

Residential Variance Appeal ZV(R) 2024-0083 Max Probst & Yahaira Manon,
2220 NW 93rd Way – 12-05-2024 Board of Adjustment-Verbatim Request

Transcript ZVR 2024-0082 through 2024-0085 December 5, 2024

Vice Chair Crawl

The first new case before us tonight will be from ZVR 2024 0082 to 0085, Max Probst and Yahaira Manon, located at 2220 NW 93rd Way, in District Two. Will you please come forward please? Yes, please, and sign in at the microphone.

Assistant City Attorney Morgan

Just for the record, Mr. Chair, we are going out of order on the agenda for those who are listening or watching the meeting at a later time.

Vice Chair Crawl

Yeah. Yeah. Yeah. I. Umm. OK, good. Yes. Yeah. Could you state your name, ma'am?

Petitioner

My name is Jahida Manon.

Vice Chair Crawl

Thank you very much. I'd like to read into the record the project description and background for your case.

Yahaira Manon, owner, submitted four residential zoning variance requests to legalize existing construction at the property located at 2220 NW 93rd Way in the Rainbow Lakes Neighborhood which is zoned Residential Single-Family (R-1C).

On October 10, 2023, the City's Code Compliance cited the property (Case No. 231003975) for work performed without building permits.

In March 18, 2024, the owner submitted a building permit application (No. RX24-02852) to construct a driveway at the property; but, the building permit cannot be approved as the existing driveway exceeds the limitations of the City's Land Development Code (LDC).

As a result, of the existing work at the property, the applicant is requesting:

- **ZV(R)2024-0082:** to allow 57% Front Lot Coverage (total) instead of the allowed 40% Front Lot Coverage (total) for an existing driveway in a single-family residential, typical lot

She's also requesting

- **ZV(R)2024-0083:** to allow zero-foot (0') side setback along a segment of the northern property line for an existing driveway in a single-family residential, typical lot.

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After reviewing the applicant's initial request and, per the property survey, it was detected an existing patio and a storage shed on an existing concrete path. The existing structures encroach into the required five-foot side setback; as a result of the changes done at the property, the petitioner would like to include the following requests:

- **ZV(R)2024-0084:** to allow zero-foot (0') side setback along a segment of the northern property line instead of the required five-foot (5') side setback for an existing patio.

Also,

- **ZV(R)2024-0085:** to allow four-foot (4') side setback along a segment of the southern property line instead of the required five-foot (5') side setback for an existing 9' x 10' storage shed on an existing concrete patio..

Per staff review of the city's archives, no building permits can be found for the work detected via code case violation. However, copies of historical surveys utilized for building permits have been gathered, confirming the driveway, concrete path and shed had existed in a similar form at location (attached surveys) per Broward County Property Appraiser Imagery. The patio (northern side) appeared at location since at least in December 2023.

Planning and Economic Development staff have assisted the applicant to identify potential modifications to the existing non-permitted work that could be done to meet the regulations of the City's Land Development Code. The petitioner is presenting an "As Built" survey showing the existing conditions at the 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 property is in the Rainbow Lakes neighborhood, there is no HOA.

In section six of our description of work, existing driveway was constructed of black asphalt, has been repaired and upgraded to concrete. The repair maintained the same shape and dimensions as original driveway. No changes were made to the size, layout or boundaries of the driveway during repair process. The new concrete driveway exists, replicates the previous configuration, ensuring consistency with the original design. Have I presented an adequate description of your case? Thank you. Would you like to present to the board here any additional comments? OK. Thank you. All right as.

Assistant City Attorney Morgan

I have a question for her. What was your name again?

Petitioner

Yahaira Manon

Assistant City Attorney Morgan

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Yahaira Manon? OK.

Petitioner

Yes, Sir.

Assistant City Attorney Morgan

All right, great. I just didn't catch that the first time. I'm sorry.

Petitioner

OK.

Vice Chair Crawl

Thank you. Is there anyone in the audience that would like to speak for or against this particular case. OK, I will have now questions from the board themselves.

Member Abbondandolo

Thank you. Thank you for coming in. First question I have, in, the contractor. He, just you hired him, gave him the money, You thought everything was fine? He got it. Everything 's good. He puts in your driveway and then the city comes along and here you are. Is that accurate?

Petitioner

Yes, Sir.

Member Abbondandolo

Yes, ma'am. I can understand that. And now where your, the side we're talking about with the zero setbacks. You have any trouble with your neighbors or are they OK?

Petitioner

Never.

Member Abbondandolo

Are they on board with everything you're doing?

Petitioner

No. And I asked my neighbor which been there for many years. George, and he says it's always been like that and.

Member Abbondandolo

But Mister George is on your side. Everything's ok?

Petitioner

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Yes, yes.

Member Abbondandolo

He's compliant with what you did and then you have that big lake in the back, so water is not an issue, as far as the percolation water, covering it with cement, everything OK? And the shed? It there when you bought the house?

Petitioner

It was one like that, but it flew away, my replacing with.

Member Abbondandolo

You replaced it with the same one, right? I understand. So, I have no further questions. Wonderful. Thank you.

Vice Chair Crawl

Member Jones.

Member Jones

Yeah, I'm just trying to see, it looks like, when I'm looking at the two, ah, pictures of the, the, ah, survey. It looks like, it goes, ah, the new one, I mean, from what I was hearing, the description and, said there's no change, but it, it clearly goes up to the line now, where before it didn't go up to the line. So, why are we saying that it's the same footprint?

Petitioner

We have the pictures and it's the same. Exactly the same, just different material. One was the black material they use for the street.

Member Jones

The asphalt.

Petitioner

They destroy that one, put, ah, and we have the picture when was undone and then.

Member Jones

But it's bigger now.

Petitioner

No, no, no. Same size.

Member Jones

I'm. I'm looking, we're looking and.

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Vice Chair Crawl

Staff. Would you like to comment in on this?

Member Jones

Am I seeing something wrong?

Christian Zamora

Yeah. Yeah, that, that's. I mean, this is a typical replacement of existing non-conforming driveway. Obviously based on the information, records that we have, there was expansion of the driveway, which it triggered the application of the regulations of the new land development code. Obviously, the issue is a pie shaped lot. It's limited on the front, but definitely there's, it was not existent.

Member Jones

It didn't go, the asphalt didn't go up to the line.

Christian Zamora

It was not existing. Correct.

So that's, that's the portion that she's including to get it taken care of. But the items have been existing like a driveway, or was it there but expanded and the new patio behind, that it wasn't there before. So that's part of the request.

Member Jones

Why are we saying it's the same when it's not the same footprint?

Christian Zamora

We're referring to the driveway, and we're referring to the shared location.

Member Jones

Right. The driveway is not the same footprint.

Christian Zamora

Patio wasn't there. Yeah, patio wasn't there before. The patio was not there before.

Member Jones

Mmm?

Vice Chair Crawl

But I think, Mr. Zamora, she's referring to the driveway, where it had a, by the ten foot two mark. That's an increase from the original 1996.

Christian Zamora

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Correct, that is correct. But there's expansion.

Vice Chair Crawl

So OK.

Christian Zamora

I'm saying that the driveway has moved based on the survey record, but was expanded

Vice Chair Crawl

OK.

Member Jones

Family and that's increased.

Christian Zamora

Patio wasn't there. It appeared on the property. The shed was that was there, there was a permit back in the day.

Assistant City Attorney Morgan

Do, do you know when it was expanded? Think she may be saying, she didn't do the expansion, she just replaced her.

Christian Zamora

Is very, it is very possible. I wouldn't know that information, would not say who.

Assistant City Attorney Morgan

That what you're saying is?

Christian Zamora

It was just saying, look, there's a change in the footprint, that triggers, right, the code compliance, moving forward.

Member Jones

Do we have a?

Christian Zamora

We're not. We're not saying who did it, was it there or not? We're just saying, look, it wasn't the same place but expanded through the time.

Vice Chair Crawl

Ms. Manon, how long have you been the owner of this property?

Petitioner

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We bought it in 2016.

Vice Chair Crawl

How long?

Petitioner

Nine years now.

Vice Chair Crawl

So basically, 1996. It looks like this work was done prior.

Member Abbondandolo

Right, looks as you upgrade.

Vice Chair Crawl

Yep, prior to your owning.

Member Jones

Yeah, I mean, I'm looking at the picture on the very back then it has the, the asphalt is widened, but I don't know when that was done. Don't know when that was done.

Christian Zamora

We don't, we don't. We know that it was replacement of something that was not permitted by the City.

Vice Chair Crawl

And by the owner.

Christian Zamora

She didn't know that, right? Didn't know.

Vice Chair Crawl

Exception.

Christian Zamora

We didn't know that neither, that somebody went ahead and modified that previously.

Member Jones

But, but, it's unusual. I mean, we don't typically have the driveways go up to the property line.

Christian Zamora

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Hundred percent. That is correct. Exactly, so again.

Member Jones

So, why, is there some reason that you require the driveway to go up to that property line?

Petitioner

No, it was like that when, we when, when I spoke with those guys, they put the wood like five by four by four in the line, when they destroy the old one, make sure in the line. So, we didn't went past well from, from what we, from what was, just we changed from material, something nicer.

Member Abbondandolo

It was the same frame.

Vice Chair Crawl

Ok

Member Jones

But it might not have, what was there before. It was also not approved, it wouldn't. It's different from.

Assistant City Attorney Morgan

That's, that's why she's here.

Christian Zamora

We brought it, right?

Member Jones

Exactly.

Member Abbondandolo

She's gonna legalize. Yes, she's gonna legalize.

Member Jones

Correct. So, and that's why, that's right. That I'm asking her why.

Petitioner

We didn't do it before.

Member Jones

Why?

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Petitioner

This is the first work I did in nine years. So it was there. Very ugly. And I, I renew it, that's all.

Member Jones

I understand it was there, that, OK. I understand it was there, but why do you have some special requirement to have it, that, extend that far? That is not what there originally.

Petitioner

Things was there, things was there already.

Member Jones

OK. You are not answering my question, you're just saying it was there. I'm asking you why do you need it there? Do you have a reason, extenuating circumstance?

Petitioner

I'm sorry, was there?

Member Jones

There.

Petitioner

Sure. I'm trying to explain to you that because the gate goes, if you see the gate go in like this. It's like even though it, you know it's incorrect. I, I, it was there so it means that I don't know anything about code. We bought it like that, so the only thing I did was make sure was prettier with another material, which was concrete. That's it.

Member Abbondandolo

So, you're basically following the same stencil, OK?

Petitioner

Yes, yes.

Member Abbondandolo

Ok, you ripped out what was there. You replaced it exactly the way it was. Your workers came in and they made the frame exactly. OK.

Petitioner

Yeah. And I have picture of the frame.

Member Abbondandolo

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It wasn't for need.

Petitioner

Yes, that's it.

Member Abbondandolo

Wasn't for it. You were just replacing. You thought they were above board. Thought they checked with you. Everything was fine. You paid. You come out, we show up and say where's your permit? Now you got a problem. They're long gone.

Petitioner

Yes. And I have the picture where the frame is.

Member Jones

They didn't check it either, apparently. But that's not where it was supposed to go. Whoever did it before

Petitioner

Yes.

(several people are speaking at same time, unable to distinguish, not sentences.)

Vice Chair Crawl

I'm understanding correctly.

Petitioner

If we were desperate for a house, we don't know what was wrong.

Vice Chair Crawl

Right. OK. The applicant here is to legalize something that was incorrect when she bought the purchase, ah, purchased the home. I can see where the gate there on the left hand side. If you did not widen it, you would have you walked with the gate on grass or some type of mud. She bought the same footprint that was already there. And you're trying to legalize the work now.

Member Jones

Yes, that was already there, that was not approved. Was not trying.

Vice Chair Crawl

Prior to she.

Member Abbondandolo

To legalize the illegal work prior for buying.

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Vice Chair Crawl

Right. Yeah. OK.

Member Jones

But that work was not.

Christian Zamora

See in the presentation right in front of? There's, you know, I will include additional information right on the screen to make you see in reality really what it is besides looking at the piece of the information on the survey. So I hope that information. Helps you clarify the questions that you have.

Vice Chair Crawl

Now therefore, go ahead, Mister, Mister Pitts.

Member Pitts

Question to Christian, but the on the other photo, the patio. I think we're calling it the patio area, so that that portion does appear to be new. It says that it was grass

Christian Zamora

That that is new, that was previously grass.

Member Pitts

Ok.

Christian Zamora

So, what preexisted to this ownership was obviously the concrete driveway or not concrete, as black asphalt driveway, that existed and then in the process, while I believe, replacing the concrete driveway, just got expanded into side.

Member Pitts

Is the grass patio area included in the fifty seven foot lot coverage?

Christian Zamora

No, no. That's only the driveway pass in the front, the other line on that side, that's just the patio, is not a driveway.

Member Pitts

OK.

Vice Chair Crawl

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Do you have any, anything else that's (inaudible)? Is there anyone in the audience want
to present any information this time? If not, I'd like to have a motion for ZVR 2024 0082.

Member Abbondandolo

Sir, I make the motion.

Vice Chair Crawl

Could you state the full because we have several reports?

Member Abbondandolo

With ZVR 2024 0082, for the forty percent front lot coverage, which is fifty percent front
lot coverage. I move that it be approved. Under old, forgive me, you're right. Under
section 155.301, 1(c), granting the variance is not incompatible with the public policy will
not adversely affect any adjacent property owners and that the circumstances which
caused the special conditions are peculiar to the subject property.

Vice Chair Crawl

Can I have a second?

Member Jones

Second.

Vice Chair Crawl

Madam Borgstrom, roll call, please.

Board Secretary

Member Abbondandolo?

Member Abbondandolo

Yes.

Board Secretary

Member Jones?

Member Jones

No

Board Secretary

Thank you. Vice Chair Crawl?

Vice Chair Crawl

Yes.

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Board Secretary

Member Pitts?

Member Pitts

Yes.

Board Secretary

Motion Passes

Vice Chair Crawl

Motion for ZVR 2024 0083, to allow zero foot side set back along the segment of Northern property line for existing driveway and a single family resident. Typical lot. We have a motion, please.

Member Pitts

Mr. Chair, I move that ZVR 2024 0083, to allow a zero foot set back along the segment of the Northern property line for an existing driveway and a single family residential. Typical lot be approved under section 155.301, 1(c).

Member Abbondandolo

Second.

Vice Chair Crawl

Madam Clerk, roll call, please.

Board Secretary

Member Pitts?

Member Pitts

No

Board Secretary

Member Abbondandolo?

Member Abbondandolo

Yes.

Board Secretary

Vice Chair Crawl?

Vice Chair Crawl

Yes

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Board Secretary

Member Jones?

Member Jones

No

Board Secretary

Motion fails.

Vice Chair Crawl

Motion for ZVR 2024 0084.

Member Pitts

Mr. Chairman, I make a motion that ZVR 2024 0084, to allow a zero foot set back along the segment of the Northern property line instead of the required five foot set back for an existing patio.

Vice Chair Crawl

Do have a second?

Member Abbondandolo

Second.

Vice Chair Crawl

Madame Clerk.

Board Secretary

Member Pitts?

Member Pitts

Yes.

Board Secretary

Member Abbondandolo?

Member Abbondandolo

Yes.

Board Secretary

Vice Chair Crawl?

Vice Chair Crawl

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Yes

Board Secretary

Member Jones?

Member Jones

Yes.

Board Secretary

Motion passes.

Vice Chair Crawl

Motion for ZVR 2024 0085, to allow four foot side set back along a segment of the Southern property line instead of required five foot side set back for the existing nine foot by ten foot storage shed on existing concrete pad.

Member Pitts

Mr. Chair, I make a motion that ZVR 2024 0085, to allow a four foot set back along the Southern property line instead of the required five foot set back for an existing nine by ten storage shed, on an existing concrete pad be approved under section 155.301, 1(c).

Member Abbondandolo

Second.

Board Secretary

Member Pitts?

Member Pitts

Yes.

Board Secretary

Member Abbondandolo?

Member Abbondandolo

Yes.

Board Secretary

Vice Chair Crawl?

Vice Chair Crawl

Yes.

Board Secretary

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Member Jones?

Member Jones

Yes

Board Secretary

Motion passes.

Vice Chair Crawl

Thank you. Thank you. My job, three out of four passed. Please see the clerk for next steps you need to take to comply with the building code compliance.

Assistant City Attorney Morgan

She should see Christian.