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Board of Adjustment

City of Pembroke Pines
Pembroke Pines, FL

September 2, 2020

The regular meeting of the **BOARD OF ADJUSTMENT** was called to order by Chairman James Ryan on Wednesday, September 2, 2020 at 6:32 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, Members Hendry and Goggin; Alternate Members Almeria and Siddiqui (all via WebEx)

ABSENT: Vice Chairman Rodriguez-Soto

ALSO PRESENT: Dean Piper, Zoning Administrator, Michael Stamm, Planning and Development, Quentin Morgan, 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 Member Goggin, seconded by Alternate Member Almeria, to approve the minutes of the June 4, 2020 meeting as received passed unanimously.

EXCUSED ABSENCES:

A motion by Member Goggin, seconded by Alternate Member Siddiqui to excuse the absence of Vice Chairman Rodriguez-Soto passed unanimously.

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LEGAL INSTRUCTION:

Assistant City Attorney Quinten 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 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.]

OLD BUSINESS:

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;

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

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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. These requests had been tabled at the June 4, 2020 meeting in order for the petitioner to reduce the size of the front driveway to meet the request of the board members to a more reasonable request size. Petitioner has submitted documents to show the driveway size has been reduced.

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The members of the board who spoke to the requests were Chairman Ryan, Member Goggin, and Alternate Member Siddiqui. The size of the tiki hut was discussed, Dean Piper stated it does meet all code requirements. Dean Piper also stated all easements are good and confirmed the open area in the front of the home is where the septic tank is located, so it cannot be covered.

There were no speakers from the public on this item.

A motion by Alternate Member Siddiqui, seconded by Member Hendry, to approve ZV(R) 2020-05, as revised, to allow 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, under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Goggin, seconded by Alternate Member Siddiqui, to approve ZV(R) 2020-06, to allow a 4.2' east side yard setback for an existing driveway, instead of required 5' side yard setback, under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Goggin, seconded by Member Hendry, to approve ZV(R) 2020-07, to allow a 2.5' west side yard setback for an existing driveway instead of required 5' side yard setback, under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Goggin, seconded by Alternate Member Siddiqui, to approve ZV(R) 2020-08, to allow a 50% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway, under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Goggin, seconded by Member Hendry, to approve ZV(R) 2020-09, to allow two (2) accessory structures (existing tiki-hut and existing shed),

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instead of the allowed one (1) accessory structure, under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Goggin, seconded by Alternate Member Siddiqui, to approve ZV(R) 2020-10, to allow a 288 square foot existing tiki-hut instead of the allowed maximum 200 square foot free standing open sided structures, under Sec. 32.034 2 (c), passed unanimously.

NEW BUSINESS:

VARIANCE FILE NUMBER: ZV(R) 2020-13

PETITIONER:

Jorge Riofrio

ADDRESS:

SUBJECT PROPERTY:

741 SW 71 Terrace
Pembroke Pines, FL 33023

LEGAL DESCRIPTION:

Lot 10 Block 10, of the BOULEVARD PARK PLAT, according to the Plat thereof as recorded in Plat Book 51, Page 33B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 320 square foot existing solid roofed open sided canopy / gazebo instead of the allowed maximum 200 square foot free standing open sided structures.

REFERENCES:

§ 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

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garages shall not be deemed accessory buildings.

(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.

Jorge Riofrio, petitioner spoke to the variance request. He built a solid roof canopy in the back yard without a permit. Petitioner claimed they did not know a permit was required, stated that other items of improvement they have done in the past, they have pulled permits. Petitioner acknowledges it is larger than the code allowed size, but it is built and they have a large family, thus the need for the larger coverage.

Members of the board who spoke to the request were Chairman Ryan, Alternate Member Siddiqui and Member Goggin. Petitioner confirmed that the small 4' x 8' shed showing on the photo is being removed. Dean Piper confirmed that all set backs are met, there is no encroachment into easements, there were no objections from neighbors. Dean Piper confirmed all architectural engineering will have to be up to building code in order to get the permit approved if variance is approved.

There were no speakers from the public on this item.

A motion by Member Goggin, seconded by Alternate Member Siddiqui, to approve ZV(R) 2020-13, to allow a 320 square foot existing solid roofed open sided canopy / gazebo instead of the allowed maximum 200 square foot free standing open sided structures, under Sec. 32.034 2 (c), passed unanimously.

VARIANCE FILE NUMBER: ZV(R) 2020-14

PETITIONER:
Gustavo Torres

ADDRESS:
SUBJECT PROPERTY:
8371 Pasadena Boulevard

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Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 11 Block 6, of the PASADENA LAKES PLAT, according to the Plat thereof as recorded in Plat Book 65, Page 1, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 44% front yard lot coverage instead of the required 35% total front yard lot coverage for a driveway and sidewalk.

REFERENCES:

§ 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

Gustavo Torres, petitioner, spoke to the variance request. He is requesting to make a circular drive that will be concrete and grass sections, in order to allow for the smaller cars driven by his teenaged daughters to be able to exit the property safely onto Pasadena Blvd. His request is a minimal 9% over the 35% code allowed. The grass sections will allow for drainage.

A letter of objection from a neighbor focused on work trucks in back yard. Petitioner acknowledged that work trucks have been parked in back yard due to his shop being in a high crime area. Petitioner stated that he is opening a new shop soon and the trucks will be parked at the new safer shop. He did receive a code notice today for violation and he intends to remove the trucks.

Board members who spoke to the request were Chairman Ryan, Member Goggin, Alternate Members Almeria and Siddiqui. Petitioner was asked if it could be reduced any and he stated that he has a large Dodge Ram truck and the wheel base will not allow for smaller coverage in order to be able to make turns. Member Hendry stated that he believed the petitioner was being bullied into moving the work trucks in order to get

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the variance request approved. He felt he could not vote due to the questions from fellow board members. Assistant City Attorney Morgan stated Mr. Hendry could not refuse to vote unless there was a personal conflict of interest. Petitioner stated he will gladly move trucks and did not believe he was being bullied by the questions. Dean Piper stated that engineering reviews will be conducted during the permitting process to be sure this driveway does not pose any hazard because it is at a corner lot. It was noted that other homes around the petitioner do have circular drives.

There were no speakers from the public on this item.

A motion by Member Goggin, seconded by Alternate Member Siddiqui, to allow a 44% front yard lot coverage instead of the required 35% total front yard lot coverage for a driveway and sidewalk, under Sec. 32.034 2 (c), passed unanimously.

VARIANCE FILE NUMBERS: ZV(R) 2020-15 & 16

PETITIONER:

Elliot Eichel

ADDRESS:

SUBJECT PROPERTY:

1991 NW 178 Terrace
Pembroke Pines, FL 33029

LEGAL DESCRIPTION:

LOT 9, of the SILVER LAKES AT PEMBROKE PINES RESIDENTIAL PARCEL E PLAT, according to the Plat thereof as recorded in Plat Book 151, Page 18B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2020-15) an existing accessory structure BBQ pit two (2) feet from the side property line instead of the required minimum seven (7) feet from the side property line.

ZV(R) 2020-16) an existing pavers/slab zero (0) feet from the side property line instead of the required minimum seven (7) feet from the side property line.

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REFERENCES:

Silver Lakes Planned Unit Development (PUD) Guidelines

A motion by Member Goggin, seconded by Alternate Member Siddiqui, to defer ZV(R) 2020-15 and ZV(R) 2020-16 to the October 1, 2020 Board of Adjustment Meeting, due to a publishing error, passed unanimously.

VARIANCE FILE NUMBERS: ZV(R) 2020-17 & 18

PETITIONER:

Betty Talon

ADDRESS:**SUBJECT PROPERTY:**

19399 NW 14 Street
Pembroke Pines, 33029

LEGAL DESCRIPTION:

LOT 1, of the AMERITRAIL SECTION TWO PLAT, according to the Plat thereof as recorded in Plat Book 151, Page 28B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R)2020-17) allow a proposed 15' x 30' paver deck five (5) feet from the street side property line instead of the required minimum fifteen (15) feet from the street side property line.

ZV(R)2020-18) allow a proposed 16' x 12' open sided gazebo five (5) feet from the street side property line instead of the required minimum fifteen (15) feet from the street side property line.

REFERENCES:

Chapel Trail- Planned Unit Development (PUD) Guidelines

Petitioner Betty Talon spoke to the variance request. She stated that they have a very small yard and four children if they have to keep the gazebo they want to install at the 15 feet set-backs. They are an end of the block property and their back yard backs up to a main street. She stated the HOA has approved the request, it will be pavers and a gazebo.

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Members who spoke to the request were Chairman Ryan and Members Goggin and Hendry. Concerns from the board were the yard being right at the exit of the development and no safety barriers. Petitioner stated the HOA had them remove the trees and put in a hedge. One member suggested some sort of barrier between the street and the yard.

No one from the public spoke on this item.

A motion by Member Goggin, seconded by Alternate Member Siddiqui, to approve ZV(R) 2020-17, to allow a 15' x 30' paver deck five (5) feet from the street side property line instead of the required minimum fifteen (15) feet from the street side property line, under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Goggin, seconded by Member Hendry, to approve ZV(R) 2020-18, to allow a 16' x 12' open sided gazebo five (5) feet from the street side property line instead of the required minimum fifteen (15) feet from the street side property line, under Sec. 32.034 2 (c), passed unanimously.

VARIANCE FILE NUMBER: ZV(R) 2020-19

PETITIONER:

Irene Buryak and Juan F. Vargas

ADDRESS:

SUBJECT PROPERTY:

8931 NW 8 Street
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 16 Block 2, of the 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 55% total front lot coverage instead of the

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required 35% total front lot coverage for a driveway and walkway;

REFERENCES:

§ 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

Irene Buryak, petitioner spoke to the variance request. She stated the circular driveway and walkway will be concrete slab with grass in between, in order to allow for drainage.

Members of the board who spoke to the request were Chairman Ryan. It was noted that there are many letters from neighbors approving the request.

No member of public spoke to this request.

A motion by Member Goggin, seconded by alternate Member Siddiqui, to approve ZV(R) 2020-19, to allow a a 55% 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.

ADJOURNMENT:

A motion by Member Hendry, seconded by Member Goggin adjourn the meeting at 8:15 P.M., passed unanimously.

Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: 8:15 P.M.

Approved: