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Board of Adjustment

City of Pembroke Pines
Pembroke Pines, FL

JANUARY 5, 2023

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Rodriguez-Soto on Thursday, January 5, 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 Almeria

ABSENT: Alternate Member Siddiqui

ALSO PRESENT: Dean Piper, Zoning Administrator, Christian Zamora, Planner/Zoning Specialist, 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 December 1, 2022 meeting passed unanimously.

EXCUSED ABSENCES:

A motion by Vice Chair Goggin, seconded by Member Crawl, to excuse the absence of Alternate Member Siddiqui 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 NUMBER: **ZV(R) 2022-0029**

PETITIONER:

Gregory Guerra

ADDRESS:

SUBJECT PROPERTY:

1249 SW 159 Terrace
Pembroke Pines, FL 33027

LEGAL DESCRIPTION:

Lot 57, Block 1, of the PASADENA AT PEMBROKE SHORES PLAT, according to the Plat thereof as recorded in Plat Book 159, Page 45B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow an existing 310 square feet hard roofed open sided free-standing patio instead of the allowed 200 square feet, open side, free standing accessory structure.

REFERENCE:

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Open Side 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

Chairman Rodriguez-Soto read the request into the record.

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Gregory Guerra, petitioner, Andrea Montejo (wife of petitioner) and permit expeditor Marilyn Li, spoke to the variance request. Mr. Guerra stated they did hire a contractor for the structure, contractor told them they did not need permits and structure was built without permits. They have a two-year old daughter who has a skin condition that is aggravated by direct sun and heat. They provided a doctor's statement about the child's skin condition. They wanted to provide an area by their existing pool that would allow the daughter to play outside while the family is outside. There was no previously existing shade. They are first time homeowners and moved into the house in December of 2021. They confirmed the structure has a solid roof.

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

The members of staff who spoke to the variance request were Dean Piper and Christian Zamora. Mr. Zamora stated the family is working with staff to correct the code violation and that all of the structural and electrical elements have met code and are able to be approved. This variance is strictly about the size of the structure. Dean Piper confirmed there are no utility easements involved and that the build is within the side and rear yard setbacks.

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

A motion by Vice Chair Goggin, seconded by Member Brito, to grant variance request ZV(R) 2022-29, under Sec. 155.301(O)(1)(c), to allow an existing 310 square feet hard roofed open sided free-standing patio instead of the allowed 200 square feet, open side, free standing accessory structure passed unanimously.

NEW BUSINESS: **VARIANCES:**

VARIANCE FILE NUMBERS: ZV(R) 2022-0033 - 0034

PETITIONER:
Zachary Fidler

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ADDRESS:**SUBJECT PROPERTY:**

2040 NW 84 Terrace
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 14, Block 9, of the PASADENA LAKES PLAT, according to the Plat thereof as recorded in Plat Book 65, Page 1B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV2022-0033) a one foot (1') street side setback along the north property line instead of the required five feet (5') for an existing patio.

ZV2022-0034) a foot and a half (1.6') rear setback along the west property line instead of the required five feet (5') for an existing deck.

REFERENCES:

Table 155.620 Accessory Building and Structures							
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	Lots with side yards 7 1/2 feet or less, only one walkway is permitted.

Chairman Rodriguez-Soto read the request into the record.

Zachary Fidler, petitioner, spoke to the variance request. He stated that his parents were the original owners of the home and he took over ownership when his parents passed away. He noticed that the soil around the house foundation was washed away, with rebar exposed, that the pool deck was cracking and the driveway had a sinkhole, so he filled the areas with concrete to reinforce. He did the work without permitting and without the assistance of an engineer to determine the cause of the foundation washing away, the cracks and sinkholes.

The members of the board who spoke to the variance request were Chair Rodriguez-Soto,

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Vice Chair Goggin, Members Abbondandolo and Crawl. Members expressed concern that the problem is being caused by something under the foundation and that the petitioner needs to get an engineer to assess the property and discover the true problem. Dean Piper did confirm that even if the variance were to pass, engineering would still have to sign off on the permit and the reason for the deterioration of the property would still need to be determined and assessed.

The member of staff who spoke to the variance request was Dean Piper. He did remind the board that this variance is only for set-back, that permitting would have to deal with the structural assessment.

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

On a motion by Vice Chair Goggin, seconded by Member Abbondandolo, to grant variance request ZV(R) 2022-33, under Sec. 155.301(O)(1)(c), to allow a one foot (1') street side setback along the north property line instead of the required five feet (5') for an existing patio, the following vote was recorded:

AYE: Member Abbondandolo

NAY: Chairman Rodriguez-Soto, Vice Chairman Goggin
Members Brito and Crawl

Motion Failed

A motion by Vice Chair Goggin, seconded by Member Brito, to grant variance request ZV(R) 2022-34, under Sec. 155.301(O)(1)(c), to allow a foot and a half (1.6') rear setback along the west property line instead of the required five feet (5') for an existing deck failed unanimously.

VARIANCE FILE NUMBER: ZV(R) 2022-0035

PETITIONER:
Judith Molina

ADDRESS:
SUBJECT PROPERTY:
8800 SW 10 Street

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Pembroke Pines, FL 33025

LEGAL DESCRIPTION:

Lot 150, of the CINNAMON PLACE V PLAT, according to the Plat thereof as recorded in Plat Book 132, Page 47B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a zero feet (0') rear setback instead of the required five feet (5') rear setback for a proposed pool and deck.

REFERENCES:

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Pool/Deck	Primary Building	5 feet	15 feet	5 feet	N/A	N/A	N/A

Chairman Rodriguez-Soto read the request into the record.

Dean Piper stated that the Contractor was supposed to have been at the meeting to represent the petitioner, but the contractor is not in the meeting. Chair Rodriguez-Soto suggested deferring this variance request to the March 2, 2023 meeting so that the petitioner or representative would have the ability to answer questions from the Board.

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

A motion by Vice Chair Goggin, seconded by Member Crawl, to defer variance request ZV(R) 2022-35, under Sec. 155.301(O)(1)(c), to the March 2, 2023 meeting passed unanimously.

STAFF CONCERNS:

Dean Piper stated that there will be no February 2, 2023 meeting for the Board of Adjustment because there have been no variance requests received for that meeting.

ADJOURNMENT:

On a motion by Vice Chair Goggin, seconded by Member Crawl, to adjourn the meeting at 7:34 P.M., passed unanimously.

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Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: 7:34 P.M.

Approved: