



Legislation Text

File #: 21-0972, **Version:** 1

ZV(R) 2021-25, Jose & Evelyn Santa Barbara, 2178 NW 138 Terrace

SUMMARY EXPLANATION AND BACKGROUND: **PROJECT DESCRIPTION / BACKGROUND:**

Jose & Evelyn Santa Barbara, owners, have submitted variance request ZV(R) 2021-25 to allow a proposed 300 square foot gazebo. Proposed location meets all code regulations.

This property is located within the Pembroke Falls Homeowner's Association (HOA) which allows gazebos, but follows City of Pembroke Pines Code of Ordinances Land Development Code regarding allowed size. Copy of HOA Guidelines for Gazebos is attached.

At the October 7, 2021 Meeting there were only three Board Members present to have the minimum number of members for a quorum. After Items ZV(R) 2021-23 & 24 were heard by the Board, a member of the Board became ill and had to leave. With no quorum (only two members left) no actions could be taken by the Board and the remaining items, including this request, had to be re-noticed and re-advertised for this meeting.

VARIANCE REQUEST DETAILS:

ZV(R) 2021-25) to allow a proposed gazebo to be 300 sq. ft. instead of allowed 200 sq. ft. for open sided structures.

Code Reference: Table 155.620: Accessory Structure: Open Sided Structure (Free Standing)

VARIANCE DETERMINATION:

The Board of Adjustment shall not grant any single-family residential variances, permits, or make any decision, finding, and determination unless it first determines that:

Its decision and action taken is in harmony with the general purposes of the zoning ordinances

of the city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.

In the granting of single-family residential variances, the Board shall follow Section 155.301(O)

Variance:

1. Purpose: To allow for the provision of relief from certain development standards of this LDC for one or more of the following reasons:
 - a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
 - b) Any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
 - c) Granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.