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[Secretary's Note: Interested parties were sworn under oath to give testimony in the relevant causes by the Assistant City Attorney.]

NEW BUSINESS:

VARIANCE FILE NUMBERS: ZV(R) 2019-19 - 24

PETITIONER:

Jason S. Fernandez

ADDRESS:

SUBJECT PROPERTY:

9020 NW 21 Street
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 4, Block 3 of the UNIVERSITY HEIGHTS PLAT, according to the plat thereof as recorded in Plat Book 72, Page 19B, of the Public Records of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting a variances to:

ZV(R) 2019-19) allow a 51.5% (33.5') total width of existing driveway, instead of allowed maximum allowed 40% (26') total width;

ZV(R) 2019-20) allow a 0' east side yard setback for existing driveway, instead of required 5' side yard setback;

ZV(R) 2019-21) allow a 0' west side yard setback for existing driveway/walkway, instead of required 5' side yard setback;

ZV(R) 2019-22) allow a 62% Total front yard lot coverage with existing driveway/walkway, instead of allowed maximum 35%;

ZV(R) 2019-23) allow a 2.8' rear yard setback for shed on slab, instead of required 5' rear yard setback;

ZV(R) 2019-24) allow a 2.25' east side yard setback for shed on slab, instead of required 5' side yard setback.

REFERENCES:

§ 52.26 Driveways across swale areas

ZV(R) 2019-19) C) In no instance shall the total width of all driveways exceed 40% of the lot width.

ZV(R) 2019-20 & 21)

(G) Every driveway must include a minimum five foot setback from side property line(s), except zero-lot properties, where a zero foot setback shall be permitted on the zero lot line side with a five foot setback, or maintenance easement, required on the non-zero lot side(s).

ZV(R) 2019-22)

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(H) No driveway may:

(1) Exceed a 35% of the total front lot coverage in a single family residential home; or ZV(R) 2019-23 & 24)

§ 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.

Jason Fernandez, petitioner, spoke to the variance requests. Petitioner stated he has done other work on the home and always applied for permits before the work was done. He was traveling at one point and his wife hired the company to put in the driveway. He was working under the assumption that the contractor had applied for permits and that the work was done correctly. When he returned home the work was completed. He recently applied for a permit to put in fencing and a new survey was done. That survey found that the driveway was not permitted and did not comply with City codes. Petitioner stated he has paid fines, but Dean Piper clarified that the petitioner had paid for the six variance requests, not fines. The survey also showed a shed that had been installed without a permit.

Members of the Board that spoke were Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Goggin and Siddiqui. Petitioner did provide letters from neighbors not objecting to the work being allowed by the variances. Petitioner stated he would not be willing to have the concrete removed to bring the slab into compliance, that he wants the variances.

Dean Piper spoke about the location of driveway, size, setbacks, existing conditions

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all being done without permits and that they all exceed code. Board concerns focused on the work is all concrete slab and covers large amount of yard which could lead to drainage problems. Dean Piper stated the pool is within code. Utilities, according to Dean Piper, are on the rear and east side and part of the permitting process will be to get approvals or releases from all utilities.

A motion by Vice Chairman Rodriguez-Soto, seconded by Member Goggin, to approve ZV(R) 2019-19, to allow a 51.5% (33.5') total width of existing driveway, instead of allowed maximum allowed 40% (26') total width under Sec. 32.034 (2) (C), failed unanimously.

A motion by Member Goggin, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-20, to allow a 0' east side yard setback for existing driveway, instead of required 5' side yard setback under Sec. 32.034 (2) (C), failed unanimously.

A motion by Member Goggin, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-21, to allow a 0' west side yard setback for existing driveway/walkway, instead of required 5' side yard setback under Sec. 32.034 (2) (C), failed unanimously.

A motion by Member Goggin, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-22, to allow a 62% Total front yard lot coverage with existing driveway/walkway, instead of allowed maximum 35% under Sec. 32.034 (2) (C), failed unanimously.

On a motion by Member Goggin, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-23, to allow a 2.8' rear yard setback for shed on slab, instead of required 5' rear yard setback under Sec. 32.034 (2) (C), the follow vote was recorded:

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YEA: Chairman Ryan

NAY: Vice Chairman Rodriguez-Soto, Member Goggin, Alternate Member Siddiqui

MOTION FAILED

A motion by Member Goggin, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-24, to allow a 2.25' east side yard setback for shed on slab, instead of required 5' side yard setback under Sec. 32.034 (2) (C), failed unanimously.

VARIANCE FILE NUMBER: ZV(R) 2019 25

PETITIONER:

Joe Pena

ADDRESS:

SUBJECT PROPERTY:

8631 NW 16 Street
Pembroke Pines, FL 33023

LEGAL DESCRIPTION:

Lot 31, Block 30, of the BOULEVARD HEIGHTS SECTION 9 5TH ADDITION PLAT, according to the Plat thereof as recorded in Plat Book 62, Page 15B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 41.5% total front lot coverage instead of the required 35% total front lot coverage for a 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;

Joe Pena, petitioner, spoke to the variance request. Family is in need of larger driveway now with adult children living in the home. Petitioner stated a circular driveway request would need for larger area, so he requested the smallest area that would allow him to be able to park all of his cars on drive.

Board Members who spoke to the request were Chairman Ryan, Vice Chairman