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Board of Adjustment

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

January 7, 2021

The regular meeting of the **BOARD OF ADJUSTMENT** was called to order by Chairman James Ryan on Thursday, January 7, 2021 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”), 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, Member Goggin and Hendry; Alternate Members Almeria and Siddiqui (all members attended via WebEx/ communications media technology (“CMT”))

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 Borgstrom called roll and declared a quorum present.

APPROVAL OF THE MINUTES:

A motion by Member Goggin, seconded by Alternate Member Siddiqui, to approve the minutes of the December 3, 2020 meeting as received passed unanimously.

EXCUSED ABSENCES:

A motion by Member Hendry, seconded by Alternate Member Siddiqui, to excuse

DRAFT

the absence Vice Chair Rodriguez-Soto of passed unanimously.

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.]

NEW BUSINESS: **VARIANCES:**

VARIANCE FILE NUMBERS: **ZV(R) 2020-32 - 35**

PETITIONER:

Lonnie and Veronica Bergeron

ADDRESS:

SUBJECT PROPERTY:

20400 SW 51 Street
Pembroke Pines, FL 33332

LEGAL DESCRIPTION:

Lot 42, of the "THE TRAILS PLAT", according to the Plat thereof, as recorded in Plat Book 143, Page 35B of the Public Records of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2020-32) a 22' rear lot setback instead of the required 50' rear lot setback for a proposed barn;

ZV(R) 2020-33) a 25'side lot setback instead of the required 50' side lot setback for a proposed barn;

ZV(R) 2020-34) a 30' front lot setback instead of the required 50' front lot setback for a proposed barn;

DRAFT

ZV(R) 2020-35) a 12' street line setback instead of the required 50' lot setback for proposed paddock fencing.

REFERENCES:

§ 155.105 ESTATE (E-1) DISTRICTS.

(B) Uses permitted. No building, structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part for other than one of the following uses:

(2) Uses accessory to any of the above uses, when located on the same plot and not involving the conduct of any business, trade, occupation, or profession, including:

(d) Keeping of horses and cows, not exceeding four in total number for a plot of minimum permitted size: where the plot exceeds 35,000 square feet in area, one additional horse may be kept for each acre of plot area in excess of 35,000 square feet. The permitted animals shall be kept in an area which is located at least 50 feet from any street line. Any roofed structure for shelter of these animals shall be located at least 50 feet from any plot line.

Chairman Ryan read the variance requests into the record.

Bill Barbaro, engineer of record, spoke for Lonnie Bergeron, petitioner. Stated these requests are being made due to the odd shape of the lot and that they are seeking to be able to go into the 50 foot setback for a barn and paddock fencing. The site has specific conditions due to the lot size and shape. The home is at the end of a cul-de-sac, the lot is pie shaped and it is in the Trails of Pembroke Pines, which does allow for barn stable structure. Petitioner has obtained HOA approval and no neighbors have made objection to the request.

Board members who spoke to the variance requests were Chairman Ryan, Members Goggin and Hendry. The question of the easement between the canal and the home lot was raised. Dean Piper stated he did not have exact measurement but it had to be 20 to 30 feet. Dean Piper also stated the building will not be built over any utilities, all of the utilities are at the front of the property. The paddock is not close to SE 51st Street, it is closest to the backyard easement.

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

DRAFT

A motion by Member Goggin, seconded by Member Hendry, to grant variance request ZV(R) 2020-32, to allow a 22' rear lot setback instead of the required 50' rear lot setback for a proposed barn, under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Goggin, seconded by Member Hendry, to grant variance request ZV(R) 2020-33, to allow a 25' side lot setback instead of the required 50' side lot setback for a proposed barn., under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Goggin, seconded by Member Hendry, to grant variance request ZV(R) 2020-34, to allow a 30' front lot setback instead of the required 50' front lot setback for a proposed barn., under Sec. 32.034 2 (c), passed unanimously.

A motion by Member Goggin, seconded by Alternate Member Siddiqui, to grant variance request ZV(R) 2020-35, to allow a 12' street line setback instead of the required 50' lot setback for proposed paddock fencing, under Sec. 32.034 2 (c), passed unanimously.

VARIANCE FILE NUMBER: ZV(R) 2020-36

PETITIONER:

Matthew & Amber Desharnais

ADDRESS:

SUBJECT PROPERTY:

7881 NW 11 Court
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 20, Block 19, of the BOULEVARD HEIGHTS SECTION 8 PLAT, a subdivision according to the Plat thereof as recorded in Plat Book 57, Page 9B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow 200 square foot existing accessory structure instead of the required 100 square foot accessory structure.

DRAFT

REFERENCE:

§ 155.049(H) **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.

Chairman Ryan reading the request into the record.

Amber Desharnais, petitioner spoke to the variance request. They built this 200 foot accessory structure, without permits. Part of the building is enclosed and there is an overhang which provides shade for children and family to relax. There is electricity running to the building, as it has a ceiling fan. The shed is used for storage. They will get a permit and it will meet all building codes, including electrical, after variance is granted.

Board Members who spoke to the variance request were Chair Ryan and Member Goggin. Dean Piper confirmed there had been a permit for the slab the structure was sitting on and the actual enclosed shed is 80 square feet, the remaining 120 square feet pertain to the open area under the overhang. The entire structure is within the setbacks.

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

A motion by Member Goggin, seconded by Member Hendry, to grant variance request ZV(R) 2020-36, to allow 200 square foot existing accessory structure instead of the required 100 square foot accessory structure, under Sec. 32.034 2 (c), passed

DRAFT

unanimously.

STAFF CONCERNS:

Dean Piper confirmed that there will be a February meeting.

ADJOURNMENT:

A motion by Member Hendry, seconded by Member Goggin, to adjourn the meeting at 7:02 P.M., passed unanimously.

Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: 7:02 P.M.

Approved: