

# DRAFT

Board of Adjustment

City of Pembroke Pines  
Pembroke Pines, FL

June 6, 2019

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Ryan on Thursday, June 6, 2019 at 6:30 P.M., in the City Commission Chambers, Charles F. Dodge City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

**PRESENT:** Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Goggin and Hendry, Alternate Member Siddiqui

**ABSENT:** Member Rauf, Alternate Member Almeria

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

Board Secretary called roll and declared a quorum present.

## **ELECTION OF CHAIRMAN AND VICE CHAIRMAN**

Board Secretary Borgstrom called for nominations for Chairman.

A motion by Member Hendry, seconded by Member Goggin, to nominate and elect Jim Ryan to serve as Chairman for the 2019-2020 Board year passed unanimously.

Board Secretary turned the meeting over to the Chairman for nominations for Vice Chairman.

A motion by Member Goggin, seconded by Member Hendry, to nominate and elect Israel Rodriguez-Soto to serve as Vice Chairman for the 2019-2020 Board year passed unanimously.

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## **SUNSHINE LAW PRESENTATION**

Assistant City Attorney Ian Singer gave a brief refresher presentation of the Florida Sunshine Law.

## **APPROVAL OF THE MINUTES:**

A motion by Member Goggin, seconded by Alternate Member Siddiqui, to approve the minutes of the April 4, 2019 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 the Assistant City Attorney.]

## **NEW BUSINESS:**

## **VARIANCES:**

**VARIANCE FILE NUMBERS:** ZV(R) 2019-10 – 12, 15 - 16

## **PETITIONER:**

George and Tanya Dean

## **ADDRESS:**

## **SUBJECT PROPERTY:**

341 SW 64 Way  
Pembroke Pines, FL 33023

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## LEGAL DESCRIPTION:

Lot 2 Block 33, of the BOULEVARD HEIGHTS SEC TEN PLAT, according to the Plat thereof, as recorded in Plat Book 51, Page-15B, of the Public Record of Broward County, Florida.

## VARIANCES REQUESTED:

Petitioner is requesting variances to:

**ZV(R) 2019-10)** allow a 1' side yard setback instead of the required 5' side yard setback for a pool deck.

**ZV(R) 2019-11)** allow a 1' rear yard setback instead of the required 5' rear yard setback for a pool deck.

**ZV(R) 2019-12)** allow a 1' side yard setback instead of the required 5' side yard setback for a pool deck.

**ZV(R) 2019-15)** allow a 4' side yard setback instead of the required 5' side yard setback for an existing gazebo;

**ZV(R) 2019-16)** allow a 4' rear yard setback instead of the required 5' rear yard setback for an existing gazebo.

## REFERENCES:

§ 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.

George Dean, petitioner, spoke to the variance request. He stated the slab was in place when he purchased the home, they wanted to refresh it after damage from hurricane, so placed travertine tile over the existing slab, but did extend it on one side. He did build the gazebo. He did not draw permits for any of the work. He and his wife further expressed they had the work done in order to give their children a safer place to play, as the homes are close to the street and the traffic is dangerous in the community from speeding cars.

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Board members who spoke to the request were Chairman Ryan, Alternate Member Siddiqui, Members Hendry and Goggin. Chairman Ryan addressed the issue of not pulling permits and the option of the Board to grant the variance with the provision that the work would be brought back into code at the time of the sale of the residence or the petitioner was not living in the residence. Petitioner is aware there are utilities under the slab, he has approval from all the utility companies for the slab, and understands he will be responsible for repairs if the utility has to come in and dig up the slab in order to repair any utilities. Petitioner was asked about drainage, stated that was the purpose of the type of tile he put in, was to allow for drainage and that they had never had standing water problems in the past. Petitioner stated the gazebo is open on all four sides. Dean Piper verified the gazebo was an open structure and is allowed to be up to 200 square feet by code. Dean Piper also confirmed they would have to still apply for permits for the structure and slab and meet the required codes if the setback variances are granted.

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

On a motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-10, to allow a 1' side yard setback instead of the required 5' side yard setback for a pool deck under Sec. 32.034 (2) (C), subject to the condition that the variance will not run with the land and the property shall revert to its original condition upon the change of ownership of the property or the property is no longer occupied by George and Tanya Dean, the following vote was recorded:

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

NAY: Member Goggin

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## MOTION PASSED

On a motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-11, to allow a 1' rear yard setback instead of the required 5' rear yard setback for a pool deck under Sec. 32.034 (2) (C), subject to the condition that the variance will not run with the land and the property shall revert to its original condition upon the change of ownership of the property or the property is no longer occupied by George and Tanya Dean, the following vote was recorded:

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

NAY: Member Goggin

## MOTION PASSED

On a motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-12, to allow a 1' side yard setback instead of the required 5' side yard setback for a pool deck under Sec. 32.034 (2) (C), subject to the condition that the variance will not run with the land and the property shall revert to its original condition upon the change of ownership of the property or the property is no longer occupied by George and Tanya Dean, the following vote was recorded:

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

NAY: Member Goggin

## MOTION PASSED

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-15, to allow a 4' side yard setback instead of the required 5' side

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yard setback for an existing gazebo under Sec. 32.034 (2) (C), subject to the condition that the variance will not run with the land and the property shall revert to its original condition upon the change of ownership of the property or the property is no longer occupied by George and Tanya Dean, passed unanimously.

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-16, to allow a 4' rear yard setback instead of the required 5' rear yard setback for an existing gazebo under Sec. 32.034 (2) (C), subject to the condition that the variance will not run with the land and the property shall revert to its original condition upon the change of ownership of the property or the property is no longer occupied by George and Tanya Dean, passed unanimously.

## **VARIANCE FILE NUMBER:**

**ZV(R) 2019 13 - 14**

## **PETITIONER:**

Ricardo Oliva

## **ADDRESS:**

## **SUBJECT PROPERTY:**

1031 NW 185 Avenue  
Pembroke Pines, FL 33029

## **LEGAL DESCRIPTION:**

Lot 9, Block G, of the CHAPEL LAKE ESTATES PLAT, according to the Plat thereof as recorded in Plat Book 154, Page 44, of the Public Record of Broward County, Florida.

## **VARIANCES REQUESTED:**

Petitioner is requesting variances to:

ZV(R) 2019 13) allow a 48% total front lot coverage instead of the required 35% total front lot coverage for a driveway and walkway.

ZV(R) 2019 14) allow a 50% total of lot width instead of the required 40% of the total lot width.

## **REFERENCES:**

§ 52.26 DRIVEWAYS ACROSS SWALE AREAS

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## **ZV(R) 2019 13)**

(H) No driveway may:

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

## **ZV(R) 2019 14)**

(C) In no instance shall the total width of all driveways exceed 40% of the lot width.

Ricardo Oliva, petitioner, spoke to the request, stating the family has outgrown their driveway. Three grown children live in the home and there are now five cars, therefore the need for more parking space. Petitioner stated the design was approved by the HOA, that new pavers were installed with the old pavers being removed. Petitioner also stated they have two antique cars that occupy the garage.

Members of the Board who spoke to the request were Chairman Ryan, Member Hendry, and Alternate Member Siddiqui. Chairman Ryan stated all the homes in this development are now having the same issues with parking, as there is no parking on the street and there is no guest parking in the community. Dean Piper stated that the code was changed in October 2016, before the width would not have been an issue, but coverage would not have passed code. The materials of the pavers, allowing for drainage was addressed.

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

On a motion by Member Goggin, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-13, to allow a 48% total front lot coverage instead of the required 35% total front lot coverage for a driveway and walkway under Sec. 32.034 (2) (C), the following vote was recorded:

AYE: Vice Chairman Rodriguez-Soto, Members Goggin and Hendry,

Alternate Member Siddiqui

NAY: Chairman Ryan

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## MOTION PASSED

On a motion by Member Goggin, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-14, to allow a 50% total of lot width instead of the required 40% of the total lot width under Sec. 32.034 (2) (C), the following vote was recorded:

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

NAY: Chairman Ryan

## MOTION PASSED

A motion by Member Hendry, seconded by Member Goggin, to excuse the absences of Member Rauf and Alternate Member Almeria pass unanimously.

A motion by Vice Chairman Rodriguez-Soto, seconded by Member Goggin to change the date of the September 2019 Board of Adjustment Meeting from Thursday, September 5 to Wednesday, September 4 passed unanimously.

## **ADJOURNMENT:**

Chairman adjourned the meeting at 7:39 PM.

Respectfully submitted:

CITY OF PEMBROKE PINES  
BOARD OF ADJUSTMENT

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Katherine Borgstrom  
Board Secretary

**Adjourned:** 7:39 P.M.  
**Approved:**