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Board of Adjustment

**City of Pembroke Pines
Pembroke Pines, FL**

December 7, 2017

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Ryan on Thursday, December 7, 2017 at 6:30 P.M., in the City Commission Chambers, City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

PRESENT: Chairman Ryan, Members Goggin, Hendry and Parlavecchio; Alternate Member Siddiqui

ABSENT: Vice Chairman Rodriguez-Soto and Alternate Member Almeria

ALSO PRESENT: City Attorney Jim Cherof, Dean Piper, Zoning Administrator, and Board Secretary Katherine Borgstrom

Board Secretary called roll and declared a quorum present.

APPROVAL OF THE MINUTES:

On a motion by Member Goggin, seconded by Member Parlavecchio, to approve the minutes of the November 2, 2017 meeting, the following vote was recorded:

AYE: Chairman Ryan, Members Goggin, Hendry and Parlavecchio; Alternate Member Siddiqui

NAY: None

Motion Passed

LEGAL INSTRUCTION:

City Attorney Jim Cherof 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

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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.

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

NEW BUSINESS:

VARIANCES:

VARIANCE FILE NUMBER: ZV(R) 2017-08

PETITIONER:

Mark Khayata

ADDRESS:

SUBJECT PROPERTY:

8360 NW 23 Street
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 11, Block 7, of the PEMBROKE LAKES PLAT, according to the plat thereof as recorded in Plat Book, 65 Page 1B, of the Public Records of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 7.3' rear yard setback instead of the required 15' rear yard setback for a roofed patio.

REFERENCE:

§ 155.106 One-Family Dwelling (R-1A through R-1C) Districts (E) Yards. (3) Rear yard. (a) Residential uses. Every plot used for a one-family dwelling shall have a rear yard not less than 15 feet in depth.

Petitioner Mark Khayata spoke to the variance request. He is requesting the variance because he would like to put a flat roof over an existing patio deck that was already on property when he purchased the home. He has no intentions to enclose the structure, nor to bring the floor level up to the home level. This would be a roof extension of 24' by 15'. There is a pool but it is not screened currently. The old survey

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shows a screened area but it was damaged and the homeowner took the structure down to avoid a hazard situation.

Members who spoke to the request were Chairman Ryan, Members Hendry and Goggin.

Dean Piper explained that the slab itself only required 5' set back, but the roof would require a 15' set back, but the roof will not extend over the edge of the slab at the rear yard. Mr. Piper also stated he is not aware of any utilities in the easement, but it will be two feet short of the easement. Homeowner recognizes his responsibilities of the easements for utilities. Neighbor has submitted approval in writing in support of Mr. Khayata.

No one from the public came forward to speak to the variance.

On a motion by Member Parlavecchio, seconded by Member Hendry, to approve ZV(R) 2017-08, to allow a 7.3' rear yard setback instead of the required 15' rear yard setback for a roofed patio, with the condition that the area will never be enclosed and the floor will not be brought up to the level of the home, under Sec. 32.034 (2) (C), the following vote was recorded:

AYE: Chairman Ryan, Members Hendry, Goggin and Parlavecchio, Alternate
Member Siddiqui

NAY: None

Motion Passed

VARIANCE FILE NUMBER: ZV(R) 2017-09

PETITIONER:
Chris Sabo

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ADDRESS:**SUBJECT PROPERTY:**

20850 NW 14 Street
Pembroke Pines, FL 33029

LEGAL DESCRIPTION:

A portion of Parcel "G" of the CHAPEL TRAIL II PLAT, according to the plat thereof as recorded in Plat Book, 112 Page 16, of the Public Records of Broward County, Florida. A.K.A Lot 142 of "Hidden Lake at Chapel Trail".

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 0' rear yard setback instead of the required 5' rear yard setback for a pool and deck.

REFERENCE:

Chapel Trail Planned Unit Development (PUD) Guidelines

Petitioner Chris Sabo spoke to variance request. Petitioner explained his legal name is Ralph Fernandez, used Chris Sabo for purchase of home as he is a law enforcement officer. He stated that there is a wetland mitigation land behind his home and on the other side of that is the Somerset High School football field. Petitioner wants to build a pool and this is not a zero lot line lot. Dean Piper advised there is a 5' set back on all sides. Petitioner stated that if they cannot go into the setback, they cannot build a pool large enough to accommodate their needs.

Members who spoke to the petition were Chairman Ryan, Members Parlavecchio, Goggin, Hendry, and Alternate Member Siddiqui.

Dean Piper acknowledged there are no utilities in the wetland and the drainage district would have no involvement in the area. The ownership of the wetland is attributed to the Hidden Lake Association. Both the HOA and the Chapel Trail Planned Unit Development have given approval for the variance. Petitioner stated that no one

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maintains the wetland in general. Dean Piper advised that it is not a lake or body of water, no drainage, so South Broward Drainage District has no involvement in this area.

Chairman called son of petitioner, Cristian Fernandez, to the podium who spoke his approval of the request.

On a motion by Member Hendry, seconded by Member Goggin, to approve ZV(R) 2017-09, to allow a 0' rear yard setback instead of the required 5' rear yard setback for a pool and deck, under Sec. 32.034 (2) (C), the following vote was recorded:

AYE: Chairman Ryan, Members Hendry, Goggin and Parlavecchio; Alternate
Member Siddiqui

NAY: None

Motion Passed

EXCUSED ABSENCES:

On a motion by Member Parlavecchio, seconded by Member Goggin, to excuse the absence of Vice Chairman Rodriguez-Soto and Alternate Member Almeria from the December meeting, the following vote was recorded:

AYE: Chairman Ryan, Members Hendry, Goggin and Parlavecchio; Alternate
Member Siddiqui

NAY: None

Motion Passed

NEW BUSINESS:

There was no new business.

ADJOURNMENT:

The Chairman adjourned the meeting at 6:58 P.M.

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Respectfully submitted:

CITY OF PEMBROKE PINES
BOARD OF ADJUSTMENT

Katherine Borgstrom
Board Secretary

Adjourned: 6:58 P.M.
Approved: