



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

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Brandon Creagan, LEED Green Associate, Planner

SUBJECT: **Application for Variance**
1711 S. Indian River Drive

DATE: January 18, 2018

STAFF REPORT

Owner(s)/Applicant(s): Conrad G. Stegner & Margaret E. Cook
 1711 S. Indian River Drive
 Fort Pierce, FL 34950

Requested Action: Approval to deviate from Section 22-23(b)(2)b. of the Fort Pierce Code of Ordinances to correct a setback issue that has occurred since the construction of a single family home in 1979. The southeast corner of the home is fourteen and a thirtieth (14.30) feet from the side property line. Additionally a Carport was built and granted a variance approval in 1991 for a seven (7) foot side yard setback. The northwest corner of the carport was built two and a thirtieth (2.30) feet from the side yard property line instead of the approved seven (7) feet. City Code 22-23(b)(2)b. allows a minimum side yard setback of fifteen (15) feet. The filed request represents a variance of zero and a seventieth (0.70) feet for the southeast corner of the home and twelve and a seventieth (12.70) feet for the northwest corner of the existing Carport.

Location: 1711 S. Indian River Drive

Parcel IDs: 2415-411-0004-000-0

Lot Size: 0.79 acres

Zoning: E-1, Single Family Estate Density

Future Land Use: RL, Low Density Residential

Surrounding Zoning:

North	East	South	West
E-1	River	I-1	C-3

Staff Analysis:

In accordance with Article VIII of Section 22 of the City Code, the applicants are requesting approval of a variance to deviate from Section 22-23(b)(2)b. of the Fort Pierce Code of Ordinances to correct a setback issue that has occurred since the construction of the home in 1979. The southeast corner of the home is fourteen and a thirtieth (14.30) feet from the side property line. Additionally a Carport was built and granted a variance approval in 1991 for a seven (7) foot side yard setback. The northwest corner of the carport was built two and a thirtieth (2.30) feet from the side yard property line instead of the approved 7 feet. City Code 22-23(b)(2)b. allows a minimum side yard setback of fifteen (15) feet. The filed request represents a variance of zero and a seventieth (0.70) feet for the southeast corner of the home and twelve and a seventieth (12.70) feet for the northwest corner of the existing Carport.

The applicants intend to build an addition to the master bedroom as well as a covered lanai. Both additions to the home will comply with the side yard setback of fifteen (15) feet as set forth in City Code 22-23(b)(2)b. Since the home is considered non-conforming because of the setback issues the applicants could have submitted an Application for Special Exception to cure this issue for just these additions. The applications instead have decided to submit this Variance Application because it will permanently deem their home to be conforming. The applicants took ownership of the home in 2016 and the home has had multiple different owners since it was built. As stated there was a variance approval from July 3, 1991 to allow the carport to be constructed seven (7) feet from the side yard property line. From the plans provided the northeast corner of the carport was built within the parameters of the variance approval, however the northwest corner was not built within those parameters and was instead built two and a thirtieth (2.30) feet from the side yard property line instead of seven (7) feet.

Variance Criteria:

The following criteria are specified in City Code 22-108, 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 explanations regarding the above-referenced criteria. The presented explanation by applicants cite the fact that they were not the property owners when the home was built or when the variance was sought for the carport. If they had to comply with the fifteen (15) foot setback after the fact of the home being built they would have to demolish and rebuilt the southeast side of their home as well as their whole entire carport. This would create a hardship for them as they would have to spend money to make the costly adjustments and they would not have the ability to make any alterations to their home until this issue was corrected unless they applied for a onetime special exception. The variance give the applicants the ability to correct this setback issue permanently. The applicants have also provided letters from the two adjacent property owners in support of this application and their request.

Property Owner Response Summary:

A total of 4 notifications were mailed to abutting property owners. As of January 18, 2018, 0 letters have been received. An update will be provided at the Board of Adjustment meeting.

Technical Review Committee:

All affected City Departments have reviewed the proposed Conditional Use with No New Construction and have provided conditional approval based on compliance with requirements of the City Code. The comments generated from the technical review are provided for review.

Staff Recommendation:

Staff recommends approval to reduce the side yard setback to fourteen and a thirtieth (14.30) feet from the side property line on the southeast corner of the home and reduce it to two and a thirtieth (2.30) feet on the northwest corner of the carport in consideration of the criteria specified in Section 22-108 of the City Code.