

# DRAFT

Board of Adjustment

City of Pembroke Pines  
Pembroke Pines, FL

OCTOBER 7, 2021

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Ryan on Thursday, October 7, 2021 at 6:31 P.M., in the City Commission Chambers, Charles F. Dodge City Center, 601 City Center Way, Pembroke Pines, Florida, 33025.

**PRESENT:** Chairman Ryan, Vice Chairman Rodriguez-Soto, Alternate Member Siddiqui

**ABSENT:** Member Goggin, Alternate Member Almeria

**ALSO PRESENT:** Dean Piper, Zoning Administrator, Christian Zamora, Planner/Zoning Specialist, 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 Vice Chair Rodriguez-Soto, seconded by Alternate Member Siddiqui, to approve the minutes of the September 2, 2021 meeting as received passed unanimously.

## **EXCUSED ABSENCES:**

A motion by Vice Chair Rodriguez-Soto, seconded by Alternate Member Siddiqui, to excuse the absence of Member Goggin and Alternate Member Almeria 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. Due to the presence of only three members of the board, and realizing the need to have three yes votes for a variance request to

# DRAFT

pass, each applicant will be offered the option to defer their item to the November 4, 2021 meeting. The decisions are appealable to the City Commission of Pembroke Pines only.

[Secretary's Note: Interested parties were sworn under oath to give testimony in the relevant causes by the Assistant City Attorney.]

## **OLD BUSINESS:** **VARIANCES:**

**VARIANCE FILE NUMBER:**      **ZV(R) 2021-15**

**PETITIONER:**  
Aleida Marin

**ADDRESS:**  
**SUBJECT PROPERTY:**  
8500 Taft Street  
Pembroke Pines, FL 33024

**LEGAL DESCRIPTION:**  
Lot 4, Block 14, of the BOULEVARD HEIGHTS SECTION 9 2ND ADDITION PLAT, according to the Plat thereof as recorded in Plat Book 62, Page 12B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**  
Petitioner is requesting a variance to allow a 44% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway and walkway.

## **REFERENCE:**

Table 155.620 Accessory Building Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Driveway, Typical Lot	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	35% front lot coverage 40 % width of lot	[1] 10 foot minimum width

Petitioner Aleida Martin and her son, Arturo Martin, spoke to the request. They stated they did not want to defer tonight. They tried to get permit to put in a circular drive, but it would not meet the code. They live on a very busy section of Taft Street and exiting the drive by backing out is very dangerous. They have an older mother living in home also and their expanding the driveway would be for safety reasons.

# DRAFT

The members of the board who spoke to the variance requests were Chair Ryan, Vice Chair Rodriguez-Soto and Alternate Member Siddiqui. Members acknowledged the very busy traffic situation on Taft and that the home is located only three residences from the traffic light and has three merging lanes of traffic.

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 Alternate Member Siddiqui seconded by Vice Chair Rodriguez-Soto, to grant variance request ZV(R) 2021-15, to allow a 44% front lot coverage on a typical lot instead of the required 35% total front lot coverage for a proposed driveway and walkway, under Sec. 155.301(O)(1)(c), the following vote was recorded:

AYE: Vice Chair Rodriguez-Soto, Alternate Member Siddiqui

NAY: Chair Ryan

Motion failed

**VARIANCE FILE NUMBER:**      **ZV(R) 2021-16**

**PETITIONER:**  
Natalie Carter

**ADDRESS:**  
**SUBJECT PROPERTY:**  
1400 NW 154 Lane  
Pembroke Pines, FL 33028

**LEGAL DESCRIPTION:**  
Unit 1; Building 1: Village 18 Park Crossing-Towngate A.K.A. A portion of the TOWNGATE PLAT, according to the Plat thereof as recorded in Plat Book 156, Page 11B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**  
Petitioner is requesting a variance to allow a hard roofed screen enclosure instead of the required screen roof screen enclosure.

**REFERENCE:** Towngate Planned Unit Development (PUD) Guidelines

# DRAFT

Natalie Carter, petitioner spoke to the variance request. Petitioner stated she did not want to defer tonight. She is asking a variance for a hard roof on the screened patio on her home, currently the roof of the enclosure is screen. Dean Piper explained that the HOA has amended their bylaws internally to allow the townhomes to have hard roofs on their screen enclosures and will be asking the City to accept that change, so they will allow the hard roof to change the PUD guidelines. Dean Piper also stated that this change could take a year or more to be approved by the City. Petitioner also stated that she is an end unit and that she has a letter from her only connected neighbor that they have no objection to the request. Petitioner would like to go ahead and get the variance so that she can get the work done.

The members of the board who spoke to the variance requests were Chair Ryan and Vice Chair Rodriguez-Soto. Vice Chair confirmed with Dean Piper that the townhome has two 10 foot walls on each side and that the roof would not be higher than eight feet, which would allow for proper air circulation.

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) 2021-16, to allow a hard roofed screen enclosure, under Sec. 155.301(O)(1)(c), the following vote was recorded:

AYE: Vice Chair Rodriguez-Soto, Alternate Member Siddiqui

NAY: Chair Ryan

Motion failed

**VARIANCE FILE NUMBERS:    ZV(R) 2021-17 - 21**

**PETITIONER:**  
Carlos Rios

# DRAFT

**ADDRESS:****SUBJECT PROPERTY:**

201 SW 65 Avenue  
Pembroke Pines, FL 33023

**LEGAL DESCRIPTION:**

Lot 1, Block 24, of the BOULEVARD HEIGHTS SEC TEN PLAT, according to the Plat thereof as recorded in Plat Book 51, Page 15B, of the Public Record of Broward County, Florida.

**VARIANCES REQUESTED:**

Petitioner is requesting variances to allow:

**ZV(R) 2021-17)** a 2.10' rear yard setback for an existing shed instead of the required 5' rear yard setback;

**ZV(R) 2021-18)** a 6.4' street side yard setback for an existing gazebo instead of the required 15' street side yard setback;

**ZV(R) 2021-19)** a 0' street side yard setback for an existing composite deck instead of the required 5' street side yard setback;

**ZV(R) 2021-20)** a 0' rear yard setback for an existing gazebo and composite deck instead of the required 5' rear yard setback;

**ZV(R) 2021-21)** a 360 sq. ft. existing open sided gazebo instead of the required 200 sq. ft. open sided structure.

**REFERENCES:****ZV(R) 2021-17 - 21)**

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Shed	Primary Building	5 feet	15 feet	5 feet	Primary or 24 feet, whichever is less	[1] 100 square feet [2] 200 square feet if located in A or R-E	[2] If over 200 square feet it shall meet primary building setbacks
Open Sided Structure (Free Standing)	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	200 square feet	When located in A or R-E it may exceed 200 square feet and shall meet the setbacks of the primary building
Deck or Patio*	Primary Building	5 feet	5 feet	5 feet	N/A	N/A	N/A

# DRAFT

Petitioner Carlos Rios stated he was requesting a deferral to the November 4, 2021 meeting.

A motion by Vice Chair Rodriguez-Soto, seconded by Alternate Member Siddiqui, to defer to the November 4, 2021 meeting variance requests ZV(R) 2021-17, ZV(R) 2021-18, ZV(R) 2021-19, ZV(R) 2021-20, and ZV(R) 2021-21, passed unanimously.

**VARIANCE FILE NUMBER:      ZV(R) 2021-22**

**PETITIONER:**

Lorraine Hernandez

**ADDRESS:**

**SUBJECT PROPERTY:**

14249 NW 18 Manor  
Pembroke Pines, FL 33028

**LEGAL DESCRIPTION:**

Lot 62, Block 9, of the Pembroke falls phase 7 PLAT, according to the Plat thereof as recorded in Plat Book 166, Page 17B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a 4' rear yard setback for a screen enclosure instead of the required 5' rear yard setback; along with a 5' rear yard setback to pool beam for an existing permitted pool instead of the required 7' rear yard setback back to pool beam.

**REFERENCE:**

Pembroke Falls Planned Unit Development (PUD) Guidelines

Lorraine Hernandez, petitioner, spoke to the request. She stated she did not want to defer tonight. She stated the City approved the pool when it was built for a five foot setback, but the PUD setback was seven feet, so the pool is right at five feet from the property line. She is needing the variance to put in footers for a screen enclosure which will put her one foot into the setback.

Dean Piper confirmed her statements that the original pool was permitted properly at a five foot setback, but PUD was supposed to be a seven foot setback

# DRAFT

Members of the Board who spoke to the request were Chair Ryan and Alternate Member Siddiqui. Chair Ryan stated the City made the mistake and is now forcing her to have variance to have it meet code.

A motion by Vice Chair Rodriguez-Soto, seconded by Alternate Member Siddiqui, to grant variance request ZV(R) 2021-22, to allow a 4' rear yard setback for a screen enclosure instead of the required 5' rear yard setback; along with a 5' rear yard setback to pool beam for an existing permitted pool instead of the required 7' rear yard setback back to pool beam, under Sec. 155.301(O)(1)(c), passed unanimously.

## **NEW BUSINESS:** **VARIANCES:**

**VARIANCE FILE NUMBERS:    ZV(R) 2021-23 - 24**

### **PETITIONER:**

Adrian & Kerry Jagdeosingh

### **ADDRESS:**

### **SUBJECT PROPERTY:**

19972 SW 5 Court  
Pembroke Pines, FL 33029

### **LEGAL DESCRIPTION:**

Lot 105, Alhambra of the PEMBROKE SPRINGS PLAT according to the Plat thereof as recorded in Plat Book 160, Page 16B, of the Public Record of Broward County, Florida.

### **VARIANCES REQUESTED:**

Petitioner is requesting variances to:

**ZV(R) 2021-23)** allow a 40% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway;

**ZV(R) 2021-24)** allow a 42% 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 proposed driveway.

### **REFERENCES:**

**ZV(R) 2021-23 - 24)**

Table 155.620 Accessory Building Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
<b>Driveway, Typical</b>	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	<b>35% front lot coverage</b>	[1] 10 foot minimum

# DRAFT

Lot						40 % width of lot	width
-----	--	--	--	--	--	-------------------	-------

Adrian and Kerry Jaqdeosingh spoke to the variance request. They stated they did not want to defer tonight. They are asking to expand the driveway only 5% larger than 35% lot coverage permitted by code. Kerry's handicapped mother is now living with them and needs to be able to get into a wheelchair when exiting or entering her handicapped vehicle. At the present width, there is not room for the chair when two cars are parked on the driveway. They have been told by the HOA that the HOA can't give approval until variance is granted. They have four children of driving age living at home and they all have cars. The children are three college graduates pre-med, working on their master's degrees at UCF, but having to live at home and do their course work virtually and a high school student,. The home has five bedrooms. They park two cars in the garage, two on the driveway and three are parked in guest parking, as there is no street parking allowed in their community. The increase in size will be toward the front of the walkway. They expressed that they were told by the developer when they purchased the home in 1999 that they could expand the driveway at that time to accommodate three vehicles, but they did not have the funds to cover that at the time and since then the City has changed the Code on size, so they have to have the variance. They also stated they are taking out the concrete and putting in pavers which will help eliminate the current drainage problems. They chose not to defer tonight because they need to get the work done to assist the handicapped mother. At present the husband has to carry her in and out of the car because they cannot get the wheelchair on pavement for her to use to exit or enter the car.

The members of the board who spoke to the variance requests were Chair Ryan, Vice Chair Rodriguez-Soto, and Alternate Member Siddiqui. Vice Chair and Alternate Siddiqui both urged the Chair to give this family relief and that the request was very minimal, not the extensive expansion the Chair stated the request was.

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



# DRAFT

John Reiner, stated he was a representative of the HOA, came forward to speak to the variance requests. He claimed the family is not using the garage for parking and that they were never offered a larger driveway by the developer. The petitioners explained that when the mother moved in recently, they did have boxes in the garage and could not park there for a very short time, but since then they have distributed all the possessions and are parking two cars in the garage. There was disagreement between the parties over the developer's statements.

On a motion by Vice Chair Rodriguez-Soto, seconded by Alternate Member Siddiqui, to grant variance request ZV(R) 2021-23, to allow a 40% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway, under Sec. 155.301(O)(1)(c), the following vote was recorded:

AYE: Vice Chair Rodriguez-Soto, Alternate Member Siddiqui

NAY: Chair Ryan

Motion failed

On a motion by Vice Chair Rodriguez-Soto, seconded by Alternate Member Siddiqui, to grant variance request ZV(R) 2021-24, to allow a 42% 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 proposed driveway, under Sec. 155.301(O)(1)(c), the following vote was recorded:

AYE: Vice Chair Rodriguez-Soto, Alternate Member Siddiqui

NAY: Chair Ryan

Motion failed

At this point in the meeting, Alternate Member Siddiqui stated that he was ill and needed to leave the meeting, which would mean there was no quorum and the remaining items listed below will be deferred to the November 4, 2021 meeting.

# DRAFT

**VARIANCE FILE NUMBER:** ZV(R) 2021-25

**PETITIONER:**

Jose & Evelyn Santa Barbara

**ADDRESS:**

**SUBJECT PROPERTY:**

2178 NW 138 Terrace  
Pembroke Pines, FL 33028

**LEGAL DESCRIPTION:**

Lot 22, Block 4, of the PEMBROKE FALLS-PHASE 4A PLAT according to the Plat thereof as recorded in Plat Book 163, Page 35B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a 300 sq. ft. open sided structure instead of the required 200 sq. ft. open sided structure for a proposed gazebo.

**REFERENCE:**

Table 155.620 Accessory Building and Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
Open Sided Structure (Free Standing)	Primary Building	5 feet	15 feet	5 feet	Primary building or 24 feet, whichever is less	200 square feet	When located in A or R-E it may exceed 200 square feet and shall meet the setbacks of the primary building

**VARIANCE FILE NUMBER:** ZV(R) 2021-26

**PETITIONER:**

Juan Hincapie

**ADDRESS:**

**SUBJECT PROPERTY:**

11031 NW 18 Place  
Pembroke Pines, FL 33026

**LEGAL DESCRIPTION:**

Lot 26, Block 22, of the PEMBROKE LAKES SECTION 2 PLAT according to the Plat thereof as

# DRAFT

recorded in Plat Book 81, Page 48B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a 48% total front lot coverage instead of the required 35% total front lot coverage for a proposed driveway.

**REFERENCE:**

Table 155.620 Accessory Building Structures							
Type	Setback				Maximum Height	Maximum Dimensions	Additional Regulations
	Front	Side	Street Side	Rear			
<b>Driveway, Typical Lot</b>	0 feet	5 feet	15 feet 155.600(B)	N/A	N/A	<b>35% front lot coverage</b> 40 % width of lot	[1] 10 foot minimum width

**VARIANCE FILE NUMBER:**      **ZV(R) 2021-27**

**PETITIONER:**

Ramon Torres

**ADDRESS:****SUBJECT PROPERTY:**

6715 SW 195 Avenue  
Pembroke Pines, FL 33332

**LEGAL DESCRIPTION:**

Lot 48, Block B, Laguna Isles, of the BIG SKY NORTH RESIDENTIAL PLAT according to the Plat thereof as recorded in Plat Book 168, Page 24B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a 5' rear yard setback for a proposed pool cabana instead of the required 15' rear yard setback.

**REFERENCE:**

Laguna Isles (Big Sky North) Planned Unit Development Guidelines PUDZONE SF-3

**ADJOURNMENT:**

The Chair adjourned the meeting at 7:45 PM.

Respectfully submitted:

---

Katherine Borgstrom  
Board Secretary

# DRAFT

**Adjourned:** 7:45 P.M.  
**Approved:**