

DRAFT

Board of Adjustment

City of Pembroke Pines
Pembroke Pines, FL

NOVEMBER 7, 2024

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chair Rodriguez-Soto on Thursday, November 7, 2024, at 6:31 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 Crawl, Members Brito; Alternate Member Jones

ABSENT: Members Abbondandolo and Pitts, Alternate Member Almeria

ALSO PRESENT: Christian Zamora, Senior Planner; Julia Aldridge, Planner / Zoning Technician; Paul Hernandez, Assistant City Attorney, and Board Secretary Katherine Borgstrom

Board Secretary Borgstrom called roll and declared a quorum present. [Secretary's note: at 6:31 P.M. only three members were present, which constituted a quorum. Member Brito arrived at 7:15 P.M. Alternate Member Jones served as a voting member for this meeting.]

APPROVAL OF THE MINUTES:

A motion by Vice Chair Crawl, seconded by Alternate Member Jones, to approve the minutes of the October 17, 2024 meeting passed unanimously.

EXCUSED ABSENCES:

A motion by Vice Chair Crawl, seconded by Member Brito to excuse Members Abbondandolo and Pitts; and Alternate Member Almeria from the November 7, 2024 meeting passed unanimously.

OLD BUSINESS:

VARIANCES:

VARIANCE FILE NUMBERS: ZV(R)2024-0076 - 0079

Chairman Rodriguez-Soto entered the request into the record.

PETITIONER:

Carlos & Karla Leyva

ADDRESS:

DRAFT

SUBJECT PROPERTY:

11920 Taft Street
Pembroke Pines, FL 33026

LEGAL DESCRIPTION:

Lot 3, Block 64, of the PEMBROKE LAKES SECTION 6 PLAT, according to the Plat thereof as recorded in Plat Book 94, Page 3B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R)2024-0076) a twenty-foot (20') encroachment into the required twenty-five-foot (25') front setback for an existing twenty-foot by twenty-foot (20' x 20') awning carport, attached.

ZV(R)2024-0077) a four-foot (4') side setback encroachment instead of the allowed two and a half (2.5') side setback encroachment along a segment of the eastern property line for existing 4' x 11' awning, attached.

ZV(R)2024-0078) a zero-foot (0') side setback along a segment of the eastern property line instead of the required five-foot (5') side setback for an approximately six-foot by eight-foot (6' x 8') existing shed.

ZV(R)2024-0079) allow zero-foot (0') side setback along a segment of the eastern property line instead of the required five-foot (5') side setback for an approximately ten-foot by four-foot (10' x 4') existing pergola.

REFERENCES:

ZV(R)2024-0076)

Table 155.421.3: Residential Single-Family (R1-C)		
Standard	Residential	Non-Residential
Front Setback	25 feet	30 feet

ZV(R)2024-0077)

Table 155.634 Setback Encroachment Regulations						
Type	Minimum Setback Encroachment				Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear		
Cornices, Eaves, Gutters, Overhangs, and retractable awnings	1/3 of required setback	1/3 of required setback	1/3 of required setback	1/3 of required setback	5 feet regardless of setback	For yards less than 5 feet, shall not exceed 1/2 of the setback width.

ZV(R)2024-0078 & 0079)

Table 155.620 Accessory Building and Structures				
Type	Setback			

DRAFT

	Front	Side	Street Side	Rear	Maximum Height	Maximum Dimensions	Additional Regulations
Shed	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	[1] 100 square feet [2] 200 square feet if located in A or R-E.	[2] If over 200 square feet it shall meet primary building setbacks
Open Sided Structure (Free Standing)	Primary Building	5 feet	5 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

PROJECT DESCRIPTION / BACKGROUND:

Carlos & Karla Leyva, owners, submitted four residential zoning variance requests to legalize existing construction at the property located at 11920 Taft Street in the Pembroke Lakes neighborhood, which is zoned Single-Family Residential Zoning District (R-1C).

On March 10, 2024, the City’s Code Compliance Division cited the property (Code Case No. 220300858) for work performed without building permits.

On March 30, 2024, the applicant submitted building permit application No. RO24-03437 to install a 20’ x 20’ metal frame awning attached to the front fascia of the house for a carport. The project also included the installation of a 4’ x 11’ metal frame awning affixed to the east side of the house (above existing door opening), projecting out four-foot (4’) from the side building line to the east property line. However, the building permit application cannot be approved as the existing work on the property exceeds the provisions of the City’s Land Development Code (LDC).

As a result of the work performed on the property, the applicant is specifically requesting:

DRAFT

- **ZV(R)2024-0076:** to allow twenty-foot (20') encroachment into the required twenty-five-foot (25') front setback for an existing twenty-foot by twenty-foot (20' x 20') awning carport, attached.
- **ZV(R)2024-0077:** to allow four-foot (4') side setback encroachment instead of the allowed two and a half (2.5') side setback encroachment along a segment of the eastern property line for existing 4' x 11' awning, attached.

After reviewing the applicant's initial request and, per the property's survey, it was detected an existing shed and a pergola along the east side property line are closer than the required five-foot setbacks (see survey attached). As a result of the existing non-conformities on the property, the owner would like to include the following requests:

- **ZV(R)2024-0078:** to allow zero-foot (0') side setback along a segment of the eastern property line instead of the required five-foot (5') side setback for an approximately six-foot by eight-foot (6' x 8') existing shed.
- **ZV(R)2024-0079:** to allow zero-foot (0') side setback along a segment of the eastern property line instead of the required five-foot (5') side setback for an approximately ten-foot by four-foot (10' x 4') existing pergola.

Per staff review of the city's archives, no permit information can be found for the accessory structures at location (shed, carport, awning, pergola); however, according to Broward County Property Appraiser Imagery, the shed has existed at location since at least December 2007; in comparison awning and pergola appeared at the property in December 2020. The awning carport was installed in March 2024 (see property images).

Planning and Economic Development Staff assisted the applicant to identify potential modifications to the existing nonpermitted work that could be done to meet the regulations of the City's Land Development Code. The petitioner is presenting a pre-existing survey from when the property changed ownership dated May 17, 2023, attached.

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

DRAFT

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

VARIANCE REQUEST DETAILS:

ZV(R)2024-0076 is to allow twenty-foot (20') encroachment into the required twenty-five-foot (25') front setback for an existing twenty-foot by twenty-foot (20' x 20') awning carport, attached.

ZV(R)2024-0077 is to allow four-foot (4') side setback encroachment instead of the allowed two and a half (2.5') side setback encroachment along a segment of the eastern property line for existing 4' x 11' awning, attached.

ZV(R)2024-0078 is to allow zero-foot (0') side setback along a segment of the eastern property line instead of the required five-foot (5') side setback for an approximately six-foot by eight-foot (6' x 8') existing shed.

ZV(R)2024-0079 is to allow zero-foot (0') side setback along a segment of the eastern property line instead of the required five-foot (5') side setback for an approximately ten-foot by four-foot (10' x 4') existing pergola

Code References:

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	40% front lot coverage 40 % width of lot	[1] Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

Carlos Leyva, petitioner, and Attorney Scott Golden, spoke to the variance request. Mr. Leyva stated they purchased the home in 2023. Christian Zamora confirmed the awning on the side of the home was existing as of 2020 from the Broward County Tax Records aerial photos. Mr. Leyva stated the side awning was in bad condition, so he replaced it to match the canopy installed over the front driveway. Petitioner stated they had hired a contractor and expected he would know all of the issues and permitting. The front canopy was installed without permit and it also goes into

DRAFT

the front setback. Attorney Golden stated that the canopy in front is needed for medical reasons. The wife has had knee replacement surgery and is scheduled for a second surgery soon. The awning allows her to exit her car in bad weather to get into a wheelchair or walk to the side door (with the new awning). He stated that is the easiest way for her to get into the home. He also expressed that there are a few canopies of this type in the surrounding neighborhood and that the home is actually on an access road off of Taft Street, thereby no home is sitting directly in front of the Leyva's home. There are also only four homes on this particular block. The awning does allow for the parking of two cars and the existing driveway is a circular with the left side of the driveway going straight to the existing exterior wall of the home. The petitioner stated he did not realize the canopy went into setback. A letter from the wife's doctor stating the need for a dry and flat surface was also provided. Petitioner stated they hired licensed professional engineer, all drawings are sealed to make sure it is engineered properly and all code compliant. Attorney Golden passed out a packet of photos to each member of the board. He stated the shed is no higher than the fence and does not intrude on the neighbor's lot. Also, that the pergola enhances the pool area. Board members stated they were concerned the canopy would not withstand hurricane winds and that the canopy is not in common with the other homes in the neighborhood. Some board members expressed concern that after the surgery the wife will not need the canopy cover in bad weather. Some board members stated recuperation time cannot be justified for the need of the canopy.

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

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

Neighbor Woodrow Comerie came forward to speak to the variance request. He actually lives next door to the side that has the shed and pergola and that he has no problem with either or the front canopy. He stated he has seen other canopies in Pembroke Pines. He believes it

DRAFT

beautifies the yard and that the Leyva's are a credit to the community.

JC Banderas, lives in community, stated he believes the canopy is an eyesore and not in line with the neighborhood.

Attorney Golden summarized that the canopy was installed with a licensed engineer and is a great benefit to the wife and her health at this time. Also that the next door neighbor has stated he has no problem with the canopy, the shed or the pergola

On a motion by Vice Chair Crawl, seconded by Member Brito, to grant variance request ZV(R)2024-0076, under Sec. 155.301(O)(1)(c), to allow a twenty-foot (20') encroachment into the required twenty-five-foot (25') front setback for an existing twenty-foot by twenty-foot (20' x 20') awning carport, attached, the following vote was recorded:

AYE: None

NAY: Chairman Rodriguez-Soto, Vice Chairman Crawl, Member Brito, Alternate Member Jones

Motion Failed

A motion by Vice Chair Crawl, seconded by Member Brito, to grant variance request ZV(R)2024-0077, under Sec. 155.301(O)(1)(c), to allow a four-foot (4') side setback encroachment instead of the allowed two and a half (2.5') side setback encroachment along a segment of the eastern property line for existing 4' x 11' awning, attached passed unanimously.

A motion by Vice Chair Crawl, seconded by Member Brito, to grant variance request ZV(R)2024-0078, under Sec. 155.301(O)(1)(c), to allow a zero-foot (0') side setback along a segment of the eastern property line instead of the required five-foot (5') side setback for an approximately six-foot by eight-foot (6' x 8') existing shed passed unanimously.

A motion by Vice Chair Crawl, seconded by Member Brito, to grant variance request ZV(R)2024-0079, under Sec. 155.301(O)(1)(c), to allow a zero-foot (0') side setback along a

DRAFT

segment of the eastern property line instead of the required five-foot (5') side setback for an approximately ten-foot by four-foot (10' x 4') existing pergola passed unanimously.

ITEMS AT THE REQUEST OF THE BOARD:

There were no items.

ITEMS AT THE REQUEST OF STAFF:

There were no items.

ADJOURNMENT:

On a motion by Member Brito, seconded by Vice Chair Craw, to adjourn the meeting at 10:38 P.M., passed unanimously.

Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: 10:38 P.M.
Approved: