

Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department

ZV(R) 2023-0038-0042

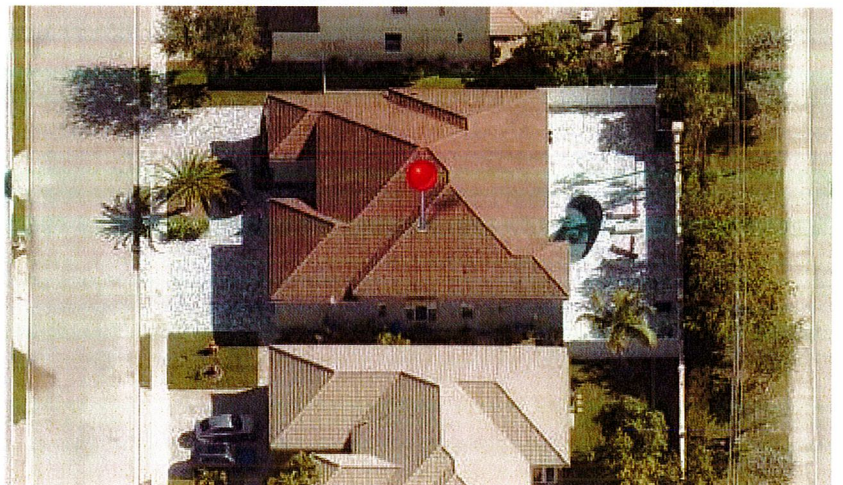
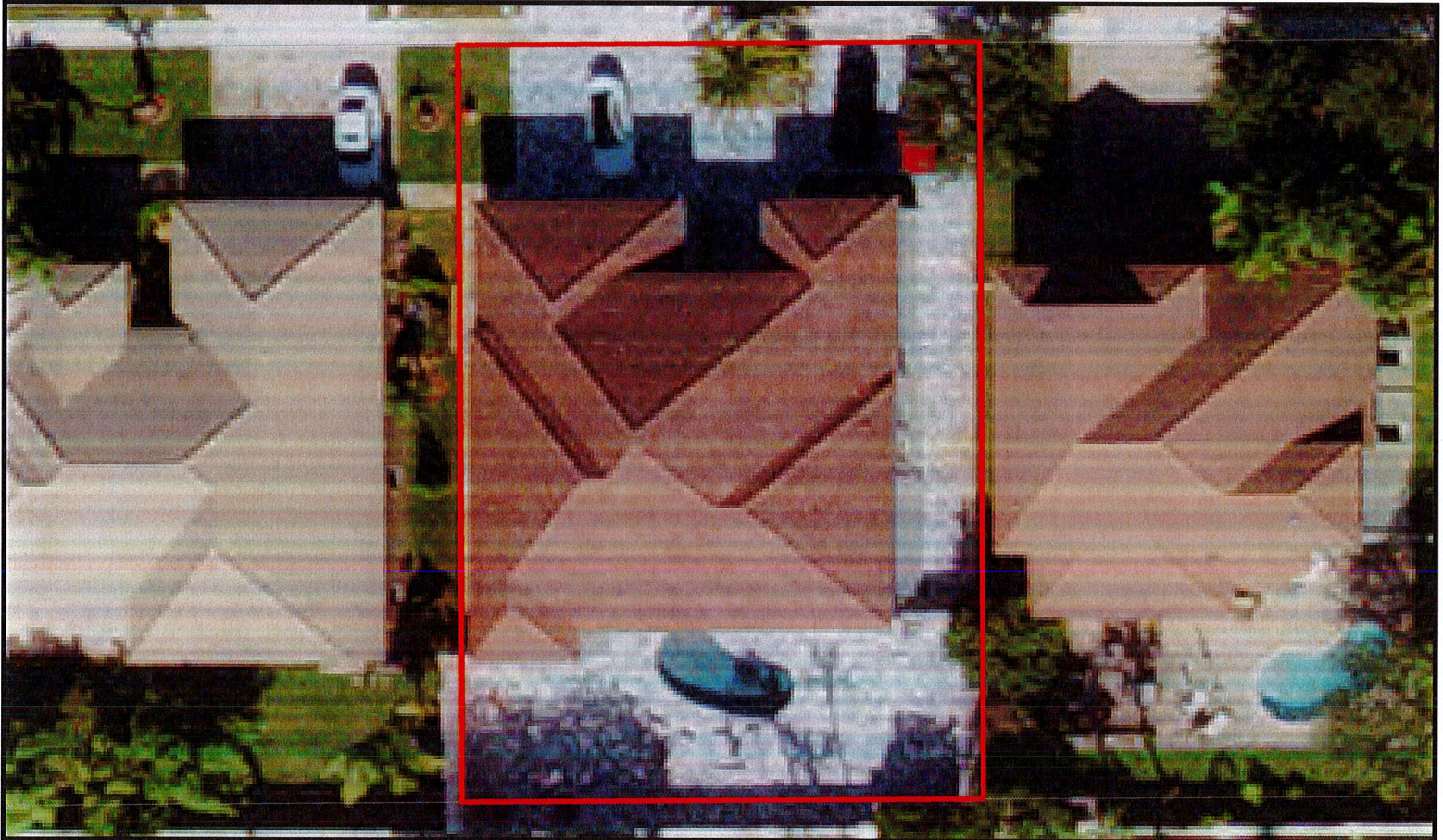
Zoning Variances

MUXO, MAYLEM

15962 SW 16 ST PEMBROKE PINES FL 33027



NOT TO SCALE







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 ID:	ZV(R) 2023-0038-0042
Project:	Circular Driveway, deck, or patio	Project Number:	N/A
Project Planner:	Christian Zamora, Senior Planner		
Owner:	Maylem Muxo	Agent:	N/A
Location:	15962 SW 16 ST PEMBROKE PINES, FL 33027		
Existing Zoning:	Planned Unit Development (PUD) SF-1, Single-Family Conventional	Existing Land Use:	Residential
Reference Applications:	Code Compliance Case No. 68431 (Issued 11/16/2021); Building Permit Application No. BUL-234388 (Applied: 10/27/2020)		

Variance Summary

Application	Code Section	Required/Allowed	Request
ZV(R) 2023-0038	Table 155.620: Accessory Structures: Driveway, Circular	35% Front Lot Coverage (Total)	70% Front Lot Coverage (Total)
ZV(R) 2023-0039	Table 155.620: Accessory Structures: Driveway, Circular	40% of lot's width	55% of lot's width
ZV(R) 2023-0040	Table 155.620: Accessory Structures: Driveway, Circular	Five Feet (5') side setback (western property line)	Zero Feet (0') side setback (western property line)
ZV(R) 2023-0041	Table 155.620: Accessory Structures: Deck or Patio	Five Feet (5') side setback (western property line)	Zero Feet (0') side setback (western property line)
ZV(R) 2023-0042	Table 155.620: Accessory Structures: Deck or Patio	Five Feet (5') rear setback (southern property line)	Zero Feet (0') rear setback (southern property line)
Final:	<input type="checkbox"/> Planning & Zoning Board <input checked="" type="checkbox"/> Board of Adjustment		
Reviewed for the Agenda:	Director: <u></u> Zoning Administrator: <u></u>		

PROJECT DESCRIPTION / BACKGROUND:

Maylem Muxo, owner, submitted five residential zoning variance requests to legalize an existing driveway and patio at the property located at 15962 SW 16 Street. The property is part of Pembroke Shores Planned Unit Development (PUD) and follows the guidelines for Single Family Conventional (SF-1). The PUD guidelines do not address setbacks or lot coverage of structures at grade; therefore, the provisions of the City's Land Development Code (LDC) are applicable.

On October 29, 2020, the previous property owner submitted a building permit application (No. BUL-234388) to legalize a circular driveway and patio, nonetheless, the building permit was denied as the existing driveway exceeded the limitations of the City's LDC. The property was sold in September 2022.

In November 16, 2022, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 68431) for work done without building permits; the citation was provided to the current owner.

The current owner, submitted a survey showing the unpermitted work and it was revealed that the existing paving (driveway) in the front of the property exceeded maximum total front lot coverage, allowable driveway width and did not comply with the required setbacks. As result, the applicant is requesting:

- ZV(R) 2023-0038 is to allow 70% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing circular driveway in a typical lot.
- ZV(R) 2023-0039 is to allow 55% of lot's width instead of the allowed 40% of lot's width for an existing circular driveway in a typical lot.
- ZV(R) 20223-0040 is to allow zero feet (0') side setback (western property line) instead of the required five feet (5') setback for an existing circular driveway in a typical lot.

In addition to the driveway, the survey revealed that the existing patio is located within the required, east side, west side and rear setbacks. As result, the applicant is requesting:

- ZV(R) 2023-0041 is to allow zero feet (0') side setback instead of the required five feet (5') to west property line for an existing patio or deck.
- ZV(R) 2023-0042 is to allow zero feet (0') setback instead of the required five feet (5') to south property line for an existing patio or deck.

Per a review of aerial photography from the Broward County Property Appraiser, the driveway and patio have been on the property since 2021. The applicant was not able to produce any permits for the work. The applicants request is less than the work that exists on the property, but still exceeds the requirements of the LDC.

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

The subject property is in Pembroke Shores homeowners association (HOA). The applicant has provided a copy of the HOA approval.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0038 is to allow 70% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing circular driveway typical lot.

ZV(R) 2023-0039 is to allow 55% of lot's width instead of the allowed 40% of lot's width for an existing circular driveway in a typical lot.

ZV(R) 2023-0040 is to allow zero feet (0') side setback instead of the required five feet (5') to west property line for an existing circular driveway in a typical lot.

ZV(R) 2023-0041 is to allow zero feet (0') side setback instead of the required five feet (5') to east property line for an existing patio/deck.

ZV(R) 2023-0042 is to allow zero feet (0') side setback instead of the required five feet (5') to south property line for and existing patio/deck.

Code References:

ZV(R) 2023-0038, 0039, 0040:

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% lot coverage for zero lot line. 40 % width of lot	[1] Shall include 5 foot radius between driveway and lot line. [2] 10 foot minimum width

ZV(R) 2023-0041, 0042:

Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Deck or Patio	Primary Building	5 feet	15 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
 - 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: Variance Request Application
Subject Site Aerial Photo
Property Survey
Imagery
Proposed Plan
HOA Letter of Approval



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: 3/20/2023

Plans for DRC C-2 Planner: C-2

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:

1. All questions must be completed on this application. If not applicable, mark N/A.
2. Include all submittal requirements / attachments with this application.
3. All applicable fees are due when the application is submitted (Fees adjusted annually).
4. Include mailing labels of all property owners within a 500 foot radius of affected site with signed affidavit (Applications types marked with *).
5. All plans must be submitted no later than noon on Thursday to be considered for Development Review Committee (DRC) review the following week.
6. 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 *).
7. 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.
8. 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.

Staff Use Only

Project Planner: C-2 Project #: PRJ 20 Application #: 2012/2023-0028-0012

Date Submitted: 3/20/23 Posted Signs Required: (1) Fees: \$

SECTION 1-PROJECT INFORMATION:

Project Name: Maytem Muxo
Project Address: 15962 SW 16 ST PEMBROKE Pines FL 33027

Location / Shopping Center: _____

Acreage of Property: .214 Building Square Feet: 2718

Flexibility Zone _____ Form Number: 514020060740

Plot Name _____ Traffic Analysis Zone (TAZ) _____

Legal Description:

Pasadena at Pembroke Shores 159-45 B LOT 74 BLK 1

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
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SECTION 2 - APPLICANT / OWNER / AGENT INFORMATION

Owner's Name: Maylen Muxo
Owner's Address: 15962 SW 16 ST Pembroke Pines FL 33027
Owner's Email Address: mmuxo2@yahoo.com
Owner's Phone: 305 303-1267 Owner's Fax: _____
Agent: _____
Contact Person: _____
Agent's Address: _____
Agent's Email Address: _____
Agent's Phone: _____ 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: _____

Code Section: 155-620

Required: 35% Ft Coverage; 10% of lot's width; 5' setbacks (east, south, west).

Request: _____

Details of Variance, Zoning Appeal, Interpretation Request:

Requesting variances for the dimensions of the driveway set back on each side of the property, and for the terrace against the rear property line. This would include a total of 2 variances.

C-2.

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 6 - DESCRIPTION OF PROJECT (attach additional pages if necessary)

Please be advised due to the circumstances of the unpermitted work from the previous property owner, my family and I are requesting these variances to minimize costs as we recently bought this house without knowledge of the discrepancies and we are left with very little funds to bring this to code.

Facing the front of the property from 16th St we propose to remove 9 ft. ("A" on the plans) from the East property line to the driveway and from the side walk to 4 ft before the front planter area. Those 4 ft will connect to the walk way on the east side against the house. We will remove pavers 5 ft ("B" on the plans) from the east property line to the house from the beginning of the house all the way to the rear property line on the south. On the rear of the house we will remove 5 ft ("C" on the plans) from the concrete wall to the house. On the rear West side of the house we will remove 5 ft ("D" on the plans) from the property line, from the rear to a landing area before the gate door. We would leave the West walk way from the gate door to the front of the house.

My family and I are grateful for your consideration.

Regards,
Xpaylen Ruxo

SECTION 7- PROJECT AUTHORIZATION

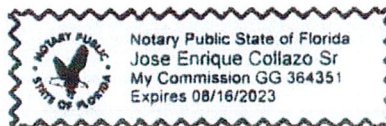
OWNER CERTIFICATION

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] 03/16/2023
Signature of Owner Date

Sworn and Subscribed before me this 16th day
of March, 20 23

[Signature] 08/16/2023
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

15962 SW 16 ST PEMBROKE PINES, FL 33027

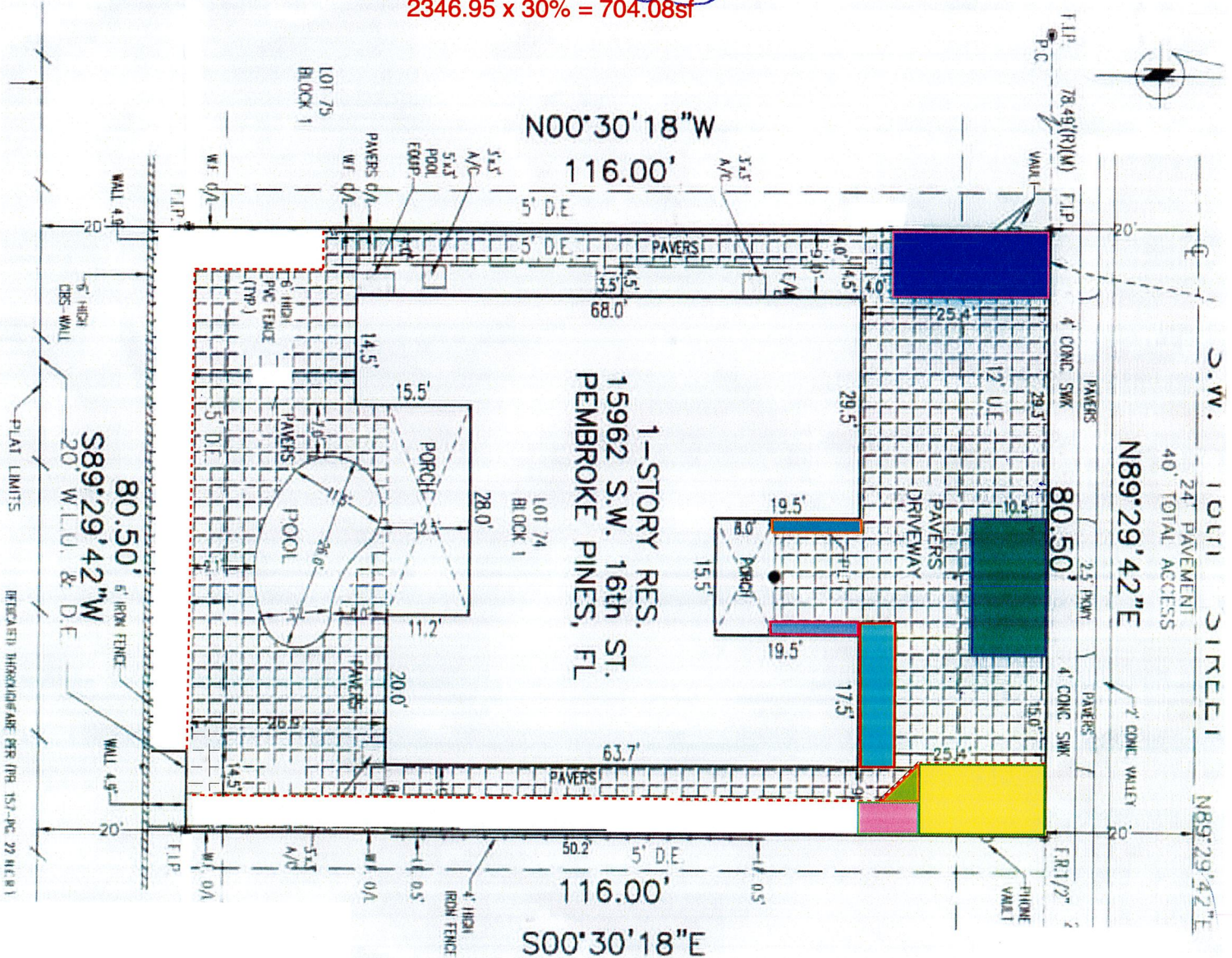








Paving (Front)





Paving (Rear)



$$2346.95 \times 30\% = 704.085$$


	$21.25 \times 8.5 = 180.62\text{sf}$
	$11.16 \times 1.95 = 21.76\text{sf}$
	$10.16 \times 18 = 182.88\text{sf}$
	$11.16 \times 2.16 = 24.11\text{sf}$
	$5 \times 20 = 100\text{sf}$
	$(4 \times 4)/2 = 8\text{sf}$

 $9 \times 5 = 45\text{sf}$

 $16 \times 9 = 144\text{sf}$

Total Square Feet = 706.37

$$\begin{array}{r} \text{Total SF} = 2,346.95 \\ \text{Removed SF} = 706.37 \\ \hline \text{Total Pool} = 1,640.58 \\ 70\% \end{array}$$

L=Clear
 B.C.=Block Corner
 R/W=Right-of-Way
 O.U.L.=Overhead Utility Line
 F.N.&D.=Found Nail & Disc
 C.B.S.=Concrete Block Sluice
 O/H=Roof Overhang
 U.E.=Utility Easement

B.M.=Bench Mark
 Chatta=Chattahoochee
 F.D.H.=Found Drill Hole
 W/M=Water Meter
 F.I.P.=Found Iron Pipe
 F.N.=Found Nail
 C.A.=Central Angle
 CONC.=Concrete

Comm.=Community
 P.C.=Point of Curvature
 P.T.=Point of Tangency
 P.C.P.=Permanent Control Point
 P.L.S.=Professional Land Surveyor
 Res.=Residence
 CLF=Chain Link Fence
 A=Arc Length
 Ch=Chord

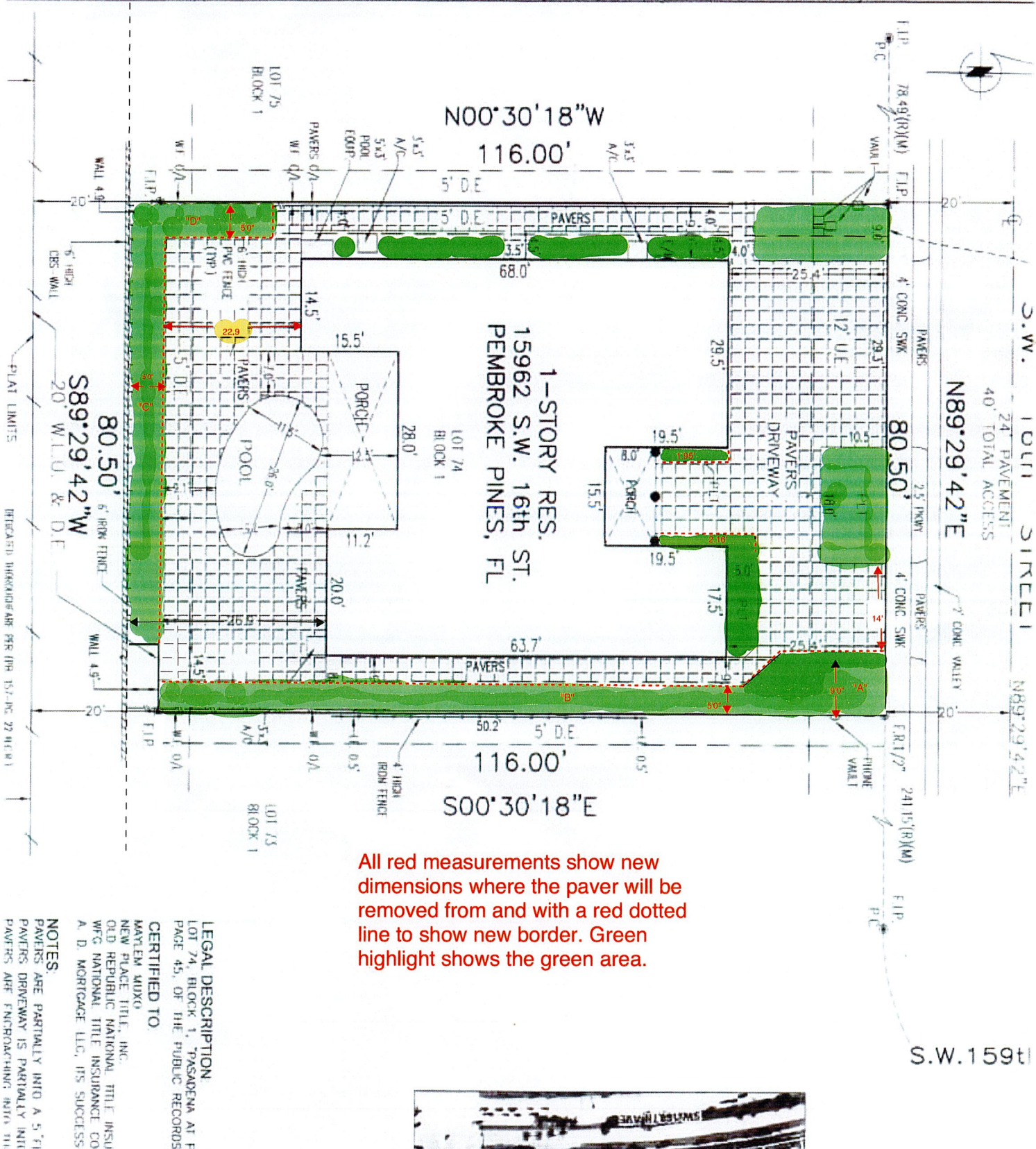
Pt.=Pier
 Pkwy=Parkway
 N.T.S.=Not to Scale
 LB=Licensed Business
 L.S.=Land Surveyor
 T=Tangent
 Sec.=Section
 RNC=Range
 ENCR=Encroaching

M=Monument Line
 N/A=Not applicable
 O/S=Off Set
 BBQ=Barbecue
 P.P.=Power Pole
 R/R=Railroad
 SWK=Sidewalk
 CL=Center Line
 PL=Property Line

F.H.=Fire Hydrant
 M=Measured
 U=Up
 D=Down
 Asp.=Asphalt
 No.=Number
 S.I.P.=Set Iron Pipe & cap

P.C.C.=Point of Curvature
 D.M.E.=Drainage & Maintenance
 P.R.M.=Permanent Right of Way
 P.R.C.=Point of Reverse
 F.P.L.=Florida Power & Light
 D.E.=Drainage Easement
 P.N.A.=Point Not Accessible
 -Denotes Elevations

This survey is made on the Field Date indicated, to the Owner(s) listed. It is not transferable to additional institutions or subsequent Owners. The use of this survey is for Mortgage purposes only, any other use is not valid without the written consent of the signing Professional Surveyor. A Land Surveyor and Mapper does not carry Liability Insurance, the only liability coverage is the cost of this Survey.





Pembroke Shores Community Association, Inc.c/o Akam (Site 2)
18501 Pines Blvd Suite 362
Pembroke Pines FL 33029

www.akam.com

Date: March 02, 2023

Project Ref: [35283153] 15962 SW 16th St

Maylem Muxo
15962 SW 16th St
Pembroke Pines FL 33027

Dear **Maylem Muxo**,

For the listed project item(s):

Driveway

I am pleased to inform you that the Pembroke Shores Architectural Committee has approved your application **with the following stipulations:**

Please notify us upon receiving the city permit and after work is completed. A PSA inspection is required.

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a county, city or state permit, it is the responsibility of the homeowner to obtain this before starting construction.

Please retain this letter for your files. If you have any questions regarding this matter, please contact Customer Care at or e-mail us at office@pembrokehores.org.

Sincerely,

Pembroke Shores Community Association, Inc.