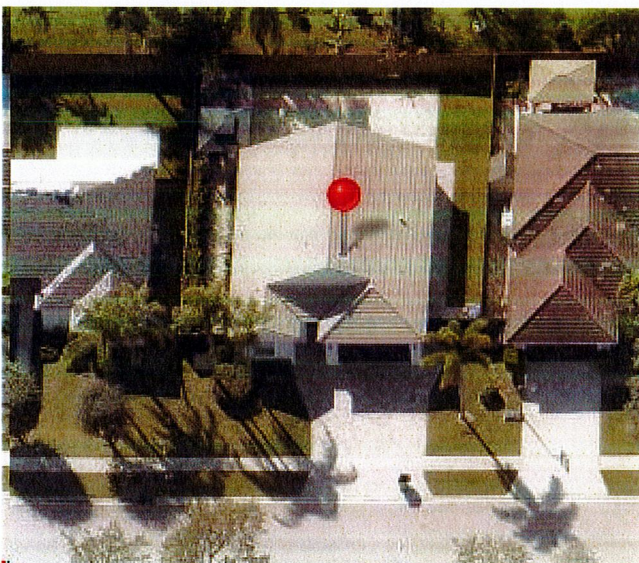
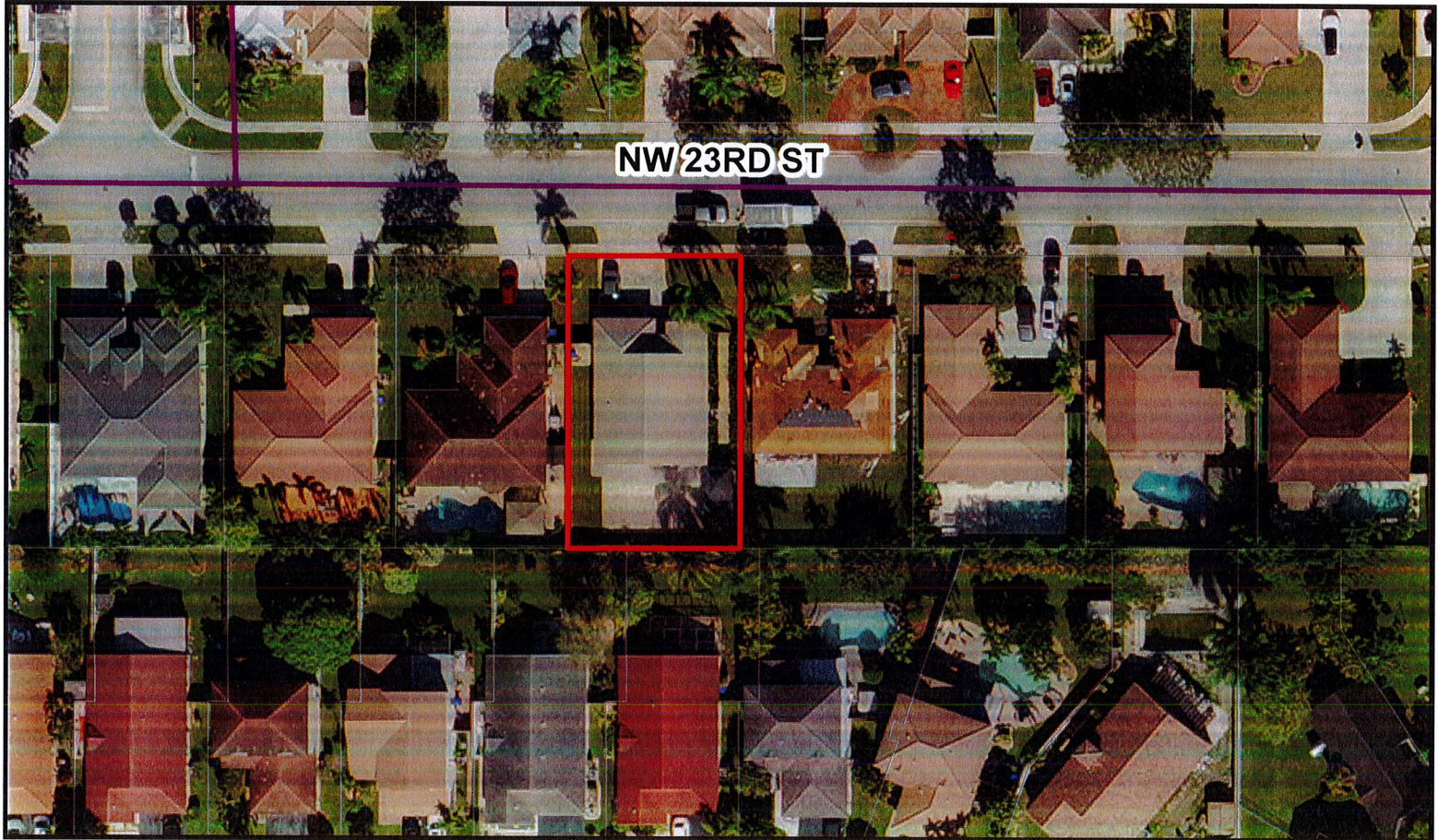


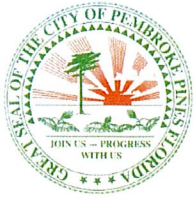
Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department

ZV(R) 2023-0084-0085
Zoning Variances

DE LA PEZUELA, MARTA
18652 NW 23 ST PEMBROKE PINES FL 33029





City of Pembroke Pines
Planning & Economic Development Department
601 City Center Way 3rd Floor
Pembroke Pines FL, 33025

Summary

Agenda Date:	September 7, 2023	Application ID:	ZV(R)2023-0084-0085
Project:	Driveway, Deck, or patio.	Pre-Application Number:	PRE2023-0063
Project Planner:	Christian Zamora, Senior Planner		
Owner:	Marta De La Pezuela	Agent:	N/A
Location:	18652 NW 23 Street Pembroke Pines, FL 33029		
Existing Zoning:	Planned Unit Development (PUD)	Existing Land Use:	Residential
Reference Applications:	Code Compliance Case No. 220500347 (Issued 05/20/2022), Building Permit Application No. RX22-03944 (Applied 06/27/2022)		
Variance Summary			
Application	Code Section	Required/Allowed	Request
ZV(R) 2023-0084	Table 155.620: Accessory Structures: Driveway, Zero Lot	35% Front Lot Coverage (Total)	38% Front Lot Coverage (Total)
ZV(R) 2023-0085	Table 155.620: Accessory Structures: Deck or patio*	Five Feet (5') side setback	Four Feet (4') side setback (eastern property line)
Final:	<input type="checkbox"/> Planning & Zoning Board		<input checked="" type="checkbox"/> Board of Adjustment
Reviewed for the Agenda:	Director: <u>MS</u> Assistant Director: <u>54</u>		

PROJECT DESCRIPTION / BACKGROUND:

Marta De la Pezuela, owner, submitted two residential zoning variance requests to legalize an existing driveway and patio for the single-family residence located at 18652 NW 23 Street in Keystone Lake neighborhood. The property is part of the Big Sky Planned Unit Development (PUD) and follows PUD Zone SF-1 (single-family conventional lot) guidelines. The PUD does not address driveways, walkways, or patios; 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 and patio/walkway; however, the permit cannot be approved as the existing work exceeds the limitations of the City's Land Development Code (LDC).

The owner is requesting:

- **ZV(R) 2023-0084** is to allow a 38% front lot coverage (total) instead of the allowed 35% front lot coverage (total) in a typical single family residential lot for an existing driveway.

Per the survey, there are existing paved areas along the east and west side yards of the home's structure, closer than the required five-foot (5') setbacks. The applicant, via demolition permit (R022-09445) is permanently removing gazebo, reducing the footprint of unpermitted driveway, and patio.

Nevertheless, the applicant would like to keep the existing three-foot wide walkway located on the side yard (west) and running parallel to the western property line. Specifically, the owner is requesting:

- **ZV(R) 2023-0085** is to allow four feet (4') side setback along a portion of the eastern property line instead of the required five feet (5') side setback for an existing fifty-four feet by three feet (54' x 3') patio.

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.

The subject property is in the Keystone Lake neighborhood. No HOA approval has been provided.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0084 is to allow a 38% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing driveway in a typical single-family residential lot.

ZV(R) 2023-0085 is to allow four feet (4') side setback along a portion of the eastern property line instead of the required five feet (5') side setback for an existing fifty-four feet by three feet (54' x 3') deck or patio.

Code References:

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	0 on the zero side, 5 feet on the nonzero side	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40 % width of lot	[1] 10 foot minimum width

ZV(R) 2023-0085)

Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Deck or patio*	Primary Building	5 feet	15 feet	5 feet	N/A	N/A	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

Proposed Plan

HOA Letter of Approval

Letters from neighbors (2)

Code Violation Notice (5/20/2022) and Images



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.ppines.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: 1

Plans for DRC Planner: Demetrius C-2

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 #: 2018 2023-0084-0085
Date Submitted: 6 / 1 / 23 Posted Signs Required: (1) Fees: \$ 600.00

SECTION 1-PROJECT INFORMATION:

* Project Name: _____

* Project Address: 18652 N.W. 23rd St. Pembroke Pines, FL 33029

Location / Shopping Center: N/A

Acreage of Property: 7,183 Building Square Feet: 1,648.

Flexibility Zone: N/A Folio Number(s): 51-39-12-13-0300

Plat Name: Big Sky Traffic Analysis Zone (TAZ): N/A

Legal Description:

Big Sky Plat 158-11 B For TR A DESC AS COMM
SE COR TR A, W 1281.69 TO POB, CONT W 65.30, N 110, E
65.30, S 110 TO POB AKA: LOT 30 Keystone Lake

Has this project been previously submitted? ☐ Yes ☒ No

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

Date	Application	Request	Action	Resolution / Ordinance #	Conditions of Approval
N/A					
N/A					
N/A					
N/A					
N/A					

SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION

* Owner's Name: MARTA de la Pezuela

* Owner's Address: 18652 N.W. 23rd St. Pembroke Pines, FL 33029

* Owner's Email Address: MARTAdLP4@gmail.com

* Owner's Phone: 786-514-4435 Owner's ^{Cell} Fax: 786-514-4435

Agent: N/A

Contact Person: N/A

Agent's Address: N/A

Agent's Email Address: N/A

Agent's Phone: N/A Agent's Fax: N/A

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: Residential

Land Use / Density: Single Family

Use: _____

Plat Name: Big Sky

Plat Restrictive Note: N/A

PROPOSED

Zoning: Residential

Land Use / Density: Single Family

Use: _____

Plat Name: Big Sky

Plat Restrictive Note: N/A

ADJACENT ZONING

North: Residential

South: Residential

East: Residential

West: Residential

ADJACENT LAND USE PLAN

North: Residential

South: Residential

East: Residential

West: Residential

-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: N/A

Code Section: N/A 155.620

Required: N/A 35% of ALC; 5' Side Setback.

Request: East Side walkway installation with NO restrictions
Install Pavers in Driveway, Entrance and Approach with NO
Details of Variance, Zoning Appeal, Interpretation Request: Restrictions

SECTION 5 - LAND USE PLAN AMENDMENT APPLICATION ONLY

☐ City Amendment Only

☐ City and County Amendment

Existing City Land Use: N/A

Requested City Land Use: N/A

Existing County Land Use: N/A

Requested County Land Use: N/A

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

If variances approved for driveway, approach and east side walkway path it would alleviate two issues; the driveway expansion on my property was due for health and safety issues. The driveway was cracked about 1/2 inch and myself and my mom tripped. Also, my mom has an illness in which it is difficult for her to maneuver in and out of my car with her walker and soon to be wheelchair. The size of the driveway is just right so I can open the door wide enough to get her aligned with her walker and not go on the lawn or hit the car parked next to me. This is a much better and safer environment for my mom to move, since her feet and hands are deformed due to her debilitating illness. That though time has made her joints swell, pain and stiffness. If variance approved for East side walkway, it allowed a secure entry and exit to my outside A/C Unit. This area prior to installation of pavers had a lot of standing water and mud. It was hazardous walking through that side. Now there is no more flooding.

Continuation Statement.

I assure you that the job was done in a safe and responsible manner, and to the best of my knowledge all regulations of installment followed. However, I understand that it is my responsibility to ensure that all necessary permits and approvals are obtained before starting any construction project on my property and not leave it to someone else.

Thank you for your consideration.

Infanta de la Pezuela

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.

Xufanta de la Pezuela
Signature of Owner

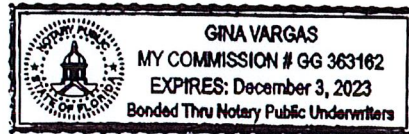
May 19 2023
Date

Sworn and Subscribed before me this 19th day
of May, 2023

Gina Vargas
Signature of Notary Public

12/3/2023
My Commission Expires

Fee Paid



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

Date

Sworn and Subscribed before me this _____ day
of _____, 20____

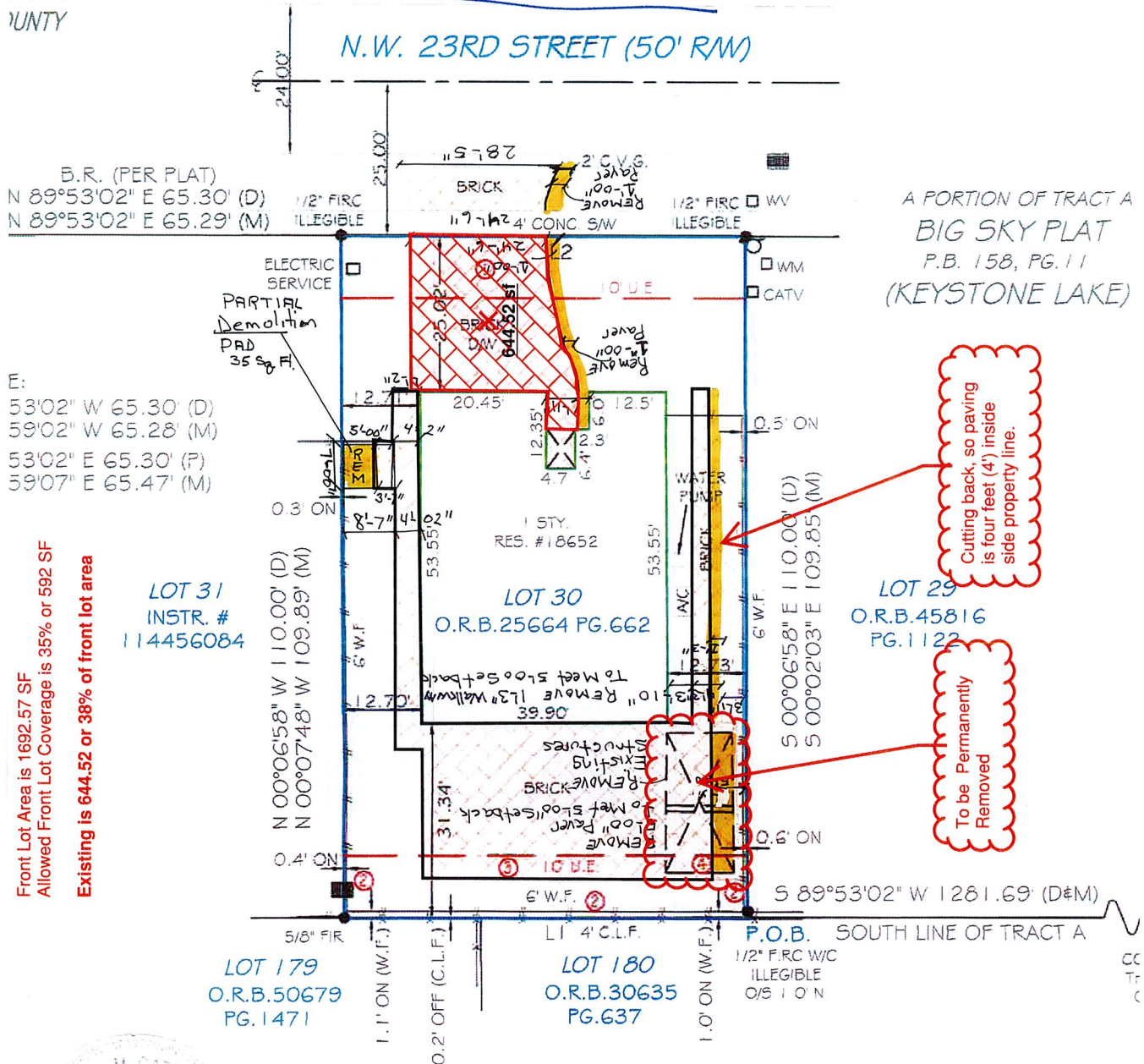
Fee Paid

Signature of Notary Public

My Commission Expires

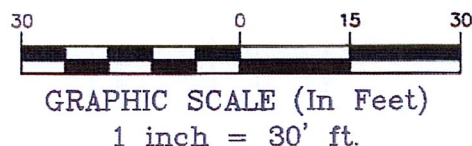
Proposed Plan

SURVEY
COUNTY



I, **ELIPE M. CARVALHO**, of Florida Professional Surveyor License No. 7137, certify that this Boundary Survey of the hereon described property was made by me or under my direction, and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the requirements set forth by the Florida Board of Professional Surveyors in Chapter 5J-17 of the Florida Administrative Code.

ELIPE M. CARVALHO
of Florida Professional Surveyor
License No. 7137



**Keystone Lake Homeowners Association
c/o Pointe Management Group, Inc.
3600 S Congress Ave Suite C
Boynton Beach, FL 33426
Tel# 561-274-3031
Fax# 561-274-3065**

ARCHITECTURAL APPROVAL REQUEST

June 14th,2022

Marta De La Pezuela
18652 NW 23rd Ave
Pembroke Pines, FL 33029

RE: APPROVAL TO INSTALL PAVERS

Dear Homeowner;

Your request to install pavers in driveway, walkway, entrances as per your ARC submitted, was approved.

Work needs to match roof.

Please be sure to check with the City of Pembroke Pines for permitting.

We suggest that you use licensed and insured contractors for the project to be done.

Good Luck with your project.

Sincerely,

Eric Estebanez

Eric Estebanez, Property Manager for the
Board of Directors Keystone Lake HOA

Permission Request to the City of Pembroke Pines

Homeowner: Marta de la Pezuela

Paver Installation of Driveway, Entrance and Approach of 18652 NWs 23rd St. Pembroke Pines, FL 33029

To Whom it May Concern:

We want to take a moment to express our appreciation for the new driveway that our neighbor right across the street at 18652 NW 23rd Street, Pembroke Pines, FL 33029 installed. We must say that the new design looks very appealing and is not an eyesore at all. In fact, it has enhanced the overall look of our neighborhood and it is a pleasure to see a neighbor that takes the time to maintain the aesthetic appeal of our neighborhood.

However, I also wanted to bring to your attention that the expansion was not just for aesthetic purposes. Marta de la Pezuela has been dealing with her mom's illness that has made it difficult for her mother to walk and get in and out of her car. The expansion was necessary to provide them with the extra space they need to move around safely.

We highly recommend the city grant permission for this expansion. It is not only beautiful, but also necessary one to ensure the safety and well-being of her mother.

Sincerely,



Donald Rattenni 18653 NW 23 St. Pembroke Pines, FL 33029



Debra Mensinger 18653 NW 23 St. Pembroke Pines, FL 33029

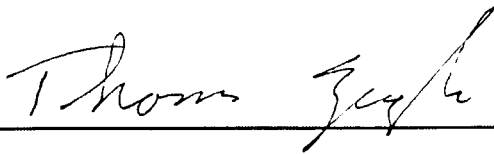
Permission Request to the City of Pembroke Pines

Homeowner: Marta de la Pezuela

Reference: East Side Path of Small and Medium Pavers 47" from Fence. Of 18652 NW 23rd St.
Pembroke Pines, FL 33029

Neighbor's Name: Thomas V. Ziegler 18640 NW 23rd St. Pembroke Pines, FL. 33029

I hereby give my permission to Marta de la Pezuela to have Pavers on the east side of her property. There are no issues with flooding or water retention due to the pavers not being 5 feet from her property line and fence.

A handwritten signature in black ink, reading "Thomas Ziegler", written over a horizontal line.

Thomas V. Ziegler



City of Pembroke Pines
Police Department, Code Compliance Division
601 City Center Way, Pembroke Pines, FL 33025
954-431-4466

VIOLATION WARNING

Case #: 220500347 Date: 5/20/2022
Folio #: 513912130300
Recipient: DE LA PEZUELA, MARTA
Address: 18652 NW 23 ST
PEMBROKE PINES, FL 33029-5323

A physical inspection at 18652 NW 23 ST Pembroke Pines, FL 33029 disclosed the following violation(s) of the City of Pembroke Pines Code:

Chapter:	Section:	Violation:	Comply By Date:
CHAPTER 155: ZONING CODE LDC	155.313 ENFORCEMENT	Observed new driveway on the property - no permit on file.	07/25/2023

Notes/Mean of Correction:

Must obtain a permit for work done on the property. Contact the Building Department at 954.435.6502 with any permitting questions.

YOU ARE HEREBY NOTIFIED TO REMEDY THE CONDITIONS AS STATED ABOVE BY 07/25/2023

This is a courtesy Violation Warning that the above referenced Code Compliance violation(s) currently exist on the subject property. At this time, please take all necessary actions to remedy the violation(s) by the compliance date listed above. If you need additional time to bring the violation(s) into compliance or wish to discuss the violation(s) with the Code Compliance Officer, please immediately contact the undersigned Code Compliance Officer at the phone number listed above.

At this time, no fines or penalties have been assessed against you or recorded as a lien against your property. Failure to timely remedy the violation will result in the issuance of a formal Notice of Violation and Summons to Appear, this Code Compliance matter will be set for a hearing with the City's Special Magistrate. Fines or administrative costs may be assessed by the Special Magistrate once a Notice of Violation and Summons to Appear is issued.

If the violation(s) is corrected and then reoccurs, is not corrected by the time specified for correction by the Code Compliance Officer, or is a repeat violation(s), this case may be presented to the City's Special Magistrate even if the violation(s) has been corrected prior to the hearing.

Please govern yourself accordingly.

Code Compliance Officer - Espy Mize

HAND DELIVERY TO:

Signature is not an admission of guilt but verification of receipt of this notice.



BCPA Imagery: 18652 NW 23 ST PEMBROKE PINES FL 33029 (2020-2021-2023)

