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Board of Adjustment

City of Pembroke Pines
Pembroke Pines, FL

June 4, 2020

The regular meeting of the **BOARD OF ADJUSTMENT** was called to order by Chairman James Ryan on Thursday, June 4, 2020 at 6:30 P.M., in the City Commission Chambers, Charles F. Dodge City Center, 601 City Center Way, Pembroke Pines, Florida, 33025. The Board of Adjustment is holding a “virtual” meeting using communications media technology (“CMT”), Governor Ron Desantis issued Executive Order No. 20-69, dated March 20, 2020, pertaining to conducting local government meetings while under the public health emergency related to the Novel Coronavirus Disease 2019 (Covid-19). In accordance with this order, and due to prohibition on public access to City Hall because of the risk to public health, the City is holding the meeting virtually.

PRESENT: Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and Goggin; Alternate Members Almeria and Siddiqui (all via WebEx)

ABSENT: None

ALSO PRESENT: Dean Piper, Zoning Administrator, Michael Stamm, Planning and Development, Brian Sherman, Assistant City Attorney, Danielle Schwabe, Assistant City Attorney (via WebEx) and Board Secretary Katherine Borgstrom

Board Secretary called roll and declared a quorum present.

APPROVAL OF THE MINUTES:

A motion by Alternate Member Siddiqui, seconded by Member Goggin, to approve the minutes of the February 6, 2020 meeting as received passed unanimously.

EXCUSED ABSENCES:

There were no excused absences.

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LEGAL INSTRUCTION:

Assistant City Attorney Brian 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 (all via WebEx) were sworn under oath to give testimony in the relevant causes by the Assistant City Attorney as each appeared for their variance item via WebEx.]

NEW BUSINESS:

VARIANCE FILE NUMBER: **ZV(R) 2020-01**

PETITIONER:

Emran Alladin

ADDRESS:

SUBJECT PROPERTY:

9850 NW 3 Street
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

LOT 45 BLK 4 & 1/22 interest in abutting canal of the WESTVIEW SEC 2 PART 2 PLAT according to the Plat thereof as recorded in Plat Book 91, Page 7B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a ten (10) foot front yard setback instead of the required twenty-five (25) foot front yard setback for an existing carport / awning.

REFERENCE:

ZV(R) 2020-01) § 155.106 ONE-FAMILY DWELLING (R-1A THROUGH R-1C DISTRICTS:

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(E)(1)(a) Front Yard. Residential Uses. Every plot used for a one-family dwelling shall have a front yard not less than 25 feet in depth, unless a treater depth is required under Article V, Yard Space Districts*

Petitioner Sherissa Alladin stated the reason for the requested variance. The awning is needed for cover due to one household member being in a wheelchair and the coverage helps, when it is raining, to be able to get the wheelchair into the car without getting that person soaking wet. They only have a one car garage and it is not large enough to get car into garage and still be able to load wheelchair occupant.

The members of the board that spoke to the request were Chairman Ryan, Members Hendry and Goggin. Petitioner was asked if the canopy could be reduced in size and the petitioner stated if it is made smaller it would not be useful. Petitioner was asked if she was willing to consent to the restriction that the variance would only remain in effect only as long as the hardship exists or until the sale the property and she consented to the restriction. Dean Piper confirmed that the canopy site is in front of the garage door, going toward the sidewalk, ends 10 feet from the sidewalk and that is it a canvas type. Also that it will have to meet full building permitting and pass inspections.

A motion by Member Hendry, seconded by Member Siddiqui, to approve ZV(R) 2020-01, to allow a ten (10) foot front yard setback instead of the required twenty-five (25) foot front yard setback for an existing carport / awning 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 Emran Alladin, passed unanimously.

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VARIANCE FILE NUMBERS: ZV(R) 2020-02 - 03

PETITIONER:

Jacqueline N Benigni

ADDRESS:

SUBJECT PROPERTY:

10920 SW 10 Street
Pembroke Pines, FL 33025

LEGAL DESCRIPTION:

Lot 8, Block 5 of WOODBRIDGE AT PEMBROKE LAKES S AKA: a portion of Tract R-7 of the PEMBROKE LAKES SOUTH PLAT, according to the Plat thereof as recorded in Plat Book 119, Page 1B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to:

ZV(R) 2020 02) allow a 66.5% total maximum width of the front yard at the property line and through the swale area instead of the required 40% total maximum width of the front yard at the property line and through the swale area for a driveway.

ZV(R) 2020 03) allow a 55% total front lot coverage for zero-lot line properties instead of the required 40% of the total front lot coverage for zero-lot line properties for a driveway.

REFERENCES:

§ 52.26 DRIVEWAYS ACROSS SWALE AREAS

ZV(R) 2020 02) (F) All driveways shall not exceed a maximum width of 40% of the front yard at property line and through the swale area.

ZV(R) 2020 03) (H) No driveway may: (2) Exceed a 40% of the total front lot coverage for zero-lot line properties;

Petitioner Jacqueline Benigni spoke to the variance request. They did install the driveway, which is a mixture of concrete slabs with grass between slabs for drainage, without permits. They did provide HOA approval and a walkway survey. She stated they are first time homeowners and did not know they had to have permit. They do have a hardship, a parent that is handicapped lives with them and it is difficult to get into car, plus they need room for three cars. Concerning water drainage, Petitioner stated that the previous driveway stored water with little drainage and this new one allows water to

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drain due to the grass between the slabs. There is also no visitor parking in the community. Petitioner works from home and the cars now are wider than when home was built. Michael Stamm showed the photo of installed driveway that was provided in the Petitioner's package.

Members of the board who spoke to the request were Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Goggin and Hendry, and Alternate Member Almeria. Dean Piper confirmed this is a zero lot line home. Concerns of the board included that the handicapped person still has to walk over the grass strips, but Petitioner pointed out that where that person parks there is no grass strip to cause that person to trip as they exit their car and move toward the home with a walker or a cane. Drainage was questioned, Petitioner stated that even this last week with four days of heavy rain there had been no flood or standing water in the driveway. Petitioner has provided proof of HOA approval.

On a motion by Member Hendry, seconded by Member Goggin, to approve ZV(R) 2020-02 as submitted to allow a 66.5% total maximum width of the front yard at the property line and through the swale area instead of the required 40% total maximum width of the front yard at the property line and through the swale area for a driveway, the following vote was recorded:

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

NAY Chairman Ryan

Motion passed

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On a motion by Member Hendry, seconded by Member Goggin, to approve ZV(R) 2020-03 as submitted to allow a 55% total front lot coverage for zero-lot line properties instead of the required 40% of the total front lot coverage for zero-lot line properties for a driveway, the following vote was recorded:

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

NAY Chairman Ryan

Motion passed.

VARIANCE FILE NUMBER: ZV(R) 2020-04

PETITIONER:

Jorblan Romero

ADDRESS:

SUBJECT PROPERTY:

9010 Johnson Street
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 2, Block 2 of WESTVIEW SEC 2 PART 1 AMENDED PLAT, according to the Plat thereof as recorded in Plat Book 90, Page 31B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 46% 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

ZV(R) 2020-04) (H) No driveway may: (1) Exceed a 35% of the total front lot coverage in a single family residential home; or

Petitioner Jorblan Romero stated that the reason for the variance request is to give additional parking area for his expanding family of drivers and to allow for a three point turn in the driveway so that a driver does not have to back on to Johnson Street to

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exit the property. Johnson Street is heavily traveled and many drivers do not abide by the speed limit, which has caused many accidents when residents were attempting to exit their properties. A slide of the installation of the driveway was shown, which is concrete slabs with grass between slabs and a grass center divider in the driveway. The grass areas also allows for better drainage.

Board members who spoke to the request were Chairman Ryan, Member Goggin and Alternate Member Siddiqui. Members acknowledged the traffic situation and need for drivers to be able to exit the property safely.

A motion by Member Goggin, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2020-04 as submitted, to allow a 46% total front lot coverage instead of the required 35% total front lot coverage for a driveway and walkway, passed unanimously.

VARIANCE FILE NUMBERS: ZV(R) 2020-05 - 10

PETITIONER:

Aixa Guerrero

ADDRESS:

SUBJECT PROPERTY:

7121 SW 13 Street
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 8, Block 8, of the PEMBROKE RANCHES PLAT, according to the Plat thereof as recorded in Plat Book 44, Page 35, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2020-05) a 91% total width of lot for an existing driveway instead of the required total width of all driveways not to exceed 40% of the lot width

ZV(R) 2020-06) a 4.2' east side yard setback for an existing driveway, instead of required 5' side yard setback;

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ZV(R) 2020-07) a 2.5' west side yard setback for an existing driveway instead of required 5' side yard setback;

ZV(R) 2020-08) a 50% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway;

ZV(R) 2020-09) two (2) accessory structures (existing tiki-hut and existing shed), instead of the allowed one (1) accessory structure;

ZV(R) 2020-10) a 288 square foot existing tiki-hut instead of the allowed maximum 200 square foot free standing open sided structures.

REFERENCES:

ZV(R) 2020-05 § 52.26 DRIVEWAYS ACROSS SWALE AREAS (C) In no instance shall the total width of all driveways exceed 40% of the lot width.

ZV(R) 2020-06 – 07 (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) 2020-08 § 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) 2020-09 – 10 § 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS.

(H) In all residential districts except A-1, RR, E-1, R-3, R-4, and R-6, only one accessory building is permitted which shall not exceed 100 square feet. In the A-1, RR, E-1, R-3, R-4, and R-6 districts, all accessory uses, storage sheds, and accessory buildings, except structures for housing livestock, up to 150 square feet in area shall be located at least five feet from any plot line and at least 15 feet from any street line. Also in the A-1, RR, E-1, R-3, R-4 and R-6 districts, only one storage container shall be permitted. Storage sheds and accessory buildings over 150 square feet and storage containers shall be subject to the limitations on location of a principal building and shall not be placed in any required yard. For purposes of this section, fall-out shelters and garages shall not be deemed accessory buildings.

(I) 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 Aixa Guerrero spoke to the variance requests. Petitioner admitted that the work was done without permits. They have a large family, there is no garage and they installed the driveway with half-moon shape, due to location of septic tank and drain field. The driveway is pavers. At the rear of home they need storage, so have two sheds. They also had a chickee hut built at the rear of the property by their pool.

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Members of the board that spoke to the requests were Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Goggin and Hendry, Alternate Member Siddiqui. Members concerns focused on the size of the driveway being almost the entire front yard. Dean Piper confirmed that the measurement of 91% of driveway is calculated by where the driveway crosses the front property line and also that the home is on septic tank and this is their drain field in front of the house, referring to the grass area between the front of the home and the driveway. Mr. Piper also confirmed that the only other utility lines are in the backyard. Alternate Member Siddiqui confirmed that in this community the percolation rates are good and there is not flooding after extensive rains.

Members questioned the chickee hut being built without permit, Dean Piper confirmed that the builders (Seminole Tribe) do not have to have a permit to build a 4 post thatched roof structure, but the property owner is still responsible to make sure the hut meets City code on size and setbacks. This structure is over the code of 200 square feet in area.

A motion by Vice Chairman Rodriguez-Soto on ZV(R) 2020-05, to reduce the width percentage to 60%, instead of the 91% total width of lot for an existing driveway instead of the required total width of all driveways not to exceed 40% of the lot width, died for lack of a second.

Petitioner confirmed they have lived in the home for many years and this work was done several years ago. Petitioner also stated that there are no drainage problems with the pavers.

At one point during the conversation, Vice Chairman Rodriguez-Soto spoke his request to reduce the size of the front yard coverage in Spanish, to allow the husband of

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the petitioner to understand the request. Mrs. Guerrero interpreted her husband's response to the board. Alternate Member Siddiqui asked the petitioner if they would be willing to table the variance requests tonight, work with Dean Piper on the reduction of coverage and return at the August 6, 2020 meeting for consideration of their requests. Petitioner responded yes.

Assistant City Attorney Brian Sherman advised the board that they can approve the request as is or deny as is. If the variance is denied, the petitioners can appeal to the City Commission. The board could also table the requests to the August meeting.

On a motion by Vice Chairman Rodriguez-Soto, seconded by Member Goggin, to approve ZV(R) 2020-05, to allow a 91% total width of lot for an existing driveway instead of the required total width of all driveways not to exceed 40% of the lot width, the following vote was recorded:

AYE None

NAY Chairman Ryan, Vice Chairman Rodriguez-Soto, Members Hendry and Goggin, Alternate Member Siddiqui.

Motion failed

Assistant City Attorney Brian Sherman advised the board that the motion failing does not make an action. He advised the board that a motion to deny the variance would be in order. Chairman Ryan did not agree with that interpretation and discussion ensued.

A motion by Alternate Member Siddiqui, seconded by Member Hendry, to table ZV(R) 2020-05, 06, 07, 08, 09 and 10 to the August 6, 2020 Board of Adjustment Meeting passed unanimously.

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VARIANCE FILE NUMBERS: ZV(R) 2020-11 - 12

PETITIONER:

Troy Wilson

ADDRESS:

SUBJECT PROPERTY:

1221 NW 185 Avenue
Pembroke Pines, FL 33029

LEGAL DESCRIPTION:

Lot 68, Block G, of the CHAPEL LAKE ESTATES PLAT, according to the Plat thereof as recorded in Plat Book 154, Page 44B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2020-11) allow a 47% total maximum width of the front yard at the property line and through the swale area instead of the required 40% total maximum width of the front yard at the property line and through the swale area for a driveway.

ZV(R) 2020-12) a 44% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway;

REFERENCES:

ZV(R) 2020-11 § 52.26 DRIVEWAYS ACROSS SWALE AREAS (F) All driveways shall not exceed a maximum width of 40% of the front yard at property line and through the swale area.

ZV(R) 2020-12 § 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

Petitioner Troy Wilson spoke to the variance request, also his wife, Shannon Wilson, spoke. They have an oak tree that the root system is breaking up the driveway and the breakage also goes eight feet into the sidewalk. Since they have to repair or replace both because of damage, they would like to widen the driveway. This would match up to the exiting walkway and would allow for more than two cars to be parked across the driveway area. Petitioners have five children, one soon to be driving and Petitioner is also a Miramar Police Officer and has a take home car. Pavers will be used

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to assist in drainage and this size will allow for the four cars that currently need to park at the residence.

Board members who spoke to the request were Chairman Ryan, Member Goggin and Alternate Member Almeria. Concerns were the take home police car, that cars parked in the swale have been hit because the street is small and members thanked petitioner for his service as a first responder.

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2020-11, to allow a 47% total maximum width of the front yard at the property line and through the swale area instead of the required 40% total maximum width of the front yard at the property line and through the swale area for a driveway passed unanimously.

A motion by Member Hendry, seconded by Member Goggin, to allow a 44% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway passed unanimously.

ADJOURNMENT:

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to adjourn the meeting at 8:45 P.M., passed unanimously.

Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: 8:45 P.M.
Approved: