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

**THROUGH:** Rebecca Grohall, AICP, Planning Director

**FROM:** Vennis Gilmore, Planning Analyst

**RE:** **Application for Variance**  
**Crotty Residence – Rear Yard Setback Reduction for Accessory Structure**  
**1679 Thumb Point Drive**

**DATE:** June 19, 2018

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#### STAFF REPORT

**Owner/Applicant:** R.C. Crotty  
1104 W. Oak Street  
Kissimmee, FL. 34741

**Requested Action:** Section 22-24 (b)(2)c. in order to construct an accessory structure (tiki hut) within the required rear yard setback. A portion of the proposed structure would encroach up to seven (7) feet into the required seven (7) feet minimum rear yard (setback), mandated within the R-1, Single-Family Low Density Zone. The request seeks a variable reduction of rear yard (setback) to zero (0) feet, only for this accessory structure.

**Location:** 1679 Thumb Point Drive

**Parcel ID:** 2401-244-0001-000-4

**Current Zoning:** R-1, Single-Family Low Density Residential

**Future Land Use:** RL, Low Density Residential

**Lot Size:** 0.19 acres

## **Staff Analysis:**

### **Variance Request**

In accordance with Article VIII of Section 22 of the City Code, the property owner is requesting the Board of Adjustment approve a variance to deviate from Section 22-24 (b) (2) c. in order to construct an accessory structure within the required rear yard. The proposed structure would encroach up to seven (7) feet into the required seven (7) feet minimum rear yard (setback), of the R-1, Single-Family Low Density Residential zoning. The request seeks a variable reduction of the southern rear yard (setback) to zero (0) feet, only for this accessory structure.

### **Existing Conditions**

The subject 0.19 acre site located on Thumb Point Drive; just southwest of the Thumb Point Drive and Fernandina Street intersection. The subject site is currently home to a one story residence. The 3, 128 gross square foot home was constructed in 1979, with only a 17.7 feet setback from the rear property line. The minimal rear yard setback of only 17.7 feet left no room for expansion of the home or the addition of a pool. The variance seeks to add an additional 240 square feet of impervious area to the existing lot; with the addition of a tiki hut.

The rear property line is nineteen (19) feet north of the Indian River water line. Therefore no neighboring properties will be affected by the view or proximity of the proposed variance.

### **Proposal**

The applicant is seeking to construct a 12 ft. by 20 ft. tiki hut towards the southern property line, effectively reducing the rear yard setback to zero.

The applicant also intends to construct a swimming pool in the rear yard with a two (2) feet setback. Per City Code Section 5-288 Setback - The setback of the outside of the structure wall of any swimming pool shall be not less than ten (10) feet from all property lines. The aforementioned code section would require a separate variance application with the Building Department of the City of Fort Pierce.

### **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 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;
4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
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 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 eighteen (18) 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) feet minimum rear yard (setback) based upon the justification presented by the applicant with respect to the criteria for granting a Variance specified in Section 22-108.