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Board of Adjustment

City of Pembroke Pines
Pembroke Pines, FL

MARCH 7, 2024

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Vice Chair Goggin on Thursday, March 7, 2024 at 6:36 P.M., in the City Commission Chambers, Charles F. Dodge City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

PRESENT: Vice Chairman Goggin, Members Abbondandolo and Crawl, Alternate Member Siddiqui

ABSENT: Chairman Rodriguez-Soto, Member Brito, Alternate Member Almeria

ALSO PRESENT: Christian Zamora, Senior Planner; Julia Aldridge, Planner / Zoning Technician; Brian Sherman, 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 Member Crawl, seconded by Alternate Member Siddiqui, to approve the minutes of the February 1, 2024 meeting passed unanimously.

EXCUSED ABSENCES:

A motion by Member Crawl, seconded by Member Abbondandolo, to excuse the absence of Chair Rodriguez-Soto, Member Brito and Alternate Member Almeria passed unanimously.

LEGAL INSTRUCTIONS:

Assistant City Attorney Brian Sherman 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)2023-0124 - 0127

PETITIONER:

Denny Maiz & Sonia Becerra

ADDRESS:

SUBJECT PROPERTY:

16453 NW 21 Street
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:

Lot 168, 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)2023-0124) a 58% 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)2023-0125) a 58% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property.

ZV(R)2023-0126) is to allow a 4' rear setback instead of the required five feet (5') rear setback for an existing patio.

ZV(R)2023-0127) is to allow a zero-foot (0') side setback (western property line) without a six-foot-high completely opaque privacy wall instead of the required five-foot (5') side setback for an existing patio without a completely opaque privacy wall.

REFERENCES:

ZV(R)2023-0124 - 0125) (Driveway)

ZV(R)2023-0126) (Patio)

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

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		feet on the nonzero side				40 % width of lot	width
Deck or Patio	Primary Building	5 feet	5 feet	5 feet	N/A	N/A	N/A

ZV(R)2023-0127)

Code Section: 155.652 ZERO LOT LINE HOMES

(C) Maintenance and drainage easements.

3. At grade structures encroaching into the five-foot required setback on the Zero Lot Line side shall place a 6-foot high completely opaque privacy wall in accordance with 155.621 (A)(1)(b).

Vice Chair Goggin read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Denny Maiz, owner, has submitted four residential zoning variance requests to legalize an existing driveway and existing patio for the single-family residence located at 16453 NW 21 Street in Parkside at the Spring Valley neighborhood which is zoned Residential Single-Family Zero Lot Line (R-1Z).

On December 9, 2022, the City's Code Compliance Division cited the property owner (Case No. 22102886) for work performed without building permits.

In January 4, 2023, the owner submitted a building permit application (No. RX23-001112) 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)2023-0124** is to allow 58% front lot coverage (total) instead of the required 40% front lot coverage (total) for an existing driveway on a zero-lot property. **(TABLED)**
- **ZV(R)2023-0125** is to allow 58% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property. **(TABLED)**
- **ZV(R)2023-0126** is to allow four-foot (4') rear setback along a portion of the rear property line instead of the required five-foot (5') rear setback for an existing 26.4' x 10' patio in a single-family residence, zero lot property. **(TABLED)**
- **ZV(R)2023-0127** is to allow zero feet (0') side setback without a six-foot-high concrete block privacy wall (western property line) instead of the required five

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feet (5') rear setback for an existing 31.6' x 11' patio in a single-family residence, zero-lot property. **(TABLED)**

The above variance requests were heard by the Board on February 1, 2024, meeting. The applicant was directed to reconsider the requests and to possibly provide an alternative plan to further reduce the amount of existing paving at the property.

Per the revised request, the new proposed plan shows the width of the existing driveway reduced from 28'-6" (58%) to 24'-0" wide (48%) of the lot's width; also, the new proposed plan reduces the existing front lot coverage from 58% to 51% of front lot coverage. To provide this reduction, the applicant is removing a strip of concrete along the left side (west) of the existing driveway; in addition, the new plan eliminates the need of ZV(R)2023-0126 and ZV(R)2023-0127 for rear and side setbacks for the existing patio; per the plan, the patio will be modified to provide the required five-foot (5') rear and five-foot (5') side setbacks (northern and western property lines). Therefore, ZV(R)2023-0126 and ZV(R)2023-0127 are unnecessary and deemed as "voided."

The applicant is now asking:

- **ZV(R)2023-0124: to allow 51% front lot coverage (total) instead of the required 40% front lot coverage (total) for an existing driveway on a zero-lot property.**
- **ZV(R)2023-0125: to allow 48% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property.**

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 subject property is in the Parkside Spring Valley neighborhood. The applicant has provided a copy of the Homeowner Association (HOA) Letter, dated January 3, 2023.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0124 to allow ~~58%~~ 51% of front lot coverage (total) instead of the required 40% front

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lot coverage instead of the required 40% front lot coverage (total) for an existing driveway in a single-family residence, zero lot.

ZV(R) 2023-0125 to allow a ~~58%~~ 48% width instead of the 40% required width of lot for an existing driveway in a single-family residence, zero lot property.

Code References:

ZV(R) 2023-0124 & 0125)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Zero Lot Line*	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 40 % width of lot	[1] 10 foot minimum width

Denny Maiz, petitioner, spoke to the variance request. He stated that the requested variances have been reduced from the original requests and the variances ZV(R)2023-0126 and ZV(R) 2023-0127 are no longer needed as the changes are now within the Code allowances. Vice Chair Goggin did confirm with Christian Zamora that pavers are now scheduled to be installed to allow for best drainage.

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

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 Alternate Member Siddiqui, to grant variance request ZV(R)2023-0124, under Sec. 155.301(O)(1)(a), to allow a 51% of front lot coverage (total) instead of the required 40% front lot coverage instead of the required 40% front lot coverage (total) for an existing driveway in a single-family residence, zero lot passed

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unanimously.

A motion by Member Abbondandolo, seconded by Member Crawl, to grant variance request ZV(R)2023-0125, under Sec. 155.301(O)(1)(a), to allow a 48% width instead of the 40% required width of lot for an existing driveway in a single-family residence, zero lot property passed unanimously.

VARIANCE FILE NUMBERS: ZV(R)2023-0128 - 0131

PETITIONER:

Liseth Lopez Martinez & Briam Riveron Vergara

ADDRESS:

SUBJECT PROPERTY:

170 NW 161 Avenue
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:

A portion of the WESTFORK 1 PLAT, AKA Lot 336, Spring Valley, according to the Plat thereof as recorded in Plat Book 150, Page 43B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to:

ZV(R)2023-0128) allow 63% total front lot coverage instead of the required 35% total front lot coverage for an existing circular driveway.

ZV(R)2023-0129) allow zero feet (0') radius between the driveway and lot line instead of the required five feet (5') radius between the driveway and lot line for an existing circular driveway.

ZV(R)2023-0130) allow 4 feet (4') on the northern side setback instead of the required five feet (5') rear setback for an existing patio.

ZV(R)2023-0131) allow 1 feet three-inch (1'-3") along a segment of the southern side setback instead of the required five feet (5') rear setback for an existing patio.

REFERENCES:

ZV(R)2023-0128 & 0129)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Circular	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40% lot coverage for zero lot line.	[1] Shall include 5 foot radius between driveway and lot line [2] 10 foot

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						40 % width of lot	minimum width

ZV(R)2023-0130 & 0131)

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.

Vice Chair Goggin read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Lisbeth Martinez, owner, submitted four zoning variance requests to legalize an existing driveway, and existing patios for the property located at 170 NW 161 Avenue in the Spring Valley neighborhood which is zoned Single-Family Residential Zoning District (R-1B).

On August 20, 2023, the City's Code Compliance Division cited the property owner (Case No. 23083387) for work done without building permits.

On August 28, 2023 the owner submitted a building permit application (RX23-11216) to construct a driveway at the property; however, the permit application cannot be approved as the work done exceeds the limitations of the City's Land Development Code (LDC).

The petitioner specifically is asking:

- **ZV(R)2023-0128** is to allow 63% of front lot coverage (total) instead of the required 35% of front lot coverage (total) for an existing driveway in a single-family residential lot. **(TABLED)**
- **ZV(R)2023-0129** is to allow zero-foot (0') radius instead of the required five-foot (5') radius for an existing circular driveway in a single-family residential lot. **(TABLED)**
- **ZV(R)2023-0130** is to allow four-foot (4') side setback along a portion of the northern property line instead of the required five-foot (5') side setback for an existing patio. **(TABLED)**
- **ZV(R)2023-0131** is to allow 1.8' side setbacks along a segment of the southern property line instead of the required five-foot (5') side setback for an existing patio. **(TABLED)**

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The above variance requests were heard by the Board on February 1, 2024, meeting. The applicant was directed to reconsider the requests and to possibly provide an alternative plan to further reduce the amount of existing paving at the property.

Per the updated plan, the petitioner is still moving forward with changes to existing conditions as presented during the February 2 meeting. The new plan also includes the reduction of approximately one hundred square-foot area of concrete from the front yard, re-establishing the footprint of the existing driveway to pre-ownership change conditions (see survey 3/18/2021)

Per the new plan the applicant will be:

- Removing approximately one hundred square-foot strip of concrete from the front yard.
- Providing five-foot radius for circular driveway.
- Cutting back, reducing the existing patio width along the northern property line to provide four feet side setback.
- Cutting back, reducing the existing patio footprint along the western property line to provide the required five-foot rear setback.

Due to the applicant's modifications, the new plan complies with the LDC's five-foot radius requirement for circular driveways, therefore ZV(R)2023-0129 is no longer needed.

The petitioner still is requesting:

- **ZV(R)2023-0128** is to allow ~~63%~~ 54% of front lot coverage (total) instead of the required 35% of front lot coverage (total) for an existing driveway in a single-family residential lot.
- ~~**ZV(R)2023-0129** is to allow zero-foot (0') radius instead of the required five-foot (5') radius for an existing circular driveway in a single-family residential lot.~~
- **ZV(R)2023-0130** is to allow four-foot (4') side setback along a portion of the northern property line instead of the required five-foot (5') side setback for an existing patio.
- **ZV(R)2023-0131** is to allow 1.8' side setbacks along a segment of the southern property line instead of the required five-foot (5') side setback for an existing patio.

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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 subject property is in the Spring Valley neighborhood. The applicant has provided a copy of the Homeowner Association (HOA) Letter(s) dated November 14, 2023.

VARIANCE REQUEST DETAILS:

ZV(R)2023-0128 to allow ~~63%~~ 54% of front lot coverage (total) instead of the required 35% of front lot coverage (total) for an existing driveway in a single-family residential lot.

~~**ZV(R)2023-0129** to allow zero-foot (0') radius instead of the required five-foot (5') radius for an existing circular driveway in a single-family residential lot.~~

ZV(R)2023-0130 to allow four-foot (4') side setback along a portion of the northern property line instead of the required five-foot (5') side setback for an existing patio.

ZV(R)2023-0131 to allow zero-foot augmenting to 1.8' side setbacks along a segment of the southern property line instead of the required five-foot (5') side setback for an existing patio.

Code References:

ZV(R)2023-0128)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Circular	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40% lot coverage for zero lot line. 40 % width of lot	[1] Shall include 5 foot radius between driveway and lot line [2] 10 foot minimum width

ZV(R)2023-0130 & 0131)

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	N/A.

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Lisbeth Lopez Martinez, petitioner, spoke to the variance request. She stated that the driveway circle has been modified and driveway is closer to original by removal of pavers and some concrete was cut back. This new size still is requested due to the disabled person living in the home. Petitioner confirmed that the drainage goes to the drainage basin in the front of the house and neighbors have never had flooding problems. It was stated also that ZV(R)2023-0129 is no longer needed, as changes have been made to meet Code allowances.

The members of the board who spoke to the variance request were Vice Chair Goggin Members Abbondandolo and Crawl, 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 Crawl, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0128, under Sec. 155.301(O)(1)(c), allow 54% of front lot coverage (total) instead of the required 35% of front lot coverage (total) for an existing driveway passed unanimously.

A motion by Member Crawl, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0130, under Sec. 155.301(O)(1)(c), allow four-foot (4') side setback along a portion of the northern property line instead of the required five-foot (5') side setback for an existing patio passed unanimously.

A motion by Member Crawl, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0131, under Sec. 155.301(O)(1)(c), allow zero-foot augmenting to 1.8' side setbacks along a segment of the southern property line instead of the required five-foot (5') side setback for an existing patio failed unanimously.

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VARIANCE FILE NUMBERS: ZV(R)2023-0132 - 0138

PETITIONER:

Hector & Anna Perez

ADDRESS:

SUBJECT PROPERTY:

16310 NW 19 Street
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:

Lot 379, 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)2023-0132) a 41% 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)2023-0133) a 49% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property.

ZV(R)2023-0134) a 0' side setback (western) instead of the allowed 5' side setback for an existing patio on a zero-lot line property.

ZV(R)2023-0135) a 0' rear setback along the entire length of the rear property line instead of the allowed 5' rear setback for an existing patio on a zero-lot line property.

ZV(R)2023-0136) a 4'-11' rear setback for an existing attached hard roofed structure instead of the allowed 15' rear setback for an attached hard roofed structure on a zero-lot line property.

ZV(R)2023-0137) a 0' rear and 2'-10" eastern side setback for the existing patio and hard roofed structure without a six foot high concrete block privacy wall instead of with the required six foot high concrete block privacy wall installed along the entire length of the accessory structure on a zero-lot line property.

ZV(R)2023-0138) a 48% maximum lot coverage for all buildings and structures instead of the required 45% maximum lot coverage on a zero-lot line property.

REFERENCES:

ZV(R)2023-0132 - 0133) (Driveway)

ZV(R)2023-0134 - 0135) (Patio)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway,	0 feet	0 on the	15 feet	N/A	N/A	40% front	

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Zero Lot Line*		zero side, 5 feet on the nonzero side	155.600(B)			lot coverage 40 % width of lot	[1] 10 foot minimum width
Deck or Patio	Primary Building	5 feet	5 feet	5 feet	N/A	N/A	N/A

ZV(R)2023-0136 & 0138) All Buildings and Accessory Structures)

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

ZV(R)2023-0137) (Attached Hard Roofed Structure)

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.

Vice Chair Goggin read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Hector Perez, owner, has submitted seven residential zoning variance requests to legalize an existing driveway, an existing patio, and an existing roofed structure (attached) for the single-family residence located at 16310 NW 19 Street in Parkside at Spring Valley neighborhood which is zoned Residential Single-Family Zero Lot Line (R-1Z).

On July 13, 2023, the City's Code Compliance Division cited the property owner (Case No. 230702915) for work performed without building permits.

In July 24, 2023, the owner submitted a building permit application (No. RX23-09354) 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).

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The applicant originally requested:

- **ZV(R)2023-0132** is to allow 41% front lot coverage (total) instead of the required 40% front lot coverage (total) for an existing driveway on a zero-lot line property. **(APPROVED 2/1/2024)**
- **ZV(R)2023-0133** is to allow 49% width of lot instead of the allowed 40% width of lot for an existing driveway on a zero-lot line property. **(APPROVED 2/1/2024)**
- **ZV(R)2023-0134:** to allow zero-foot (0') side setback along a segment of the western property line instead of the required five feet (5') side setback for an existing 39'-2' x 15' patio. **(TABLED)**
- **ZV(R)2023-0135:** to allow zero-foot (0') rear setback along the entire length of the rear property line instead of the required five feet (5') rear setback for an existing 50' x 15' patio. **(TABLED)**
- **ZV(R)2023-0136:** to allow four-foot, eleven-inch (4'-11") rear setback along a segment of the southern property line instead of the required fifteen-foot (15') rear setback for an existing 31.8' x 11' roofed structure, attached to the rear of the house's rear wall in a residential single-family zero lot. **(TABLED)**
- **ZV(R)2023-0137:** to allow zero-foot (0') and two-foot, ten-inch (2'-10") side setback along the eastern property line instead of the required five-foot (5') side setback for the existing 31.8' x 11' roofed structure and existing patio without a six-foot-high concrete block privacy wall in a residential single-family zero lot. **(TABLED)**
- **ZV(R)2023-0138:** to allow a Maximum Lot Coverage of 48% (all buildings) instead of the allowed 45% Maximum Lot Coverage (all buildings) for and existing 31.8' x 11' roofed structure, attached to the rear of the house's rear wall in a residential single-family zero lot. **(TABLED)**

The above variance requests were heard by the Board on February 1, 2024. The Board approved ZV(R)2023-0132 and ZV(R)2023-0133 for front lot coverage and driveway width; however, during the meeting, the petitioner was asked to reconsider the other requests made to the board to leave and allow the existing patios at location up to property lines, encroaching into required rear and side setbacks.

Per the updated request, the petitioner's new plan is removing the excess of existing paving for the existing patios along southern, eastern and western property lines to meet the LDC's required five-foot (5') rear and side setbacks; as result of the proposed modifications, variance requests ZV(R)2023-0134, ZV(R)2023-0135, ZV(R)2023-0137 and ZV(R)2023-0138 are no longer needed, therefore, they are deemed "void."

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The petitioner would like to retain some of the non-permitted work detected via Code Compliance Case. Mr. Perez is specifically asking:

- **ZV(R)2023-0136:** to allow four-foot, eleven-inch (4'-11") rear setback along a segment of the southern property line instead of the required fifteen-foot (15') rear setback for a 27.8' x 11' roofed structure, attached to the rear of the house's rear wall in a residential single-family zero lot.
- **ZV(R)2023-0138:** to allow a Maximum Lot Coverage of 47% (all buildings) instead of the allowed 45% Maximum Lot Coverage (all buildings) for and existing 31.8' x 11' 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 requests 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) Letter, dated January 12, 2015.

VARIANCE REQUEST DETAILS:

ZV(R)2023-0136 is to allow four-foot, eleven-inch (4'-11") rear setback along a segment of the southern property line instead of the required fifteen-foot (15') rear setback for an existing 27.8' x 11' roofed structure, attached to the rear of the house's rear wall in a residential single-family zero lot.

ZV(R)2023-0138 is to allow a Maximum Lot Coverage of 47% (all buildings) instead of the allowed 45% Maximum Lot Coverage (all buildings) for and existing 31.8' x 11' roofed structure, attached to the rear of the house's rear wall in a residential single-family zero lot.

Code references:

(All Buildings and Accessory Structures)

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

Hector Perez, petitioner, spoke to the variance request. He stated that changes have been made to prior requests. ZV(R)2023-0134 and ZV(R)2023-0135 are no longer needed as changes have been made to meet Code allowances.

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It was noted that ZV(R)2023-0132 and ZV(R)2023-0133 were approved at the February 1, 2024 meeting.

The member of the board who spoke to the variance request was 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 Member Crawl, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0136, under Sec. 155.301(O)(1)(c), to allow a four-foot, eleven-inch (4'-11") rear setback along a segment of the southern property line instead of the required fifteen-foot (15') rear setback for an existing 31.8' x 11' roofed structure, attached to the rear of the house's rear wall in a residential single-family zero lot passed unanimously.

A motion by Member Crawl, seconded by Member Abbondandolo, to grant variance request ZV(R)2023-0138, under Sec. 155.301(O)(1)(c), to allow a Maximum Lot Coverage of 47% (all buildings) instead of the allowed 45% Maximum Lot Coverage (all buildings) for and existing 31.8' x 11' roofed structure, attached to the rear of the house's rear wall in a residential single-family zero lot passed unanimously.

NEW BUSINESS:
VARIANCE:

VARIANCE FILE NUMBER: ZV(R)2024-0001

PETITIONER:
Rena Deopersaud

ADDRESS:
SUBJECT PROPERTY:
16395 NW 19 Street
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:
Lot 371, 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.

VARIANCE REQUESTED:

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Petitioner is requesting variances to allow a 5' rear setback for an existing attached hard roofed structure instead of the required 15' rear setback for an attached hard roofed structure on a zero-lot line property.

Code Reference:

(All Buildings and Accessory Structures)

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

Vice Chair Goggin read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Rena Deopersaud, owner, has submitted a residential zoning variance request to legalize an existing roofed structure (attached) for the single-family residence located at 16395 NW 19 Street in Parkside at Spring Valley neighborhood which is zoned Residential Single-Family Zero Lot Line (R-1Z).

On May 14, 2020, the City's Code Compliance Division cited the property owner (Case No. 119555) for work performed without building permits.

On October 26, 2022, the owner submitted a building permit application (No. RO22-08433) to build a roofed structure, attached to the rear's of the house's rear wall; however, the building permit cannot be approved as the existing roofed structure exceeds the limitations of the City's Land Development Code (LDC).

The applicant is requesting:

- **ZV(R)2024-0001:** to allow five-foot (5') rear setback along a segment of the northern property line instead of the required fifteen-foot (15') rear setback for an existing 39.90' x 10' roofed structure, attached to the rear wall of the house in single-family residential, zero-lot.

After reviewing the applicant's initial request and, per the property's survey, it was detected that the existing patio encroached into the required side and rear setbacks. The survey also

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revealed an existing “wood stucco” building erected to the east side of the house (See plan/survey attached)

Per staff review of the city’s archives, no building permits can be found for the detected work at the property. Nevertheless, according to the Broward County Property Appraiser Imagery, it appears the roofed structure and patios have existed at the property since at least 2020.

Planning and Economic Development Staff worked with the applicant to identify potential modifications to the nonpermitted work that could be made to meet the regulations of the City’s LDC. The petitioner is presenting the request that includes the following modifications to the non-permitted work:

- Demolition of existing non permitted “wood stucco” building located to the east side of the house’s building. Demolition Permit Application No. RO24-00109.
- Reduction of the existing patio’s footprint to the east side of the house’ building to meet the LDC’s required five-foot (5’) side setback.
- Reduction of the existing patio’s footprint to the north side of the house to meet the LDC’s required five-foot (5’) rear 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.

The subject property is in the Parkside Spring Valley neighborhood. The applicant has provided Homeowner Association (HOA) Letter dated March 10, 2023.

VARIANCE REQUEST DETAILS:

ZV(R)2024-0001 is to allow five-foot (5’) rear setback along a segment of the northern property line instead of the required fifteen-foot (15’) rear setback for an existing 39.90’ x 10’ roofed structure, attached to the rear wall of the house in single-family residential, zero-lot.

Code Reference:

(All Buildings and Accessory Structures)

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

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Rear Setback	15 feet
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Rena Deopersaud, petitioner, spoke to the variance request. She stated that the shed on the side of the house is going to be taken down as the variance request is for the gazebo and the white awning shed. She has HOA approval and confirmed it will not be closed in. She confirmed there are gutters on the home. There was concrete on side of house when she purchased, those are now pavers. The build was done during Covid without pavers and will have to meet engineering standards now for permitting. The metal roof was built to withstand high winds and has no leaks.

The members of the board who spoke to the variance request were Vice Chair Goggin, Members Abbondandolo and Crawl, 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 Crawl, seconded by Member Siddiqui, to grant variance request ZV(R)2024-0001, under Sec. 155.301(O)(1)(c), allow a 5' rear setback for an existing attached hard roofed structure instead of the required 15' rear setback for an attached hard roofed structure on a zero-lot line property passed unanimously.

VARIANCE FILE NUMBERS: ZV(R)2024-0002 & 0003

PETITIONER:

Krystal Thompson

ADDRESS:

SUBJECT PROPERTY:

13736 NW 18 Street
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:

Lot 31, of the PEMBROKE FALLS -PHASE 4 PLAT, according to the Plat thereof as recorded in Plat Book 160, Page 33B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

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Petitioner is requesting variances to allow:

ZV(R)2024-0002) a 53% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

ZV(R)2024-0003) a 3'-4" augmenting to 4'-7" side setback along the eastern property line instead of the required five feet (5') side setback for an existing deck / patio.

REFERENCES:

ZV(R)2024-0002 & 0003)

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
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

PROJECT DESCRIPTION / BACKGROUND:

Krystal Thompson, owner, has submitted two Residential Zoning Variance requests to legalize a driveway and patio/walkway, both existing on the property located at 13736 NW 18 Street. The property is part of the Pembroke Falls Planned Unit Development (PUD) and follows the guidelines for single-family homes with lots larger than 11,250 square feet. The PUD guidelines do not address driveways walkways; therefore, the provisions of the City's Land Development Code (LDC) are applicable.

On August 20, 2021, the City's Code Compliance Division cite the property for work performed without building permits (Case No. 66163).

On January 6, 2022, the owner submitted a building permit application (No. BUL-264857) to build a circular driveway, patio/walkway at the property; however, the permit cannot be

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approved as the existing driveway and patio/walkway exceed the limitations and requirements of the City's LDC. The applicant is requesting the following:

- **ZV(R) 2024-0002** is to allow 53% front lot coverage (total) instead of the required 35% front lot coverage (total) for an existing circular driveway in a residential single-family, typical lot.
- **ZV(R) 2024-0003** is to allow a three-foot, three-inch (3' - 3") side setback instead of the required five-foot (5') for an existing (3' x 100') patio/walkway along the eastern side property line.

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 in Pembroke Falls. The applicant has provided a copy of the Homeowner Association (HOA) approval, dated October 10, 2023.

VARIANCE REQUEST DETAILS:

ZV(R)2023-0002) to allow 53% front lot coverage (total) instead of the required 35% front lot coverage (total) for an existing circular driveway in a residential single-family, typical lot.

ZV(R)2023-0003) to allow a three-foot, three-inch (3' - 3") side setback instead of the required five-foot (5') for an existing (3' x 100') patio/walkway along the eastern side property line.

REFERENCES:

ZV(R)2024-0002 & 0003)

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
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

Krystal Thompson, petitioner, spoke to the variance request. She stated she had hired a

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contractor to put in driveway and contractor did not pull permits. She discovered this after the work was done and she was sighted by Code Enforcement. The HOA did approve the landscaping and driveway. She confirmed there are three cars and that the pavers are travertine set in sand. She also has an attorney with her, Robert Liguori, who is assisting her and other homeowners in the community who have fallen victim to this contractor.

The members of the board who spoke to the variance request were Vice Chair Goggin, Member Crawl, Alternate Member Siddiqui.

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

Albert Mendez from the public asked to speak to the variance request. He stated the house is beautiful and believes she has been robbed by the contractor, as many others in the community have also been mislead by this contractor.

A motion by Member Crawl, seconded by Member Abbondandolo, to grant variance request ZV(R)2024-0002, under Sec. 155.301(O)(1)(c), allow a 53% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway passed unanimously.

A motion by Member Crawl, seconded by Member Abbondandolo, to grant variance request ZV(R)2024-0003, under Sec. 155.301(O)(1)(c), allow a 3'-4" augmenting to 4'-7" side setback along the eastern property line instead of the required five feet (5') side setback for an existing deck / patio passed unanimously.

VARIANCE FILE NUMBERS: ZV(R)2024-0004 - 0007

PETITIONER:

Silvana & Alfonso Ibanez

ADDRESS:

SUBJECT PROPERTY:

13905 NW 16 Drive
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:

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Lot 9, Block 17, of the PEMBROKE FALLS -PHASE 5 PLAT, according to the Plat thereof as recorded in Plat Book 164, Page 7B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R)2024-0004) a 53% total front lot coverage instead of the required 35% total front lot coverage for an existing circular driveway.

ZV(R)2024-0005) a 49% width of lot instead of the allowed 40% width of lot for an existing circular driveway.

ZV(R)2024-0006) a 1'-3" side setback along the eastern property line instead of the required five feet (5') for an existing circular driveway.

ZV(R)2024-0007) a 1'-3" side setback along the eastern property line instead of the required five feet (5') for an existing deck / patio.

REFERENCES:

ZV(R)2024-0003 - 0006)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Circular*	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40% lot coverage for zero lot line. 40 % width of lot	[1] Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

ZV(R)2024-0007)

Pembroke Falls PUD Guidelines:

ARCHITECTURAL DESIGN GUIDELINES, Q. Pools, Spas, Patios and Screen Enclosures:

2. Setbacks for screen enclosures and patios with or without accessory pools, side (interior) setback 5'

PROJECT DESCRIPTION / BACKGROUND:

Alonso and Silvana Ibanez, owners, submitted four zoning variance requests to legalize an existing driveway and patio for the property located at 13905 NW 16 Drive. The property is part of Pembroke Falls Planned Unit Development (PUD) and follows the guidelines for single-

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family homes with a lot larger than 11,250 square feet. The PUD guidelines do not address front lot coverage, driveway width, setbacks; therefore, the provisions of the City's Land Development Code (LDC) are applicable.

On December 13, 2022, the City's Code Compliance Division cited the property owner (Case No. 221002113) for work done without building permits.

On January 29, 2023 the owner submitted a building permit application (RX23-01210) to construct a circular driveway and patio at the property; however, the permit application cannot be approved as the work done exceeds the limitations of the City's Land Development Code (LDC).

The petitioner specifically is asking:

- **ZV(R)2024-0004:** to allow 53% of front lot coverage (total) instead of the required 35% of front lot coverage (total) for an existing circular driveway in a single-family residential lot.
- **ZV(R)2023-0005:** to allow 49% of the lot's width instead of the required 40% of lot's width for an existing circular driveway in a single-family residential lot.
- **ZV(R)2023-0006:** to allow one-foot, three-inch (1' – 3") side setback along a segment of the eastern property line instead of the required five-foot setback for existing circular driveway in a single-family residential lot.

After reviewing the applicant's initial request and, per the updated property survey (10/26/2023), it was detected an existing patio along the eastern side of the property line, encroaching into the required five-foot (5') side setback (See survey attached).

Per staff review, of city's archives, there are no permit records for the work detected via Code Violation; however, the form of the circular driveway has existed at the property in similar condition since 2002 (Permit No. 22000295).

Planning and Economic Development Staff identified zoning conflicts regarding the existing conditions of the work done without permits. The petitioner would like to move forward with the requests to retain the existing non-permitted items at the dimensions at the existing location. The applicant specifically is requesting:

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- **ZV(R)2023-0007:** to allow one-foot, three-inch (1' – 3") augmenting to two-foot, nine-inch (2' – 9") side setback instead of the PUD required five-foot side setback along a segment of the eastern property line for an existing patio.

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 subject property is in the Pembroke Falls neighborhood. The applicant has not provided a copy of the Homeowner Association (HOA) Letter of approval.

VARIANCE REQUEST DETAILS:

ZV(R)2024-0004: to allow 53% of front lot coverage (total) instead of the required 35% of front lot coverage (total) for an existing circular driveway in a single-family residential lot.

ZV(R)2023-0005: to allow 49% of the lot's width instead of the required 40% of lot's width for an existing circular driveway in a single-family residential lot.

ZV(R)2023-0006: to allow one-foot, three-inch (1' – 3") side setback along a segment of the eastern property line instead of the required five-foot setback for existing circular driveway in a single-family residential lot.

ZV(R)2023-0007: to allow one-foot, three-inch (1' – 3") augmenting to two-foot, nine-inch (2' – 9") side setback instead of the PUD required five-foot (5.0') side setback along a segment of the eastern property line for an existing patio.

Code References:

ZV(R)2024-0003 - 0006)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Circular*	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40% lot coverage for zero lot line. 40 % width of lot	[1] Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

ZV(R)2024-0007)

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Pembroke Falls PUD Guidelines:

ARCHITECTURAL DESIGN GUIDELINES, Q. Pools, Spas, Patios and Screen Enclosures:

2. Setbacks for screen enclosures and patios with or without accessory pools, side (interior) setback 5'

Alfonso Ibanez, petitioner, spoke to the variance request. He appeared with Robert Brand, his representative who stated the old pavers were replace with travertine in sand, due to person in home having health problems and wanted to create a smooth walkway, so no trips or falls would occur due to the pavers. Petitioner also stated there have been no flooding issues to his yard or the neighbors behind him. It was confirmed the lot is pie-shaped, but the work was done without permits, which will be applied for if variances are granted.

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

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

Albert Medina from the public asked to speak to the variance request, stating that their home is also beautiful and supports the petitioner.

A motion by Member Crawl, seconded by Alternate Member Siddiqui, to grant variance request ZV(R)2024-0004, under Sec. 155.301(O)(1)(c), allow a 53% total front lot coverage instead of the required 35% total front lot coverage for an existing circular driveway passed unanimously.

A motion by Member Crawl, seconded by Alternate Member Siddiqui, to grant variance request ZV(R)2024-0005, under Sec. 155.301(O)(1)(c), allow a 49% width of lot instead of the allowed 40% width of lot for an existing circular driveway passed unanimously.

A motion by Member Crawl, seconded by Member Abbondandolo, to grant variance request ZV(R)2024-0006, under Sec. 155.301(O)(1)(c), allow a 1'-3" side setback along the eastern property line instead of the required five feet (5') for an existing circular driveway passed

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unanimously.

A motion by Member Crawl, seconded by Member Abbondandolo, to grant variance request ZV(R)2024-0007, under Sec. 155.301(O)(1)(c), allow a 1'-3" side setback along the eastern property line instead of the required five feet (5') for an existing deck / patio passed unanimously.

STAFF CONCERNS:

Christian Zamora stated the April meeting has a full agenda and will be held on April 4, 2024.

ADJOURNMENT:

Vice Chair Goggin adjourned the meeting at 7:53 P.M.

Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: 7:53 P.M.
Approved: