

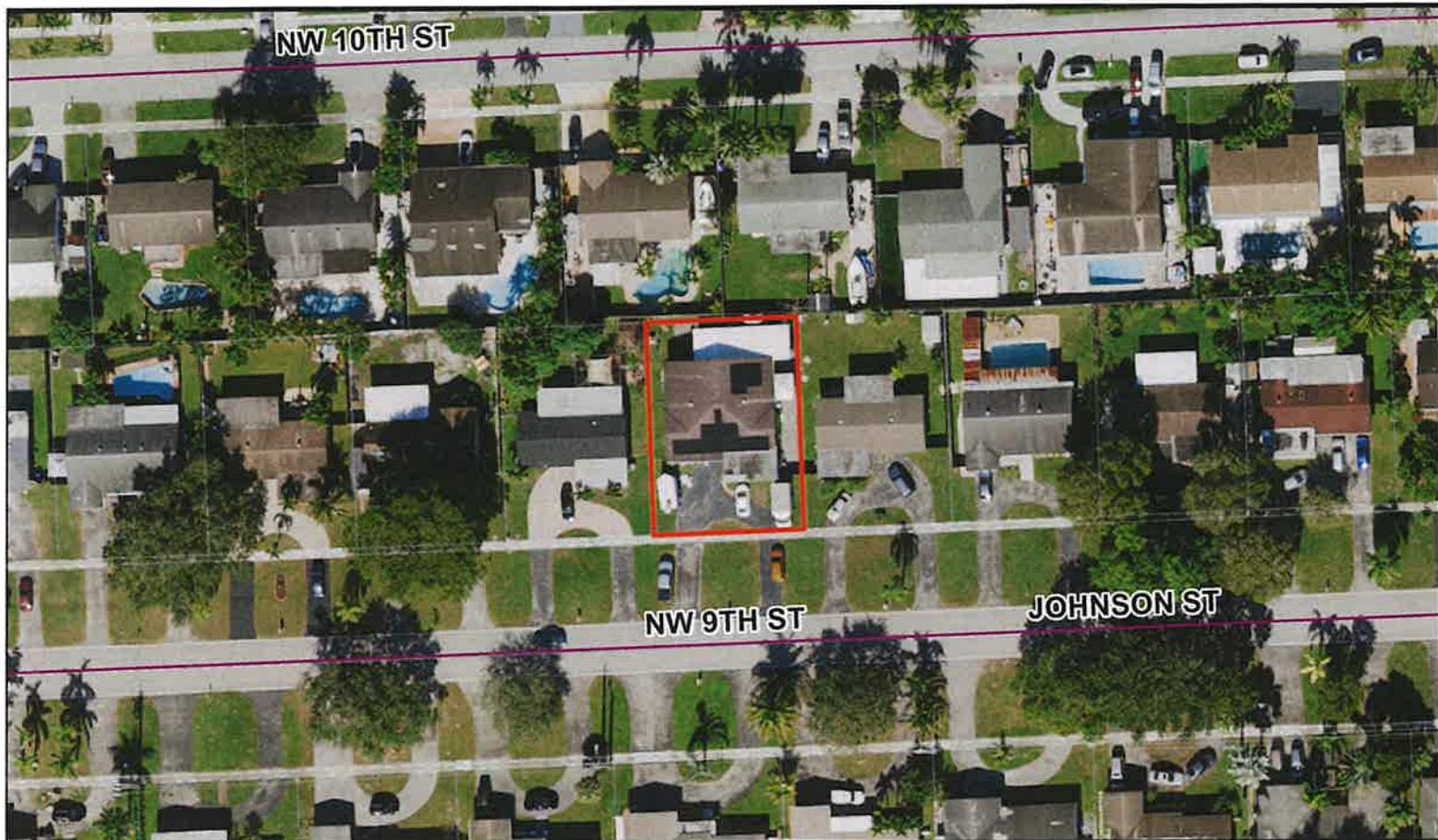
# Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department

ZV(R) 2024-0009-0014

Zoning Variances

NAVARRO GONZALEZ, JOSE TOBIAS MOLINA, MARLENY  
9441 JOHNSON ST PEMBROKE PINES FL 33024





**City of Pembroke Pines**  
**Planning & Economic Development Department**  
**601 City Center Way 3<sup>rd</sup> Floor**  
**Pembroke Pines FL, 33025**

**Summary**

<b>Agenda Date:</b>	April 4, 2024	<b>Application ID:</b>	ZV(R)2024-0009-0014
<b>Project:</b>	Existing roof structure (attached), existing accessory building, patio, typical lot.	<b>Pre-Application Number:</b>	PRE2024-0014
<b>Project Planner:</b>	Christian Zamora, Senior Planner 		
<b>Owner:</b>	Marleny Molina	<b>Agent:</b>	N/A
<b>Location:</b>	9441 Johnson Street, Pembroke Pines, FL 33024	<b>Commission District No.</b>	2
<b>Existing Zoning:</b>	Single-Family Residence (R-1C)	<b>Existing Land Use:</b>	Residential
<b>Reference Applications:</b>	Code Compliance Case No. 230100424 (2/2/2023)		

**Variance Summary**

<b>Application</b>	<b>Code Section</b>	<b>Required/Allowed</b>	<b>Request</b>
ZV(R)2024-0009	Table 155.421.3: Residential Single-Family	15' Rear Setback	Five-foot, four-inch (5'-4") rear setback for existing roofed structure, attached.
ZV(R)2024-0010	Table 155.421.3: Residential Single-Family	7.5' Side Setback	One-foot, eight-inch (1' -8") side (eastern) setback for existing roofed structure, attached.
ZV(R)2024-0011	Table 155.620: Accessory Building, Utility Room	5' Side Setback	Two-foot, nine-inch (2' - 9") side (eastern) setback for existing accessory building.
ZV(R)2024-0012	Table 155.620: Accessory Structure, Deck or Patio	5' Side Setback	One-foot, two-inch side (eastern) setback for existing deck or patio.
ZV(R)2024-0013	Table 155.620: Accessory Structure, Deck or Patio	5' Side Setback	Zero-foot and one-foot, five-inch side (eastern) setback for existing patio.
ZV(R)2024-0014	Table 155.421.3: Residential Single-Family	Maximum Lot Coverage 40%, All Buildings	Maximum Lot Coverage 44%, for all existing buildings

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

**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)**

<b>Standard</b>	<b>Residential</b>
<b>Maximum Lot Coverage</b>	<b>40%</b>
<b>Rear Setback</b>	<b>15 feet</b>
<b>Side Setback</b>	<b>7.5 feet</b>

**ZV(R)2024-0011-0012; 0013)**

**Table 155.620 Accessory Building and Structures**

<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>	0	<b>5 feet</b> 155.600(B)	15 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 (1997)  
Existing Survey, Plan  
Copy of 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.paines.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: 2/21/24

# Plans for DRC C-2 Planner: C-2

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

### INSTRUCTIONS:

1. All questions must be completed on this application. If not applicable, mark **N/A**.
2. Include all submittal requirements / attachments with this application.
3. All applicable fees are due when the application is submitted (Fees adjusted annually).
4. Include mailing labels of all property owners within a 500 feet radius of affected site with signed affidavit (Applications types marked with \*).
5. All plans must be submitted no later than noon on Thursday to be considered for Development Review Committee (DRC) review the following week.
6. 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 \*).
7. 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.
8. 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: C-2 Project #: PRJ 20 Application #: 2024-0014  
Date Submitted: 2/29/24 Posted Signs Required: 1 Fees: \$ 807.50

**SECTION 1-PROJECT INFORMATION:**Project Name: TerraceProject Address: 9441 Johnson street

Location / Shopping Center: \_\_\_\_\_

Acreage of Property: 6.998 Building Square Feet: 2,222Flexibility Zone: N/A Folio Number(s): S141-03-07-1800Plat Name: N/A Traffic Analysis Zone (TAZ): N/A

Legal Description:

Westview Sec 3 Part 2 95-1 B lot 21  
Bld 6Has 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
<u>N/A</u>					

## SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION

Owner's Name: Marleny Molina

Owner's Address: 9441 Johnson street

Owner's Email Address: \_\_\_\_\_

Owner's Phone: (305) 244-4542 Owner's Fax: \_\_\_\_\_

Agent: Katherin Granados

Contact Person: Katherin Granados

Agent's Address: 1201 NW 180 ave

Agent's Email Address: Katherine @ escape-studios.com

Agent's Phone: (954) 612-3972 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:

### 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: N/A

### ADJACENT ZONING

North: N/A

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

### ADJACENT LAND USE PLAN

North: N/A

South: \_\_\_\_\_

East: \_\_\_\_\_

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  Interpretation

Related Applications: \_\_\_\_\_

Code Section: IJS-620

Required: Set back allowed "8.0" right side, & rear 15.0

Request: Right side 2.75 and rear 5.93

Details of Variance, Zoning Appeal, Interpretation Request:

Requesting a variance for the  
setbacks of the terrace

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#### SECTION 5 - LAND USE PLAN AMENDMENT APPLICATION ONLY

City Amendment Only

City and County Amendment

Existing City Land Use: \_\_\_\_\_

NR

Requested City Land Use: \_\_\_\_\_

Existing County Land Use: \_\_\_\_\_

Requested County Land Use: \_\_\_\_\_

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

Dear Zoning Board, I am submitting this application requesting a variance to be approved for an existing aluminum terrace at the rear of my property. Having this terrace approved is important to our family because my elderly mother sits outside underneath the terrace every single day. Every day she looks forward to sit outside and have her coffee. Our intentions were never to build something without a permit or zoning approval but because of ignorance and lack of knowledge we are in this position

Thank You,

## SECTION 7- PROJECT AUTHORIZATION

### OWNER CERTIFICATION

This is to certify that I am the owner of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge.

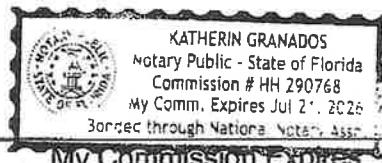
  
Signature of Owner

2/24/24  
Date

Sworn and Subscribed before me this 9<sup>th</sup> day  
of February, 20 24

Fee Paid

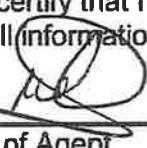
  
Signature of Notary Public



My Commission Expires

### AGENT CERTIFICATION

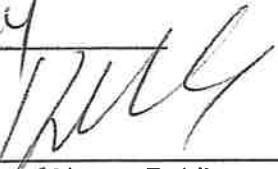
This is to certify that I am the agent of the property owner described in this application and that all information supplied herein is true and correct to the best of my knowledge.

  
Signature of Agent

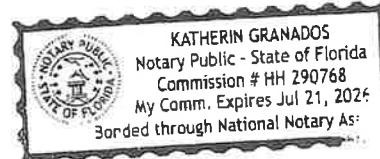
Date

Sworn and Subscribed before me this 9<sup>th</sup> day  
of February, 20 24

Fee Paid

  
Signature of Notary Public

My Commission Expires



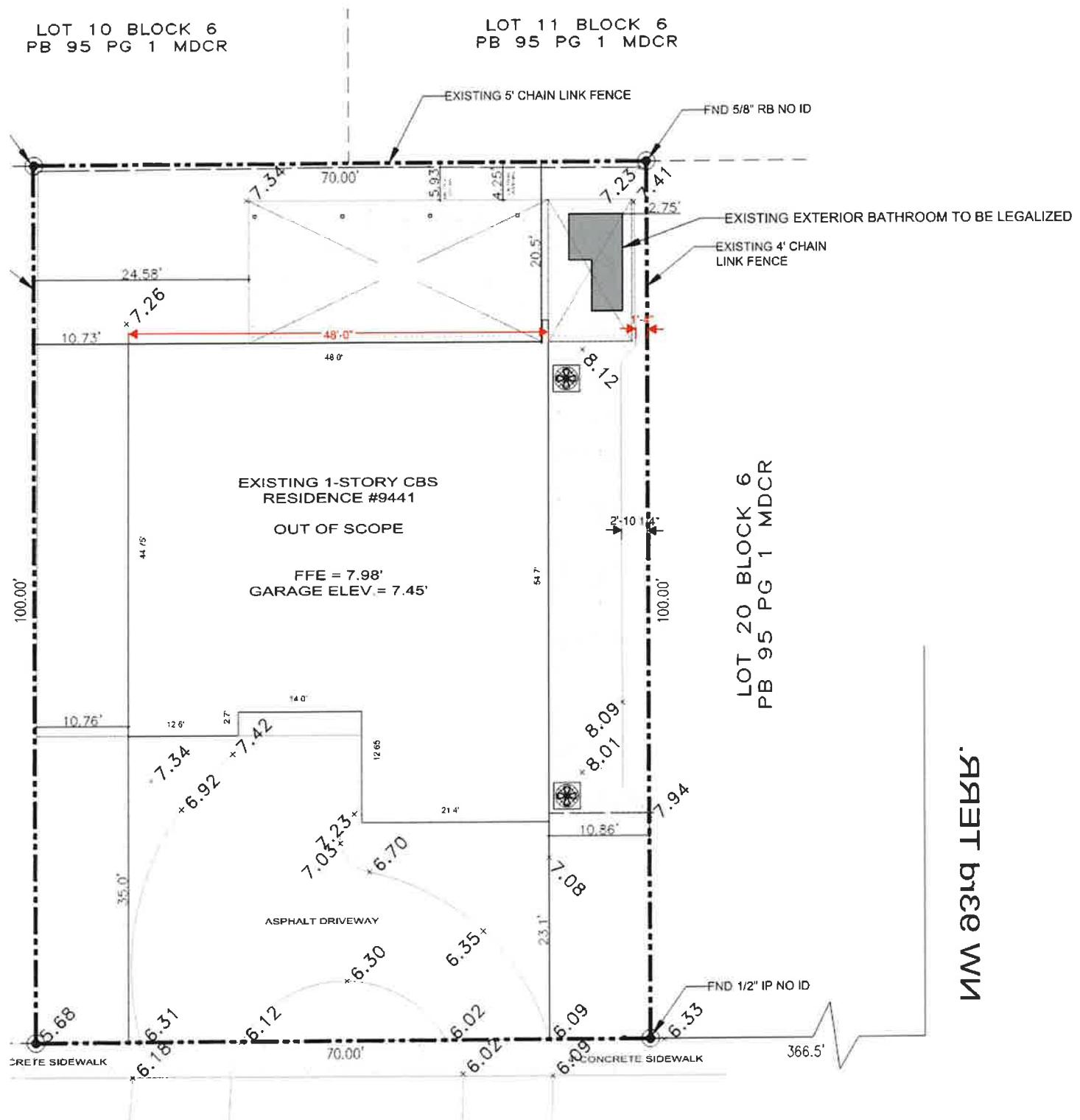


## **SITE PLAN: 9941 Johnson Street**

ZV(R)20204-0009-0014

LOT 10 BLOCK 6  
PB 95 PG 1 MDCR

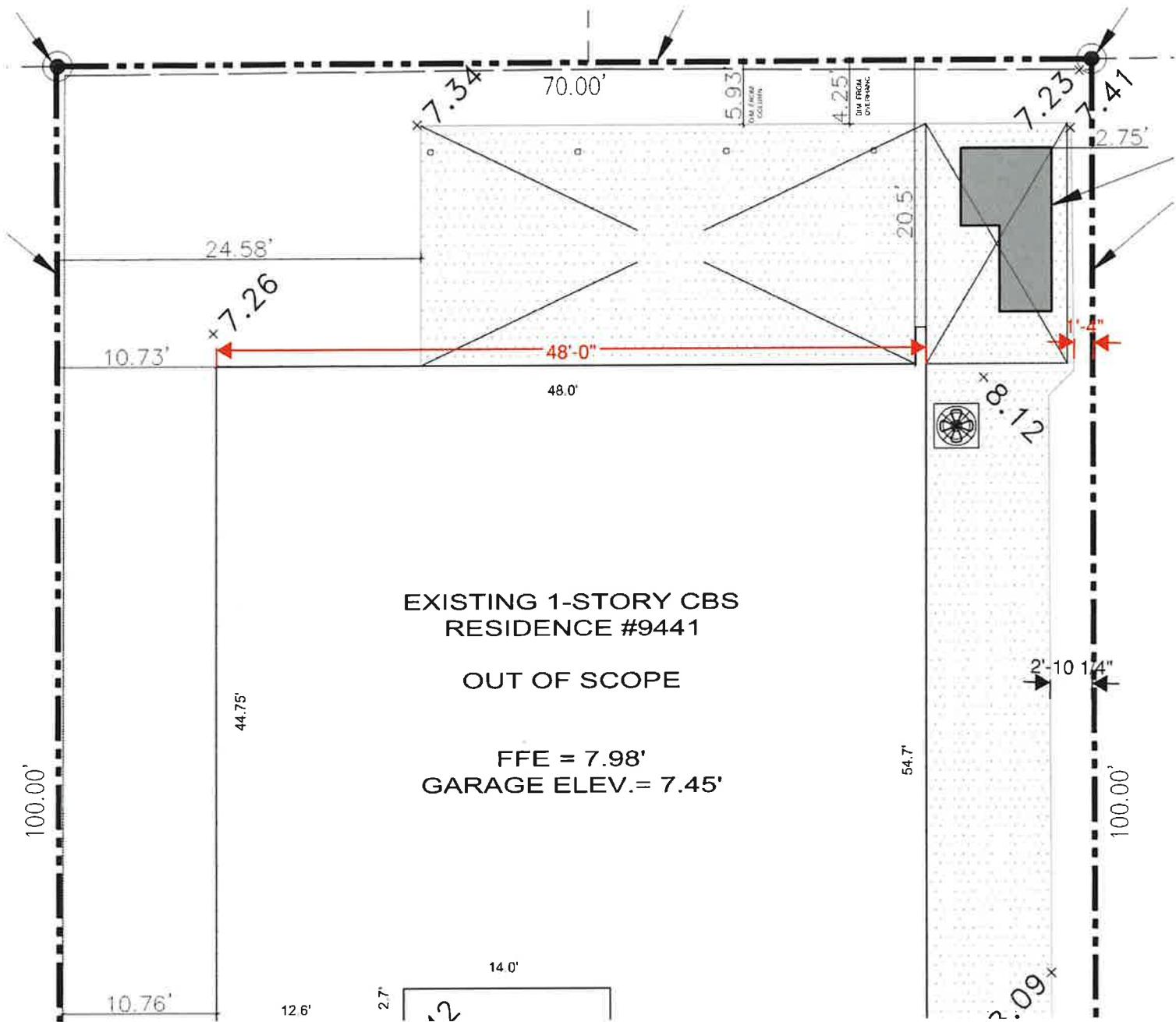
LOT 11 BLOCK 6  
PB 95 PG 1 MDCR



## Win base rate

ENLARGED SITE PLAN: 9941 Johnson Street

ZV(R)20204-0009-0014



## LAND BOUNDARY SURVEY FOR:

**ENTERPRISE TITLE, INC.**

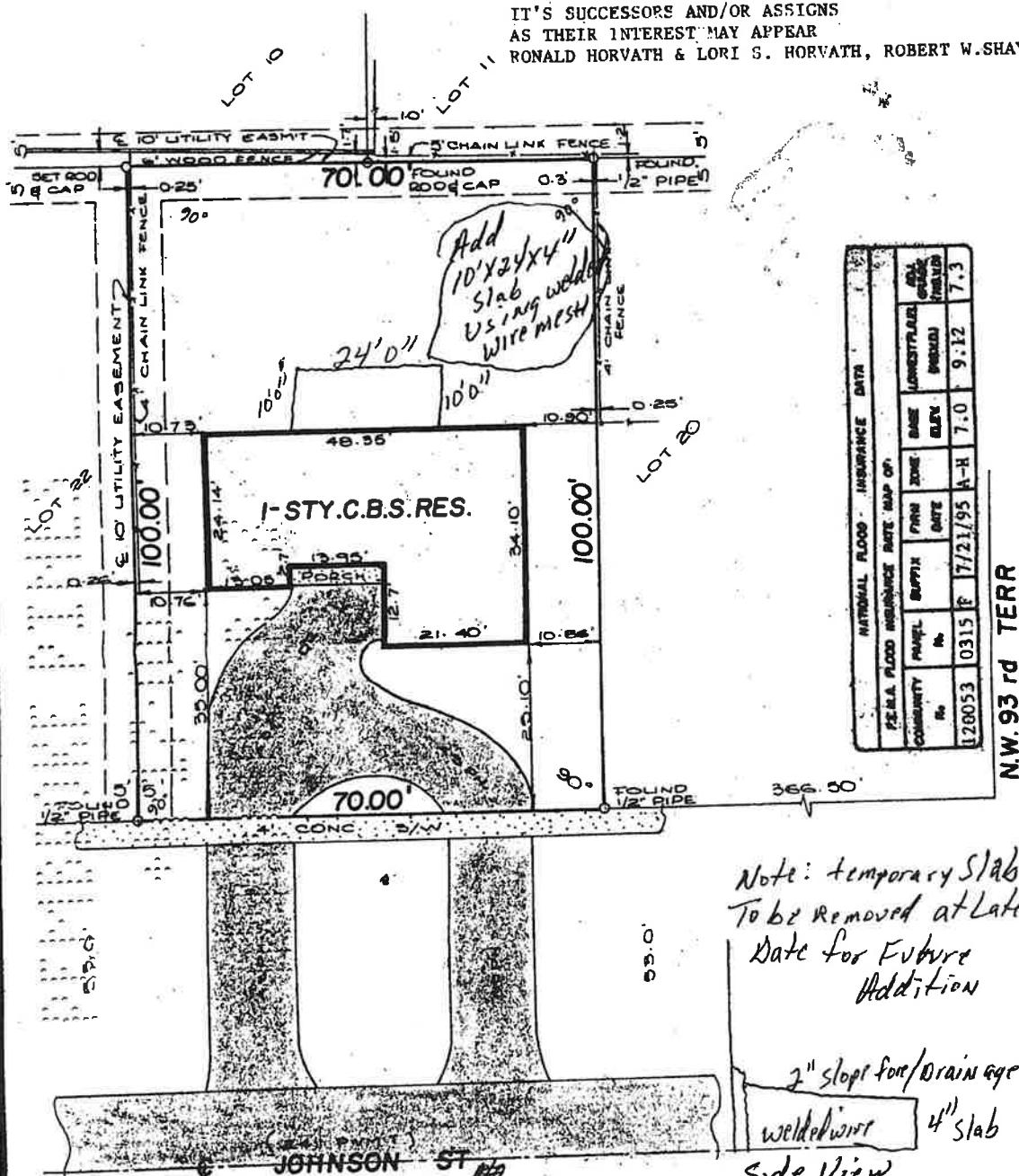
RONALD HORVATH & LORI S. HORVATH, ROBERT W. SHAY

**DESCRIPTION**

Lot 21 Block 6 "WESTVIEW SECTION THREE PART TWO", according to the plat thereof recorded in Plat Book 95 page 1 of the Public Records of Broward County, Florida

PROPERTY ADDRESS: 9441 Johnson Street  
Pembroke Pines, Fl.  
33024

CERTIFIED TO:  
ENTERPRISE TITLE, INC.  
ATTORNEYS' TITLE INSURANCE FUND, INC.  
RESOURCE BANCSHARES MORTGAGE GROUP, INC.  
IT'S SUCCESSORS AND/OR ASSIGNS  
AS THEIR INTEREST MAY APPEAR  
RONALD HORVATH & LORI S. HORVATH, ROBERT W. SHAY



**N.W. 93 rd TERR**

Note: temporary Slab  
To be removed at later  
Date for Future  
Addition

2" slope for/Drainage  
welded wire 4" Slab  
Side view

**SURVEYOR'S CERTIFICATE**

**SURVEYOR'S CERTIFICATE**  
I hereby certify that a recent survey of the above described property was made under my responsible direction and supervision and that there are no above ground encroachments unless otherwise noted. I further certify that this survey meets the minimum technical standards as set forth by the Florida Board of Land Surveyors pursuant to Section 472.07 Florida Statutes and the minimum requirements of the F.L.S.A.

SCALE 1" = 20'  
SURVEY DATE February 20th 199  
JOB NO. 126 - 97

NOT VALID UNLESS SIGNED, DATED AND STAMPED WITH EMBOSSED SEAL

SEARCH

**R.T. BOGLE & ASSOC. INC.**  
**LAND SURVEYORS**  
7080 Taft Street • Hollywood, Florida 33024  
~ (954) 961-8008

ROBERT T. BOGLE  
Registered Land Surveyor No. 3277  
STATE OF FLORIDA



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

**VIOLATION WARNING**

**Case #:** 230100424

**Date:** 2/2/2023

**Folio #:** 514108071800

**Recipient:** NAVARRO GONZALEZ,JOSE TOBIAS/MOLINA,MARLENY

**Address:** 9441 JOHNSON ST

PEMBROKE PINES, FL 33024

A physical inspection at 9441 JOHNSON ST Pembroke Pines, FL 33024 disclosed the following violation(s) of the City of Pembroke Pines Code:

<b>Chapter:</b>	<b>Section:</b>	<b>Violation:</b>	<b>Comply By Date:</b>
CHAPTER 155: ZONING CODE LDC	155.313 ENFORCEMENT	Work done without permit. (Fence)	06/27/2024

**Notes/Means of Correction:**

Must obtain a permit for work done on property (Fence). Contact the Building Department at 954-435-6502 for any permitting questions.

**YOU ARE HEREBY NOTIFIED TO REMEDY THE CONDITIONS AS STATED ABOVE BY 06/27/2024**

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.

Code Compliance Officer - Robert Zarrella

**HAND DELIVERY TO:**

Delivered to: YANELIS OLAZABAL

Hand Delivered

04/04/2023 11:13 AM

Signature is not an admission of guilt but verification of receipt of this notice.







City of Pembroke Pines

Received

MAR 27 2024

Type of Meeting

Board of Adjustment

Planning & Economic Development

## QUASI-JUDICIAL PROCEEDINGS AFFECTED PERSON

**INSTRUCTIONS:** This form must be completed and returned to the City Clerk's office at least seven (7) calendar days before the meeting.

**AFFECTED PERSON:** (a person who is the owner of the subject property or who owns property within 500 feet of the subject property or who resides in or operates a business within 500 feet of the subject property)

CASE# ZV(R)2024-0009 - 0014

PROJECT NAME: Marleny Molina

MEETING DATE: April 4, 2024

NAME: S. Tua

BUSINESS ADDRESS: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: (954) 907-2285

QUALIFIES AS "AFFECTED PERSON":

- Subject property owner
- Owns property within 500 ft.
- Resides within 500 ft.
- Operates a business within 500 ft.
- City of Pembroke Pines representative

Signature of Affected Person

Phu 2

Date: 03/21/2024

EVIDENCE TO BE PRESENTED: (identify and attach a copy of all evidence to be presented at the hearing. Use additional sheet(s) if necessary.)

- A. IF allowed or favored, the neighborhood runs the risk of turning into a "Halal"
- B. Rude and loud neighbors at 9441 Johnson St, lots of activity of cars and parties (very noisy)!
- C. \_\_\_\_\_

PROPOSED WITNESS LIST: (Use additional sheet for each witness)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: ( ) \_\_\_\_\_

SPEAKING:  IN FAVOR OF PETITION  AGAINST PETITION