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Board of Adjustment

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

December 5, 2019

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Assistant City Attorney Ian Singer on Thursday, December 5, 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, Member Hendry; Alternate Member Almeria

ABSENT: Member Rauf, Alternate Member Siddiqui

ALSO PRESENT: Dean Piper, Zoning Administrator, Michael Cirullo, Assistant City Attorney, 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 Alternate Member Almeria, to approve the minutes of the November 7, 2019 meeting as received passed unanimously.

EXCUSED ABSENCES:

A motion by Member Hendry, seconded by Alternate Member Almeria to excuse the absences of Members Goggin and Rauf, and Alternate Member Siddiqui from the December meeting passed unanimously.

LEGAL INSTRUCTION:

Assistant City Attorney Michael Cirullo 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

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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:

VARIANCE FILE NUMBERS: ZV(R) 2019 30 – 31 & 33 - 35

PETITIONER:

Leonardo Godoy

ADDRESS:

SUBJECT PROPERTY:

9331 NW 14 Street
Pembroke Pines FL 33024

LEGAL DESCRIPTION:

Lot 13, Block 3 of the "WESTVIEW SEC 3 PART 2 PLAT" according to the Plat thereof as recorded in Book 95, Page 1 B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2019-30) a 4' side yard setback instead of the required 5' side yard setback for an existing driveway

ZV(R) 2019-31) a 46% total front lot coverage instead of the required 35% total front lot coverage for a driveway and walkway;

ZV(R) 2019-33) allow a 2' west side yard setback for an existing pool deck, instead of required 5' side yard setback

ZV(R) 2019-34) allow a 3.4' rear yard setback for an existing pool deck, instead of required 5' rear yard setback

ZV(R) 2019-35) allow a 1' east side yard setback for an existing pool deck, instead of required 5' side yard setback

REFERENCES:

ZV(R) 2019-30

§ 52.26 DRIVEWAYS ACROSS SWALE AREAS

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(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) 2019-31

§ 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

ZV(R) 2019-33 - 35

§ 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.

Petitioner Leonardo Godoy spoke to the variance request. The changes were made without permits. The driveway is larger than code, the set backs are four feet instead of five, backyard patio goes into setback, the left side of setback of existing pool was two feet so they did same on right side, had to extend driveway due to family number of cars. There is one foot encroachment on driveway. The Code is for 31 - 35% coverage in the front yard, but this is built to 46%. The pool was already built when he bought the house - left/west side showed on the permit for the original build of pool and that was what was permitted 30 years ago.

Dean Piper stated the pool permit on rear and side per the permit but was apparently not built that way.

Members who spoke were Chairman Ryan, Vice Chairman Rodriguez-Soto, and Member Hendry. Questions focused on the gazebo, which is built to code but will need a permit; that the set back issues were caused by the building of the pool which was

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permitted and there was a sketch in the package.

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV (R) 2019 30, to allow a 4' side yard setback instead of the required 5' side yard setback for an existing driveway, under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV (R) 2019 31, to allow a 46% total front lot coverage instead of the required 35% total front lot coverage for a driveway and walkway, under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV (R) 2019 33, to allow a) allow a 2' west side yard setback for an existing pool deck, instead of required 5' side yard setback, under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV (R) 2019 34, to allow a 3.4' rear yard setback for an existing pool deck, instead of required 5' rear yard setback, under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV (R) 2019 35, to allow a 1' east side yard setback for an existing pool deck, instead of required 5' side yard setback, under Sec. 32.034 2 (c), passed unanimously.

VARIANCE FILE NUMBER: ZV(R) 2019 32

PETITIONER:

George Soto

ADDRESS:

SUBJECT PROPERTY:

1273 SW 177 Terrace
Pembroke Pines FL 33029

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LEGAL DESCRIPTION:

Lot S8 of the "SILVER LAKES PHASE II REPLAT" according to the Plat thereof as recorded in Book 154, Page 50 B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 336 square foot open sided roofed gazebo instead of the required 200 square foot open sided structure.

REFERENCE:

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

(l) In all residential districts, free-standing open sided structures such as, but not limited to, gazebos, chickee huts and trellises shall not exceed 200 square feet.

Petitioner Soto appeared to speak to the request. He would like to build a 12 x 28 size open pergola. His property is pie shaped back yard lot, with no lake, the view of neighbors is blocked. Petitioner stated the neighbors on each side have written letter of no objection and that he did get HOA approval. Seven neighbors returned the persons affected in the positive and there are no neighbors behind the home.

Members of the board that spoke were Chairman Ryan and Alternate Member Almeria. Questions focused on if the pergola would ever be enclosed and hurricane codes, which the petitioner will have to submit drawings for permits that will have to meet the hurricane code.

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV (R) 2019 32, to allow a 336 square foot open sided roofed gazebo instead of the required 200 square foot open sided structure, under Sec. 32.034 2 (c), passed unanimously.

ADJOURNMENT:

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to

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adjourn the meeting at 7:05 P.M., passed unanimously.

Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: 7:05 P.M.

Approved: