

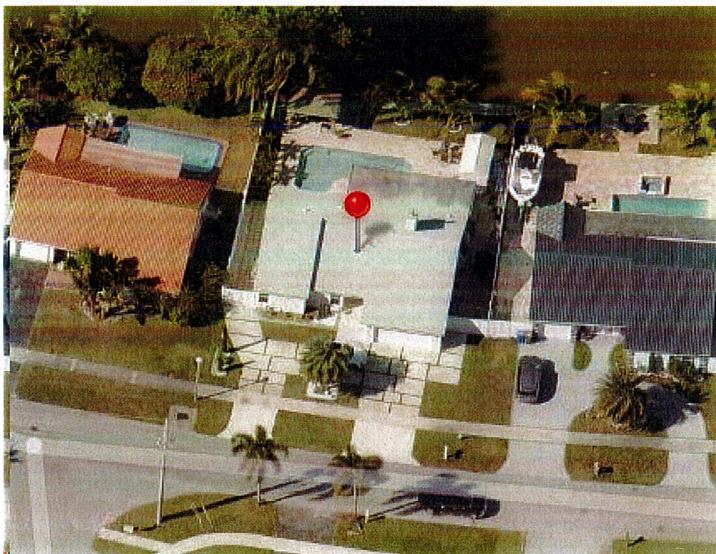
# Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department

ZV(R) 2023-0077-0080

Zoning Variances

MONTESINO, NIUSHKA H/E DURAN, JOSE  
500 NW 86 AVE 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>	September 7, 2023	<b>Application ID:</b>	ZV(R)2023-0077 - 0080
<b>Project:</b>	Circular Driveway, Deck, or patio.	<b>Pre-Application Number:</b>	PRE2023-0064
<b>Project Planner:</b>	Christian Zamora, Senior Planner		
<b>Owner:</b>	Jose Duran	<b>Agent:</b>	N/A
<b>Location:</b>	500 NW 86 Avenue, Pembroke Pines, FL 33024		
<b>Existing Zoning:</b>	Single-Family Residential (R-1C)	<b>Existing Land Use:</b>	Residential
<b>Reference Applications:</b>	Code Compliance Case (No. 230200667, initiated 2/2022) Building Permit Application (RX22-08690)		

**Variance Summary**

<b>Application</b>	<b>Code Section</b>	<b>Required/Allowed</b>	<b>Request</b>
ZV(R)2023-0077	Table 155.620 Accessory Structures: Driveway, Circular*	35% front lot coverage (Total)	57% front lot coverage (total) for existing circular driveway
ZV(R)2023-0078	Table 155.620 Accessory Structures Driveway, Circular*	40% of lot's width	41% of lot's width for existing circular driveway
ZV(R)2023-0079	Table 155.620 Accessory Structures: Driveway, Circular*	Five Feet (5.0') feet side setback	One Foot (1.0') side setback -south-
ZV(R)2023-0080	Table 155.620 Accessory Buildings: Shed	100 square feet	132 square feet
<b>Final:</b>	<input type="checkbox"/> Planning & Zoning Board		<input checked="" type="checkbox"/> Board of Adjustment
<b>Reviewed for the Agenda:</b>	Director: 	Assistant Director: 	

## PROJECT DESCRIPTION / BACKGROUND:

Jose Duran, owner, submitted four residential zoning variance requests for an existing driveway, deck or patio, and a shed at the single-family residence located at 500 NW 86 Avenue in the Westview neighborhood, which is zoned R-1C (Residential Single-Family).

On February 10, 2022, the City's Code Compliance Division cited the property owner (Case No. 230200667) for work performed without building permits.

In November 3, 2022, the property owner submitted a building permit application (RX22-08690) to legalize the completed work. The permit application and documents revealed that the existing driveway and deck exceeded the limitations of the City's Land Development Code (LDC); therefore, the building permit application cannot be approved. The applicant is requesting the following:

- **ZV(R) 2023-0077:** to allow 57% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing circular driveway in a residential single-family typical lot.
- **ZV(R) 2023-0078:** to allow 41% width of lot instead of the allowed 40% width of lot for an existing circular driveway in a residential single-family typical lot.
- **ZV(R) 2023-0079:** to allow one foot (1') side setback along a segment of the east property line instead of the required five feet (5') setback for an existing circular driveway in a typical lot.

Per the survey, it was detected an existing (16.1' x 8.1') Accessory Building (shed) installed to the north side of the lot within the required five-feet side setback. City staff reviewed aerial photography from the Broward County Property Appraiser, and it appears that the existing shed has been in the property since at least 2020. The city does not have any permit records for the existing shed.

Per the owner's proposed plan, the existing shed will be relocated five-feet, nine inches (5'-9") away from the northern property line; however, the applicant would like to retain the existing shed dimensions. The applicant, specifically is requesting:

- **ZV(R) 2023-0080:** to allow a 132 square foot instead of the required 100 square feet for an existing shed located along a segment of the northern property line.

The homeowners are 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 not located within a homeowner's association.

## VARIANCE REQUEST DETAILS:

**ZV(R)2023-0077** to allow 57% total front lot coverage instead of the required 35% total front lot coverage for an existing circular driveway in a residential single-family typical lot.

**ZV(R)2023-0078** to allow 41% width of lot instead of the allowed 40% width of lot for an existing circular driveway in a residential single-family typical lot.

**ZV(R)2023-0079** to allow a one-foot (1.0') side setback along a portion of the southern property line instead of the required five feet (5') side setback for an existing circular driveway.

**ZV(R)2023-0080** to allow 132 square feet instead of the required 100 square feet for an existing (16.1' x 8.1') shed.

*Code References:*

**ZV(R)2023-0077 – 0079**

**Table 155.620 Accessory Building and Structures**

	Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
		Front	Side	Street Side	Rear			
Accessory Structures	Driveway, Circular	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	<b>35% front lot coverage</b> 40% lot coverage for zero lot line. <b>40% width of lot</b>	[1] Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

ZV(R)2023-0080)

**Table 155.620 Accessory Building and Structures**

	Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
		Front	Side	Street Side	Rear			
Accessory Buildings	Shed	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	<b>[1] 100 square feet</b>	[2] If over 200 square feet it shall meet primary building setbacks

**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  
Proposed Plan  
SBDD Approval (3/27/2023)  
Copy of Code Compliance Notice (2/10/2022) and Imagery



# 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: 6/22/23

# Plans for DRC 1 Planner: C-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

Project Planner: C-2 Project #: PRJ 20        Application #:         
Date Submitted: 6/22/23 Posted Signs Required: (1) Fees: \$ 700.00

**SECTION 1-PROJECT INFORMATION:**Project Name: PRE 2023-0064 - ShedProject Address: 500 NN 86th Ave Pembroke Pines FL 33024

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

Acreage of Property: \_\_\_\_\_ Building Square Feet: \_\_\_\_\_

Flexibility Zone: \_\_\_\_\_ Folio Number(s): 514110140170

Plat Name: \_\_\_\_\_ Traffic Analysis Zone (TAZ): \_\_\_\_\_

Legal Description: Variance request for residential shedHas 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: JOSE DURAN / NIUSHKA MONTE SINO

Owner's Address: 500 NW 86 Ave Pembroke Pines FL 33024

Owner's Email Address: Saritoduran@gmail.com

Owner's Phone: 71290-3186 Owner's Fax: \_\_\_\_\_

Agent: N/A

Contact Person: Jose Duran

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 Section: 188.620 .  
Required: 35% ; 5' Setback width ; shed size (100 sf).  
Request: 36% ; 2' Setback ; shed size (30 sf).

#### 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:

Requested County Land Use:

11. *Leucosia* (Leucosia) *leucostoma* (Fabricius) (Fig. 11)

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

See letters of

Dear City of Pembroke Pines,

I am writing to request approval for the seawall in my backyard and the concrete slab in my front yard. I believe that granting permission for a seawall/concrete would be reasonable and beneficial.

Please consider the following points:

