

# DRAFT

**Board of Adjustment**

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

**August 2, 2018**

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Ryan on Thursday, August 2, 2018 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, Member Hendry; Alternate Members Siddiqui and Almeria

**ABSENT:** Members Goggin and Rauf

**ALSO PRESENT:** Assistant City Attorney Ian Singer, Dean Piper, Zoning Administrator, and Board Secretary Katherine Borgstrom

Board Secretary called roll and declared a quorum present.

## **APPROVAL OF THE MINUTES:**

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve the minutes of the June 7, 2018 meeting as received passed unanimously.

## **LEGAL INSTRUCTION:**

Assistant City Attorney Ian Singer 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 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 Attorney Singer.]

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**NEW BUSINESS:**  
**VARIANCES:**

**VARIANCE FILE NUMBERS:**    **ZV(R) 2018-12 A & B**

**PETITIONER:**  
Lazaro Rodriguez

**ADDRESS:**  
**SUBJECT PROPERTY:**  
401 SW 64 Parkway  
Pembroke Pines, FL 33023

**LEGAL DESCRIPTION:**  
Lot 29, Block 35 of the BOULEVARD HEIGHTS SECTION 10 PLAT, according to the plat thereof as recorded in Plat Book, 51 Page 15, of the Public Records of Broward County, Florida.

**VARIANCES REQUESTED:**  
Petitioner is requesting variances to:  
ZV(R) 2018-12A) allow a 2.59' rear yard setback instead of the required 5' rear yard setback for an existing concrete slab;  
ZV(R) 2018-12B) allow a 5.46' rear yard setback instead of the required 15' rear yard setback for an existing aluminum roofed patio with existing partial enclosure.

**REFERENCES:**  
ZV(R) 2018-12A)  
§ 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.

Chairman Ryan read the variance request into the record. Dean Piper stated that the petitioners could not be at the meeting and requested the board defer this to the September meeting.

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A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to defer ZV(R) 2018 A & B to the September 6, 2018 meeting passed unanimously.

**VARIANCE FILE NUMBERS: ZV(R) 2018-13 - 14**

**PETITIONER:**

Terraze Walker

**ADDRESS:**

**SUBJECT PROPERTY:**

9050 SW 98 Avenue  
Pembroke Pines, FL 33025

**LEGAL DESCRIPTION:**

Lot 79, Block 13, of the "LAKESIDE SOUTH PHASE TWO" PLAT, according to the plat thereof as recorded in Plat Book 131, Page 13, of the Public Records of Broward County, Florida.

**VARIANCES REQUESTED:**

Petitioner is requesting variances to allow;

ZV(R) 2018-13) a maximum width of 52% instead of the maximum width of 40% of the front yard at property line and through the swale area for a driveway;

ZV(R) 2018-14) a 47.2% total front lot coverage instead of the required 35% total front lot coverage for a driveway.

**REFERENCES:**

§ 52.26 Driveways across swale areas

ZV(R) 2018-13)

(F) All driveways shall not exceed a maximum width of 40% of the front yard at property line and through the swale area.

ZV(R) 2018-14)

(H) No driveway may:

(1) Exceed a 35% of the total front lot coverage in a single family residential home; or

Terraze Walker and Kimberly Walker, petitioners, spoke to the variance request.

He is a Miami-Dade Police Officer, a real estate agent and has lived in the City for over 22 years. He is requesting to expand the driveway so that there is a designated space for his police vehicle. The request is to add approximately three feet on each side of the existing driveway. He showed the board a page from the association newsletter that

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showed seven homes deemed magnificent by the HOA, pointing out that over half of these homes have extended driveways and several have almost entire front yard covered with pavers or concrete. He is not concreting his entire front yard and will have about 48% green coverage in front of his home. He cannot put in a circular drive due to the placement of the water meter and drainage on front of property. Petitioner stated he has worked with Mr. Piper and this request is only 10% over the code allowance.

Members of the board that spoke: Chairman Ryan asked if petitioner was required to take his police vehicle home and he replied that he is. Alternate Member Siddiqui asked if the existing sidewalk and driveway will be brought up to the code of 6" and Mr. Piper replied they would. Petitioner did state he did not want pavers, preferred concrete. The home would still have substantial grass on both sides of the driveway. Alternate Member Almeria asked if the HOA had given their approval and the petitioner replied that they had rejected his application.

Mr. Piper reminded the board that the HOA does not have to give approval for permits, that it is a courtesy to the HOA and they are sent the information about permit applications by the City. Danny Mulligan, representing the HOA came forward to speak. He stated the HOA rejected the application because they are concerned about so many homes in the community having front yards totally covered in concrete or pavers. The HOA asserts there are four parking spaces on each lot plus a two car garage. Also, because investors are buying the homes in community, they rent to people who do not abide by the community rules and park on the street and swale and they are trying to preserve the community. The HOA also sees this application, if approved, as an opening of the flood gates, where other homeowners in the community will seek to do

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the same with their own driveways. Chairman Ryan spoke to the comments from the HOA representative. He stated that if four cars are parked in the driveway, the back two cars are blocking the sidewalk and that is a violation of ADA regulations. Plus, since there are no basements in the community, the garage is often used for storage and very few people can park even one car in a two car garage because of the storage. So it is not unreasonable to see the need of the petitioners. Chairman Ryan also reminded Mr. Mulligan that a granting of one variance does not influence the granting of other variance requests, that each stands on their own merit. It was suggested that the HOA consider their by-laws and there are ways to limit ownership renting their units without HOA approval and for the HOA to check to see if the homes with enlarged driveways already installed went through the permitting process with the City, to be sure they were done legally.

Dwayne Bateman, who is the next door neighbor to the Walkers spoke in their behalf, sharing their concerns that there is not adequate parking within the community. No one else from the public came forward to speak.

On a motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2018-13, to allow a maximum width of 52% instead of the maximum width of 40% of the front yard at property line and through the swale area for a driveway, under Sec. 32.034 (2) (C), the following vote was recorded:

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

NAY: None

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On a motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2018-14, to allow a 47.2% total front lot coverage instead of the required 35% total front lot coverage for a driveway, under Sec. 32.034 (2) (C), the following vote was recorded:

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

NAY: None

**VARIANCE FILE NUMBERS:** ZV(R) 2018-15 - 16

**PETITIONER:**

Martin Gallego

**ADDRESS:**

**SUBJECT PROPERTY:**

10282 SW 9 Lane  
Pembroke Pines, FL 33025

**LEGAL DESCRIPTION:**

Lot 129, PANACHE AT THE LANDINGS, a portion of THE LANDINGS PLAT according to the plat thereof as recorded in Plat Book 140, Page 22, of the Public Records of Broward County, Florida.

**VARIANCES REQUESTED:**

Petitioner is requesting a variance to allow;  
ZV(R) 2018-15) a circular driveway;  
ZV(R) 2018-16) a 48% driveway width instead of the required 40" minimum driveway width.

**REFERENCES:**

§ 52.26 Driveways across swale areas

ZV(R) 2018-15)

(A) Upon proper application, the Building and Zoning Department shall issue permits for the paving or repaving of driveway entrances over and across swale areas in accordance with the following dimensions, provided a 2-1/2 foot radius is utilized for the flange portion where the paved area joins the paved portion of the road right-of-way:

***Lot size***

***Double Drive***

***Single Drive***

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		<i>(Circular Drive Incl.)</i>	
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>
50 -60	16	None	None

ZV(R) 2018-16)

(F) All driveways shall not exceed a maximum width of 40% of the front yard at property line and through the swale area.

Kyle Hadrick, contractor, appeared with the petitioner, Martin Gallego. Mr. Gallego is looking to put a circular driveway that would be 48% coverage instead of the 40% coverage. It will be stamped concrete and petitioner has four cars and cannot park in the swale. Mr. Hadrick stated the HOA has approved of the changes.

Board members who spoke to the variance were Alternate Member Siddiqui double checked the size with Mr. Piper. No other members had questions of the petitioner.

No one from the public came forward to speak to the variance.

On a motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2018-14, to allow a circular driveway, under Sec. 32.034 (2) (C), the following vote was recorded:

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

NAY: None

On a motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2018-16, to allow a 48% driveway width instead of the required 40" minimum driveway width, under Sec. 32.034 (2) (C), the following vote was recorded:

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

NAY: None

**VARIANCE FILE NUMBER: ZV(R) 2018-17**

**PETITIONER:**

Olimpia Garcia

**ADDRESS:**

**SUBJECT PROPERTY:**

18641 NW 23 Street  
Pembroke Pines, FL 33029

**LEGAL DESCRIPTION:**

Lot 200 Keystone Lake, of the "BIG SKY" PLAT, according to the plat thereof as recorded in Plat Book 158, Page 11B, of the Public Records of Broward County, Florida.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a 60% total front lot coverage instead of the required 35% total front lot coverage for a driveway.

**REFERENCE:**

§ 52.26 Driveways across swale areas

(H) No driveway may:

(1) Exceed a 35% of the total front lot coverage in a single family residential home; or

Kyle Habrick, contractor, spoke for petitioner who could not appear. Petitioner is seeking to increase size of driveway to 20' wide to allow for more parking. Petitioner has two SUV type vehicles, current drive is small for this size car.

Chairman Ryan spoke to the request and suggested that the variance request would be more compatible if the petitioner would only increase the size to 16' instead of the 20'. Mr. Habrick stated he could speak for the petitioner and that she would accept the reduced size in order to have the variance approved.

No one from the public came forward to speak to the variance.



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On a motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2018-17, to allow a 60% total front lot coverage instead of the required 35% total front lot coverage for a driveway with the stipulation from the board that the width of the east driveway entrance not go beyond 16 feet, under Sec. 32.034 (2) (C), the following vote was recorded:

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

NAY: None

Attorney Singer left meeting at 7:30pm due to an emergency.

## **EXCUSED ABSENCES:**

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

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

NAY: None

Motion Passed

## **ADJOURNMENT:**

Chairman adjourned the meeting at 7:45 PM.

Respectfully submitted:

CITY OF PEMBROKE PINES  
BOARD OF ADJUSTMENT

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Katherine Borgstrom  
Board Secretary

**Adjourned:** 7:45 P.M.

**Approved:**