

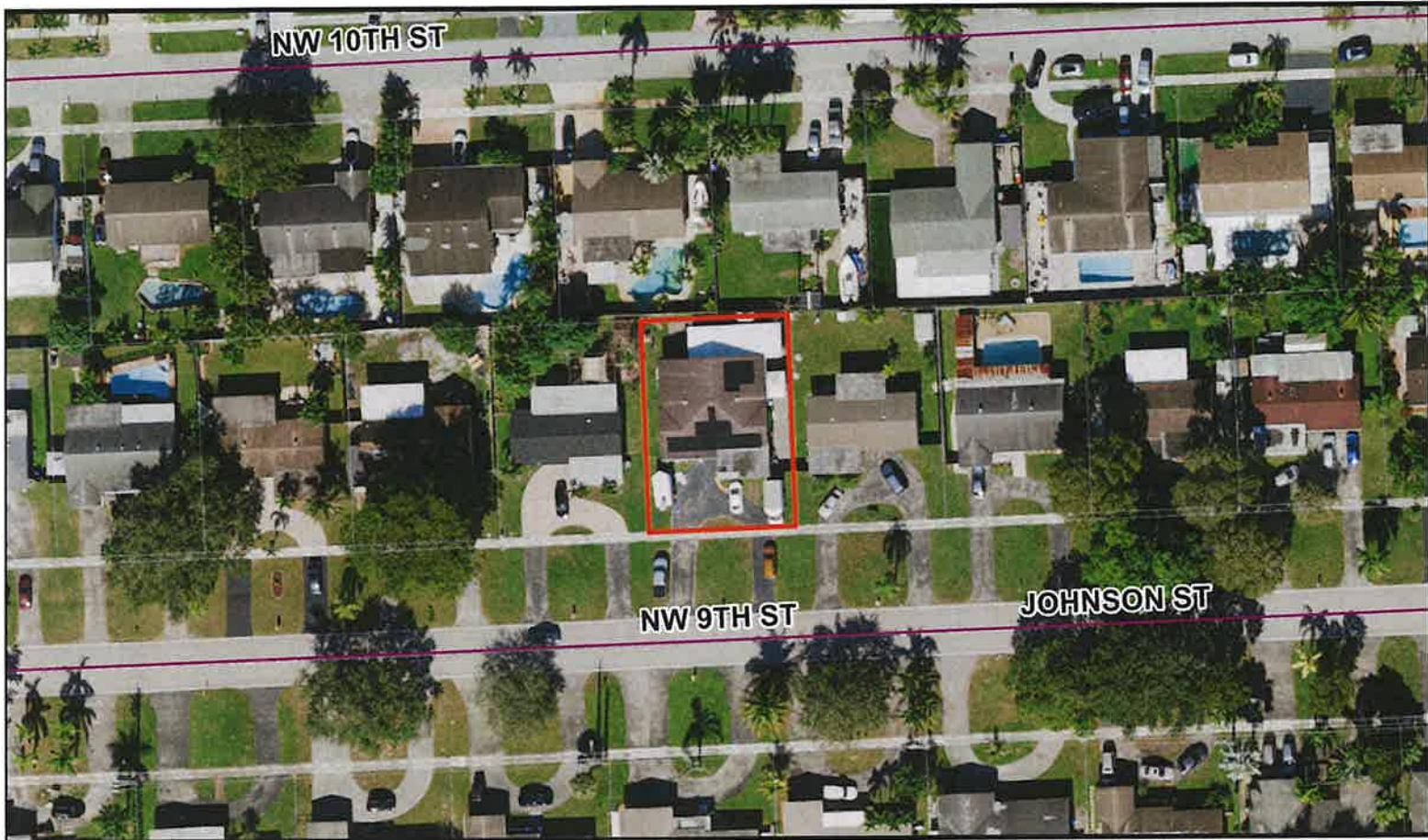
Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department

ZV(R) 2024-0009-0014

Zoning Variances

NAVARRO GONZALEZ, JOSE TOBIAS MOLINA, MARLENY
9441 JOHNSON ST PEMBROKE PINES FL 33024





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

Summary

Agenda Date:	May 2, 2024	Application ID:	ZV(R)2024-0009-0014
Project:	Existing roof structure (attached), existing accessory building, patio, typical lot.	Pre-Application Number:	PRE2024-0014
Project Planner:	Christian Zamora, Senior Planner	<i>10</i>	
Owner:	Marleny Molina	Agent:	N/A
Location:	9441 Johnson Street, Pembroke Pines, FL 33024	Commission District No.	2
Existing Zoning:	Single-Family Residence (R-1C)	Existing Land Use:	Residential
Reference Applications:	Code Compliance Case No. 230100424 (2/2/2023)		
	This property was presented at the April 4, 2024, meeting, and the BOA tabled the requests by asking the applicant the need to reduce the impact of the non-permitted work.		

Variance Summary

Application	Code Section	Required/Allowed	Request
ZV(R)2024-0009	Table 155.421.3: Residential Single-Family	15' Rear Setback	Five-foot, four-inch (5'-4") rear setback for existing roofed structure, attached.
ZV(R)2024-0010	Table 155.421.3: Residential Single-Family	7.5' Side Setback	One-foot, eight-inch (1'-8") side (eastern) setback for existing roofed structure, attached.
ZV(R)2024-0011	Table 155.620: Accessory Building, Utility Room	5' Side Setback	Two-foot, nine-inch (2'-9") side (eastern) setback for existing accessory building.
ZV(R)2024-0012	Table 155.620: Accessory Structure, Deck or Patio	5' Side Setback	One-foot, two-inch side (eastern) setback for existing deck or patio.
ZV(R)2024-0013	Table 155.620: Accessory Structure, Deck or Patio	5' Side Setback	Zero-foot and one-foot, five-inch side (eastern) setback for existing patio.
ZV(R)2024-0014	Table 155.421.3: Residential Single-Family	Maximum Lot Coverage 40%, All Buildings	Maximum Lot Coverage 44%, for all existing buildings Maximum Lot Coverage 42% for all buildings.
Final:	<input type="checkbox"/> Planning & Zoning Board		<input checked="" type="checkbox"/> Board of Adjustment
Reviewed for the Agenda:	Director: 	Assistant Director: 	

PROJECT DESCRIPTION / BACKGROUND:

Marleny Molina, owner, has submitted six residential zoning variance requests to legalize an existing roofed structure (attached), accessory building and patio, all existing in the single-family residence located at 9441 Johnson Street in the Westview neighborhood which is zoned Residential Single-Family (R-1C).

On February 2, 2023, the City's Code Compliance Division cited the property owner (Case No. 230100424) for work performed without building permits.

The applicant is requesting:

- **ZV(R)2024-0009** to allow five-foot, four-inch (5' - 4") rear setback instead of the required fifteen-foot rear setback for existing 43' – 8" x 14' – 6" roofed structure, attached. **(TABLED)**
- **ZV(R)2024-0010** to allow one-foot, eight-inch (1' - 8") eastern side setback instead of the required 7' – 6" side setback for existing 43' - 8" x 14' – 6" roofed structure, attached. **(TABLED)**
- **ZV(R)2024-0011** to allow two-foot, nine-inch (2' – 9") eastern side setback instead of the required 5' side setback for existing 6' - 1" x 5' – 2"; 3' – 6" x 5' – 2" accessory building. **(TABLED)**
- **ZV(R)2024-0012** to allow one-foot, two-inch eastern side setback instead of the required five-foot (5') side setback for existing deck or patio. **(TABLED)**
- **ZV(R)2024-0013** to allow zero-foot (0') augmenting to one-foot, five-inch (1' – 5") eastern side setback instead of the required 5' side setback for an approximately 70' x 8' – 6" existing deck/patio. **(TABLED)**
- **ZV(R)2024-0014** to allow a Maximum Lot Coverage of 44% (all buildings) instead of the permitted 40% Maximum Lot Coverage (all buildings) in a single-family zoning district, typical lot. **(TABLED)**

The above variance requests were heard by the Board on April 4, 2024, meeting. The applicant was directed to reconsider the requests and to possibly provide an alternative plan to further reduce the impact of the unpermitted work at the property.

Per the updated plan, the petitioner is moving forward with changes to existing conditions. Per the plan (5/2/2024), the applicant will be:

- Reducing the footprint of the existing aluminum roof, attached. The existing aluminum roof will be installed perpendicular to the eastern wall of the house, located approximately twelve-foot (12') away from eastern property line.
- Demolishing the existing "Utility Room" located near the east side property line in the rear.
- Removing approximately 156 Square Feet (SF) from the existing aluminum roof's footprint.

Per the new plan, the changes listed above eliminate the need for Zoning Variance Requests: ZV(R)2024-0010 and ZV(R)2024-0011. The petitioner still requesting:

- **ZV(R)2024-0009** to allow five-foot, four-inch (5' - 4") rear setback instead of the required fifteen-foot rear setback for existing 43' – 8" x 14' – 6" roofed structure, attached.
- **ZV(R)2024-0012** to allow one-foot, two-inch eastern side setback instead of the required five-foot (5') side setback for existing deck or patio.

- **ZV(R)2024-0013** to allow zero-foot (0') augmenting to one-foot, five-inch (1' – 5") eastern side setback instead of the required 5' side setback for an approximately 70' x 8' – 6" existing deck/patio.
- **ZV(R)2024-0014** to allow a Maximum Lot Coverage of 44% 42% (all buildings) instead of the permitted 40% Maximum Lot Coverage (all buildings) in a single-family zoning district, typical lot.

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

The applicant/agent has been made aware that Board consideration of residential variance requests does not preclude the property owner from obtaining all necessary development related approvals and required building permits.

The subject property is in the Westview neighborhood. Per the city's registered HOA list, there is no Homeowner's Association (HOA) where the property is located.

VARIANCE REQUEST DETAILS:

ZV(R)2024-0009 is to allow five-foot, four-inch (5' - 4") rear setback instead of the required fifteen-foot rear setback for existing 43' – 8" x 14' – 6" roofed structure, attached.

ZV(R)2024-0012 is to allow one-foot, two-inch eastern side setback instead of the required five-foot (5') side setback for existing deck or patio.

ZV(R)2024-0013 is to allow zero-foot (0') augmenting to one-foot, five-inch (1' – 5") eastern side setback instead of the required 5' side setback for an approximately 70' x 8' – 6" existing deck/patio.

ZV(R)2024-0014 is to allow a Maximum Lot Coverage of 44% 42% (all buildings) instead of the permitted 40% Maximum Lot Coverage (all buildings) in a single-family zoning district, typical lot.

Code References:

ZV(R)2024-0009; 0014)

Table 155.421.3: Residential Single-Family (R-1C)

Standard	Residential
Maximum Lot Coverage	40%
Rear Setback	15 feet
Side Setback	7.5 feet

ZV(R)2024-0012; 0013)

Table 155.620 Accessory Building and Structures

Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Deck or Patio*	0	5 feet	15 feet 155.600(B)	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: Subject Site Aerial Photo
Property Survey (1997)
Existing Survey, Modification Plan (5/2/2024)
Copy of Code Compliance Notice and Image(s)