- **Erosion Prevention:** A seawall is essential for preventing erosion along the shoreline of my property. The natural forces of water, tides, and storms can gradually erode the land, jeopardizing the stability of my backyard. By constructing a seawall, I can protect my property from erosion, ensuring its long-term integrity and stability. This will also safeguard neighboring properties by preventing sediment runoff and potential damage caused by eroded land.
- **Property Protection:** The installation of a seawall will serve as a vital measure to protect my property against flooding and storm surge. Living in a coastal area, my backyard is susceptible to the impacts of hurricanes, heavy rains, and rising sea levels. A seawall would act as a barrier, reducing the risk of water intrusion into my property during severe weather events. This would not only safeguard my home and belongings but also minimize the potential for water damage and subsequent costly repairs.
- **Environmental Preservation:** I am taking an active step towards preserving the surrounding environment. Erosion not only affects my property but can also contribute to sedimentation in nearby water bodies, disrupting aquatic ecosystems and habitats. A seawall will help maintain the natural balance of the shoreline, protecting delicate ecosystems and supporting biodiversity. Additionally, it can contribute to the overall aesthetics of the area, maintaining the visual appeal of the neighborhood.
- **Purpose and Need:** The reason for installing the concrete slabs is to create a safe and functional outdoor space that can accommodate various activities. The larger size of the slabs is essential to meet the specific requirements of these activities. It will provide a solid foundation for recreational purposes, such as hosting gatherings, setting up outdoor furniture, and engaging in outdoor hobbies.
- **Minimal Impact:** I assure you that the larger size of the concrete slabs will not result in any negative consequences for the neighborhood or neighboring properties. The design and placement of the slabs was carefully considered to minimize any potential adverse effects on the visual appeal or functionality of the area. The installation will be carried out professionally, ensuring that it does not disrupt the community or cause inconvenience to others.
- **Compliance with Other Regulations:** While the proposed concrete slabs may exceed the standard size, I want to emphasize that they will still comply with other relevant regulations and guidelines.

Considering these reasons, I kindly request the city's permission to approve the seawall / concrete slab.

Thank you for your attention and understanding.

Dear City of Pembroke Pines,

I am writing to request permission for the construction of an oversize shed on my property, which is necessary for addressing outdoor clutter and facilitating the operations of my business. I firmly believe that granting permission for an oversize shed would be a reasonable and beneficial decision. Please consider the following points:

- Increased Storage Space for Outdoor Clutter: The oversize shed would provide me with the much-needed additional storage space, enabling me to effectively organize my belongings and eliminate outdoor clutter. It would serve as a designated area to store various items, including my business tools for BLUEWATER Corporation, outdoor equipment, seasonal decorations, and other household items that currently lack sufficient space within my home. This would significantly enhance the tidiness and visual appeal of my property.
- Dedicated Space for Business Tools: As a small business owner, having a dedicated space within the oversize shed to store and organize my business tools is crucial. It would allow me to securely keep equipment, supplies, inventory, or machinery that are essential for my business operations. With these tools readily accessible in a separate workspace, I would experience improved efficiency and productivity, ultimately enabling me to better serve my customers and make a positive contribution to the local economy.
- Neighborhood Aesthetics: I am committed to ensuring that the shed's design is harmonious with the surrounding properties and does not disrupt the neighborhood's visual appeal. This includes selecting appropriate colors, and landscaping to ensure the shed blends seamlessly into the environment.

Based on these reasons, I kindly request the city's permission to allow the oversize shed on my property. I want to assure you that I will diligently adhere to all necessary regulations and guidelines, ensuring a responsible and respectful addition to the neighborhood.

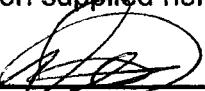
Thank you for your attention and understanding. I eagerly await a positive response regarding my request.

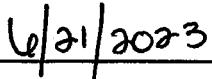
JOSE DURAN

## SECTION 7- PROJECT AUTHORIZATION

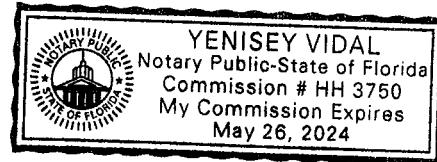
### OWNER CERTIFICATION

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.

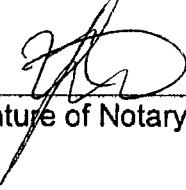
  
Signature of Owner

  
Date

Sworn and Subscribed before me this 21 day  
of June, 2023.



10.00  
Fee Paid

  
Signature of Notary Public

MAY 26, 2024  
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



**PERMITTEE MUST  
READ "SPECIAL  
CONDITIONS  
AND NOTES"**

**P E R M I T**  
**SOUTH BROWARD DRAINAGE DISTRICT**  
6591 S.W. 160<sup>TH</sup> AVENUE  
SOUTHWEST RANCHES, FLORIDA 33331  
(954) 680-3337

**NUMBER: H230211  
PLACARD #: 02489  
DATE: 03/27/23**

**ISSUED TO: JOSE DURAN & NIUSHKA MONTESINO  
500 N.W. 86<sup>TH</sup> AVENUE  
PEMBROKE PINES, FL 33024**

**AUTHORIZING: AN EXISTING ALUMINUM FENCE WITH A (4'MIN) FOUR FOOT MINIMUM ACCESS GATE & PVC TYPE FENCE THRU DRAINAGE EASEMENT. POOL PAVER DECK IN DRAINAGE EASEMENT & LAKE MAINTENANCE EASEMENT AS PER ATTACHED PLANS. EXISTING CONCRETE SEAWALL IN LAKE MAINTENANCE EASEMENT.**

**LOCATION: LOT 34, BLOCK 7 @ WESTVIEW SECTION ONE PART TWO, CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA ACCORDING TO PLAT BOOK 103, PAGE 40, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.**

This permit is issued pursuant to Application for Permit #H230211 Dated 02/16/23. Said application, including all plans and specifications attached hereto is, by reference, made a part hereof.

All work, construction and use of the facilities of the SOUTH BROWARD DRAINAGE DISTRICT, permitted hereunder, shall be performed in strict compliance with this permit and the permit procedures and construction standards hereto adopted by the SOUTH BROWARD DRAINAGE DISTRICT and as the same may hereafter from time to time be amended, changed, or revised; said permit procedures and construction standards being expressly made a part and condition of this permit. A copy of the permit procedures and construction standards is available upon request.

This permit shall not convey to PERMITTEE any property rights nor any rights or privileges other than those specified herein, nor relieve the PERMITTEE from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by PERMITTEE hereunder shall remain the property of the PERMITTEE unless otherwise specified below.

**The dumping or discharging of any aquatic vegetation or debris into the canal system of this District, not specifically approved by the District, is prohibited and will constitute grounds for cancellation of this permit.**

**SPECIAL CONDITIONS/NOTES:**

**A) In the event of SOUTH BROWARD DRAINAGE DISTRICT wishes to obtain ingress or egress to its easement and/or right of way for the purposes of maintenance and/or construction of the canals, lakes, other bodies of water and drainage improvements, the removal and reinstallation of any construction permitted hereunder shall be at owner's expense.**

**B) PERMITTEE, by acceptance of the permit, covenants and agrees that the SOUTH BROWARD DRAINAGE DISTRICT shall be promptly indemnified, defended, protected, exonerated and saved harmless by the PERMITTEE from and against all expenses, liabilities, claims, demands and proceedings incurred by or imposed upon said District in connection with any claim, proceeding, demand, administrative hearing, suit, attorneys' fees, appellate proceeding, or other activity, including unfounded or "nuisance" claims, in which the District may become involved, or any settlement thereof, arising out of any operations under this permit, including use of SOUTH BROWARD DRAINAGE DISTRICT water, for irrigation purposes, damage to landscaping, paint damage to automobiles, buildings, or other structures and any property damage or personal injuries, fatal or non-fatal, of any kind or character.**

**C) PERMITTEE, will take full responsibility for any damage which may be caused to existing facilities owned by the SOUTH BROWARD DRAINAGE DISTRICT and which are adjacent to and/or in the proximity of any construction undertaken pursuant to the permit. In addition, the PERMITTEE agrees to be responsible for the reimbursement to SOUTH BROWARD DRAINAGE DISTRICT for all expenses arising out of damage to these facilities.**

**PERMITTEE IS RESPONSIBLE FOR ASCERTAINING LOCATION OF ALL UTILITIES PRIOR TO INSTALLATION OF IMPROVEMENTS.**



**City of Pembroke Pines**  
Police Department, Code Compliance Division  
601 City Center Way, 3rd Floor, Pembroke Pines, FL 33025  
954-431-4466

## CORRECTION NOTICE

Doc No. 134070

**Date:** 02/10/2022  
**Folio:** 514116140170  
**Recipient:** NIUSHKA MONTESINO H/E JOSE DURAN  
**Address:** 500 NW 86 AVE  
PEMBROKE PINES, FL 33024

A physical inspection at 500 NW 86 AVE, PEMBROKE PINES, FL 33024 #BDP disclosed the following violation(s) of the Property maintenance Code:

#### Notes/Means of Correction:

Must obtain permit for windows, door, garage, fence slab, sheds and driveway work done on the property. Contact the Building Department at 954.435.6502.

Please be advised that this inspection by the Code Compliance Department was made on 2/10/2022

## Property Changes (Dec. 2018 – Feb. 2023)

500 NW 86 AVE PEMBROKE PINES FL 33024



