

**August 1, 2019**

The regular meeting of the BOARD OF ADJUSTMENT was called to order by Chairman Ryan on Thursday, August 1, 2019 at 6:30 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, Member Hendry, Alternate Members Almeria and Siddiqui

**ABSENT:** Members Goggin and Rauf

**ALSO PRESENT:** Assistant City Attorney Ian Singer, Dean Piper, and Board Secretary Katherine Borgstrom

Board Secretary called roll and declared a quorum present.

**APPROVAL OF THE MINUTES:**

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve the minutes of the June 6, 2019 meeting as received passed unanimously.

**LEGAL INSTRUCTION:**

Assistant City Attorney Ian Singer 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 were sworn under oath to give testimony in the relevant causes by the Assistant City Attorney.]

**NEW BUSINESS:**

**VARIANCES:**

**VARIANCE FILE NUMBER:      ZV(R) 2019-17**

**PETITIONER:**

Lisbet Machado

**ADDRESS:**

**SUBJECT PROPERTY:**

1940 NW 86 Avenue  
Pembroke Pines, FL 33024

**LEGAL DESCRIPTION:**

Lot 37, Block 16, of the PASADENA LAKES WEST PLAT, according to the Plat thereof as recorded in Plat Book 69, Page 37B, of the Public Record of Broward County, Florida.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance allow an 8' high fence instead of the required 6' maximum high fence at the front corner of house and along street side yard.

**REFERENCE:**

§ 155.048 FENCES, WALLS, AND HEDGES.

(A) Except as provided in division (C) of this section, no fence, wall, or hedge shall be erected or maintained along or adjacent to a plot line on residentially zoned property to a height exceeding six feet in any yard; except that where the plot line is adjacent to non residentially zoned property, there shall be an eight-foot limit on the height of a fence, wall, or hedge along the plot line. Height shall be measured from the ambient ground elevation.

James Donovan, step-father of Lisbet Machado, the owner, spoke to the variance request. He lives in the home with his daughter and has her authority to speak to the Board on her behalf. They purchased the home and there was a ficus hedge along the side of the home. The hedge roots were invading the water pipes in the ground, so they removed the hedges and got a permit to put a 6' fence around the property. They discovered after installing the fencing, board on board type, that the fence height was not enough to give privacy to the backyard where they have a screened patio and pool. The petitioner had submitted photos which were not in the

members' packages. These were verified by the attorney and were shown to the members. These photos show there is no privacy in the pool area.

Members of the board who spoke to the request were Chairman Ryan, Vice Chairman Rodriguez-Soto, Member Hendry and Alternate Member Siddiqui. Questions centered on the height of the fence in comparison to the road and the build of the home pad and concerns of privacy and safety for the family.

Dean Piper confirmed the code is 6' as measured by the street height, but this home is built higher than the road line. Petitioner did mention there are other neighbors who do have 8' fence and that City gave a variance for that 8' height. Dean Piper did confirm that the address of the neighbor had been given a variance for an 8' fence, most likely due to a privacy issue also, but acknowledged that did not require the board to grant a variance for this request. Petitioner confirmed that only the side of the home facing the road would be receiving the 8' fence, the remaining three sides of the property would remain at 6'.

There was a question as to putting in new hedges that would be high enough to give the privacy, both the attorney and Dean Piper confirmed hedges must follow the same code limits, which would be that hedges are to be no taller than 6'. Dean Piper also confirmed that the code allows 8' high fences around commercial property only.

Member of the Public, Mr. Richard Olympio, who lives across the street from the petitioner, came forward to speak. He stated that most of the homes in Pasadena Lakes do not have the elevation problem that Mr. Donovan's property has. Mr. Olympio had assisted Mr. Donovan in ascertaining the height of his property and he stated that there are only two other homes in the development that have this same condition, where the

grade of home is higher than the grade of sidewalk and street. Mr. Olympio stated that his home has a 6' fence and that he cannot see over the fence and neighbors cannot see into his yard. No one else from the public came forward to speak.

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to approve ZV(R) 2019-17, to allow an 8' high fence instead of the required 6' maximum high fence at the front corner of house and along street side yard under Sec. 32.034 (2) (C), passed unanimously.

**VARIANCE FILE NUMBER:        ZV(R) 2019 18**

**PETITIONER:**

Alfredo Angulo

**ADDRESS:**

**SUBJECT PROPERTY:**

6409 SW 7 Street  
Pembroke Pines, FL 33023

**LEGAL DESCRIPTION:**

Lot 24, Block 33, 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.

**VARIANCE REQUESTED:**

Petitioner is requesting a variance to allow a 3' foot side yard setback instead of the required 5 foot side yard setback for a walkway / slab.

**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.

Petitioner Alfredo Angulo spoke to variance request. It is to allow the walkway and slab on the side entrance of the home to go 2' into the setback. Petitioner stated the walkway is needed for elderly mother using a wheelchair who cannot enter the front of the home.

Members of the Board who spoke to the request were Chairman Ryan and Member Hendry. Concerns of the board were drainage problems and if the work was already completed. Petitioner stated the slab was already in place when he purchased the home and it goes from the side of the building to the fence, lot line.

Dean Piper clarified for the board that the Petitioner had previously requested a variance to place a canopy over this walkway to the property line and the board had denied the request. Petitioner has removed the canopy and is willing to cut back the existing walkway three feet from the property line, but still needs the four and a half foot walkway to accommodate a wheelchair. Dean Piper also verified that the walkway would not be wide enough to have a car parked on it on the side of the home.

No one from the audience came forward to speak to the variance request.

A motion by Vice Chairman Rodriguez-Soto, seconded by Member Hendry, to approve ZV(R) 2019-18, to allow a 3' foot side yard setback instead of the required 5 foot side yard setback for a walkway / slab passed unanimously.

A motion by Member Hendry, seconded by Vice Chairman Rodriguez-Soto, to excuse the absences of Members Goggin and Rauf passed unanimously.

**ADJOURNMENT:**

Chairman adjourned the meeting at 7:35 P. M.

Respectfully submitted:

CITY OF PEMBROKE PINES  
BOARD OF ADJUSTMENT

Katherine Borgstrom

Katherine Borgstrom  
Board Secretary

**Adjourned:** 7:35 P.M.  
**Approved:** 9/4/2019