

DRAFT

Board of Adjustment

**City of Pembroke Pines
Pembroke Pines, FL**

August 3, 2017

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Ryan on Thursday, August 3, 2017 at 6:30 P.M., in the City Commission Chambers, City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

PRESENT: Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and Parlavecchio; Alternate Member Siddiqui

ABSENT: Member Goggin, Alternate Member Almeria

ALSO PRESENT: Assistant City Attorney Brian Sherman, Dean Piper, Zoning Administrator, and Board Secretary Katherine Borgstrom

Board Secretary called roll and declared a quorum present.

APPROVAL OF THE MINUTES:

On a motion by Vice Chairman Rodriguez-Soto, seconded by Member Hendry, to approve the minutes of the March 2, 2017 meeting, the following vote was recorded:

AYE: Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and Parlavecchio; Alternate Member Siddiqui

NAY: None

Motion Passed

LEGAL INSTRUCTION:

Assistant City Attorney Brian Sherman 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. Three votes are needed to approve a

DRAFT

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 Assistant City Attorney Sherman.]

NEW BUSINESS:

VARIANCES:

VARIANCE FILE NUMBER: **ZV(R) 2017-02**

PETITIONER:

Marnatha Irene Ternier

ADDRESS:

SUBJECT PROPERTY:

9531 SW 6 Street
Pembroke Pines, FL 33025

LEGAL DESCRIPTION:

Lot 20 and a portion of Lot 21, Block 3; of the SKOMILL SECTION ONE PLAT, according to the plat thereof as recorded in Plat Book, 105 Page 39, of the Public Records of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 0' rear yard setback instead of the required 5' rear yard setback for a deck.

REFERENCE:

§ 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS.

(B) In residential districts, all accessory buildings and uses in a rear yard shall be located at least five feet from any plot line, at least 15 feet from any street line, and at least ten feet from any main building or other accessory building. For water front lots located within developments approved under the design criteria of (RS-7) single family zoning districts, accessory structures shall be allowed to extend to the zero setback side property line. These accessory structures shall include, but not be limited to, concrete slabs, paver decks, wood decks, pools and pool decks, and screen enclosures.

As petitioner approached, Alternate Board Member Siddiqui stated that the petitioner is a neighbor, but that they have never met. Assistant City Attorney, Brian

DRAFT

Sherman, stated if the petitioner and the board member just live within the same area, but the variance will not affect the entire community, the board member may speak on the variance and vote. Mr. Siddiqui stated he could proceed in a fair and impartial manner.

Anderson Adolphe appeared for the petitioner. He stated the deck is already built, did not realize it was an issue. There is a lake behind the home and the deck went into the South Broward Drainage District property. South Broward Drainage District has already given petitioner their approval and a variance, deeding that portion of the property to the home owner, who did pay all the fees for the variance.

Board Members who spoke to the variance were Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and Parlavecchio, and Alternate Member Siddiqui. Dean Piper stated the South Broward Drainage District had signed off and vacated the property to the homeowner. Also that the homeowner cleaned up other problems on the property for the drainage district. There was discussion on the length of the deck, if a HOA exists (no) and if the covered patio was permitted (yes, Dean Piper stated it was part of the original build).

No one from the public spoke to the request.

On a motion by Vice Chairman Rodriguez-Soto, seconded by Member Hendry, to approve ZV(R) 2017-02 as submitted, to allow a 0' rear yard setback instead of the required 5' rear yard setback for a deck, under Sec. 32.034 (2) (C), the following vote was recorded:

AYE: Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and Parlavecchio; Alternate Member Almeria

DRAFT

NAY: None

Motion Passed.

VARIANCE FILE NUMBER: ZV(R) 2017-03

PETITIONER:

Luis Llerena

ADDRESS:

SUBJECT PROPERTY:

8210 NW 11 Court
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 10, Block 4; of the BOULEVARD HEIGHTS SECTION NINE PLAT, according to the plat thereof as recorded in Plat Book 61, Page 47, of the Public Records of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 190 square feet accessory structure instead of the allowed 100 square feet accessory structure.

REFERENCE:

§ 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS.

(H) In all residential districts except A-1, RR, E-1, R-3, R-4, and R-6, only one accessory building is permitted which shall not exceed 100 square feet. In the A-1, RR, E-1, R-3, R-4, and R-6 districts, all accessory uses, storage sheds, and accessory buildings, except structures for housing livestock, up to 150 square feet in area shall be located at least five feet from any plot line and at least 15 feet from any street line. Also in the A-1, RR, E-1, R-3, R-4 and R-6 districts, only one storage container shall be permitted. Storage sheds and accessory buildings over 150 square feet and storage containers shall be subject to the limitations on location of a principal building and shall not be placed in any required yard. For purposes of this section, fall-out shelters and garages shall not be deemed accessory buildings.

Luis Llerena, petitioner, spoke to request. He stated he has not built the project and that there is no HOA in his neighborhood. He is seeking to build a 10 x 10 shed and an open structure next to the shed. He needs the shed to store his tools, as there is little space in the home. He stated the shed would be built of CBS block.

DRAFT

Dean Piper stated that the open structure would fall under the gazebo regulations and that the shed would fall under the shed regulations and that separately, both would fit within the zoning code. Due to the fact that one side of the open space is adjacent to the wall of the shed, this becomes a unique structure and thus needs the variance to be built.

Board Members who spoke to the request were Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and Parlavecchio. Discussion included concern of member that this could be turned into a living space and a request to know what the blue tarp was in the photo provided to members. Vice Chairman Rodriguez-Soto translated the question to the petitioner, but the Assistant City Attorney advised him that the Vice Chairman could not translate his answer, as that could be a violation of his process rights. Petitioner disclosed that the blue tarp was the covering of an open space presently that does meet code. Dean Piper further relayed that this open structure and shed are not connected in any way to the main house.

On a motion by Member Parlavecchio, seconded by Member Hendry, to approve ZV(R) 2017-03 as submitted, to allow a 190 square feet accessory structure instead of the allowed 100 square feet accessory structure, under Sec. 32.034 (2) (C), the following vote was recorded:

AYE: Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and
Parlavecchio; Alternate Member Almeria

NAY: None

Motion Passed.

DRAFT

EXCUSED ABSENCES:

On a motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to excuse the absence of Member Goggin and Alternate Almeria from the August meeting, the following vote was recorded:

AYE: Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and Parlavecchio; Alternate Member Siddiqui

NAY: None

Motion Passed

NEW BUSINESS:

There was no new business.

ADJOURNMENT:

Chairman Ryan adjourned the meeting at 7:04 P.M.

Respectfully submitted:

CITY OF PEMBROKE PINES
BOARD OF ADJUSTMENT

Katherine Borgstrom
Board Secretary

Adjourned: 7:04 P.M.
Approved: