

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 27, 2020, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: **Stanley Hula; Charles Hayek; William Nunn**

Absent: **James Crist**

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

4. CHAIR AND VICE-CHAIR ELECTIONS

Motion was made by William Nunn, and seconded by Charles Hayek to appoint Mr. Nunn as Chair and Mr. Crist as Vice-Chair.

AYE: Stanley Hula, Charles Hayek, William Nunn

Passed

5. CONSIDERATION OF ABSENCES

Motion was made by Charles Hayek and seconded by Stanley Hula to table the absence of Mr. Crist until the next Board of Adjustment meeting.

AYE: Charles Hayek, Stanley Hula, William Nunn, Chairman

Passed

6. APPROVAL OF MINUTES

- a. Minutes from the August 29, 2019 meeting

Motion was made by Charles Hayek and seconded by Stanley Hula to approve the minutes from the August 29, 2019 meeting.

AYE: Charles Hayek, Stanley Hula, William Nunn, Chairman

Passed

7. PUBLIC HEARINGS

- a. **Variance - 3030 South US Highway 1 - Savannah Ridge**

The clerk introduced the Variance for Savannah Ridge located at 3030 South US Highway 1.

Chairman Nunn asked the City Attorney, Pete Sweeney, to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, Pete Sweeney, City Attorney, explained to the Board of Adjustment that they serve in both a legislative and quasi-judicial role. When acting as a legislative body, the Board engages in law-making activity by passing laws and establishing policies. When acting as a quasi-judicial body, the Board applies those laws and policies and is held to stricter procedural requirements. Quasi-judicial proceedings are less formal than proceedings before a circuit court but are more formal than the normal Board meeting. Quasi-judicial proceedings must follow basic standards of notice and due process; and, decisions must be made based on competent substantial evidence. Therefore, Board members have a duty to conduct the quasi-judicial proceedings more like judges than legislators. That is why the Commission has established the uniform procedures for quasi-judicial hearings that will be followed today.

Chairman Nunn called the proceeding to order.

Clerk, Alicia Rosenthal, confirmed the City complied with advertisement and notice requirements.

Chairman Nunn inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Mr. Hayek– yes

Mr. Hula – no

Chairman Nunn - no

Chairman Nunn opened the public hearing.

Clerk, Alicia Rosenthal, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth, and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Staff Presentation:

Brandon Creagan, Planner, stated the applicant is requesting the Board of Adjustment approve four (4) Variances to deviate from City Code to construct a manufactured home community. This property was formally a mobile home park in the mid 2000's, however due to extensive

hurricane damage, the park was forced to close. All that remains of the park are the concrete pads, roads, a few trees, and an accessory building that is located adjacent to US Highway 1. Staff recommends that the Board of Adjustment approve the following four (4) Variances, subject to two (2) Conditions of Approval:

1. A Variance from Section 125-246(2)(b) to allow for internal streets to be twenty (20) feet wide in lieu of thirty (30) feet wide.
2. A Variance from Section 125-246(3)(c) to remove the requirement to provide laundry facilities in a service building.
3. A Variance from Section 125-246(11)(a) to remove the requirement to provide a centralized storage area for boats, campers, camping trailers, and/or automobiles.
4. A Variance from Section 125-319(4) to remove the requirement to provide a storage building for each lot or mobile home space or at least one common storage facility.

The two (2) Conditions of Approval are as follows:

1. No storage of boats, campers, or camping trailers on site.
2. Each manufactured home shall have or provide for a washing machine & dryer unit.

Board questions for Staff: None

Applicant questions for Staff: None

Applicant presentation:

Brian Nolan, Applicant Representative from Lucido and Associates, sworn, stated Yes Communities purchased the parcel and also owns the manufactured home park, Sandhill Shores, immediately to the south. An application is in with the planning department to redevelop the site which includes clean up, re-doing the club house facilities and bringing in new manufactured homes. We ran into an antiquated code that is not applicable in today's manufactured homes. Overly wide streets were meant to accommodate the frequent locating and relocating of manufactured homes. New sidewalks will be installed for safe pedestrian access. Each manufactured home unit will have its own washer and dryer. Storage of boats and campers is not preferred and there are several storage facilities nearby. Residence can have a shed on their property if they prefer.

Board questions for Applicant: Will the existing roads be paved? Will the developer or city be responsible for policing storage of boats and campers on site? Is the site tied into city sewer? Is there stormwater on site? What is the price range of the modular homes?

Henry Vorpe, Civil Engineer from AVA Engineering, sworn, stated the road system is in good shape and they will be doing a full milling and resurfacing. The drainage is in and we will be re-doing some of the water and sewer to bring it up to current Department of Environmental Protection standards. There is some stormwater treatment on site and there is very little impervious area.

Babu Hawlader, Regional Manager for Yes Communities of Florida, sworn, stated the 202 manufactured homes will be selling from \$60,000 to \$75,000 and the owner will pay rent for the land because it belongs to Yes Communities. The landscape will be brought up to current standards.

Mr. Sweeney asked Mr. Hawlader to clarify enforcement due to the structure of the ownership. Mr. Hawlader said there will be guidelines and community rules that the owners will have to sign with the lease. If they are violating the lease, legal action will take place.

Public comment: None

Chairman Nunn, seeing no one else, closed the public hearing.

Comments by the Board: None

Motion was made by Charles Hayek and seconded by Stanley Hula to approve the following four (4) Variances, subject to two (3) Conditions of Approval:

- 1. A Variance from Section 125-246(2)(b) to allow for internal streets to be twenty (20) feet wide in lieu of thirty (30) feet wide.**
- 2. A Variance from Section 125-246(3)(c) to remove the requirement to provide laundry facilities in a service building.**
- 3. A Variance from Section 125-246(11)(a) to remove the requirement to provide a centralized storage area for boats, campers, camping trailers, and/or automobiles.**
- 4. A Variance from Section 125-319(4) to remove the requirement to provide a storage building for each lot or mobile home space or at least one common storage facility.**

The two (3) Conditions of Approval are as follows:

- 1. No storage of boats, campers, or camping trailers on site.**
- 2. Each manufactured home shall have or provide for a washing machine & dryer unit.**
- 3. Landscape will be brought up to city code.**

AYE: **Charles Hayek, Stanley Hula, William Nunn, Chairman**
Passed

8. DISCUSSION / OTHER BUSINESS

Ms. Guerra explained the Board of Adjustment meetings will now take place at 2:00 PM on the 4th Thursday of the month.

9. COMMENTS FROM THE PUBLIC

There were no comments from the public.

10. ADJOURNMENT