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Board of Adjustment

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

April 1, 2021

The virtual / regular meeting of the **BOARD OF ADJUSTMENT** was called to order by Chairman James Ryan on Thursday, April 1, 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

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 March 4, 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 at the beginning of the meeting via WebEx.]

OLD 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

Michael Stamm read the variance requests into the record.

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Alber Araujo, petitioner, spoke to the variance requests. He stated the reductions and slides were shown that provided the reduction of the driveway that the Board Members had suggested at the March 2021 meeting. Petitioner has removed 260 feet that results in a reduction of 54% coverage. Dean Piper confirmed that the side yard setback was five and a half feet on one side and 8 feet on the other.

The member of the board who spoke to the variance requests were Chair Ryan.

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 Vice Chair Rodriguez-Soto, seconded by Member Goggin, to grant variance request ZV(R) 2020-38, to allow a 54% 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), passed unanimously.

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

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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

Michael Stamm read the requests into the record.

Mario Maruriello, petitioner, spoke to the variance requests. He stated he had reduced the size by reducing the east side to meet the five foot setback and the west side to meet the five foot setback at the front of the home after the Board requested he reduce the over-all size at the March 2021 meeting. The sides flare back to the zero lot line as they near the home structure. He stated he will now park the boat on the side of the house with use of this driveway. Petitioner stated that after a recent heavy rain, he had made and submitted a video showing that there was no drainage problems at the street and that the spaces between the concrete slabs slope toward the street to aid in drainage. He also stated, after questioning, that the west side setback is larger in order to meet the gate to the backyard. If the concrete had to remain within the setback, the entrance to the gate would be half grass and half concrete. He also confirmed there had been a circular drive before the new installation, so he kept the circular drive.

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

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 Vice Chair Rodriguez-Soto, seconded by Member Goggin, to grant variance request ZV(R) 2021-04, to allow 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, under Sec. 32.034 2 (c), passed unanimously.

A motion by Vice Chair Rodriguez-Soto, seconded by Member Goggin, to grant variance request ZV(R) 2021-05, to allow a 0' east side yard setback instead of the required 5' side yard setback for an existing driveway, under Sec. 32.034 2 (c), passed unanimously.

A motion by Vice Chair Rodriguez-Soto, seconded by Member Goggin, to grant variance request ZV(R) 2021-06, to allow a 0' west side yard setback instead of the required 5' side yard setback for an existing driveway, under Sec. 32.034 2 (c), passed unanimously.

A motion by Vice Chair Rodriguez-Soto, seconded by Member Goggin, to grant variance request ZV(R) 2021-07, to allow a 78% 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.

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NEW BUSINESS:
VARIANCES:

VARIANCE FILE NUMBERS: **ZV(R) 2021-09 - 10**

PETITIONER:
Edward Kon

ADDRESS:
SUBJECT PROPERTY:
736 SW 117 Avenue
Pembroke Pines, FL 33025

LEGAL DESCRIPTION:
Lot 52 Egrets Walk, of the NASHER PLAT, according to the Plat thereof as recorded in Plat Book 159, Page 42B, of the Public Record of Broward County, Florida.

VARIANCES REQUESTED:
Petitioner is requesting variances to allow:
ZV(R) 2021-09 a 48% 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 an existing driveway;
ZV(R) 2021-10 a 62% total front lot coverage for zero-lot line properties instead of the required 35% total front lot coverage for zero-lot line properties with an existing driveway.

REFERENCES:
§ 52.26 DRIVEWAYS ACROSS SWALE AREAS.
ZV(R) 2021-09 (C) In no instance shall the total width of all driveways exceed 40% of the lot width.
ZV(R) 2021-10 (H) No driveway may:
(2) Exceed a 40% of the total front lot coverage for zero-lot line properties.

Michael Stamm read the requests into the record.

Edward Kon, petitioner, stated he had the driveway built without permit. His family has been in the home since 1999, they have three children who now all drive and therefore they need more parking spaces. He replaced the existing driveway with pavers because he had seen that other homes in the community had re-done their driveways so he thought he could. He extended it 24 feet, to allow for the fifth car, which

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puts him 4 feet over the setback.

Dean Piper confirmed there were no utilities in the easements or set back. Petitioner stated in part he had been motivated to extend the driveway due to his daughter's car being towed because it was parked across the sidewalk entrance to their prior driveway. All three children are home due to the pandemic and they do use the garage to park two of the five cars.

The members of the board who spoke to the variance requests were Chair Ryan, Member Goggin and Alternate Member Siddiqui.

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) 2021-09, to allow a 48% 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 an existing driveway, under Sec. 32.034 2 (c), passed unanimously.

A motion by Vice Chair Rodriguez-Soto, seconded by Member Goggin, to grant variance request ZV(R) 2021-10, to allow a 62% total front lot coverage for zero-lot line properties instead of the required 35% total front lot coverage for zero-lot line properties with an existing driveway, under Sec. 32.034 2 (c), passed unanimously.

VARIANCE FILE NUMBER: ZV(R) 2021-11

PETITIONER:
Ulises and Carol Garcia

ADDRESS:
SUBJECT PROPERTY:

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19347 NW 13 Street
Pembroke Pines, FL 33029

LEGAL DESCRIPTION:

Lot 15, Block 3, 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.

VARIANCE REQUESTED:

Petitioner is requesting a variance to allow a 2' rear yard setback instead of the required 5' rear yard setback for a proposed pool with water feature.

REFERENCE:

§ 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS.

(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.

Ulises Garcia, petitioner, spoke to the variance requests. He stated they are requesting this set back to install an L shaped pool. They are in the Chapel Trail HOA, which is waiting on the City's response to this variance request before giving approval. If the variance is not granted, the pool, the petitioner believes, will not be wide enough to keep from encouraging the grandchildren from attempting to jump across the width of the pool. He stated there is a solid white privacy fence behind the home, which will keep the pool and activities from being visible to the neighbors.

The member of the board who spoke to the variance request was Chair Ryan.

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

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

A motion by Vice Chair Rodriguez-Soto, seconded by Member Goggin, to grant

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variance request ZV(R) 2021-11, to allow a 2' rear yard setback instead of the required 5' rear yard setback for a proposed pool with water feature, under Sec. 32.034 2 (c), passed unanimously.

STAFF CONCERNS:

There were none.

ADJOURNMENT:

A motion by Alternate Member Siddiqui, seconded by Member Goggin, to adjourn the meeting 7:35 P.M., passed unanimously.

Respectfully submitted:

Katherine Borgstrom
Board Secretary

Adjourned: 7:35 P.M.
Approved: