

# DRAFT



## CITY OF FORT PIERCE BOARD OF ADJUSTMENT

### Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON  
THURSDAY, **June 25, 2015**, 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: James Crist; Clem Benton, Jr.; William Nunn; Chairwoman - Joyce Calvert;

Absent: BJ Beavin; Bennie Clark; Bret McCain

Staff Present: Kori Benton, Historic Preservation Officer

Attendees: Steve McCain, Assistant City Attorney

**4. CONSIDERATION OF ABSENCES**

Motion was made by James Crist, and seconded by Clem Benton, Jr. to excuse the absences of Mr. Clark, Mr. McCain, and Ms. Beavin.

AYE: James Crist; Clem Benton, Jr.; William Nunn; Chairwoman – Joyce Calvert  
Passed

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

No alternate members were present.

**6. APPROVAL OF MINUTES**

a. Minutes of the May 28, 2015 meeting

Motion was made by James Crist, and seconded by Clem Benton, Jr. to approve the minutes from the May 28, 2015 meeting.

AYE: James Crist; Clem Benton, Jr.; William Nunn; Chairwoman – Joyce Calvert

Passed

## 7. NEW BUSINESS

Attorney McCain explained the procedural rule that in the event only four members of the Board attend a meeting, the applicant has the option to either proceed with the matter or have the matter continued to a meeting in which five members of the Board attend. Both Variances and Special Exceptions require the super majority or an affirmative vote of four. A decision of postponement needs to be made after the public hearing and prior to the vote.

The applicant decided to continue.

Question was asked, that if we go through the Public Hearing portion, can we still postpone?

Attorney McCain answered that it can be reconsidered prior to formal decision.

### a. Variance – Darrido Residence – 2727 Oleander Drive

Mr. Kori Benton gave an overview of the variance for storage shed location. The request was to deviate setbacks for storage shed. He presented an aerial view of the location. The shed is located on the NW corner of property. The shed that existed previously was demolished and a new one built. There was no permit. Setbacks are 7 ft. The shed is 5.5 ft. north side and 5 ft. west side. Extensive improvements have been accomplished by the applicants since they purchased the property in 2014. Staff sent 9 letters to property owners near the applicant's location. Three letters came back approval of the shed. Applicant had submitted two letters from neighbors supporting the location of the shed. Staff recommended for the board to provide a conditional approval with landscaping to provide a barrier for the shed.

Discussion followed from board members. Mr. Clem Benton, Jr., wanted to confirm that we are only talking approximately 2 ft. off. He also wanted to confirm that the applicants had neighbors support. Mr. Kori Benton confirmed that both issues were true. The board was concerned that the shed was replaced without permit. The applicant stated they did not know they needed a permit. Mr. Kori Benton stated the only thing wrong with the shed is that they did not get a permit and it did not meet the code of 7 ft. setback. The shed does not encroach on neighbors. There was a further concern on the run off from the shed onto other properties. Suggestions were made on how to prevent this.

Mr. Kori Benton stated the applicants had three options: Remove shed, replace shed, or ask for Variance.

Luis Darrido, 2727 Oleander Blvd, was asked questions that were interpreted by his daughter. Applicant informed the board that he did the construction. He had previously worked for the city of Miami-Dade doing construction. Mr. Kori Benton stated it is not required for a construction company to do the work on private property.

The board asked what type of shed was on the property previously. A neighbor, Jeremy Hicks answered that it was on a concrete slab and was aluminum.

Plans were submitted for the shed on May 26, 2015 after the shed was built and the applicant had been cited with building without a permit.

Mr. James Crist asked about future plans for the 6 ft. posts evident in the photos. Applicant wants to build a carport. It was explained to ensure a permit before any other construction. James Crist did note that the shed was well built.

Chairwoman Calvert recommended postponement. Applicants did not want to postpone. Question was brought up on soil treatment before concrete was poured. It was not accomplished. Mr. Clem

Benton, Jr., asked if it is required by the city to have soil treatment. Mr. Kori Benton stated it is.

Attorney McCain stated if motion was made to approve and then failed the applicant can't come back for 6 months. Alternatives to the board – If one or more board members have reservations they could request postponement. Their options are Motion to deny; Motion to approve as is; Motion to approve with conditions; Motion to continue.

Chairwoman Calvert has reservations on the application. Her reservations were non-conforming to the standards required and no permit.

Mr. Clem Benton, Jr., asked what happens if it fails. Mr. Kori Benton stated if it fails, the applicants would have to relocate the shed or represent in six months.

Motion was made by Mr. James Crist, and seconded by Mr. Clem Benton, Jr., to continue the request for variance to the next month.

AYE: Mr. James Crist; Mr. Clem Benton, Jr., and Mr. William Nunn

NO: Chairwoman Joyce Calvert

Passed

**8. DISCUSSION / OTHER BUSINESS**

Staff request postponement of elections till next month's meeting.

**9. ADJOURNMENT**