



THE SUNRISE CITY

**FORT PIERCE**  
PLANNING DEPARTMENT  
*Florida*

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

**THROUGH:** Rebecca Grohall, AICP, Planning Director

**FROM:** Kori Benton, Senior Planner

**SUBJECT:** **Application for Variance**  
**Stover Residence - Fence Height & Side Yard Reduction for Accessory Structure**  
**3141 S Indian River Drive**

**DATE:** April 19, 2017

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#### STAFF REPORT

**Owner/Applicant** Eddie Stover & Kathy Davis  
3141 S Indian River Dr  
Fort Pierce, FL 34982

**Requested Action:** Approval to deviate from Sections 22-67 (b)(7), 22-67 (c) (1), and 22-23 (b)(2)b. in order to erect a fence eight (8) feet in height, in conjunction with a pergola to be placed within the required side yard.

**Location:** 3141 S Indian River Dr

**Parcel:** 2426-501-0003-000-3

**Lot Size:** 1.4 acres

**Current Zoning:** Single-family Estate Density, E-1

## **Staff Analysis:**

### *Variance Request*

In accordance with Article VIII of Section 22 of the City Code, the property owners are requesting the Board of Adjustment approve a variance to deviate from Sections 22-67 (b)(7), 22-67 (c) (1), and 22-23 (b)(2)b. in order to erect a fence eight (8) feet in height, in conjunction with a pergola within the required side yard whereas a fifteen (15) foot setback is required for pergolas and fence height is restricted to six (6) feet.

### *Existing Conditions*

The subject 1.4 acre site located along South Indian River Drive holds a single-family residence. The 4,387 square foot home was constructed in 1955, and features several accessory structures such as porches, patios, pool, screen enclosure and a carport. The property was annexed into the City of Fort Pierce in 1987.

The master bathroom of the home, located on the northern wing of the structure, was designed to look out on, and open up into, an orchid house (photo by applicant attached). Presently, there's an existing fixture which consists of 8ft. tall fence sections and several beams that extend from the home to the fence in a configuration typically indicative of a pergola. The described "orchid house" provides visual separation between the noted master bath and the adjacent property to the north, as well as a garden like space between the home and the property line. This structure has deteriorated and is proposed for replacement however the land development code provides a height restriction of six (6) feet for fences, or pergolas, within the required fifteen (15) foot side yard (setback) for the property.

### *Proposal*

The applicant is seeking to reconstruct this 12 ft. by 14 ft. orchid house, or fence and pergola, at the north end of the home to maintain a screen between the neighboring property and the master bathroom. The applicant guides that the existing orchid house was built in the 1980s, prior to our purchase of the home, suggesting the importance of the visual buffer and its minimal impacts as it's located nearly 200 ft. from Indian River Drive. An exhibit of the structure's location with respect to the home is presented on the attached survey, and the photograph of the existing design is sought for incorporation into the proposed reconstruction.

## **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 principal home itself does not meet the required side yard (setback) on the north, therefore the proximity of the master bath to the adjacent property is increased, and is elevated due to the property's topography, and therefore the need for a visual screen is apparent. The applicant attests that the present orchid structure existed prior to annexation, and would be constructed in similar design and size, limits the potential for adverse impacts to the adjacent property.

**Property Owner Response Summary:**

A total of 8 notifications were mailed to abutting property owners. As of April 19, 2017, 0 responses have been received. An updated recording of responses will be provided to the Board at the hearing.

**Staff Recommendation:**

The recommendation of Staff is to grant **approval** of the requested variance to permit the reconstruction of an existing "orchid house", or fence and pergola, at the north end of the home to maintain a screen between the neighboring property and the master bathroom, based upon the justification presented by the applicant with respect to the criteria for granting a Variance specified in Section 22-108.