

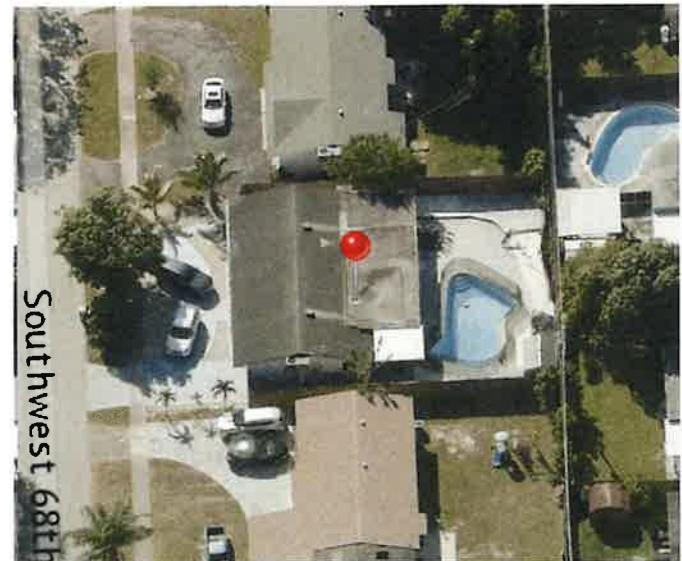
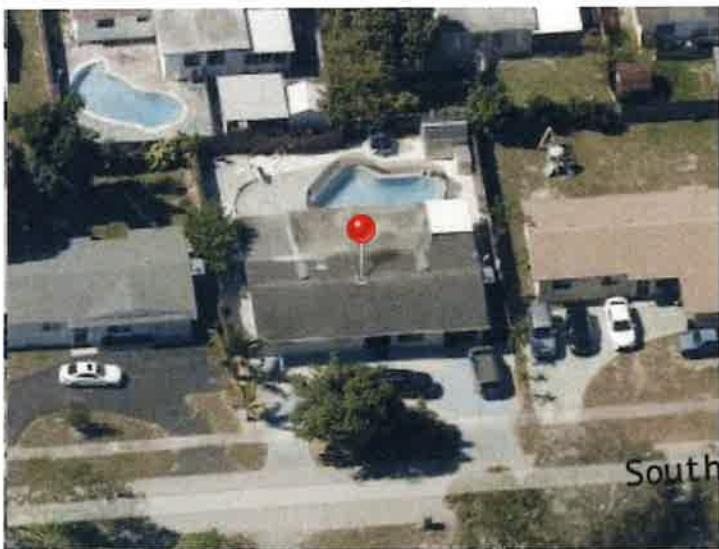
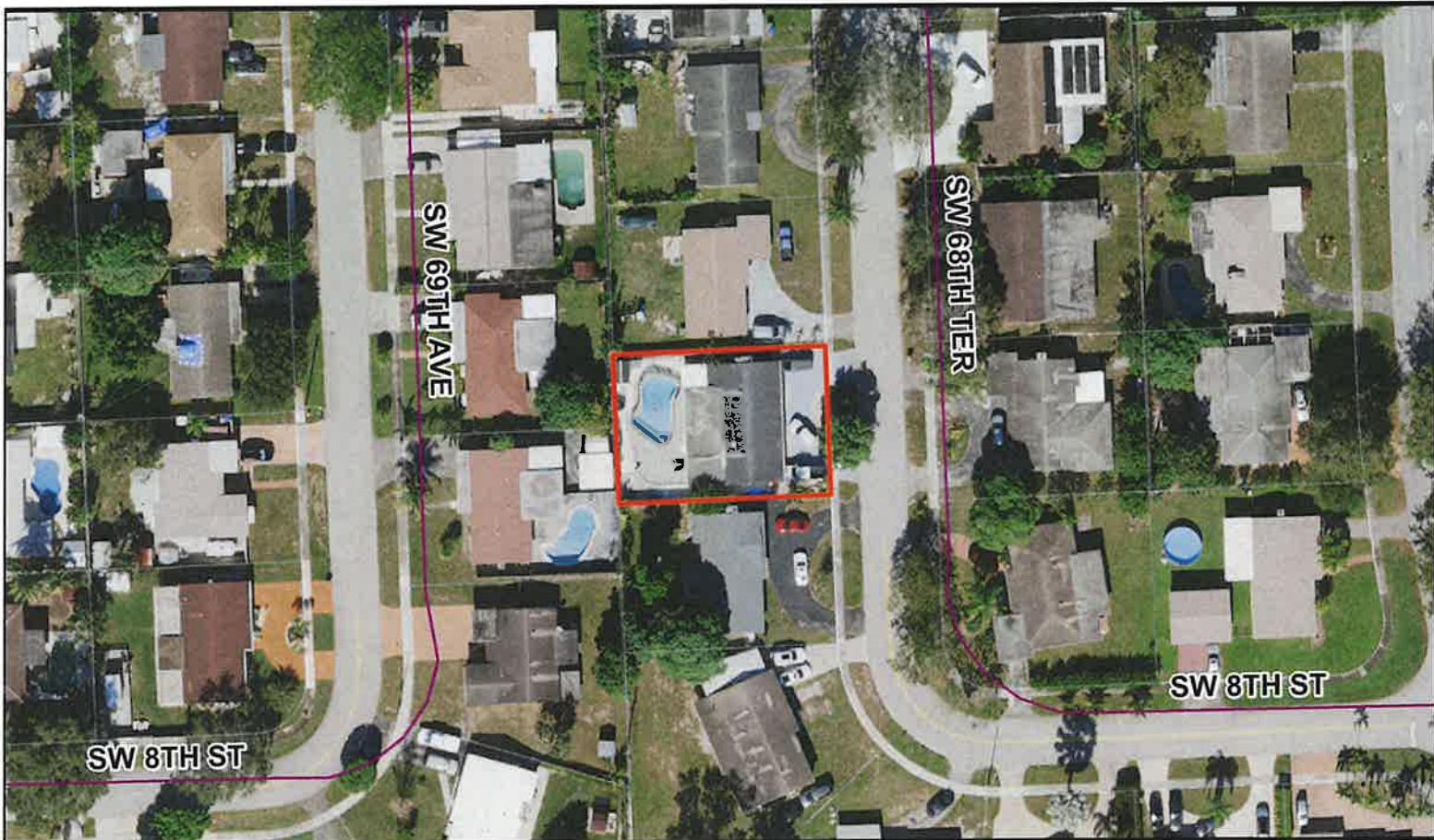
Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department

ZV(R) 2024-0021

Zoning Variance

ARROYO, NIUVIS GUTIERREZ
720 SW 68 TER PEMBROKE PINES FL 33023





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

Summary

Agenda Date:	May 2, 2024	Application ID:	ZV(R)2024-0021
Project:	Existing Circular Driveway, Typical Lot.	Pre-Application Number:	PRE2024-0030
Project Planner:	Christian Zamora, Senior Planner		
Owner:	Niuviz Gutierrez Arroyo	Agent:	N/A
Location:	720 SW 68 Terrace Pembroke Pines FL 33023	Commission District No.	1
Existing Zoning:	Residential Single-Family (R-1C)	Existing Land Use:	Residential
Reference Applications:	Code Case 230803493 (08/29/2023) Building Permit Application No. RX23-13694 (Applied on 10/26/2023)		

Variance Summary

Application	Code Section	Required/Allowed	Request
ZV(R)2024-0021	Table 155.620: Accessory Structure: Driveway Circular, Typical Lot	35% Front Lot Coverage	60% Front Lot Coverage
Final:	<input type="checkbox"/> Planning & Zoning Board	<input checked="" type="checkbox"/> Board of Adjustment	
Reviewed for the Agenda:	Director: 	Assistant Director: 	

PROJECT DESCRIPTION / BACKGROUND:

Niuvis Gutierrez Arroyo, owner, has submitted a residential zoning variance request to legalize an existing circular driveway on the property located at 720 SW 68 Terrace in the Pines Village Neighborhood, which is zoned residential single-family (R-1C).

On August 29, 2023, the City's Code Compliance Division cited the property for work performed without permits (Code Case 230803493).

On October 26, 2023, the owner submitted Building Permit Application No. RX23-10352 to build a circular driveway on the property; however, the plans for the permit could not be approved as the existing circular driveway exceeds the limitations of the City's Land Development Code (LDC), therefore, the applicant is requesting the following:

- **ZV(R)2024-0021:** to allow 60% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing circular driveway in typical single-family residential lot.

After reviewing the applicant's initial request and, per the updated property survey (9/13/2023), it was revealed an existing patio, deck and shed encroaching into the required five-foot (5') rear and side setbacks (See survey attached).

Per staff review, of the city's archives, there are no permit records for the work detected via Code Violation; however, per Broward County Property Appraiser's Imagery, the footprint of the existing circular driveway has been present at the property in similar form since at least 1998; also, see survey utilized for fence permit No. 22801475, issued in 2008.

Per the plan, the petitioner is presenting the following changes to existing conditions:

- Removing an existing non-permitted shed located on the northwest corner of the property.
- Cutting back, reducing the existing patio and deck along and parallel to north, south and west property lines to provide the LDC's required five-foot setbacks.

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.

There are no homeowner's association (HOA) in the neighborhood where the property is located.

VARIANCE REQUEST DETAILS:

ZV(R)2024-0021 is to allow 60% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in typical single-family residential lot.

Code Reference:

Table 155.620 Accessory Building and Structures

Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Circular	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40 % width of lot	[[1] Shall include 5 foot radius between driveway]

							and lot line. [2] 10 foot minimum width
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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 Surveys (2008, 2021, 2023)
 Proposed Plan
 Code Case Notice and 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.ppinies.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: 03/19/2024

Plans for DRC 1 Planner: 1-2

Indicate the type of application you are applying for:

- Appeal*
- Comprehensive Plan Amendment
- Delegation Request
- DRI*
- DRI Amendment (NOPC)*
- Flexibility Allocation
- Interpretation*
- Land Use Plan Map Amendment*
- Miscellaneous
- Plat*
- Sign Plan
- Site Plan*
- Site Plan Amendment*
- Special Exception*
- Variance (Homeowner Residential)
- Variance (Multifamily, Non-residential)*
- Zoning Change (Map or PUD)*
- Zoning Change (Text)
- Zoning Exception*
- 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 2024-0021

Project Planner: C-2 Project #: PRJ 20 Application #: _____

Date Submitted: ____/____/____ Posted Signs Required: (1) Fees: \$ 57.40

SECTION 1-PROJECT INFORMATION:Project Name: Niuvis Gutierrez ArroyoProject Address: 720 SW 68 Terrace Pembroke Pines FL 33023

Location / Shopping Center: _____

Acreage of Property: _____ Building Square Feet: _____

Flexibility Zone: _____ Folio Number(s): _____

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

Legal Description:

_____Has 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: Niuvis Gutierrez Arroyo

Owner's Address: 720 SW 68 Terrace Pembroke Pines FL 33023

Owner's Email Address: niuvisgutierrez5@gmail.com

Owner's Phone: 9046075855 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:

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: DKR3-136911.

Code Section: 155-620

Required: 35% f.o.b.

Request: 60% FLC.

Details of Variance, Zoning Appeal, Interpretation Request:

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)

Buy the property in 2021 in the state shown in the survey (year 2021). I had to rectify the property, and remove the concrete, and leave it 5 feet from the fence that I made without permission (This is what is established according to the rules of the city). That is why they gave me a warning. And I modified the Drive way too. I did not Know I need permission. Now I am working with a Staff to bring it to the initial state it was in when I bought the property and city approved it. The rest of the property was corrected and with approved fencing permit

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.

Sue
Signature of Owner

03/19/2024
Date

Sworn and Subscribed before me this 19th day
of March, 2024

n/a
Fee Paid

My
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 _____ day

of _____, 20_____

Fee Paid

My
Signature of Notary Public

My Commission Expires

Waiver of Florida Statutes Section 166.033, Development Permits and Orders

Applicant: Niuvis Gutierrez Arroyo

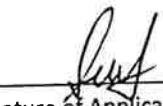
Authorized Representative: _____

Application Number: RX23-13694

Application Request: _____

I, Niuvis Gutierrez Arroyo (print Applicant/Authorized Representative name), on behalf of _____ (Applicant), hereby waive the deadlines and/or procedural requirements of Florida Statute Section 166.033 as the provisions of said statute apply to the above referenced application, including, but not limited to the following:

- a. 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.

 03/19/2024

Signature of Applicant or Applicant's
Authorized Representative

Date

Niuvis Gutierrez Arroyo

Print Name of Applicant/Authorized Representative

CITY OF PEMBROKE PINES
Planning and Economic Development Department

Folio Number: _____ Planning Application Number: _____

I, Nuvilis Gutierrez Araya, do hereby acknowledge that my application for only address that subject matter and does not alleviate any obligation to adhere any other applicable ordinance, law, statute, regulation, or provision of the City Code, including Chapter 155.656, entitled "Landscaping." This includes but is not limited to any amount of landscape material required by the Planned Unit Development ("PUD") where my property is located or any applicable Homeowner's Association requirement, rule, or regulation.

A separate permit for the removal or relocation of any of tree must be obtained prior to the removal or relocation of the tree. I understand that I must obtain this permit as the homeowner.

I, Nuvilis Gutierrez Araya as owner of the subject property, acknowledge that I have read this document and understand based upon the plan review of this permit, I may be required to replace the tree(s) affected by this project. I further acknowledge that in order to comply with the City's Code of Ordinances, I may be required to add a tree or trees based upon a zoning inspection of existing conditions during permit reviews.

Date: 3/19/2024 Signature: fuel

Address: 720 SW 68th Avenue Print Name: Nuvilis Gutierrez Araya

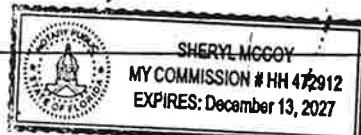
Telephone: 904 607 5955 Title: _____

STATE OF FLORIDA : _____

SWORN TO AND SUBSCRIBED before me, a Notary Public for the State and County aforesaid, on this 19th Day of March, 20 24.


Notary Public

My Commission Expires on _____



AVILA & ASSOCIATES SERVICES INC

LB # 6971
20132 NW 52 AVENUE, HIALEAH, FLORIDA 33116
TEL:(786) 317-0364 DADE, (786) 444-1666 DADE
E-MAIL: uul0105@mail.com



GENERAL LEGEND.

FLOOD ZONE INFORMATION:

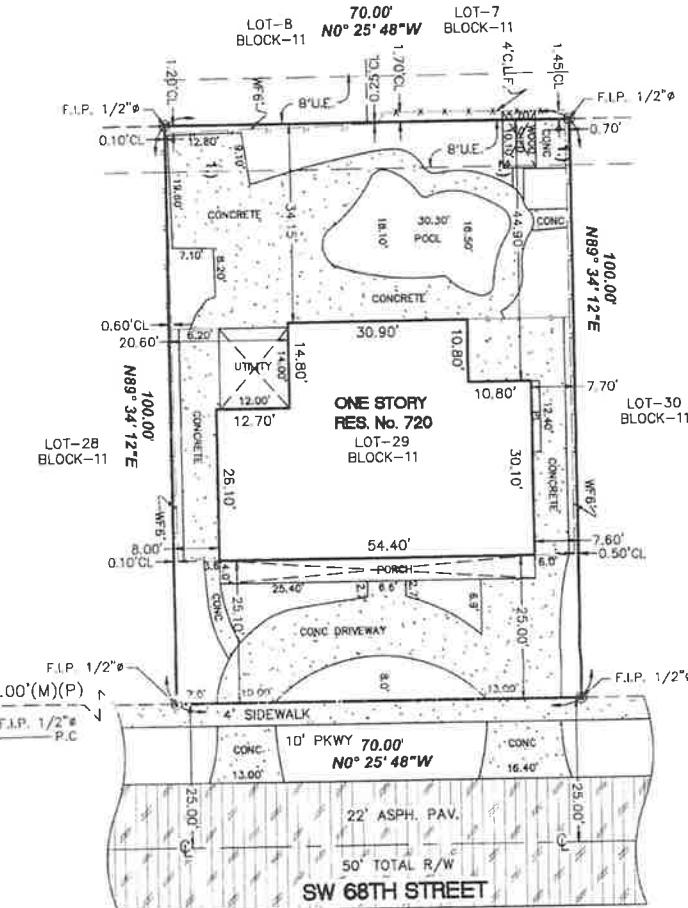
THE NFIP FLOOD MAPS HAVE DESIGNATED THE
HEREIN DESCRIBED LAND TO BE SITUATED IN:

FLOOD ZONE: B 00 AH
PANEL NO/SUFFIX: 0563 H
COMMUNITY NO. 120053
DATE OF FIRM 08-18-2014

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

LEGAL DESCRIPTION:

LOT: 29
BLOCK 11
SUBDIVISION BOULEVARD HEIGHTS SECTION TEN
SUBDIVISION, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN
PLAT BOOK 5 PAGE 15
PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA



SURVEYORS NOTES:

SURVEYORS NOTES:

- (1) ANGLES IF SHOWN ARE REFERENCED TO THE RECORD PLAT AND ARE NOT MEASURED
- (2) LEGAL DESCRIPTION PROVIDED BY CLIENT UNLESS OTHERWISE NOTATED
- (3) NO UNDERGROUND IMPROVEMENTS LOCATED EXCEPT AS SHOWN
- (4) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT THEREFOR THE ONLY SURVEY MATTERS SHOWN ARE FOR 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.

SURVEYOR'S NOTATIONS:

1.) CONCRETE SLAB AND 6' W.F IN 8' UTILITY EASEMENT
2.) WOOD SHED IN 8' UTILITY EASEMENT.

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 422.027, FLORIDA STATUTES.

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

DATE 10/19/21	CERTIFY TO:		
SCALE 1"-20'	NAME 21-496	RAULIS GUTIERREZ ARKOYO	
SPOT 1	DRIVEN BY R.B.	MCMAHON MORTGAGE, LTD. DBA GOLD FINANCIAL MANAGERS, INC., ISACONATIMA THOMAS J. RESS, P.A.	
OLD REPUBLIC TITLE INSURANCE COMPANY			

PROPERTY ADDRESS:

BOUNDARY SURVEY

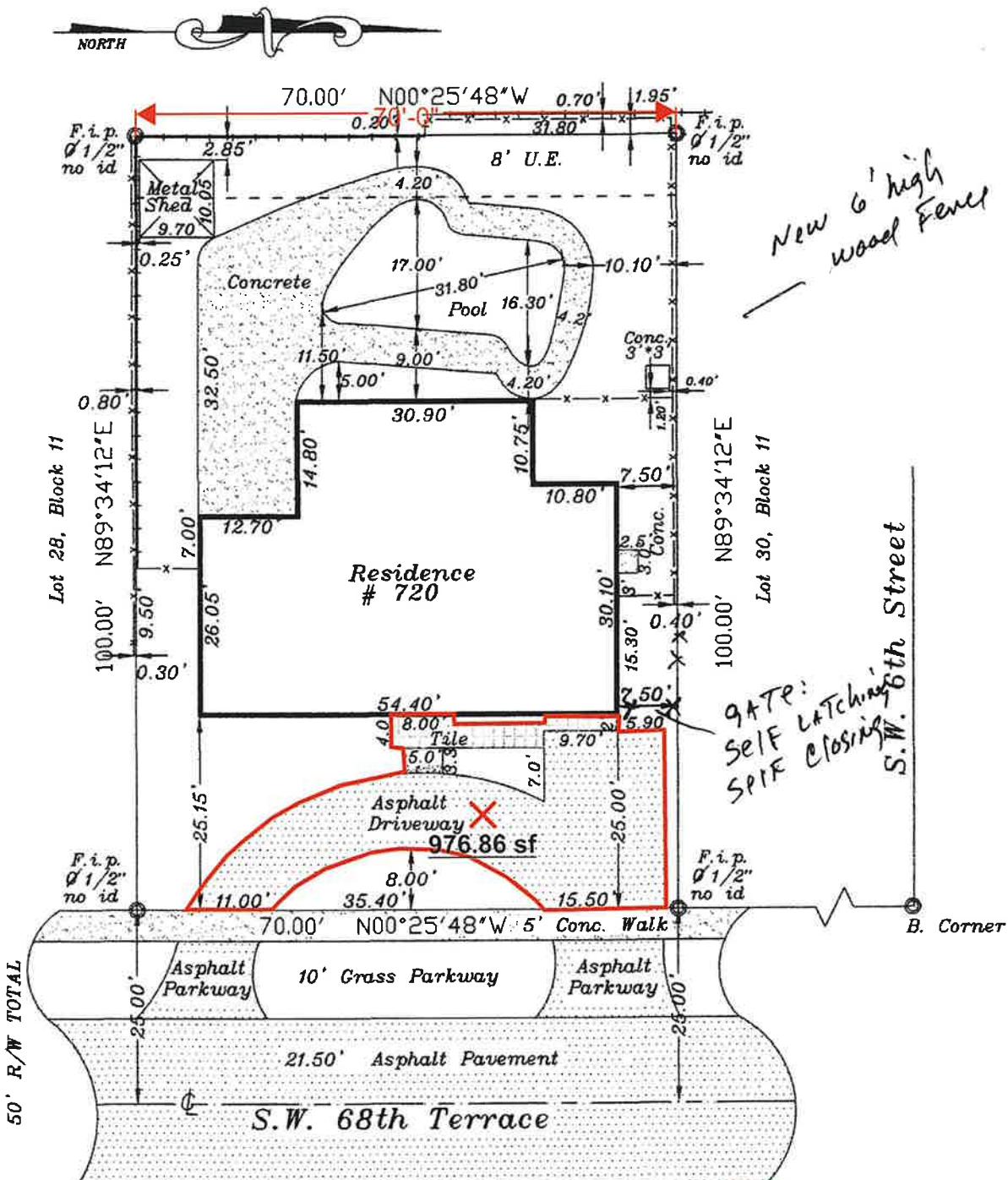
PROPERTY ADDRESS: 720 SW 68TH TERRACE, PEMBROKE PINES, FL 33023

LEGAL DESCRIPTION: LOT 29 IN BLOCK 11 OF BOULEVARD HEIGHTS SECTION TEN ACCORDING TO THE PLAT BOOK 51 AT PAGE 15 B OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA.

SKETCH OF SURVEY

(BONDARY SURVEY)

SCALE 1"=20'



Visual Encroachments noted:

BASED ON THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY AGENCY
REVISED ON 10/02/95 THE HEREIN DESCRIBED PROPERTY IS SITUATED WITHIN:
ZONE BASE FLOOD ELEVATION N/A COMMUNITY NUMBER 120053
PANEL NUMBER 0312 SUFFIX F

DATE OF FIELD WORK: 06-26-07

REVISED ON _____

REVISED ON _____

CERTIFIED TO:

STEFANO TRUGLIO

LEGAL NOTES

THIS CERTIFIES THAT SURVEY OF THE PROPERTY
DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION