Vicinity Map

City of Pembroke Pines • Planning and Economic Development Department ZV(R)2023-0139-0141 Zoning Variances

Arturo Arce 520 SW 69 TER Pembroke Pines FL 33028











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

Summary

Agenda Date:	February 1, 2024	Appli	cation ID:	ZV(R)2023-0139-0141	
Project:	Driveway, patio, shed.	Pre-A Numb	pplication per:	PR2023-0132	
Project Planner:	Christian Zamora, Senior Planner				
Owner:	Arturo Arce	Agent: N/A			
Location:	520 SW 69 Terrace, Pembroke Pines, FL 33023	Commission District No.		1	
Existing Zoning:	Single-Family Residence (R-1C)	Residence Existing Land Use: Residential		Residential	
Reference Applications: Code Compliance Case No. 230200678 (Issued 2/8/2023), Driveway permit application No. RX23-06032 (Applied 5/8/2023), Gazebo Demolition permit application No. RX23-15827 (Applied 12/20/2023).					
	Variance	Summa	ary		
Application	Code Section	Requ	uired/Allowed	Request	
ZV(R)2023-0139	Table 155.620: Accessory Structures: Driveway, Typical Lot	35% Front Lot Coverage (Total)		44% Front Lot Coverage (Total)	
ZV(R)2023-0140	Table 155.620: Accessory Structures: Deck or Patio.	Five-Foot (5') side setback		Zero-Foot (0') side setback	
ZV(R)2023-0141	Table 155.620: Accessory Buildings: Storage shed	100 Square Feet 142 Square Feet			
Final:	☐ Planning & Zoning Board	ning & Zoning Board ⊠ Board of Adjustment			
Reviewed for the Agenda:	Director: Assistant Director:				

PROJECT DESCRIPTION / BACKGROUND:

Arturo Arce, owner, submitted three Residential Zoning Variance requests to legalize an existing driveway, patio and storage shed for the property located at 520 SW 69 Terrace in the Pines Village neighborhood zoned Single-Family Residential Zoning District (R-1C).

On February 8, 2023, the City's Code Compliance Division cited the owner (Code Case No. 230200678) for work performed without building permits.

In May 8, 2024, the applicant submitted building permit application No. RX23-06032 to construct a driveway and patio at the property; however, the work done exceeds the limitations of the City's Land Development Code (LDC) and the application cannot be approved.

The applicant originally requested:

• **ZV(R)2023-0139** to allow 44% (total) front lot coverage instead of the required 35% (total) front lot coverage for an existing driveway in a single-family, typical lot.

After reviewing the applicant's initial request and, per the property's survey, it was detected an existing patio extending up the southern property line and two (2) roofed structures encroaching into rear and side setbacks. All built without building permits (See survey attached).

Per staff review of the city's archives no permitting information can be found for the accessory structures at the property; however, according to the Broward County Property Appraiser Imagery, it appears the roofed structures and driveway have existed in the property since 2013, 2015 and 2020 respectively. The applicant provided a survey used for fence permit (No. 22505553) issued by the city in 2005, attached.

As part of the original request, the applicant is amending the petition to include an alternative plan to modify the existing conditions of the unpermitted accessory structures at the property. Per plan:

- Reduction of the width of the existing driveway from approximately 25'-6" wide to 19'-6" wide.
- Removal of existing gazebo located on the southwest corner of the lot. (Demolition Permit Application No. RX23-15827)
- Relocation of an existing 14.11' x 10.00' storage shed from the north side of the property to a side and against the house's north wall (no openings will be obstructed)

As part of the modifications listed above, the applicant would like to retain some of the work done by making the following additional requests:

- **ZV(R)2023-0140** to allow zero-foot (0') side setback instead of the required five-foot side setback along a segment of the southern property line for an existing 19.75' x 26.25' patio.
- ZV(R)2023-0141 to allow one hundred forty square feet (142 SF) instead of the allowed one hundred square feet (100 SF) for an existing storage shed.

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. Per the City's registered HOA list, there is no HOA in the neighborhood where the property is located.

VARIANCE REQUEST DETAILS:

ZV(R)2023-0139 is to allow 44% (total) front lot coverage instead of the required 35% (total) front lot coverage for an existing driveway in a single-family, typical lot.

ZV(R)2023-0140 is to allow zero-foot (0') side setback instead of the required five-foot side setback along a segment of the southern property line for an existing 19.75' x 26.25' deck.

ZV(R)2023-0141 to allow one hundred forty square feet (142 SF) instead of the allowed one hundred square feet (100 SF) for an existing storage shed.

Code References:

ZV(R)2023-0139; ZV(R)2023-0140; ZV(R)2023-0141

	Table 155.620 Accessory Building and Structures						
	Setback						
Туре	Front	Side	Street Side	Rear	Maximum Height	Maximum Dimensions	Additional Regulations
Driveway, Typical Lot	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40 % width of lot	[1] 10 foot minimum width
Deck or Patio*	Primary Building	5 feet	15 feet	5 feet	N/A	N/A	N/A
Shed	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less.	[1] 100 square feet	[2] If over 200 square feet it shall meet primary building setbacks.

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

Existing/Modification Plan

Copy of Code Compliance Notice and Image(s)



City of Pembroke Pines Planning and Economic Development Department Unified Development Application

Planning and Economic Development

City Center - Third Floor

Prior to the submission of this ap have a pre-application meeting v to review the proposed project so requirements.	vith Planning Division staff
Pre Application Meeting Date:	5,05/05/01

Pembroke Pines, FL 33025 Phone: (954) 392-2100 http://www.ppines.com	have a pre-application meeting with Planning Division staff to review the proposed project submittal and processing requirements.		
	Pre Application Meeting Date: 19 70 2023		
	# Plans for DRC Planner:		
Indicate the type of application you ar Appeal* Comprehensive Plan Amendment Delegation Request DRI* DRI Amendment (NOPC)* Flexibility Allocation Interpretation* Land Use Plan Map Amendment* Miscellaneous	☐ Sign Plan		
Plat*	■ Deed Restriction		
 INSTRUCTIONS: All questions must be completed on this application. If not applicable, mark N/A. Include all submittal requirements / attachments with this application. All applicable fees are due when the application is submitted (Fees adjusted annually). Include mailing labels of all property owners within a 500 feet radius of affected site with signed affidavit (Applications types marked with *). All plans must be submitted no later than noon on Thursday to be considered for Development Review Committee (DRC) review the following week. 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 *). 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. 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. 			
ject Planner: <u> </u>	Staff Use Only #: PRJ 20 Application #: - 0141.		
e Submitted: <u>\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\</u>	, ,,,		

SECTION 1-PROJECT INFORMATION:

Project Name: Variance for residential dri	veway - Homeowner Arturo Arce			
Project Address: 520 SW 69	TERR Pombrone Pines, #1 83023			
Location / Shopping Center:				
Acreage of Property:	Building Square Feet:			
Flexibility Zone:	Folio Number(s): <u>514114101870</u>			
Plat Name:	Traffic Analysis Zone (TAZ):			
Legal Description:	5 Secton 6175 B201 39			
BIK7				
Has this project been previously submitte	d? Yes / YNo			
Describe previous applications on propert etc) Include previous application number	y (Approved Variances, Deed Restrictions, ers 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: HRTUYO ARCC	2
Owner's Address: 520 SW 69	Terr Removere Pines, F1 33023
Owner's Email Address: Elloloake	ee chotmail.com
	Owner's Fax:
Agent: Sold	_//
Contact Person:	//
Agent's Address:	
Agent's Email Address:	
Agent's Phone:	Agent's Fax:
All staff comments will be sent direct writing from the owner.	tly to agent unless otherwise instructed in
SECTION 3- LAND USE AND ZONING I	NFORMATION:
EXISTING	PROPOSED
Zoning:	Zoning:
Land Use / Density:	Land Use / Depsity:
Use:	Use:
Plat Name:	Plat Name:
Plat Restrictive Note:	Plat Restrictive Note:
	<u> </u>
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: RX-23-06032 Code Section: 158.630 . Request: Details of Variance, Zoning Appeal, Interpretation Request: would like to request a variance on disticulary **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 6 - DESCRIPTION OF PROJECT (attach additional pages if necessary)

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Planning and Economic Development City Center- Third Floor 601 City Center Way Pembroke Pines, FL 33025

December 19, 2023

Subject: Request for Variance for Residential Driveway Size Exceeding Square Footage

To whom it may concern:

I hope this letter finds you well. My name is Mr. Arturo Arce, and I am writing to formally request a variance for a residential driveway located at 520 SW 69 Terr Pembroke Pines, FL 33023. I understand that the current driveway exceeds the approved square footage by 234 sq ft.

I am seeking this variance due to concern for my family's safety and the need for conducive parking space at our home. I believe that the variance is necessary to address these circumstances while maintaining the overall aesthetic and functionality of the property. We have noticed other homeowners within the surrounding neighborhood who have made significant improvements to their driveways as well.

To assist you in reviewing my request, I have attached the following documents.

I understand the importance of adhering to local zoning regulations, and I am committed to working collaboratively with the Planning Department to ensure that the proposed variance aligns with the community's best interests. I am open to any conditions or modifications that the Planning Department may recommend addressing concerns related to the variance.

If necessary, I am also available to attend any upcoming meetings or hearings to discuss my request further and address any questions or concerns that may arise. Please feel free to contact me at (954-691-7009] or [elloloarce@hotmail.com) to schedule a convenient time for a discussion.

Thank you for considering my request. I appreciate your time and attention to this matter. I look forward to working with the Planning Department to find a suitable resolution.

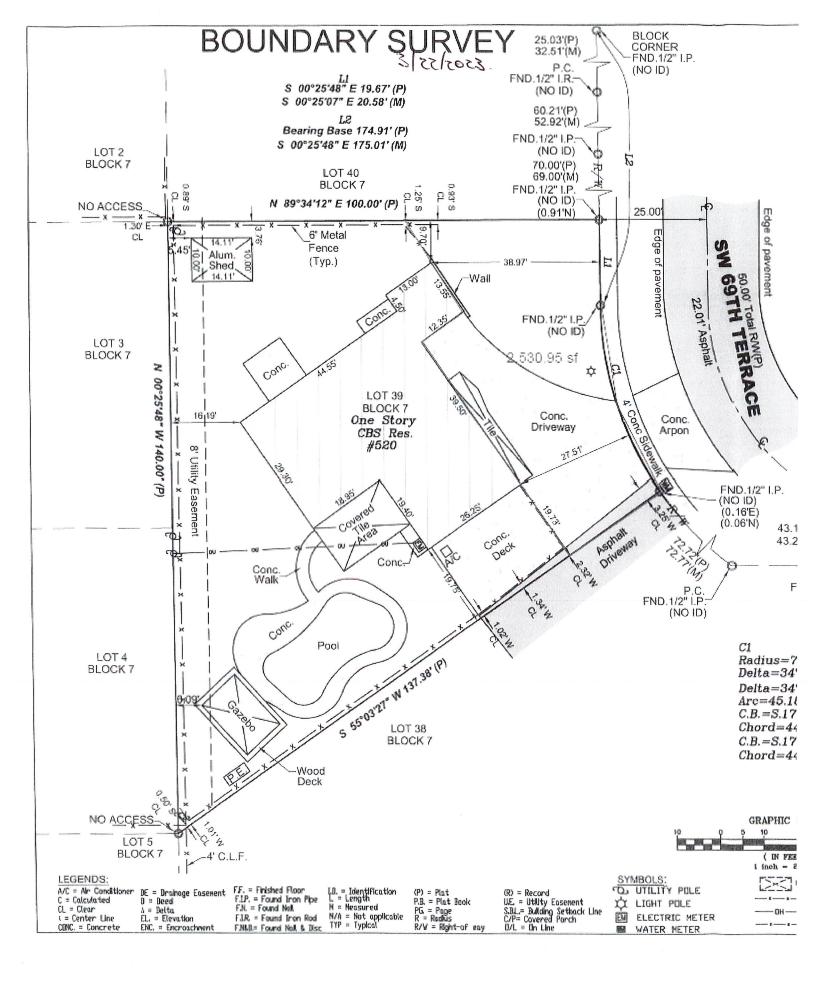
Sincerely,

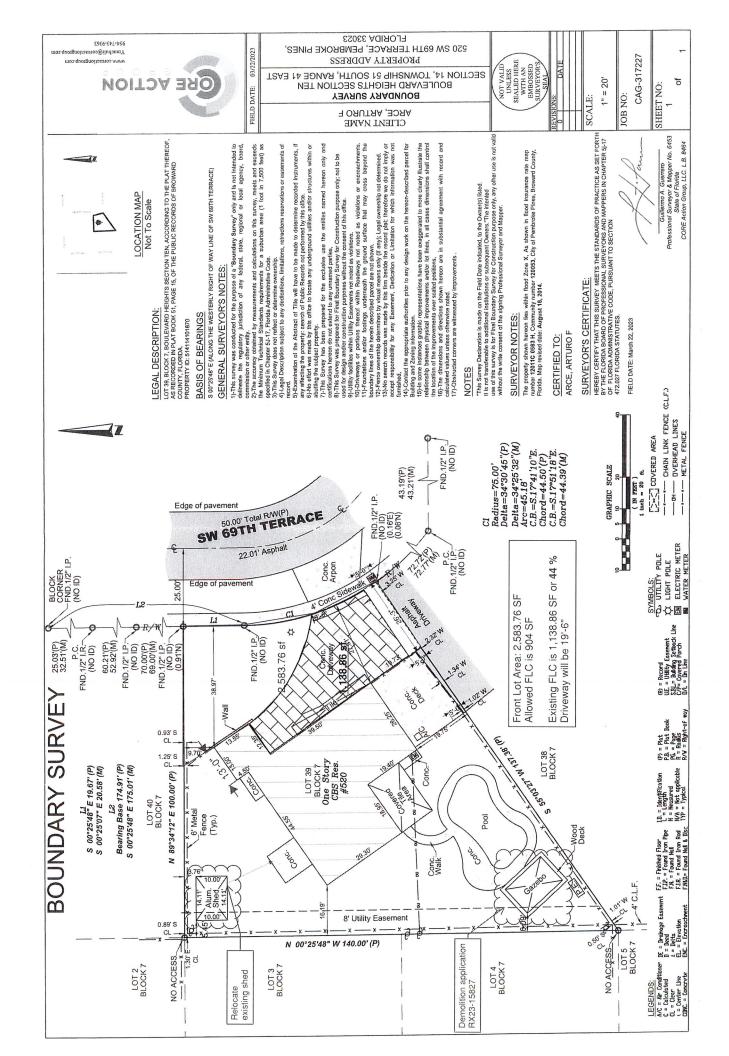
Arturo Arce

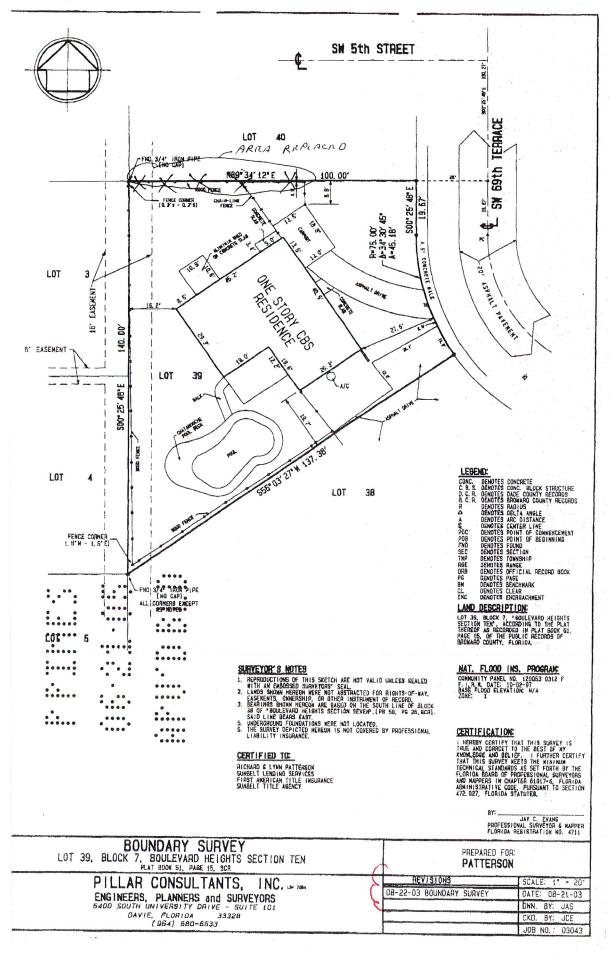
SECTION 7- PROJECT AUTHORIZATION

OWNER CERTIFICATION

This is to certify that I am the owner of the property de all information supplied herein is true and correct to the	
1.60 120	12-19-23
Signature of Owner	Date
Sworn and Subscribed before me this 19 day of December 20 23	DIONNE SIMMONS Notary Public - State of Florida Commission # HH 110855 My Cornm. Expires May 19, 2025 Bonded through National Notary Assn.
Fee Paid Signature of Notary Public AGENT CERTIFICATION	My Commission Expires
This is to certify that I am the agent of the property ow and that all information supplied herein is true and con	
Signature of Agent .	Date
Sworn and Subscribed before me this day	
of, 20	
Fee Paid Signature of Notary Public	My Commission Expires









City of Pembroke Pines Police Department, Code Compliance Division 601 City Center Way, Pembroke Pines, FL 33025 954-431-4466

VIOLATION WARNING

Case #:

230200678

Date: 2/8/2023

Folio #:

514114101870

Recipient:

ARTURO F ARCE

Address:

520 SW 69 TER

PEMBROKE PINES, FL 33023

A physical inspection at 520 SW 69 TER Pembroke Pines, FL 33023 disclosed the following violation(s) of the City of Pembroke Pines Code:

Chapter:	Section:	Violation:	Comply By Date:
CHAPTER 155: ZONING CODE LDC		Driveway front and south side extension, Metal fence, Windows / Doors. Pool deck built with no permit on file. Accessory structure (pergola) near pool.	11/15/2023

Notes/Means of Correction:

Must obtain a permit for work done on property. Contact the Building Department at 954-435-6502 for any permitting questions.

YOU ARE HEREBY NOTIFIED TO REMEDY THE CONDITIONS AS STATED ABOVE BY 11/15/2023

This is a courtesy Violation Warning that the above referenced Code Compliance violation(s) currently exist on the subject property. At this time, please take all necessary actions to remedy the violation(s) by the compliance date listed above. If you need additional time to bring the violation(s) into compliance or wish to discuss the violation(s) with the Code Compliance Officer, please immediately contact the undersigned Code Compliance Officer at the phone number listed above.

At this time, no fines or penalties have been assessed against you or recorded as a lien against your property. Failure to timely remedy the violation will result in the issuance of a formal Notice of Violation and Summons to Appear, this Code Compliance matter will be set for a hearing with the City's Special Magistrate. Fines or administrative costs may be assessed by the Special Magistrate once a Notice of Violation and Summons to Appear is issued.

If the violation(s) is corrected and then reoccurs, is not corrected by the time specified for correction by the Code Compliance Officer, or is a repeat violation(s), this case may be presented to the City's Special Magistrate even if the violation(s) has been corrected prior to the hearing.

Please govern yourself accordingly.

HAND DELIVERY TO:

Code Compliance Officer - Eugene Nelson

But. Whe

Signature is not an admission of guilt but verification of receipt of this notice.

BEFORE AND AFTER: 520 SW 69 Terrace

