



**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  
 221 Fernandina Street**

**DATE:** August 23<sup>rd</sup>, 2017

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**STAFF REPORT**

**Owner/Applicant:** Loretta Weiner  
 221 Fernandina Street  
 Fort Pierce, FL 34949

**Requested Action:** Approval for a Special Exception to expand a nonconforming structure by approximately 450 sq. ft.

**Location:** 221 Fernandina Street

**Parcel ID:** 2401-501-0204-000-5

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

**Surrounding Zoning:**

North	East	South	West
R-2	R-1	A2 (Aquatic)	R-1

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

**Parcel Size:** .33 acres

**Construction Date:** 1963

## Staff Analysis:

The subject single-family home was constructed in 1963 on South Hutchinson Island. The property owner is requesting to construct an approximately 450 sq. ft. open air patio with a roof over it. Previously there was a roof over a concrete pad, however the roof was recently demolished. Since the roof and concrete pad will expand to an area that was previously not covered, a Special Exception is required. 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 structure also fails to meet the setback requirements on the eastern side of the property, but there is an approved Variance from March 1, 2002 that allowed the garage to encroach into the setback on that side.

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. The Variance from March 1, 2002 allowed the construction of a garage that encroached on the eastern side yard setback and sits 5.9 feet from the side yard. This property is not a corner lot and therefore all structures must maintain at least a seven (7) foot distance from the side yard property line.

The proposed addition is intended to provide an open air patio with a roof over it 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 August 23, 2017 four (4) letters in support 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 August 8, 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.