Vicinity Map

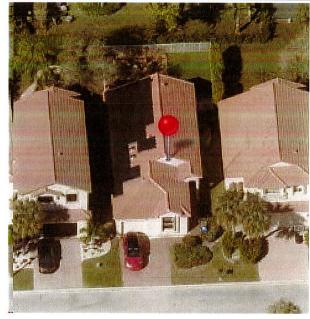
City of Pembroke Pines • Planning and Economic Development Department

ZV(R) 2023-0035, 0047-0049 Zoning Variances

ROSENTHAL, GARY M & PENINA J 1674 SW 158 TER PEMBROKE PINES FL 33027











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

Summary

Agenda Date:	May 4, 2023	Application	on ID:	ZV(R) 2023-0035 & 0047 - 0049		
Project:	Attached open sided roofed patio and an existing paver patio	Project N	umber:	N/A		
Project Planner:	Dean Piper, Zoning Administrator					
Owner:	Gary & Penina Rosenthal	Agent:		N/A		
Location:	1674 SW 158 Terrace	1674 SW 158 Terrace, Pembroke Pines, FL 33027				
Existing Zoning:	Planned Unit Development (PUD) - Grand Palms	Existing Land Use:		Residential		
Reference Applications:	E01	Building Permit Application #RO22-09684 Code Violation #230401660				
	Variance	Summary	enper Manuscripe			
Application	Code Section	Required	/Allowed	Request		
ZV(R) 2023-0035	Zero Lot Line Homes 155.652 (B)	Openings prohibited on zero lot line		2.1' Side setback (south)		
ZV(R) 2023-0047	Accessory Building and Structures Table 155.620	Deck or Patio Side Setback, 5 feet		0' side setback (south)		
ZV(R) 2023-0048	Accessory Building and Structures Table 155.620	Deck or Patio Rear Setback, 5 feet		0' rear setback (west)		
ZV(R) 2023-0049	Accessory Building and Structures Table 155.620	Deck or Patio Side Setback, 5 feet on the Zero Lot Line side		0' side setback (north)		
Final:	☐ Planning & Zoning	☐ Planning & Zoning Board		⊠ Board of Adjustment		
Reviewed for the Agenda:	Director.	_ Zoni	ng Adminis	trator:		

PROJECT DESCRIPTION / BACKGROUND:

Gary Rosenthal, owner, has submitted four residential zoning variance requests for a proposed attached open sided roofed patio and an existing paver patio for the property located at 1674 SW 158 Terrace. The property is part of the Grand Palms Planned Unit Development (PUD) and follows the City's Land Development Code Section 155.652–Zero Lot Line Homes; and Accessory Structures Table 155.620. This request is subject to the City's Land Development Code.

Zoning Variance requests

- ZV(R) 2023-0035 is to allow a 2.1' side setback to the zero-side (south) property line for a proposed roofed open sided patio instead of the required 5'.
- ZV(R) 2023-0047 is to allow zero feet (0') side setback (south) instead of the required fivefoot (5') setback to zero side property line for an existing paver patio.
- ZV(R) 2023-0048 is to allow zero feet (0') rear setback (west) instead of the required five-foot (5') setback to rear property line for an existing paver patio.
- ZV(R) 2023-0049 is to allow zero feet (0') side setback (north) instead of the required five-foot (5') non-zero side setback for an existing paver patio.

Mr. Rosenthal applied for a permit for a proposed roofed open sided patio (Permit Application #RO22-09684). During review of the permit application, it was determined that the side setback did not meet code requirements. In addition, it was discovered the existing paver patio was not permitted and did not meet the required setbacks. Code Violation # 230401660 for work without permit has been initiated. The variance requests are requesting to allow the proposed roofed patio and legalize the existing paver patio.

The applicant is aware that Board consideration of residential variance request do not preclude the property owner from obtaining all necessary development related approvals or permits.

The subject property is in the Grand Palms neighborhood. The applicant has provided a copy of the Home Owners Association (HOA) approval as well as support from the adjacent property owners.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0035 to allow 2.1' Side Setback to Zero Side (south) Property Line for proposed roofed, open sided patio.

ZV(R) 2023-0047 to allow a zero-foot (0') zero side (south) setback for an existing paver deck.

ZV(R) 2023-0048 to allow a zero foot (0') rear setback (west) for an existing paver deck.

ZV(R) 2023-0049 to allow a zero foot (0') non-zero side (north) setback for an existing paver deck.

Code References:

ZV(R) 2023-0035

155.652 ZERO LOT LINE HOMES

(B) Openings prohibited on the zero-lot line side. The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of openings with the exception of a condensate line. Atria or courts shall be permitted on the zero-lot line side when the court or atrium is enclosed by three walls of the dwelling unit, and a solid wall of at least eight feet in height is

provided on the zero lot line. The wall shall be constructed of the same material as exterior walls of the unit or may be constructed of decorative opaque glass block.

ZV(R) 2023-0047 - 0049

		Table 15	5.620 A	ccessory	Building	g and Struc	tures	
		Setback			Maximum	Maximum	Additional	
	Туре	Front	Side	Street Side	Rear	Height	Dimensions	Regulations
Accessory Structures	Deck or Patio*	Primary Building	5 feet	5 feet	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
 - 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:

Variance Request Application Subject Site Aerial Photo Unified Development Application Property Survey Proposed Plan



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: # Plans for DRC Planner:
Indicate the type of application you are Appeal* Comprehensive Plan Amendment Delegation Request DRI* DRI Amendment (NOPC)* Flexibility Allocation Interpretation* Land Use Plan Map Amendment* Miscellaneous Plat*	e applying for: Sign Plan Site Plan* Site Plan Amendment* Special Exception* Variance (Homeowner Residential) Variance (Multifamily, Non-residential)* Zoning Change (Map or PUD)* Zoning Change (Text) Zoning Exception* Deed Restriction
 Include all submittal requirements / a All applicable fees are due when the Include mailing labels of all property signed affidavit (Applications types m All plans must be submitted no la Development Review Committee (DF Adjacent Homeowners Associations number and a minimum of 30 days b The applicant is responsible for add Any application which remains inac review. A new, updated, application v Applicants presenting demonstration 	application is submitted (Fees adjusted annually). owners within a 500 feet radius of affected site with narked with *). ter than noon on Thursday to be considered for RC) review the following week. s need to be noticed after issuance of a project efore hearing. (Applications types marked with *). ressing staff review comments in a timely manner. tive for over 6 months will be removed from staff will be required with applicable fees. In boards or architectural renderings to the City oc copy (PDF) of each board submitted to Planning
Project Planner: Dean Project #	Staff Use Only : PRJ 20 Application #: それ) 2023 - 35
Date Submitted:// Posted	Signs Required: () Fees: \$

SECTION 1-PROJECT INFORMATION:

Project Name: GARU Rosenthal
Project Address: 1674 5W 158 Terrace, Pembroke Aines, FL
Location / Shopping Center: Hallywood Lakes CC & Resort
Acreage of Property: Building Square Feet:
Flexibility Zone: Folio Number(s): <u>5140 2102 0750</u>
Plat Name:Traffic Analysis Zone (TAZ):
Legal Description: 139-298 LOT75 Parcel 14 the Goove
Has this project been previously submitted?
Describe previous applications on property (Approved Variances, Deed Restrictions, etc) Include previous application numbers and any conditions of approval.

Datë	Application	Request	Action	Resolution / Ordinance #	Conditions of Approval
	<u> </u>			+	
	I		ī ļ		
•	<u>.</u>		 -	+	
	(-		.	1	
				!	
_	<u> </u>				
				:	

SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION

A	Owner's Name: Gary Rosenth	a /
		58 Terroce, Pembroke Aines
	Owner's Email Address: _qubyrast.	ntha/2@ amail.com
	Owner's Phone:	Owner's Fax: 954 -551-1270
	Agent:	-
×	Contact Person: <u>Gary Ratein</u>	Mall
	·	as above
	Agent's Email Address:	
	Agent's Phone:	Agent's Fax:
	All staff comments will be sent direct writing from the owner.	ctly to agent unless otherwise instructed in
	SECTION 3- LAND USE AND ZONING	NFORMATION:
	EXISTING	PROPOSED
	EXISTING Zoning:	
		PROPOSED
	Zoning:	PROPOSED Zoning:
	Zoning: Land Use / Density:	PROPOSED Zoning: Land Use / Density:
	Zoning: Land Use / Density: Use:	PROPOSED Zoning: Land Use / Density: Use:
	Zoning: Land Use / Density: Use: Plat Name:	PROPOSED Zoning: Land Use / Density: Use: Plat Name:
	Zoning: Land Use / Density: Use: Plat Name:	PROPOSED Zoning: Land Use / Density: Use: Plat Name:
	Zoning: Land Use / Density: Use: Plat Name: Plat Restrictive Note:	PROPOSED Zoning: Land Use / Density: Use: Plat Name: Plat Restrictive Note:
	Zoning: Land Use / Density: Use: Plat Name: Plat Restrictive Note: ADJACENT ZONING	PROPOSED Zoning: Land Use / Density: Use: Plat Name: Plat Restrictive Note: ADJACENT LAND USE PLAN North:
	Zoning: Land Use / Density: Use: Plat Name: Plat Restrictive Note: ADJACENT ZONING North:	PROPOSED Zoning: Land Use / Density: Use: Plat Name: Plat Restrictive Note: ADVACENT LAND USE PLAN North:

-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: Bld. Periods Code Section: Required: ____< Request: Details of Variance, Zoning Appeal, Interpretation Request: SECTION 5 - LAND USE PLAN AMENDMENT APPLICATION ONLY ☐ City and County Amendment ☐ City Amendment Only Existing City Land Use: _____ Requested City Land Use: Existing County Land Use: Requested County Land Use: _____

SECTION 7- PROJECT AUTHORIZATION

OWNER CERTIFICATION

	n the owner of the property onerein is true and correct to	described in this application and that the best of my knowledge.
y CM		2/7/2123
Signature of Owner		Date
Sworn and Subscribed b	efore me this $\frac{7_{14}}{23}$ day	WANDA LOPEZ Notary Public-State of Florida Commission # HH 276032 My Commission Expires June 14, 2026
\	MM3	
Fee Paid Sign	ature of Motary Public	My Commission Expires
AGENT CERTIFIC	ATION	
and that all information s		wner described in this application prect to the best of my knowledge.
N / A Signature of Agent		Date
Sworn and Subscribed be of <u>February</u> , 20	efore me this <u>7th</u> day	WANDA LOPEZ Notary Public-State of Florida Commission # HH 276032 My Commission Expires June 14, 2026
	W3-	
Fee Paid Sign	ature of Notary Public	My Commission Expires

Waiver of Florida Statutes Section 166.033, Development Permits and Orders

Applica	ent: Gary Rosen that
	ized Representative:
	ation Number:
Applica	ation Request:
	of Caty Rosen Hall (print Applicant/Authorized Representative name), on behalf (Applicant), hereby waive the deadlines and/or ural requirements of Florida Statute Section 166.033 as the provisions of said statute apply to the referenced application, including, but not limited to the following:
a.	30-day requirement for Applicant Response to Staff determination of incompleteness as described in DRC Comments and/or Letter to Applicant;
b.	30-day Staff review of Applicant Response to DRC Comments and/ or Letter to Applicant;
c.	Limitation of three (3) Staff Requests for Additional Information;
d.	Requirement of Final Determination on Applicant's application approving, denying, or approving with conditions within 120 or 180 days of the determination of incompleteness, as applicable.
	Signature of Applicant or Applicant's Date Authorized Representative Cary Rochhal Print Name of Applicant/Authorized Representative

To whom it may concern

Dear City of Pembroke Pines

My name is Mr. Rosenthal, I am writing this letter as to why the pergola and pavers are important to me to have and keep.

I am currently battling cancer and my wife is battling asthma and we can't be exposed to the sun too long nor can we have too much grass at our house. We are currently senior citizens and want to enjoy life as comfortably as possible.

It is with sincere permission that we ask that we keep both pergola and pavers as we continue to enjoy life as long as possible.

We have all documents needed to support our request including doctors notes.

Please if there are more questions or concerns, do not hesitate to contact myself at (954) 551-1270 or Mr. Calvin Gray (941) 321-9707.

Best regards,

Gary Rosenthal

ROSENTHAL, PENINA (F) 68y (09/14/1951) 1674 SW 158 TERR, PEMBROKE PINES, FL 33027

Visit with provider on 04/06/2020

Clinical Note ID#58701193

Reason for Visit Audiovisual visit

Problems

Other asthma J45.998 04/09/2012

Past Medical History

High cholesterol

High blood pressure

Age-related osteoporosis without current pathological fracture

Unspecified osteoarthritis, unspecified site

Noninfective gastroenteritis and colitis, unspecified

Anxiety disorder, unspecified

Other asthma

Other depressive episodes

Other arthritis

Type 2 diabetes mellitus without complications

Anxiety

Mammography

Negative for: Colonoscopy

Surgical History

TMJ surgery

Social History

Former smoker

Family History

Asthma

Active Allergies/Adverse Reactions

tetracyclines, aspirin

Active Medications

ezetimibe 10 mg tablet; PO qd; 0 refill(s);

Prolia 60 mg/mL solution; SUBCUT q1mo; 0 refill(s);

metFORMIN 500 mg tablet; PO bid; 0 refill(s);

Metoproloi Tartrate 25 mg tablet; PO bid; 0 refill(s);

FluLaval PF Quadrivalent 2019-2020 preservative-free quadrivalent suspension; IM 0 refill(s); Date

Issued: 01/01/2019;

Vitamin D3 5000 intl units tablet; PO qd prn; 0 refill(s);

Ventolin HFA 90 mcg/inh aerosol; INH 0 refill(s);

traZODone 50 mg tablet; 1 tab PO tid; Dispense: 160 Unspecified; 0 refill(s);

Pulmicort Flexhaler 180 mcg/inh powder; 2 puffs INH qd prn; 0 refill(s);

FLEXORIL 10 MG tid; 0 refill(s);

atorvastatin 80 mg tablet; PO qd; 0 refill(s);

Co-Q10 200 mg capsule; PO qd; 0 refill(s);

traMADol 50 mg tablet; 1 tab PO tid prn; Dispense: 40 Unspecified; 0 refill(s);

clonazePAM 0.5 mg tablet; PO bid; 0 refill(s);

Subjective

Patient had a follow-up visit. Had audiovisual visit. Patient has been feeling much better since the last time. Has been using her Pulmicort on a regular basis. No need to use any Ventolin. In the recent past patient had seen her cardiologist and endocrinologist all well in those departments. Patient still not very active going to

ROSENTHAL, PENINA (F) 68y (09/14/1951) 1674 SW 158 TERR, PEMBROKE PINES, FL 33027

Visit with provider on 04/06/2020

work on that. Weight appetite stable sleeping still disturbed because of a lot of underlying anxiety. Diabetes is fairly well controlled.

Rest of 10 point ROS negative

Vitals

L/H: 60.0 in.; W: 116.0 lb.; BMI: 22.7;

Objective

Telephone visit

Medications

Ventolin HFA; SIG: 90 mcg/inh aerosol; INH 2 puffs QID PRN; Quantity: 1; 3 refill(s); Ordered: 04/06/2020; Ordering Provider: Vinod Patel MD;

Plan of Care

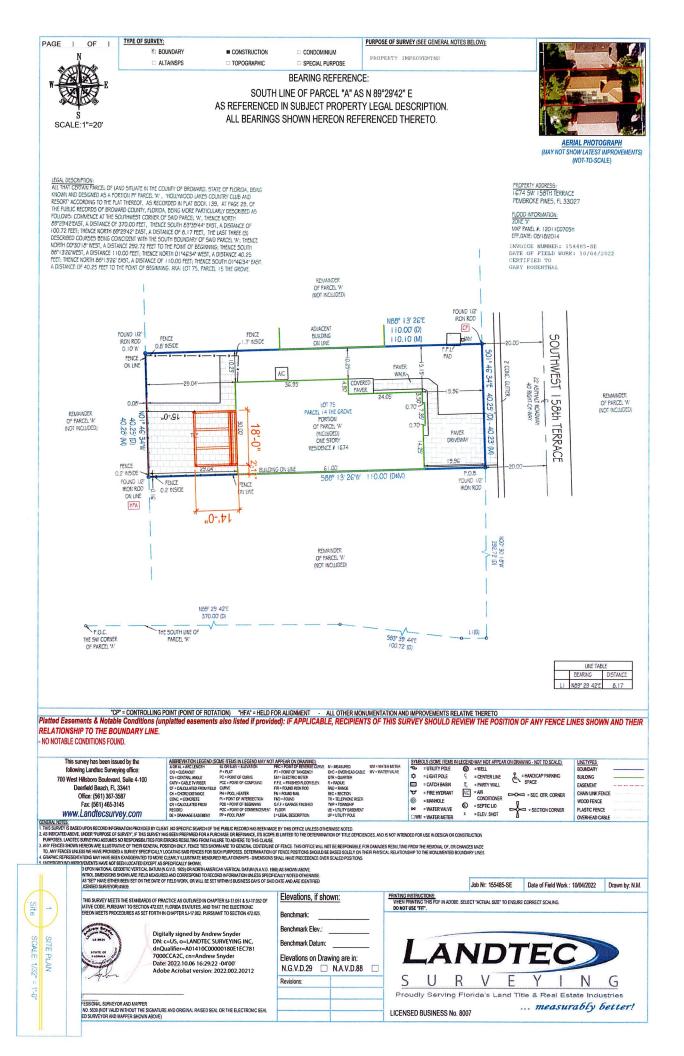
Plan Text

Patient is clinically her asthma is stable continue Pulmicort inhaler 2 puffs twice a day may cut down to once a day. Use Ventolin as needed. Avoid respiratory allergens. Continue her blood pressure medication treatment for diabetes and osteoporosis. Be more active watch diet. Call for any acute medical problem. Patient will be seen in about 4-6 months by Dr. Sandeep Jain. I advised her about my retirement and she is agreeable to follow-up with Dr. Sandeep Jain.

Future Scheduled Appointments

4-6 months Dr. Sandeep Jain

Finalized and Signed at 13:06:41 on 04/06/2020 by Vinod Patel MD



February 10, 2023

Mr. Dean Piper, Zoning Administrator Planning & Economic Development Department 601 City Center Way, 3rd Floor Pembroke Pines, FL 33025

Mr. Piper,

It is our understanding that my neighbor, Gary Rosenthal (1674 SW 158th Terrace) is requesting a variance on the side of his home of which I reside adjacent to him. Gary has explained that he is looking to have an aluminum shade structure built with motorized drop screens to provide him protection from the sun.

This aluminum structure would be placed roughly 3' in from the outside edge of his home in so the system and screen track to fall just to the outside of his existing sliding glass door. This gives him the ability to walk out with the screen down for proper egress. We have no issue with Gary building such structure and support his right to do so considering his medical issues with sun exposure.

If you have any further question, please feel free to reach out to us.

Sincerely.

Corey & Ruth Edwards 1684 SW 158 Terrace

Pembroke Pines, FL 33027

02/14/2023

To Whom It May Concern

Re: Gary Rosenthal

Dear Sir or Madam,

I am writing this letter, on behalf of Mr. Gary Rosenthal, due to medical necessity of strict sun avoidance. The following information will outline to the importance of Mr. Rosenthal to the recommendation mentioned below. Mr. Rosenthal is status post living kidney donor transplant by daughter in 2018. He is on continuous immunosuppressive therapy with Tacrolimus to prevent transplanted organ rejection. There are numerous side effects, adverse reactions, and warnings linked to this medically necessary medication for the patient. Among those, is increased risk of developing skin tumors associated with sun exposure. Mr. Rosenthal, who has been on Tacrolimus treatment since 2018 after the transplant surgery, was recently diagnosed with malignant melanoma (skin cancer) and underwent surgical skin tumor removal earlier this month.

Considering past medical history of the patient and essential treatments, pertinent to post transplant status, as well as new diagnosis of malignant melanoma, it is medically necessary to ensure strict sun avoidance to prevent possible comorbidities or malignant melanoma recurrence.

Respectfully,

Dr. Brian Ibrahim