

# Vicinity Map

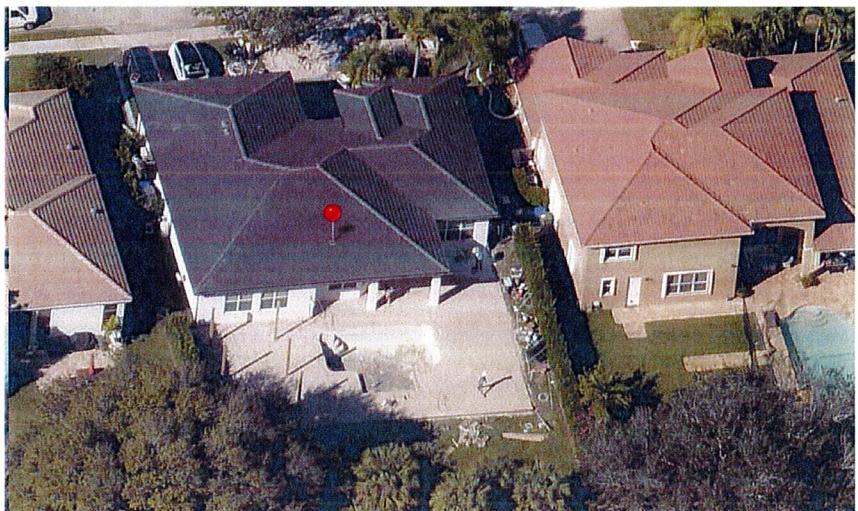
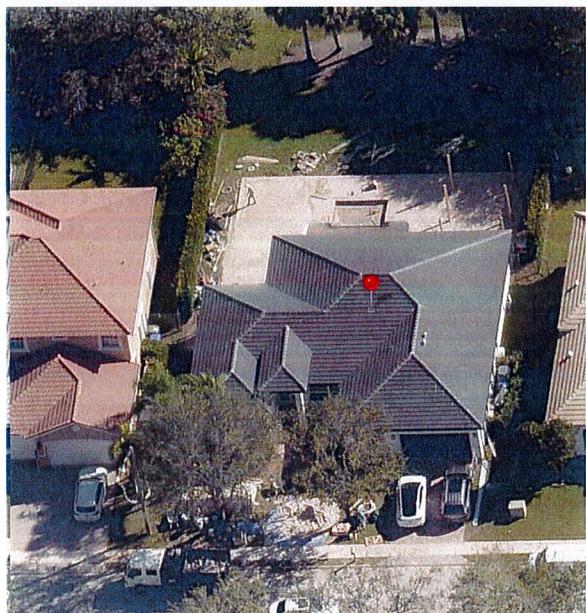
City of Pembroke Pines • Planning and Economic Development Department

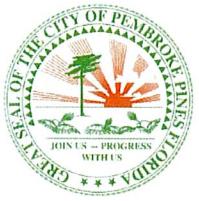
ZV(R) 2022 - 0029  
Zoning Variance

MONTEJO,ANDREA GUERRA,GREGORYMY  
1249 SW 159 TER PEMBROKE PINES FL 33027



NOT TO SCALE





**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>	January 5, 2023	<b>Application ID:</b>	ZV(R) 2022-0029
<b>Project:</b>	Open Sided Structure (Free Standing)	<b>Project Number:</b>	N/A
<b>Project Planner:</b>	Christian Zamora, Senior Planner 		
<b>Owner:</b>	Guerra, Gregory	<b>Agent:</b>	N/A
<b>Location:</b>	1249 SW 159 Terrace Pembroke Pines FL 33027		
<b>Existing Zoning:</b>	PUD (SF-2, Single-Family Conventional)	<b>Existing Land Use:</b>	Residential
<b>Reference Applications:</b>	Code Compliance Case # 220801164 (August 9, 2022)		

### Variance Summary

<b>Application</b>	<b>Code Section</b>	<b>Required/Allowed</b>	<b>Request</b>
ZV(R) 2022-0029	Table 155.620: Accessory Structure: Open Sided Structure (Freestanding)	200 Square Feet	310 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: 		Zoning Administrator: 

## PROJECT DESCRIPTION / BACKGROUND:

Gregory Guerra, owner, has submitted a Residential Zoning Variance request to legalize a 14.1' x 22.0', 310 Square Feet (SF) freestanding open sided structure. Per the property's survey, the existing structure is in the south side in the rear of the property.

Zoning Variance request #ZV(R) 2022-0029 is to allow 310 Square Feet instead of the allowed 200 Square Feet for a freestanding open sided structure.

On August 9, 2021, the applicant was cited by the Code Compliance Division (case reference #220801164) for construction completed without proper approvals or permits.

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.

The subject property is located in Pembroke Shores homeowners' association (HOA). The applicant has provided a HOA letter of approval.

## VARIANCE REQUEST DETAILS:

**ZV(R) 2022-0029** to allow 310 square feet for an open sided structure, freestanding, instead of the allowed 200 square feet.

City Code Reference: Table 155.620: Accessory Building and Structures

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
<b>Open Side Structure (Free Standing)</b>	Primary Building	5 feet	5 feet	5 feet	N/A	<b>200 SF</b>	N/A

## 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  
HOA Approval



**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: 10/27/22

# Plans for DRC 1 Planner: C2

Indicate the type of application you are applying for:

<input type="checkbox"/> Appeal*	<input type="checkbox"/> Sign Plan
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Site Plan*
<input type="checkbox"/> Delegation Request	<input type="checkbox"/> Site Plan Amendment*
<input type="checkbox"/> DRI*	<input type="checkbox"/> Special Exception*
<input type="checkbox"/> DRI Amendment (NOPC)*	<input checked="" type="checkbox"/> Variance (Homeowner Residential)
<input type="checkbox"/> Flexibility Allocation	<input type="checkbox"/> Variance (Multifamily, Non-residential)*
<input type="checkbox"/> Interpretation*	<input type="checkbox"/> Zoning Change (Map or PUD)*
<input type="checkbox"/> Land Use Plan Map Amendment*	<input type="checkbox"/> Zoning Change (Text)
<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Zoning Exception*
<input type="checkbox"/> Plat*	<input type="checkbox"/> Deed Restriction

**INSTRUCTIONS:**

1. All questions must be completed on this application. If not applicable, mark N/A.
2. Include all submittal requirements / attachments with this application.
3. All applicable fees are due when the application is submitted (Fees adjusted annually).
4. Include mailing labels of all property owners within a 500 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: C2 Project #: PRJ 20 Application #: 201012022-009  
Date Submitted: 10/18/22 Posted Signs Required: 1 Fees: \$ 550.00

**SECTION 1-PROJECT INFORMATION:**

Project Name: Installed New Pergola

Project Address: 1249 SW 159 Terr. Pembroke Pines, FL 33027

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

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

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

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

Legal Description:

Pasadena at Pembroke Shores 159-458  
Lot 57 BLK 1 Single Family Home

Has this project been previously submitted? Yes \_\_\_\_\_ No \_\_\_\_\_

Yes

No

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

## SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION

Owner's Name: Gregory Guerra and Andrea Montijo

Owner's Address: 1249 SW 159 Terrace, Pembroke Pines, FL 33027

Owner's Email Address: gregjag@gmail.com

Owner's Phone: 954-673-3324 Owner's Fax: \_\_\_\_\_

Agent: H2L Permitting Solutions LLC

Contact Person: Marilyn Li

Agent's Address: P.O. Box 941692 Miami, FL 33194

Agent's Email Address: h2lpermittingsolutions@gmail.com

Agent's Phone: 305-741-8243 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: \_\_\_\_\_

Required: \_\_\_\_\_

Request: \_\_\_\_\_

Details of Variance, Zoning Appeal, Interpretation Request:

Permit # RX 22-06409

Requesting review and approval for the New Pergola installed.

#### **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: \_\_\_\_\_

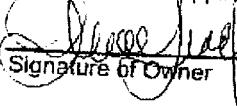
SECTION 6 - DESCRIPTION OF PROJECT (attach additional pages if necessary)

Our intent of the pergola is to enjoy our family gatherings shade after using existing pool. Also improvement of the backyard it increases value to the property. We are very family orientated and love and enjoy our first time home. We are first time house buyers. The HOA did approve the pergola. We do not want to disturb our neighbors property. We are not in their property line. We do consider their opinion as well. We would be very happy if you allow us to stay with our new pergola. We also have our neighbors signature approving our new pergola.

## SECTION 7- PROJECT AUTHORIZATION

### OWNER CERTIFICATION

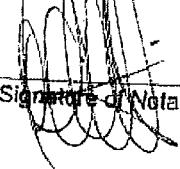
This is to certify that I am the owner of the property described in this application and that all information supplied herein is true and correct to the best of my knowledge.

 Signature of Owner

10/27/22 Date

Sworn and Subscribed before me this 27 day  
of Oct 2022

Fee Paid

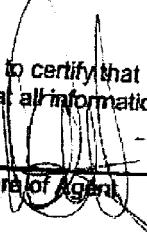
 Signature of Notary Public

1/14/2023 My Commission Expires



### AGENT CERTIFICATION

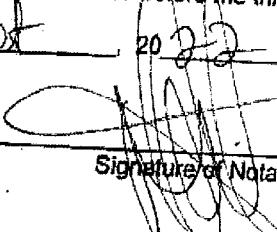
This is to certify that I am the agent of the property owner described in this application and that all information supplied herein is true and correct to the best of my knowledge.

 Signature of Agent

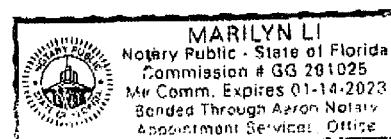
10/27/22 Date

Sworn and Subscribed before me this 27 day  
of Oct 2022

Fee Paid

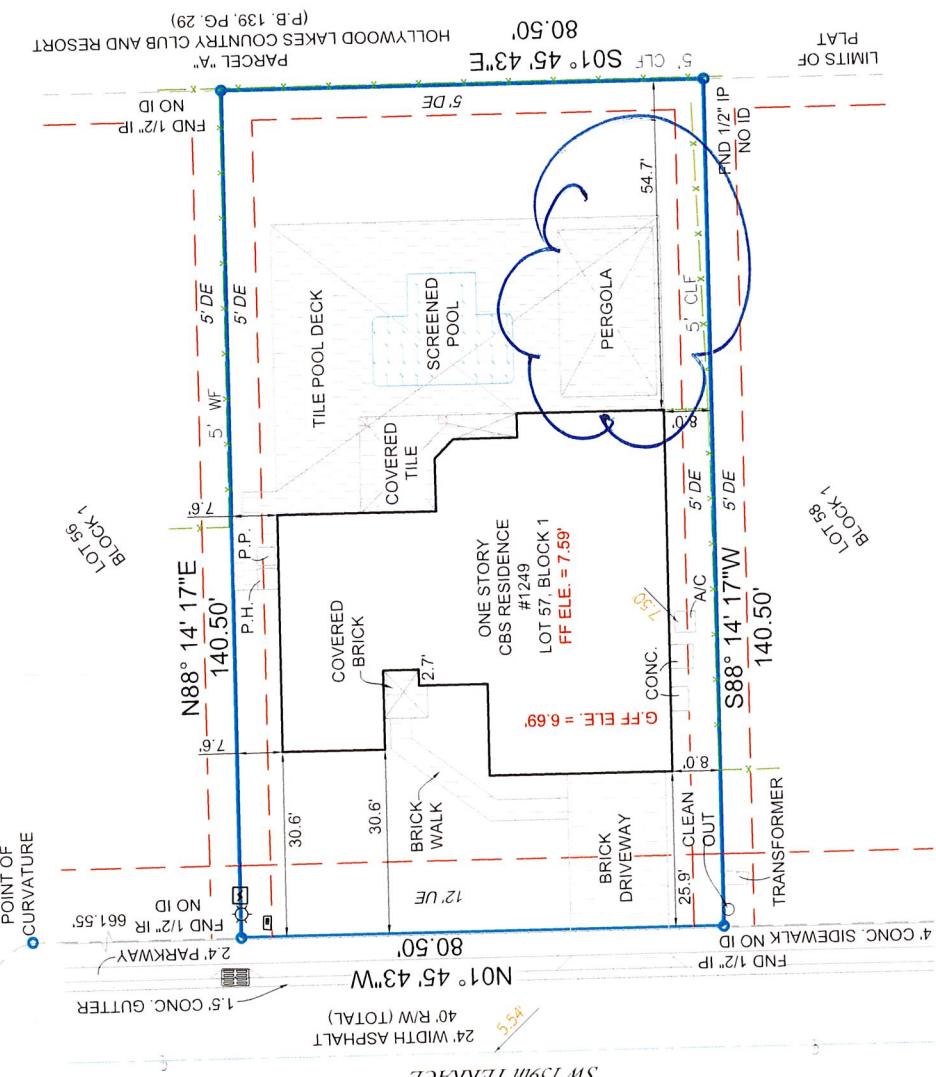
 Signature of Notary Public

1/14/2023 My Commission Expires



**LEGAL DESCRIPTION:**  
LOT 57, BLOCK 1, "PASADENA AT PEMBROKE SHORES", ACCORDING TO THE PLAT THERERECORDED IN PLAT BOOK 159, PAGE 45, RECORDS OF BROWARD COUNTY, FLORIDA.

CERTIFICATIONS:  
**GREGORY GUERRA &  
ANDREA MONTEJO**



#### GENERAL LEGEND:

**PROPERTY ADDRESS:**  
2429 SW 159th TERRACE  
EMBROKE PINES, FL 33027

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# BOUNDARY SURVEY

OTHERWISE NOTED. BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK #:3706, ELEVATION = 8.881' (NGVD 1929)

SURVEY





**Pembroke Shores Community Association, Inc.**  
c/o FirstService Residential  
2950 North 28th Terrace  
Hollywood FL 33020  
Email: [Pembroke.Shores@fsresidential.com](mailto:Pembroke.Shores@fsresidential.com)

Date: April 04, 2022

Project Ref: [85246165] 1249 SW 159th Ter GTKWESTP002501

Andrea Montej  
1249 SW 159th Ter  
Pembroke Pines FL 33027

Dear Andrea Montej,

I am pleased to inform you that the Pembroke Shores Architectural Committee has approved your application **with the following stipulations:**

**Please send an email to [psca.violations@fsresidential.com](mailto:psca.violations@fsresidential.com) with the start date and a copy of the permit for the Pergola installation. We will also need an approximate completion date for final inspection.**

The approval for Pergola is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a county, city or state permit, it is the responsibility of the homeowner to obtain this before starting construction. Copies of permits shall be provided, if requested, to the HOA manager.

Please retain this letter in your files. If you have any questions regarding this matter, please contact our office via e-mail at [Pembroke.Shores@fsresidential.com](mailto:Pembroke.Shores@fsresidential.com).

Should you sell your home, this document needs to be transferred to the new owner. Thank you for your patience and cooperation during the approval process and good luck with your project.

On Behalf of the Architectural/ACC/DRC Committee.

Respectfully,

Community Association Manager  
Pembroke Shores Community Association, Inc.

Neighbor Consent Form

Date: 10/20/2022

City of Pembroke Pines

Planning and Economics Development Department

City Center -Third Floor

601 City Center Way

Pembroke Pines, FL 33025

Phone: (954)392-2100

Dear Sir/Madam,

This is to advise DAVID GERARD BANOV do not object to my neighbors  
(Print Name)

Gregory Guerra and Andrea Montejo Property Address: 1249 SW 159 Terrace Pembroke Pines,  
FL 330327, requesting a variance for their new pergola install in their patio(yard). It is not  
disturbing my property 1250 SW 159<sup>TH</sup> TERRACE and its with in the property line.

PEMBROKE PINES FL 33027  
(Neighbor's property address)

I have reviewed the proposal /plans as outlined by the applicant.

Name/s(Print)

DAVID GERARD BANOV

Signature/s

Property Address: 1250 SW 159<sup>TH</sup> TERRACE, PEMBROKE PINES FL 33027

Neighbor Consent Form

Date: 10/20/22

City of Pembroke Pines

Planning and Economics Development Department

City Center -Third Floor

601 City Center Way

Pembroke Pines, FL 33025

Phone: (954)392-2100

Dear Sir/Madam,

This is to advise Christine Human do not object to my neighbors  
(Print Name)

Gregory Guerra and Andrea Montejo Property Address: 1249 SW 159 Terrace Pembroke Pines, FL 33027, requesting a variance for their new pergola install in their patio(yard). It is not disturbing my property 1279 SW 159 Terr. and its with in the property line.

(Neighbor's property address)

I have reviewed the proposal /plans as outlined by the applicant.

Name/s(Print) Christine Human

Signature/s Christine Human

Property Address: 1279 SW 159 Terr.



**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>	December 1, 2022	<b>Application ID:</b>	ZV(R) 2022-0029
<b>Project:</b>	Hard Roofed Open Patio (Free-standing)	<b>Project Number:</b>	N/A
<b>Project Planner:</b>	Christian Zamora, Senior Planner		
<b>Owner:</b>	Guerra, Gregory	<b>Agent:</b>	N/A
<b>Location:</b>	1249 SW 159 Terrace Pembroke Pines FL 33027		
<b>Existing Zoning:</b>	PUD (SF-2, Single-Family Conventional)	<b>Existing Land Use:</b>	Residential
<b>Reference Applications:</b>	Code Compliance Case # 220801164 (August 9, 2022) This Item has been pulled from agenda due to incorrect information. Once corrected, this will be heard at a future date.		

## Variance Summary

<b>Application</b>	<b>Code Section</b>	<b>Required/Allowed</b>	<b>Request</b>
ZV(R) 2022-0029	Table 155.620: Accessory Structure: Open Sided Structure (Freestanding)	200 Square Feet	220 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: 	Zoning Administrator: 	