

BOARD OF ADJUSTMENT AGENDA

Board of Adjustment Regular Meeting - Thursday, February 22, 2018 - 6:00 p.m.
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PRAYER and PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
5. **CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS/EXCUSE NON VOTING ALTERNATE**
6. **APPROVAL OF MINUTES**
 - a. Minutes from the January 25, 2018 meeting
7. **NEW BUSINESS**
 - a. Variance - Smith Residence - 108 N. 18th Court
8. **DISCUSSION / OTHER BUSINESS**
9. **ADJOURNMENT**

Any person seeking to appeal any decision by the Board of Adjustment with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact the Planning Department at (772) 467-3729, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

Planning Board of Adjustment

Meeting Date: 02/22/2018

Information

REQUESTED ACTION

Minutes from the January 25, 2018 meeting

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

Attachments

Board of Adjustment Minutes 1.25.18

Form Review

Form Started By: Alicia Rosenthal
Final Approval Date: 02/06/2018

Started On: 02/05/2018 10:17 AM

DRAFT



CITY OF FORT PIERCE BOARD OF ADJUSTMENT

Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, **JANUARY 25, 2018**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. **CALL TO ORDER**

2. **PRAYER and PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: **James Crist; Joyce Calvert; William Nunn; Bennie Clark; Ryan Collins; Bret McCain, Chairman**

Absent: **Rebecca Isaac**

Staff Present: **Jim Messer, City Attorney**
Rebecca Grohall, Planning Director
Kori Benton, Senior Planner
Brandon Creagan, Planner
Alicia Rosenthal, Executive Assistant

4. **CONSIDERATION OF ABSENCES**

Motion was made by William Nunn, and seconded by Bennie Clark to approve the absences of Ms. Isaac and Mr. Collins from the August 31, 2017 meeting and to approve the absence of Ms. Isaac from the January 25, 2018 meeting.

AYE: **Joyce Calvert, William Nunn, Bennie Clark, James Crist, Chairman Bret McCain**
Passed

5. **CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS/EXCUSE NON VOTING ALTERNATE**

All regular members were in attendance and Mr. Collins was excused from the meeting.

6. **APPROVAL OF MINUTES**

- a. Minutes from the August 31, 2017 meeting

Motion was made by William Nunn, and seconded by James Crist to approve the minutes from the August 31, 2017 meeting.

**AYE: William Nunn, Bennie Clark, James Crist, Joyce Calvert, Chairman Bret McCain
Passed**

7. NEW BUSINESS

- a. **Variance - Wild Residence – 3121 S. Indian River Drive**

Mr. Benton gave an overview of the Variance application. Ray Wild, Owner/Applicant, stated he received a letter from the neighbor to his south supporting the request and he is spending a lot of money and effort in the enhancement by doing it the right way.

Motion was made by Bennie Clark, and seconded by James Crist 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.

**AYE: James Crist, Joyce Calvert, William Nunn, Bennie Clark, Chairman Bret McCain
Passed**

- b. **Variance - Stegner/Cook - 1711 S. Indian River Drive**

Mr. Creagan gave an overview of the application. No one spoke for or against the application.

Motion was made by William Nunn, and seconded by Bennie Clark to approve the reduction of 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.

**AYE: William Nunn, Bennie Clark, James Crist, Joyce Calvert, Chairman Bret McCain
Passed**

8. DISCUSSION / OTHER BUSINESS

9. ADJOURNMENT

Planning Board of Adjustment

Meeting Date: 02/22/2018

Information

REQUESTED ACTION

Variance - Smith Residence - 108 N. 18th Court

LOCATION

108 N. 18th Court

RESPONSIBLE STAFF

Rebecca Grohall, AICP
Planning Director

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.

Attachments

Staff Report

Aerial

Stop Work Order

Property Card

Survey

Application and Submitted materials

Form Review

Form Started By: Rebecca Grohall

Started On: 02/16/2018 01:56 PM

Final Approval Date: 02/16/2018



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

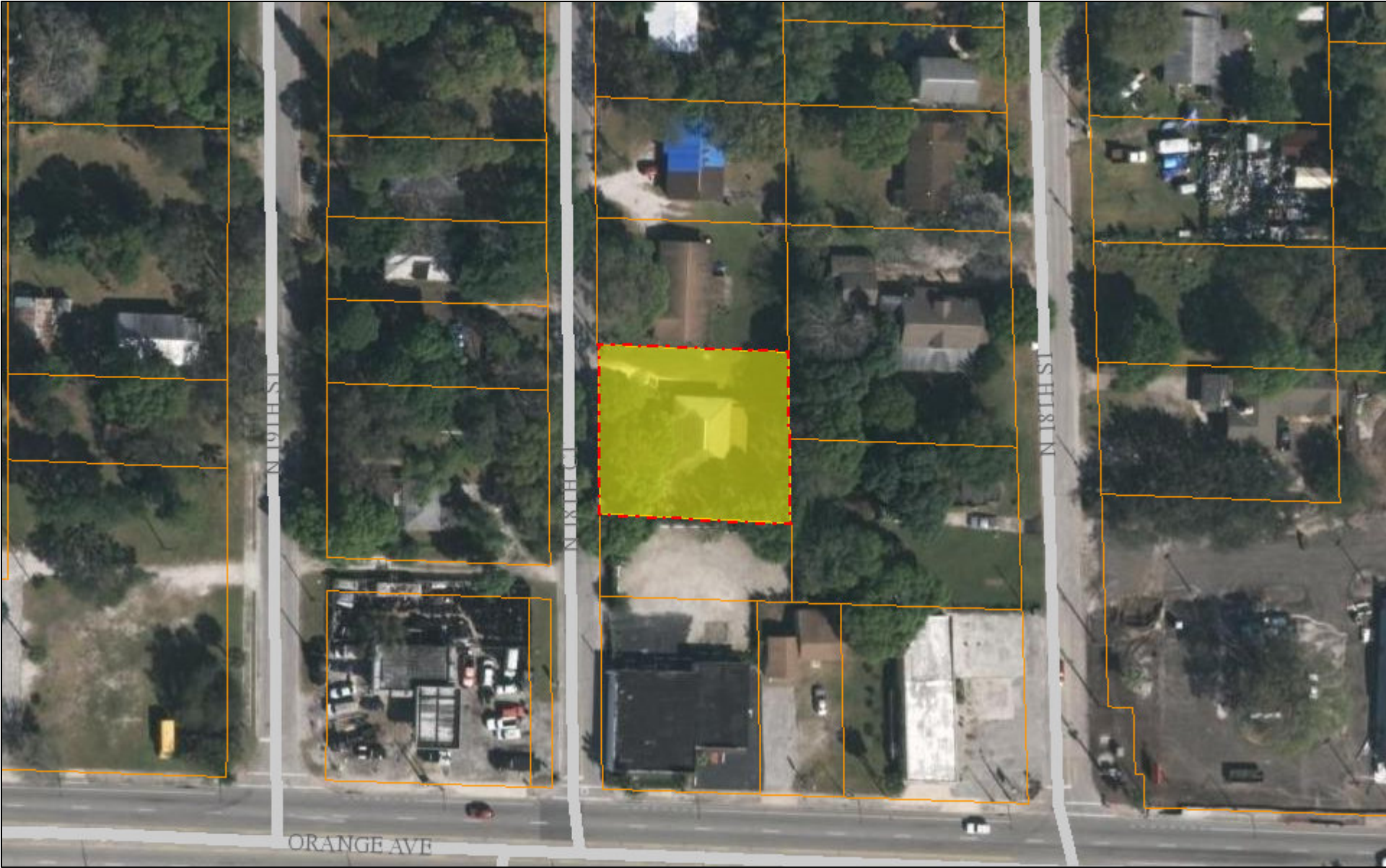
A total of 7 notifications were mailed to abutting property owners. As of the preparation of this memorandum, no responses have been received. An updated recording of responses

will be provided to the Board at the hearing.

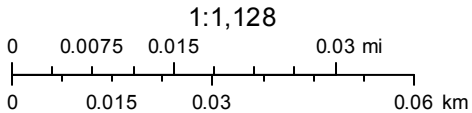
Staff Recommendation

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.

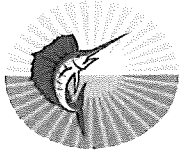
Michelle Franklin, CFA - Saint Lucie County Property Appraiser



February 1, 2018



This information is deemed to be correct at this time but it is subject to change and is not warranted. © Copyright 2018 Saint Lucie County Property Appraiser. All rights reserved.



April 10, 2017

Tax ID #: 2409-606-0061-000/6

Case #: 17-00000746

BETTY A SMITH
6100 SILVER OAK DR
FT PIERCE, FL 34982

RE: Stop Work Order – 108 N 18TH CT

Pursuant to the City of Fort Pierce Code of Ordinances, Section 5-1.104.3, a Stop Work Order has been issued. The following is a list of specific actions that must be taken to remedy the violation(s) at this location:

1. Obtain a permit for the pole barn structures that are being constructed in the back yard.

Completing the actions above will cure the violation(s) of City Ordinance:

Section 5-1.105.1

Permit Required

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Failure to comply with the above requirements within 15 days from the date of this letter may cause the case to be forwarded to the Code Enforcement Board and/or Special Magistrate. Your cooperation in these matters is greatly appreciated. Should you have questions regarding this matter, you may contact my office at (772) 467-3151.

Sincerely,

Shaun Coss
Building Department Investigator
772-467-3151
scoss@city-ftpierce.com

In addition to furnishing this notice to the above-named violator by first class mail, copies of this notice have been furnished by first class mail to:

Russell Smith or Current Resident
108 N 18th Ct.
Fort Pierce, FL 34982

Property Identification

Site Address:	108 N 18th CT
Parcel ID:	2409-606-0061-000-6
Account #:	22154
Map ID:	24/09N
Use Type:	0100
Zoning:	R3
City/County:	Fort Pierce

Ownership


Betty A Smith
6100 Silver Oak Dr
Fort Pierce, FL 34982


Legal Description

AMY ANNA PARK BLK 2 LOTS 39 AND 40-LESS ST- (OR 815-2637; 2744-2936; 2744-2936)

Current Values

Just/Market Value:	\$37,800
Assessed Value:	\$36,058
Exemptions:	\$0
Taxable Value:	\$36,058

Taxes for this parcel: [SLC Tax Collector's Office](#) 

Download TRIM for this parcel: [Download PDF](#) 



Total Areas

Finished/Under Air (SF):	1,431
Gross Area (SF):	1,431
Land Size (acres):	0.27
Land Size (SF):	11,856

LEGAL DESCRIPTION

LOTS 39 AND 40, BLOCK 2, AMY ANN PARK, THE SAME BEING A SUBDIVISION IN THE CITY OF FORT PIERCE, FLORIDA, AS RECORDED IN PLAT BOOK 4, PAGE 72, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; EXCLUSIVE OF THAT PORTION OF SAID LAND WHICH HAS BEEN PREVIOUSLY DEDICATED FOR STREET PURPOSES.

ABBREVIATIONS

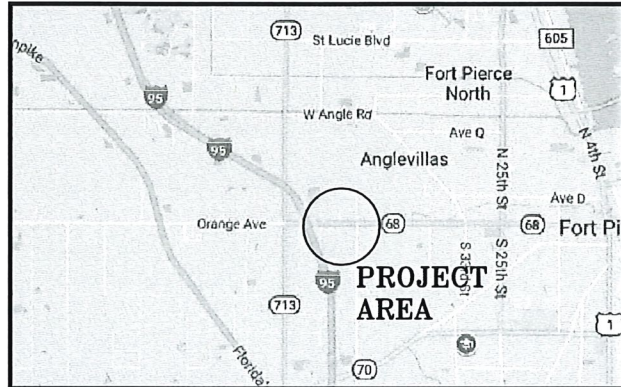
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| (C) CALCULATED | NAVD NORTH AMERICAN VERTICAL DATUM |
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| N/D NAIL AND DISK | R/W RIGHT OF WAY |
| | WV WATER VALVE |



SYMBOLOLOGY

- CENTERLINE
- TELEPHONE UTILITY
- ELECTRIC BOX
- VALVE
- WATER METER
- CONCRETE
- WOOD POWER POLE
- ASPHALT
- 6' WOOD FENCE
- 4' CHAINLINK FENCE
- AREA LIGHTING
- WELL
- GUY ANCHOR
- SIGN

VICINITY MAP



NOTES

1. THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. ANY REVISIONS MADE TO THIS DOCUMENT OR ASSOCIATED REPORTS WITHOUT THE WRITTEN CONSENT OF THE UNDERSIGNED WILL VOID THE SEAL WHICH HAS BEEN PLACED HEREON.
3. NO ABSTRACT WAS MADE BY THE SURVEYOR TO VERIFY ACTUAL LEGAL OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER BURDENS ON THE SUBJECT PROPERTY OTHER THAN THOSE FURNISHED BY CLIENT OR THEIR REPRESENTATIVE. DESCRIPTION SHOWN HEREON IS BASED ON INFORMATION RECORDED IN OFFICIAL RECORDS BOOK 2744, PAGE 2396, ST. LUCIE COUNTY, FLORIDA.
4. SUBJECT PROPERTY CONTAINS 0.27 ACRES, MORE OR LESS (11,759.66 SQUARE FEET).
5. THE LAST DATE OF FIELD WORK WAS JANUARY 8, 2018.
6. REVISIONS SHOWN HEREON DO NOT REPRESENT A "FIELD SURVEY UPDATE" UNLESS OTHERWISE NOTED.
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CERTIFIED TO:

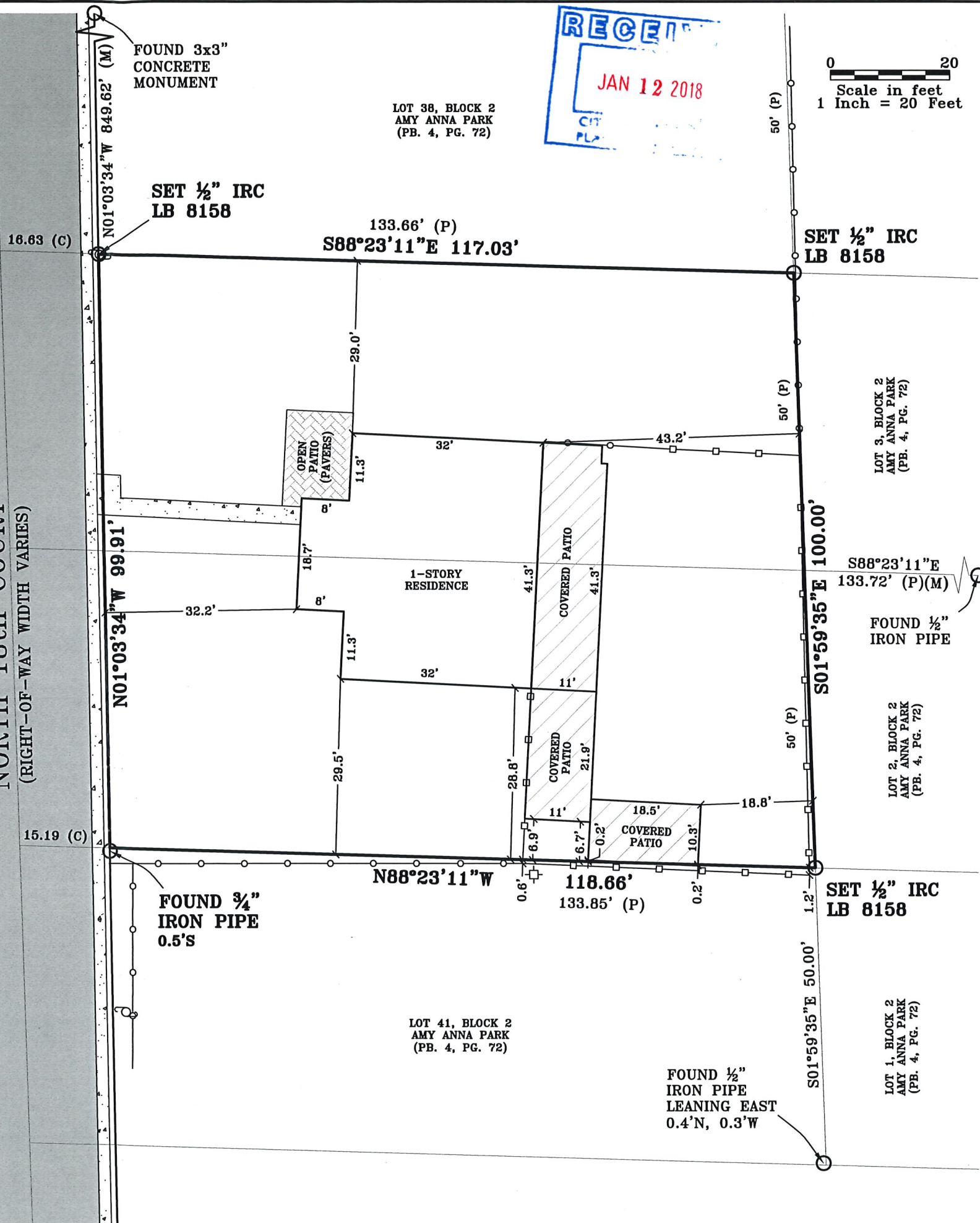
RUSSELL GARZA

P. CHAD MAXWELL, FLORIDA REGISTRATION #7070
PROFESSIONAL SURVEYOR AND MAPPER

1/9/2018
SIGNATURE DATE

FLORIANA PARK SUBDIVISION
(PB. 2, PG. 7C)

NORTH 18th COURT
(RIGHT-OF-WAY WIDTH VARIES)



Scale in feet
1 Inch = 20 Feet

SHEET 1 OF 1	PCM	CREATED BY	CHECKED BY	DATE	SCALE	1" = 20'	FILENAME	REVISIONS
				1/9/2018	1" = 20'		18003 108 N 18TH COURT.DWG	...
SECTION 9, TOWNSHIP 35S, RANGE 40E FORT PIERCE, FLORIDA, ST. LUCIE COUNTY								
MAXWELL GEOSPATIAL, INC. 4899 Kirby Loop Road, Fort Pierce, FL 34981 web: maxwellgeospatial.com, email: chad@maxwellgeospatial.com P: (772) 801-5206, M: (837) 356-2643 Certificate of Authorization #LB158								



THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT
Florida

NOV 06 2017
CITY OF FORT PIERCE
PLANNING & ZONING

RECEIVED
NOV 06 2017
CITY OF FORT PIERCE

VARIANCE

Property address or Location 108 N. 18th COURT.
Parcel ID #(s) 240960600610006
Project description Pole barn has already been built.

Betty Smith
Property Owner(s)
108 N. 18th COURT.
Street Address
Fort Pierce Fl. 34950
City State Zip
(772) 801-4333
Phone Number
diablo07708@yahoo.
Email Address

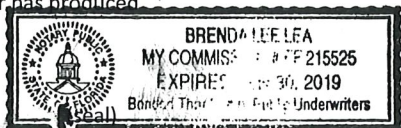
Applicant/Representative, Title, Company
Street Address
City State Zip
Phone Number
Email Address

Property Owner(s) Acknowledgements: - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Representative to act in his/her behalf for the purposes of seeking approval for the application described herein.

Betty A. Smith
Property Owner(s) Signature(s)



STATE OF Florida COUNTY St. Lucie
The foregoing instrument was acknowledged before me this 3 day of Nov, 2017 by PL DC # who is personally known to me or has produced 5530 0910 44 552-0 as identification.



[Signature]
Signature of Notary

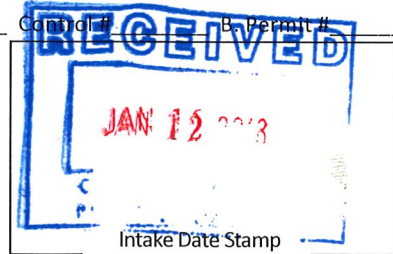
INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3739

TO BE COMPLETED BY STAFF

Zoning	Future Land Use	Total Acres	Historic District	Historic Designation
				Contributing Individual Non-Contributing None

Pre-Application Meeting Date _____
Intake Planner _____
Planner Assigned _____
Approved By _____ Date _____
Comments _____

Fees _____ Control # _____ B Permit # _____



VARIANCE

Submit eight (8) hard copies and one (1) CD of the following for initial submittal, subsequent submittals will be required:

- Site plan, to scale, including all relevant improvements:
 - Existing & proposed structures
 - Landscaping & parking,
 - Fencing, signs, etc.
- As-built Survey
- Criteria Narrative
- Complete, notarized application

Application Outlook



VARIANCE FROM SEC. 22-26 (b)(2)b.
~~TO ALLOW REDUCTION OF THE SIDE SETBACK.~~

Description of request: Requesting variance to be cleared. Pole barn is against fence.

Reason for request: It is already built.
 (~~SEE SIDE YARD REQ. (7) FEET, PROVIDED 0.2 FEET~~)

Existing Use: residence Date Property was Purchased: 1940's

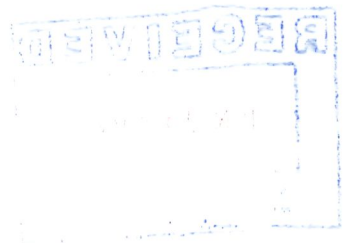
Alterations made to the site since purchase: yes.

Has a request for this variance been denied in the past? Yes No

If yes, what has changed since the denial? no denial

Criteria:
 In order to determine whether your request for Variance meets all the criteria in Section 22-108 of the City Code, please answer the following questions. Please provide answers of questions on separate pages:

1. Describe those conditions peculiar to the specific property and not applicable to other lands, structures, or buildings in the same zoning district.
2. Does special conditions or circumstances result from actions other than that of yours? Please explain
3. Identify any undue hardships or deprivation of commonly enjoyed property rights that would result in the literal interpretation of the code for the zoning district.
4. What is the minimum variance that would give the reasonable use of the land, building, or structure?
5. Explain how the variance request would not impair the intent of the zoning ordinance or be detrimental to the general public welfare:



NOV 20 2017

1. Exceptional Circumstances apply to the property which do not apply to other properties in the same zone. There are oak trees, and others on actual property line.
2. No. It is out of my control with the oak tree being on property line.
3. No undue hardships. No residential or commercial bldgs on or around said property / property line.
4. 3 ft. is the minimum variance that would give reasonable use of the land, bldg, and or structure.
5. There are no residential or commercial bldgs on said property. There is only this residential address, and the church.

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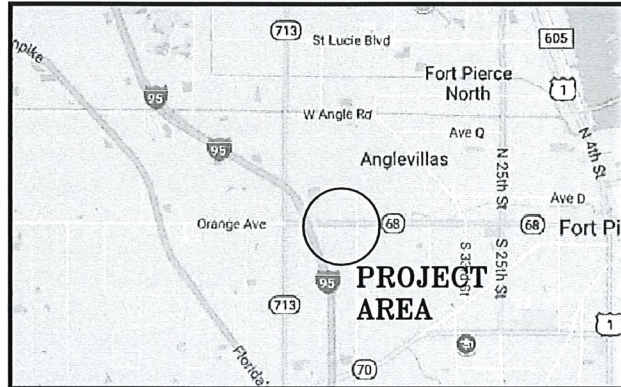
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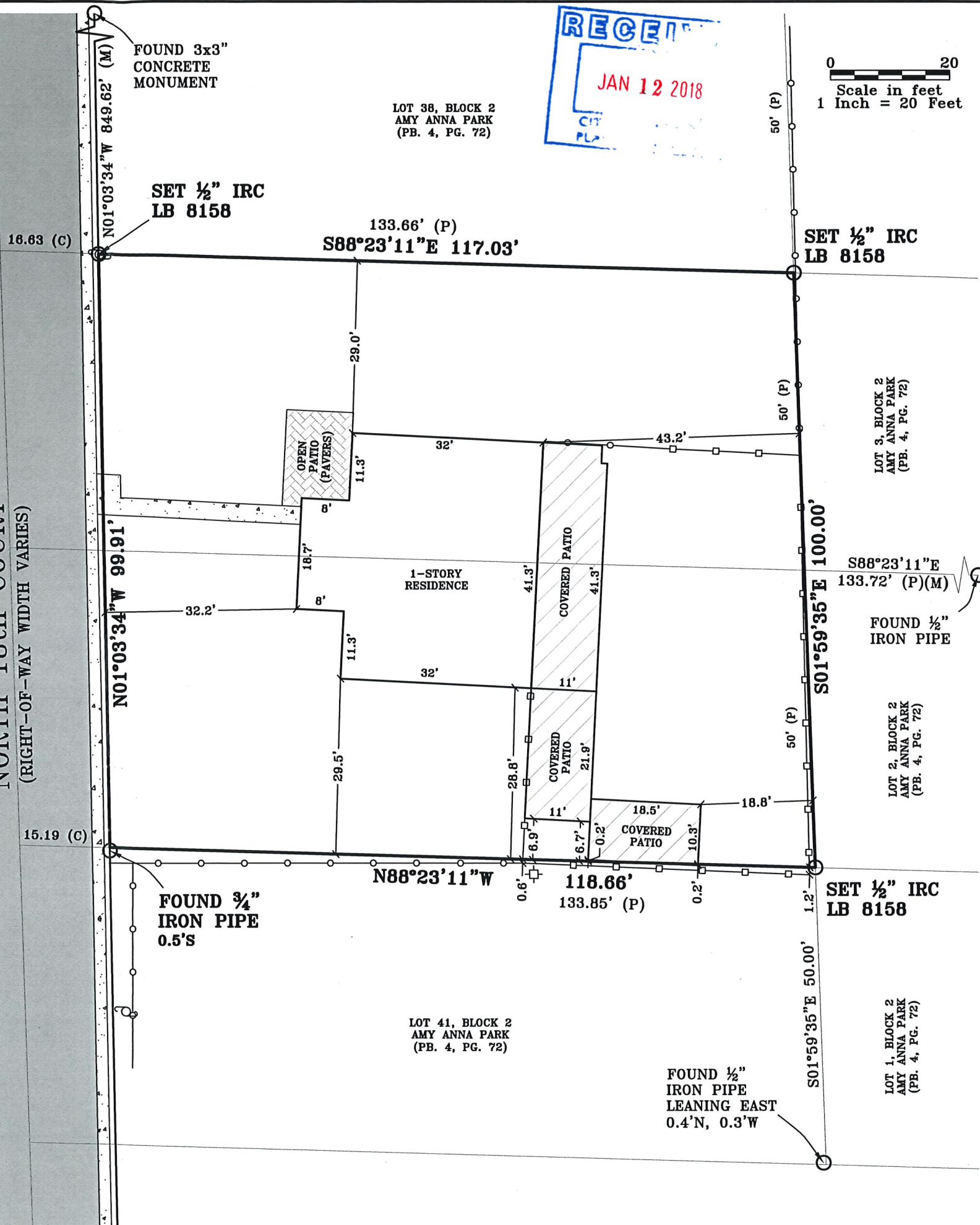
RUSSELL GARZA

P. CHAD MAXWELL, FLORIDA REGISTRATION #7070
PROFESSIONAL SURVEYOR AND MAPPER

1/9/2018
SIGNATURE DATE

FLORIANA PARK SUBDIVISION
(PB. 2, PG. 7C)

NORTH 18th COURT
(RIGHT-OF-WAY WIDTH VARIES)



Scale in feet
1 Inch = 20 Feet

SHEET	1 OF 1
CREATED BY	PCM
CHECKED BY	PCM
DATE	1/9/2018
SCALE	1" = 20'
FILENAME	18003 108 N 18TH COURT.DWG
REVISIONS	...

SECTION 9, TOWNSHIP 35S, RANGE 40E
FORT PIERCE, FLORIDA,
ST. LUCIE COUNTY

MAXWELL GEOSPATIAL, INC.
4899 Kirby Loop Road, Fort Pierce, FL 34981
web: maxwellgeospatial.com, email: chad@maxwellgeospatial.com
P: (772) 801-5206, M: (837) 356-2643
Certificate of Authorization #LB158

Property Identification

Site Address:	108 N 18th CT
Parcel ID:	2409-606-0061-000-6
Account #:	22154
Map ID:	24/09N
Use Type:	0100
Zoning:	R3
City/County:	Fort Pierce

Ownership


Betty A Smith
6100 Silver Oak Dr
Fort Pierce, FL 34982


Legal Description

AMY ANNA PARK BLK 2 LOTS 39 AND 40-LESS ST- (OR 815-2637; 2744-2936; 2744-2936)

Current Values

Just/Market Value:	\$37,800
Assessed Value:	\$36,058
Exemptions:	\$0
Taxable Value:	\$36,058

Taxes for this parcel: [SLC Tax Collector's Office](#) 

Download TRIM for this parcel: [Download PDF](#) 



Total Areas

Finished/Under Air (SF):	1,431
Gross Area (SF):	1,431
Land Size (acres):	0.27
Land Size (SF):	11,856