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Board of Adjustment

City of Pembroke Pines  
Pembroke Pines, FL

**MAY 4, 2023**

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Acting Chair Crawl on Thursday, May 4, 2023 at 6:30 P.M., in the City Commission Chambers, Charles F. Dodge City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

**PRESENT:** Members Abbondandolo and Crawl; Alternate Members Almeria and Siddiqui

**ABSENT:** Chairman Rodriguez-Soto, Vice Chairman Goggin, Member Brito

**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.

[Secretary note: As both the Chair and Vice Chair asked to be excused from this meeting, Assistant City Attorney asked Member Crawl to chair the meeting.]

## **APPROVAL OF THE MINUTES:**

A motion by Member Siddiqui, seconded by Member Abbondandolo, to approve the minutes of the April 6, 2023 meeting passed unanimously.

## **EXCUSED ABSENCES:**

A motion by Member Siddiqui, seconded by Member Abbondandolo, to excuse the absence of Chair Rodriguez-Soto, Vice Chair Goggin and Member Brito 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.

# DRAFT

Three votes are needed to approve a variance. The decisions are appealable to the City Commission of Pembroke Pines only.

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

**NEW BUSINESS:**  
**VARIANCES:**

**VARIANCE FILE NUMBER: ZV(R)2023-0015**

**PETITIONER:**

Manuel E Jr & Marisol Estremera

**ADDRESS:**

**SUBJECT PROPERTY:**

2471 NW 187 Avenue  
Pembroke Pines, FL 33029

**LEGAL DESCRIPTION:**

Lot 422, Keystone Lake, of the BIG SKY PLAT, according to the Plat thereof as recorded in Plat Book 158, Page 11B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a four feet, 2 inches (4'-2") side yard setback instead of the required five feet (5.0') side setback for a proposed open sided, hard roofed structure (attached) in a typical single family residential, zero lot.

**REFERENCE:**

155.621 SUPPLEMENTAL REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES

(A) The following regulations are supplemental to the standards identified in 155.620.

1. Residential Districts

b) For waterfront lots located within developments approved under the design criteria of (R-1Z) single family zoning districts, accessory structures shall be allowed to extend to the zero setback side property line, excluding structures with a roof. Structures with roofs may extend to the zero setback side property line if a six foot high concrete block privacy wall is installed along the entire length of the accessory structure.

Chair Crawl read the request into the record.

**PROJECT DESCRIPTION / BACKGROUND:**

Manuel Estremera, owner, has submitted a residential zoning variance request for a proposed attached open sided, roofed structure for the single-family residence located at 2471

# DRAFT

NW 187 Avenue in the Keystone Lake neighborhood. The property is part of the Big Sky Planned Unit Development (PUD) and follows PUD Zone SF-2 (single-family zero-lot line). The PUD guidelines do not address attached open sided, roofed structures; therefore, the provisions of the City's Land Development Code (LDC) are applicable.

Specifically, ZV(R)2023-0015 requests the following:

- To allow four feet, 2 inches (4'-2") side yard setback instead of the required five feet (5.0') side setback for a proposed attached open sided, hard roofed structure.

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

The subject property is in the Keystone Lake neighborhood. The applicant has provided a copy of the Homeowners Association (HOA) approval.

## **VARIANCE REQUEST DETAILS:**

**ZV(R)2023-0015** to allow four feet, two inches (4'-2") side yard setback instead of the required five feet (5.0') side setback for a proposed attached open sided, roofed structure in a typical single family residential, zero lot.

### *Code Reference:*

155.621 SUPPLEMENTAL REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES.

"... (b) For waterfront lots located within developments approved under the design criteria of R-1Z single-family zoning districts, accessory structures shall be allowed to extend to the zero-setback side property line, excluding structures with a roof. Structures with roofs may extend to the zero-setback side property line if a six-foot-high concrete block privacy wall is installed along the entire length of the accessory structure."

Manuel Estremera, petitioner, spoke to the variance request. He stated the requested variance will allow more shade during the day. He stated it will have no visible rain gutters and to put it over the bedroom window also makes it out of code. They have HOA approval. The code also calls for a wall between the neighbors for these setbacks, but the HOA doesn't want a wall

# DRAFT

put up here, so they are approving the roof with no wall. The wall would block the view of the lake for the neighbor. Petitioner stated there is no electrical involved under the roof and that drainage goes into the backyard grass. Petitioner also had engineer for roof with him who confirmed to the board concerning drainage.

The members of the board who spoke to the variance request were Chair Crawl, Members Siddiqui and Almeria.

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 Member Siddiqui, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0015, under Sec. 155.301(O)(1)(c), to allow a four feet, 2 inches (4'-2") side yard setback instead of the required five feet (5.0') side setback for a proposed open sided, hard roofed structure (attached) in a typical single family residential, zero lot passed unanimously.

## **VARIANCE FILE NUMBERS: ZV(R)2023-0028 & 0029**

### **PETITIONER:**

Vincencio Maya

### **ADDRESS:**

#### **SUBJECT PROPERTY:**

838 SW 173 Avenue  
Pembroke Pines, FL 33029

### **LEGAL DESCRIPTION:**

Lot RR39, of the SILVER LAKES PHASE II REPLAT PLAT, according to the Plat thereof as recorded in Plat Book 154, Page 50B, of the Public Record of Broward County, Florida.

### **VARIANCES REQUESTED:**

Petitioner is requesting variances to:

**ZV(R)2023-0028)** allow a 51% total front lot coverage instead of the required 35% total front lot coverage for a proposed circular driveway.

**ZV(R)2023-0029)** allow 45% width of lot instead of the allowed 40% width of lot for a proposed circular driveway.

### **REFERENCES:**

**ZV(R)2023-0028 & 0029)**

# DRAFT

**Table 155.620 Accessory Building and Structures**

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

Chair Crawl read the request into the record.

**PROJECT DESCRIPTION / BACKGROUND:**

Vicencio Maya, owner, has submitted two residential zoning variance requests to build a circular driveway at the property located at 838 SW 173<sup>rd</sup> Avenue. The property is part of the Silver Lakes Planned Unit Development (PUD) and follows the guidelines for single-family homes with a lot larger than 5,000 square feet. The PUD guidelines do not address driveway setbacks, lot coverage and driveway width; therefore, the provisions of the City’s Land Development Code (LDC) are applicable.

On July 19, 2022, the owner submitted a building permit application (No. RX22-04582) to build a circular driveway at the property. The proposed driveway exceeds the limitations of the City’s LDC. The applicant is requesting the following:

- ZV(R)2023-0028 to allow a 51% total front lot coverage (total) instead of the allowed 35% front lot coverage (total) for a proposed circular driveway in a typical lot.
- ZV(R)2023-0029 to allow 45% of the lot’s width instead of the allowed 40% of the lot’s width for a proposed circular driveway in a typical lot.

# DRAFT

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

The subject property is in the Silver Lakes neighborhood. The applicant has provided a copy of the Homeowners Association (HOA) approval.

## **VARIANCE REQUEST DETAILS:**

**ZV(R)2023-0028** to allow 51% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for a proposed circular driveway in a typical lot.

**ZV(R)2023-0029** to allow 45% of the lot's width instead of the allowed 40% of the lot's width for a proposed circular driveway in a typical lot.

### *Code References:*

Table 155.620 Accessory Building and Structures

ZV(R)2023-0028)

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

ZV(R)2023-0029)

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

Vincencio Maya, petitioner, spoke to the variance request. He stated the driveway enlargement is needed due to having four drivers in the home and the community cannot park on the streets that are too narrow for emergency vehicles to pass through the street. He has HOA approval. Many neighbors in the community are seeking the same type of improvements. He replied that the pavers will be on sand, no concrete and that drainage in the street and yard is not a problem.

The members of the board who spoke to the variance request were Chair Crawl, Members Siddiqui, Almeria and Abbondandolo.

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 Member Siddiqui, seconded by Member Abbondandolo, to grant variance

# DRAFT

request ZV(R)2023-0028, under Sec. 155.301(O)(1)(c), to allow a 51% total front lot coverage instead of the required 35% total front lot coverage for a proposed circular driveway passed unanimously.

A motion by Member Siddiqui, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0029, under Sec. 155.301(O)(1)(c), to allow 45% width of lot instead of the allowed 40% width of lot for a proposed circular driveway passed unanimously.

## VARIANCE FILE NUMBERS: ZV(R)2023-0032 - 0034

### PETITIONER:

Carlos Garro

### ADDRESS:

#### SUBJECT PROPERTY:

7571 NW 1 Court  
Pembroke Pines, FL 33024

### LEGAL DESCRIPTION:

Lot 1, Block 9, of the BOULEVARD HEIGHTS SECTION 12 PLAT, according to the Plat thereof as recorded in Plat Book 54, Page 4B, of the Public Record of Broward County, Florida.

### VARIANCES REQUESTED:

Petitioner is requesting variances to:

**ZV(R)2023-0032**) allow a 43% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

**ZV(R)2023-0033**) allow 44% width of lot instead of the allowed 40% width of lot for an existing driveway.

**ZV(R)2023-0034**) allow a three feet (3') east side setback instead of the required five feet (5') setback for an existing driveway in a typical lot.

### REFERENCES:

**ZV(R)2023-0033 - 0034)**

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.	[1] Shall include 5 foot radius between driveway and lot line.

# DRAFT

						<b>40 % width of lot</b>	[2] 10 foot minimum width
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Chairman Rodriguez-Soto read the request into the record.

## **PROJECT DESCRIPTION / BACKGROUND:**

Carlos Garro, owner, submitted three residential zoning variance requests for an existing driveway at the single family residence located at 7571 NW 1 Court in the Boulevard Heights neighborhood, which is zoned R-1C (Residential Single-Family).

On March 11, 2022, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 70118) for work performed without building permits.

In April 5, 2022, the property owner submitted a building permit application (RX22-00645) to legalize the completed driveway work. The permit application and documents revealed that the existing driveway exceeds the limitations of the City's Land Development Code (LDC); therefore, the applicant is requesting the following:

- ZV(R)2023-0032 is to allow 43% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical lot.
- ZV(R)2023-0033 is to allow 44% width of lot instead of the allowed 40% width of lot for an existing driveway in a typical lot.
- ZV(R)2023-0034 is to allow three feet (3') side setback (eastern property line) instead of the required five feet (5') setback for an existing driveway in a typical lot.

City staff reviewed aerial photography from the Broward County Property Appraiser and it appears that driveway has existed since at least 1998. Staff reviewed historical building permit records, but was unable to retrieve a permit for the existing driveway. In addition, the applicant replaced an existing non-permitted, non-conforming driveway without a building permit. The provisions of the City's LDC are applicable (City Code 155.627).

# DRAFT

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.

The property is not located within a home owners association.

## **VARIANCE REQUEST DETAILS:**

**ZV(R)2023-0032** is to allow 43% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical lot.

**ZV(R)2023-0033** is to allow 44% width of lot instead of the allowed 40% width of lot for an existing driveway in a typical lot.

**ZV(R)2023-0034** is to allow three feet (3') side setback (eastern property line) instead of the required five feet (5') setback for an existing driveway in a typical lot.

### *Code References:*

#### **Table 155.620 Accessory Building and Structures**

ZV(R)2023-0032)

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

ZV(R)2023-0033)

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

ZV(R)2023-0034)

Type, Driveway, Typical lot, Setback, Side, 5 feet

Carlos Garro, petitioner, spoke to the variance request. He stated he replaced the paver driveway without a permit, removing a tree that code had told him to remove. When told the work was out of code he had a new survey done to show setbacks. He stated other home on the street have even larger circular drives. Mr. Zamora stated the driveway predated this owner, had been there sine 1974, but no permits for original could be found. There are no aprons from the street to the sidewalk for two of the entrances. His son, Tim Zimmerman, stated the aprons right now are gravel, they would prefer to use concrete but will abide by City engineering specifications. He also stated the original drive was asphalt and they had put in pavers.

The member of the board who spoke to the variance request was Chair Crawl.

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

# DRAFT

Zamora.

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

A motion by Member Almeria, seconded by Member Siddiqui, to grant variance request ZV(R)2023-0032, under Sec. 155.301(O)(1)(c), to allow a 43% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway passed unanimously.

A motion by Member Almeria, seconded by Member Siddiqui, to grant variance request ZV(R)2023-0033, under Sec. 155.301(O)(1)(c), to allow 44% width of lot instead of the allowed 40% width of lot for an existing driveway passed unanimously.

A motion by Member Almeria, seconded by Member Siddiqui, to grant variance request ZV(R)2023-0034, under Sec. 155.301(O)(1)(c), to allow a three feet (3') east side setback instead of the required five feet (5') setback for an existing driveway in a typical lot passed unanimously.

**VARIANCE FILE NUMBERS: ZV(R)2023-0035, 0047 - 0049**

**PETITIONER:**

Gary & Penina Rosenthal

**ADDRESS:**

**SUBJECT PROPERTY:**

1674 SW 158 Terrace  
Pembroke Pines, FL 33027

**LEGAL DESCRIPTION:**

Lot 75, Parcel 14, THE GROVE, of the HOLLYWOOD LAKES COUNTRY CLUB AND RESORT PLAT, according to the Plat thereof as recorded in Plat Book 139, Page 29B, of the Public Record of Broward County, Florida.

**VARIANCES REQUESTED:**

Petitioner is requesting variances to allow:

**ZV(R)2023-0035** a 2.1' side setback (south) to the zero-side property line for a proposed roofed open sided patio instead of the required 5';

**ZV(R)2023-0047** a zero feet (0') side setback (south) instead of the required five-foot (5') setback to zero side property line for an existing paver patio;

**ZV(R)2023-0048** a zero feet (0') rear setback (west) instead of the required five-foot (5') setback to rear property line for an existing paver patio;

**ZV(R)2023-0049** a zero feet (0') side setback (north) instead of the required five-foot (5') non-zero side setback for an existing paver patio.

# DRAFT

## REFERENCES:

**ZV(R)2023-0035)**

### **155.652 ZERO LOT LINE HOMES**

(B) Openings prohibited on the zero-lot line side. The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of openings with the exception of a condensate line. Atria or courts shall be permitted on the zero-lot line side when the court or atrium is enclosed by three walls of the dwelling unit, and a solid wall of at least eight feet in height is provided on the zero lot line. The wall shall be constructed of the same material as exterior walls of the unit or may be constructed of decorative opaque glass block.

**ZV(R)2023-0047 - 0049)**

<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>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:**

Gary Rosenthal, owner, has submitted four residential zoning variance requests for a proposed attached open sided roofed patio and an existing paver patio for the property located at 1674 SW 158 Terrace. The property is part of the Grand Palms Planned Unit Development (PUD) and follows the City's Land Development Code Section 155.652–Zero Lot Line Homes; and Accessory Structures Table 155.620. This request is subject to the City's Land Development Code.

Zoning Variance requests:

- ZV(R)2023-0035 is to allow a 2.1' side setback to the zero-side (south) property line for a proposed roofed open sided patio instead of the required 5'.
- ZV(R)2023-0047 is to allow zero feet (0') side setback (south) instead of the required five-foot (5') setback to zero side property line for an existing paver patio.
- ZV(R)2023-0048 is to allow zero feet (0') rear setback (west) instead of the required five-foot (5') setback to rear property line for an existing paver patio.
- ZV(R)2023-0049 is to allow zero feet (0') side setback (north) instead of the required five-foot (5') non-zero side setback for an existing paver patio.

# DRAFT

Mr. Rosenthal applied for a permit for a proposed roofed open sided patio (Permit Application #RO22-09684). During review of the permit application, it was determined that the side setback did not meet code requirements. In addition, it was discovered the existing paver patio was not permitted and did not meet the required setbacks. Code Violation # 230401660 for work without permit has been initiated. The variance requests are requesting to allow the proposed roofed patio and legalize the existing paver patio.

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

The subject property is in the Grand Palms neighborhood. The applicant has provided a copy of the Home Owners Association (HOA) approval as well as support from the adjacent property owners.

## **VARIANCE REQUEST DETAILS:**

**ZV(R)2023-0035** to allow 2.1' Side Setback to Zero Side (south) Property Line for proposed roofed, open sided patio.

**ZV(R)2023-0047** to allow a zero-foot (0') zero side (south) setback for an existing paver deck.

**ZV(R)2023-0048** to allow a zero foot (0') rear setback (west) for an existing paver deck.

**ZV(R)2023-0049** to allow a zero foot (0') non-zero side (north) setback for an existing paver deck.

### *Code References:*

#### **ZV(R)2023-0035**

#### **155.652 ZERO LOT LINE HOMES**

(B) Openings prohibited on the zero-lot line side. The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of openings with the exception of a condensate line. Atria or courts shall be permitted on the zero-lot line side when the court or atrium is enclosed by three walls of the dwelling unit, and a solid wall of at least eight feet in height is provided on the zero lot line. The wall shall be constructed of the same material as exterior walls of the unit or may be constructed of decorative opaque glass block.

#### **Table 155.620 Accessory Building and Structures**

# DRAFT

ZV(R)2023-0047)

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

ZV(R)2023-0048)

Type, Deck or Patio\*, Setback, Rear, 5 feet

ZV(R)2023-0049)

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

Gary Rosenthal, petitioner, spoke to the variance request. He stated the patio was put in for his wife to be able to enjoy the outside without stirring up her asthma. The roof is being requested due to his medical condition of skin cancer. Both need to be out of the sun. If the roof were installed according to code the post would be in the middle of the sliding glass doors from the house. He stated there had been no yard flooding during the recent heavy rains and that the drainage is into the back yard

The members of the board who spoke to the variance request were Chair Crawl, Member Siddiqui.

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

Neighbor Roberto Arroyo, came forward from the public asked to speak to the variance request. He supports Mr. Rosenthal, states they are good neighbors and should have the request granted.

A motion by Member Abbondandolo, seconded by Member Siddiqui, to grant variance request ZV(R)2023-0035, under Sec. 155.301(O)(1)(c), allow a 2.1' side setback (south) to the zero-side property line for a proposed roofed open sided patio instead of the required 5' passed unanimously.

A motion by Member Abbondandolo, seconded by Member Siddiqui, to grant variance request ZV(R)2023-0047, under Sec. 155.301(O)(1)(c), allow a zero feet (0') side setback (south) instead of the required five-foot (5') setback to zero side property line for an existing paver patio passed unanimously.

# DRAFT

A motion by Member Abbondandolo, seconded by Member Siddiqui, to grant variance request ZV(R)2023-0048, under Sec. 155.301(O)(1)(c), allow a zero feet (0') rear setback (west) instead of the required five-foot (5') setback to rear property line for an existing paver patio passed unanimously.

A motion by Member Abbondandolo, seconded by Member Siddiqui, to grant variance request ZV(R)2023-0049, under Sec. 155.301(O)(1)(c), allow a zero feet (0') side setback (north) instead of the required five-foot (5') non-zero side setback for an existing paver patio passed unanimously.

**VARIANCE FILE NUMBERS: ZV(R)2023-0036 - 0037**

**PETITIONER:**

Armando & Sarah Albaladejo

**ADDRESS:**

**SUBJECT PROPERTY:**

19010 SW 4 Street  
Pembroke Pines, FL 33028

**LEGAL DESCRIPTION:**

Lot 61, Block 3, ESTANCIA AT TWIN ACRES of the TWIN ACRES PLAT, according to the Plat thereof as recorded in Plat Book 154, Page 15B, of the Public Record of Broward County, Florida.

**VARIANCES REQUESTED:**

Petitioner is requesting variances to:

**ZV(R)2023-0036**) allow a 58% total front zero lot line coverage instead of the required 40% total front lot coverage for a proposed driveway.

**ZV(R)2023-0037**) allow a 43% width of lot instead of the 40% required width of lot for a proposed driveway.

**REFERENCES:**

**ZV(R)2023-0044 - 0046)**

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

# DRAFT

		feet on the nonzero side				40 % width of lot	width
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## PROJECT DESCRIPTION / BACKGROUND:

Sarah Albadalejo, owner, submitted two residential zoning variance requests for a proposed driveway for the single family residence located at 19010 SW 4 Street in the Estancia neighborhood which is zoned R-1Z (Residential Single-Family Zero Lot Line).

The applicant is requesting:

- ZV(R)2023-0036 is to allow 58% front lot coverage instead of the allowed 40% for a proposed driveway in a zero lot.
- ZV(R)2023-0037 is to allow 43% instead of the allowed 40% of the lot's width for a proposed driveway in a zero lot.

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.

The subject property is in the Estancia Home Owners Association (HOA) and the applicant has not provided approval from the HOA.

## VARIANCE REQUEST DETAILS:

**ZV(R)2023-0036:** to allow 58% front lot coverage instead of the allowed 40% for a proposed driveway in a zero lot.

**ZV(R)2023-0037:** to allow 43% instead of allowed 40% of the lot's width for a proposed driveway in a zero lot.

### *Code References:*

Table 155.620 Accessory Building and Structures:

ZV(R)2023-0036)

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

# DRAFT

ZV(R)2023-0037)

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

Armando Albaladejo, petitioner, spoke to the variance request. He stated the existing driveway is breaking up and they want to replace it with pavers and to enlarge to at least 26 feet. They had requested HOA size limits and had not had an answer, so applied for the variance to be 29 feet, but they just learned today the HOA allows up to 26 feet, so they will only be going that width. Dean Piper confirmed that the lot is pie shaped and it is difficult when determining front lot coverage to code, as most pie shaped lots are smaller in front of home. Petitioner stated there will be three car spaces.

The members of the board who spoke to the variance request were Chair Crawl, 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 Member Almeria, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0036, under Sec. 155.301(O)(1)(c), allow a 58% total front zero lot line coverage instead of the required 40% total front lot coverage for a proposed driveway passed unanimously.

A motion by Member Almeria, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0037, under Sec. 155.301(O)(1)(c), allow a 43% width of lot instead of the 40% required width of lot for a proposed driveway passed unanimously.

**VARIANCE FILE NUMBERS: ZV(R)2023-0038 - 0042**

**PETITIONER:**

Maylem Muxo

**ADDRESS:**

**SUBJECT PROPERTY:**

15962 SW 16 Street

# DRAFT

Pembroke Pines, FL 33027

## LEGAL DESCRIPTION:

Lot 74, Block 1, of the PASADENA AT PEMBROKE SHORES PLAT, according to the Plat thereof as recorded in Plat Book 159, Page 45B, of the Public Record of Broward County, Florida.

## VARIANCES REQUESTED:

Petitioner is requesting variances to:

**ZV(R)2023-0038)** allow a 70% total front lot coverage instead of the required 35% total front lot coverage for a proposed circular driveway.

**ZV(R)2023-0039)** allow a 55% width of lot instead of the allowed 40% width of lot for a proposed circular driveway.

**ZV(R)2023-0040)** allow a zero feet (0') side (west) setback instead of the required five feet (5') setback for an existing circular driveway in a typical lot.

**ZV(R)2023-0041)** allow a zero feet (0') side (west) setback instead of the required five feet (5') to east property line for an existing patio/deck.

**ZV(R)2023-0042)** allow a zero feet (0') setback instead of the required five feet (5') to south property line for and existing patio/deck.

## REFERENCES:

**ZV(R)2023-0038 - 0040)**

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

**ZV(R)2023-0041 & 0042)**

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

## PROJECT DESCRIPTION / BACKGROUND:

# DRAFT

Maylem Muxo, owner, submitted five residential zoning variance requests to legalize an existing driveway and patio at the property located at 15962 SW 16 Street. The property is part of Pembroke Shores Planned Unit Development (PUD) and follows the guidelines for Single Family Conventional (SF-1). The PUD guidelines do not address setbacks or lot coverage of structures at grade; therefore, the provisions of the City's Land Development Code (LDC) are applicable.

On October 29, 2020, the previous property owner submitted a building permit application (No. BUL-234388) to legalize a circular driveway and patio, nonetheless, the building permit was denied as the existing driveway exceeded the limitations of the City's LDC. The property was sold in September 2022.

In November 16, 2022, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 68431) for work done without building permits; the citation was provided to the current owner.

The current owner, submitted a survey showing the unpermitted work and it was revealed that the existing paving (driveway) in the front of the property exceeded maximum total front lot coverage, allowable driveway width and did not comply with the required setbacks. As result, the applicant is requesting:

- ZV(R)2023-0038 is to allow 70% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing circular driveway in a typical lot.
- ZV(R)2023-0039 is to allow 55% of lot's width instead of the allowed 40% of lot's width for an existing circular driveway in a typical lot.
- ZV(R) 20223-0040 is to allow zero feet (0') side setback (western property line) instead of the required five feet (5') setback for an existing circular driveway in a typical lot.

In addition to the driveway, the survey revealed that the existing patio is located within the required, east side, west side and rear setbacks. As result, the applicant is requesting:

# DRAFT

- ZV(R)2023-0041 is to allow zero feet (0') side setback instead of the required five feet (5') to west property line for an existing patio or deck.
- ZV(R)2023-0042 is to allow zero feet (0') setback instead of the required five feet (5') to south property line for an existing patio or deck.

Per a review of aerial photography from the Broward County Property Appraiser, the driveway and patio have been on the property since 2021. The applicant was not able to produce any permits for the work. The applicants request is less than the work that exists on the property, but still exceeds the requirements of the LDC.

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.

The subject property is in Pembroke Shores homeowners association (HOA). The applicant has provided a copy of the HOA approval.

## **VARIANCE REQUEST DETAILS:**

**ZV(R)2023-0038** is to allow 70% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing circular driveway typical lot. [Secretary's note: Front lot coverage was changed after discussion with Administration to 67% front lot coverage.]

**ZV(R)2023-0039** is to allow 55% of lot's width instead of the allowed 40% of lot's width for an existing circular driveway in a typical lot. [Secretary's note: Lot width was changed to 53% lot width after discussion with Administration.]

**ZV(R)2023-0040** is to allow zero feet (0') side setback instead of the required five feet (5') to west property line for an existing circular driveway in a typical lot.

**ZV(R)2023-0041** is to allow zero feet (0') side setback instead of the required five feet (5') to east property line for an existing patio/deck.

**ZV(R)2023-0042** is to allow zero feet (0') side setback instead of the required five feet (5') to south property line for and existing patio/deck. [Secretary's note: side setback was changed to 2 feet setback after discussion with Administration.]

### *Code References:*

#### **Table 155.620 Accessory Building and Structures**

ZV(R)2023-0038)

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

# DRAFT

ZV(R)2023-0039)

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

ZV(R)2023-0040)

Type, Driveway, Circular\*, Setback, Side, 5 feet

## **Table 155.620 Accessory Building and Structures**

ZV(R)2023-0041

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

ZV(R)2023-0042

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

Alfredo Rodriguez, contractor spoke for the petitioner to the variance request. He stated the work was done prior to petitioner purchasing the property in August 2022. Was not aware of the violations until the day before closing, so she hired a lawyer to help with the violations because she really wanted the house. The HOA approved the work. Petitioner is willing to cut back some of the areas of concrete to bring closer to Code requirements. Petitioner will put more green space into the back yard. Dean Piper confirmed the rear lot backs to Pembroke Road, there is a wall five feet inside is the HOA. Petitioner is going to remove the back portion to bring into 5 foot setback from the wall. There is another five feet on the outside of the wall to Pembroke Road. Drainage would go to the back wall. He clarified the unpermitted work in the front. Dean Piper met with the petitioner, at the request of the board, to discuss some further removals to bring the front yard work closer to Code requirements. After they met, the board heard the new calculations and these have been changed in the motions.

The members of the board who spoke to the variance request were Member Crawl, Member Siddiqui and Member Abbondandolo.

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 Member Siddiqui, seconded by Member Almeria, to grant variance request ZV(R)2023-0038, under Sec. 155.301(O)(1)(c), allow a 67% total front lot coverage instead of the

# DRAFT

required 35% total front lot coverage for a proposed circular driveway passed unanimously.

A motion by Member Siddiqui, seconded by Member Almeria, to grant variance request ZV(R)2023-0039, under Sec. 155.301(O)(1)(c), allow a 53% width of lot instead of the allowed 40% width of lot for a proposed circular driveway passed unanimously.

A motion by Member Siddiqui, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0040, under Sec. 155.301(O)(1)(c), allow a zero feet (0') side (west) setback instead of the required five feet (5') setback for an existing circular driveway in a typical lot passed unanimously.

A motion by Member Siddiqui, seconded by Member Almeria, to grant variance request ZV(R)2023-0041, under Sec. 155.301(O)(1)(c), allow a zero feet (0') side (west) setback instead of the required five feet (5') to east property line for an existing patio/deck passed unanimously.

A motion by Member Siddiqui, seconded by Member Almeria, to grant variance request ZV(R)2023-0042, under Sec. 155.301(O)(1)(c), allow a 2 foot (2') setback instead of the required five feet (5') to south property line for and existing patio/deck passed unanimously.

## **VARIANCE FILE NUMBERS: ZV(R)2023-0044 - 0046**

### **PETITIONER:**

Michael Eason & Lisdanne Beaubrun

### **ADDRESS:**

#### **SUBJECT PROPERTY:**

1969 NW 162 Avenue  
Pembroke Pines, FL 33028

### **LEGAL DESCRIPTION:**

Lot 319, of the PARKSIDE AT SPRING VALLEY PLAT, according to the Plat thereof as recorded in Plat Book 158, Page 13B, of the Public Record of Broward County, Florida.

### **VARIANCES REQUESTED:**

Petitioner is requesting variances to:

**ZV(R)2023-0044**) allow a 52% total front zero lot line coverage instead of the required 40% total front lot coverage for an existing driveway.

**ZV(R)2023-0045**) allow a 48% width of lot instead of the 40% required width of lot for an existing

# DRAFT

driveway.

**ZV(R)2023-0045**) allow a zero feet (0') side (north) setback instead of the required five feet (5') setback for an existing patio or deck in a zero-lot.

## REFERENCES:

**ZV(R)2023-0044 - 0046)**

<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, Zero Lot Line</b>	0 feet	0 on the zero side, 5 feet on the nonzero side	15 feet 155.600(B)	N/A	N/A	<b>40% front lot coverage</b>  <b>40 % width of lot</b>	[1] 10 foot minimum width
<b>Deck or Patio*</b>	Primary Building	<b>5 feet</b>	5 feet	5 feet	N/A	N/A	N/A

\*Structure at grade shall not to encroach greater than two feet into the seven-foot easement on a zero lot line property.

## PROJECT DESCRIPTION / BACKGROUND:

Michael Eason, owner, submitted three residential zoning variance requests to legalize an existing driveway and patio for the single family residence located at 1969 NW 162 Avenue in the Parkside at Spring Valley neighborhood which is zoned R-1Z (Residential Single-Family Zero Lot Line).

On December 2, 2022, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 221202774) for work performed without building permits.

In December 15, 2022, the owner submitted a building permit application (No. RX22-10510) to build a driveway and patio at the property; however, per owner's provided plan, the existing driveway exceeds the provisions of the City's Land Development Code (LDC)

The applicant is requesting:

- ZV(R)2023-0044 is to allow 52% front lot coverage (total) instead of the allowed 40% front lot coverage (total) in a zero-lot.

# DRAFT

- ZV(R)2023-0045 is to allow 48% of lot's width instead of the allowed 40% of lot's width for an existing driveway in a zero-lot.
- ZV(R)2023-0046 is to allow zero feet (0') side setback (north) instead of the required five feet (5') setback for an existing patio or deck in a zero-lot.

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

The subject property is in Parkside at Spring Valley neighborhood. The applicant has provided a copy of the Homeowner Association (HOA) approval.

## **VARIANCE REQUEST DETAILS:**

**ZV(R)2023-0044** is to allow 52% front lot coverage (total) instead of the allowed 40% front lot coverage (total) in a zero-lot.

**ZV(R)2023-0045** is to allow 48% of lot's width instead of the allowed 40% of lot's width for an existing driveway in a zero-lot.

**ZV(R)2023-0046** is to allow zero feet (0') side setback (north) instead of the required five feet (5') setback for an existing patio in a zero-lot.

### *Code References:*

#### **Table 155.620 Accessory Building and Structures**

ZV(R)2023-0044)

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

ZV(R)2023-0045)

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

#### **Table 155.620 Accessory Building and Structures**

ZV(R)2023-0046)

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

Michael Eason, petitioner, spoke to the variance request. He stated the driveway extension was done because of cracks in prior driveway and that they have five cars due to grown children living at home. They are not allowed to park on the street and need the space to park cars and have room to open doors of vehicles. Neighbors Elizabeth Freedman and Valentin Andre stood with petitioner in support of request. Christian Zamora stated there are a couple of engineering

# DRAFT

situations that will be addressed in order for permitting to be approved if variance is approved.

The members of the board who spoke to the variance request were Member Siddiqui, Member Almeria, and Member Abbondandolo.

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

Tony Morales, neighbor, came forward to give his support to the variance request.

A motion by Member Siddiqui, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0044, under Sec. 155.301(O)(1)(c), allow a 52% total front zero lot line coverage instead of the required 40% total front lot coverage for an existing driveway passed unanimously.

A motion by Member Siddiqui, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0045, under Sec. 155.301(O)(1)(c), allow a 48% width of lot instead of the 40% required width of lot for an existing driveway passed unanimously.

A motion by Member Siddiqui, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0046, under Sec. 155.301(O)(1)(c), allow a zero feet (0') side (north) setback instead of the required five feet (5') setback for an existing patio or deck in a zero-lot passed unanimously.

## **STAFF CONCERNS:**

A motion by Member Siddiqui, seconded by Member Abbondandolo, to approve the 2022-2023 Annual Report as submitted passed unanimously.

Dean Piper announced that the June 2023 meeting would be his last, as he is retiring from the City of Pembroke Pines June of 2023.

## **ADJOURNMENT:**

Acting Chair Crawl adjourned the meeting at 8:15 PM

Respectfully submitted,

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Katherine Borgstrom  
Board Secretary

Adjourned: 8:15 P.M.  
Approved: