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Board of Adjustment

City of Pembroke Pines
Pembroke Pines, FL

APRIL 4, 2024

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Rodriguez-Soto on Thursday, April 4, 2024 at 6:33 P.M., in the City Commission Chambers, Charles F. Dodge City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

PRESENT: Chairman Rodriguez-Soto, Members Abbondandolo and Crawl,
Alternate Member Almeria

ABSENT: Vice Chairman Goggin, Member Brito, Alternate Member Siddiqui

ALSO PRESENT: Christian Zamora, Senior Planner; Paul Hernandez, Assistant City Attorney,
and Board Secretary Katherine Borgstrom

Board Secretary Borgstrom called roll and declared a quorum present.

APPROVAL OF THE MINUTES:

A motion by Member Crawl, seconded by Member Abbondandolo, to approve the minutes of the March 7, 2024 meeting passed unanimously.

EXCUSED ABSENCES:

A motion by Member Abbondandolo, seconded by Member Crawl, to excuse the absence of Vice Chair Goggin, Member Brito, Alternate Member Siddiqui passed unanimously.

LEGAL INSTRUCTIONS:

Assistant City Attorney Paul Hernandez explained the hearing process to the audience and applicants. The hearing is quasi-judicial and all testimony taken is under oath. The Board has the right to ask witnesses questions that the Board deems relevant to the application. At the conclusion of the hearing, the Board will consider testimony and evidence and enter an order. Three votes are needed to approve a variance. The decisions are appealable to the City Commission of Pembroke Pines only.

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

NEW BUSINESS:
VARIANCES:

VARIANCE FILE NUMBER: ZV(R)2024-0008

PETITIONER:
Patrick & Raisa Lorzeille

ADDRESS:
SUBJECT PROPERTY:
731 SW 69 Terrace
Pembroke Pines, FL 33023

LEGAL DESCRIPTION:
Lot 9, Block 9, of the BOULEVARD HEIGHTS SECTION TEN PLAT, according to the Plat thereof as recorded in Plat Book 51, Page 15B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:
Petitioner is requesting variances to allow, on the northern property line, a 1'-1" side setback for a proposed attached hard roofed structure instead of the required 7.5 feet side setback for an attached hard roofed structure.

REFERENCE:
(All Buildings and Accessory Structures)

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

Chairman Rodriguez-Soto read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Patrick Lorzeille, owner, submitted a residential zoning variance request to build a roofed structure, attached to the side of the house's building at the property located at 731 SW 69 Terrace in the Pines Village Neighborhood. The property is zoned Residential Single-Family (R-1C).

The petitioner is proposing to build a 43' x 21' triangular Accessory Roofed Structure, attached to the northern side of the existing house's north wall (see proposed plan) Per the City's

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Land Development Code (LDC) a seven-foot, six-inch side setback is required; the applicant via this application, is specifically requesting:

- **ZV(R)2024-0008:** to allow one-foot, one-inch (1 – 1”) side setback along a segment of the northern property line for a proposed roofed structure, attached to the side of the existing house’s building instead of the required 7- 6” side setback.

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 in the Pines Village neighborhood, there are no HOAs.

VARIANCE REQUEST DETAILS:

- **ZV(R)2024-0008)** is to allow 1’ – 1” side setback along a segment of the northern property line for a proposed roofed structure, attached to the side of the house’s wall instead of the required 7.5’ side setback.

Code Reference:

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

Patrick Lorzeille, petitioner, spoke to the variance request. He stated the structure will allow a shaded area for an elderly member of the household to sit outside during the day. There is also some other equipment that he would like to have under cover. The home is placed at a difficult angle on the property. He stated there has been no flooding in his or neighbor’s yards, there will be no deck, so water will soak into ground and there will be gutters to drain water to rear. Family has lived in home 25 plus years and there are letters from neighbors supporting the petition. The work has not been done, waiting on permits.

The members of the board who spoke to the variance request were Chair Rodriguez-Soto and Member Crawl. Other members thanked petitioner for his service.

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

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Neighbor Joseph Natale spoke in support of the variance request.

A motion by Member Crawl, seconded by Alternate Member Almeria, to grant variance request ZV(R)2024-0008, under Sec. 155.301(O)(1)(c), to allow on the northern property line, a 1'-1" side setback for a proposed attached hard roofed structure instead of the required 7.5 feet side setback for an attached hard roofed structure passed unanimously.

VARIANCE FILE NUMBERS: ZV(R)2024-0009 - 0014

PETITIONER:

Marleny Molina

ADDRESS:

SUBJECT PROPERTY:

9441 Johnson Street
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 21, Block 6, of the WESTVIEW SECTION 3 PART 2 PLAT, according to the Plat thereof as recorded in Plat Book 95, Page 1B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R)2024-0009) a 5'-4" rear setback instead of the required 15' rear setback for an existing attached hard roofed structure.

ZV(R)2024-0010) a 1'-8" eastern side setback instead of the required 7'-5" side setback for an existing attached hard roofed structure.

ZV(R)2024-00011) a 2'-9" eastern side setback instead of the required 5' side setback for an existing accessory building structure.

ZV(R)2024-00012) a 1'-2" eastern side setback instead of the required 5' side setback for an existing patio.

ZV(R)2024-00013) a 0' augmenting to 1'-5" side setback along the eastern property line instead of the required 5' side setback for an existing patio.

ZV(R)2024-00014) a 44% maximum lot coverage for all buildings and structures instead of the required 40% for all buildings and accessory buildings.

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REFERENCES:

ZV(R)2024-0009, 0010, & 0014

Table 155.421.3: Residential Single-Family (R-1C)	
Standard	Residential
Maximum Lot Coverage	40%
Side Setback	7.5 feet
Rear Setback	15 feet

ZV(R)2024-0011 - 0013)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Deck or Patio*	Primary Building	5 feet	5 feet	5 feet	N/A	N/A	N/A

Chairman Rodriguez-Soto read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Marleny Molina, owner, has submitted six residential zoning variance requests to legalize an existing roofed structure (attached), accessory building and patio, all existing in the single-family residence located at 9441 Johnson Street in the Westview neighborhood which is zoned Residential Single-Family (R-1C).

On February 2, 2023, the City's Code Compliance Division cited the property owner (Case No. 230100424) for work performed without building permits.

The applicant is requesting:

- **ZV(R)2024-0009** to allow five-foot, four-inch (5' - 4") rear setback instead of the required fifteen-foot rear setback for existing 43' - 8" x 14' - 6" roofed structure, attached.
- **ZV(R)2024-0010** to allow one-foot, eight-inch (1' - 8") eastern side setback instead of the required 7' - 6" side setback for existing 43' - 8" x 14' - 6" roofed structure, attached.
- **ZV(R)2024-0011** to allow two-foot, nine-inch (2' - 9") eastern side setback instead of the required 5' side setback for existing 6' - 1" x 5' - 2"; 3' - 6" x 5' - 2" accessory building.
- **ZV(R)2024-0012** to allow one-foot, two-inch eastern side setback instead of the required five-foot (5') side setback for existing deck or patio.

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- **ZV(R)2024-0013** to allow zero-foot (0') augmenting to one-foot, five-inch (1' – 5") eastern side setback instead of the required 5' side setback for an approximately 70' x 8' – 6" existing deck/patio.
- **ZV(R)2024-0014** to allow a Maximum Lot Coverage of 44% (all buildings) instead of the permitted 40% Maximum Lot Coverage (all buildings) in a single-family zoning district, typical lot.

Per staff review of the city's archives, no building permits can be found for the detected work on the property. Nevertheless, according to the Broward County Property Appraiser Imagery, it appears the roofed structure and patio have existed at the property since at least 2020.

Planning and Economic Development Staff assisted the applicant to identify potential modifications to the existing nonpermitted work that could be made to meet the regulations of the City's LDC. The petitioner is presenting a "AS BUILT" survey with no modifications to the non-permitted work.

The applicant/agent has been made aware that Board consideration of residential variance requests does not preclude the property owner from obtaining all necessary development related approvals and required building permits.

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

VARIANCE REQUEST DETAILS:

ZV(R)2024-0009 is to allow five-foot, four-inch (5' - 4") rear setback instead of the required fifteen-foot rear setback for existing 43' – 8" x 14' – 6" roofed structure, attached.

ZV(R)2024-0010 is to allow one-foot, eight-inch (1' - 8") eastern side setback instead of the required 7' – 6" side setback for existing 43' - 8" x 14' – 6" roofed structure, attached.

ZV(R)2024-0011 is to allow two-foot, nine-inch (2' – 9") eastern side setback instead of the required 5' side setback for existing 6' -1" x 5' – 2"; 3' – 6" x 5' – 2" accessory building.

ZV(R)2024-0012 is to allow one-foot, two-inch eastern side setback instead of the required five-foot (5') side setback for existing deck or patio.

ZV(R)2024-0013 is to allow zero-foot (0') augmenting to one-foot, five-inch (1' – 5") eastern side setback instead of the required 5' side setback for an approximately 70' x 8' – 6" existing deck/patio.

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ZV(R)2024-0014 is to allow a Maximum Lot Coverage of 44% (all buildings) instead of the permitted 40% Maximum Lot Coverage (all buildings) in a single-family zoning district, typical lot.

Code References:

ZV(R)2024-0009, 0010, & 0014

Table 155.421.3: Residential Single-Family (R-1C)	
Standard	Residential
Maximum Lot Coverage	40%
Side Setback	7.5 feet
Rear Setback	15 feet

ZV(R)2024-0011 - 0013)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Deck or Patio*	Primary Building	5 feet	5 feet	5 feet	N/A	N/A	N/A

Jose Navarro, property owner, spoke through translator, Katherine Granados to the variance request. He stated he built the structures of exterior bathroom and kitchen with island in backyard to accommodate for elderly mother-in-law when she moved in with family. She spends most of her time outdoors. He stated he did not know he needed permits. Petitioner stated he has worked with Christian Zamora but wanted to come forward with the current status of the structures and the needs for variances. He also stated he and his nephew did the majority of the work. When asked by board if he is willing to meet again with Christian Zamora to look to reduce some of the variance request, petitioner stated he would.

The member of the board who spoke to the variance request was Chair Rodriguez-Soto.

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

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

A motion by Member Abbondandolo, seconded by Member Crawl, to defer variance request ZV(R)2024-0009 - ZV(R)2024-0014 to the May 2024 meeting passed unanimously.

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VARIANCE FILE NUMBERS: ZV(R)2024-0015 - 0017

PETITIONER:

Alan & Bianca Sutherland

ADDRESS:

SUBJECT PROPERTY:

1100 NW 185 Terrace
Pembroke Pines, FL 33029

LEGAL DESCRIPTION:

Lot 3, Block A, of the CHAPEL LAKE ESTATES PLAT, according to the Plat thereof as recorded in Plat Book 154, Page 44B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R)2024-0015) a 49% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway on a typical lot.

ZV(R)2024-0016) a 42% width of lot instead of the required 40% width of lot for a proposed driveway on a typical lot.

ZV(R)2024-0017) a 1' side setback along a portion of the eastern property line instead of the required 5' for a proposed deck / patio.

REFERENCES:

ZV(R)2024-0015 – 0017)

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

Chairman Rodriguez-Soto read the request into the record.

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PROJECT DESCRIPTION / BACKGROUND:

Alan Southerland, owner, has submitted three residential zoning variance requests to build a driveway and patio at the property located at 1100 NW 185 Terrace. The property is part of the Chapel Trail Planned Unit Development (PUD) and follows the guidelines for single-family conventional (SF-3A). The PUD guidelines do not address front lot coverage and driveway width; therefore, the provisions of the City's Land Development Code (LDC) are applicable.

On August 10, 2023, the owner submitted a building permit application (No. RX23-10352) to build a driveway and patio at the property. The proposed driveway and patio exceed the limitations of the City's LDC, so the permit cannot be issued.

The applicant is requesting the following:

- **ZV(R)2024-0015:** to allow 47% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for a proposed driveway in typical single-family residential lot.
- **ZV(R)2024-0016:** to allow 42% of the lot's width instead of the allowed 40% of the lot's width for a proposed driveway in a typical single-family residential lot.
- **ZV(R)2024-0017:** to allow one-foot (1') side setback along a segment of the northern property line instead of the required five-foot (5') side setback for a proposed nine-foot by eight-foot (8' x 9') patio.

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 Chapel Trail neighborhood. The owner has provided a copy of the Homeowners Association (HOA) Letter, dated July 10, 2023.

VARIANCE REQUEST DETAILS:

ZV(R)2024-0015 is to allow 47% front lot coverage (total) instead of the allowed 35% (total) for a proposed driveway in typical single-family residential lot.

ZV(R)2024-0016 is to allow 42% of the lot's width instead of the allowed 40% of the lot's width for a proposed driveway in a typical single-family residential lot.

ZV(R)2024-0017 is to allow one-foot (1') side setback along a segment of the northern property

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line instead of the required five-foot (5') side setback for a proposed nine-foot by eight-foot (8' x 9') patio.

Code References:

ZV(R)2024-0015 – 0017)

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

Petitioner has requested to defer to the May 2024 meeting due to not being able to be present at tonight's meeting.

A motion by Member Crawl, seconded by Alternate Member Almeria, to defer ZV(R)2024-0015 through ZV(R)2024-0017 to the May 2024 meeting passed unanimously.

VARIANCE FILE NUMBER: ZV(R)2024-0018

PETITIONER:

Donald Debacker

ADDRESS:

SUBJECT PROPERTY:

14257 NW 18 Court
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:

Lot 103, Block 9, of the PEMBROKE FALLS PHASE 7 PLAT, according to the Plat thereof as recorded in Plat Book 166, Page 174B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 49% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway on a typical lot.

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REFERENCE:

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

Chairman Rodriguez-Soto read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Donald Debacker, owner, has submitted a residential zoning variance request to build a driveway at the property located at 14257 NW 18 Court. The property is part of Pembroke Falls Planned Unit Development (PUD) and follows the guidelines for single-family conventional with lots larger than 6,050 Square Feet. The PUD guidelines do not address front lot coverage; therefore, the provisions of the City's Land Development Code (LDC) are applicable.

The applicant is specifically requesting:

- **ZV(R) 2024-0018:** to allow 49% front lot coverage (total) instead of the allowed 35% (total) for a proposed driveway in typical single-family residential lot.

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

The subject property is in Pembroke Falls neighborhood. The owner has provided a copy of the Homeowners Association (HOA) Letter, dated January 31, 2024.

VARIANCE REQUEST DETAILS:

ZV(R) 2024-0018 is to allow 49% front lot coverage (total) instead of the allowed 35% (total) for a proposed driveway in typical single-family residential lot.

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Code Reference:

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

Vivian Debacker, petitioner, spoke to the variance request. She stated that the community has very little guest parking and there is no street parking allowed. They have a family member in a wheelchair so need the extra room to be able to load and unload wheelchair. They do have HOA approval. The lot is pie shaped and there is sufficient space to accommodate the driveway size. It was suggested they try pavers to allow more drainage, but petitioner doesn't like to look of pavers.

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

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

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

A motion by Member Crawl, seconded by Alternate Member Almeria, to grant variance request ZV(R)2024-0018, under Sec. 155.301(O)(1)(c), allow a 49% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway on a typical lot passed unanimously.

STAFF CONCERNS:

By consensus the board moved the June 2024 meeting from June 6, 2024 to June 27, 2024.

ADJOURNMENT:

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On a motion by Member Abbondandolo, seconded by Member Drawl, to adjourn the meeting at 7:52 P.M. passed unanimously.

Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: 7:52 P.M.
Approved: