

Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department

ZV(R)2024-0076-0079
Zoning Variances

LEYVA, CARLOS LEYVA, KARLA
11920 TAFT ST PEMBROKE PINES FL 33026



NOT TO SCALE





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

Summary

Agenda Date:	November 7, 2024	Application ID:	ZV(R)2024-0076-0079		
Project:	Awning carport, shed, pergola. All existing.	Pre-Application Number:	PRE2024-0102		
Project Planner:	Christian Zamora, Senior Planner				
Owner:	Carlos & Karla Leyva	Agent:	N/A		
Location:	11920 Taft Street Pembroke Pines FL 33026	Property Id No.	514012052580	Commission District No.	2
Existing Zoning:	Single-Family Residence (R-1C)	Existing Land Use:	Residential		
Reference Applications:	Code Compliance Case No. 220300858 (Issued 03/10/2024), Awning permit application No. RO24-03437 (Applied 03/30/2024)				

Variance Summary

Application	Code Section	Required/Allowed	Request
ZV(R)2024-0076	Table 155.421.3: Residential Single Family (R-1C)	25' front setback	20' encroachment into the required 25' front setback for an existing 20' x 20' awning carport, attached.
ZV(R)2024-0077	155.634 Setback Encroachment Regulations Overhangs, Awnings	1/3' of the required side setback or 2.5' side encroachment.	Four-foot (4') side setback encroachment instead of the allowed two and a half (2.5') encroachment along a segment of the eastern property line for existing 4' x 11' awning, attached.
ZV(R)2024-0078	155.620 Accessory Structures and Buildings, shed	5' side setback	Zero-foot (0') side setback along a segment of the eastern property line instead of the required five-foot (5') for an approximately 6' x 8' existing shed.
ZV(R)2024-0079	155.620 Accessory Structures and Buildings, Open sided structure, freestanding	5' side setback	Zero-foot (0') side setback along a segment of the eastern property line instead of the required five-foot (5') for approximately 10' x 4' existing pergola.

Final:	<input type="checkbox"/> Planning & Zoning Board	<input checked="" type="checkbox"/> Board of Adjustment
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Reviewed for the Agenda:	Director: 	Assistant Director: 
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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:

- **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 on March 2024 (see property changes).

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. 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:

ZV(R)2024-0076)

Table 155.421.3: Residential Single-Family (R-1C)		
Standard	Residential	Non-Residential
Front Setback	25 feet	30 feet

ZV(R)2024-0077)

Table 155.634 Setback Encroachment Regulations						
		Maximum Setback Encroachment				
Type	Front	Side	Street Side	Rear	Maximum Dimensions	Additional regulations
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	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 SF [2] 200 SF 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	15 feet	5 feet	Primary building or 24 feet, whichever is less	200 SF	When located in A or R-E it may exceed 200 square feet and shall meet the setbacks of the primary building

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 follow Section 155.301(O) Variance:

1. Purpose: To allow for the provision of relief from certain development standards of this LDC for one or more of the following reasons:
 - a) 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) 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) 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
Property Surveys (2023, 2008)
Doctor's Letter
Code Compliance Notice and Image(s)



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.ppines.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: 8/20/24

Plans for DRC _____ Planner: C2

Indicate the type of application you are applying for:

- | | |
|---|--|
| <input type="checkbox"/> Appeal* | <input type="checkbox"/> Sign Plan |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Site Plan* |
| <input type="checkbox"/> Delegation Request | <input type="checkbox"/> Site Plan Amendment* |
| <input type="checkbox"/> DRI* | <input type="checkbox"/> Special Exception* |
| <input type="checkbox"/> DRI Amendment (NOPC)* | <input checked="" type="checkbox"/> Variance (Homeowner Residential) |
| <input type="checkbox"/> Flexibility Allocation | <input type="checkbox"/> Variance (Multifamily, Non-residential)* |
| <input type="checkbox"/> Interpretation* | <input type="checkbox"/> Zoning Change (Map or PUD)* |
| <input type="checkbox"/> Land Use Plan Map Amendment* | <input type="checkbox"/> Zoning Change (Text) |
| <input type="checkbox"/> Miscellaneous | <input type="checkbox"/> Zoning Exception* |
| <input type="checkbox"/> Plat* | <input type="checkbox"/> Deed Restriction |

PRE 2024-0076 -

INSTRUCTIONS:

- All questions must be completed on this application. If not applicable, mark *N/A*.
- Include all submittal requirements / attachments with this application.
- All applicable fees are due when the application is submitted (Fees adjusted annually).
- Include mailing labels of all property owners within a 500 foot radius of affected site with signed affidavit (Applications types marked with *).
- All plans must be submitted no later than noon on Thursday to be considered for Development Review Committee (DRC) review the following week.
- 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 *).
- 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.
- 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: C2 Project #: PRJ 20 Application #:

Date Submitted: 9/12/24 Posted Signs Required: (1) Fees: \$ 707.40

*2024-0076
- 0079*

SECTION 1-PROJECT INFORMATION:

Project Name: 11920 Awnings

Project Address: 11920 Taft Street

Location / Shopping Center: N/A

Acreage of Property: N/A Building Square Feet: 2565

Flexibility Zone: N/A Folio Number(s): 514012052580

Plat Name: Pembroke Lakes Section Six Traffic Analysis Zone (TAZ): N/A

Legal Description: Lot 3, Block 64, Pembroke Lakes Section 6

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: Carlos Leyva

Owner's Address: 11920 Taft Street, Pembroke Pines, Florida 33026

Owner's Email Address: cleyva@rccl.com

Owner's Phone: 3057662120 Owner's Fax: N/A

Agent: E. Scott Golden

Contact Person: E. Scott Golden

Agent's Address: 3107 Stirling Road #201 Fort Lauderdale, FL 33312

Agent's Email Address: sgolden@goldenlawfl.com

Agent's Phone: 9547646766 Agent's Fax: 9547646789

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: N/A

Land Use / Density: N/A

Use: N/A

Plat Name: N/A

Plat Restrictive Note: N/A

PROPOSED

Zoning: N/A

Land Use / Density: N/A

Use: N/A

Plat Name: N/A

Plat Restrictive Note: NA

ADJACENT ZONING

North: N/A

South: N/A

East: N/A

West: N/A

ADJACENT LAND USE PLAN

North: N/A

South: N/A

East: N/A

West: N/A

-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: RO24-03437 (3-20-24); Code Case No. 240300858 (5-31-24).

Code Section: 155.421(C); 155.634 (B) Awning, pergola.

Required: 25 ft. front setback from property line to home; 7.5 ft. side setback

Request: Allow canopy structure, shed, and pergola within the setbacks. (15' front setback).

Details of Variance, Zoning Appeal, Interpretation Request:

Property Owner is requesting a variance for medical reason to erect awning structures over the driveway and a side entrance. This request is being made to provide safe surfaces for Property Owner to enter and exit vehicles and the residence. Property Owner has had one knee replacement surgery and has another scheduled. The awning over the driveway is within the 25 ft. front setback. The awning over the side entrance is in compliance with the required 7.5 ft. side setback. Property Owner is requesting variances for two preexisting structures, a shed and pergola, that are within the setback, but were on the property when the property was purchased in May 2023. The shed and the pergola are permitted accessory structures pursuant to Code Section 155.620 (C).

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 6 - DESCRIPTION OF PROJECT (attach additional pages if necessary)

Property Owner is requesting a variance for medical reasons to erect an awning over the driveway, in conjunction with the permitted side entrance awning. This request is being made to provide safe surfaces for Property Owner to enter and exit vehicles and the home. Property Owner has had one knee replacement surgery and another scheduled. The signed and sealed drawings are attached as Exhibit A. A letter from the Property Owner's physician is attached as Exhibit B. Property Owner is requesting variances for a shed and a pergola that existed when the property was purchased by Property Owner in May 2023. This request is being made for the purpose of remedying the preexisting structures' noncompliance with zoning regulations. Property Owner was unaware the shed and pergola did not meet zoning requirements when the property was purchased.



UNIVERSITY OF MIAMI
MILLER SCHOOL
of MEDICINE

UHealth Tower: Orthopaedics at University of Miami Hospital and Clinics

1321 NW 14 STREET
UHT WEST BUILDING, 3RD FL
STE#306
MIAMI FL 33125
Phone: 305-243-1700
Fax: 305-243-0338

July 15, 2024

Patient: **Karla Leyva**
Date of Birth: **8/22/1962**
Date of Visit: **7/15/2024**

Dear City of Pembroke Pines,

I am writing to advocate on behalf of my patient, Karla Leyva, regarding her need for a carport at her residence. Ms. Leyva has recently undergone bilateral knee replacements and faces increased risks of slipping and falling, especially during inclement weather conditions.

As her healthcare provider, I am deeply concerned about the potential hazards she may encounter when navigating to and from her vehicle without adequate shelter. A carport would significantly mitigate these risks by providing Ms. Leyva with a safe and accessible area to enter and exit her vehicle, thereby reducing the likelihood of accidents and injuries.

I kindly request your consideration and approval of Ms. Leyva's application for a carport installation. Should you require any further medical documentation or information to support this request, please do not hesitate to contact my office.

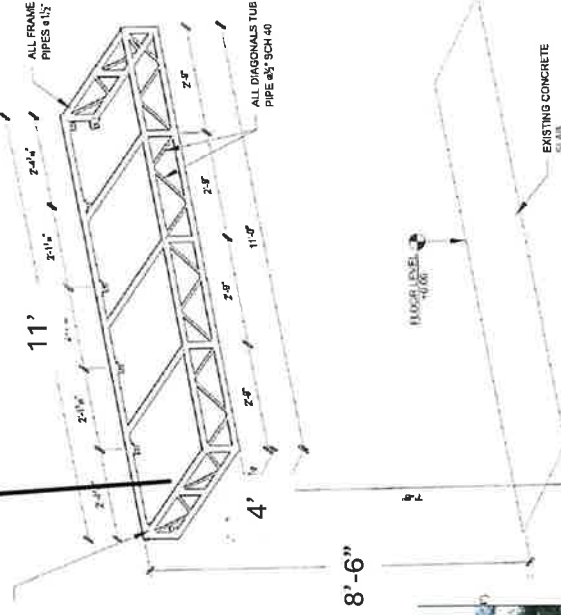
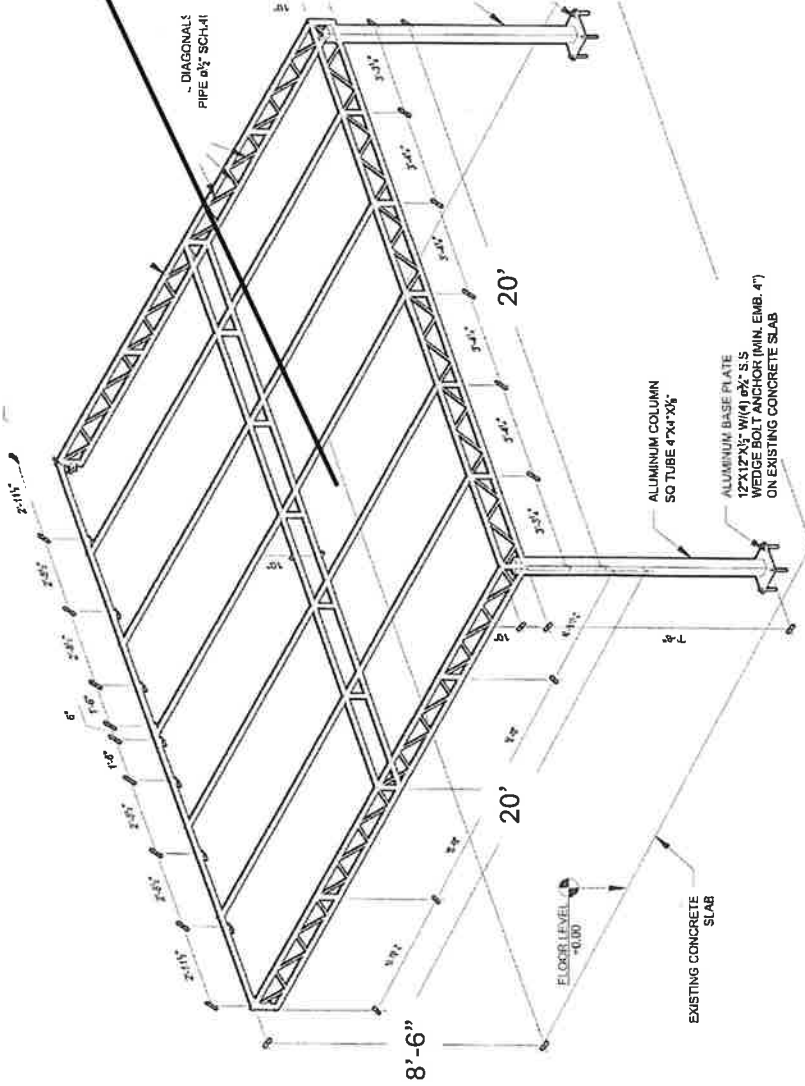
Thank you for your attention to this matter and your commitment to ensuring the safety and well-being of our community members.

Sincerely,

Victor Hugo Hernandez, MD



Overall Dimensions: 11920 Taft Street



① ALUMINUM CARPORT 20'-0"X20'-0"
SCALE 1/4" = 1'-0"

For Reference Only (Used for driveway pnt. 22616037 (10/2006))

Atlantic Coast
SURVEYING, INC.
 LB NO. 5485
 8125 STERLING RD. BROWARD (954)587-2100
 DADE, FLORIDA 33114 PALM BEACH (888)468-8128
 FAX (954)587-9418
 © 2005 ATLANTIC COAST SURVEYING, INC.



LEGAL DESCRIPTION
 LOT 3, BLOCK 64, PEMBROKE LAKES SECTION 56C, ACCORDING TO THE
 PLAT THEREOF AS RECORDED IN PLAT BOOK 64, PAGE 3, OF THE PUBLIC
 RECORDS OF BROWARD COUNTY, FLORIDA.

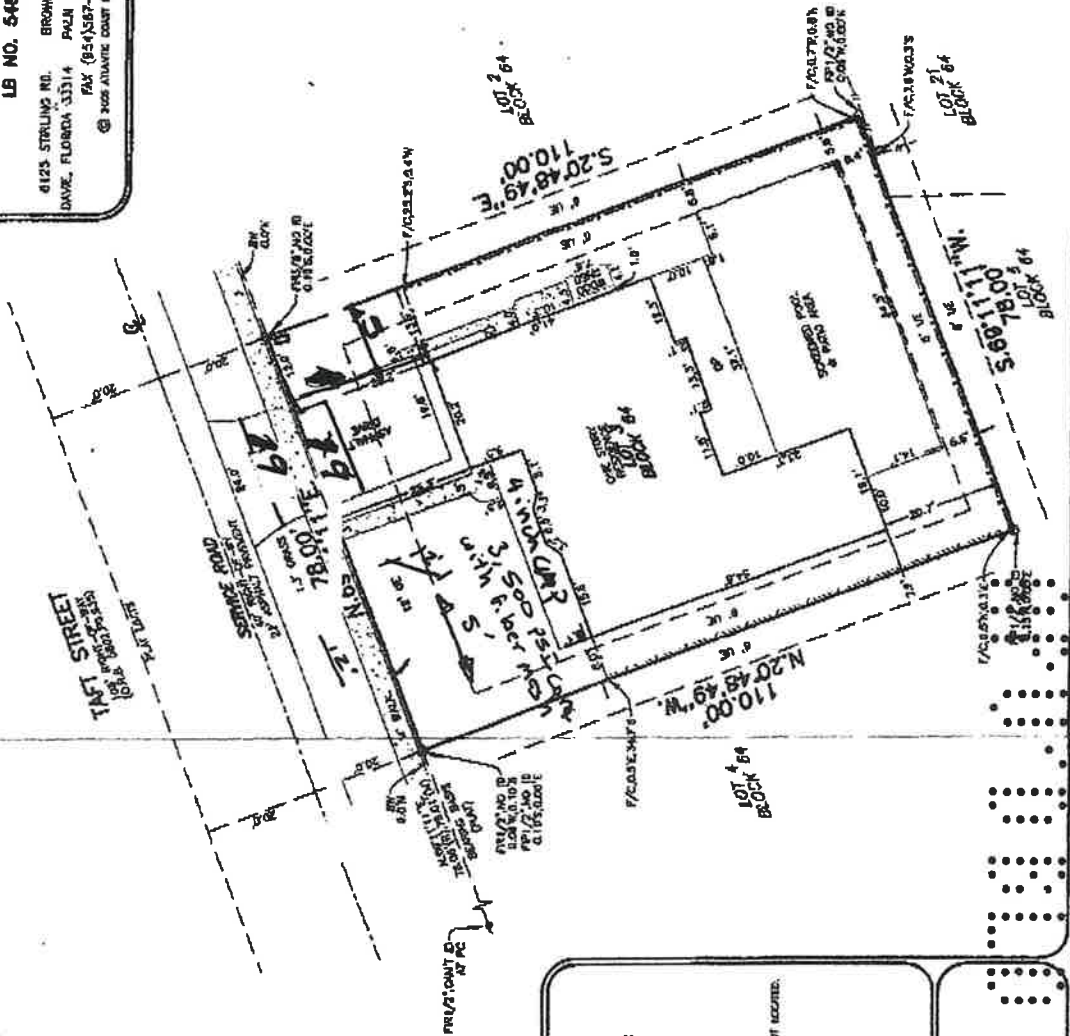
CERTIFIED TO:
 TRACY COHEN
 EDWARD L. SUGAR, P.A.
 ATTORNEY'S TITLE INSURANCE FUND, INC.
 STATE FARM BANK FSB, ITS SUCCESSORS AND/OR ASSIGNS

PROPERTY ADDRESS
 11920 TAFT STREET
 PEMBROKE PINES, FL

BOUNDARY SURVEY
 INVOICE #50771
 SURVEY DATE 02/06/06

FLOOD ZONE AH-700
 MAP DATE 01/01/05

NOT RECORDED IN PLAT BOOK 64, PAGE 3



LEGEND AND NOTES (FOR AMBIGUOUS SEE BACK OF THE PLAT)

—	CONCRETE		CONCRETE BLOCK WALL	⊠	MONITORING WELL
—	WOOD FENCE	—	OVERHEAD WIRE	⊠	CABLE JUNCTION BOX
—	METAL FENCE	—	CONCRETE FENCE	⊠	POWER/LIGHT POLE
—	WOOD	—	GUY ANCHOR	⊠	WATER METER
—	SPOTS ELEVATION	—	SPOTS ELEVATION	⊠	FUEL/OIL TANK

1. BASE OF MASONRY IS MARKED ON RECORD.
 2. LEGAL DESCRIPTION FOR THIS PLAT IS ON RECORD.
 3. THE LINES SHOWN HEREON WERE NOT MEASURED BY THE OFFICE FOR EASEMENTS, RIGHT-OF-WAY, OR OTHER PURPOSES OF RECORD.
 4. UNLESS OTHERWISE NOTED, ALL DIMENSIONS, WALLS OR OTHER NON-MASONRY STRUCTURES WERE NOT LOCATED.
 5. ELEVATIONS ARE BASED ON THE NATIONAL GEODETIC DATUM OF 1983 UNLESS OTHERWISE SHOWN.
 6. FENCE LINES ARE TO THE CENTER-LINE OF FENCE WALL TIES ARE TO THE FACE OF WALL.
 7. IN SOME INSTANCES SURVEY REPRESENTATIONS WERE MADE UNDESIGNED TO MORE CLEARLY ILLUSTRATE THE LOCATION OF THE REPRESENTATIONS SHOWN AND TO SHOW THE LOCATION OF THE REPRESENTATIONS SHOWN.
 8. THE DIMENSIONS AND DIRECTIONS SHOWN HEREON ARE IN SUBSTANTIAL AGREEMENT WITH RECORD VALUES UNLESS OTHERWISE NOTED.
 9. PARTY WALLS ARE CENTERED ON PROPERTY LINE AND ARE NOT UNLESS OTHERWISE NOTED.
 10. EXISTING CONDITIONS FOUND BY WITNESS PROPERTY OWNERS.
 11. ESTIMATED CONDITIONS ARE MARKED BY APPROXIMATION.

NOTARIAL CERTIFICATE
 I, Paul J. Stempel, Notary Public for the State of Florida, do hereby certify that the above described plat was prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Florida.
 My commission expires on 02/10/08 P.M.
 PAUL J. STEMPEL, PROFESSIONAL LAND SURVEYOR, FLORIDA CERTIFICATION NO. 2841

ATTORNEY TRACY COHEN



City of Pembroke Pines
Police Department, Code Compliance Unit
601 City Center Way, Pembroke Pines, FL 33025
954-431-4466

Notice of Violation and Summons to Appear

Case #:	240300858	Date:	5/31/2024
Folio #:	514012052580		
Recipient:	CARLOS LEYVA/KARLA LEYVA		
Address:	11920 TAFT ST PEMBROKE PINES, FL 33026		

A physical inspection at 11920 TAFT ST Pembroke Pines, FL 33026 disclosed the following violation(s) of the City of Pembroke Pines Code:

Chapter:	Section:	Violation:	Comply By Date:
CHAPTER 155: ZONING CODE LDC	155.313 ENFORCEMENT	Structure being erected in driveway. No Permit visible.	09/20/2024
CHAPTER 150: BUILDINGS	150.11 Florida Building Code adopted by reference; rejection of county regulations	Structure being erected in driveway. No Permit visible.	09/20/2024

Notes/Mean of Correction:

Must obtain all needed permits for work done on property. Contact the Building Department for any permitting questions at (954)435-6502.

YOU ARE HEREBY NOTIFIED TO REMEDY THE VIOLATION(S) AS STATED ABOVE BY: 09/20/2024

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THE SPECIAL MAGISTRATE, CITY OF PEMBROKE PINES, LOCATED AT CITY COMMISSION CHAMBERS, 601 CITY CENTER WAY, PEMBROKE PINES, FLORIDA 33025 ON: 09/26/2024 AT 9:00 AM where the City shall present evidence of the violation(s) and seek Finding of Violation(s) requiring compliance with the City Code.

If the violation(s) is corrected and then reoccurs, is not corrected by the time specified for correction by the Code Compliance Officer, or is a repeat violation, this case may be presented to the City's Special Magistrate even if the violation has been corrected prior to the hearing. The Code Compliance Officer is not required to give the violator a reasonable time to correct a repeat violation.

If the condition causing the violation(s) presents a serious threat to the public health, safety, and welfare, is irreparable or irreversible in nature, or is a repeat violation, the Code Compliance Officer shall make a reasonable effort to notify the violator and may immediately notify the Special Magistrate and request a hearing.

At the Code Compliance Officer's discretion, the Code Compliance Unit reserves the right to seek authorization from the Special Magistrate to enter the property and make all reasonable repairs which are required to bring the property into compliance. All costs incurred by the City in remedying any violation(s) shall be assessed to the violator in addition to the fine imposed and included in the recorded lien.

A finding of violation(s) may result in the imposition of a fine and lien against the subject property and any property owned by the violator in an amount up to \$250.00 per day the violation(s) exists, and up to \$500.00 per day for repeat violation(s) from the date the violation(s) is found by the code compliance officer. An administrative fee of \$150.00 shall be assessed on all findings of violation.

Pursuant to Section 286.0105, Florida Statutes, the respondent may be required to ensure and provide a verbatim record of the proceedings, including the testimony and evidence presented, for the proposed appeal. All appeal of any Special Magistrate Order must be filed in the Circuit Court for the 17th Judicial Circuit within thirty (30) days of such order.

Property Changes: 11920 Taft Street





Beige Tarp/Fabric Covering



