



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

*REBECCA GROHALL, AICP, PLANNING MANAGER*  
*COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW*  
*HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING*

**TO:** Members of the City of Fort Pierce Board of Adjustment

**THROUGH:** Kori Benton, Senior Planner

**FROM:** Vennis Gilmore, Planning Analyst

**RE:** **Variance - Reduction of Side & Rear Setback for an Accessory Structure**  
**Iglesias Residence**  
**2727 Oleander Blvd.**

**DATE:** June 17<sup>th</sup>, 2015

### STAFF REPORT

**Owners/Applicants:** Zoelyn Iglesias  
2727 Oleander Blvd.  
Fort Pierce, FL 34982

**Requested Action:** Consider a variance request to deviate from City Code Sections 22-25. (c) To allow below the minimum requested setback from the rear property for accessory structures.

**Location:** 2727 Oleander BLVD

**Parcel ID:** 2422-322-0001-000-8

**Zoning:** R-2, Single-Family Intermediate Residential

**Surrounding Zoning:**

North	East	South	West
R-2	R-2	R-2	R-2

**Future Land Use:** RL (Low Density Residential)

**Parcel Size:** .43 acres

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**Staff Analysis:**

In accordance with Article VIII of Section 22 of the City Code, the applicant is requesting the Board of Adjustment approve a Variance to deviate City Code Section 22-25 (b) (2) b. & c. to encroach into the minimum side and rear yard (setback), which is mandated at seven (7) feet within the R-2 zone. The request specifically seeks retain an accessory structure, which has yet to be permitted, that encroaches two (2) feet into the rear yard (setback) and one and a half (1.5) feet into the interior side yard (setback), which would reduce a portion of the respective yards (setback) to five (5) and five and one-half (5.5) feet.

The subject site is located at 2727 Oleander Blvd, in a predominately residential area. The subject site is .43 acres in size, and features a single-family home currently occupied by the owners. The site was purchased by the applicants in 2014. At the time of purchase, there was an existing shed in the current location. The current owners demolished, and constructed the subject shed in the same location, without a building permit. The Building Department has noted this construction, and is requiring a building permit and inspection to retain this accessory structure.

The application proposes to maintain the constructed accessory structure – which violates the established yard (setback) requirements established by the code of ordinance - in its current location, without relocation. The existing storage shed is 207 sq. ft. in area, with an overall height of ten (10) ft.

It is noted that the applicant has retained letters of support from the neighbors, directly abutting their property, and the design of the accessory structure is a custom design, enhanced specific for the subject property owner.

**Variance Criteria**

The following criteria are specified in Section 22-108 of the City Code, which must be satisfied in order for a variance to be granted:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant;
3. The literal interpretation of the provision of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would result in unnecessary and undue hardship on the applicant;
4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
5. The granting of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The applicants, in the attached application and supporting documents, cite various factors and explanation with regard to the above-referenced criteria.

The concerns of Staff in consideration of the presented case, by the applicant, for compliance with the established criteria are centered on Criteria #2, #3, & #4, acknowledging that the current conditions

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and circumstances are a result from the actions of the applicant. Furthermore, it is unclear how the established setbacks are depriving the applicant of rights commonly enjoyed by other properties in the same zoning district, and that the absence of a variance will restrict the reasonable use of the land, building or structure.

**Property Owner Response Summary:**

A total of 9 notifications were mailed to abutting property owners. As of June 17, 2015, 0 responses have been received. An updated recording of responses will be provided to the Board at the hearing.

**Staff Recommendation:**

The characteristics associated with the presented site cited in the application present factors for the Board of Adjustment to consider with regards to the established criteria specified in Section 22-108 of the City Code.

The recommendation of Staff is to **Deny** the requested variance, to authorize a variance to maintain the current storage shed location, based upon the presented characteristics and circumstances presented in the request.

If the Board of Adjustment considers the presented case with a favorable decision of approval; Planning Staff recommends conditioning the approval upon the addition of shrubs/vegetation within the reduced setback to mitigate the reduction and buffer the structure from the neighboring properties.