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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  
Wild Residence –Side Yard Reduction for Accessory Structure  
3121 S Indian River Drive

DATE: January 17, 2018

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#### STAFF REPORT

Owner/Applicant Raymond Wild  
3121 S Indian River Dr  
Fort Pierce, FL 34982

Requested Action: Section 22-23 (b)(2)b. in order to construct an accessory structure (Summer Kitchen) within the required side yard. A portion of the proposed structure would encroach up to five (5) feet into the required fifteen (15) foot minimum side yard (setback), mandated within the Single-Family Estate Density (E-1) Zone. The request seeks a variable reduction of side yard (setback) to ten (10) feet, only for this accessory structure.

Location: 3121 S Indian River Dr

Parcel: 2426-501-0003-000-3

Lot Size: 7.46 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 owner are requesting the Board of Adjustment approve a variance to deviate from Section 22-23 (b)(2)b. in order to construct an accessory structure (Summer Kitchen) within the required side yard. A portion of the proposed structure would encroach up to five (5) feet into the required fifteen (15) foot minimum side yard (setback), mandated within the Single-Family Estate Density (E-1) Zone. The request seeks a variable reduction of the side yard (setback) to ten (10) feet, only for this accessory structure.

### Existing Conditions

The subject 7.46 acre site located along South Indian River Drive is home to a two-story single-family residence. The 3,570 square foot home was constructed in 2001, featuring an 858 square foot garage attached to the rear, and a pool situated to the south of the home.

### Proposal

The applicant is seeking to construct a 27 ft. by 20 ft. summer kitchen towards the south west corner of the existing residence, adjacent to the existing pool.

The applicant, on December 19<sup>th</sup>, 2017, obtained a building permit to construct the subject summer kitchen, maintaining a fifteen (15) foot setback from the southern property line. The applicant highlighted that upon marking out the planned footprint for the structure, conflicts were identified related to the proposed structures proximity to the home (roof eaves, gutters, etc.), misalignment with the pool, and desired separation from an existing drain field.

The applicant subsequently filed the request to deviate from Section 22-23 (b)(2)b. in order to shift the structure to the southwest, to allow a portion of the proposed structure to encroach up to five (5) feet into the required fifteen (15) foot minimum side yard (setback) required within the Single-Family Estate Density (E-1) Zone. The request is a variable reduction of the side yard (setback) to ten (10) feet, only for this accessory structure.

An exhibit of the proposed architectural design for the summer kitchen is included with a site improvement plan presenting the originally planned location and the requested location which necessitates a variance. Additionally, the applicant has provided photographs of the desired location for construct 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 applicant presents the unique nature of the 7.46 acre site, of which a portion is located east of Indian River Drive, and a notable portion of the lot is heavily wooded and undisturbed as part of the Savannahs area. Due to the geography and various lot layouts on South Indian River Drive, the front property lines are not perpendicular with side property line, many homes are situated on an angle with regards to the north and south lot lines. In the presented request, the proposed summer kitchen is situated in alignment with the façade planes of the home, at roughly an eighteen (18) degree angle with the southern property line. Further, at the time of home construction, the single-family home was situated further to the south of the lot in order to preserve a large oak tree, thus compressing the yard to the south side yard more than the north yard.

The request to shift the structure to the south west has been presented as more aesthetically pleasing to the neighborhood, an enhancement to utility, architecturally appropriate to balance separation from the residence, pool, drainfield, and southern property line. The applicant testifies that the proposed placement provides for improved access to river views, maintains the designed pool deck, and improves the investment.

Based upon the placement and orientation, the front portion of the structure will provide the full fifteen (15) foot setback due to the situated angle.

The applicant maintains that the variance is not detrimental to the neighbors, as the structure would not impede their views of the riverfront. The applicant highlights further that a substantial landscape buffer is established along the property line, which currently provides separation from the neighboring property, and the storage structure present within five feet of the property line. The applicant intends to maintain the landscaping, trees, and foliage.

#### Property Owner Response Summary:

A total of 3 notifications were mailed to abutting property owners. As of January 18, 2018, 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 construct the proposed accessory structure to encroach up to five (5) feet into the required fifteen (15) foot minimum side yard (setback) based upon the justification presented by the applicant with respect to the criteria for granting a Variance specified in Section 22-108, with the condition the applicant provides detail of the existing landscape buffer on the site improvement plan and maintains a landscape buffer between the proposed structure and the property to the south.