Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department

ZV(R)2024-0069-0070 Zoning Variances

BURGOS,NANCY & PAGAN,CECILIO 631 SW 100 TER PEMBROKE PINES FL 33025











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

Summary

Agenda Date:	October 17, 2024	Applicat	ion ID:	ZV(R) 2024-0069-0070			
Project:	Patio and metal fence, both existing.	Pre-Appl No.	lication	PRE2024-0074			
Project Planner:	Christian Zamora, S	Christian Zamora, Senior Planner					
Owner:	Cecilio Pagan	Agent:		N/A			
Location:	631 SW 100 Terrace Pembroke Pines, FL 33025	Property	ld No.	514117120720	Commission District No.		
Existing Zoning:	Single-Family Residential (R-1C)	Existing Use:	Land	Residential			
Reference Applications:	Code Compliance (Application No. RX (Applied 4/16/2024)						
	Va	riance Sui	mmary				
Application	Code Section	Require	d/Allowed	Re	quest		
ZV(R) 2024-0069	Section 155.655: Fences, Walls and Hedges, (1) Residential (a)	fence in single	height for residential -family ricts.	Seven-Foot, six-inch height for existing fence in a residential single family zoning district.			
ZV(R) 2024-0070	Table 155.620: Accessory Structures: Deck or Patio	5' street side 2' street side setbac patio.		- 1			
Final:	│ │	ing Board ☑ Board of Adjustment					
Reviewed for the Agenda:	Director: Assistant Director:						

PROJECT DESCRIPTION / BACKGROUND:

Cecilio Pagan, owner, has submitted two residential zoning variance requests to legalize an existing fence and patio at the property located at 631 SW 100 Terrace in the Tanglewood Lakes neighborhood, zoned residential single-family (R-1C).

On January 23, 2024, the Code Compliance Division cited the property (Code Case No. 240100279) for work performed without building permits.

In April 16, 2024, the owner submitted fence permit application No. RX24-04203 to install a pre-fabricated metal fence at the property. As of today, the permit cannot be approved by zoning as the existing, installed fence exceeds the six-foot height limitation of the City's Land Development Code (LDC) As result, of the performed work, the applicant is requesting:

• **ZV(R)2024-0069:** to allow a seven-foot, six-inch (7' – 6") high fence along a segment of the southern and eastern property lines instead of the required six-foot high for an existing metal fence in a residential single-family, typical lot.

After reviewing the applicant's initial request and, per the property survey, it was detected the existing patio, contiguous to the pool deck expanded towards the street side closer than the code's required five-foot setback (see survey); therefore, the petitioner would like to include the following:

ZV(R)2024-0070: to allow a two-foot street side setback along a segment of the southern property line
instead of the required five-foot street side setback for an existing patio for a residential single-family,
typical lot.

Also, per the petitioner's plan, there are two pergolas (Open sided roofed structure, free-standing) located on the north and south sides in the rear of the property whereby the plan provided, the structure on the north will be permanently removed, and the remaining on the south side will be permitted via building permit application No. RX24-04200 (submitted in 4/16/2024, under review pending corrections).

Per staff review of the city's archives, no building permits can be found for the detected work at the property. Nevertheless, according to the Broward County Property Appraiser Imagery, it appears the fence and patio have existed at the property since early 2024.

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 Tanglewood Lakes Neighborhood. The applicant confirmed there are no HOA(s) in the community where the property is located.

VARIANCE REQUEST DETAILS:

ZV(R)2024-0069) is to allow a seven-foot, six-inch high fence along a segment of the southern and eastern property lines instead of the required six-foot high for an existing metal fence in a residential single-family, typical lot.

ZV(R)2024-0070) is to allow a two-foot street side setback along a segment of the southern property line instead of the required five-foot street side setback for an existing patio residential single-family, typical lot.

Code References:

ZV(R)2024-0069) 155.655 FENCES, WALLS, AND HEDGES, General Standards

1. Residential

"(a) No fence, wall, or hedge shall be erected or maintained along or adjacent to a lot line on residentially zoned property to a height exceeding six feet in any yard..."

ZV(R)2024-0070)

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

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 Survey/Plan Letters from neighbors

Code Compliance Notice and Images



City of Pembroke Pines Planning and Economic Development Department **Unified Development Application**

Pla	nning and Economic Development			
City 60° Per Ph	y Center - Third Floor 1 City Center Way mbroke Pines, FL 33025 one: (954) 392-2100	Prior to the submission of the have a pre-application mee to review the proposed projection requirements.	ting with Planni ect submittal ar	ing Division staff nd processing
http	p://www.ppines.com	Pre Application Meeting Da		
		# Plans for DRC	Planner	<u> </u>
	licate the type of application you are Appeal* Comprehensive Plan Amendment Delegation Request DRI* DRI Amendment (NOPC)*	Sign Plan	ception*	esidential)
	Flexibility Allocation Interpretation* Land Use Plan Map Amendment* Miscellaneous Plat*		Multifamily, No ange (Map or l ange (Text) ception*	on-residential)*
1. 2. 3. 4. 5. 6.	All questions must be completed on Include all submittal requirements / All applicable fees are due when the Include mailing labels of all property signed affidavit (Applications types of All plans must be submitted no labeled Development Review Committee (Development Review Committee (Development Adjacent Homeowners Association number and a minimum of 30 days of The applicant is responsible for addressed. Any application which remains interview. A new, updated, application Applicants presenting demonstration Commission must have an electron Division no later than the Monday presenting demonstration and the Monday presenting demonstration of the Monday presenting demonstration of the Monday presenting demonstration and the Monday presenting demonstration of the Monday presenting demonstr	attachments with this applice application is submitted (F) owners within a 500 feet remarked with *). ater than noon on Thursd PRC) review the following we have need to be noticed after before hearing. (Application dressing staff review commettive for over 6 months with will be required with application boards or architecturatic copy (PDF) of each boards.	ation. ees adjusted and adius of affects ay to be conseed. er issuance of stypes marked the removed able fees. I renderings to	nually). ed site with sidered for f a project d with *). ely manner. I from staff
		Staff Use Only	105.	ि १००१-०००

	Staff Use Only	P000-11205 (21) US.
Project Planner:	Project #: PRJ 20	Application #:
Date Submitted:	<u>/30/1</u> Posted Signs Required: (_) Fees: \$ 607

SECTION 1-PROJECT INFORMATION:	
Project Name: OFEILO BAGA	21 .
Project Address: 63/ 5W 100	TH TELL, SEMBLOKE SINES, FL SECTION TWO 115-15 BLOT 4 BLK 9
Location / Shopping Center: Oxom/LL	SECTION 1000 110-10 BLOT 4 BLL 9
Acreage of Property:	Building Square Feet:
Flexibility Zone:	Folio Number(s): <u>514/ 17/2072</u>
Plat Name:	_Traffic Analysis Zone (TAZ):
Legal Description:	
Has this project been previously submitted	? Yes No
Describe previous applications on property etc) Include previous application number	/ (Approved Variances, Deed Restrictions, rs and any conditions of approval.

Date	Application	Request	Action	Resolution / Ordinance #	Conditions of Approval
					and the second s
					300

SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION Owner's Name: CECILIO BAGAN Owner's Address: 63/ SW 1007# TERRACE, SEMBROKE Owner's Email Address: CECILIO PAGANTE Owner's Phone: 954-553-34/8 Owner's Fax: ______ Agent: _____ Contact Person: Agent's Address: Agent's Email Address: Agent's Phone: _____ Agent's Fax: _____ All staff comments will be sent directly to agent unless otherwise instructed in writing from the owner. **SECTION 3- LAND USE AND ZONING INFORMATION: PROPOSED EXISTING** Zoning: _____ Zoning: _____ Land Use / Density: ____ Land Use / Density: _____ Use: _____ Use: Plat Name: _____ Plat Name: _____ Plat Restrictive Note: Plat Restrictive Note: _____ ADJACENT LAND USE PLAN ADJACENT ZONING North: North: _____ South: South: East: ______ East: West: _____ West:

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

SECTION 4 - VARIANCE • ZONING APPEAL • INTERPRETATION ONLY Application Type (Circle One): Variance Zoning Appeal Ointerpretation Related Applications: _____ Code Section: Required: Request: ____ Details of Variance, Zoning Appeal, Interpretation Request: SECTION 5 - LAND USE PLAN AMENDMENT APPLICATION ONLY City and County Amendment ☐ City Amendment Only 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)

ALS SEE ATTACHES

SECTION 7- PROJECT AUTHORIZATION

OWNER CERTIFICATION

This is to certify that I am the owner of the all information supplied herein is true and	property described in this application correct to the best of my knowledge.	n and that
Trailed Prom	6-20-24	
Signature of Owner	Date	
Sworn and Subscribed before me this	= 1 mm : • = c	Manelkis Javier comm.:HH 235783 xpires:March 3, 2026 y Public - State of Florida
Fee Paid Signature of Notary P		8
AGENT CERTIFICATION	•	
This is to certify that I am the agent of the and that all information supplied herein is	property owner described in this app true and correct to the best of my kn	plication nowledge.
Signature of Agent	Date	
Sworn and Subscribed before me this of, 20		
Fee Paid Signature of Notary P	bublic My Commission Expire	s

CITY OF PEMBROKE PINESPlanning and Economic Development Department

Folio Number:	Planning Application Number:
any obligation to adhere any oth City Code, including Chapter 155 amount of landscape material recision is located or any applicable Home	do hereby acknowledge that my application for only address that subject matter and does not alleviate applicable ordinance, law, statute, regulation, or provision of the 656, entitled "Landscaping." This includes but is not limited to any uired by the Planned Unit Development ("PUD") where my propert owner's Association requirement, rule, or regulation. Or relocation of any of tree must be obtained prior to the removal of that I must obtain this permit as the homeowner.
replace the troo(s) affected by this	, as owner of the subject property, acknowledge that I have not based upon the plan review of this permit, I may be required to project. I further acknowledge that in order to comply with the City lired to add a tree or trees based upon a zoning inspection of existing.
Date:	Signature:
Address:	Print Name:
Telephone:	Title:
STATE OF FLORIDA :	
SWORN TO AND SUBSCRIBED thisQ\Day of	before me, a Notary Public for the State and County aforesaid, on 20 94.
Manelkis Javier Comm.:HH 235783 Expires: March 3, 2026 Notary Public - State of Florida	My Commission Expires onMarch 3, WU

Waiver of Florida Statutes Section 166.033, Development Permits and Orders

Authorized Representative:

Applica	ition Number:
Applica	tion Request:
	of
	30-day requirement for Applicant Response to Staff determination of incompleteness as described in DRC Comments and/or Letter to Applicant;
b.	30-day Staff review of Applicant Response to DRC Comments and/ or Letter to Applicant;
c.	Limitation of three (3) Staff Requests for Additional Information;
d.	Requirement of Final Determination on Applicant's application approving, denying, or approving with conditions within 120 or 180 days of the determination of incompleteness, as applicable.
	Signature of Applicant of Applicant's Date Authorized Representative

CECILIO PAGAN

Print Name of Applicant/Authorized Representative

Cecilio Pagan 631 S.W. 100th Terrace Pembroke Pines, Fl. 33025 954-553-3418 Skomill Section Two 115-15 B Lot 4 Blk 9

To Whom It May Concern,

I, Cecilio Pagan, am writing to formally request a "Variance" from the City of Pembroke Pines concerning two issues related to my property: the concrete flooring and the fence. In July 2020, a contractor installed new flooring and a fence without obtaining the necessary permit. Enclosed are copies of the cancelled checks used for payment of this work.

In May 2024, I visited the City of Pembroke Pines Zoning Department and met with Miss Julia Aldridge regarding the permit status for the concrete flooring. Miss Aldridge informed me that zoning regulations require a 5-foot setback from the property line for concrete due to drainage concerns. My fence, which begins approximately 2 feet from the property line, was also discussed. Miss Aldridge indicated that the fence's current location is acceptable but requires a 3-foot setback behind it. I expressed safety concerns, particularly for my grandchildren and others, due to the resulting 1-foot drop and 3-foot gap between the fence and the concrete.

To address these zoning issues, adjustments are needed: as foot setback for both the concrete and the fence to ensure safety and

compliance. I contracted Castillo Remodel Zone to rectify these citations that were issued, incurring costs of \$2400 for their services, in addition to \$850 for permits related to a gazebo and window. Several contractors have provided quotes exceeding \$7500 for both the flooring and fence modifications, placing a significant financial strain.

My original intent in upgrading the flooring and fence was to enhance my property, as confirmed by supportive letters from neighbors who have no concerns regarding flooding or the fence's aesthetics. They believe my property contributes positively to the neighborhood.

I respectfully seek assistance from the City of Pembroke Pines to expedite the resolution of these issues. Your prompt consideration and support in this matter would be sincerely appreciated.

Sincerely,

Cecilio Pagan

July 25, 2024

Cecilio Pagan

631 S.W. 100th Terrace

Pembroke Pines, Fl.33025

954-553-3418

Skomill Section Two 115-15 B Lot 4 Blk 9

To Whom It May concern,

I, Cecilio Pagan, am seeking variances from the City of Pembroke Pines regarding the <u>fence and</u> <u>concrete flooring installed on my property in July 2020</u>. I have been consulting with Mr. Zamora to address zoning comments to request allowance for the concrete setback from the property line to be reduced to <u>2 feet for drainage purposes</u>, <u>rather than the required 5 feet</u>, which would be a financial advantage for me. Additionally, the existing concrete flooring is slightly angled downward to ensure proper drainage.

The second issue pertains to the height of the fence. The previous fence was 72 inches high from inside my property, due to the grass and concrete slab sloped up at about a 25 to 30- degree radius from ground level. This height provided my family and me with privacy and security.

Currently, the new fence measures 74 inches in height from inside my property, or 89 inches in height from ground level, which exceeds the required height of 72 inches from ground level. Since the previous fence height was measured from the top of the concrete flooring, adjusting the new fence to 72 inches from ground level would significantly reduce our privacy and security, as it would allow clear visibility into our backyard. Therefore, I am requesting that the fence height be adjusted to 84 inches or minimum 83 inches from ground level, which would translate to 70 inches or 69 inches from inside my property. Although this exceeds the guidelines, this is what would be necessary to maintain the privacy and security of my family. I would greatly appreciate your cooperation in this matter.

Sincerely,

Cecilio Pagan

THIS ITEM IS PART OF A STATEMENT RECONSTRUCTION GROUP ID G02Feb24-765

Sequence number 009670828242 Posting date 22-Jul-20 Amount 400.00

CECILIO PAGAN 631 SV 100TH TERROR PEMBROKE PINES, FL 31037 THE Order OF THE Order OF THE ORDER CHASE BANK, N. MANNICHASE COM FOR PENELS PARTIES 1: 26 708 L 1 331°. L 21	83.8413/3670 -22 4-22	2166 20 \$ 100. —
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THIS ITEM IS PART OF A STATEMENT RECONSTRUCTION GROUP ID G02Feb24-765

Sequence number 002180912225 Posting date 13-Jul-20 Amount 1125.00

CECILIO PAGAI 6.31 SW 100TH TERR PEMBROKE PINES, FL Pay To 139 Ordor-OF JPMORGAN CH WWW.EHASP.COM FOLLOWING C1: 26 70 8 4 1 5	ASE BANK, N.A.	died 10	esty Tive	= 20 2 \$ 1/2 Dollar	2165 0 25,-	The state of the s
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Date: 6/18/24

Name: Eddie Aldaren

Address: 630 5:00, 100 And

Pembroke Pines, Fl. 33025

To Whom It May Concern,

I/we have been in communication with Mr. Cecilio Pagan regarding the extension of the cement floor and installation of the fence. Based on our assessment, these modifications do not pose any inconvenience or reduce property values in accordance with the community standards of Tanglewood at (100th avenue/terrace culde-sac). Our neighborhood has not experienced any issues such as flooding, and we do not have any reservations or objections regarding the existing fence.

Sincerely, Eddic alvery

Date: 6/21/2024

Name: Jonathan Pierre Marie Pierre

Address: 621 SWIOWR TER Pembroke lines FL, 3302S

To Whom It May Concern,

I/we have been in communication with Mr. Cecilio Pagan regarding the extension of the cement floor and installation of the fence. Based on our assessment, these modifications do not pose any inconvenience or reduce property values in accordance with the community standards of Tanglewood at (100th avenue/ terrace culde-sac). Our neighborhood has not experienced any issues such as flooding, and we do not have any reservations or objections regarding the existing fance.

Sincerely,

Date: June 21, 2024

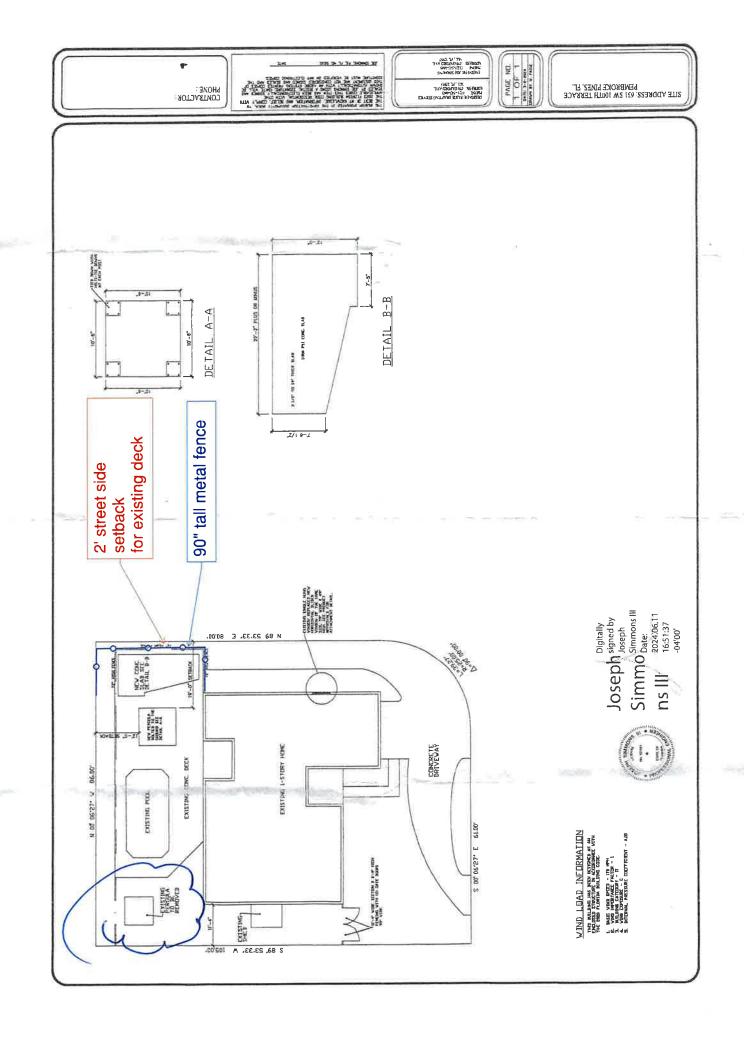
Name: Michel Penez Espinosa

Address: 10010 3W 6Th count pennsnoke pines, fl 33005

To Whom It May Concern,

I/we have been in communication with Mr. Cecilio Pagan regarding the extension of the cement floor and installation of the fence. Based on our assessment, these modifications do not pose any inconvenience or reduce property values in accordance with the community standards of Tanglewood at (100th avenue/terrace culde-sac). Our neighborhood has not experienced any issues such as flooding, and we do not have any reservations or objections regarding the existing fence.

Sincerely,





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

VIOLATION WARNING

Case #: 240100279

Date: 1/23/2024

Folio #: 514117120720

Recipient: BURGOS, NANCY &/PAGAN, CECILIO

Address: 631 SW 100 TER

PEMBROKE PINES, FL 33025

A physical inspection at 631 SW 100 TER Pembroke Pines, FL 33025 disclosed the following violation(s) of the City of Pembroke Pines Code:

Chapter:	Section:	Violation:	Comply By Date:
CHAPTER 155: ZONING CODE LDC		Windows, canopy, fence and concrete - no permits on file.	05/28/2024
CHAPTER 150: BUILDINGS	150.95 Property Maintenance Code	Observed sidewalk/driveway covered in mold/mildew/dirt.	02/09/2024
CHAPTER 150: BUILDINGS	150.11 Florida Building Code adopted by reference; rejection of county regulations	Windows, canopy, fence and concrete - no permits on file.	05/28/2024

Notes/Means of Correction:

Must obtain a permit for the windows, fence, canopy and concrete work done on property. Contact the Building Department at 954-435-6502 for any permitting questions.

Keep the appearance of the property maintained by removing any mold/mildew/rust/dirt from the sidewalk/driveway/fence/mailbox/walls/bricks around plants/roof.

YOU ARE HEREBY NOTIFIED TO REMEDY THE CONDITIONS AS STATED ABOVE BY 05/28/2024

This is a courtesy Violation Warning that the above referenced Code Compliance violation(s) currently exist on the subject property. At this time, please take all necessary actions to remedy the violation(s) by the compliance date listed above. If you need additional time to bring the violation(s) into compliance or wish to discuss the violation(s) with the Code Compliance Officer, please immediately contact the undersigned Code Compliance Officer at the phone number listed above.

At this time, no fines or penalties have been assessed against you or recorded as a lien against your property. Failure to timely remedy the violation will result in the issuance of a formal Notice of Violation and Summons to Appear, this Code Compliance matter will be set for a hearing with the City's Special Magistrate. Fines or administrative costs may be assessed by the Special Magistrate once a Notice of Violation and Summons to Appear is issued.

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(s), this case may be presented to the City's Special Magistrate even if the violation(s) has been corrected prior to the hearing.

Please govern yourself accordingly.

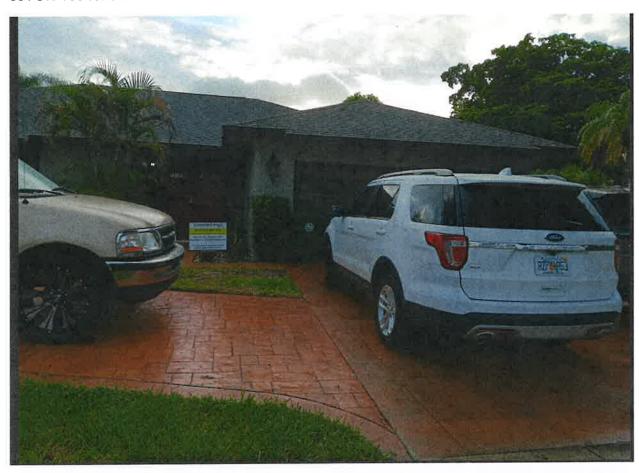




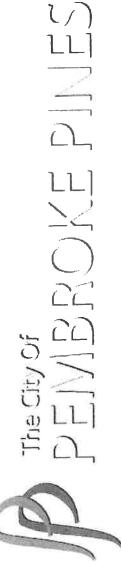




631 SW 100 Terrace







7 Search Results Shown Below.

House Number Direct Site Address: 631

Street
Direction Street Name
SW

100

Street
Type Unit:

Starts With 🗸

Contains <

Starts With ~

Sort Records By: Address ~

Maximum Records Returned: All >

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Start Search Reset To Defaults Create Excel File

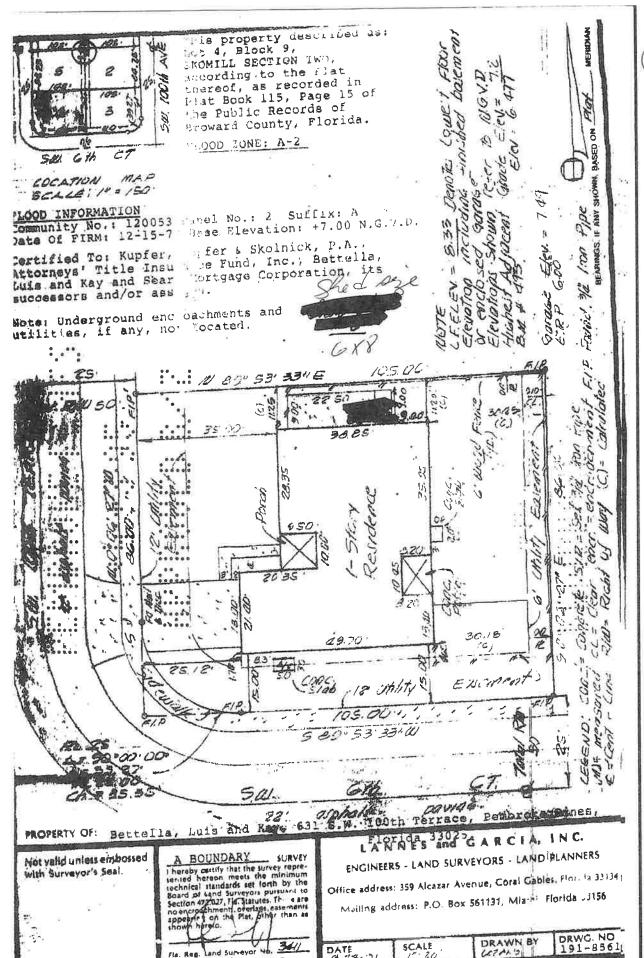
This database includes job activity from 1992 to August 2, 2009. Your search results are dependent on the address information as supplied by the original applicant (contractor or property owner). For the best results, it is recommended to search by house number only.

Tabanian S	Jon Stellus	John Type Des nittem	Joseph Philiphilips	Portskil formfalt	Personal Lands	1, 4 Applified to to	DAME OF LYE
631 SW 100 TR#	Finaled	Mechanical Change Out	32004333	19203712	Jul 2 1992	Aug 12 1992	Aug 12 1992
631 SW 100 TR #	Finalcd	Awning/Canopy/Canvas/Alum Roof	33003238	19303084	May 5 1993	Jun 30 1993	Jun 30 1993
631 SW 100 TR#	Finalcd	Residential Pool/Spa	34001867	19402251	Mar 22 1994	Apr 29 1994	Apr 29 1994
631 SW 100 TR #	Finaled	Shed (Prefab)	35001664	19502281	Apr 3 1995	Apr 14 1995	Apr 14 1995
631 SW 100 TR #	Finalcd	Driveway-Concrete/Paver	42002157	22001867	Mar 12 2002	Apr 15 2002	Apr 15 2002
631 SW 100 TR#	Finaled	Mechanical Change Out	42510970	22508648	Oct 12 2005	Nov 15 2005	Nov 15 2005
631 SW 100 TR #	Finaled	Residential Re-Roof	42608242	22610287	Jun 29 2006	Aug 23 2006	Aug 23 2006

Ppines.com

Permit for shed showing existing 3/ab at time of appoual. 1/1

1) of 2



BATE B. 23-01

SUPPLICATE