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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, **JUNE 27, 2019**, 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: **Bennie Clark; Ryan Collins; William Nunn; Bret McCain, Chairman**

Absent: **Rebecca Isaac; James Crist; Joyce Calvert**

Staff Present: **Peter Sweeney, City Attorney**
Rebeca Guerra, Assistant Planning Director
Vennis Gilmore, Planner
Alicia Rosenthal, Executive Assistant

4. **CONSIDERATION OF ABSENCES**

Chairman McCain asked Mr. Sweeney what the options are for the Board for unexcused absences. Mr. Sweeney stated that absences from three consecutive regular meetings shall vacate a seat of a regular member unless such absences are excused by the Board. Mr. Sweeney stated if an alternate shall on two successive occasions be unable to sit for a meeting as a member of the Board when asked to do so, he/she shall be deemed to have resigned his/her position as an alternate member of the Board.

Ms. Guerra stated in January the Board decided to postpone the decision on Ms. Isaac's absence until the next meeting.

The Board decided they would hear evidence from Ms. Isaac regarding her absences at the next meeting.

Ms. Guerra stated she would draft an e-mail to Ms. Isaac letting her know about the situation that has arisen and at the subsequent meeting, should she be able to attend, that she needs to address the absences for the Board.

Motion was made by Ryan Collins, and seconded by William Nunn to excuse the absences of Mr. Crist and Ms. Calvert.

AYE: Ryan Collins, William Nunn, Bennie Clark, Chairman Bret McCain
Passed

Motion was made by Ryan Collins, and seconded by Bennie Clark to table Ms. Isaac's absences from the January 24, 2019 and the June 27, 2019 until a future Board of Adjustment meeting.

AYE: Bennie Clark, Ryan Collins, William Nunn, Chairman Bret McCain
Passed

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

Mr. Collins was made a regular voting member for the meeting.

6. APPROVAL OF MINUTES

- a. Minutes from the January 24, 2019 meeting

Motion was made by Bennie Clark, and seconded by William Nunn to approve the minutes from the January 24, 2019 meeting.

AYE: William Nunn, Bennie Clark, Ryan Collins, Chairman Bret McCain
Passed

7. NEW BUSINESS

Chairman McCain announced to the applicants that the Board of Adjustment requires a super majority vote, so 4 of 5 votes are needed, or in this case, 100% of the votes are needed for an item to pass. Chairman McCain stated that historically in the past the Board has allowed the applicant the option to table the application until a five member Board can vote and the Board has also allowed the applications to go forward until the end.

- a. **Variance to Exceed Lot Coverage - Dimoush Residence - Thumb Point Drive**

Ms. Guerra gave an overview of the application and answered questions from the Board.

Al Dimoush, property owner, explained they are building a suitable thoughtful retirement home that is well within the setbacks. Mr. Dimoush stated that several new homes have been built that are up against the 32% lot coverage. Mr. Dimoush said the project is good for the community and tax base and is in the best interest of the area.

Mr. Nunn stated the applicant does not meet the requirements for a Variance; they are trying to put to big a building on too small of a lot and there is not a land hardship.

Terry Brisson, Florida Trend Homes builder, stated that 25% lot coverage on a \$400,000 lot is ridiculous in terms of not being able to maintain a financial value and expecting a homeowner to build a 2,000 square foot house.

Mr. Sweeney noted that if the Variance is denied the applicant can not refile an application for a

similar Variance for 6 months.

Board discussion ensued.

Chairman McCain stated based on the Board comments he did not feel the application would pass.

Ms. Guerra suggested that Mr. Dimoush ask the Board to table the item to a date uncertain so staff can get an absolute commitment from five Board members.

Motion was made by Ryan Collins, and seconded by Bennie Clark to postpone the item until the Board has five voting members.

AYE: Bennie Clark, Ryan Collins, William Nunn, Chairman Bret McCain

Passed

b. Variances - Publix Signs - 1889 N. US Highway 1

Mr. Gilmore gave an overview of the application and answered questions from the Board on the height of ground signs and the current location of the multi-tenant pylon sign.

Gregory Davis, Thomas Sign and Awning Company, applicant representative, stated that Publix elected to add a drive-thru pharmacy, so they are asking for an additional 24.44 square feet to advise the citizens of the drive-thru pharmacy at the location. Mr. Davis said the additional existing freestanding sign is not actually on the same parcel that Publix is being built on and Publix would like to add an up to date sign that adheres to the overall renovation of the site.

Mr. Nunn stated he has a problem with 2 pylon signs, and he feels that it sets a bad precedence for the community down the road. Mr. Nunn said he does not have a problem with the signage on the building and he would not have a problem with a monument sign.

Mr. Gilmore explained the existing pylon sign in the shopping center is not on the Publix property and is not controlled by Publix.

Mr. Davis explained to the Board the difference between a monument sign and a pylon sign. Mr. Davis asked that the Board judges each sign on its own merit.

Chairman McCain said the Board will have two votes; one for the wall sign and one for a ground sign.

Mr. Sweeney said if the other existing sign in the plaza did not exist, a new 15 foot multi-tenant sign would not need a Variance. Mr. Sweeney said that every parcel is unique and each application has to be evaluated on its own independent merits.

Mr. Nunn stated that once an application has been approved, it is very hard to tell the next applicant they can't do the same thing.

Motion was made by Ryan Collins, and seconded by William Nunn to approve the allowable wall sign to include the words "Pharmacy Drive Thru" at 24.44 square feet.

AYE: Ryan Collins, William Nunn, Bennie Clark, Chairman Bret McCain

Passed

Motion was made by Ryan Collins, and seconded by Bennie Clark to postpone the pole sign Variance until a future meeting when there are five seated Board members.

AYE: William Nunn, Bennie Clark, Ryan Collins, Chairman Bret McCain

Passed

8. DISCUSSION / OTHER BUSINESS

Ms Guerra said she has received direction from the City Manager's office to reconfigure how the Board of Adjustment functions, and she will bring the language to the next Board of Adjustment meeting for comment, before it goes to Planning Board and City Commission.

Chairman McCain asked Ms. Guerra to provide a draft of the amendment and the summary of intent, in advance of the Board of Adjustment meeting, so the Board can be prepared to provide appropriate feedback and comment.

Ms. Guerra stated that one of the intents is to make the Board of Adjustment consistent with other Boards that are advisory in nature, so the ultimate decision for requests lie with the City Commission.

9. ADJOURNMENT