



CITY OF FORT PIERCE

PLANNING DEPARTMENT

COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

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

THROUGH: Rebecca Grohall, AICP, Planning Manager

FROM: Kori Benton, Senior Planner

SUBJECT: Application for Variance
Reduction of Rear Yard (Setback) – Screen Enclosure
1722 Coconut Drive

DATE: April 21, 2016

STAFF REPORT

Owner/Applicant: Ralph & Tanis Tetrick
18990 SW 270th ST
Homestead, FL 33031

Requested Action: Approval of a Variance to deviate from Section 22-24(b)(2) of the Fort Pierce Code of Ordinances to reduce the required rear yard from twenty (20) feet to fifteen (15) feet to construct a screen enclosure, around an existing pool, within the required rear yard (setback).

Location: 1722 Coconut Drive

Lot Size: .31 acres

Current Zoning: R-1, Single-Family, Low Density Residential Zone

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 allow deviation from Section 22-24(b)(2) of the Fort Pierce Code of Ordinances to reduce the required rear yard from twenty (20) feet to fifteen (15) feet to construct a screen enclosure, around an existing pool, within the required rear yard (setback).

The subject site is located within the Jennings Cove Subdivision, which was platted in 1991. The lot, 2, is on the south side of the dredged boat channel, known as Jennings canal. This waterfront lot, along with all of the waterfront lots within the Jennings Cove Subdivision, features a riprap bank as opposed to a structurally defined bulkhead as featured by the properties across the canal. This configuration presents variable lot dimensions and depths.

The present home on the property was completed in 2001, featuring a modest swimming pool and accompanying deck within the rear yard. A screen enclosure was permitted, and constructed, to encompass the entire pool and surrounding deck. The screen enclosure was later destroyed during the 2004 hurricane events, and removed accordingly. The enclosure was never reconstructed, and the property sold in early 2016 to the applicant.

On March 4th, 2016, a permit was filed with the City of Fort Pierce, by the original contractor whom built the original screen enclosure, requesting to reconstruct a screen enclosure with the original footprint. Upon review, it was determined the proposed enclosure encroached within the required rear yard (setback), a distance of five (5) feet.

Section 22-24(b)(2) of the City Code requires rear yards of waterfront lots, within the R-1, Low Density Residential Zone, be a minimum of twenty (20) feet in depth. A minor exception to this established regulation is provided for screen enclosures by City Code Section 22-92. - Projections from buildings into yards, as follows:

Cornices, roof eaves and fascia, balconies, gutters, canopies, screened enclosures, awnings, chimneys, flues and mechanical projections, such as window air conditioners and similar features, may project out to a maximum distance of thirty (30) inches into a required yard...”.

The exception noted would allow for the rear setback for the proposed structure to be reduced to seventeen and a half (17.5) feet, however the north parameter of pool deck is fifteen (15) feet from the rear property line. Subsequently, the applicant is requesting a variance to reduce the rear yard (setback) requirement and additional two and a half (2.5) feet to fifteen (15) feet for the replacement screen enclosure. The side setbacks, height, and lot coverage remain compliant with the proposed structure. The screen enclosure would feature a pervious roof, and remain partially transparent.

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 applicant, in the attached application and supporting documents, presents responses to the above-referenced criteria, centered upon the circumstances of the previously approved screen enclosure and the existing pool.

The request to replace the screen enclosure, which was permitted and constructed in 2001, under the same regulations existing today, presents a unique situation as the City previously reviewed and authorized a structure within the required rear yard (setback). It's presumed that reviewing staff may have overlooked the fact that the property is waterfront, which increases the rear yard from a variable seven (7) / fifteen (15) foot setback combination to twenty (20) feet. In reviewed the circumstances regarding the request, and the type of structure presented, the reduction in the rear yard for this particular structure presents a valid case consistence with the criteria for granting a Variance, and minimal opportunity for adverse impacts to adjacent neighbors.

Property Owner Response Summary:

A total of 7 notifications were mailed to abutting property owners. As of April 21, 2016, 3 responses have been received in favor, and 0 in opposition. An updated recording of responses will be provided to the Board at the hearing.

Staff Recommendation:

The characteristics associated with the presented Variance and the applicant's application are consistent with the criteria specified in Section 22-108 of the City Code and the developed character of the neighborhood, therefore staff recommends that the Board of Adjustment approve the variance.