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Board of Adjustment

City of Pembroke Pines
Pembroke Pines, FL

JUNE 2, 2022

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Vice Chairman Goggin on Thursday, June 2, 2022 at 6:34 P.M., in the City Commission Chambers, Charles F. Dodge City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

Board Secretary Borgstrom called roll and declared a quorum present.

PRESENT: Vice Chair Goggin, Members Abbondandolo, Brito and Crawl, Alternate Members Almeria and Siddiqui

ABSENT: Chair Rodriguez-Soto

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

[Secretary's note: Due to absence of Chair, Alternate Member Almeria will be the fifth voting member for this meeting.]

OATH OF OFFICE:

Assistant City Attorney Morgan swore in Victor Abbondandolo, as the District Two Regular Board Member.

APPROVAL OF THE MINUTES:

A motion by Member Crawl, seconded by Alternate Member Almeria, to approve the minutes of the April 7, 2022 meeting, passed unanimously.

EXCUSED ABSENCES:

A motion by Alternate Member Almeria, seconded by Member Brito, to excuse the absence of Chair Rodriguez-Soto, passed unanimously.

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

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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. 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) 2022-10

PETITIONER:
Sybil Williams

ADDRESS:
SUBJECT PROPERTY:
875 NW 135 Terrace
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:
Unit 3, Block 24, ANTIGUA AT PEMBROKE FALLS, A.K.A a portion of the PEMBROKE FALLS PHASE 3 PLAT, according to the Plat thereof as recorded in Plat Book 158, Page 29B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:
Petitioner is requesting a variance to allow a 3.0' (northern) side setback for a proposed hard roofed screen enclosure instead of the required 5' side setback.

REFERENCE:

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

PROJECT DESCRIPTION / BACKGROUND:

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Sybil Williams, owner, has submitted Zoning Variance Request ZV(R) 2022-10 to install a hard roofed screen enclosure.

Ms. Williams is requesting a 3 foot side (north) setback to install a hard roofed screen enclosure, as shown in the attached property survey.

Ms. Williams has submitted required building permits for review and approval. She is aware zoning approval is required to complete the building application approval process.

Approval by her Homeowner's Association, Antigua at Pembroke Falls HOA, is attached.

VARIANCE REQUEST DETAILS:

The following Zoning Variance Request is submitted as follows:

ZV(R) 2022-10: to allow a 3 foot side setback instead of the required 5 feet side setback for a hard roofed screen enclosure.

City Code Reference: Table 155.620: Accessory Buildings and Structures
Type, Screen Enclosure, Setback, Side, 5 feet

Jay Bass, spoke for the petitioner to the variance request. He stated the existing slab was placed when the house was built. Dean Piper stated the stoop is to code but to go vertical to put in the screen enclosure on makes it go into the setback. Dean Piper confirmed there was no disapproval from neighbors.

The members of the board who spoke to the variance request were Vice Chair Goggin and Member Crawl.

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 Member Abbondandolo, seconded by Member Crawl, to grant variance request ZV(R) 2022-10, under Sec. 155.301(O)(1)(c), to allow a 3.0' (northern) side setback for a proposed hard roofed screen enclosure instead of the required 5' side setback, passed unanimously.

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VARIANCE FILE NUMBER: ZV(R) 2022-11

PETITIONER:

Luis & Ninoska Rivera

ADDRESS:

SUBJECT PROPERTY:

930 SW 108 Avenue
Pembroke Pines, FL 33025

LEGAL DESCRIPTION:

Lot 11, Block 3, WOODBRIDGE AT PEMBROKE LAKES SOUTH, A.K.A a portion of the PEMBROKE LAKES SOUTH PLAT, according to the Plat thereof as recorded in Plat Book 119, Page 1B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 4.0' (northern) side setback to the edge of pool structure instead of the required 7' side setback.

REFERENCE:

155.652 ZERO LOT LINE HOMES

In addition to the standards within 155.422, the following standards shall apply to zero lot line home development. (C) Maintenance and drainage easements. 1. Lots developed utilizing the R-1Z criteria shall have a perpetual, seven-foot easement for maintenance of the wall on the lot adjacent to the zero lot line property line which, with the exception of the following shall be kept clear of structures.

PROJECT DESCRIPTION / BACKGROUND:

Luis & Ninoska Rivera, owners, have submitted Zoning Variance Request ZV(R) 2022-11 to install a pool.

Although this property is zoned Residential Multi-Family (R-MF), per City Code, this development (Woodbridge South) was designed, and built, to Residential Single-Family Zero Lot Line (R-1Z) standards. Per Section 155.652(C)(1) of the Land Development Code a 7 foot Maintenance Easement is required along the non-zero side yard that, other than walls or fences, and at grade structures, must be clear of structures.

The Rivera's are requesting a 4 foot side setback to edge of pool structure, encroaching 3' into the 7 foot Maintenance Easement.

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Approval by their Homeowner's Association, Woodbridge Homeowners' Association, Inc., is attached.

VARIANCE REQUEST DETAILS:

ZV(R) 2022-11: to allow a 4 foot side setback, instead of the edge of the required 7 foot Maintenance Easement.

City Code Reference: **Section 155.652 Zero Lot Line Homes:**

(C) Maintenance and drainage easements.

1. Lots developed utilizing the R-1Z criteria shall have a perpetual, seven-foot easement for maintenance of the wall on the lot adjacent to the zero lot line property line which, with the exception of the following shall be kept clear of structures. (a) Walls or fences (b) Structures at grade, not to encroach greater than two feet into the seven-foot easement.

Luis & Ninoska Rivera, petitioners, came forward to speak to the variance request. Mr. Rivera stated the request is to go two feet into the setback to put in a pool. Dean Piper confirmed it is a zero lot line, but the pool is on the non-zero side with the easement provided so neighbor can access the side of his residence to make repairs or paint. He also stated there is a fence that meets code and the pool will go right to the fence, therefore not encroaching into the access provided for the neighbor to his residence. Dean Piper confirmed there are no utilities in this easement, that none of the neighbors have objected and HOA has given their approval.

The members of the board who spoke to the variance request were Vice Chair Goggin, Member Abbondandolo and Alternate Member Siddiqui.

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 Member Abbondandolo, seconded by Member Crawl, to grant variance request ZV(R) 2022-11, under Sec. 155.301(O)(1)(c), to allow a 4.0' (northern) side setback to the edge of pool structure instead of the required 7' side setback, passed unanimously.

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VARIANCE FILE NUMBER: ZV(R) 2022-0012

PETITIONER:

Alejandro Viamonte

ADDRESS:

SUBJECT PROPERTY:

540 NW 99 Way
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 20, Block 4, WESTVIEW SECTION 2, PART 2 PLAT, according to the Plat thereof as recorded in Plat Book 91, Page 7B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 7.2' side setback for an existing permitted addition instead of the required 7.5' side setback.

REFERENCE:

Table 155.421.3: Residential Single-Family (R-1C)		
Standard	Residential	Non-Residential
Side Setback	7.5 feet [2]	20 feet [3]

Dean Piper, Zoning Administrator, read the request into the record.

PROJECT DESCRIPTION / BACKGROUND:

Davian Rodriguez, as agent for Mr. Viamonte, has submitted Zoning Variance Request ZV(R) 2022-12 for the side setback to an existing, permitted, addition.

This property requires 7.5 foot side setbacks to the house. However, the existing house has only +a 7.2' side setback along the south side property line. In May of 2021, Building Permit #1982607-0 was issued for an addition along the south side property line meeting the required 7.5' side setback. In February 2022 the Final Survey for the addition was submitted showing a 7.2 feet side setback, matching the existing house, to the south side property line.

Mr. Rodriguez is requesting this variance to allow the addition to be at the 7.2 foot side setback, and stay in line with the existing house.

There is no Homeowners Association for this neighborhood.

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VARIANCE REQUEST DETAILS:

ZV(R) 2022-12: to allow a 7.2 foot Side Setback instead of the required 7.5 foot Side Setback.

City Code Reference: **Table 155.421.3: Residential Single-Family (R-1C):**

Side Setback: 7.5 feet

Davian Rodriguez, as agent for Mr. Viamonte, petitioner, spoke to the variance request. He stated the addition was permitted and built in line with the existing house, but was not aware the existing house went into the setback. After several surveys, it was confirmed that the house, and therefore the addition, was .3 inches into the setback. Dean Piper confirmed that the work was permitted, completed, and the final City survey caught the difference. He also confirmed there are no utilities in the affected area.

The member of the board who spoke to the variance request were Alternate Member Siddiqui.

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 Alternate Member Almeria, seconded by Member Crawl, to grant variance request ZV(R) 2022-0012, under Sec. 155.301(O)(1)(c), to allow a 7.2' side setback for an existing permitted addition instead of the required 7.5' side setback, passed unanimously.

VARIANCE FILE NUMBERS: ZV(R) 2022-13 & 14

PETITIONER:

German Hernandez & Yessinia Barban

ADDRESS:

SUBJECT PROPERTY:

750 NW 85 Way
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 19, Block 21, of the WESTVIEW SECTION ONE, PART 2 PLAT, according to the Plat thereof as recorded in Plat Book 103, Page 40B, of the Public Record of Broward County, Florida.

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VARIANCES REQUESTED:

Petitioner is requesting variances to:

ZV(R) 2022-0013) allow a 49% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total front lot coverage for an existing driveway.

ZV(R) 2022-0014) allow a 1 Foot (1') side setback along the north property line instead of the required Five Feet (5') side setback for an existing driveway.

REFERENCES:

ZV(R) 2022-0013 & 0014)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Circular*	0 feet	5 feet	15 feet	N/A	N/A	35% front lot coverage 40 % width of lot	Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

Dean Piper, Zoning Administrator, read the requests into the record.

PROJECT DESCRIPTION / BACKGROUND:

Yessenia Barban, owner, has submitted two Variance requests for an existing driveway:

Zoning Variance Application #ZV(R) 2022-0013 is to allow a 49% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total front lot coverage for an existing driveway.

Zoning Variance Application #ZV(R) 2022-0014 is to allow 1 Foot (1') side setback instead of the required 5 Feet (5') side setback for an existing driveway.

The existing driveway was built without a permit, and it is under Code Compliance Notice of Violation No. #22020005. This violation began on February 2, 2022.

Ms. Barban has submitted required documents for Building Permits, and is aware driveway permit needs to be completed for the property to be brought into Code Compliance.

There is no Homeowners Association where the property is located.

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VARIANCE REQUEST DETAILS:

The following Zoning Variance Requests are submitted as follows:

ZV(R) 2022-0013) allow a 49% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total front lot coverage for an existing driveway.

ZV(R) 2022-0014) allow a 1 Foot (1') side setback along the north property line instead of the required Five Feet (5') side setback for an existing driveway.

City Code Reference:

Table 155.620: Accessory Building and Structures

ZV(R) 2022-0013)

Type, Driveway Circular, Maximum Dimensions, 35% front lot coverage;

ZV(R) 2022-0014)

Type, Driveway Circular, Setback, Side, 5 feet

German Hernandez & Yessinia Barban, petitioners, came forward to speak to the variance requests. Mr. Hernandez stated they were first time homeowners, did not realize permit was needed and the work has been done. He stated he did the work in order to have access to his side yard for parking his company truck on the side of the house. He confirmed the large pavers are concrete with grass strips 6 inches wide between the pavers.

The members of the board who spoke to the variance requests were Vice Chair Goggin, Members Abbondandolo, Brito and Alternate Member Siddiqui.

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 Member Crawl, seconded by Member Brito, to grant variance request ZV(R) 2022-0013, under Sec. 155.301(O)(1)(c), to allow a 49% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total front lot coverage for an existing driveway, the following vote was recorded:

AYE: Members Abbondandolo, Brito and Crawl, Alternate Member Almeria

NAY: Vice Chair Goggin

Motion Passed

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On a motion by Member Crawl, seconded by Member Brito, to grant variance request ZV(R) 2022-0014, under Sec. 155.301(O)(1)(c), to allow a 1 Foot (1') side setback along the north property line instead of the required Five Feet (5') side setback for an existing driveway, the following vote was recorded:

AYE: Members Abbondandolo, Brito and Crawl, Alternate Member Almeria

NAY: Vice Chair Goggin

Motion Passed

VARIANCE FILE NUMBERS: ZV(R) 2022-0015 - 0016

PETITIONER:

Joel Ocegüera

ADDRESS:

SUBJECT PROPERTY:

7861NW 11 Court
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 22, Block 19, BOULEVARD HEIGHTS SECTION 8 PLAT, according to the Plat thereof as recorded in Plat Book 57, Page 9B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to:

ZV(R) 2022-0015) allow a 69.1% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

ZV(R) 2022-0016) allow a 55% width of lot instead of the 40% required width of lot for an existing driveway.

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REFERENCES:

ZV(R) 2022-0015 & 16)

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Circular*	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40 % width of lot	[1] Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

PROJECT DESCRIPTION / BACKGROUND:

Joel Oceguera, owner, has submitted two Variance requests for an existing driveway:

Zoning Variance Application #ZV(R) 2022-0015 is to allow a 69.1% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total front lot coverage for an existing driveway.

Zoning Variance Application #ZV(R) 2022-0016 is to allow 55% total width instead of the allowed 40% for total driveway width for an existing driveway.

The existing driveway, built without a permit, is currently under Code Compliance Notice of Violation No. #21080056. This violation began on August 12, 2021.

Mr. Oceguera knows building permits still need to be obtained, and completed, in order for the property to come in compliance.

There is no Homeowners Association, however, Mr. Oceguera has supplied letters of support from his neighbors.

VARIANCE REQUEST DETAILS:

ZV(R) 2022-0015 to allow a 69.1% total front lot coverage for a Typical Single Family Residential Lot instead of the allowed 35% total front lot coverage for an existing driveway.

ZV(R) 2022-0016 to allow a 55% total width instead of the allowed 40% for total driveway width for an existing driveway.

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Code References: **Table 155.620 Accessory Building and Structures**

ZV(R) 2022-0015)

Type, Driveway, Circular, Maximum Dimensions, 35% front lot coverage

ZV(R) 2022-0016)

Type, Driveway, Circular, Maximum Dimensions, 40 % width of lot

Joel Ocegüera, petitioner, spoke to the variance request. He stated he installed the driveway three years ago, being a first time homeowner then, not realizing he needed permit. He built it larger to allow access for a van that his handicapped mother-in-law drives. Mr. Ocegüera stated there have been no drainage issues. Members mentioned that this area is Sunswept and there are no sidewalks, narrow roads, and street parking blocks road and sight range. This installation is concrete pads with grass drainage that runs between the pads. Dean Piper confirmed the petitioner is going to take off five feet on the left side, to come into compliance to get permitted, thus reducing the size of the driveway and the front lot coverage to size in variance request.

The members of the board who spoke to the variance request were Vice Chair Goggin and Alternate Member Siddiqui.

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 Member Crawl, seconded by Alternate Member Almeria, to grant variance request ZV(R) 2022-0015, under Sec. 155.301(O)(1)(c), to allow a 69.1% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway, passed unanimously.

A motion by Member Crawl, seconded by Alternate Member Almeria, to grant variance request ZV(R) 2022-0016, under Sec. 155.301(O)(1)(c), to allow a 55% width of lot instead of the 40% required width of lot for an existing driveway, passed unanimously.

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VARIANCE FILE NUMBERS: ZV(R) 2022-0017 - 0019

PETITIONER:

Laura Hooper

ADDRESS:

SUBJECT PROPERTY:

18930 NW 10 Terrace
Pembroke Pines, FL 3302

LEGAL DESCRIPTION:

Lot 127 of Kensington at Chapel Trail, A.K.A. A portion of AMERITRAIL PARCEL "A" of the CHAPEL TRAIL II PLAT, according to the Plat thereof as recorded in Plat Book 112, Page 16B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2022-0017 a 2' (eastern) side setback for an open sided structure instead of the required 5' side setback for a proposed pergola.

ZV(R) 2022-0018 a 4.9' rear setback for a proposed open sided structure instead of the required 5' rear setback for a proposed pergola.

ZV(R) 2022-0019 a 220 square feet proposed open sided structure instead of the allowed 200 square feet for a proposed pergola.

REFERENCES:

ZV(R) 2022-0017 – 0019)

Table 155.620 Accessory Building Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Open sided Structure (Free Standing)	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	200 square feet	When located in A or R-E it may exceed 200 square feet and shall meet the setbacks of the primary building

PROJECT DESCRIPTION / BACKGROUND:

Laura Hooper, owner, has submitted three Zoning Variance requests for an existing "Open sided, freestanding structure":

Zoning Variance Application #ZV(R) 2022-0017 is to allow a 2 foot side setback for an Accessory Open Side Structure instead of the required 5 feet.

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Zoning Variance Application #ZV(R) 2022-0018 is to allow a 4.9 feet rear setback for an Accessory Open Sided Structure instead of the required 5 feet.

Zoning Variance Application #ZV(R) 2022-0019 is to allow a 215 square foot Accessory Open Side Structure instead of the allowed 200 square feet.

Mrs. Hooper is aware building permits still need to be completed through the City's Building Department to finalize the permitting process.

Property is located within the Chapel Trail Owners Association and approval from the Association is attached.

VARIANCE REQUEST DETAILS:

ZV(R) 2022-0017 to allow a 2 foot side setback for an existing 10.1' x 9.9' Accessory Open Sided Structure instead of the required 5 feet.

ZV(R) 2022-0018 to allow a 4.9 feet rear setback for an existing Accessory Open Sided Structure instead of the required 5 feet.

ZV(R) 2022-0019 to allow a 215 square feet Accessory Open Sided Structure instead of the allowed 200 square feet.

Code References: **Table 155.620 Accessory Building Structures**

ZV(R) 2022-0017)

Type, Open sided Structure (Free Standing), Setback, Side, 5 feet

ZV(R) 2022-0018)

Type, Open sided Structure (Free Standing), Setback, Rear, 5 feet

ZV(R) 2022-0019)

Maximum Dimensions, 200 square feet

Christopher Hopper, appeared for the petitioner and spoke to the variance request. He stated the freestanding pergola was built in 2020 on the western side of back yard and is the only shade the yard has. Dean Piper confirmed that the measurements were to have been done on the outside of the post instead of being measured from the inside of the post, so that put it into the setback.

There were no questions from the board members.

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 Member Crawl, seconded by Member Brito, to grant variance request ZV(R)

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2022-0017, under Sec. 155.301(O)(1)(c), to allow a 2' (eastern) side setback for an open sided structure instead of the required 5' side setback for a proposed pergola, passed unanimously.

A motion by Member Crawl, seconded by Member Brito, to grant variance request ZV(R) 2022-0018, under Sec. 155.301(O)(1)(c), to allow a 4.9' rear setback for a proposed open sided structure instead of the required 5' rear setback for a proposed pergola, passed unanimously.

A motion by Member Crawl, seconded by Member Brito, to grant variance request ZV(R) 2022-0019, under Sec. 155.301(O)(1)(c), to allow a 220 square feet proposed open sided structure instead of the allowed 200 square feet for a proposed pergola, passed unanimously.

ITEMS AT THE REQUEST OF THE BOARD:

There were no items from the board.

ITEMS AT THE REQUEST OF STAFF:

Dean Piper reminded the board that there is no July meeting and August 4, 2022 will be next meeting. At the August meeting the board members will hear the Sunshine Law presentation from the City Attorney's office and elect Chair and Vice Chair for the 2022-2023 year.

ADJOURNMENT:

On a motion by Alternate Member Almeria, seconded by Member Crawl, to adjourn the meeting at 7:25 P.M. passed unanimously.

Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: 7:25 P.M.
Approved: