

Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department

ZV(R) 2020-26&27

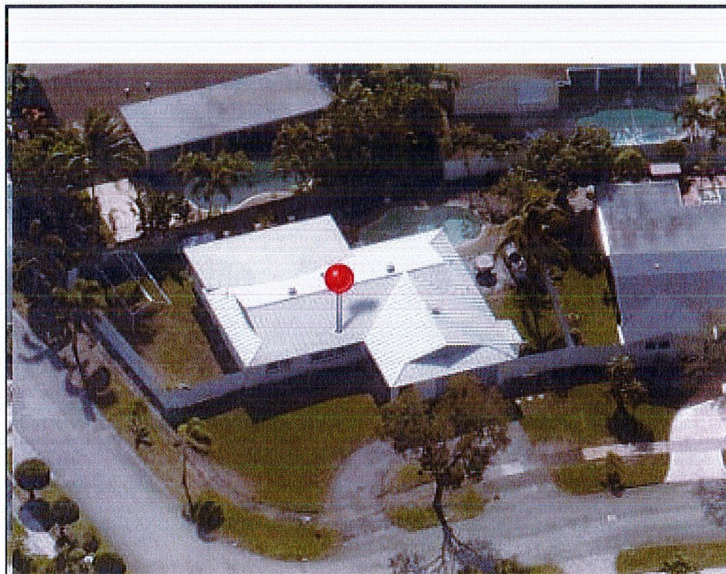
Zoning Variances

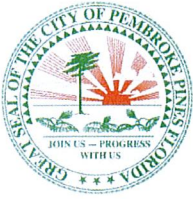
SOTOMAYOR MARQUES, JOSE LUIS

10400 NW 21 STREET




NOT TO SCALE





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

Summary

| | | | |
|---------------------------------|--|-----------------------------|---|
| Agenda Date: | December 3, 2020 | Application ID: | ZV(R) 2020-26 & 27 |
| Project: | Concrete Slab, Pool Deck and built-in BBQ grill. | Project Number: | N/A |
| Project Planner: | Dean Piper, Zoning Administrator | | |
| Owner: | Jose Sotomayor | Agent: | N/A |
| Location: | 10400 NW 21 Street, Pembroke Pines, 33026 | | |
| Existing Zoning: | One-Family Dwelling (R-1C) Districts | Existing Land Use: | Residential |
| Reference Applications: | N/A | | |
| Variance Summary | | | |
| Application | Code Section | Required/Allowed | Request |
| ZV(R) 2020-26 | § 155.049 (B) | 5' Rear Yard Setback | 1'-7" Rear Yard Setback for an existing concrete slab and re-built pool deck |
| ZV(R) 2020-27 | § 155.049 (B) | 5' Side Yard Setback | 3'-6" West Side Yard Setback for an existing BBQ Structure |
| Final: | <input type="checkbox"/> Planning & Zoning Board <input checked="" type="checkbox"/> Board of Adjustment | | |
| Reviewed for the Agenda: | Director: _____ | Zoning Administrator: _____ |  |

PROJECT DESCRIPTION / BACKGROUND:

Jose Sotomayor, owner, has submitted two variance requests. Requested variance ZV(R) 2020-26 is to allow a concrete slab and pool/pool deck to be 1'-7" from the rear property line. Requested ZV(R) 2020-27 is to allow an existing BBQ structure to be 3'-6" from the west property line.

The requested variances became necessary when Mr. Sotomayor submitted permits to replace his existing pool and deck with a reconstructed pool and deck in the same location. The submitted plans also showed the existing concrete slab (see attached plans) connected to the proposed pool deck on the east side. The permit was denied for not meeting required setbacks.

Research showed the existing concrete slab was permitted in 2003 (Permit #22309017 survey attached) and the existing pool and deck were permitted sometime in the mid to late 1970's. In addition, there is an existing BBQ structure on the west side of his property (no history of any permits) that he would like to submit permits to legalize.

Mr. Sotomayor has provided support letters from his neighbors.

VARIANCE REQUEST DETAILS:

ZV(R) 2020-26) allow a 1'-7" rear yard setback instead of the required 5' rear yard setback for an concrete slab and pool/pool deck replacement.

§ 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS.

(B) In residential districts, all accessory buildings and uses in a rear yard shall be located at least five feet from any plot line, at least 15 feet from any street line, and at least ten feet from any main building or other accessory building. For water front lots located within developments approved under the design criteria of (RS-7) single family zoning districts, accessory structures shall be allowed to extend to the zero setback side property line. These accessory structures shall include, but not be limited to, concrete slabs, paver decks, wood decks, pools and pool decks, and screen enclosures.

ZV(R) 2020-27) allow a 3'-6" west side yard setback instead of the required 5' west side yard setback for an existing built-in island BBQ grill.

§ 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS.

(B) In residential districts, all accessory buildings and uses in a rear yard shall be located at least five feet from any plot line, at least 15 feet from any street line, and at least ten feet from any main building or other accessory building. For water front lots located within developments approved under the design criteria of (RS-7) single family zoning districts, accessory structures shall be allowed to extend to the zero setback side property line. These accessory structures shall include, but not be limited to, concrete

slabs, paver decks, wood decks, pools and pool decks, and screen enclosures.

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 determine that the single-family residential variance granted is the minimum variance that will accomplish the intended purpose in accordance with above and:

- A) That 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) That 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) That 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



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: 10/27/2020
 # Plans for DRC _____ Planner: Dean

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:

- All questions must be completed on this application. If not applicable, mark *N/A*.
- Include all submittal requirements / attachments with this application.
- All applicable fees are due when the application is submitted (Fees adjusted annually).
- Include mailing labels of all property owners within a 500 feet radius of affected site with signed affidavit (Applications types marked with *).
- All plans must be submitted no later than noon on Thursday to be considered for Development Review Committee (DRC) review the following week.
- 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 *).
- 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.
- 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.

| | | | |
|------------------------------|-------------------------------------|--------------------------------------|------------|
| <i>Staff Use Only</i> | | | |
| Project Planner: <u>Dean</u> | Project #: PRJ 20_____ | Application #: <u>20(12) 2020-26</u> | <u>+27</u> |
| Date Submitted: ___/___/___ | Posted Signs Required: (<u>1</u>) | Fees: \$ <u>500.00</u> | |

SECTION 1-PROJECT INFORMATION:

Project Name: Sotomayor Residence Pool Reconstruction

Project Address: 10400 NW 21st Street Pembroke Pines FL 33026

Location / Shopping Center: N/A

Acreage of Property: N/A Building Square Feet: N/A

Flexibility Zone: N/A Folio Number(s): 611425

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

Legal Description:
PEMBROKE LAKES SEC 1 76-40 B LOT 15 BLK 7

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 |
|------|-------------|---------|--------|--------------------------|------------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION

Owner's Name: Jose L Sotomayor

Owner's Address: 10400 NW 21st Street Pembroke Pines FL 33026

Owner's Email Address: luillo11@yahoo.com

Owner's Phone: 305-726-4066 Owner's Fax: N/A

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: _____

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

PROPOSED

Zoning: _____

Zoning: _____

Land Use / Density: _____

Land Use / Density: _____

Use: _____

Use: _____

Plat Name: _____

Plat Name: _____

Plat Restrictive Note: _____

Plat Restrictive Note: _____

ADJACENT ZONING

ADJACENT LAND USE PLAN

North: _____

North: _____

South: _____

South: _____

East: _____

East: _____

West: _____

West: _____

-This page is for Variance, Zoning Appeal, Interpretation and Land Use applications only-

SECTION 4 – VARIANCE • ZONING APPEAL • INTERPRETATION ONLY

Application Type (Circle One): Variance Zoning Appeal Interpretation

Related Applications: Pembroke Pines Permit Application No. 232507

Code Section: Zoning Setback Requirements 155.049(B)

Required: 5-ft Rear and Side Setback

Request: 1'-7" (Curve Lot) south yard setback and 3'-6" west yard setback in lieu of the 5' minimum

Details of Variance, Zoning Appeal, Interpretation Request:

1. Owner requests a 1'-7" south yard setback variance instead of the required five (5) foot setback to leave in-place the existing concrete slab and the existing pool deck layout which encroaches into the 5' minimum setback. The previous owner pulled permit to construct the existing concrete slab (permit number 42310491).

2. Owner requests a 3'-6" west yard variance instead of the required five (5) foot setback to leave in place an existing island BBQ grill.

Notice to neighbors was provided without any objections to this requests, see attached.

SECTION 5 - LAND USE PLAN AMENDMENT APPLICATION ONLY

City Amendment Only City and County Amendment

Existing City Land Use: _____

Requested City Land Use: _____

Existing County Land Use: _____

Requested County Land Use: _____

SECTION 7- PROJECT AUTHORIZATION

OWNER CERTIFICATION

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

[Signature] _____ 10/28/2020
Signature of Owner Date

Sworn and Subscribed before me this 28th day
of October, 2020



n/a _____ [Signature] _____
Fee Paid Signature of Notary Public My Commission Expires

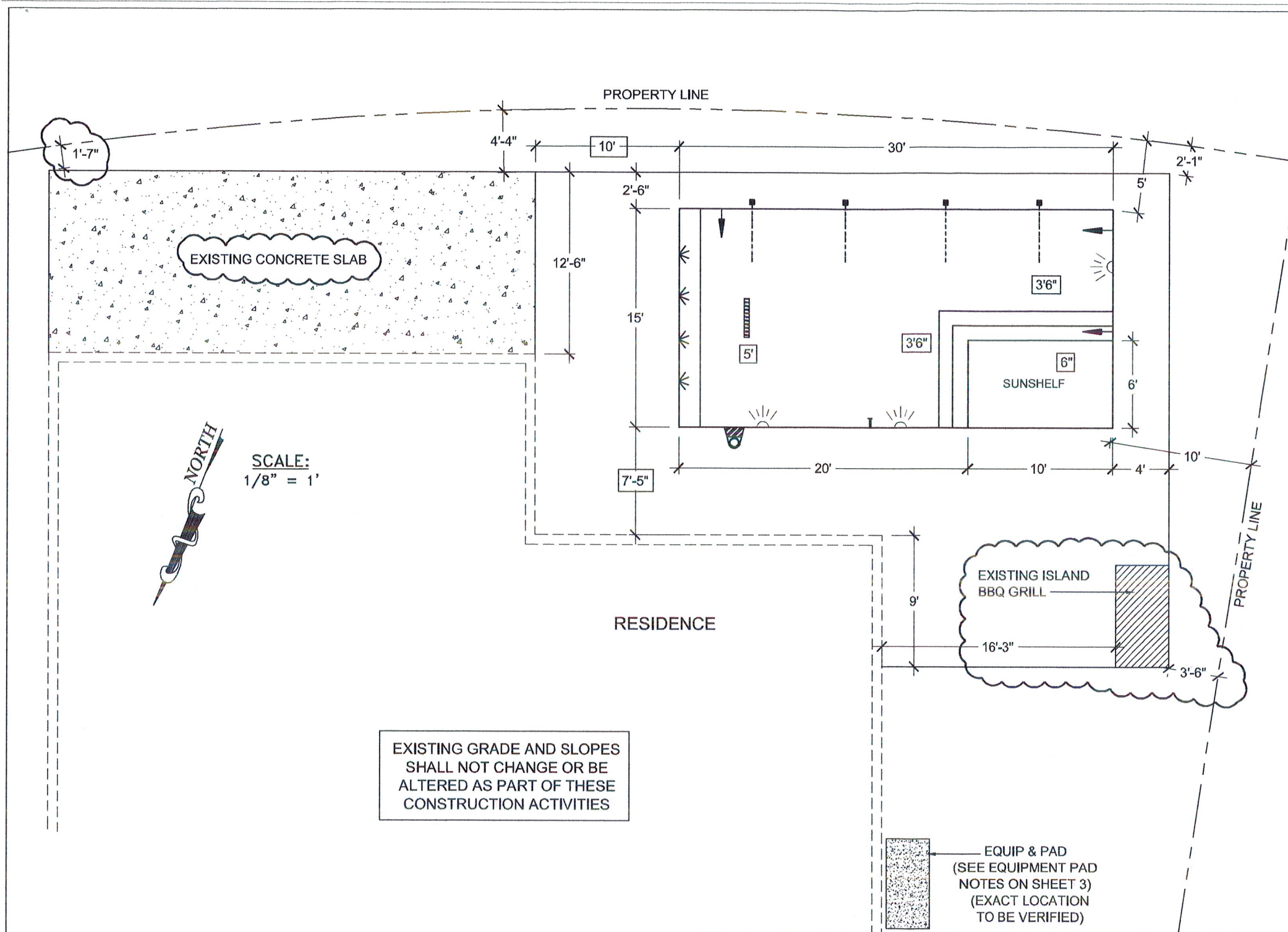
AGENT CERTIFICATION

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

Signature of Agent Date

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

Fee Paid Signature of Notary Public My Commission Expires

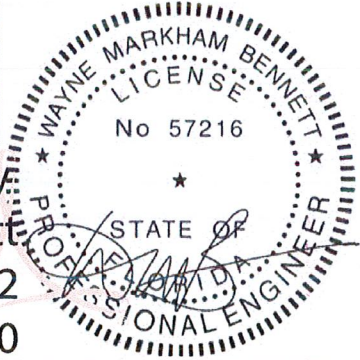


EXISTING GRADE AND SLOPES SHALL NOT CHANGE OR BE ALTERED AS PART OF THESE CONSTRUCTION ACTIVITIES

| LEGEND | |
|--------|---------------|
| | DECK JET |
| | JET |
| | LIGHT |
| | CHANNEL DRAIN |
| | SKIMMER |
| | VACUUM LINE |
| | WALL INLET |

| REVISIONS |
|---------------------------------|
| 10/21/20: revised plan as shown |

Digitally signed by: **Wayne Bennett**
 Date: 2020.10.22
 '13:29:16 -04'00



SIGNED ON 10/22/20
Wayne Markham Bennett, P.E.
 (PE #57216)
 wayne@wmb-pe.com
 (954) 818-3825

Markham Services, Inc. (CA 33018)
 1820 NE Jensen Bch Blvd, Unit 685
 Jensen Beach, FL 34957

If signed digitally above, printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

SPECIFICATIONS

| | | | |
|----------------|-----------|-----------------------|------------|
| POOL SIZE: | 15' x 30' | POOL DEPTH: | 3'-6" x 5' |
| PERIMETER: | 90' | VOLUME (GALLONS): | 12800 |
| TURNOVER RATE: | 6 HRS | SURFACE AREA SQ. FT.: | 450 |

| POOL EQUIPMENT | | | |
|----------------------|------------|--------------------------|-----|
| POOL PUMP #1 TYPE: | JANDY VSP | WALL INLETS: | 3 |
| POOL PUMP #1 SIZE: | 1.65 HP | NICHELESS LIGHT: | 3 |
| POOL FILTER #1 TYPE: | 200 SQ.FT. | SALT GENERATOR: | YES |
| SKIMMER: | 1 | SUCTION LINE W/VAC LOCK: | YES |

| FINISH ITEMS | | | |
|------------------|-----|---------------|-------|
| COPING: | TBD | DECK TYPE: | PAVER |
| TILE: | TBD | DECK SQ. FT.: | 860± |
| INTERIOR FINISH: | TBD | SUNSHELF: | YES |
| | | BENCH: | YES |

| SPECIAL NOTES | | | |
|---------------|-----------|-----------------|-------|
| PILING POOL: | NO | POOL ENCLOSURE: | FENCE |
| ELECTRIC: | BY OTHERS | | |

| EXTRA FEATURES | | | |
|----------------|--------------|------------------------|-----------|
| THERAPY JETS: | (4) ON BENCH | FLOOR CLEANING SYSTEM: | CARETAKER |
| DECK JETS: | (4) | AUTOMATIC CONTROLS: | T4000 |

DATE: 08/18/20 SHEET 1: PLAN & SPECIFICATIONS



LEGAL: LOT 15, BLOCK 7
 PEMBROKE LAKES
 SECTION ONE

SOTOMAYOR RESIDENCE
 10400 NW 21 STREET
 PEMBROKE PINES

JOB NO. 99906

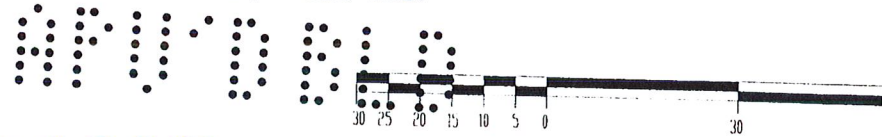
MAP OF BOUNDARY SURVEY

LEGAL DESCRIPTION:

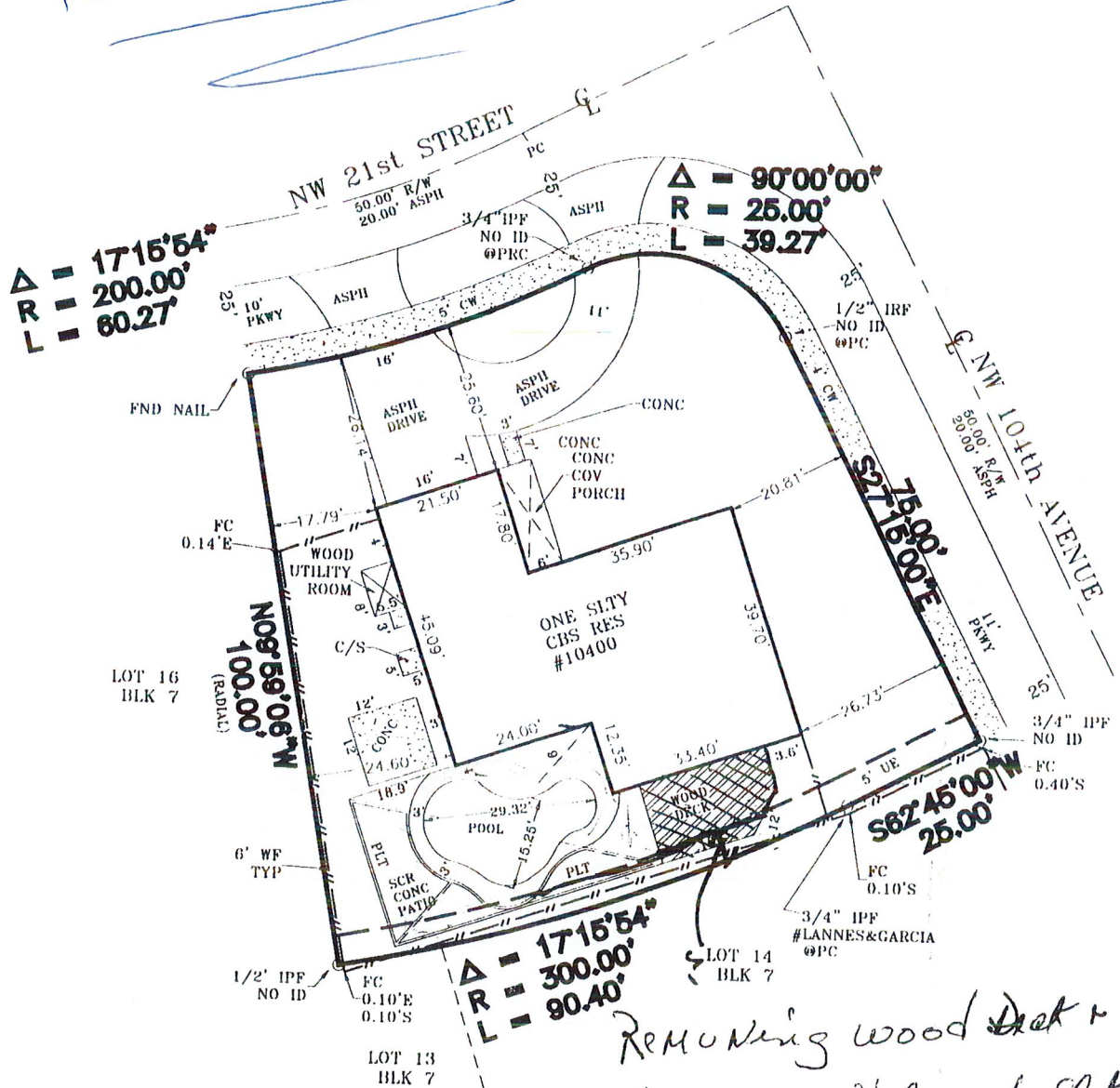
LOT 15, BLOCK 7, PEMBROKE LAKES SECTION ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 76, PAGE 40, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LANDS LYING AND BEING IN THE CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA.

PROPERTY ADDRESS: 10400 NW 21st STREET, PEMBROKE PINES, FLORIDA 33026

SECURITY SURVEYING, INC.
 L.B. NO. 0000717
 4651 SHERIDAN ST. SUITE 355
 HOLLYWOOD, FLORIDA 33021
 DATE OF SURVEY FEBRUARY 25,
 DRAWING NUMBER 99-360



Permit # 22309017



1. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THE SURVEYOR FOR RIGHT OF WAY AND/OR EASEMENTS OF RECORD.
2. THIS SKETCH REFLECTS ALL EASEMENTS AND RIGHTS OF WAY AS SHOWN ON THE REFERENCED RECORD PLAT.
3. SEE OTHER SIDE FOR LEGEND.
4. UNDERGROUND PHYSICAL USES AND/OR FOUNDATIONS NOT LOCATED OR SHOWN
5. BEARINGS HEREON ARE ASSUMED, REFER TO THE RECORD PLAT, AND ARE BASED ON THE CENTERLINE OF NW 21st STREET.
6. ELEVATIONS SHOWN HEREON (IF APPLICABLE) REFER TO N.G.V.D. 1929 AND ARE BASED ON BENCH MARKS PROVIDED BY BROWARD COUNTY ENGINEERING DEPT.



Jose L. Sotomayor & Mariel V. Cordero
10400 NW 21st Street
Pembroke Pines FL 33026
PEMBROKE LAKES SEC 1 76-40 B LOT 15 BLK 7

Mr. Simon Osvaldo Lopez
10410 NW 21st Street
Pembroke Pines FL 33026
PEMBROKE LAKES SEC 1 76-40 B LOT 16 BLK 7

Dear Mr. Osvaldo Lopez,

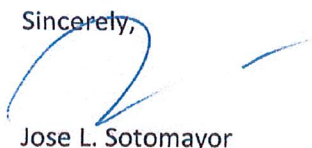
In accordance with the City of Pembroke Pines Zoning Division, a notice sent to your attention is recommended prior to a Variance Request to the City's Zoning Code of Ordinances for the adjacent parcel; 10400 NW 21st Street, Pembroke Pines FL 33026.

This notification is to make you aware that we will be undergoing a new pool and deck reconstruction project within our property and the City of Pembroke Pines Zoning Code of Ordinances allows for a five (5) foot minimum setback from the rear and side of property line. Since our existing pool and deck encroaches into the allowable setback, we intend requested variance to the City to allow a 1'-7" (at appoint due to curve lot) south yard setback and 3'-6" west yard setback. Please note the foot print of our existing pool and pool deck will remain unchanged, but to pull permits, a variance must be granted.

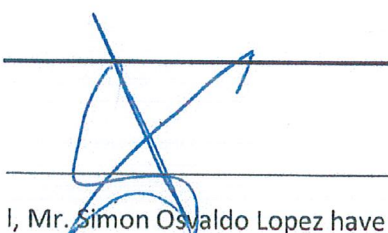
We anticipate a start date of January 2021, or soon thereafter. Prior to starting any work, a building permit will be obtained and shall be posted at all times on site. A copy of the plan sheet is annex on this letter for your review and approval.

Please contact me with any questions or concerns. Thank you for your time and consideration of this matter.

Sincerely,



Jose L. Sotomayor



Date 10/22/2020

I, Mr. Simon Osvaldo Lopez have reviewed the property survey and project plan sheet and I do not have any objections to this variance request and/or project scope.

Date _____

I, Mr. Simon Osvaldo Lopez have reviewed the property survey and project plan sheet and I oppose to this variance request and/or project scope.

Jose L. Sotomayor & Mariel V. Cordero
10400 NW 21st Street
Pembroke Pines FL 33026
PEMBROKE LAKES SEC 1 76-40 B LOT 15 BLK 7

Mr. Jose Llanes and Mrs. Orietta Llanes
10401 NW 20th Street
Pembroke Pines FL 33026
PEMBROKE LAKES SEC 1 76-40 B LOT 14 BLK 7

Dear Mr. & Mrs. Llanes,

In accordance with the City of Pembroke Pines Zoning Division, a notice sent to your attention is recommended prior to a Variance Request to the City's Zoning Code of Ordinances for the adjacent parcel; 10400 NW 21st Street, Pembroke Pines FL 33026.

This notification is to make you aware that we will be undergoing a new pool and deck reconstruction project within our property and the City of Pembroke Pines Zoning Code of Ordinances allows for a five (5) foot minimum setback from the rear and side of property line. Since our existing pool and deck encroaches into the allowable setback, we intend requested variance to the City to allow a 1'-7" (at appoint due to curve lot) south yard setback and 3'-6" west yard setback. Please note the foot print of our existing pool and pool deck will remain unchanged, but to pull permits, a variance must be granted.

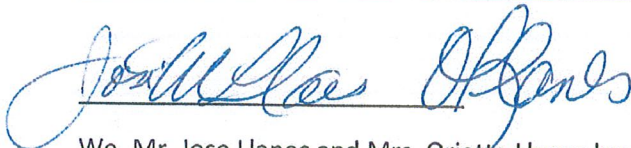
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Please contact me with any questions or concerns. Thank you for your time and consideration of this matter.

Sincerely,



Jose L. Sotomayor



Date 10/22/2020

We, Mr. Jose Llanes and Mrs. Orietta Llanes have reviewed the property survey and project plan sheet and I do not have any objections to this variance request and/or project scope.

Date _____

We, Mr. Jose Llanes and Mrs. Orietta Llanes have reviewed the property survey and project plan sheet and I oppose to this variance request and/or project scope.

Jose L. Sotomayor & Mariel V. Cordero
10400 NW 21st Street
Pembroke Pines FL 33026
PEMBROKE LAKES SEC 1 76-40 B LOT 15 BLK 7

Mr. Bernard Diaz and Mrs. Maria Diaz
10411 NW 20th Street
Pembroke Pines FL 33026
PEMBROKE LAKES SEC 1 76-40 B LOT 13 BLK 7

Dear Mr. & Mrs. Diaz,

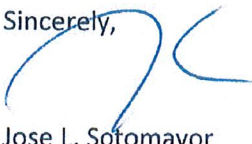
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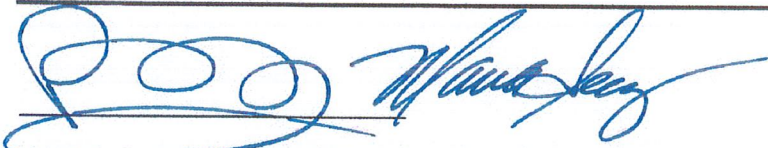
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Please contact me with any questions or concerns. Thank you for your time and consideration of this matter.

Sincerely,



Jose L. Sotomayor



Date 10-23-20

We, Mr. Bernard Diaz and Mrs. Maria Diaz have reviewed the property survey and project plan sheet and I do not have any objections to this variance request and/or project scope.

_____ Date _____

We, Mr. Bernard Diaz and Mrs. Maria Diaz have reviewed the property survey and project plan sheet and I oppose to this variance request and/or project scope.