

# CITY OF FORT PIERCE *Florida*



## DEPARTMENT OF DEVELOPMENT

City Hall Annex • 315 Avenue A • P.O. Box 1480 • Fort Pierce, Florida 34954

July 3, 1991

Theodore and Margaret Rakowich  
1711 S. Indian River Drive  
Fort Pierce, Florida 34950

Re: Variance to permit a 7' side yard setback where 15' required, in a E-1,  
Single-Family Estate Zone. Location: 1711 South Indian River Drive

Dear Mr. and Mrs. Rakowich:


This is to formally advise you of action taken on your request for a Variance to permit a 7' side yard setback where 15' required. On Thursday, June 27, 1991, the Board of Adjustment of the City of Fort Pierce, Florida, voted unanimously to grant the Variance you requested.

Specifically, the Board's action means you are permitted to construct a 396 sq. ft. addition for a carport on the north side of the property.

Please attach a copy of this letter to your application for a building permit.

Thank you for your cooperation. If you have any questions, please contact this office at (407) 464-5600.

Sincerely,

  
Douglas A. Ballard  
Director

bb

cc: City Manager  
Building and Code Enforcement Coordinator  
Permit Specialist  
Zoning Inspector

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ADJUSTMENT OF THE CITY OF FORT PIERCE, FLORIDA, HELD JUNE 27, 1991, IN THE CITY HALL CONFERENCE ROOM, 500 BOSTON AVENUE, FORT PIERCE, FLORIDA.

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Agenda Item #5 Variance - to permit a 7' side yard setback where 15' required for construction of a carport. Request is for property on west side of South Indian River Dr., known as 1711 South Indian River Dr., Property is zoned E-1, Single-Family Estate Density. Applicant/representative is Theodore and Margaret Rakowich, owners of the property.

Mr. Leetham said the request is to build a carport on the side of their house. They presently have 25' from the house to the northern property line and this would leave 7'. Staff's main concern is that this would take up half of the side yard setback. Three letters were sent to abutting property owners, one letter returned in favor, that from the property owner on the north who would be most affected by this variance.

Chairwoman Calvert asked if anyone to speak in favor.

Mrs. Margaret Rakowich, owner, showed photographs of the site. Her neighbor who lived on the north side was present tonight and said she has no objection. The carport will consist of a roof with poles attached to the house and will not be enclosed. It will be slightly set back. They have the permit for the concrete slab. There are about 9 palm trees there, 1 was moved because it was in the way of the concrete slab. When the the house was purchased it had a 2-car garage which had been made into a cottage. They needed the carport for some protection against the salt.

Mr. Ted Rakowich, owner, said the carport will be made to match the house.

Mrs. Linda Crouch, next door neighbor on the north. Stated they didn't have any problem with this request. It will be adjoining the house, not closed in, and shouldn't stop any air flow or any of her view.

Chairwoman Calvert asked for comments from the Board. No comment. Asked for a motion.

Mrs. Bluestone made a MOTION FOR APPROVAL, seconded by Mr. Benton. There was a roll call vote and this was unanimously approved 5-0.

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<b>AGENDA NUMBER</b>	
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VARIANCE                      **REPORT**

**DATE OF HEARING [Bd. of Adj. Mtg.]**                      Thursday, June 27, 1991

**REQUEST**    to permit a 7' side yard setback where 15' required, for construction of a carport.

**OWNER**    Theodore and Margaret Rakowich

**APPLICANT [If different from owner]**                      as above

**REPRESENTATIVE**    as above

**LOCATION**    west side of South Indian River Drive  
1711 South Indian River Dr.

**LEGAL DESCRIPTION**    15 35 40 FROM PT ON E R/W OF FEC RR 750 FT DUE S OF N LI OF GOVT LOT 4 RUN NWLY ALG E R/W 88.23 FT FOR POB, TH CONT NWLY ON E R/W OF FEC RR 88.04 FT, TH N 80 DEG 45 MIN E 196.2 FT TO PT 550

**ZONE**    E-1 Single-Family Estate Density

**NO. LETTERS TO OWNERS OF ABUTTING/ADJACENT PROPERTY**                      3

**RESPONSES:**                      In Favor 1                      Opposed 0                      as of 6/27/91

- ATTACHMENTS**
1. Memo from Planning Coordinator dated 6/18/91
  2. Application
  3. Location and Zoning Maps
  4. Map Excerpt, St. Lucie Cty Tax Map
  5. Sketch

M E M O R A N D U M

TO: Fort Pierce City Board of Adjustment  
THRU: Director of Development *TS*  
FROM: Planning Coordinator *KL*  
SUBJECT: Variance Request: A seven foot side yard setback where a fifteen side yard setback is required. Property is located at 1711 S. Indian River Drive.  
DATE: June 18, 1991

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General Information:

Owner: Theodore and Margaret Rakowich  
1711 S. Indian River Drive  
Fort Pierce, Florida 34950.

Applicant: Theodore and Margaret Rakowich  
1711 S. Indian River Drive  
Fort Pierce, Florida 34950.

Requested Action: A variance to allow a seven (7) foot side yard setback where a fifteen (15) foot side yard setback is required.

Zoning: E-1, Single Family Estate Zone.

Location: 1711 S. Indian River Drive.

Size: Approximately 31,790 square feet.

Applicable Regulations: Sec. 22-23(d)(2)(b). The minimum depth of the side yards shall be fifteen (15) feet, except on corner lots the minimum side yard depth on the street side shall be twenty (20) feet.

The applicant is requesting a variance from the side yard setback requirements within the E-1, Single Family Estate zoning district. The applicant is proposing a three-hundred ninety-six (396) square foot addition on the north side of the property. The proposed addition will be used as a carport.

### Analysis of the five criteria for granting variances

A variance may be granted only in the event that ALL of the following criteria are satisfied:

- 1) Special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.

All lots in the E-1 zone are subject to the same minimum side yard setback requirement. No special conditions or circumstances appear to exist.

- 2) Special conditions and circumstances do not result from the actions of the applicant.

There appears to be no special conditions and circumstances related to this property or buildings involved.

- 3) The literal interpretation of the provisions 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.

The fifteen foot side yard setback requirement applies to all properties in the E-1 zoning district. The variance is the result of the applicant's proposed expansion of the building. The applicant is not being deprived of rights commonly enjoyed by other properties in this district.

- 4) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Approval of this request would increase the applicant's ability to develop the property. The applicant currently enjoys a reasonable use of the land and building.

- 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 general intent and purpose of the zoning regulations is to establish minimum setback requirements. These requirements are set forth in order to maintain and preserve the low-intensity nature of the E-1 zoning district. The granting of the variance is not in accordance with the intent and purpose of the ordinance.

Recommendation:

A variance may be granted only if all five of the criteria are satisfied. The applicant's case does not satisfy any of the criteria. Therefore, staff recommends **DENIAL** of the request to permit a variance to the side yard setback for this property.

KL/WC/wc

# VARIANCE APPLICATION

(Items 1-4 & 6 a-g must be completed.)

1. Legal description of real property in the City of Fort Pierce, Florida, for which variance is being requested

2415-411-0004-000-0

✓ See attached legal description - Property is located at 1711 S. Indian River Drive.

2. Description of variance:

Carport to encroach into side yard setback. Proposed: 7 feet, Required: 15 feet.

3. Name of Owner(s)

Ted + Peg RIKOWICH

Signature of Owner

Ted Rikowich

Mailing Address

1711 SOUTH INDIAN RIVER DR.

Fort Pierce

CITY

FLORIDA

STATE

ZIP CODE

466-8777

TELEPHONE NUMBER

4. Name of Applicant (if different from owner)

Signature of Applicant

Mailing Address

CITY

STATE

ZIP CODE

TELEPHONE NUMBER

5. Name of Representative

Mailing Address

CITY

STATE

ZIP CODE

TELEPHONE NUMBER

6. In order to determine whether your Application For Variance meets all the criteria in Section 30-108 of the City Code, please answer the following questions:

a. What type of exceptional conditions exist and are they inherent in the land?

NONE

(If your answers require additional space, please use back of form.)

b. Describe those conditions peculiar to the specific property and not generally applicable to other lands structures, or building in the same zoning district.

NONE

c. Do the special conditions and circumstances result from actions other than that of yourself?

NO

d. Explain how a literal interpretation of the ordinance would deprive you of commonly enjoyed property rights in that zoning district? Identify any undue hardships that would result in this interpretation.

NONE

e. What would you consider to be the minimum variance that would give you the reasonable use of the land, building, or structure?

A 7 FOOT SETBACK INSTEAD OF THE 15' SETBACK ALLOWED NOW FOR A CARPORT TO MATCH EXISTING HOUSE

f. Explain how your variance request does not impair the intent of the zoning ordinance?

NONE

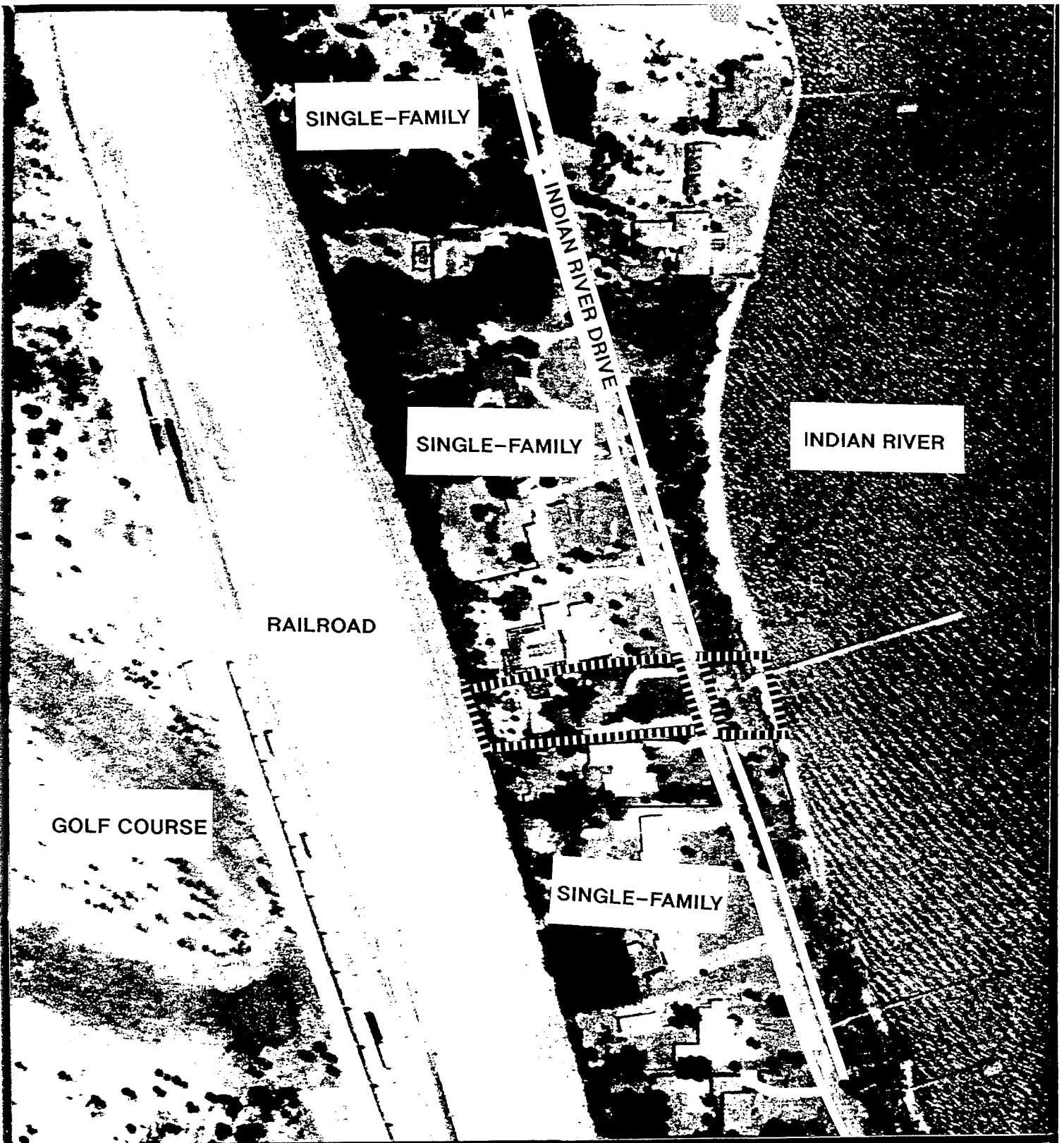
g. What effect does your variance request have on the general public welfare?

NONE SO EVER

TO BE COMPLETED BY CITY

9. Date Received: 6-13-91 By: Jean Williams

10. Fee Paid: \$ 100 Receipt Number # 8120



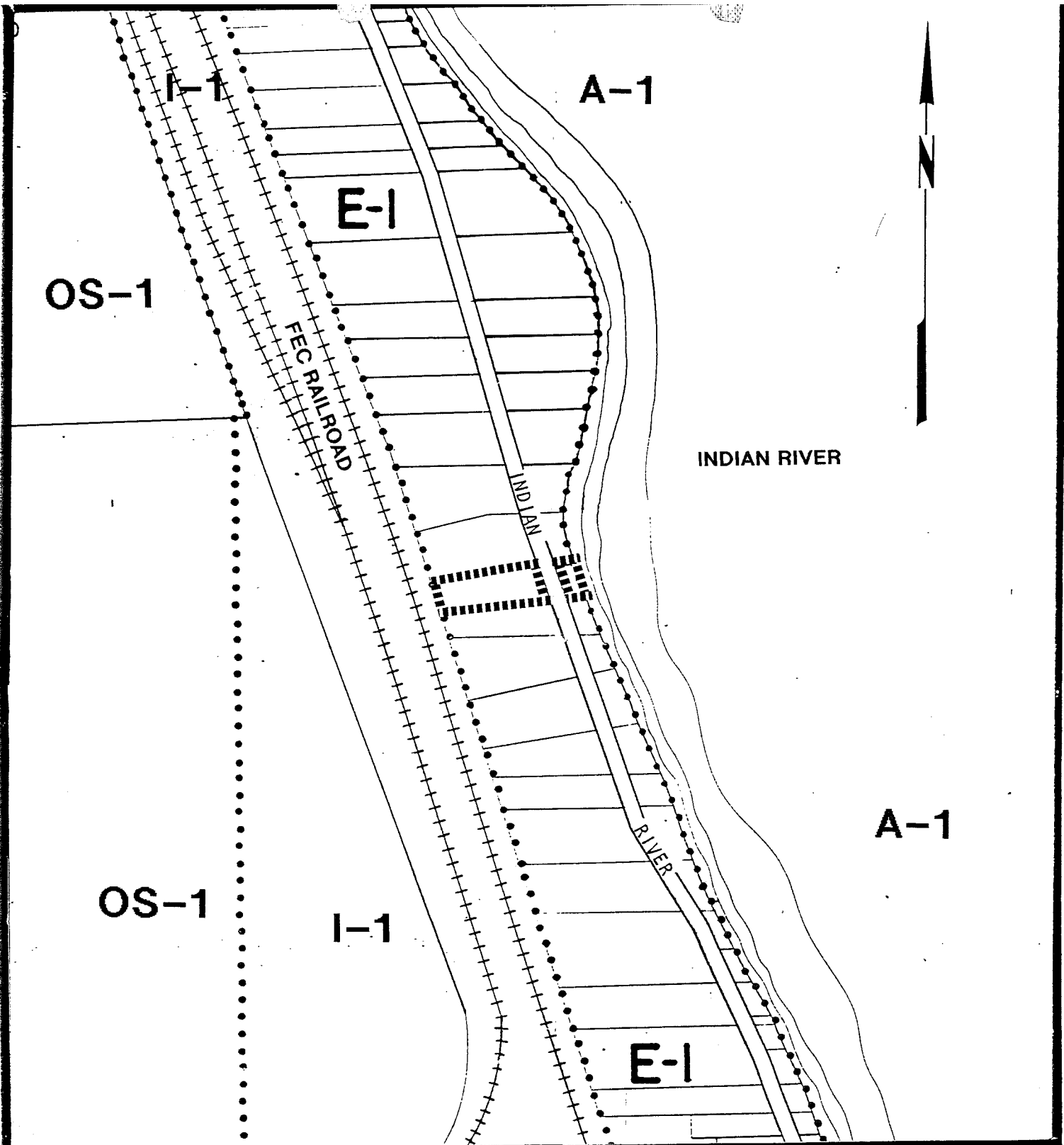
# VARIANCE

PRESENT ZONING - E-1

DATE - JUNE 27, 1991

LOCATION - 1711 SO. INDIAN RIVER DR.

CITY OF FT. PIERCE — DEPARTMENT OF DEVELOPMENT



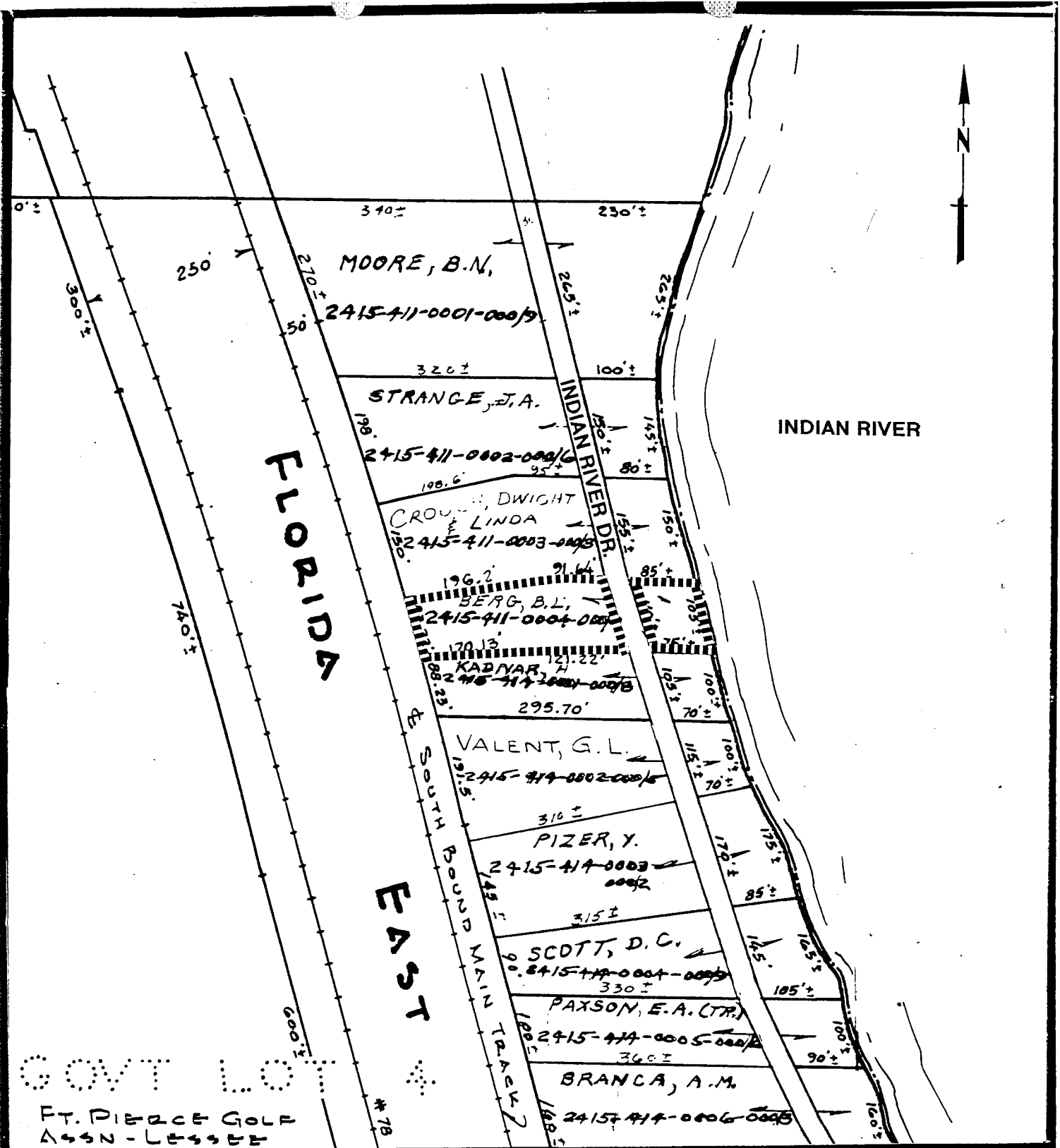
**VARIANCE**

**PRESENT ZONING - E-1**

**DATE - JUNE 27, 1991**

**LOCATION - 1711 SO. INDIAN RIVER DR.**

**CITY OF FT. PIERCE — DEPARTMENT OF DEVELOPMENT**



# VARIANCE

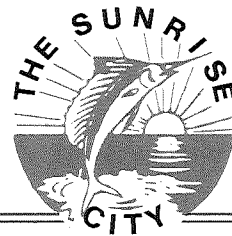
PRESENT ZONING - E-1

DATE - JUNE 27, 1991

LOCATION - 1711 SO. INDIAN RIVER DR.

CITY OF FT. PIERCE — DEPARTMENT OF DEVELOPMENT

# CITY OF PORT PIERCE *Florida*



## DEPARTMENT OF DEVELOPMENT

City Hall Annex • 315 Avenue A • P.O. Box 1480 • Fort Pierce, Florida 34954

June 14, 1991

A public hearing will be held Thursday, June 27, 1991, at 7:00 p.m. in the City Hall Conference Room, 500 Boston Avenue, Fort Pierce, Florida. The public hearing will be on the application as follows:

A Variance is requested to permit a 7' side yard setback where 15' required, for construction of a carport. Request is for property on west side of South Indian River Drive, known 1711 South Indian River Drive, and is legally described as:

15 35 40 FROM PT ON E R/W OF FEC RR 750 FT DUE S OF N LI OF GOVT LOT 4 RUN NWLY ALG E R/W 88.23 FT FOR POB, TH CONT NWLY ON E R/W OF FEC RR 88.04 ft, TH N 80 DEG 45 MIN E 196.2 FT TO PT 550 FT

The application for Variance was submitted by Theodore and Margaret Rakowich, owners of the property.

Please indicate on the form below your position on the requested Variance, sign the form and return it so it is received no later than June 27, 1991. Please allow several days for postal delivery. Mail your response to:

City of Fort Pierce  
Department of Development  
Post Office Box 1480  
Fort Pierce, Florida 34954-1480

RE: Variance  
to allow 7' side yard setback instead of 15' req'd  
(to construct carport 1711 S. Indian River Dr.)

NO: \_\_\_\_\_

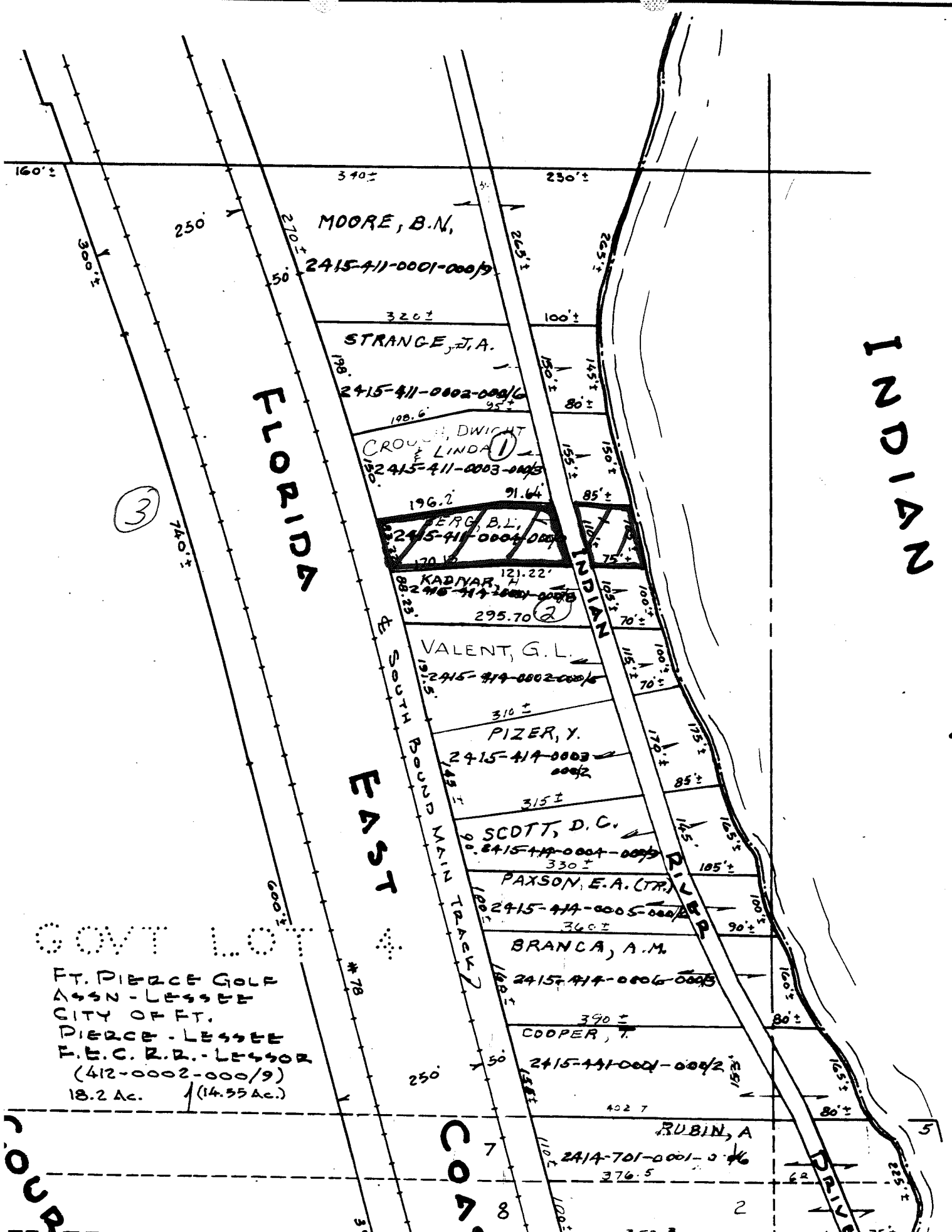
I APPROVE of granting the Variance

I DISAPPROVE of granting the Variance

(state your objection)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



INDIAN

FLORIDA

EAST

SOUTH ROUND MAIN TRACK

COAL

3

2

2

GOVT LOT  
 FT. PIERCE GOLF  
 ASSN - LESSEE  
 CITY OF FT.  
 PIERCE - LESSEE  
 F.E.C.R.R. - LESSOR  
 (412-0002-000/9)  
 18.2 Ac. | (14.55 Ac.)

COUR

DRIVE

runner: Theodore Rakowich 2415-411-0004-000/0  
Margaret Rakowich  
1711 So. Indian River Dr.  
City 34950

Yes ① Dwight + Linda Crouch " - " - 0003 -000/3  
1709 S. Ind. River Dr.  
City 34950

② Bernard McBee jr. # - # - 414 - 0001 - 000/8  
Margaret McBee  
1801 S. Indian River Dr.  
City 34950

③ Ft Pierce Golf Assn. 2415-412-0002-000/9  
" " City of  
FEC RR  
One Malaga St.  
St. Augustine, fl 32084



P.O. Box 69

Fort Pierce, St. Lucie County, Florida 34954-0069

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

Before the undersigned authority personally appeared David T. Rutledge or Kathleen K. LeClair, who on oath says that he/she is publisher, business manager of The Tribune, a daily newspaper published at Fort Pierce in St. Lucie County, Florida; that the attached copy of the advertisement, being a Notice-6/27/91 Meeting..... of the matter of Board of Adjustment-Variance for 1711 S. Indian River Dr......

was published in said newspaper in the issues of 6/20/91.....

Affiant further says that The Tribune is a newspaper published at Fort Pierce, said St. Lucie County, Florida, and that the said newspaper has heretofore been continuously published in St. Lucie County, Florida, each day and has been entered as second class mail matter at the post office in Fort Pierce, in said St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement: and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Witness my hand and subscribed before me this 20th day of June.....

D. 1991  
Julie Anne Senesca

(SEAL) Notary Public

Notary Public  
State of Florida at Large  
My Commission Expires  
April 2, 1994

NOTICE IS HEREBY GIVEN THAT the Board of Adjustment of the City of Fort Pierce, Florida, pursuant to Section 22-143 of the Fort Pierce Code of Ordinances, will hold a public hearing Thursday, June 27, 1991, at 7:00 p.m. in the City Hall Conference Room, 500 Boston Avenue, Fort Pierce, Florida. The public hearing will be on the application submitted by T. and P. Rakowich for a Variance to permit a 7' side yard setback where 15' required, for a carport addition. Property is zoned E-1, Single-Family Estate Density, located on the west side of South Indian River Drive, known as 1714 South Indian River Drive. This property is legally described as:

15 35 40 FROM PT ON E R/W OF FEC RR 750 FT DUE S OF N LI OF GOVT LOT 4 RUN NWLY ALG E R/W 88.23 FT FOR POB, TH CONT NWLY ON E R/W OF FEC RR 88.04 FT, TH N 30 DEG 45 MIN E 196.2 FT TO PT 550 FT

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE BOARD OF ADJUSTMENT OF THE CITY OF FORT PIERCE, FLORIDA, AS TO THE FOREGOING, IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL, AND ANY SUCH PERSON MAY NEED TO



MAST ST. LUCIE COUNTY PROPERTY APPRAISER TRAN-PRO FUNC (

REQUEST ( ) \* PARCEL MASTER SCREEN \* 06/13/91 11:1

I.D. (2415-411-0004-000/0 ) PAGE (01) OF 1 TAX YEAR(C) 1991 VOID Y/N(N)

RAKOWICH, THEODORE 1711 S IND RIV DR FP

RAKOWICH, MARGARET A D.O.R. CODE 0100 DATE SOLD 08/01/88

1711 S INDIAN RIVER DR CLASS. USE CODE SALE AMT 150000

FT PIERCE, FL 34950-0000 SECTION 10 D.R. BOOK 0599

TOWNSHIP 35S D.R. PAGE 1059

RANGE 40E MAP ID 24/14S

----- LEGAL/PROPERTY DESC -----

15 35 40 FROM PT ON E R/W OF FEC SPECIAL DIST 0056 TAX AUTH. 22 FTP

RR 750 FT DUE S OF N LI OF GOVT SUBDIVISION

LOT 4 RUN NWLY ALG E R/W 88.23 LOAN LENDING INST.

FT FOR POB, TH CONT NWLY ON E R/W VACANT/IMPRV \* LAND (MARKET) = 59950

OF FEC RR 88.04 FT, TH N 80 DEG I IMP SALE \* IMPROVEMENT = 83960

45 MIN E 196.2 FT TO PT 550 FT QUAL/CODE \* CLASS. USE =

OLD ID NO. \* ASSESSED = 143910

PARENT ID NO. \* EXEMPTION = 25000

\* TAXABLE = 118910

-----EXEMPTIONS-----

R HMSTD 25000 NOT:H:R W: C: M:

EXEMPT STATUS

\*\*\* THIS INFO IS BELIEVED CORRECT BUT IS SUBJECT TO CHANGE AND NOT WARRANTED \*\*

**Department of Development  
Division of Building and Code Enforcement  
CITY OF FORT PIERCE, FLORIDA  
APPLICATION FOR PERMIT**

PERMIT #  
91-802

Property Tax ID# \_\_\_\_\_ Date 6-28-91  
 Owner Name TED RAKOWICZ Zoning \_\_\_\_\_  
 Owner Address 1711 S INDIAN RIVER DR Zoning Var. \_\_\_\_\_  
 Owner Telephone No. \_\_\_\_\_ Flood Zone \_\_\_\_\_  
 Number of Plans Submitted \_\_\_\_\_ Constr Type \_\_\_\_\_  
 Property Address 1711 SOUTH INDIAN RIVER DR  
 Legal Description \_\_\_\_\_

Type of Permit CARPENT Valuation 4,000<sup>00</sup>  
 Description of Work \_\_\_\_\_  
SPECIAL EXCEPTION  
GRANTED

**CONTRACTOR INFORMATION:**

License Number: City Number \_\_\_\_\_ State Number \_\_\_\_\_  
 Company Name \_\_\_\_\_  
 Or Name First \_\_\_\_\_ Init \_\_\_\_\_ Last \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ St \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone \_\_\_\_\_

**Subcontractors:**

Mechanical Lic#	_____	Name	_____
Plumbing	_____		_____
Electrical	_____		_____
Gas	_____		_____
Roof	_____		_____
Other	_____		_____

Architect: \_\_\_\_\_  
 Engineer: \_\_\_\_\_

**STRUCTURE:**

Occupancy	_____	Parking Required	_____
Roofing	_____	Parking Proposed	_____
Fence	_____	Base Flood Elev	_____
Sign	_____	Fin. Floor Elev	_____
Distance: Left	_____	Right	_____
		Front	_____
		Rear	_____
Tot Square Ft	_____	Outside Wall	_____
Stories	_____	No. of Plumbing Fixtures	_____
Units	_____	Driveways	_____
		Sidewalks	_____

**Fees:**

Permit 25.00 # 101  
 Other \_\_\_\_\_  
 Other \_\_\_\_\_

I understand that no building may be occupied until:  
 A certificate of Occupancy has been issued after final inspection  
 by the building division and full compliance with the building  
 code and zoning ordinances.

Ted Rakowicz  
 Signature of Applicant

Approved Y/N \_\_\_\_\_ Remarks \_\_\_\_\_  
[Signature] 7-2-91  
 Building & Code Coordinator

Plans and specifications of structure to be built or repaired must accompany this application. The Florida Energy Code submitted becomes an integral part of this plan and must pass final inspection.

91-802

# CITY OF PORT PIERCE

Florida



DEPARTMENT OF DEVELOPMENT

City Hall Annex • 315 Avenue A • P.O. Box 1480 • Fort Pierce, Florida 34954

July 3, 1991

Theodore and Margaret Rakowich  
1711 S. Indian River Drive  
Fort Pierce, Florida 34950

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Single-Family Estate Zone. Location: 1711 South Indian River Drive

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Specifically, the Board's action means you are permitted to construct a 396 sq. ft. addition for a carport on the north side of the property.

Please attach a copy of this letter to your application for a building permit.

Thank you for your cooperation. If you have any questions, please contact this office at (407) 464-5600.

Sincerely,



Douglas A. Ballard  
Director

bb

cc: City Manager  
Building and Code Enforcement Coordinator  
Permit Specialist  
Zoning Inspector