

# DRAFT

Board of Adjustment

City of Pembroke Pines  
Pembroke Pines, FL

**DECEMBER 7, 2023**

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Rodriguez-Soto on Thursday, December 7, 2023, at 6:30 P.M., in the City Commission Chambers, Charles F. Dodge City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

**PRESENT:** Chairman Rodriguez-Soto, Vice Chairman Goggin, Members Abbondandolo, Brito and Crawl; Alternate Member Siddiqui

**ABSENT:** Alternate Member Almeria

**ALSO PRESENT:** Christian Zamora, Planner/Zoning Specialist, Julia Aldridge, Planning, Quentin Morgan, Assistant City Attorney, and Board Secretary Katherine Borgstrom

Board Secretary Borgstrom called roll and declared a quorum present.

## **APPROVAL OF THE MINUTES:**

A motion by Vice Chair Goggin, seconded by Member Crawl, to approve the minutes of the November 2, 2023 meeting passed unanimously.

## **EXCUSED ABSENCES:**

A motion by Vice Chair Goggin, seconded by Member Crawl, to excuse the absence of Alternate Member Almeria passed unanimously.

## **LEGAL INSTRUCTIONS:**

Assistant City Attorney Quinten Morgan explained the hearing process to the audience and applicants. The hearing is quasi-judicial and all testimony taken is under oath. The Board has the right to ask witnesses questions that the Board deems relevant to the application. At the conclusion of the hearing, the Board will consider testimony and evidence and enter an order. Three votes are needed to approve a variance. The decisions are appealable to the City Commission of Pembroke Pines only.

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[Secretary's Note: Interested parties were sworn under oath to give testimony in the relevant causes by the Assistant City Attorney.]

**OLD BUSINESS:**

**VARIANCES:**

**VARIANCE FILE NUMBERS: ZV(R)2023-0081 - 0083**

**PETITIONER:**

James Hort

**ADDRESS:**

**SUBJECT PROPERTY:**

1420 NW 86 Terrace  
Pembroke Pines, FL 33024

**LEGAL DESCRIPTION:**

Lot 17, Block 26, of the BOULEVARD HEIGHTS SECTION 9 5TH ADDITION PLAT, according to the Plat thereof as recorded in Plat Book 62, Page 15B, of the Public Record of Broward County, Florida.

**VARIANCES REQUESTED:**

Petitioner is requesting variances to allow:

ZV(R)2023-0081) a 74% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

ZV(R)2023-0082) a 55% total width of lot instead of the allowed 40% width of lot for an existing driveway.

ZV(R)2023-0083) a 1'- 6" (northern) side setback instead of the required 5' side setback for an existing shed.

**REFERENCES:**

ZV(R)2023-0081 & 0082)

<b>Table 155.620 Accessory Building and Structures</b>							
<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>Driveway, Typical Lot</b>	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	<b>35% front lot coverage</b>  <b>40 % width of lot</b>	[1] 10 foot minimum width

ZV(R)2023-0083)

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Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
<b>Shed</b>	Primary Building	<b>5 feet</b>	15 feet	5 feet	Primary building or 24 feet, whichever is less	[1] 100 square feet [2] 200 square feet if located in A or R-E.	[2] If over 200 square feet it shall meet primary building setbacks

Chairman Rodriguez-Soto read the request into the record.

**PROJECT DESCRIPTION / BACKGROUND:**

James Hort, owner, submitted three residential zoning variance requests for an existing driveway and a 12' x 9' shed for the single-family residence located at 1420 NW 86 Terrace in the Boulevard Heights neighborhood, which is zoned R-1C, Residential Single-Family.

On December 19, 2022, the City's Code Compliance Division cited the owner (Case No. 221203027) for work performed without building permits.

In April 5, 2022, the property owner submitted a building permit application (RX22-00645) to legalize the completed driveway work. The permit application and documents revealed that the existing driveway exceeded the limitations of the City's Land Development Code (LDC); therefore, the applicant is requested the following:

- **ZV(R) 2023-0081** is to allow 77% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical lot. **(TABLED)**
- **ZV(R) 2023-0082** is to allow 55% width of lot instead of the allowed 40% width of lot for an existing driveway in a typical lot. **(TABLED)**
- **ZV(R) 2023-0083** is to allow a foot, six inches (1' - 6") side setback along a segment of the northern property line instead of the required five feet (5') setback for an existing 12' x 9' shed in a typical lot. **(TABLED)**
- **ZV(R) 2023-0081** is to allow 70% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical lot. **(TABLED)**
- **ZV(R) 2023-0082** is to allow 55% width of lot instead of the allowed 40% width of lot for an existing driveway in a typical lot. **(TABLED)**

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- **ZV(R) 2023-0083** is to allow a foot, six inches (1' - 6") side setback along a segment of the northern property line instead of the required five feet (5') setback for an existing 12' x 9' shed in a typical lot. **(TABLED)**

The above variance requests were heard by the Board on October 5 and November 2, 2023, meetings. The applicant was directed to reconsider the requests and to possibly provide an alternative plan to further reduce the amount of paving in the front of the house.

Per the updated request, the new plan shows the width of the driveway reduced from 33'-0" (55%) to 28'-0" wide (47%) of the lot's width; also, the modified request reduces front lot coverage from 77% to 50% of front lot coverage. To provide this reduction, the applicant is removing a 5' x 36.1' strip of concrete along the right side (north) of the existing driveway.

The applicant is now asking:

- **ZV(R) 2023-0081** is to allow 50% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical lot.
- **ZV(R) 2023-0082** is to allow 47% width of lot instead of the allowed 40% width of lot for an existing driveway in a typical lot.
- **ZV(R) 2023-0083** is to allow a foot, six inches (1' - 6") side setback along a segment of the northern property line instead of the required five feet (5') setback for an existing 12' x 9' shed in a typical lot.

The applicant 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 property is not located within a homeowner's association.

## **VARIANCE REQUEST DETAILS:**

**ZV(R) 2023-0081** is to allow ~~77%~~ 50% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical lot.

**ZV(R) 2023-0082** is to allow ~~55%~~ 47% width of lot instead of the allowed 40% of width of lot for an existing driveway in a typical lot.

**ZV(R) 2023-0083:** is to allow a foot, six inches (1'-6") side setback (eastern property line) instead of the required five feet (5') setback for an existing 12'x9' shed in a typical lot.

*Code References:*

**ZV(R)2023-0081 & 0082)**

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Table 155.620 Accessory Building and Structures

Type, Driveway, Typical Lot, Maximum Dimensions, 35% front lot coverage

Type, Driveway, Typical Lot, Maximum Dimensions, 40 % width of lot

**ZV(R)2023-0083)**

Type, Shed, Setback, Side, 5 feet

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.

James Hort, petitioner, spoke to the variance request. He stated the requests have been reduced with the front lot coverage to 50% and the lot width to 47%.

The members of the board who spoke to the variance request were Chair Rodriguez-Soto and Vice Chair Goggin.

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The member of staff who spoke to the variance request was Christian Zamora.

No one from the public asked to speak to the variance request.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0081, under Sec. 155.301(O)(1)(c), to allow a 50% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Brito, to grant variance request ZV(R)2023-0082, under Sec. 155.301(O)(1)(c), to allow a 47% total width of lot instead of the allowed 40% width of lot for an existing driveway passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0083, under Sec. 155.301(O)(1)(c), to allow a 1'-6" (northern) side setback instead of the required 5' side setback for an existing shed passed unanimously.

## **VARIANCE FILE NUMBERS: ZV(R)2023-0107 - 0111**

### **PETITIONER:**

Yoandy Ramos & Yohandys Rodriguez

### **ADDRESS:**

### **SUBJECT PROPERTY:**

8761 NW 14 Street  
Pembroke Pines, FL 33024

### **LEGAL DESCRIPTION:**

Lot 16, Block 34, of the BOULEVARD HEIGHTS SEC 9 6TH ADD PLAT, according to the Plat thereof as recorded in Plat Book 62, Page 16, of the Public Record of Broward County, Florida.

### **VARIANCES REQUESTED:**

Petitioner is requesting variances to allow:

**ZV(R)2023-0107)** a 70% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

**ZV(R)2023-0108)** a 70% total width of lot instead of the allowed 40% width of lot for an existing driveway.

**ZV(R)2023-0109)** a one-foot three inch (1'-3") side setback along the western property line instead of the required five feet (5') side setback for an existing driveway.

**ZV(R)2023-0110)** a zero feet (0') side setback along a portion of the western property line instead of the required five feet (5') for an existing deck / patio.

**ZV(R)2023-0111)** a one foot seven inch (1'-7") side setback along a portion of the eastern property

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line instead of the required five feet (5') for an existing deck / patio.

## REFERENCES:

ZV(R)2023-0107 - 0109)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Typical Lot	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage  40 % width of lot	[1] 10 foot minimum width

ZV(R)2023-0110 & 0111)

Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Deck or Patio*	Primary Building	5 feet	5 feet	5 feet	N/A	N/A	N/A

Chairman Rodriguez-Soto read the request into the record.

## PROJECT DESCRIPTION / BACKGROUND:

Yoandy Ramos, owner, submitted five Zoning Variance requests to legalize an existing driveway, patio and deck for the property located at 8761 NW 14 Street in the Boulevard Heights neighborhood (aka Sunswept west) zoned Single-Family Residential Zoning District (R-1C).

On July 30, 2021, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 220400109) for work done without building permits.

Mr. Ramos provided an updated property survey (8/31/2023) showing the work done. It appears an unpaved area located directly in the front of the house was filled in. Also, the survey shows two (2) roofed structures encroaching into required side setbacks, per plan, those structures will be permanently removed; however, the owner would like to retain the driveway at existing conditions.

The applicant is requesting the following:

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- **ZV(R)2023-0107** to allow 70% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway. **(TABLED)**
- **ZV(R)2023-0108** to allow 70% total width of lot instead of the allowed 40% width of lot for an existing driveway. **(TABLED)**
- **ZV(R)2023-0109** to allow one-foot three-inch (1'-3") side setback along the western property line instead of the required five feet (5') side setback for an existing driveway. **(TABLED)**
- **ZV(R)2023-0110** to allow zero feet (0') side setback along a portion of the western property line instead of the required five feet (5') for an existing deck. **(TABLED)**
- **ZV(R)2023-0111** to allow one-foot seven-inch (1'-7") side setback along a portion of the eastern property line instead of the required five feet (5') for an existing patio or deck. **(TABLED)**

The above requests for the property were heard by the Board on November 2 where the owner was directed to reconsider their request and to possibly provide an alternative plan to increase the existing amount of green space in the front yard. Per the updated plan for the requests, the applicant now is asking:

- **ZV(R)2023-0107** to allow 55% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.
- **ZV(R)2023-0108** to allow 70% total width of lot instead of the allowed 40% width of lot for an existing driveway.
- **ZV(R)2023-0109** to allow one-foot three-inch (1'-3") side setback along the western property line instead of the required five feet (5') side setback for an existing driveway.
- **ZV(R)2023-0110** to allow zero feet (0') side setback along a portion of the western property line instead of the required five feet (5') for an existing deck.
- **ZV(R)2023-0111** to allow one-foot seven-inch (1'-7") side setback along a portion of the eastern property line instead of the required five feet (5') for an existing patio or deck.

The existing patio to the east and existing driveway have been present at the property in a similar way since at least 2003 as approved via permit (No. 72316192, see copy approved layout) Also, staff research of City's archives, found the existing swimming pool at the property was approved in the year 2017 via permit (No. 1744093-0, see copy of approved layout) in conformance with required five-foot side setbacks; however, per the updated property's survey

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(8/31/2023), the existing deck is closer than the required five-foot (5') setback to the west property line; same applies to an existing (approximately) 36' x 3.5' patio located along a segment of the east property line, closer than the required five-foot (5') setback.

The applicant is aware that Board consideration of residential variance requests does not preclude the property owner from obtaining all necessary development related approvals or permits.

Per the City's registered HOA list, there is no HOA in the neighborhood where the property is located.

## **VARIANCE REQUEST DETAILS:**

**ZV(R)2023-0107:** is to allow 70% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

**ZV(R)2023-0108:** is to allow 70% total width of lot instead of the allowed 40% width of lot for an existing driveway.

**ZV(R)2023-0109:** to allow one-foot three-inch (1'-3") side setback along the western property line instead of the required five feet (5') side setback for an existing driveway.

**ZV(R)2023-0110:** is to allow zero feet (0') side setback along a portion of the western property line instead of the required five feet (5') for an existing deck / patio.

**ZV(R)2023-0111:** is to allow a one-foot seven-inch (1'-7") side setback along a portion of the eastern property line instead of the required five feet (5') for an existing deck / patio.

Code References:

**Table 155.620 Accessory Building and Structures**

**ZV(R)2023-0107)**

**Type, Driveway, Typical Lot, Maximum Dimensions, 35% front lot coverage**

**ZV(R)2023-0108)**

**Type, Driveway, Typical Lot, Maximum Dimensions, 40 % width of lot**

**ZV(R)2023-0109)**

**Type, Driveway, Typical Lot, Setback, Side, 5 feet**

Code References:

**Table 155.620 Accessory Building and Structures**

**ZV(R)2023-0110 & 0111)**

**Type, Deck or Patio, Setback, Side, 5 feet**

Yohandy Ramos, petitioner, spoke to the variance request. He stated the front lot coverage

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has been reduced to 55% and that the other requests remain the same. He will remove the island in the middle of the drive for grass. Upon questioning, he stated the setback on side yards is grass and they have had no drainage problems, even with the recent heavy rains. He also stated the fence is on the neighbor's property.

The members of the board who spoke to the variance request were Chair Rodriguez-Soto, Vice Chair Goggin and Alternate Member Siddiqui.

The member of staff who spoke to the variance request was Christian Zamora.

No one from the public asked to speak to the variance request.

A motion by Member Abbondandolo, seconded by Vice Chair Goggin, to grant variance request ZV(R)2023-0107, under Sec. 155.301(O)(1)(c), allow a 55% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway passed unanimously.

A motion by Member Abbondandolo, seconded by Vice Chair Goggin, to grant variance request ZV(R)2023-0108, under Sec. 155.301(O)(1)(c), allow a 70% total width of lot instead of the allowed 40% width of lot for an existing driveway passed unanimously.

A motion by Member Abbondandolo, seconded by Vice Chair Goggin, to grant variance request ZV(R)2023-0109, under Sec. 155.301(O)(1)(c), allow a one-foot three inch (1'-3") side setback along the western property line instead of the required five feet (5') side setback for an existing driveway passed unanimously.

A motion by Member Abbondandolo, seconded by Vice Chair Goggin, to grant variance request ZV(R)2023-0110, under Sec. 155.301(O)(1)(c), allow a zero feet (0') side setback along a portion of the western property line instead of the required five feet (5') for an existing deck / patio passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0111, under Sec. 155.301(O)(1)(c), allow a one foot seven inch (1'-7") side

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setback along a portion of the eastern property line instead of the required five feet (5') for an existing deck / patio passed unanimously.

**NEW BUSINESS:**

**VARIANCES:**

**VARIANCE FILE NUMBER: ZV(R)2023-0113**

**PETITIONER:**

Yamile Clark

**ADDRESS:**

**SUBJECT PROPERTY:**

1101 NW 173 Avenue  
Pembroke Pines, FL 33029

**LEGAL DESCRIPTION:**

Parcel J, Lot J36, of the SILVER LAKES AT PEMBROKE PINES PLAT, according to the Plat thereof as recorded in Plat Book 143, Page 41B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a 42% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property.

**REFERENCE:**

**ZV(R)2023-0113)**

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
<b>Driveway, Zero Lot Line*</b>	0 feet	0 on the zero side, 5 feet on the nonzero side	15 feet 155.600(B)	N/A	N/A	40% front lot coverage  <b>40 % width of lot</b>	[1] 10 foot minimum width

Chairman Rodriguez-Soto read the request into the record.

**PROJECT DESCRIPTION / BACKGROUND:**

Yamile Clark, the owner, submitted a residential zoning variance request to legalize an existing driveway for the single-family residence located at 1101 NW 173 Avenue in the Silver

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Lakes neighborhood. The property is part of the Silver Lakes Planned Unit Development (PUD) and follows the PUD's "Single family homes with typical minimum lot sizes of 5,000 square feet or greater." The PUD does not address driveways; therefore, the provisions of the City's Land Development Code (LDC) apply when PUD guidelines are silent.

On May 20, 2022, the City's Code Compliance Division cited the property owner (Case No. 22050034) for work performed without permits.

In June 27, 2022, the owner submitted a building permit application (No. RX22-03944) to legalize the driveway; however, the permit cannot be approved as the existing work exceeds the limitations of the City's Land Development Code (LDC).

The owner is specifically requesting:

- **ZV(R) 2023-0113** is to allow a 42% width of lot instead of the allowed 40% of lot's width for an existing 23.1' x 25.2' driveway in zero-lot type.

The applicant is aware that Board consideration of residential variance request does not preclude the property owner from obtaining all necessary development related approvals or permits. This request does not include any landscape exemptions.

No HOA approval has been provided.

## **VARIANCE REQUEST DETAILS:**

**ZV(R) 2023-0113** is to allow a 42% width of lot instead of the allowed 40% of lot's width for an existing 23.1' x 25.2' driveway in zero-lot type.

Code Reference:

### **Table 155.620 Accessory Building and Structures**

Type, Driveway, Zero Lot, Maximum Dimensions, 40 % width of lot

Yamile Clark, petitioner, spoke to the variance request. He stated the property is zero lot line and the work was done in 2013, with HOA approval. They have three cars and a company vehicle and there is no street parking or guest parking for the homes.

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The members of the board who spoke to the variance request were Chair Rodriguez-Soto and Vice Chair Goggin.

The member of staff who spoke to the variance request was Christian Zamora.

No one from the public asked to speak to the variance request.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0113, under Sec. 155.301(O)(1)(c), to allow a 42% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property passed unanimously.

## **VARIANCE FILE NUMBERS: ZV(R)2023-0114 - 0119**

### **PETITIONER:**

Alcibiades A Angulo

### **ADDRESS:**

### **SUBJECT PROPERTY:**

16347 NW 19 Street  
Pembroke Pines, FL 33028

### **LEGAL DESCRIPTION:**

Lot 367, of the PARKSIDE AT SPRING VALLEY PLAT, according to the Plat thereof as recorded in Plat Book 158, Page 13B, of the Public Record of Broward County, Florida.

### **VARIANCES REQUESTED:**

Petitioner is requesting variances to allow:

**ZV(R)2023-0114**) a 49% total front lot coverage instead of the required 40% total front lot coverage for an existing driveway on a zero-lot line property.

**ZV(R)2023-0115**) a 53% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property.

**ZV(R)2023-0116** is to allow a 0' rear setback (northern) for an existing shed.

**ZV(R)2023-0117** is to allow a 0' rear setback (eastern) for an existing shed.

**ZV(R)2023-0118** is to allow a 4.8' rear setback for an existing 35' x 10' "Roofed Structure (attached)"

**ZV(R)2023-0119** is to allow a 47% maximum lot coverage for all buildings and structures instead of the required 45% maximum lot coverage.

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**REFERENCES:**

ZV(R)2023-0114 - 0116) (Driveway)

ZV(R)2023-0117) (Shed)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
<b>Driveway, Zero Lot Line*</b>	0 feet	0 on the zero side, 5 feet on the nonzero side	15 feet 155.600(B)	N/A	N/A	<b>40% front lot coverage</b>  <b>40 % width of lot</b>	[1] 10 foot minimum width
<b>Shed</b>	Primary Building	5 feet	15 feet	<b>5 feet</b>	Primary building or 24 feet, whichever is less	[1] 100 square feet  [2] 200 square feet if located in A or R-E.	[2] If over 200 square feet it shall meet primary building setbacks

ZV(R)2023-0118) (All Buildings and Accessory Structures)

ZV(R)2023-0119) (Attached Roofed Structure)

Table 155.422: Residential Single-Family Zero Lot Line (R-1Z)	
Standard	Residential
<b>Maximum Lot Coverage</b>	<b>45 %</b>
<b>Rear Setback</b>	<b>15 feet</b>

Chairman Rodriguez-Soto read the request into the record.

**PROJECT DESCRIPTION / BACKGROUND:**

Alcibiades Angulo, owner, has submitted six residential zoning variance requests to legalize an existing driveway, an existing shed, and an existing roofed structure (attached) for the single-family residence located at 16347 NW 19 Street in Parkside at Spring Valley neighborhood which is zoned Residential Single-Family Zero Lot Line (R-1Z).

On January 4, 2023, the City’s Code Compliance Division cited the property owner (Case No. 230100037) for work performed without building permits.

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In February 16, 2023, the owner submitted a building permit application (No. RX23-02291) to build a driveway at the property; however, the building permit cannot be approved as the existing driveway exceeds the limitations of the City's Land Development Code (LDC).

The applicant originally requested:

- **ZV(R)2023-0114** is to allow 49% front lot coverage (total) instead of the required 40% front lot coverage (total) for an existing driveway on a zero-lot line property.
- **ZV(R)2023-0115** is to allow 53% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property.

After reviewing the applicant's initial request and, per the property's survey, it was detected an existing storage shed encroaching into the required side and rear setbacks. The survey also revealed an existing 35' x 10' roofed structure, attached to the rear of the house's rear wall, closer than the required 15' rear setback. (See survey attached)

Per staff review of city's archives, on May 10, 1999, the city issued building permit (No. 20003876) to construct a ten foot long by six-foot tall "privacy wall" extension along the west side of the property in the rear (See copy of approved permit); yet no building permits can be found for the existing 35' x 10' roofed structure, attached to the rear of the house's rear wall. Nevertheless, according to the Broward County Property Appraiser Imagery, it appears the roofed structure, storage shed, and driveway have existed in the property since 2013, 2015 and 2020 respectively.

The owner would like to retain the existing non-permitted items at the existing location. The applicant amended the original request to include the following additional variances:

- **ZV(R)2023-0116** is to allow zero-foot (0') side setback instead of the required five feet (5') side setback for an existing storage shed.
- **ZV(R)2023-0117** is to allow zero feet (0') rear setback instead of the required five feet (5') rear setback for an existing storage shed.

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- **ZV(R)2023-0118** is to allow 4.8 feet rear setback along a segment of the rear property line (north) instead of the required 15 feet (15') rear setback for an existing 35' x 10' roofed structure, attached to the rear of the house's rear wall in a residential single-family zero lot.
- **ZV(R)2023-0119** is to allow a Maximum Lot Coverage of 47% (all buildings) instead of the allowed 45% Maximum Lot Coverage (all buildings) for and existing 35' x 10' roofed structure, attached to the rear of the house's rear wall in a residential single-family zero lot.

The applicant is aware that Board consideration of residential variance request does not preclude the property owner from obtaining all necessary development related approvals or permits.

The subject property is in the Parkside Spring Valley neighborhood. The applicant has provided a copy of the Homeowner Association (HOA) approval for the driveway, dated August 28, 2023.

## **VARIANCE REQUEST DETAILS:**

**ZV(R)2023-0114** is to allow a 49% total front lot coverage instead of the required 40% total front lot coverage for an existing driveway on a zero-lot line property.

**ZV(R)2023-0115** is to allow a 53% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property.

**ZV(R)2023-0116** is to allow a 0' rear setback (northern) for an existing shed.

**ZV(R)2023-0117** is to allow a 0' rear setback (eastern) for an existing shed.

**ZV(R)2023-0118** is to allow a 4.8' rear setback for an existing 35' x 10' "Roofed Structure (attached)"

**ZV(R)2023-0119** is to allow a 47% maximum lot coverage for all buildings and structures instead of the required 45% maximum lot coverage.

Code References:

### **Table 155.620 Accessory Building and Structures**

ZV(R)2023-0114)

Type, Driveway, Zero-Lot Line, Maximum Dimensions, 40% front lot coverage

ZV(R)2023-0115)

Type, Driveway, Zero-Lot Line, Maximum Dimensions, 40 % width of lot

ZV(R)2023-0116; ZV(R)2023-0117)

Type, Shed, Setback, Rear, 5 feet

### **Table 155.422: Residential Single-Family Zero Lot Line (R-1Z)**

# DRAFT

ZV(R)2023-0118)

Standard, Residential, Maximum Lot Coverage, 45%

ZV(R)2023-0119)

Standard, Residential, Rear Setback, 15 feet

Alcibiades A Angulo, petitioner, spoke to the variance request. He stated the work was done in 2013 because he had two daughters driving and four vehicles, so needed the larger driveway. The shed contains his mother's belongings, since the house has little storage space. He covered the patio so that his ailing mother could sit outside under shade, she has recently passed away.

The members of the board who spoke to the variance request were Chair Rodriguez-Soto, Vice Chair Goggin, Member Abbondandolo and Alternate Member Siddiqui.

The member of staff who spoke to the variance request was Christian Zamora.

No one from the public asked to speak to the variance request.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0114, under Sec. 155.301(O)(1)(c), allow a 49% total front lot coverage instead of the required 40% total front lot coverage for an existing driveway on a zero-lot line property passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0115, under Sec. 155.301(O)(1)(c), allow a 53% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property passed unanimously.

On a motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0116, under Sec. 155.301(O)(1)(c), allow a 0' rear setback (northern) for an existing shed, the following vote was recorded:

AYE: Chairman Rodriguez-Soto, Members Abbondandolo, Brito and Crawl

NAY: Vice Chair Goggin

# DRAFT

## Motion Passed

On a motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0117, under Sec. 155.301(O)(1)(c), allow a 0' rear setback (eastern) for an existing shed, the following vote was recorded:

AYE: Chairman Rodriguez-Soto, Members Abbondandolo, Brito and Crawl

NAY: Vice Chair Goggin

## Motion Passed

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0118, under Sec. 155.301(O)(1)(c), allow a 4.8' rear setback for an existing 35' x 10' "Roofed Structure (attached) passed unanimously.

A motion by Vice Chair Goggin, seconded by ?, to grant variance request ZV(R)2023-0119, under Sec. 155.301(O)(1)(c), allow a 47% maximum lot coverage for all buildings and structures instead of the required 45% maximum lot coverage passed unanimously.

## **VARIANCE FILE NUMBERS: ZV(R)2023-0120 - 0123**

### **PETITIONER:**

Victor Alvarez

### **ADDRESS:**

### **SUBJECT PROPERTY:**

16258 NW 17 Court  
Pembroke Pines, FL 33028

### **LEGAL DESCRIPTION:**

Lot 414, of the PARKSIDE AT SPRING VALLEY PLAT, according to the Plat thereof as recorded in Plat Book 158, Page 13B, of the Public Record of Broward County, Florida.

### **VARIANCES REQUESTED:**

Petitioner is requesting variances to allow:

**ZV(R)2023-0120**) a 50% total front lot coverage instead of the required 40% total front lot coverage for an existing driveway on a zero-lot line property.

**ZV(R)2023-0121**) a 55% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property.

# DRAFT

**ZV(R)2023-0122** is to allow a 5' rear setback instead of the required fifteen feet (15') rear setback for an existing 35' x 10' "Roofed Structure (attached)"

**ZV(R)2023-0123** is to allow a zero-foot (0') side setback (eastern property line) without a six-foot-high concrete block privacy wall instead of the required five-foot (5') side setback for an existing 35' x 10' roofed structure, attached.

**REFERENCES:**

**ZV(R)2023-0120 - 0121) (Driveway)**

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
<b>Driveway, Zero Lot Line*</b>	0 feet	0 on the zero side, 5 feet on the nonzero side	15 feet 155.600(B)	N/A	N/A	<b>40% front lot coverage</b>  <b>40 % width of lot</b>	[1] 10 foot minimum width

**ZV(R)2023-0122) (Attached Roofed Structure)**

Table 155.422: Residential Single-Family Zero Lot Line (R-1Z)	
Standard	Residential
<b>Rear Setback</b>	<b>15 feet</b>

**ZV(R)2023-0123)**

Code Section: 155.621 SUPPLEMENTAL REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES

(A) The following regulations are supplemental to the standards identified in 155.620.

1. Residential Districts

(b) For waterfront lots located within developments approved under the design criteria of (R-1Z) single family zoning districts, accessory structures shall be allowed to extend to the zero setback side property line, excluding structures with a roof. Structures with roofs may extend to the zero setback side property line if a six foot high concrete block privacy wall is installed along the entire length of the accessory structure.

**PROJECT DESCRIPTION / BACKGROUND:**

Victor Alvarez, the owner, has submitted two residential zoning variance requests for a proposed driveway and two more zoning variance requests to legalize an existing roofed structure, attached to the rear of the house's rear wall. The property is located at 16258 NW 17 Court in the Spring Valley neighborhood, zoned single-family (R-1Z).

# DRAFT

In October 12, 2023, the owner submitted a building permit application (No. RX23-13128) to build a driveway; however, the permit cannot be approved as the existing work exceeds the limitations of the City's Land Development Code (LDC).

The applicant originally requested:

- **ZV(R) 2023-0120** is to allow 50% front lot coverage (total) instead of the 40% for a proposed driveway in a single-family residence, zero-lot type.
- **ZV(R) 2023-0121** is to allow 55% of lot's width instead of the allowed 40% of the lot's width for a proposed driveway in a single-family residence, zero-lot type.

After reviewing the applicant's initial request and, per the property survey, it was detected an existing 35' x 10' roofed structure, attached to the rear of the house's rear wall, closer than the required 15' rear setback. (See survey attached).

Per staff review of the city's archives, no permits can be found for the existing 35' x 10' roofed structure, attached to the rear of the house's rear wall. Nonetheless, according to the Broward County Property Appraiser Imagery, it appears the roofed structure have existed in the location at the property since least 2004.

The owner would like to retain the existing non-permitted item at the existing location. The applicant amended the original request to include the following additional variances:

- **ZV(R) 2023-0122** is to allow five-foot (5') rear side setback instead of the required fifteen-foot (15') rear setback for an existing 35' x 10' roofed structure, attached.
- **ZV(R) 2023-0123** is to allow zero-foot (0') side setback (eastern property line) without a six-foot-high concrete block privacy wall instead of the required five-foot (5') side setback for an existing 35' x 10' roofed structure, attached.

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.

# DRAFT

The subject property is in the Spring Valley neighborhood. The applicant has provided a copy of the Homeowners Association (HOA) approval for the proposed driveway.

## **VARIANCE REQUEST DETAILS:**

**ZV(R) 2023-0120** is to allow 50% front lot coverage (total) instead of the 40% for a proposed driveway in a single-family residence, zero-lot type.

**ZV(R) 2023-0121** is to allow 55% of lot's width instead of the allowed 40% of the lot's width for a proposed driveway in a single-family residence, zero-lot type.

Code References:

### **Table 155.620 Accessory Building and Structures**

#### **ZV(R) 2023-0120 – 0121)**

Type, Driveway, Zero-Lot, Maximum Dimensions, 40% front lot coverage

Type, Driveway, Zero-Lot, Maximum Dimensions, 40 % width of lot

**ZV(R) 2023-0122** is to allow five feet (5') rear setback instead of the required fifteen feet (15') rear setback for an existing 35' x 10' roofed structure, attached.

Code Reference:

### **Table 155.422: Residential Single-Family Zero Lot Line (R-1Z)**

Standard, Residential, Rear Setback, 15 feet

**ZV(R) 2023-0123** is to allow zero-foot (0') side setback (eastern property line) without a six-foot-high concrete block privacy wall instead of the required five-foot (5') side setback for an existing 35' x 10' roofed structure, attached.

Code References:

### **155.621 SUPPLEMENTAL REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES.**

(b) For waterfront lots located within developments approved under the design criteria of R-1Z single-family zoning districts, accessory structures shall be allowed to extend to the zero-setback side property line, excluding structures with a roof. Structures with roofs may extend to the zero-setback side property line if a six-foot-high concrete block privacy wall is installed along the entire length of the accessory structure."

Jose Alvarez, son of petitioner, spoke to the variance request. He stated his father is currently hospitalized, so he is here to represent his father's request. The property is zero lot line and the structure has been there since 2003. During the hearing, Jose Alvarez worked with Christian Zamora and they reduced the size of the request. They are changing the area to pavers. The father is in a wheelchair and they need room to load and unload him from vehicles.

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The members of the board who spoke to the variance request were Chair Rodriguez-Soto and Vice Chair Goggin.

The member of staff who spoke to the variance request was Christian Zamora.

No one from the public asked to speak to the variance request.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0120, under Sec. 155.301(O)(1)(c), allow a 50% total front lot coverage instead of the required 40% total front lot coverage for an existing driveway on a zero-lot line property passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0121, under Sec. 155.301(O)(1)(c), allow a 50% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0122, under Sec. 155.301(O)(1)(c), allow a 5' rear setback instead of the required fifteen feet (15') rear setback for an existing 35' x 10' "Roofed Structure (attached)" passed unanimously.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R)2023-0123, under Sec. 155.301(O)(1)(c), allow a zero-foot (0') side setback (eastern property line) without a six-foot-high concrete block privacy wall instead of the required five-foot (5') side setback for an existing 35' x 10' roofed structure passed unanimously.

## **STAFF CONCERNS:**

Christian Zamora informed the board that there would be no meeting in January 2024.

## **ADJOURNMENT:**

The Chair adjourned the meeting at 8:05 PM.

# DRAFT

Respectfully submitted:

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Katherine Borgstrom  
Board Secretary

Adjourned: 8:05 P.M.  
Approved: