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Board of Adjustment

City of Pembroke Pines
Pembroke Pines, FL

March 4, 2021

The virtual / regular meeting of the **BOARD OF ADJUSTMENT** was called to order by Chairman James Ryan on Thursday, March 4, 2021 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: None (Board Member Hendry has submitted his resignation, effective March 1, 2021)

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 Member Goggin, seconded by Vice Chair Rodriguez-Soto, to approve the minutes of the January 7, 2021 meeting as received passed unanimously.

EXCUSED ABSENCES:

There were no excused absences.

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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 after his legal information via WebEx.]

NEW BUSINESS:

VARIANCES:

VARIANCE FILE NUMBER: **ZV(R) 2020-38**

PETITIONER:

Alber Araujo

ADDRESS:

SUBJECT PROPERTY:

10660 NW 20 Street
Pembroke Pines, FL 33026

LEGAL DESCRIPTION:

Lot 2, Block 10, PEMBROKE LAKES SECTION ONE, according to the Plat thereof as recorded in Plat Book 76, Page 40, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 65% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway and walkway.

REFERENCE:

§ 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

Chairman Ryan read the variance requests into the record.

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Alber Araujo, petitioner, spoke to the variance requests. He stated the larger driveway is needed to park four cars, older children are driving and there is no street parking allowed.

The members of the board who spoke to the variance requests were Chair Ryan and Alternate Member Siddiqui. The board asked if the size could be made smaller and the petitioner was not sure how much smaller they could make it.

The members of staff who spoke to the variance requests were Dean Piper and Michael Stamm.

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

A motion by Member Goggin, seconded by Rodriguez-Soto, to grant variance request ZV(R) 2020-38, to allow a 65% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway and walkway, under Sec. 32.034 2 (c), was withdrawn after voting had begun but had not finished.

An amendment to the motion by Alternate Member Siddiqui failed to receive a second and died.

A substitute motion by Alternate Member Siddiqui, seconded by Member Goggin, to defer to the April 1, 2021 meeting, to give petitioner opportunity to make changes to sizing, passed unanimously.

VARIANCE FILE NUMBERS: ZV(R) 2020-39 - 40

PETITIONER:

Michael Cabak

ADDRESS:

SUBJECT PROPERTY:

1051 NW 185 Avenue
Pembroke Pines, FL 33029

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LEGAL DESCRIPTION:

Lot 7 Block G, of the CHAPEL LAKE ESTATES PLAT, according to the Plat thereof as recorded in Plat Book 154, Page 44 B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2020-39) a 43.3% total width of lot for a proposed driveway instead of the required total width of all driveways not to exceed 40% of the lot width;.

ZV(R) 2020-40) a 50% total front lot coverage instead of the required 35% total front lot coverage for a driveway and proposed walkway

REFERENCE:

§ 52.26 DRIVEWAYS ACROSS SWALE AREAS

ZV(R) 2020-39) (C) In no instance shall the total width of all driveways exceed 40% of the lot width.

ZV(R) 2020-40)

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

Chairman Ryan reading the request into the record.

Michael Cabak, petitioner, spoke to the variance requests. He stated that the request is to add two feet to the driveway, that they already park two cars in the garages and have a youth driver. He pointed out that the increase is only 3.3% over the code and 15% over-all coverage increase. The build is pavers.

The members of the board who spoke to the variance requests were Chair Ryan, Vice Chair Rodriguez-Soto and Member Goggin. There was a question about the gate on the side of the home going into the setback, Dean Piper explained that due to the gate placement, the sidewalk, which was properly permitted, is allowed to go into the set back to meet the gate opening, and then goes back into the property, so it is not in the setback.

The member of staff who spoke to the variance requests was Dean Piper.

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

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A motion by Member Goggin, seconded by Vice Chair Rodriguez-Soto, to grant variance request ZV(R) 2020-39, to allow a 43.3% total width of lot for a proposed 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 Vice Chair Rodriguez-Soto, to grant variance request ZV(R) 2020-40, to allow a 50% total front lot coverage instead of the required 35% total front lot coverage for a driveway and proposed walkway, under Sec. 32.034 2 (c), passed unanimously.

VARIANCE FILE NUMBERS: ZV(R) 2021-01 - 03

PETITIONER:

Maria R. Aguirre

ADDRESS:

SUBJECT PROPERTY:

16406 NW 24 Street
Pembroke Pines, FL 33028

LEGAL DESCRIPTION:

Lot 79, of the PARKSIDE AT SPRING VALLEY PLAT, according to the Plat thereof as recorded in Plat Book 158, Page 13 B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2021-01) a 5' rear yard setback instead of the 15' rear yard setback for a proposed hard roofed open sided patio;

ZV(R) 2021-02) a 3' side yard setback instead of the 5' side yard setback for a proposed hard roofed open sided patio without a privacy wall;

ZV(R) 2021-03) a 49% total lot coverage instead of the required 45% total lot coverage for a proposed hard roofed open sided patio.

REFERENCE:

§ 155.108 SINGLE-FAMILY (RS-7) DISTRICTS.

(C) Development parameters. All applications for a zero lot line development shall comply with the following applicable development parameters.

ZV(R) 2021-01) (3) Minimum setbacks.

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(b) Front and rear setback. The front setback shall be not less than 20 feet, and the rear setback shall not be less than 15 feet.

ZV(R) 2021-02) ((3) Minimum setbacks.

e) Accessory buildings and structures shall observe all setback requirements as outlined in § 155.049 for Accessory Uses and Structures, except that for all non-water-front lots in developments approved under design criteria of (RS-7) single family zoning, accessory structures may extend to the zero setback side property line if a six-foot high concrete block privacy wall is installed along the entire length of the accessory structure.

ZV(R) 2021-03)

(6) Maximum lot coverage. The total lot coverage permitted for all buildings on the site shall not exceed 45% of the lot areas.

Karen Borge, daughter of the petitioner, spoke to the variance requests. She stated that the request is to put a solid roof over the existing patio, so that the family and older members of the family can sit outside and not sit under direct sun.

The members of the board who spoke to the variance requests were Chair Ryan, Vice Chair Rodriguez-Soto, Member Goggin and Alternate Member Siddiqui. Members questioned if the patio was permitted and why into set back? Dean Piper explained that the patio was permitted and completed many years ago, and that patio was allowed to go into the setback to 5 feet from property line. He also explained that the code is that the roof cannot go into the 15 foot set back. Petitioner was also asked if a ceiling fan would be installed and Mr. Piper stated if there was electrical, it would have to go through proper permitting, also. Mr. Piper stated there are no utilities easements in the back or side of the home, they are all located up front on street.

The member of staff who spoke to the variance requests was Dean Piper

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

On a motion by Vice Chair Rodriguez-Soto, seconded by Alternate Member Siddiqui, to grant variance request ZV(R) 2021-01, to allow a 5' rear yard setback

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instead of the 15' rear yard setback for a proposed hard roofed open sided patio, under Sec. 32.034 2 (c), the following vote was taken:

AYE: Vice Chair Rodriguez-Soto, Member Goggin, Alternate Members Siddiqui and Almeria.

NAY: Chair Ryan

MOTION PASSED

On a motion by Vice Chair Rodriguez-Soto, seconded by Alternate Member Siddiqui, to grant variance request ZV(R) 2021-02, to allow a 3' side yard setback instead of the 5' side yard setback for a proposed hard roofed open sided patio without a privacy wall, under Sec. 32.034 2 (c), the following vote was taken:

AYE: Vice Chair Rodriguez-Soto, Member Goggin, Alternate Members Siddiqui and Almeria.

NAY: Chair Ryan

MOTION PASSED

On a motion by Vice Chair Rodriguez-Soto, seconded by Alternate Member Siddiqui, to grant variance request ZV(R) 2021-03, to allow a 49% total lot coverage instead of the required 45% total lot coverage for a proposed hard roofed open sided patio, under Sec. 32.034 2 (c), the following vote was taken:

AYE: Vice Chair Rodriguez-Soto, Member Goggin, Alternate Members Siddiqui and Almeria.

NAY: Chair Ryan

MOTION PASSED

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VARIANCE FILE NUMBERS: ZV(R) 2021-04 - 07

PETITIONER:

Mario Maruriello

ADDRESS:

SUBJECT PROPERTY:

9012 NW 10 Street
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:

Lot 11 Block 2, of the WESTVIEW SEC 3 PART 1 PLAT AMENDED, according to the Plat thereof as recorded in Plat Book 86, Page 42B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:

Petitioner is requesting variances to allow:

ZV(R) 2021-04 a 54% width of the front yard at property line and through the swale area instead of the required width of 40% of the front yard at property line and through the swale area for a driveway;

ZV(R) 2021-05 a 0' east side yard setback instead of the required 5' side yard setback for an existing driveway;

ZV(R) 2021-06 a 0' west side yard setback instead of the required 5' side yard setback for an existing driveway;

ZV(R) 2021-07 an 86% total front lot coverage instead of the required 35% total front lot coverage for an existing driveway.

REFERENCES:

§ 52.26 DRIVEWAYS ACROSS SWALE AREAS.

ZV(R) 2021-04) (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) 2021-05 & 06) (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) 2021-07) (H) No driveway may:

(1) Exceed a 35% of the total front lot coverage in a single family residential home; or

Mario Maruriello, petitioner, spoke to the variance requests. He confirmed the driveway is already built. It is concrete strips with 4 inch strips of artificial grass between the slabs. There is no HOA in this area. He also stated the home is elevated, they have had no flooding or standing water since the driveway was installed and the neighbor has

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not had any either. He related that initially he contracted with a company, paid them \$4,000 and after bulldozing the entire front yard, the company disappeared. He then had to have another contractor come in and completed the work due to his yard being torn up without a permit. When asked if he can reduce the size, the petitioner did not know how it could be done, as the work has already been completed.

The members of the board who spoke to the variance requests were Chair Ryan, Vice Chair Rodriguez-Soto and Alternate Member Siddiqui.

The members of staff who spoke to the variance requests were Dean Piper and Assistant City Attorney Morgan, who advised the board on how to defer the request to the next meeting.

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

A motion by Vice Chair Rodriguez-Soto, seconded by Alternate Member Siddiqui to defer variance request ZV(R) 2021-04 through 2021-07 to the April 1, 2021 meeting, passed unanimously.

VARIANCE FILE NUMBER: **ZV(R) 2021-08**

PETITIONER:
Carlos Mendez

ADDRESS:
SUBJECT PROPERTY:
8510 NW 24 Court
Pembroke Pines, FL 33024

LEGAL DESCRIPTION:
Lot 5 Block 13, of the PASADENA LAKES WEST PLAT, according to the Plat thereof, as recorded in Plat Book 69, Page 37B, of the Public Record of Broward County, Florida.

VARIANCE REQUESTED:
Petitioner is requesting a variance to allow a 6' rear yard setback instead of the required

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15' rear yard setback with an existing hard roofed open sided patio.

REFERENCE:

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

(E) Yards. (3) Rear yard.

(a) Residential uses. Every plot used for a one-family dwelling shall have a rear yard not less than 15 feet in depth.

Maria Mararetto, wife of petitioner, spoke to the variance requests. She stated when they purchased the home, there were pending permits and the work had already been done. All the other permits have been closed out and finished, and now they are trying to finalize this final permit with the variance.

The members of the board who spoke to the variance requests were Chair Ryan and Member Goggin. Dean Piper confirmed that the pool and deck are properly permitted, it is just the cover over them that will go into the setback

The member of staff who spoke to the variance requests was Dean Piper.

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

A motion by Member Goggin, seconded by Vice Chair Rodriguez-Soto, to grant variance request ZV(R) 2021-08, to allow a 6' rear yard setback instead of the required 15' rear yard setback with an existing hard roofed open sided patio, under Sec. 32.034 2 (c), passed unanimously.

STAFF CONCERNS:

Next meeting will be Thursday, April 1, 2021.

ADJOURNMENT:

A motion by Member Goggin, seconded by Vice Chair Rodriguez-Soto, to adjourn the meeting at 8:40 P.M., passed unanimously.

Respectfully submitted:

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Katherine Borgstrom
Board Secretary

Adjourned: 8:40 P.M.
Approved: