

# DRAFT

Board of Adjustment

City of Pembroke Pines  
Pembroke Pines, FL

December 6, 2018

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Ryan on Thursday, December 6, 2018 at 6:30 P.M., in the City Commission Chambers, City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

**PRESENT:** Chairman Ryan, Members Goggin and Hendry, Alternate Members Siddiqui and Almeria

**ABSENT:** Vice Chairman Rodriguez-Soto, Member Rauf

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

Board Secretary called roll and declared a quorum present.

## **APPROVAL OF THE MINUTES:**

A motion by Member Goggin, seconded by Member Hendry, to approve the minutes of the November 1, 2018 meeting as received passed unanimously.

## **LEGAL INSTRUCTION:**

Assistant City Ian Singer 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 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 the City Attorney.]

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## NEW BUSINESS:

### VARIANCES:

**VARIANCE FILE NUMBER:**      **ZV(R) 2018-23**

### **PETITIONER:**

Pedro Hernandez

### **ADDRESS:**

### **SUBJECT PROPERTY:**

1510 NW 79 Way  
Pembroke Pines, FL 33024

### **LEGAL DESCRIPTION:**

Lot 18, Block 4, of the BOULEVARD HEIGHTS SECTION 8 PLAT" according to the plat thereof as recorded in Plat Book 57, Page 9B, of the Public Records of Broward County, Florida.

### **VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a 2' side yard setback instead of the required 5' side yard setback for a driveway and existing concrete slab.

### **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.

Pedro Hernandez, petitioner, spoke to the request. He is seeking the variance to allow for an already installed concrete slab in the rear of his home that goes two feet into the setback. The pad is for the storage of his boat. He explained that he has already installed the slab in the back.

Dean Piper explained that the drawing submitted by the petitioner has an area in the front of the home that will also be poured concrete slab will go two feet into the

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setback, but it has not been poured at this time, and that it is the rear yard slab that is over the setback. If the variance is approved, petitioner will apply for and pay all permits and fees.

Members of the board who spoke to the variance were Chairman Ryan, Members Goggin and Hendry. Discussion focused on the size of the back slab. Petitioner agreed to compromise the request. He will have the part of the back yard slab that is over the setback removed, bringing it into compliance with the City code and the front yard will be allowed to go the two feet into the setback in order to give petitioner a large enough drive to pull the boat in and out of the back yard. Question of utilities was brought up, it was verified that if any of this runs over utilities easements, he will have to get permission from the utilities provider in order to be in compliance.

Petitioner indicated that none of his neighbors have expressed any negative opinions concerning his request. No one from the public came forward to speak to the request.

A motion by Member Goggin, seconded by Member Hendry, to approve ZV(R) 2018-23, to allow a 2' side yard setback instead of the required 5' side yard setback for a driveway and existing concrete slab under Sec. 32.034 (2) (C) with the provision that the first 45 feet of the drive (from the front of the home) is allowed to go into the setback two feet and that the back patio must be brought back into the five feet setback code, passed unanimously.

**VARIANCE FILE NUMBER:      ZV(R) 2018-24**

**PETITIONER:**  
Vicky Castro

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**ADDRESS:****SUBJECT PROPERTY:**

1394 NW 139 Terrace  
Pembroke Pines, FL 33028

**LEGAL DESCRIPTION:**

Lot 37, Block 17, of the "PEMBROKE FALLS PHASE 5 PLAT" according to the plat thereof as recorded in Plat Book 164, Page 7B, of the Public Records of Broward County, Florida.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a 71% total front lot coverage instead of the required 35% total front lot coverage for a circular driveway and walkway.

**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

Rodriquo Castro, husband of Vicky Castro (petitioner) spoke to the request as she has had to work this evening. They are seeking to make their front drive circular due to having three adults in the home and need for more parking space.

Chairman Ryan, Member Goggin and Alternate Member Siddiqui spoke to the request. Dean Piper related that since the home is on a pie shaped lot, there is not the regular yardage, so in order to put in a circular drive, it makes the front coverage of the lot go over the City code. The drive will fall within the side setback and will be pavers. The utilities in this development run in front of each home. The Pembroke Falls HOA has approved the work and they don't allow for street parking in the community. Mr. Castor verified that the back of the home backs up to the lake and they do have a very large rear yard.

No one from the public came forward to speak.

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A motion by Member Goggin, seconded by Member Hendry, to approve ZV(R) 2018-24 , to allow a 71% total front lot coverage instead of the required 35% total front lot coverage for a circular driveway and walkway under Sec. 32.034 (2) (C), passed unanimously.

## **EXCUSED ABSENCES:**

A motion by Member Hendry, seconded by Member Goggin, to excuse the absences of Vice Chairman Rodriguez-Soto and Member Rauf for December 6, 2018, passed unanimously.

## **JANUARY 2019 MEETING:**

Member were informed by Dean Piper that there have been no filings for the January 3, 2019 meeting and because it falls in that holiday time, he is suggesting the Board cancel the January 3, 2019 meeting.

A motion by Member Hendry, seconded by Member Goggin, to cancel the January 3, 2019 meeting, passed unanimously.

## **ADJOURNMENT:**

Chairman adjourned the meeting at 6:58 PM.

Respectfully submitted:

CITY OF PEMBROKE PINES  
BOARD OF ADJUSTMENT

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Katherine Borgstrom  
Board Secretary

**Adjourned:** 6:58 P.M.  
**Approved:**