



THE SUNRISE CITY

FORT PIERCE
PLANNING DEPARTMENT
Florida

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

FROM: Rebecca Grohall, AICP, Planning Director

SUBJECT: **Application for Variance**
Smith Residence –Side Yard Reduction for Accessory Structure
108 N. 18th Court

DATE: February 15, 2018

Owner: Betty Smith
108 N. 18th Court
Fort Pierce, FL 34982

Requested Action: Section 22-23 (b)(2)b. in order to construct an accessory structure (covered patio) within the required side yard. A portion of the proposed structure would encroach up to seven (7) feet into the required seven (7) foot minimum side yard (setback), mandated within the R-3 Single Family Moderate Residential Density Zone. The request seeks a variable reduction of side yard (setback) to zero (0) feet, only for this accessory structure.

Location: 108 N 18th Court

Parcel: 2409-606-0061-000-6

Lot Size: 0.27

Current Zoning: R-3 Single Family Moderate Residential

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 within the required side yard. The proposed structure would encroach up to seven (7) feet into the required seven (7) foot minimum side yard (setback), of the RS-3 Single-Moderate Density residential zoning. The request seeks a variable reduction of the southern side yard (setback) to zero (0) feet, only for this accessory structure.

Existing Conditions

The subject 0.269 acre site located on N. 18th Court just north of Orange Avenue is home to a one story residence. The 1,431 square foot home was constructed in 1955, featuring an 693 square foot covered patio with slab attached to the rear. The variance seeks to add an additional 201 square feet to the covered patio.

Proposal

The applicant is seeking to construct a 10.9 ft. by 18.5 ft. towards the southern property line, effectively reducing the side yard setback to zero.

The applicant was a Stop Work Order on April 10, 2017 for constructing the accessory structure without a permit. She applied for a Building Permit in September 2017 which was not approved as the structure violates the setback. Her application for a Variance was completed on January 12, 2018 and is ready for board consideration.

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 have provided a response to the criteria.

The applicant maintains that the variance is not detrimental to the neighbors.

Property Owner Response

A total of 7 notifications were mailed to abutting property owners. As of the preparation of this memorandum, no 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 for the proposed accessory structure to encroach up to seven (7) feet into the required seven (7) 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.