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Board of Adjustment

City of Pembroke Pines  
Pembroke Pines, FL

**APRIL 7, 2022**

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Rodriguez-Soto on Thursday, April 7, 2022 at 6:31 P.M., in the City Commission Chambers, Charles F. Dodge City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

**PRESENT:** Chairman Rodriguez-Soto, Vice Chairman Goggin  
Members Brito and Crawl; Alternate Members Almeria and Siddiqui

**ABSENT:** None

**ALSO PRESENT:** Dean Piper, Zoning Administrator, Christian Zamora, Planner/Zoning Specialist, Quentin Morgan, Assistant City Attorney, and Board Secretary Katherine Borgstrom

Board Secretary Borgstrom called roll and declared a quorum present. As there are four regular members present, Alternate Member Siddiqui will serve as the fifth voting member for this evening's meeting.

## **NEW MEMBER OATH OF OFFICE**

Assistant City Attorney Quentin Morgan swore in new District One member Carlton Crawl.

## **APPROVAL OF THE MINUTES:**

A motion by Vice Chair Goggin, seconded by Alternate Member Siddiqui, to approve the minutes of the March 3, 2022 meeting, passed unanimously.

## **EXCUSED ABSENCES:**

There were no absences to be excused.

## **LEGAL INSTRUCTIONS:**

Assistant City Attorney Quinten Morgan 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 evidence and enter an order.

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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 the Assistant City Attorney.]

## **NEW BUSINESS:** **VARIANCES:**

**VARIANCE FILE NUMBER:**      **ZV(R) 2022-04**

**PETITIONER:**  
Magaly & Victoria Lopez

**ADDRESS:**  
**SUBJECT PROPERTY:**  
8820 NW 15 Court  
Pembroke Pines, FL 33024

**LEGAL DESCRIPTION:**  
Lot 7, Block 33, of the BOULEVARD HEIGHTS SECTION 9 6TH ADDITION PLAT, according to the Plat thereof as recorded in Plat Book 62, Page 16B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**  
Petitioner is requesting a variance to allow a 5.5 feet side setback instead of the required 7.5 feet for an addition.

## **REFERENCE:**

<b>Table 155.421.3: Residential Single-Family (R-1C)</b>	
<b>Standard</b>	<b>Residential</b>
<b>Side Setback</b>	<b>7.5 feet [2]</b>

## **PROJECT DESCRIPTION / BACKGROUND:**

Dean Piper read the Staff Report into the record. Victoria Lopez, owner, has submitted Zoning Variance Request ZV(R) 2022-04 to allow a new addition (bedroom and bathroom) to the rear of the existing house.

This lot is 61' wide, and per City Code, requires a 7.5' side setback. However, in 1978 when this house was permitted, and built, it was approved with only 5.5' side setbacks. The applicant is

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requesting this variance to allow the new addition to match the existing side setback, so the addition and existing structure are lined up.

There is no Homeowner's Association in this neighborhood.

The property owner is aware construction plans will need to be submitted to the City's Building Department for review and approval.

## **VARIANCE REQUEST DETAILS:**

The following Zoning Variance Request is submitted as follows:

**ZV(R) 2022-04:** to allow a 5.5 side setback instead of the required 7.5 feet for a room and bathroom addition.

*City Code Reference: Table 155.421.3: Residential Single-Family (R-1C)*  
Standard, Side Setback, Residential, 7.5 feet [2]

Chairman Rodriguez-Soto read the request into the record.

Victoria Lopez, petitioner, spoke to the variance request. She stated they are requesting to add an addition to the home and are requesting the variance in order for the outside wall of the addition to meet the existing wall, which was permitted when built, but does go into the current setback.

The members of the board who spoke to the variance request were Chair Rodriguez-Soto and Vice Chair Goggin.

The member of staff who spoke to the variance request was Dean Piper.

No one from the public asked to speak to the variance request.

A motion by Vice Chair Goggin, seconded by Member Crawl, to grant variance request ZV(R) 2022-04, under Sec. 155.301(O)(1)(c), to allow a 5.5 side setback instead of the required 7.5 feet for a room and bathroom addition passed unanimously.

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**VARIANCE FILE NUMBERS:** ZV(R) 2022-05 - 08

**PETITIONER:**

Barbara De la Cruz

**ADDRESS:**

**SUBJECT PROPERTY:**

6741 SW 13 Street  
Pembroke Pines, FL 33023

**LEGAL DESCRIPTION:**

Lot 6, Block 2, of the HOLLYWOOD PINES NO 2 AMENDED RESUB PLAT, according to the Plat thereof as recorded in Plat Book 51, Page 4B, of the Public Record of Broward County, Florida.

**VARIANCES REQUESTED:**

Petitioner is requesting variances to allow:

**ZV(R) 2022-05)** a 3 feet rear (north) setback instead of the required 5 feet for an existing deck/patio;  
**ZV(R) 2022-06)** a 3 feet side (east) setback instead of the required 5 feet for an existing deck/patio;  
**ZV(R) 2022-07)** a 3 feet side (west) setback instead of the required 5 feet for an existing deck/patio;  
**ZV(R) 2022-08)** a 239 square feet instead of the code prescribed 200 square feet for an existing Open Sided Structure, Freestanding (Chickee Hut).

**REFERENCES:**

ZV(R) 2022-05 – 07)

<b>Table 155.620 Accessory Building and Structures</b>							
<b>Type</b>	<b>Setback</b>				<b>Maximum Height</b>	<b>Maximum Dimensions</b>	<b>Additional Regulations</b>
	<b>Front</b>	<b>Side</b>	<b>Street Side</b>	<b>Rear</b>			
<b>Deck or Patio*</b>	Primary Building	<b>5 feet</b>	5 feet	<b>5 feet</b>	N/A	N/A	N/A

ZV(R) 2022-08)

<b>Type</b>	<b>Setback</b>				<b>Maximum Height</b>	<b>Maximum Dimensions</b>	<b>Additional Regulations</b>
	<b>Front</b>	<b>Side</b>	<b>Street Side</b>	<b>Rear</b>			
<b>Open Sided Structure (Free Standing)</b>	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	<b>200 square feet</b>	When located in A or R-E it may exceed 200 square feet and shall meet the setbacks of the primary building

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## **PROJECT DESCRIPTION / BACKGROUND:**

Dean Piper read the Staff Report into the record. Barbara de la Cruz, owner, has submitted four (4) variance requests, ZV(R) 2022-05 through ZV(R) 2022-08, for an existing paver deck/patio and an existing “Chickee Hut” in the backyard.

In June 29, 2021, the City issued a Code Compliance Correction Notice for removing a tree without approval.

Upon evaluation of the subject property City Staff observed the existing deck/patio and “Chickee Hut” extending close to the property lines. It was confirmed no permits have been issued for the construction of these items.

The subject property is under Landscape Code Compliance Correction No. - #21100001. This landscape violation began on June 29, 2021, although it appears that the patio/deck and “Chickee Hut” have been existing since at least 2016 per Broward County Property Appraiser (BCPA) aerials.

Mrs. De la Crus applied for, and obtained, Tree Removal Permit TR 2022-44 to remediate the Landscape Notice of Correction. In addition, Mrs. De la Cruz has submitted building permit applications for the items being asked for through these variance requests. Depending the outcome of these requests, building permits for the paver deck/patio and “Chickee Hut” will be processed.

There is no Homeowner’s Association in this neighborhood.

## **VARIANCE REQUEST DETAILS:**

The following Zoning Variance Requests are submitted as follows:

**ZV(R) 2022-05:** to allow a 3 feet rear (north) setback instead of the required 5 feet for an existing deck/patio.

**ZV(R) 2022-06:** to allow a 3 feet side (east) setback instead of the required 5 feet for an existing deck/patio.

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**ZV(R) 2022-07:** to allow a 3 feet side (west) setback instead of the required 5 feet for an existing deck/patio.

**ZV(R) 2022-08:** to allow 239 square feet instead of the code prescribed 200 square feet for an existing Open Sided Structure, Freestanding (Chickee Hut).

*City Code Reference:* **Table 155.620: Accessory Building and Structures**

**ZV(R) 2022-05 – 07)**

Type, Deck or Patio\*, Setback, Rear, 5 feet;

Type, Deck or Patio\*, Setback, Side, 5 feet.

**ZV(R) 2022-08)**

Type, Open Sided Structure (Free Standing), Maximum Dimensions, 200 square feet.

Chairman Rodriguez-Soto read the requests into the record.

Mr. de la Cruz, husband of petitioner, spoke to the variance requests. He stated the work is already completed, that they were not aware they needed permits. They had the hut built by the Seminole Indian Tribe, but the size is 39 feet over the City code of 200 feet.

The members of the board who spoke to the variance requests were Chair Rodriguez-Soto and Vice Chair Goggin.

The member of staff who spoke to the variance requests was Dean Piper

No one from the public asked to speak to the variance requests.

On a motion by Vice Chair Goggin, seconded by Alternate Member Siddiqui, to grant variance request ZV(R) 2022-05, under Sec. 155.301(O)(1)(c), to allow a 3 feet rear (north) setback instead of the required 5 feet for an existing deck/patio, the following vote was recorded:

AYE: Members Brito and Crawl; Alternate Member Siddiqui

NAY: Chair Rodriguez-Soto, Vice Chair Goggin

Motion Passed

On a motion by Vice Chair Goggin, seconded by Alternate Member Siddiqui, to grant variance request ZV(R) 2022-06, under Sec. 155.301(O)(1)(c), to allow a 3 feet side (east) setback instead of the required 5 feet for an existing deck/patio, the following vote was recorded:

AYE: Alternate Member Siddiqui

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NAY: Chair Rodriguez-Soto, Vice Chair Goggin, Members Brito and Crawl

Motion Failed

On a motion by Vice Chair Goggin, seconded by Alternate Member Siddiqui, to grant variance request ZV(R) 2022-07, under Sec. 155.301(O)(1)(c), to allow a 3 feet side (west) setback instead of the required 5 feet for an existing deck/patio, the following vote was recorded:

AYE: Alternate Member Siddiqui

NAY: Chair Rodriguez-Soto, Vice Chair Goggin, Members Brito and Crawl

Motion Failed

A motion by Vice Chair Goggin, seconded by Member Brito, to grant variance request ZV(R) 2022-08, under Sec. 155.301(O)(1)(c), to allow a 239 square feet instead of the code prescribed 200 square feet for an existing Open Sided Structure, Freestanding (Chickee Hut), passed unanimously.

[Secretary's note: Alternate Member Siddiqui had to leave the meeting, so Alternate Member Almeria became the fifth voting member for this meeting.]

**VARIANCE FILE NUMBER:      ZV(R) 2022-09**

**PETITIONER:**

Romeo Fuentes

**ADDRESS:**

**SUBJECT PROPERTY:**

1233 SW 167 Avenue  
Pembroke Pines, FL 33027

**LEGAL DESCRIPTION:**

Lot 142 of Lido Isles, A portion of Parcel "A" of the SESSA EIGHT PLAT, according to the Plat thereof as recorded in Plat Book 168, Page 2B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a 2.5' (northern) side setback for a proposed shed instead of the required 5' side setback.

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## REFERENCE:

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Shed	Primary Building	5 feet	5 feet	5 feet	N/A	N/A	N/A

## PROJECT DESCRIPTION / BACKGROUND:

Dean Piper read the Staff Report into the record. Romeo Fuentes, owner, has submitted Zoning Variance Request ZV(R) 2022-09 to install a storage shed next to the wall of the existing home.

In June 6, 2013 the Board of Adjustment approved ZV(R) 2013-04 for the property to allow 3.5 feet side setbacks instead of the required 5 feet to build an open paver patio in the property's rear yard; the project was completed in July 3, 2013.

Mr. Fuentes is requesting a 2.5 feet north side setback to install a 10' x 5' (ten feet by five feet) storage shed along to north side of his house, as shown in the attached property survey.

Mr. Fuentes has submitted building permits for review and approval. He is aware zoning approval is required to complete the building application approval process.

There is Homeowner's Association in this neighborhood. HOA approval is pending.

## VARIANCE REQUEST DETAILS:

The following Zoning Variance Request is submitted as follows:

**ZV(R) 2022-09:** to allow a 2.5 feet side setback instead of the required 5 feet for a shed.

*City Code Reference: Table 155.620: Accessory Buildings and Structures*  
Accessory Buildings, Setback, Side, 5 feet.

Chairman Rodriguez-Soto read the request into the record.

Romeo Fuentes, petitioner, spoke to the variance request. He stated he is requesting the variance in order to place a shed along the north wall of his home that will be used for storage,



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that he needs to move from the garage, as his elderly mother is moving into the home and has equipment for her health and daily living that needs to be stored in the garage for accessibility. He stated the doors of the shed will open to the back of the home, not to the side facing the neighbor's home. He also stated he had requested HOA approval, but was denied, but he believes it was because of a misunderstanding of the nature and purpose of the placement that the HOA denied his request. He is appealing the HOA denial. He also stated he is willing to adjust the height to six feet. His original request to HOA was eight feet.

The members of the board who spoke to the variance request were Chair Rodriguez-Soto, Vice Chair Goggin, Members Brito and Crawl and Alternate Member Almeria.

The member of staff who spoke to the variance request was Dean Piper. He did confirm that there are no utilities in the area between the two homes and that there is drainage gutters on the side of the home that shed the water to the back yard.

The member of the public who asked to speak to the variance request was Bill Bucknam, representative of the management company for the HOA. Mr. Bucknam stated the management company just recently took over the management of this community and this had been their first request for change. He stated the management company will meet next week to review the appeal from Mr. Fuentes. The concern of the management company is that there is no fence to conceal the shed from view of street or neighbor and the HOA requires a fence in this situation. Petitioner stated he plans to install a fence after his roof is repaired, so that workers repairing the roof will have clear access to the roof. Michael Rodrigues also spoke, concerning the setbacks and asked how they had been changed, which Dean Piper explained that Mr. Fuentes had received a variance in 2013 that allowed him to place his paver patio in the setbacks.

On a motion by Alternate Member Almeria, seconded by Vice Chair Goggin, to grant variance request ZV(R) 2022-09, under Sec. 155.301(O)(1)(c), to allow a 2.5' (northern) side

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setback for a proposed shed instead of the required 5' side setback, the following vote was recorded:

AYE: Chairman Rodriguez-Soto, Vice Chairman Goggin  
Member Brito; Alternate Member Almeria

NAY: Member Crawl

Motion Passed

## **ITEMS AT THE REQUEST OF THE BOARD:**

Annual Board Report discussion and transmittal recommendation.

Dean Piper reminded the board that there will need to be approval of the 2021-2022 Annual report to the City Commission at this meeting. The members reviewed and discussed the last report, the attendance report and the report on the work product of the board from March 2021 through February of 2022.

A motion by Vice Chair Goggin, seconded by Alternate Member Almeria, to approve the 2021-2022 Annual Report to the City Commission and to have the Chair present the report at the June 1, 2022 meeting, as tentatively scheduled, passed unanimously.

## **ITEMS AT THE REQUEST OF STAFF:**

There will be no meeting in May, due to no variance request having been filed.

## **ADJOURNMENT:**

A motion by Alternate Member Almeria, seconded by Vice Chair Goggin, to adjourn the meeting at 7:51 P.M., passed unanimously.

Respectfully submitted:

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Katherine Borgstrom  
Board Secretary

**Adjourned:** 7:51 P.M.  
**Approved:**