

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, **AUGUST 29, 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: **William Nunn; Bennie Clark; Rebecca Isaac; James Crist; Ryan Collins; Bret McCain, Chairman**

Staff Present: **Jennifer Hofmeister, Planning Director
Tanya Earley, Assistant City Attorney
Rebeca Guerra, Assistant Planning Director
Alicia Rosenthal, Executive Assistant**

Motion was made by Bennie Clark, and seconded by William Nunn to excuse Mr. Collins tardiness.

**AYE: Bennie Clark, Rebecca Isaac, James Crist, William Nunn, Chairman Bret McCain
Passed**

4. CONSIDERATION OF ABSENCES

Motion was made by Bennie Clark, and seconded by James Crist to approve the absences of Ms. Isaac from the January 24, 2019 and the June 27, 2019 Board of Adjustment meetings.

**AYE: Bennie Clark, Rebecca Isaac, James Crist, William Nunn, Chairman Bret McCain
Passed**

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

Ms. Isaac was made a regular voting member for the meeting.

6. APPROVAL OF MINUTES

- a. Minutes from the June 27, 2019 meeting

Motion was made by William Nunn, and seconded by Bennie Clark to approve the minutes from the June 27, 2019 with one correction.

AYE: **Rebecca Isaac, James Crist, William Nunn, Bennie Clark, Chairman Bret McCain**
Passed

7. NEW BUSINESS

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

Ms. Guerra gave a brief overview of the project since it was heard at the Board of Adjustment meeting on June 27, 2019

Al Dimoush, property owner, explained that the current new construction in his neighborhood has received lot and height Variances that exceed 32%. Mr. Dimoush provided copies of letters of support from his surrounding seven neighbors. Mr. Dimoush stated that changing the precedent that has already been set will slow down the building momentum in the community and the City of Fort Pierce needs a solid tax base to support the infrastructure.

Mr. Dimoush answered questions from the Board on riparian rights and square footage.

During the vote Ms. Isaac had a question and it was determined by Ms. Earley that the vote could be rescinded by the motion maker and the second maker. The vote was rescinded and Ms. Isaac's concern was clarified.

Motion was made by James Crist, and seconded by Bennie Clark to approve the Variance to allow for 32% lot coverage.

AYE: **James Crist, William Nunn, Bennie Clark, Rebecca Isaac, Chairman Bret McCain**
Passed

8. DISCUSSION / OTHER BUSINESS

- a. **Text Amendment - Board of Adjustment Recommending Body**

Ms. Guerra explained that the Board of Adjustment's nature is changing from a Quasi-Judicial public hearing to an Advisory board. She stated the most of the proposed changes concerning the text amendment includes adding the word "advisory" in front of Board of Adjustment, maintaining a Board of five members with no alternates, and maintaining a super majority vote to ultimately approve a Variance and a simple majority to deny it, with the final vote going to City Commission.

Ms. Guerra explained the intent of the changes were to bring the Board of Adjustment in-line with other Boards in the City that are advisory in nature.

Board discussion ensued. Mr. Crist said tax payer citizens should have a say and authority to continue doing what they are doing on the Board. Board members expressed concerns with increasing cost and staff time and not being notified of changes to the Board in the past.

Ms. Guerra stated the Board can voice their objections at the upcoming Planning Board meeting and the City Commission meetings.

Ms. Guerra explained the process that the applicant will have to go through.

Chairman McCain expressed that the decision is ill-advised. He said centralizing authority can be prone to corruption and bad decision and there seems to be an inherent conflict with a body that can draft an ordinance can also make exceptions to the ordinance.

9. ADJOURNMENT