

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, APRIL 27, 2017, 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: **Bennie Clark; Joyce Calvert; Ryan Collins; Rebecca Isaac; Bret McCain, Chairman**

Absent: **James Crist; William Nunn**

Staff Present: **Iola Mosley, Senior Assistant City Attorney**

Rebecca Grohall, Planning Director

Kori Benton, Senior Planner

Alicia Rosenthal, Executive Assistant

4. CONSIDERATION OF ABSENCES

Both Mr. Crist and Mr. Nunn called in with reasonable excuses for not attending.

Motion was made by Joyce Calvert, and seconded by Bennie Clark to approve the absences of Mr. Crist and Mr. Nunn.

AYE: Joyce Calvert, Ryan Collins, Rebecca Isaac, Bennie Clark, Chairman Bret McCain

Passed

5. CERTIFICATION OF ALTERNATE MEMBER(S)

Mr. Collins and Ms. Isaac were made regular voting members for the meeting.

6. APPROVAL OF MINUTES

- a. Minutes from the December 1, 2016 meeting

Motion was made by Ryan Collins, and seconded by Bennie Clark to approve the minutes from the December 1, 2016 meeting.

AYE: Rebecca Isaac, Bennie Clark, Joyce Calvert, Ryan Collins, Chairman Bret McCain
Passed

7. NEW BUSINESS

a. Variance - Stover Residence – Fence Height & Side Yard Reduction for Accessory Structure - 3141 S. Indian River Drive

Mr. Benton gave an overview of the Variance and answered questions from the Board.

Mr. Stover, Owner and Applicant, provided additional information and answered questions from the Board.

Motion was made by Joyce Calvert, and seconded by Bennie Clark to approve the Variance as recommended by staff.

AYE: Ryan Collins, Rebecca Isaac, Bennie Clark, Joyce Calvert, Chairman Bret McCain
Passed

b. Variance - ASTA Commercial Parking Lot – Parking Space Width & Landscape Reductions - 111 S. Ocean Drive

Mr. Benton gave an overview of the Variance and answered questions from the Board.

Steve Weaver, Applicant Representative, stated the original plan had 65 parking spaces with minimal landscaping and in the current plan several variance requests were eliminated and ASTA is down to 54 parking spaces. Mr. Weaver stated ASTA is willing to go along with staff recommendations except they prefer not to go the route of the wall as a buffer between the proposed parking area and Oculina Bank and they are not in favor of incorporating recommendation #4, which states the site plan is amended to provide a landscape strip along the northern property line which averages a minimum width of ten (10) feet and the required interior vehicular use area landscaping.

Richard Haestier, representative from Asta Parking, provided details on ASTA parking company and parking fee enforcement.

Board discussion ensued.

Motion was made by Ryan Collins, and seconded by Bennie Clark to approve the Variance with staff recommendations listed below:

1) Incorporation of a sign towards the entrance of the parking circle, and stamped notation on each parking space, that acknowledges reduced stall width, or compact nature of the spaces.

2) The landscape plan integrates the planting, and appropriate irrigation, of a vegetative hedge along the north and east property lines, which has the capacity to grow to form a 3ft. tall continuous hedge within one year, as required by City Code Section 22-187 (4).

3) The landscape plan provides the planting, and appropriate irrigation, of a vegetative hedge along the west property lines, which has the capacity to grow to form a 6ft. tall

buffer to mitigate the reduction in landscape strip width adjacent to these property lines.

AYE: Bennie Clark, Joyce Calvert, Ryan Collins, Rebecca Isaac, Chairman Bret McCain
Passed

8. DISCUSSION / OTHER BUSINESS

Mr. Benton welcomed Ms. Isaac, the new alternate member.

Chairman McCain discussed the new ordinance eliminating the participation by uncertified alternate Board members. The Chairman explained that alternates can still participate during the public comment section but if they have not been certified they cannot participate from the dais.

Ms. Grohall stated it is irregular for someone, who does not have a vote, to participate from the dais, when the Board functions in a quasi-judicial manner, meaning they make the final decisions. Ms. Grohall explained the city attorney was looking to improve the accountability of how all Boards function across the city.

Ms. Mosley stated the Board sits as a quasi-judicial decision maker, which insulates a Board member, to an extent, from individual liability and having other persons sit on the dais might tend to water an argument down and open up an individual to liability.

Chairman McCain commented to Ms. Mosley that he does not see how alternates sitting on the dais and participating in a discussion, is a potential liability. Chairman McCain stated it also helps prepare alternates and engages all the Board members. Chairman McCain stated he is not pleased with the decision and eliminating participation by alternates does more harm than good, unless there is a legal rationale for liability.

Mr. Collins stated he would like to at least have a voice, on the same level with the members of the Board, after putting in the time and effort to review the material and come to the meeting.

9. ADJOURNMENT