



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**
2521 S. Indian River Drive

DATE: May 17, 2018

STAFF REPORT

Owner(s)/Applicant(s): Michael E. Geraghty
2521 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 in order to construct an accessory structure. The northeast corner of the structure would be twelve (12) feet from the property line instead of the required fifteen (15) feet. The filed request represents a variance of three (3) feet for the northeast corner of the proposed structure.

Location: 2521 S. Indian River Drive

Parcel IDs: 2423-601-0005-000-5

Lot Size: 2.08 acres

Zoning: E-1, Single Family Estate Density

Future Land Use: RL, Low Density Residential

Surrounding Zoning:

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

Staff Analysis:

Variance Request

In accordance with Article VIII of Section 22 of the City Code, the property owner is requesting that the Board of Adjustment approve of a variance to deviate from Section 22-23(b)(2)b. of the Fort Pierce Code of Ordinances in order to construct an accessory structure within the required side yard. The northeast corner of the proposed structure would encroach three (3) feet into the required fifteen (15) foot minimum side yard (setback), of the E-1, Single Family Estate Density Residential zone. The request seeks a variable reduction of the northeast side yard (setback) to twelve (12) feet, only for the northeast corner of this accessory structure.

Existing Conditions

The subject site is located at 2521 S. Indian River Drive and the size of the lot is 2.08 acres. The site is bordered on the east by the Indian River, to the west is the FEC Railroad, and to the north and south are single family homes in the E-1, Single Family Estate Density Residential zone. The location of the proposed accessory structure has the FEC Railroad to the west and Residential to the north. The proposed accessory structure location is screened with vegetation on the north and west property lines where the structure is proposed to be built. There is also tennis court to the east of the proposed location.

Proposal

The applicant is seeking to construct a 24 ft. by 35 ft. accessory structure that will be near the north and west property lines. The proposed structure meets the setback requirements of City Code 22-23(b)(2), on all sides except for the northeast corner of the proposed structure. The applicant is seeking a variance to construct the accessory structure where the northeast corner will encroach three (3) feet into the required side yard (setback) pursuant to City Code 22-23(b)(2)(b).

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 applicant, in the attached application has provided a written response to all 5 of the above criteria. The applicant notes that there are sheds on the property that were there before the home was purchased and all of those structures are within the required setback as set forth in City Code 22-23(b)(2)(b). The applicant wants to remove all existing sheds and replace them with this proposed accessory structure. The applicant does not believe that this will have any impact on residents as his lot is deep at four hundred forty nine (449) feet and the back of the lot is not visible from the street. In conjunction with the existing vegetation, the applicant has stated in his response letter that he will plant additional palm trees or shrubs to help further shield the structures view from any adjacent neighbor as well as from his home.

Property Owner Response Summary:

A total of 4 notifications were mailed to abutting property owners. As of May 17, 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 Variance and have provided conditional approval based on compliance with requirements of the City Code.

Staff Recommendation:

Staff recommends approval of the Variance to reduce the side yard (setback) to twelve (12) feet from the side property line on the northeast corner of the proposed accessory structure in consideration of the criteria specified in Section 22-108 of the City Code.