

# DRAFT

## Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, **JUNE 26, 2014**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

**1. CALL TO ORDER**

**2. PRAYER and PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Present: Joyce Calvert; James Crist; Clem Benton, Jr; William Nunn; BJ Beavin; Chairman Bret McCain

Absent: Bennie Clark

Staff Present: Rebecca Grohall, Planning Manager  
Kori Benton, Historic Preservation Officer  
Alicia Rosenthal, Administrative Assistant

Attendees: Steve McCain, Assistant City Attorney

**4. CONSIDERATION OF ABSENCES**

Motion was made by Joyce Calvert, seconded by Clem Benton, Jr to approve absence of Mr. Clark.

AYE: Joyce Calvert, James Crist, Clem Benton, Jr, William Nunn, Chairman Bret McCain  
Passed

**5. CERTIFICATION OF ALTERNATE MEMBER(S)**

Mr. Nunn was made an active member for the meeting. Ms. Beavin, an alternate member, will not vote.

**6. APPROVAL OF MINUTES**

May 22, 2014 meeting

Motion was made by Clem Benton, Jr, seconded by William Nunn to approve minutes from the May 22, 2014 meeting.

AYE: Joyce Calvert, James Crist, Clem Benton, Jr, William Nunn, Chairman Bret McCain  
Passed

**7. NEW BUSINESS**

- a. Approval of a variance to construct a single-family home which exceeds the Permitted lot coverage by 6.2%, an increase from the allowable 25% to 31.2%.

Mr. Benton gave an overview of the project and stated the percentage requested was reduced to exceed the permitted lot coverage by 4.42% instead of 6.2% . The applicant's representative, Larry Kosoy from Kosoy Enterprises commented and answered questions.

Attorney Steve McCain asked Mr. Kosoy if his clients have a problem with the condition that Mr. Benton mentioned. Mr. Kosoy responded not at all.

Mr. Nunn asked if there is going to be a wall around the backyard. Mr. Kosoy responded there is a wall on one side and on the east side a fence may be put up around the swimming pool. Mr. Nunn asked about the setback requirements. Mr. Benton responded the setback is 25 feet from the property line, 7 feet from each side and the rear lot line is a combination of 20 feet and 10 feet; however the setback distance is measured from the legal property line, which is actually in the aquatic area. Mr. Nunn asked if they can use part of the aquatic area as the setback. Mr. Benton responded yes. Mr. Nunn asked if the seawall will be rebuilt. Mr. Kosoy responded that the seawall permit is in application right now.

Mr. Crist asked how the building coverage of 5325 square feet was obtained. Mr. Benton responded the 5325 square feet includes the 3835 principal foot print, 80 square feet for the covered front entrance, 1130 square feet for the rear patio and 280 square feet for the Florida kitchen. Mr. Crist asked if the principal structure is inclusive of the garage. Mr. Benton responded yes.

Mr. Crist asked if the property owner could come back later and enclose the outdoor kitchen area. Mr. Benton responded the property owner could come back with a separate variance for board approval if the board was to adopt and implement staff's recommendation. Mr. Nunn asked how they would meet any requirements of the variance. Mr. Benton responded they would submit a variance request to amend their approval. Attorney Steve McCain stated the procedure would be to come back before the board requesting an amendment to the variance that the board might approve this evening. Mr. Nunn expressed his concern about giving too many variances. He stated the three homes on Thumb Point Drive shown in the presentation had been given variances. Mr. Benton responded that a variance was not granted for the three sites that were presented to the board. Two of the sites were constructed prior to the existing regulation of 25% building coverage. The examples were brought up to show the built environment and the established homes on Thumb Point Drive.

Ms. Calvert inquired about the item going before City Commission for conditional use. Mr. Benton stated the proposed plans represent the structure of the home to be 31 feet in height above FEMA based flood. On South Hutchinson Island within the South Beach overlay district, homeowners have the ability to build to 28 feet in height above FEMA based flood. In excess of that they have the ability to request from City Commission a conditional use to go up to a maximum of 35 feet. Mr. Crist mentioned the applicant is requesting 31 feet but with the chimney and cap the structure is well over 34 feet. Mr. Benton stated the city code allows for projections that are not habitable and architectural features to extend up to 20% above the overall height of the structure.

Attorney Steve McCain asked if the lot coverage of the applicant is less than the lot coverage of the pre-existing structure. Mr. Benton responded yes. Attorney Steve McCain asked if the previous structure was demolished due to hurricane damage. Mr. Benton responded yes, the destruction was in excess of 50% of the value.

Mr. Crist asked if the driveway is poured concrete or pavers. Mr. Kosoy responded the

driveway is brick pavers. Mr. Crist asked how the run off to adjoining lots is being addressed. Mr. Kosoy responded the run off would be handled with the grading and swales out to the street. Mr. Crist asked about the space on the sides of the house. Mr. Kosoy stated there is definitely enough room to work with the swales on the sides of the house. Mr. Nunn asked if the circle in the front of the drive area is going to be part of the swale. Mr. Kosoy stated the planter/island in the front pitches toward the storm drain.

Motion was made by Clem Benton, Jr, seconded by James Crist to approve the variance to construct a single family home which exceeds the permitted lot coverage by 4.42%, an increase from the allowable 25% to 29. 42% with the condition that the rear patio and Florida kitchen are not enclosed with walls, in order to ensure maintenance of presented open air character of a portion of the presented building coverage.

AYE: Joyce Calvert, James Crist, Clem Benton, Jr, William Nunn, Chairman Bret McCain  
Passed

## **8. DISCUSSION / OTHER BUSINESS**

Ms. Calvert asked when the item will go to City Commission. Mr. Benton responded the item is scheduled for the City of Ft. Pierce Planning Board on July 8<sup>th</sup> and it would be subsequently scheduled for the City Commission to review either the 3<sup>rd</sup> Monday in July or the 1<sup>st</sup> Monday in August.

## **9. ADJOURNMENT**

The meeting was adjourned.