



Legislation Text

File #: 23-0283, **Version:** 1

ZV(R)2023-0038 - 0042, Maylem Muxo, 15962 SW 16 Street

SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:

Maylem Muxo, owner, submitted five residential zoning variance requests to legalize an existing driveway and patio at the property located at 15962 SW 16 Street. The property is part of Pembroke Shores Planned Unit Development (PUD) and follows the guidelines for Single Family Conventional (SF-1). The PUD guidelines do not address setbacks or lot coverage of structures at grade; therefore, the provisions of the City's Land Development Code (LDC) are applicable.

On October 29, 2020, the previous property owner submitted a building permit application (No. BUL-234388) to legalize a circular driveway and patio, nonetheless, the building permit was denied as the existing driveway exceeded the limitations of the City's LDC. The property was sold in September 2022.

In November 16, 2022, the City's Code Compliance Division initiated Code Compliance procedures (Case No. 68431) for work done without building permits; the citation was provided to the current owner.

The current owner, submitted a survey showing the unpermitted work and it was revealed that the existing paving (driveway) in the front of the property exceeded maximum total front lot coverage, allowable driveway width and did not comply with the required setbacks. As result, the applicant is requesting:

- ZV(R) 2023-0038 is to allow 70% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing circular driveway in a typical lot.
- ZV(R) 2023-0039 is to allow 55% of lot's width instead of the allowed 40% of

lot's width for an existing circular driveway in a typical lot.

- ZV(R) 20223-0040 is to allow zero feet (0') side setback (western property line) instead of the required five feet (5') setback for an existing circular driveway in a typical lot.

In addition to the driveway, the survey revealed that the existing patio is located within the required, east side, west side and rear setbacks. As result, the applicant is requesting:

- ZV(R) 2023-0041 is to allow zero feet (0') side setback instead of the required five feet (5') to west property line for an existing patio or deck.
- ZV(R) 2023-0042 is to allow zero feet (0') setback instead of the required five feet (5') to south property line for an existing patio or deck.

Per a review of aerial photography from the Broward County Property Appraiser, the driveway and patio have been on the property since 2021. The applicant was not able to produce any permits for the work. The applicants request is less than the work that exists on the property, but still exceeds the requirements of the LDC.

The applicant is aware that Board consideration of residential variance requests does not preclude the property owner from obtaining all necessary development related approvals or permits.

The subject property is in Pembroke Shores homeowners association (HOA). The applicant has provided a copy of the HOA approval.

VARIANCE REQUEST DETAILS:

ZV(R) 2023-0038 is to allow 70% front lot coverage (total) instead of the allowed 35% front lot coverage (total) for an existing circular driveway typical lot.

ZV(R) 2023-0039 is to allow 55% of lot's width instead of the allowed 40% of lot's width for an existing circular driveway in a typical lot.

ZV(R) 2023-0040 is to allow zero feet (0') side setback instead of the required five feet (5') to west property line for an existing circular driveway in a typical lot.

ZV(R) 2023-0041 is to allow zero feet (0') side setback instead of the required five feet (5') to east property line for an existing patio/deck.

ZV(R) 2023-0042 is to allow zero feet (0') side setback instead of the required five feet (5') to south property line for and existing patio/deck.

Code References:

Table 155.620 Accessory Building and Structures

ZV(R)2023-0038)

Type, Driveway, Circular*, Maximum Dimensions, 35% front lot coverage

ZV(R)2023-0039)

Type, Driveway, Circular*, Maximum Dimensions, 40 % width of lot

ZV(R)2023-0040)

Type, Driveway, Circular*, Setback, Side, 5 feet

Table 155.620 Accessory Building and Structures

ZV(R) 2023-0041)

Type, Deck or Patio, Setback, Side, 5 feet

ZV(R) 2023-0042)

Type, Deck or Patio, Setback, Rear, 5 feet

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.