



Legislation Text

File #: 21-0956, **Version:** 1

REQUEST FROM NATALIE CARTER TO APPEAL THE BOARD OF ADJUSTMENT DECISION PERTAINING TO RESIDENTIAL ZONING VARIANCE #ZV(R) 2021-16 FOR THE PROPERTY LOCATED AT 1400 NW 154TH LANE.

1. On October 7, 2021 the Board of Adjustment (BOA) heard an application for a residential zoning variance request from Natalie Carter pertaining to the property located at 1400 NW 154th Lane.
2. The applicant requested Residential Zoning Variance #ZV(R) 2021-16 to allow a roofed screen enclosure in the back of her townhouse instead of the allowed screened roof screen enclosure.
3. The variance requested is because the City of Pembroke Pines adopted Towngate Planned Unit Development (PUD) Guidelines restrict townhouse screen enclosures to have screen roofs only. Proposed structure meets all City of Pembroke Pines Land Development Code (LDC) requirements.
5. The applicant has provided copies of approvals from both Park Crossing HOA (her neighborhood association) and TownGate at Pembroke Pines Master HOA.
6. The variance request, and resident statement, are attached to the agenda item.
7. Planning and Economic Development staff, including the City's Zoning Administrator, do not make recommendations on variance requests. Therefore, there is not a recommendation from staff on the resident's request.
8. City Code Section 32.034 (A) requires the concurring vote of three (3) of the members of the Board to grant any variance. As a quorum of three members of the Board of Adjustment were present any action required a unanimous 3-0 vote.
9. After hearing testimony, reviewing the application as well as the statements from the applicant, the motion to approve Residential Zoning Variance #ZV(R) 2021-16 failed by a 2-1 vote.
10. Per Section 155.311 of the City of Pembroke Pines Land Development Code decisions of the Board of Adjustment are subject to appeal to the City Commission in accordance with the procedures set forth below:

155.311 APPLICATION APPEAL PROCESS

(A) Right to Appeal. Any party aggrieved by a decision, interpretation, or order made by the Planning and Economic Development Department Director or other administrative official, Board of Adjustment, Planning and Zoning Board, or the City Commission in administering or enforcing the

provisions of the Land Development Code may appeal the decision, interpretation, or order.

(C) Appeal of Board Decisions

1. Decisions of the Board of Adjustment or the Planning and Zoning Board in quasi-judicial proceedings are subject to appeal to the City Commission by either the city, petitioner, or an affected person as defined in this code based on lack of competent and substantial evidence to support the Board's ruling.

2. Any person seeking to appeal must file a written request to appeal with the Director of Planning and Economic Development, or designee, no later than noon on the seventh calendar day following the meeting at which the Planning and Zoning Board has rendered a final decision.

3. The applicant filing the appeal shall submit a written statement to the Director of Planning and Economic Development no later than eight days before City Commission meeting at which the appeal shall be heard. This written statement shall state with specificity why the appellant believes that the Planning and Zoning Board's decision was not based on competent and substantial evidence. This written statement shall be included in the agenda for the City Commission meeting at which time the appeal shall be heard.

4. The person filing the appeal shall bear the cost of all advertising and notice requirements associated with the appeal.

5. The appeal shall be presented to the City Commission as soon as practicable, subject to the notice requirements and procedures set forth herein, for a final determination as to whether or not there was competent and substantial evidence to support the Board's ruling.

8. Consistent with code requirements, the applicant, has submitted the required documentation to appeal the BOA decisions to the City Commission. See attached Intent to appeal dated October 8, 2021 and request for Appeal letter dated November 8, 2021.

9. Below is the link to the video of the October 7, 2021 Board of Adjustment meeting. Copy link and past into browser to view.

http://ppines.granicus.com/player/clip/581?view_id=1&redirect=true

10. The applicant requests City Commission action regarding Failed Residential Zoning Variance Request ZV(R) 2021-16.

- a) **Initial Cost:** None
- b) **Amount budgeted for this item in Account No:** Not Applicable.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project:** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable.