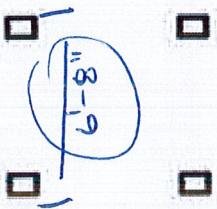
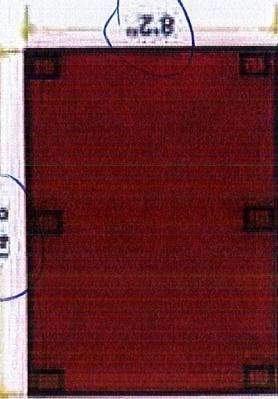






119.84

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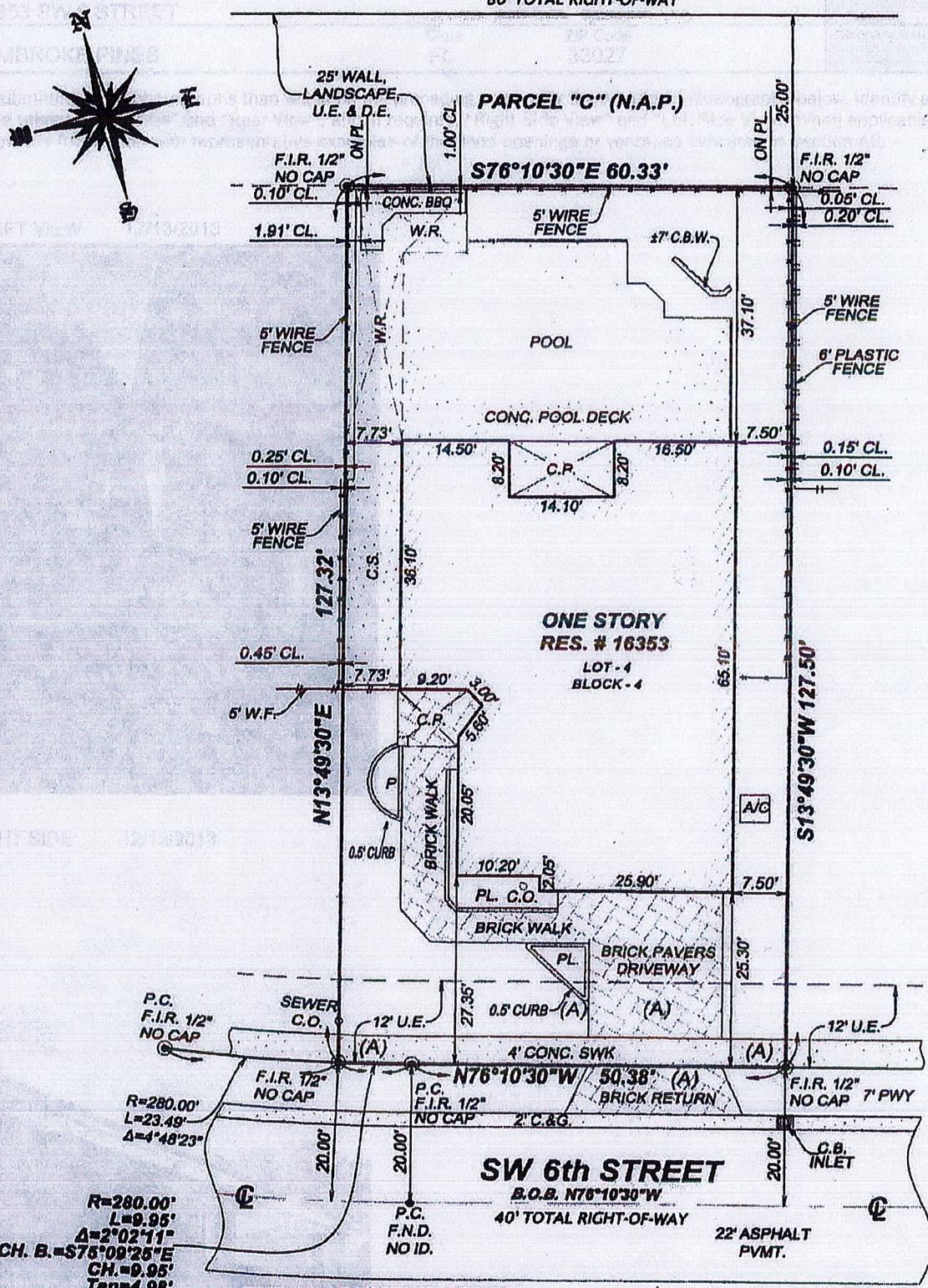


MAP OF BOUNDARY SURVEY

16353 SW 6th STREET, PEMBROKE PINES, FL 33027

PEMBROKE SHORE DRIVE

80' TOTAL RIGHT-OF-WAY



ENCROACHMENT NOTES:

A. SOUTHERLY SIDE OF THE SUBJECT PROPERTY, BRICK PAVERS DRIVEWAY AND CONCRETE CURB ARE ENROACHING INTO THE 12 FOOT UTILITY EASEMENT, CONCRETE SIDEWALK LIE INTO THE SUBJECT PROPERTY AND BRICK RETURN IS ENROACHING INTO THE RIGHT OF WAY OF SW 8th STREET.