

BOARD OF ADJUSTMENT AGENDA

Board of Adjustment Regular Meeting - Thursday, May 24, 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 February 22, 2018 meeting
7. **NEW BUSINESS**
 - a. Variance - Geraghty Residence - 2521 S. Indian River Drive
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: 05/24/2018

Information

REQUESTED ACTION

Minutes from the February 22, 2018 meeting

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

Attachments

Board of Adjustment Minutes 2.22.18

Form Review

Form Started By: Alicia Rosenthal

Final Approval Date: 05/17/2018

Started On: 05/17/2018 09:49 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, FEBRUARY 22, 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**

Ms. Isaac entered the meeting at 6:10 PM.

Present: **Joyce Calvert; William Nunn; Ryan Collins; Rebecca Isaac; Bret McCain, Chairman**

Absent: **James Crist; Bennie Clark**

Staff Present: **Iola Mosley, Senior Assistant City Attorney
Rebecca Grohall, Planning Director
Shaun Coss, Building Department Coordinator
Alicia Rosenthal, Executive Assistant**

4. **CONSIDERATION OF ABSENCES**

This item was moved to the end of the meeting.

Motion was made by William Nunn, and seconded by Ryan Collins to approve the absences of Mr. Clark and Mr. Crist.

AYE: William Nunn, Ryan Collins, Rebecca Isaac, Joyce Calvert, Chairman Bret McCain
Passed

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

Mr. Collins and Ms. Isaac were made regular voting members for the meeting.

6. APPROVAL OF MINUTES

- a. Minutes from the January 25, 2018 meeting

Motion was made by William Nunn, and seconded by Joyce Calvert to approve the minutes from the January 25, 2018 meeting.

AYE: **Rebecca Isaac, Joyce Calvert, William Nunn, Ryan Collins, Chairman Bret McCain**
Passed

7. NEW BUSINESS

- a. **Variance - Smith Residence - 108 N. 18th Court**

Ms. Grohall gave an overview of the application and answered questions from the Board on the Planning department process if the permit was applied for correctly and if a Variance would have been needed.

Russell Smith Garza, Applicant, provided additional information on the pictures and answered questions from the Board on moving the accessory structure and the exact location of the structure.

Mr. Coss stated the permit would have to pay double fees and a stop work order was issued.

Board discussion ensued.

Motion was made by Ryan Collins to approve the Variance based on staff's recommendation. No one seconded the motion, therefore it failed. Chairman McCain passed the gavel to Vice-Chair Calvert.

Motion was made by Chairman Bret McCain, and seconded by Ryan Collins to approve 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.

AYE: **Ryan Collins, Rebecca Isaac, Joyce Calvert, William Nunn, Chairman Bret McCain**
Passed

8. DISCUSSION / OTHER BUSINESS

9. ADJOURNMENT

Planning Board of Adjustment

Meeting Date: 05/24/2018

Information

REQUESTED ACTION

Variance - Geraghty Residence - 2521 S. Indian River Drive

LOCATION

2521 S. Indian River Drive

RESPONSIBLE STAFF

Brandon Creagan, LEED Green Associate, Planner

RECOMMENDATION

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

Attachments

Planning Staff Report

Variance Application

Owner Statement

Survey

Property Record Card

Form Review

Form Started By: Brandon Creagan

Started On: 05/17/2018 09:43 AM

Final Approval Date: 05/17/2018



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.



VARIANCE

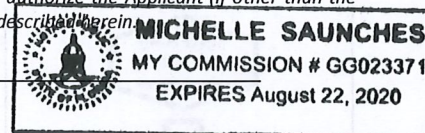
Property address or Location 2521 S. Indian River Drive
 Parcel ID #(s) 2423 - 601 - 0005 - 000 - 5
 Project description Detached Garage Install

Michael Geraghty
 Property Owner(s)
2521 S. Indian River Dr.
 Street Address
Fort Pierce FL 34950
 City State Zip
772 - 240 - 0934
 Phone Number
DRMG @ AOL.com
 Email Address

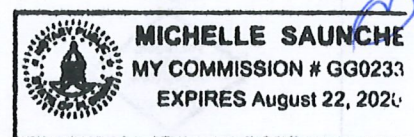
Applicant/Representative, Title, Company
 Street Address
 City State Zip
 Phone Number
 Email Address

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.

Michael Geraghty
 Property Owner(s) Signature(s)



STATE OF -- COUNTY
 The foregoing instrument was acknowledged before me this 13 day of April, 2018, by Michael Geraghty who is personally known to me or has produced _____ as identification.



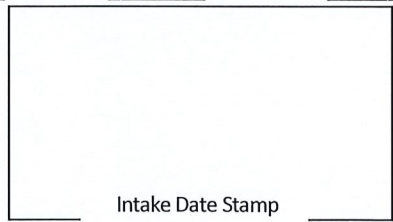
Signature of Notary _____ (seal)

INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3737

TO BE COMPLETED BY STAFF

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

Pre-Application Meeting Date _____ Fees _____ Control # _____ B. Permit # _____
 Intake Planner _____
 Planner Assigned _____
 Approved By _____ Date _____
 Comments _____



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

Description of request: Requesting approval to complete installation of detached garage in yard.

Reason for request: Foundation poured for garage with setbacks too close to property line (12' at one corner instead of 15')

Existing Use : _____ Date Property was Purchased: 4/2017

Alterations made to the site since purchase: Poured Slab for this - garage not installed

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

If yes, what has changed since the denial? _____

Application Outlook

Pre-Application Meeting
Wednesday Afternoons



Application Intake Meeting
Call to schedule



Technical Review Committee
3rd Thursday



Board of Adjustment
4th Thursday

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:

Application for a variance for detached garage at 2521 S. Indian River Drive

1. Conditions peculiar to property...

The lot at 2521 S. Indian River Drive is a deep lot that backs up the railroad tracks on the east side of the savanna's. We only have residential lots on the sides of the property as the property to the west of the site in question is operated by the railroad.

2. Conditions from actions other than our own...

The property at 2521 S. Indian River Drive has multiple wood aluminum sheds already on the south side of the property that were present when we purchased the property in 2017. Neither of those sheds is within the normal setbacks as determined by current code, and they are smaller and not on concrete foundations. Our goal is to remove those two sheds and have built this detached garage on a concrete slab. There is a chain-link fence at the west border of the property and there is a fence east of it that is the west boundary of an existing tennis court. Those fences do not run parallel to one another, and the west most fence diverges away from the tennis fence as it runs north. Concrete slab has already been installed but was turned to run parallel to the tennis court fence on property and that put the northeast corner of the slab within the normal 15-foot setback required.

3. Undue hardship or deprivation of commonly enjoyed rights...

The only hardship resulting from denial of this variance involves manipulation of the current concrete slab. That slab can have additional length added to the south side to allow the shed to be built as currently planned (35' x 24'). The slab is built with three garage door entrances formed at the east side of the slab. The garage doors drop into these small recesses to keep rain from coming in under the door. The slab will need to be modified to account for new door positions if changed.

4. Minimum variance giving reasonable use of land...

The minimum variance is three feet on the north side of the property for the corner of the shed to now be acceptable and permissible. The current setback is 15 feet and we are asking for a 3-foot variance to allow the corner that is within 12 feet of the current property line.

5. Variance request in relation to intent of zoning ordinance, and public welfare...

The only person that could be impacted by a variance at this location is the neighbor to the north. The shed would be within 12 feet of the property line instead of 15. There is no impact to the general-public as the site can not be viewed by any other persons. The depth of the properties in this area of Fort Pierce prevent any public from viewing this section of the property. Our goal is to plant taller palms or shrubs on the north and south side of the garage once built to lessen any unfavorable view of the garage to either our neighbor or ourselves. The south side fence is already planted to reduce the view of the trains in the back.

General comment.

We feel the property is generally improved by the removal of the two smaller sheds currently on site, and the building of this larger detached garage further to the back of the property. Once properly landscaped the overall impact to us and the neighbors will be positive for all parties.

Michelle Franklin, CFA -- Saint Lucie County Property Appraiser -- All rights reserved.

Property Identification

Site Address: 2521 S INDIAN RIVER DR
 Sec/Town/Range: 23/35S/40E
 Map ID: 24/23N
 Zoning: E1

Parcel ID: 2423-601-0005-000-5
 Account #: 30627
 Use Type: 0100
 Jurisdiction: Fort Pierce

Ownership

Michael E Geraghty
 Stella M Geraghty
 4001 Oak Hammock LN
 Fort Pierce, FL 34981-4534

Legal Description

S/D OF C W RINEHART PROPERTY LOTS-LESS THAT PART DESC IN DBK 91-566- AND BEG AT NW COR OF LOT 6, TH RUN SLY ON W LI 79.72 FT, THNELY TO RIV 42.33 FT S OF NE COROF LOT 6, TH NLY ON E LI OF LOT 6, TH WLY ON N LI OF LOT 6 TO NW COR LOT 6 AND POB (4) (OR 3969-1799)



Current Values

Just/Market Value: \$661,100
 Assessed Value: \$596,060
 Exemptions: \$50,000
 Taxable Value: \$546,060
 Taxes for this parcel: SLC Tax Collector's Office
 Download TRIM for this parcel: Download PDF

Total Areas

Finished/Under Air (SF): 4,383
 Gross Area (SF): 10,364
 Land Size (acres): 2.08
 Land Size (SF): 90,638

Sale History

Date	Book/Page	Sale Code	Deed	Grantor	Price
Mar 3, 2017	3969 / 1799	0001	WD	Muldoon Tina	\$785,000
Oct 25, 2016	3926 / 0627	0111	QC	Muldoon Timothy J	\$100
Oct 15, 2015	3798 / 2908	0111	QC	Muldoon Timothy	\$100
Sep 4, 2014	3671 / 1215	0001	WD	Savanello,Robert V	\$800,000
Dec 2, 2004	2172 / 1405	XX01	QC	Savanello,Robert V	\$0
Oct 30, 2002	1605 / 2561	XX00	WD	Bryan Jr,Benjamin L	\$495,000
Apr 1, 1972	0201 / 2291	XX00	CV		\$75,000

Building Information (1 of 3)

Finished Area: 3,807 SF
 Gross Total Area: 9,014 SF

Exterior Data

View:	Roof Cover: Metal	Roof Structure: Hip
Building Type: HB+	Year Built: 1940	Frame:
Grade: B+	Effective Year: 2002	Primary Wall: CB Stucco
Story Height: 2 Story	No. Units: 1	Secondary Wall: Hrd Plnk CB

Interior Data

Bedrooms: 4	Electric: MAXIMUM	Primary Int Wall:
Full Baths: 3	Heat Type: FredHotAir	Avg Hgt/Floor: 0
Half Baths: 1	Heat Fuel: ELEC	Primary Floors: Hardwood
A/C %: 100%	Heated %: 100%	Sprinkled %: N/A%



Sketch Area Legend

Sub Area	Description	Area	Fin. Area	Perimeter
2S	ONE FULL STORY OVER BASE (TOTAL 2 FLOORS)	1238	1238	166
BAS	BASE AREA	2473	2473	418
GAA	Garage Attached Average	441	0	84
NVPD	Pool Deck for Sketch Only (Valued in SFYI)	1700	0	168
OPAH	Open Porch Attached High	898	0	392
PATH	Patio High (Flooring over Slab-Tile,Pavers,etc)	2070	0	360
UBS	UPPER BASE AREA/+1	96	96	40
WDK	WOOD DECK	98	0	42

Building Information (2 of 3)

Finished Area: 576 SF

Gross Total Area: 630 SF

Exterior Data

View:
 Building Type: HC-
 Grade: C-
 Story Height: 1 Story

Roof Cover: Tar & Gravel
 Year Built: 1956
 Effective Year: 1970
 No. Units: 1

Roof Structure: Flat/Shed
 Frame:
 Primary Wall: CB Stucco
 Secondary Wall:

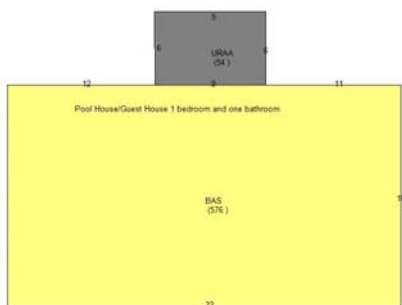
Interior Data

Bedrooms: 1
 Full Baths: 1
 Half Baths: 0
 A/C %: 100%

Electric: MAXIMUM
 Heat Type: FrcdHotAir
 Heat Fuel: ELEC
 Heated %: 100%

Primary Int Wall:
 Avg Hgt/Floor: 0
 Primary Floors: Hardwood
 Sprinkled %: 0%





Sketch Area Legend

Sub Area	Description	Area	Fin. Area	Perimeter
BAS	BASE AREA	576	576	100
URAA	Utility Room Attached Average	54	0	30

Building Information (3 of 3)

Finished Area: 0 SF

Gross Total Area: 720 SF

Exterior Data

View:
 Building Type: DGAR
 Grade: DG
 Story Height: 1 Story

Roof Cover: Fibrglss Shg
 Year Built: 1956
 Effective Year: 1980
 No. Units: 0

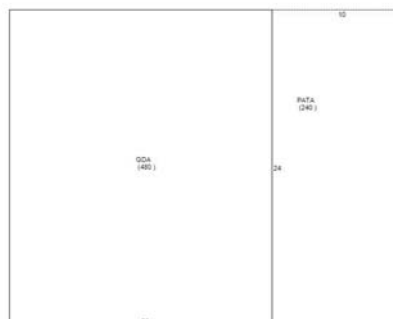
Roof Structure: Gable
 Frame:
 Primary Wall: CB Stucco
 Secondary Wall:

Interior Data

Bedrooms: 0
 Full Baths: 0
 Half Baths: 0
 A/C %: %

Electric:
 Heat Type:
 Heat Fuel:
 Heated %: %

Primary Int Wall:
 Avg Hgt/Floor: 0
 Primary Floors:
 Sprinkled %: %



Sketch Area Legend

Sub Area	Description	Area	Fin. Area	Perimeter
GDA	Garage Detached Average	480	0	88
PATA	Patio Average (Plain Slab)	240	0	68

Special Features and Yard Items

Type	Qty	Units	Year Blt
Drive-BrkPav	1	2025	1965
TennisCtAsph	1	5500	1965
RES POOL AVG	1	800	1965
CHAINLINK 4'	1	333	1999
WOOD DOCK	1	924	2005
POOL DK-GOOD	1	900	2015
UTILITY GOOD	1	420	2015

Current Year Values

Current Values Breakdown		Current Year Exemption Value Breakdown				
		Tax Year	Grant Year	Code	Description	Amount
Building:	\$375,000					
Land:	\$286,100	2017	2015	0500	Homestead Exemption	\$25,000
Just/Market:	\$661,100	2017	2015	0550	Homestead Exemption over \$50,000	\$25,000
Ag Credit:	\$0					
Save Our Homes or 10% Cap:	\$65,040					
Assessed:	\$596,060					
Exemption(s):	\$50,000					
Taxable:	\$546,060					

Current Year Special Assessment Breakdown

Start Year	AssessCode	Units	Description	Amount
1999	0041	1	Fort Pierce Stormwater Charge	\$54.00

This does not necessarily represent the total Special Assessments that could be charged against this property. The total amount charged for special assessments is reflected on the most current tax statement and information is available with the SLC Tax Collector's Office.

Historical Values

Year	Just/Market	Assessed	Exemptions	Taxable
2017	\$661,100	\$596,060	\$50,000	\$546,060
2016	\$586,800	\$580,159	\$50,000	\$530,159
2015	\$552,900	\$547,360	\$50,000	\$497,360

Permits

Number	Issue Date	Description	Amount	Fee
F94-000985	Aug 12, 1994	Roof	\$2,100	\$2,100
SH200341	Jul 3, 2003	Shed	\$8,185	\$257
RF2003424	Nov 24, 2003	Roof	\$2,100	\$75
IRR200413	Jun 17, 2004	Yard Sprinkler System	\$6,000	\$241
DK200411	Oct 7, 2004	Dock	\$400	\$0
RR200728	Mar 22, 2007	Alterations/Remodeling	\$6,000	\$60
0800001999	Dec 31, 2008	Alterations/Remodeling	\$0	\$50
BP09-2349	Jan 22, 2010	Additions to existing construction	\$50,000	\$553
RF2006-572	Sep 18, 2006	Roof	\$15,000	\$150
BP09-2349	May 20, 2011	Alterations/Remodeling	\$44,240	\$506
BP14-3101	Dec 16, 2014	Shed	\$8,785	\$93
BP14-3117	Jan 16, 2015	Pool	\$34,497	\$516
BP15-0435	Mar 12, 2015	Shed	\$1,500	\$83
BP15-0075	Feb 26, 2015	Driveway	\$32,500	\$388
BP15-0219	Feb 9, 2015	Electric	\$1,200	\$104
BP15-0220	Feb 9, 2015	Electric	\$2,000	\$104
BP15-0221	Feb 9, 2015	Electric	\$7,000	\$104
BP15-0222	Feb 17, 2015	Electric	\$12,000	\$104
BP15-0403	Mar 3, 2015	Electric	\$1,200	\$104
BP15-0221	Jul 21, 2015	Electric	\$7,000	\$154
BP17-1537	May 31, 2017	Fence	\$1,500	\$0

Notice: This does not necessarily represent all the permits for this property.

Click the following link to check for additional permit data in Fort Pierce

This information is believed to be correct at this time but it is subject to change and is not warranted.
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