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Board of Adjustment

City of Pembroke Pines
Pembroke Pines, FL

December 3, 2020

The regular meeting of the **BOARD OF ADJUSTMENT** was called to order by Chairman James Ryan on Thursday, December 3, 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”), The City Commission passed Emergency Ordinance No. 1952, 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 emergency ordinance, 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, Member Goggin; Alternate Members Almeria and Siddiqui (all members attended via WebEx/ communications media technology (“CMT”))

ABSENT: Member Hendry

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

Board Secretary Borgstrom called roll and declared a quorum present.

APPROVAL OF THE MINUTES:

A motion by , seconded by , to approve the minutes of the November 5, 2020 meeting as received passed unanimously.

EXCUSED ABSENCES:

A motion by , seconded by , to excuse the absence of passed unanimously.

LEGAL INSTRUCTION:

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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.]

NEW BUSINESS: **VARIANCES:**

VARIANCE FILE NUMBERS: **ZV(R) 2020-26 - 27**

PETITIONER:
Jose Sotomayor

ADDRESS:
SUBJECT PROPERTY:
10400 NW 21 Street
Pembroke Pines, FL 33026

LEGAL DESCRIPTION:
Lot 15 Block 7, of the PEMBROKE LAKES SEC 1 PLAT, according to the Plat thereof as recorded in Plat Book 76, Page 40 B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:
Petitioner is requesting variances to allow:
ZV(R) 2020-26) a 1'-7" south rear yard setback instead of the required 5' rear yard setback for a previously permitted concrete slab and pool deck layout.
ZV(R) 2020-27) a 3'-6" west side yard setback instead of the required 5' west side yard setback for an existing built-in island BBQ grill.

REFERENCE:
ZV(R) 2020-26 - 27)
§ 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.

Chairman Ryan reading the request into the record.

Jose Sotomayor, petitioner, spoke to the variance requests. Mr. Sotomayor stated

The members of the board who spoke to the variance requests were

The member of staff who spoke to the variance requests was

No one from the public asked to speak to the variance request.

A motion by , seconded by , to grant variance request ZV(R) 2020-26, to allow a 1'-7" south rear yard setback instead of the required 5' rear yard setback for a previously permitted concrete slab and pool deck layout., under Sec. 32.034 2 (c), passed unanimously.

A motion by , seconded by , to grant variance request ZV(R) 2020-27, to allow a 3'-6" west side yard setback instead of the required 5' west side yard setback for an existing built-in island BBQ grill, under Sec. 32.034 2 (c), passed unanimously.

VARIANCE FILE NUMBER: ZV(R) 2020-28

PETITIONER:

Toledo Homestead

ADDRESS:

SUBJECT PROPERTY:

8711 Johnson Street
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

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Lot 39, Block 22, of the SUBDIVISION FOURTH ADDITION TO BOULEVARD HEIGHTS SECTION NINE PLAT, according to the plat thereof as recorded in Plat Book, 62 Page 14, of the Public Records of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 4.79' east side yard setback instead of the required 5' side yard setback for the existing house and an addition.

REFERENCE:

§ 155.106 ONE-FAMILY DWELLING (R-1A THROUGH R-1C) DISTRICTS

(E) Yards. (2) Side yards. (a) Residential uses. Every plot used for a one-family dwelling shall have a side yard on each side, each of which shall be at least ten feet wide in an R-1A and at least 7½ feet wide in R-1B or R-1C District. However, where an existing plot is 60 feet or less in width, each side yard shall be at least five feet in width. Existing improved lots that are 60 feet or less in width that have side yards that are 7½ feet wide shall remain 7½ feet wide.

Chairman Ryan read the variance request into the record.

Armando Toledo, petitioner, spoke to the variance request. Mr. Toledo stated

The members of the board who spoke to the variance requests were

The member of staff who spoke to the variance requests were

No one from the public asked to speak to the variance request.

A motion by , seconded by , to grant variance request ZV(R) 2020-28, to allow a 4.79' east side yard setback instead of the required 5' side yard setback for the existing house and an addition, under Sec. 32.034 2 (c), passed unanimously.

VARIANCE FILE NUMBERS: ZV(R) 2020-29 - 30

PETITIONER:

Natalia Kalnins

ADDRESS:

SUBJECT PROPERTY:

1353 NW 139 Terrace
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:

Lot 96, Block 17, of the PEMBROKE FALLS PHASE 5 PLAT, according to the Plat

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thereof as recorded in Plat Book 164, Page 7 B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2020-29) a 50% total front lot coverage instead of the required 35% total front lot coverage for a driveway and walkway;.

ZV(R) 2020-30) a 4' radius island (unpaved area) between the driveway and the property line or sidewalk, radius for circular driveways "island" instead of the required unpaved area with a radius of at least five feet between the driveway and the property line or sidewalk, radius for circular driveways "island".

REFERENCE:

ZV(R) 2020-29 - 30)

§ 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

(I) Each circular driveway shall provide for an unpaved area with a radius of at least five feet between the driveway and the property line or sidewalk, radius for circular driveways "island".

Chairman Ryan read the variance request into the record.

Armando Toledo, petitioner, spoke to the variance request. Mr. Toledo stated

The members of the board who spoke to the variance requests were

The member of staff who spoke to the variance requests were

No one from the public asked to speak to the variance request.

A motion by , seconded by , to grant variance request ZV(R) 2020-29, to allow a 50% 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 , seconded by , to grant variance request ZV(R) 2020-30, to allow a 4' radius island (unpaved area) between the driveway and the property line or sidewalk, radius for circular driveways "island" instead of the required unpaved area with a radius of at least five feet between the driveway and the property line or sidewalk, radius for

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circular driveways “island, under Sec. 32.034 2 (c), passed unanimously.

VARIANCE FILE NUMBER: **ZV(R) 2020-31**

PETITIONER:

Carlos Decembirale

ADDRESS:

SUBJECT PROPERTY:

1627 NW 144 Way
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:

Lot 87, Block 10, of the PEMBROKE FALLS PHASE 6 PLAT, according to the Plat thereof as recorded in Plat Book 164, Page 38 B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variances to allow a 5’ rear yard setback to the pool beam instead of the required 7’ rear yard setback to the pool beam.

REFERENCE:

Pembroke Falls Planned Unit Development Guidelines (PUD)

Chairman Ryan read the variance request into the record.

Carlos Decembirale, petitioner, spoke to the variance request. Mr. Decembirale stated

The members of the board who spoke to the variance requests were

The member of staff who spoke to the variance requests were

No one from the public asked to speak to the variance request.

A motion by , seconded by , to grant variance request ZV(R) 2020-31, to allow a 5’ rear yard setback to the pool beam instead of the required 7’ rear yard setback to the pool beam, under Sec. 32.034 2 (c), passed unanimously.

STAFF CONCERNS:

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ADJOURNMENT:

A motion by , seconded by , to adjourn the meeting at P.M., passed unanimously.

Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: P.M.
Approved: