

## **BOARD OF ADJUSTMENT AGENDA**

Board of Adjustment Regular Meeting - Thursday, July 27, 2017 - 6:00 p.m.  
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PRAYER and PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
5. **CERTIFICATION OF ALTERNATE MEMBER(S)**
6. **APPROVAL OF MINUTES**
  - a. Minutes from the April 27, 2017 meeting
7. **NEW BUSINESS**
  - a. Special Exception - Eaton Residence - 1611 Binney Drive
8. **ELECTION OF CHAIR AND VICE-CHAIR**
9. **DISCUSSION / OTHER BUSINESS**
10. **ADJOURNMENT**

Any person seeking to appeal any decision by the Board of Adjustment with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact the Planning Department at (772) 467-3729, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

**Planning Board of Adjustment**

Meeting Date: 07/27/2017

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Information

REQUESTED ACTION

Minutes from the April 27, 2017 meeting

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

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Attachments

Board of Adjustment Minutes 4/27/17

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**Form Review**

Form Started By: Alicia Rosenthal

Started On: 06/12/2017 10:52 AM

Final Approval Date: 06/14/2017

# DRAFT



CITY OF FORT PIERCE  
**BOARD OF ADJUSTMENT**

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**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**

## **Planning Board of Adjustment**

Meeting Date: 07/27/2017

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### Information

#### REQUESTED ACTION

Special Exception - Eaton Residence - 1611 Binney Drive

#### LOCATION

1611 Binney Drive

#### RESPONSIBLE STAFF

Brandon Creagan, LEED Green Associate, Planner

#### RECOMMENDATION

Approval of the Special Exception

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### Attachments

Planning Staff Report

Site Aerial

Application for Special Exception

Site Plan

Site Plan Visual

Zoning Map

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### Form Review

Form Started By: Brandon Creagan

Started On: 07/20/2017 09:01 AM

Final Approval Date: 07/21/2017



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

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

**FROM:** Brandon Creagan, LEED Green Associate, Planner

**RE:** **Application for Special Exception  
 Addition to a Non-Conforming Structure  
 1611 Binney Drive**

**DATE:** July 20<sup>th</sup>, 2017

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**STAFF REPORT**

**Owner/Applicant:** Stephen A Eaton  
 1611 Binney Drive  
 Fort Pierce, FL 34949-3190

**Requested Action:** Approval of a Special Exception to expand a nonconforming structure by 550 sq. ft.

**Location:** 1611 Binney Drive

**Parcel ID:** 2401-501-0213-000-1

**Zoning:** R-1, Single-family Low Density Residential

**Surrounding Zoning:**

North	East	South	West
R-3	R-1	A2	R-1

**Future Land Use:** RL, Low Density Residential

**Parcel Size:** .46 acres

**Construction Date:** 1980

**Staff Analysis:**

The subject single-family home was constructed in 1980 on South Hutchinson Island. The property owner is requesting to construct a 550 sq. ft. addition to the home. The existing structure fails to meet the setback requirement of the western side yard as set forth by the R-1, Single-Family Low Density Residential District, classifying this structure as non-conforming.

The requested addition to the structure necessitates the review and approval of a Special Exception based on the main structure failing to meet City Code Section 22-24 (b)(2)b., which mandates that the minimum depth of the side yard shall be seven (7) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet. The structure rests at a distance of 6.3 feet from the western property line. This property is not a corner lot and therefor all structures must maintain at least a seven (7) foot distance from the side yard property line. The lot that abuts the western property line is currently vacant.

The proposed addition is intended to provide a covered patio to enhance the existing single-family home. This addition will not violate the established use and dimensional standards contained in City Code Section 22-24, Single-Family Low Density District (R-1).

The board of adjustment is authorized to permit the enlargement or alteration of a nonconforming structure, except any sign, as a special exception upon finding and determining the following:

- (1) The granting of the special exception will not adversely affect the public interests;
- (2) Such enlargement or alteration is in harmony with the purpose and intent of this chapter and all amendments thereof;
- (3) The enlargement or alteration, if allowed, will not violate any height, yard, setback, area or density limitations imposed by the zoning district in which the property is located, or if the enlargement or alteration would increase such violation, such enlargement or alteration would not adversely affect traffic flow, safety and control, pedestrian safety and convenience or visibility at any street intersections, drives, rights-of-way, curbcuts or crosswalks;
- (4) Such enlargements or alteration shall be compatible with adjacent properties and other properties within that zoning district;
- (5) If in a commercial, business or industrial zone, that adequate buffers are provided between such structures and adjacent residential areas;
- (6) That adequate off-street parking shall be provided for any multifamily, commercial, industrial or business use upon the property;
- (7) The enlargement or alteration will not increase gross floor area of the principal structure by more than fifty (50) per cent;
- (8) The use of the structure prior to, and subsequent to, the granting of the request for the special exception shall be a semi-restricted use or permitted conditional use within the district in which the property is located;
- (9) There will be adequate availability and access to, and for, public utilities as may be required.

**Public Notification:**

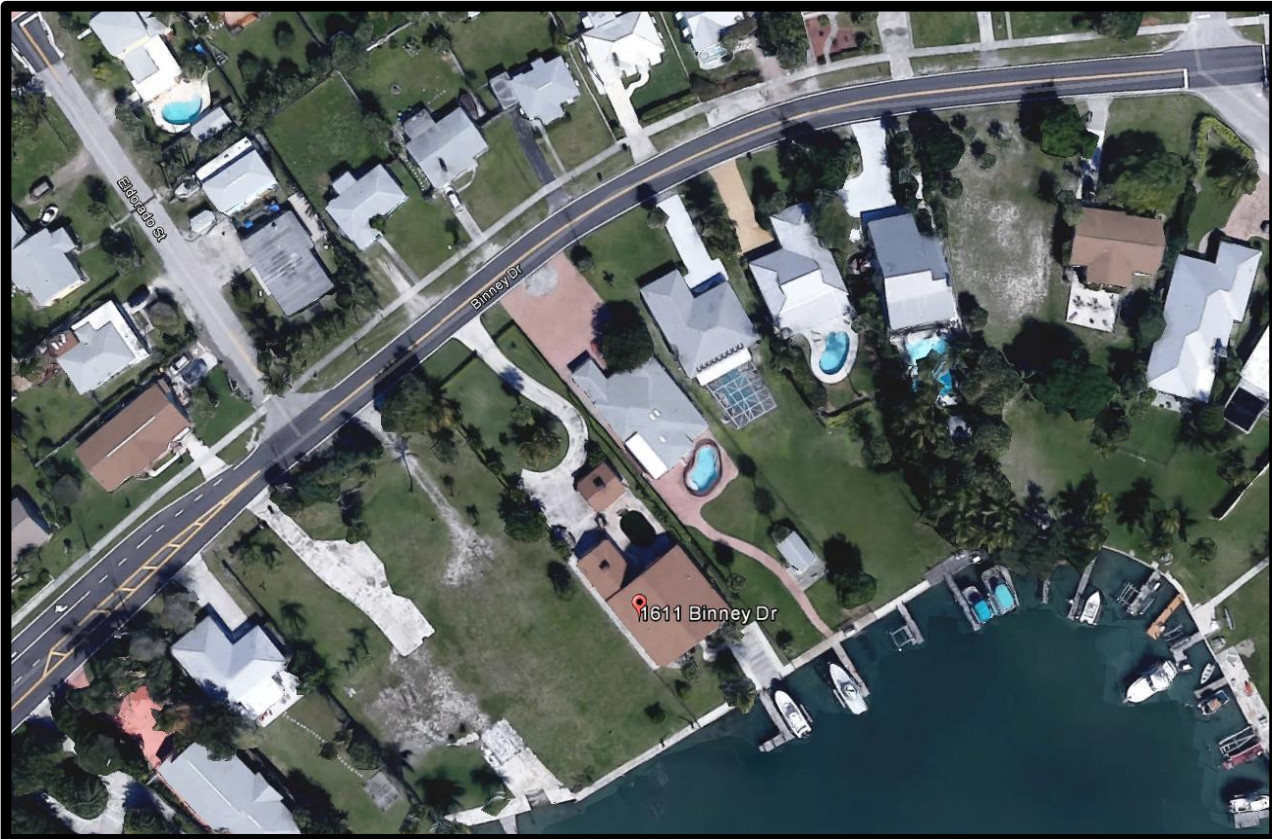
Pursuant to City Code 22-143 (b), notice by mail shall be given to property owners adjacent to the property where a Special Exception has been requested. 5 letters were mailed to adjacent property owners. As of July 20, 2017 zero (0) letters have been returned to the Planning Department regarding the proposed Special Exception.

**Planning Board:**

Pursuant to City Code 22-102.1 (b), the Board of Adjustment shall confer with the City Planning Board on all applications for such Special Exception. At their July 11, 2017 meeting the Planning Board voted 10-0 to recommend approval of the Special Exception to the Board of Adjustment.

**Staff Recommendation:**

The proposed Special Exception meets the criteria specified in Section 22.102.1 of the City Code and is found to be consistent with the City's Comprehensive Plan; therefore, Staff recommends that the Board of Adjustment **approve** the request of this Special Exception.

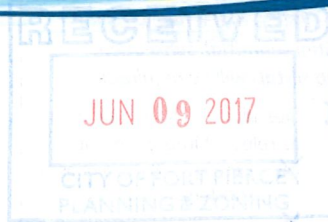


**Special Exception**  
**1611 Binney Drive**  
**Aerial Map**





THE SUNRISE CITY  
**FORT PIERCE**  
PLANNING DEPARTMENT  
*Florida*



### Special Exception

Property address or Location 1611 Binney Dr. Fort Pierce, FL 34949-3190  
Parcel ID #(s) 2A01-501-0213-000-1  
Project description Single family 1 floor Residence

Stephen & Pamela Eaton  
Property Owner(s)  
1611 Binney Dr.  
Street Address  
Fort Pierce FL 34949  
City State Zip  
407.466.8989 cell  
Phone Number  
speaton@hotmail.com  
Email Address

Applicant/Representative, Title, Company  
Street Address  
City State Zip  
Phone Number  
Email Address

*Property Owner(s) Acknowledgements: - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Representative to act in his/her behalf for the purposes of seeking approval for the application described herein.*

[Signature] Stephen A Eaton  
Property Owner(s) Signature(s)

STATE OF FLORIDA -- COUNTY  
The foregoing instrument was acknowledged before me this 9th day of June, 2017, by  
Stephen A Eaton who is personally known to me or has produced  
FLDL as identification.

[Signature] Amaris Gil  
Signature of Notary

(seal)   
AMARIS ISABEL GIL  
MY COMMISSION # FF 914194  
EXPIRES: August 30, 2019  
Bonded Thru Budget Notary Services

**INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3729**

**TO BE COMPLETED BY STAFF**

Zoning	Future Land Use	Total Acres	Historic District	Historic Designation	
				Contributing	Individual
				Non-Contributing	None

Pre-Application Meeting Date \_\_\_\_\_ Fees \_\_\_\_\_ Control # \_\_\_\_\_ B. Permit # \_\_\_\_\_

Intake Planner \_\_\_\_\_  
Planner Assigned \_\_\_\_\_  
Approved By \_\_\_\_\_ Date \_\_\_\_\_  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Intake Date Stamp

# SPECIAL EXCEPTION

Submit eight (8) hard copies and one (1) CD of the following for initial submittal, subsequent submittals will be required:

- Site plan, to scale, including all relevant improvements:
  - Existing & proposed structures
  - Landscaping & parking,
  - Fencing, signs, etc.

- As-built Survey

For Duplex:

- Verification of zoning prior to 1985 from City Clerk

- Complete, notarized application

Special Exception Type:

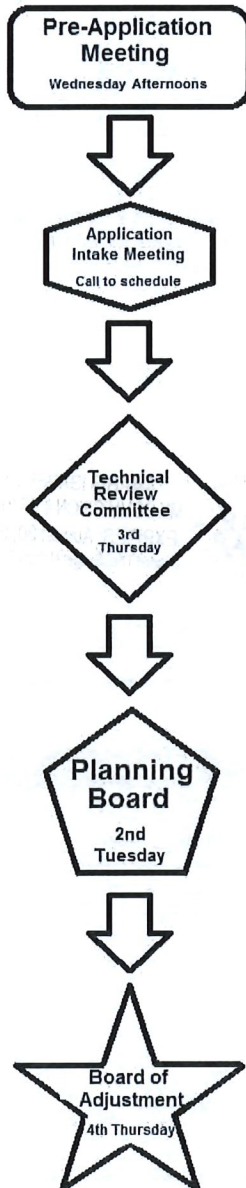
- Enlargement or Alteration of a Non-Conforming Structure
- Duplex as Special Exception

Structure	Size (sq. ft.)	Height	Use	Residential Units
Existing	Appx 3,380		Single fam	1
Proposed	Appx 3,930		Single fam	1

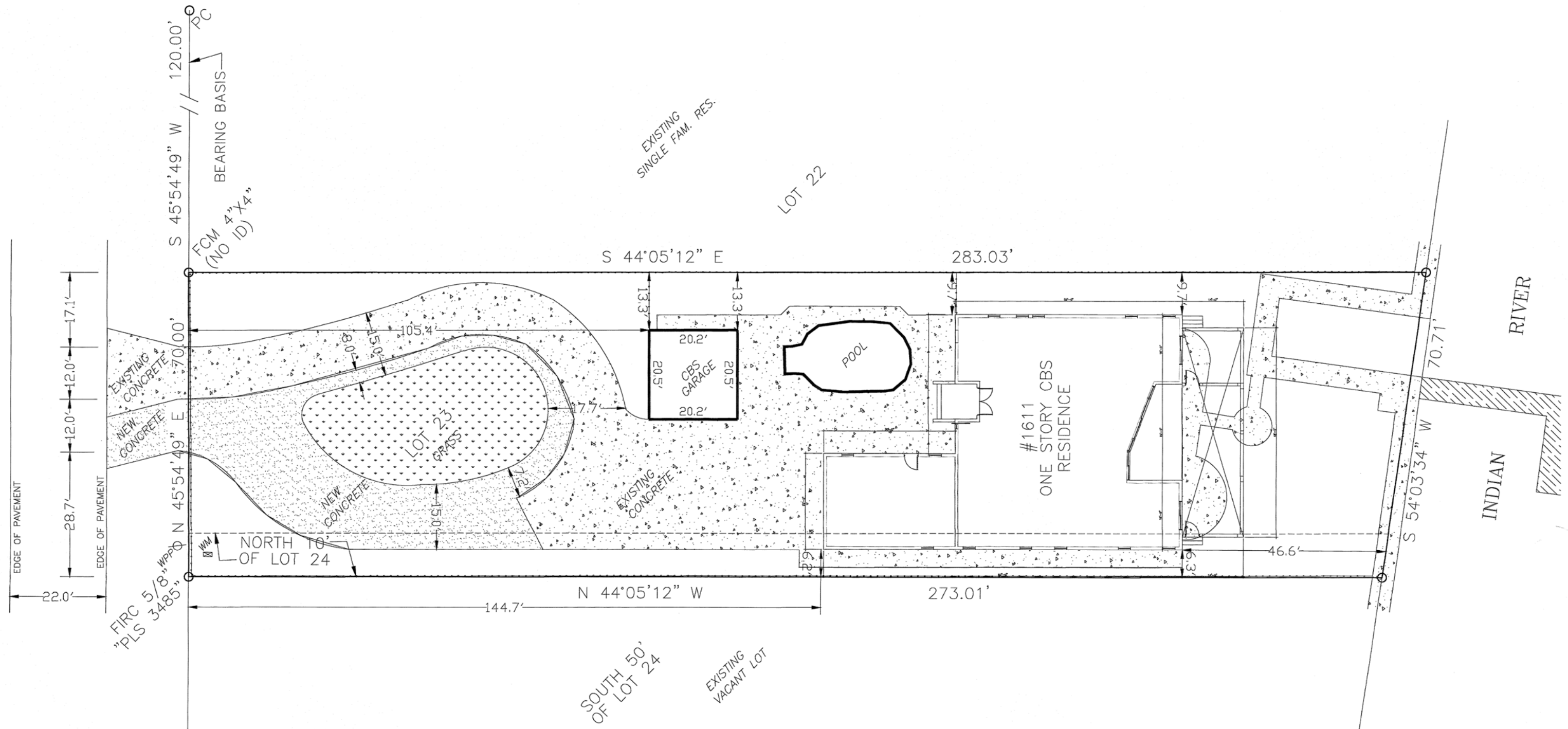
Surrounding Uses: (i.e. single family home, retail, industrial, etc.)

North	South	East	West
SF	Water	SF	Vacant Lot

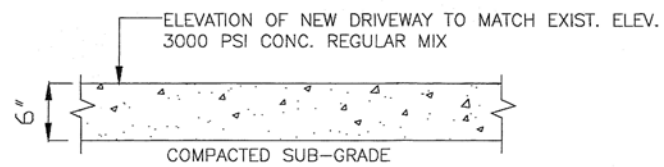
## Application Outlook



BINNEY DRIVE  
(60' R/W)  
22' ASPHALT ROADWAY



## PROPOSED COVERED PATIO SITE PLAN



NEW DRIVEWAY SECTION

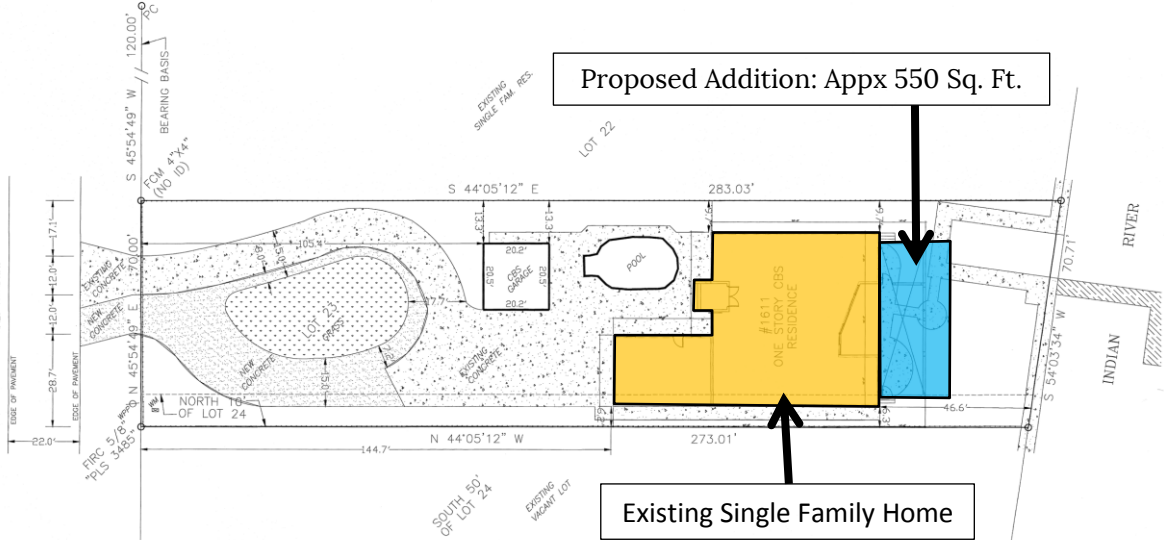
LEGAL DESCRIPTION:  
LOT 23 AND THE NORTHERLY 10 FEET OF LOT 24, BLOCK 12, REVISED MAP FORT PIERCE BEACH, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE(S) 29 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA

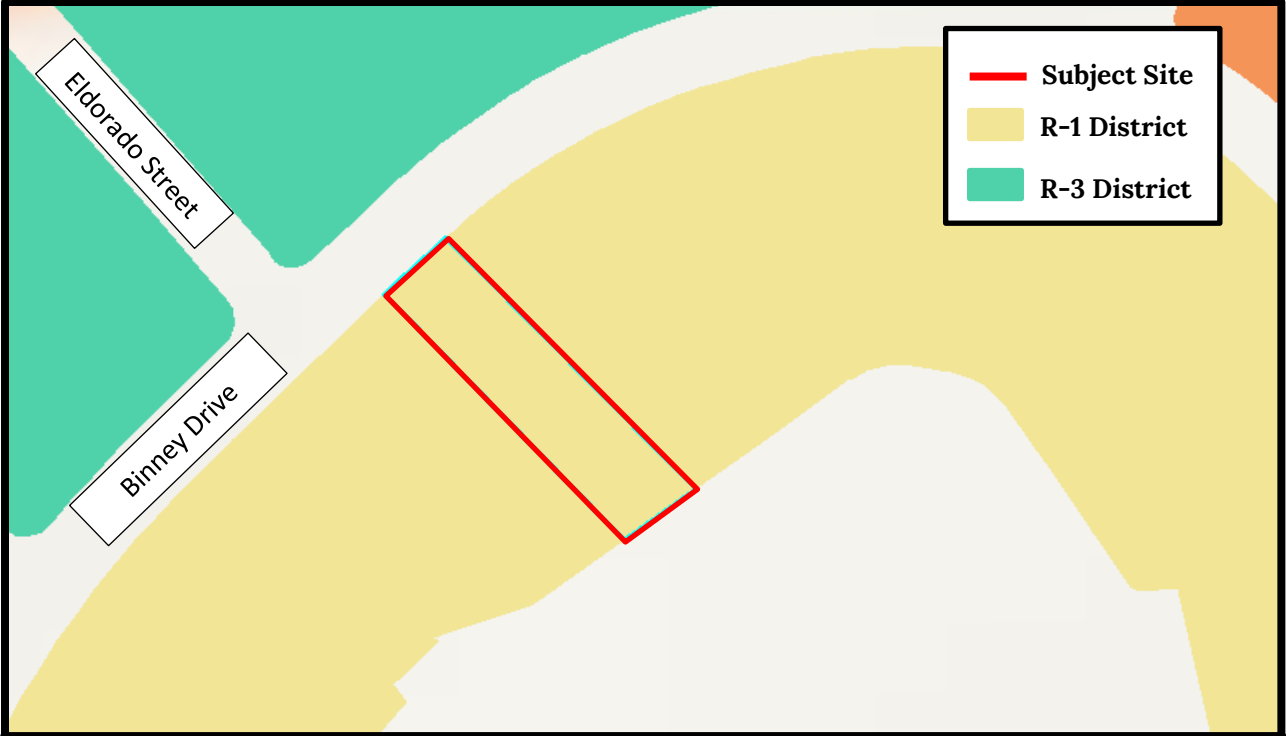
PARCEL ID NUMBER: 2401-501-0213-000/1

STFVF & PAM EATON RESIDENCE

1611 BINNEY DR. FT. PIERCE, FL 34949  
407-466-8989

BINNEY DRIVE  
(60' R/W)  
22' ASPHALT ROADWAY





**Special Exception  
1611 Binney Drive  
Zoning Map**

