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Board of Adjustment

City of Pembroke Pines
Pembroke Pines, FL

February 6, 2020

The regular meeting of the **BOARD OF ADJUSTMENT** was called to order by Chairman James Ryan on Thursday, February 6, 2020 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 Goggin; Alternate Members Almeria and Siddiqui

ABSENT: Member Hendry

ALSO PRESENT: Dean Piper, Zoning Administrator, Quentin Morgan, Assistant City Attorney, and Board Secretary Katherine Borgstrom

Board Secretary called roll and declared a quorum present.

APPROVAL OF THE MINUTES:

A motion by Vice Chairman Rodriguez-Soto, seconded by Member Goggin, to approve the minutes of the December 5, 2019 meeting as received passed unanimously.

EXCUSED ABSENCES:

A motion by Member Goggin, seconded by Vice Chairman Rodriguez-Soto to excuse the absence of Member Hendry from the February meeting passed unanimously.

LEGAL INSTRUCTION:

Assistant City Attorney Quintin Morgan 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:

VARIANCES:

VARIANCE FILE NUMBERS: ZV(R) 2019 36 - 38

PETITIONER:

Manuel Esteve

ADDRESS:

SUBJECT PROPERTY:

16353 SW 6 Street
Pembroke Pines, FL 33027

LEGAL DESCRIPTION:

Lot 4, Block 4, of the HEFLTER HOMES AT PEMBROKE SHORES PLAT, according to the Plat thereof as recorded in Plat Book 159, Page 9B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to:

ZV(R) 2019-36) allow a 1'-3" rear yard setback instead of the required 5' rear yard setback for an existing pergola and pavers;

ZV(R) 2019-37) allow a 1'-3" west side yard setback, instead of required 5' side yard setback for an existing gazebo/pergola and pavers;

ZV(R) 2019-38) allow a 290 square foot accessory structure instead of the required 100 square foot accessory structure for an existing shed and existing gazebo/pergola and pavers.

REFERENCES:

ZV(R) 2019-36 & 37)

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

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(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.

ZV(R) 2019-38)

§ 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS. 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 Manuel Esteve spoke to the request. He purchased the home with the concrete around the side of the yard. The pergola was also already built when he purchased and then he covered it. He started fixing up the house upon retirement. He stated there are no homes behind him. He was replacing the pergola and even made it smaller than it had been originally when it came to his attention that the structure and the concrete had been installed without permits from the City and were also now in violation of code. He has researched the utilities and does not have to have any permissions from utilities, as there are none under his property.

Board Members who spoke to the request for Chairman Ryan, Vice Chairman Rodriguez-Soto, Member Goggin and Alternate Member Siddiqui. No members of the public came forward to speak to the request. Petitioner stated there were no permits pulled to build and that the structure and concrete were in place when he purchased the home.

Petitioner stated he can remove the covering from the pergola and that there is no standing water issues, there is a city drain that takes the water to the street.

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Petitioner stated that when he re-built the pergola, he dug 12 inch deep hole and cemented the poles in place. If he took it out to meet the code he would have to pull up tiles and it would cost him a great deal of money.

Dean Piper stated the paperwork the members received said the allowed gazebo footage is 100' but it actually is 200'. The 290' current size of the pergola includes the outside measurements with the support poles which would have to be dug up and repositioned to make it closer to the 200'. Mr. Piper also stated, that if approved, petitioner will have to have the proper drawings for structural and that he is aware of the need to get everything permitted, approved and it will have to meet building code.

Board members asked petitioner if he is willing to change the size of the pergola to 200 feet instead of the 290 feet but he prefers not to have to do that.

A motion by Vice Chairman Rodriguez-Soto, seconded by Member Goggin, to approve ZV (R) 2019 36, to allow a 1'-3" rear yard setback instead of the required 5' rear yard setback for an existing pergola and pavers, under Sec. 32.034 2 (c), passed unanimously.

A motion by Vice Chairman Rodriguez-Soto, seconded by Member Goggin, to approve ZV (R) 2019 37, to allow a 1'-3" west side yard setback, instead of required 5' side yard setback for an existing gazebo/pergola and pavers , under Sec. 32.034 2 (c), passed unanimously.

On a motion by Vice Chairman Rodriguez-Soto, seconded by Member Goggin, to approve ZV (R) 2019 38, to allow a 290 square foot accessory structure instead of the required 100 square foot accessory structure for an existing shed and existing gazebo/pergola and pavers, under Sec. 32.034 2 (c), the following vote was recorded:

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AYE: Alternate Member Siddiqui

NAY: Chairman Ryan, Vice Chairman Rodriguez-Soto, Member Goggin,
Alternate Member Almeria.

MOTION: Failed

VARIANCE FILE NUMBERS: ZV(R) 2019 39 - 42

PETITIONER:

Soeurette Dorleans - Pradel

ADDRESS:

SUBJECT PROPERTY:

8801 NW 5 Street
Pembroke Pines FL 33024

LEGAL DESCRIPTION:

Lot 10, Block 4, of the "WESTVIEW SEC 1 PART 1 PLAT" according to the Plat thereof as recorded in Book 94, Page 50 B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2019-39) a 71% total front lot coverage instead of the required 35% total front lot coverage for a driveway and walkway;

ZV(R) 2019-40) a 3' street side yard setback instead of the required 15' street side yard setback for an existing walkway / slab;

ZV(R) 2019-41) a 1.9' rear yard setback for an existing concrete patio / slab, instead of required 5' rear yard setback

ZV(R) 2019-42) a 2.96' west side yard setback for an existing walkway / slab, instead of required 5' side yard setback

REFERENCES:

ZV(R) 2019-39

§ 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) 2019-40 - 42

§ 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

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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 Soeurette Dorleans-Pradel spoke to the requests. Petitioner admitted she had the work done without permits and was trying to improve the home. She hired people that came by and offered to do the work and did not check on their licenses. She also did not realize she needed permits to have the work done. Petitioner has grass allergies and a doctor's note was included in the packet confirming her allergy. She took out all the grass to try to alieve the allergies.

Members of the Board who spoke to the request were Chairman Ryan, Vice Chairman Rodriguez-Soto, Member Goggin, Alternate Members Almeria and Siddiqui. No member of the public came forward to speak to the request.

Petitioner was asked why the driveway was so large, it covers 71%. Board asked if there is any way to reduce to smaller amount of covered to get minimum. Dean Piper stated she did reduce the original size to meet side set back and middle requirements. This variance is for the total square footage, the circular entrance was existing before, it used to be wider, petitioner made it smaller. The width and side set backs were brought into compliance.

Petitioner stated she is the only person in home working and has used all her savings, that to put it back will be very expensive for her. She will have to have permits and code can observe to see if a drainage problem exists. It was noted that there is a road with a 10 foot drainage area on one side of the home and the other side has 3 feet of drainage, and that the driveway is pavers. Utilities permissions will be required at

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time of permitting.

Board asked if petitioner would be willing to cut off one foot of the concrete in the back making the setback 2.9' instead of 1.9' and petitioner agreed to that change.

A motion by Vice Chairman Rodriguez-Soto, seconded by Member Goggin, to approve ZV (R) 2019 39, to allow a 71% 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 Vice Chairman Rodriguez-Soto, seconded by Member Goggin, to approve ZV (R) 2019 40, to allow a 3' street side yard setback instead of the required 15' street side yard setback for an existing walkway / slab, under Sec. 32.034 2 (c), passed unanimously.

A motion by Vice Chairman Rodriguez-Soto, seconded by Member Goggin, to approve ZV (R) 2019 41, to allow a 2.9' rear yard setback for an existing concrete patio / slab, instead of required 5' rear yard setback, under Sec. 32.034 2 (c), passed unanimously.

A motion by Vice Chairman Rodriguez-Soto, seconded by Member Goggin, to approve ZV (R) 2019 42, to allow a 2.96' west side yard setback for an existing walkway / slab, instead of required 5' side yard setback, under Sec. 32.034 2 (c), passed unanimously.

ANNUAL REPORT:

Chairman Ryan advised the board members that he will prepare the Annual Report and bring to the next meeting for approval. If members have items to add to the report, they are to send to the secretary to be forwarded to Chairman Ryan.

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ADJOURNMENT:

A motion by Member Goggin, seconded by Vice Chairman Rodriguez-Soto, to adjourn the meeting at 8:06 P.M., passed unanimously.

Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: 8:06 P.M.
Approved: