

Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department

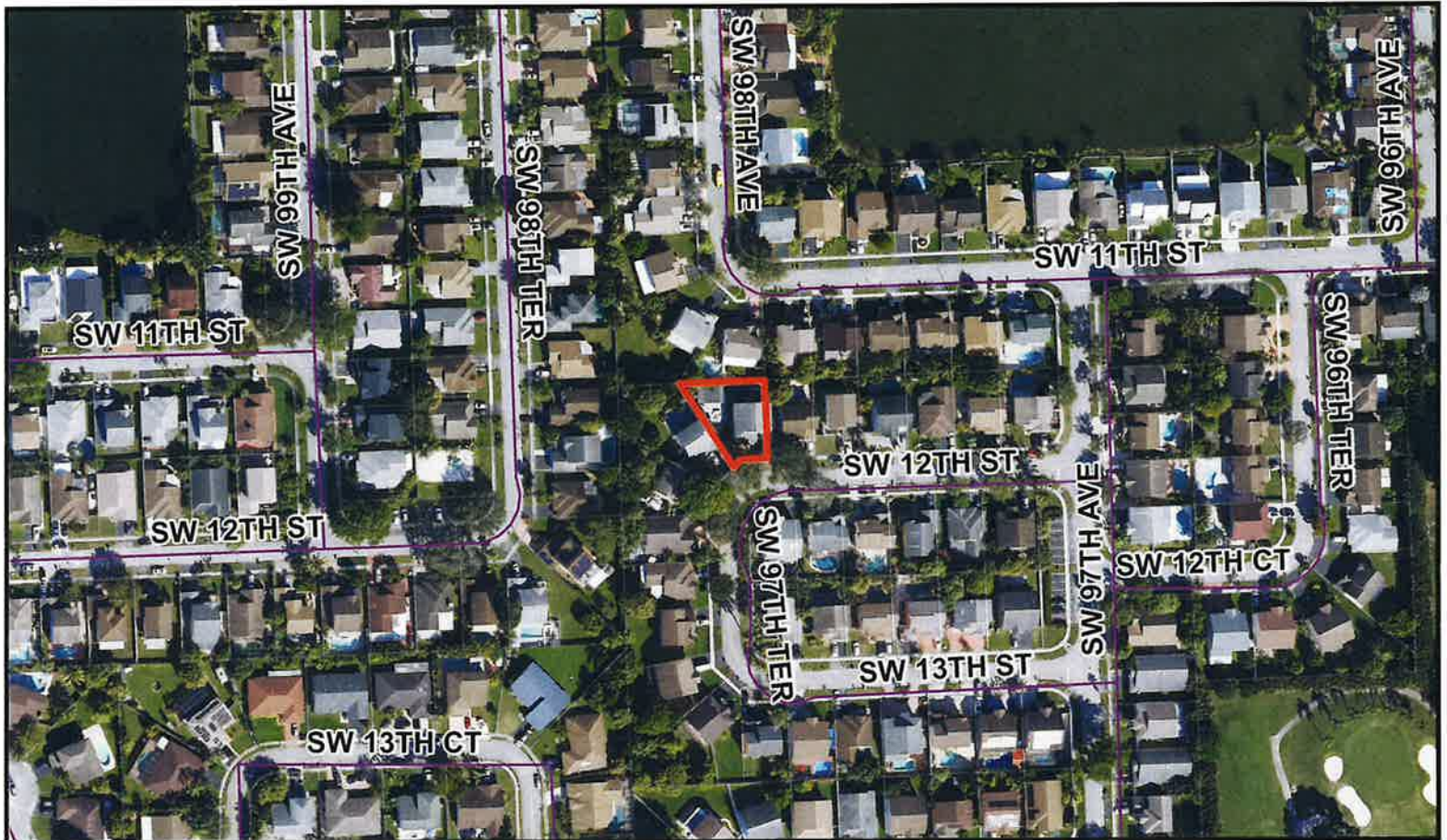
ZV(R)2025-0022

Zoning Variance

RIVERA, RODOLFO MANUEL JR H/E BEST, NICOLE I
9761 SW 12 ST PEMBROKE PINES FL 33025





NOT TO SCALE





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

Summary

Agenda Date:	September 4, 2025	Application ID:	ZV(R) 2025-0022		
Project:	Existing Open Sided Structure (Free Standing)	Pre-Application Number:	PRE2025-0091		
Project Planner:	Christian Zamora, Senior Planner				
Owner:	Nicole Best	Agent:	N/A		
Location:	9761 SW 12 Street, Pembroke Pines, FL 33025	Property Id No.	514120182160	Commission District No.	1
Existing Zoning:	Single-Family Residential, Zero Lot (R-1Z)	Existing Land Use:	Residential		
Reference Applications:	Code Case No. 230301040 (Issued 3/8/2023); RX24-07962 (Applied 7/11/2024)				
Variance Summary					
Application	Code Section	Required/Allowed	Request		
ZV(R) 2025-0022	155.620 Accessory Structures and Buildings, Open Sided Structure (Free Standing)	200 Square-Foot (SF)	348 SF instead of the required 200 SF for existing 348 SF Open Sided Structure (Free Standing) in a residential single-family property, zero lot		
Final:	<input type="checkbox"/> Planning & Zoning Board		<input checked="" type="checkbox"/> Board of Adjustment		
Reviewed for the Agenda:	Director:  Assistant Director: 				

PROJECT DESCRIPTION / BACKGROUND:

Nicole Best, owner, submitted a residential zoning variance request to legalize existing construction for the single-family residence located at 9761 SW 12 Street in the Lakeside Key community, which is zoned Residential Single-Family, Zero Lot (R-1Z).

In March 8, 2023, the City's Code Compliance Division cited the property for work performed without building permits, Code Case No. 230301040.

On July 11, 2024, the owner submitted Building Permit Application No. RX24-07962 to construct an open sided structure (freestanding) at the property; however, the permit application cannot be approved as the existing work exceeds the limitations of the City's Land Development Code (LDC).

The owner provided a copy of the updated property's survey and a modification plan addressing existing zoning unconformities due to the non-permitted work. Per the plan, there will be removal of the excess of paving material into the required five-foot rear setback; also, the applicant would like to retain an existing 14' – 7" x 23' – 10" (348 SF) open sided structure, freestanding, located fifteen-feet west of the existing screened pool area approved via Permit No. 22616664 (2006)

As result of the existing construction at the property, the petitioner is requesting:

- **ZV(R)2025-0022:** to allow an existing 348 SF open sided structure (freestanding) instead of the allowed 200 SF for Open Sided Structure (Free Standing) in a residential single-family property, zero lot.

Per staff search of city's archives, there are no building permits for the detected work at the property. Per Broward County Property Appraiser Imagery, the patio footprint and open sided structure, freestanding had existed on the property since at least March 2020 and December 2021 respectively (See Property Changes).

The petitioner 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 Lakeside Key neighborhood. The owner has provided a copy of the Homeowners Association Letter dated June 24, 2025.

VARIANCE REQUEST DETAILS:

ZV(R) 2025-0022) is to allow an existing 348 square feet Open Sided Structure (Free Standing) gazebo instead of the required 200 square feet maximum allowed Open Sided Structure (Free Standing) in a residential single-family, zero lot line property.

City Code Reference:

ZV(R)2025-0022)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Open Sided Structure (Free Standing)	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	200 square feet	When located in A or R-E it may exceed 200 square feet and shall meet the setbacks of the primary building

VARIANCE DETERMINATION:

The Board of Adjustment shall not grant any single-family residential variances, permits, or make any decision, finding, and determination unless it first determines that:

Its decision and action taken is in harmony with the general purposes of the zoning ordinances of the city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.

In the granting of single-family residential variances, the Board shall follow Section 155.301(O) Variance:

1. Purpose: To allow for the provision of relief from certain development standards of this LDC for one or more of the following reasons:
 - a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
 - b) Any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
 - c) Granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.

Enclosed: Variance Request Application
Subject Site Aerial Photo
As Built, Historical Surveys (4-18-2024; 1992)
HOA Letter (6/24/2025)
Code Notice, Images



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

Planning and Economic Development
City Center - Third Floor
601 City Center Way
Pembroke Pines, FL 33025
Phone: (954) 392-2100
<http://www.ppines.com>

Prior to the submission of this application, the applicant must have a pre-application meeting with Planning Division staff to review the proposed project submittal and processing requirements.

Pre Application Meeting Date: 6/26/25

Plans for DRC _____ Planner: _____

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 foot 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 #: 2018/2025-0022
Date Submitted: 6/26/25 Posted Signs Required: (1) Fees: \$ 571.00

SECTION 1-PROJECT INFORMATION:Project Name: NICOLE BESTProject Address: 9761 SW 12TH STREET, PEMBROKE PINES, FLLocation / Shopping Center: N/AAcreage of Property: 6776 Building Square Feet: 1980Flexibility Zone: _____ Folio Number(s): 514120182160

Plat Name: _____ Traffic Analysis Zone (TAZ): _____

Legal Description: LAKESIDE SOUTH PHASE TWO 131-13 B LOT 57 BLK 13Has this project been previously submitted? ☐ Yes☒ No

Describe previous applications on property (Approved Variances, Deed Restrictions, etc...) Include previous application numbers and any conditions of approval.

Date	Application	Request	Action	Resolution / Ordinance #	Conditions of Approval

SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION

Owner's Name: NICOLE BEST & RODOLFO RIVERA

Owner's Address: 9761 SW 12TH STREET PEMBROKE PINES

Owner's Email Address: NBEST@IBSG1.COM

Owner's Phone: 9544780299 Owner's Fax: _____

Agent: _____

Contact Person: NICOLE BEST

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:

EXISTING

Zoning: _____

Land Use / Density: _____

Use: _____

Plat Name: _____

Plat Restrictive Note: _____

PROPOSED

Zoning: _____

Land Use / Density: _____

Use: _____

Plat Name: _____

Plat Restrictive Note: _____

ADJACENT ZONING

North: _____

South: _____

East: _____

West: _____

ADJACENT LAND USE PLAN

North: _____

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 Book No. 23030104/3/8/23; 2424-07962 (7/11/24).

Code Section:

155-620

Required:

100 SF

Request: VARIANCE

348 SF.

Details of Variance, Zoning Appeal, Interpretation Request:

VARIANCE REQUESTED FOR A ³⁴⁸~~377~~ SF PERGOLA BUILT AT 9761 SW 12TH ST

THE STRUCTURE EXCEEDS THE STANDARD 200SF LIMIT, BUT COMPLIES

WITH SETBACK RULES AND LOT COVERAGE REQUIREMENTS AND HAS

RECEIVED HOA APPROVAL. THE PERGOLA SERVES AS A MEANINGFUL,

CALMING OUTDOOR SPACE FOR THE FAMILY PARTICULARLY OUR SON WHO

STRUGGLES WITH ANXIETY. THE STRUCTURE IS A POSITIVE IMPACT ON THE

FAMILY'S WELL-BEING SO WE ARE RESPECTFULLY SEEKING THE CITY'S

CONSIDERATION AND APPROVAL

SEE LETTER ATTACHED

SECTION 5 - LAND USE PLAN AMENDMENT APPLICATION ONLY

☐ City Amendment Only

☐ City and County Amendment

Existing City Land Use:

Requested City Land Use:

Existing County Land Use:

Requested County Land Use:

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

See letter #

Nicole Best

9761 SW 12th Street

Pembroke Pines, FL 33025

06/20/25

To:

Planning and Zoning Department / Permitting Office

City of Pembroke Pines

Subject: Request for Approval of Existing ^{348 SF.} ~~377~~ Sq. Ft. Pergola

I hope this letter finds you well. I'm writing as a homeowner and a parent to request your kind consideration and approval for a pergola that has already been built on my property at 9761 SW 12th Street, Pembroke Pines, FL 33025. The pergola measures approximately 377 square feet, which I understand exceeds the standard 200 square foot threshold — but I assure you it was built with thoughtful intention, care, and purpose.

We have received formal approval from our Homeowners Association (HOA), and I've attached that documentation for your reference. We also ensured that the pergola remains within the 45% lot coverage limit and complies with all setback requirements.

But more importantly, this pergola has become a truly meaningful part of our home — far beyond what we imagined. One of the biggest reasons we built it was for our son, who struggles with anxiety. Like many families, we've learned that spending time outside can have a huge impact on emotional and mental well-being. This space gives him a calming place to decompress, breathe fresh air, and feel safe. It's shaded, open, and quiet — and has quickly become part of his daily routine for grounding himself when things feel overwhelming.

As a family, it's also brought us closer. We eat dinners out there, play games, and sit and talk — sometimes doing nothing at all but simply being together. In a world that often feels too fast and overstimulating, this outdoor space gives us a way to slow down and reconnect. It's become something we genuinely rely on for our physical and emotional health.

We took every care to build the pergola safely and responsibly, using quality materials and professional builders. It's designed to fit seamlessly with the home, and it doesn't block any views, light, or airflow for neighbors. In fact, we've received nothing but positive feedback from those nearby.

I understand that this is an after-the-fact request, and I take full responsibility for making sure everything is properly documented and approved. I truly hope that, in reviewing our request, you'll see that this isn't just a structure — it's a space that's helping our family live healthier, more connected lives.

Thank you so much for your time, understanding, and consideration. If you need any additional information, plans, photos, or documents, I would be happy to provide them.

Warmly,

Nicole Best

A handwritten signature in black ink, appearing to be 'Nicole Best', with a stylized, cursive-like script.

SECTION 7- PROJECT AUTHORIZATION

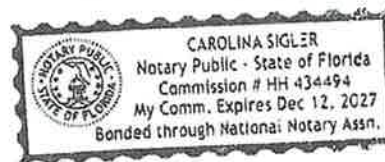
OWNER CERTIFICATION

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.

1 6/18/25
Signature of Owner Date

Sworn and Subscribed before me this 18 day
of June, 2025

Fee Paid Signature of Notary Public 12/12/27 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 _____ day
of _____, 20_____

Fee Paid Signature of Notary Public My Commission Expires



June 24, 2025

RE: 9761 SW 12th St Modification Approval

Dear Rodolfo & Francisco Rivera:

We are pleased to inform you the Lakeside Key Phase Two Homeowners Association, Inc. has approved your application for the following items:

Installation of pavers and a gazebo in the back area.

The approval is contingent upon compliance with the specifications set forth in the approved application. If any modifications are made to the original request, re-submission of a modification request is required. Additionally, all permits must be secured prior to commencement of construction.

This report is made on the basis of aesthetic considerations only, and the Modification Committee does not bear any responsibility for ensuring the structural integrity or soundness of approved construction nor for ensuring compliance with building codes and other governmental requirements. Compliance with approved plans should not be construed as representing or guarantee that any item identified above is built in a manner using good workmanship or free from defect. This compliance report does not relieve the contractor of his obligations under the Design Guidelines.

Please retain this letter in your files. If you have any questions, do not hesitate to contact us at 866-4-REALSERVICE.

Regards,

Hector Mendez
General Manager

On Behalf of the Lakeside Key Phase Two Homeowners Association, Inc. Modification Committee

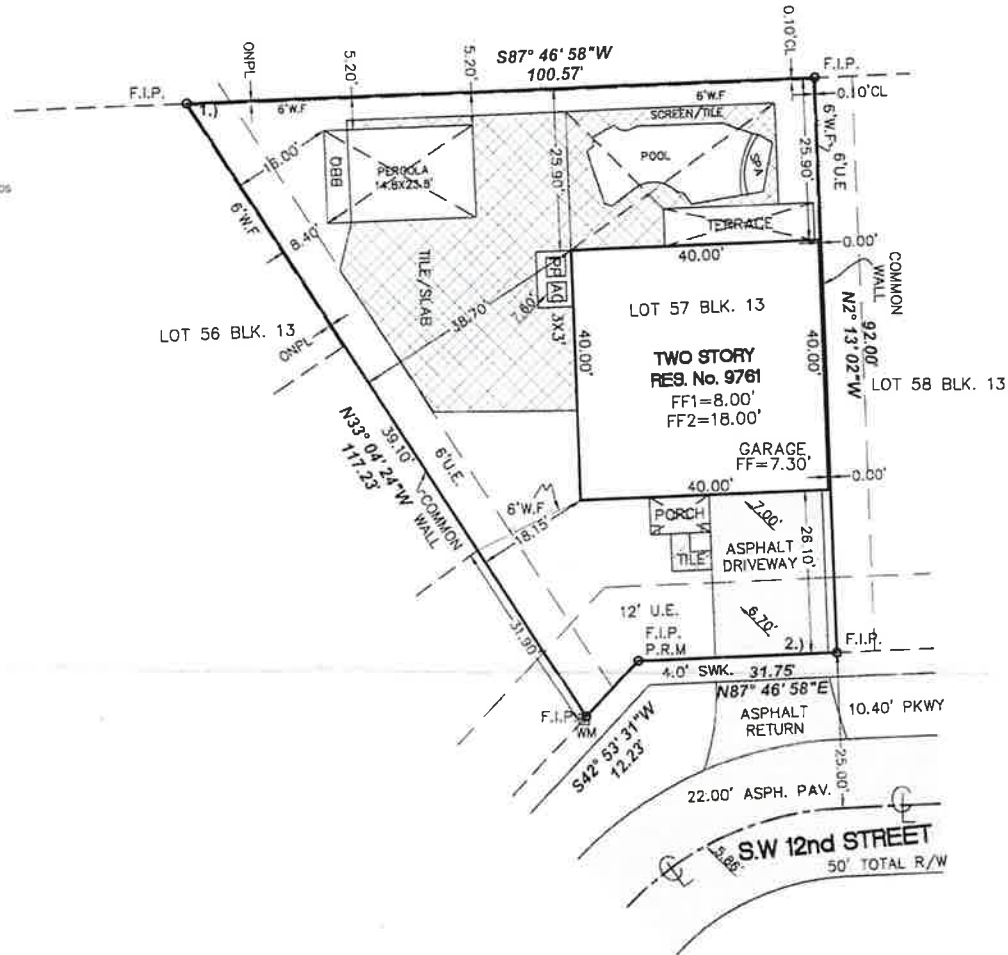
AVILA & ASSOCIATES SERVICES INC

L.B. # 6971
20132 NW 62 AVENUE, HIALEAH, FLORIDA 33015
TEL: (786) 317-0364 DADE, (786) 444-1686 DADE
E-MAIL: avila0106@gmail.com



GENERAL LEGEND:

ROW	RECORD BOOK
BU	BENCH MARK
CR	CATCH BASIN
CL	CENTERLINE
CLF	CHARLIE FENCE
CLP	CONCRETE LIGHT POLE
CBS	CONCRETE BLOCK STRUCTURE
CONC	CONCRETE
CS	CONCRETE SLAB
DE	DRAINAGE EASEMENT
D	DELTA (CENTRAL ANGLE)
E	EAST
ELE	ELEVATION
X 0.00	EXISTING ELEVATION
EDP	EDGE OF PAVEMENT
EDW	EDGE OF WATER
FF	FINISHED FLOOR
FH	FIRE HYDRANT
FN	FOUND NAIL
INV	INVERT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
FND	FOUND NAIL AND DISC
L	LINE LENGTH
MDCR	MIAMI DADE COUNTY RECORDS
N	NORTH
ND	NAIL AND DISC
MF	METAL FENCE
OPB	OFFICIAL RECORDS BOOK
O/S	OFFSET
PR	PLAT BOOK
PBCR	PALM BEACH RECORDS
PC	POINT OF CURVATURE
PG	PAGE
PL	PROPERTY LINE
PCB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PROF	PROFESSOR
R	RADIUS
RAW	RIGHT OF WAY
S	SOUTH
SW	SIDEWALK
SIR	SET IRON ROD
SND	SET NAIL & DISC
UE	UTILITY EASEMENT
UP	UTILITY POLE
W	WEST
WF	WOOD FENCE
WM	WATER METER



SURVEYORS NOTATIONS:
1.) FENCE IN 6" U.E.
2.) ASPHALT DRIVEWAY IN 12" U.E.

LEGAL DESCRIPTION:

Lot 57, IN Block 13, LAKESIDE SOUTH PHASE TWO, according to the Plat thereof, as recorded in Plat Book 131, Page 13, of the Public Records of Broward County, Florida.

CERTIFICATION OF BOUNDARY SURVEY:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF; THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050 TO 17.052 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

[Signature]

JULIO S. PITA, P.S. & M. # 5789
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA

SURVEYORS NOTES:

- ANGLES IF SHOWN ARE REFERENCED TO THE RECORD PLAT AND ARE AS MEASURED.
- LEGAL DESCRIPTION PROVIDED BY CLIENT UNLESS OTHERWISE NOTED.
- NO UNDERGROUND IMPROVEMENTS LOCATED EXCEPT AS SHOWN.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT THEREFORE THE ONLY SURVEY MATTERS SHOWN ARE PER THE RECORD PLAT. THERE MAY BE ADDITIONAL MATTERS OF RECORD, NOT SHOWN WHICH CAN BE FOUND IN THE PUBLIC RECORDS OF THE CORRESPONDING COUNTY OF RECORD.
- OWNERSHIP OF FENCE NOT DETERMINED BY SURVEYOR.
- ALL EASEMENTS (IF ANY) ARE REFLECTED ON SURVEY PLAN.

FLOOD ZONE INFORMATION:

THE NEIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:

FLOOD ZONE: X N/A
FLOOD NO. 0710 H
COMMUNITY NO. 120053
DATE OF FIRM: 03/18/2014

THE SUBJECT PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA

DATE	04-18-24
SCALE	1"=20'
SHEET	1 OF 1
UPDATE	
APP. NO.	24-304
DRAWN BY	A.B

CERTIFY TO:

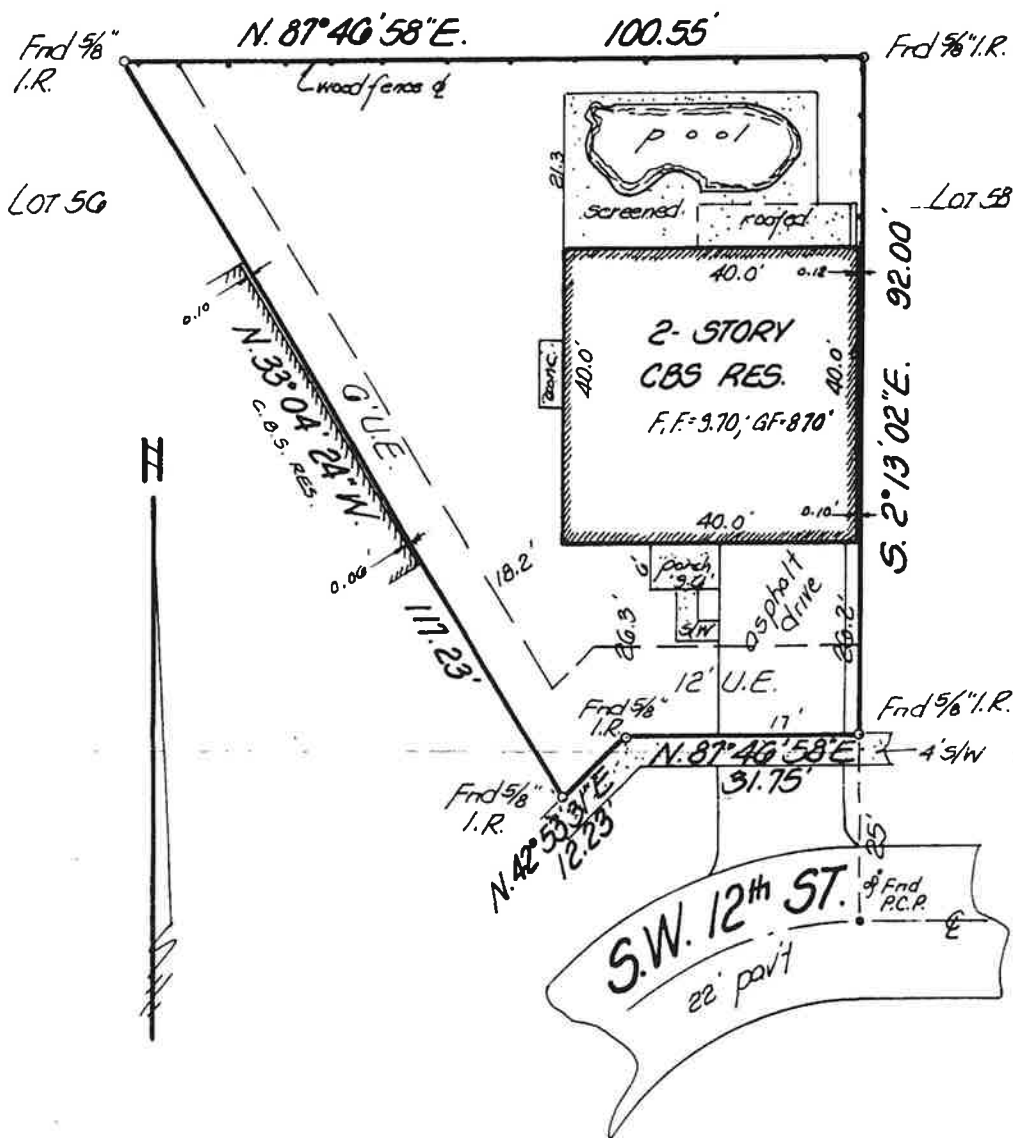
RODRIGO MANUEL, JR. RE
NICOLE BEST

PROPERTY ADDRESS:

9761 SW 12th STREET
HIALEAH, FLORIDA 33025

SKETCH SURVEY

SCALE 1"=20'



SHEET 2 OF 2 SHEETS



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

VIOLATION WARNING

Case #: 230301040 **Date:** 3/8/2023
Folio #: 514120182160
Recipient: RODOLFO MANUEL RIVERA JR/NICOLE I BEST
Address: 9761 SW 12 ST
PEMBROKE PINES, FL 33025

A physical inspection at 9761 SW 12 ST 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	155.313 ENFORCEMENT	Work done without permits. Paved back yard and free standing structure in back yard.	07/19/2025
CHAPTER 150: BUILDINGS	150.11 Florida Building Code adopted by reference; rejection of county regulations	The city adopts by reference the latest addition of the Florida Building Code.	

Notes/Mean of Correction:

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

-
[2023 Florida Building Code, Building, Eighth Edition]
CHAPTER 1 SCOPE AND ADMINISTRATION
[A]105.1 - Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

YOU ARE HEREBY NOTIFIED TO REMEDY THE CONDITIONS AS STATED ABOVE BY 07/19/2025

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.

Property Changes: 9761 SW 12 Street

