

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, DECEMBER 3, 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: **James Crist, Vice-Chair; Stanley Hula; Charles Hayek; William Nunn, Chair**

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

4. CONSIDERATION OF ABSENCES

All members were in attendance.

- a. Absence from the August 27, 2020 meeting

Motion was made by Charles Hayek, and seconded by Stanley Hula to approve the absence of Mr Crist from the August 27, 2020 meeting.

**AYE: Charles Hayek, Vice-Chair James Crist, Stanley Hula, Chair William Nunn
Passed**

5. APPROVAL OF MINUTES

- a. Minutes from the August 27, 2020 meeting

Motion was made by Charles Hayek, and seconded by Stanley Hula to approve the minutes from the August 27, 2020 meeting.

AYE: Stanley Hula, Charles Hayek, Vice-Chair James Crist, Chair William Nunn

Passed

6. NEW BUSINESS

a. Variance to Exceed Lot Coverage - Colleran Residence - 1675 Thumb Point Drive

The clerk introduced the Variance for the Colleran residence located at 1675 Thumb Point Drive.

Vice-Chair Crist asked the Assistant City Attorney, Tanya Earley, to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, Tanya Earley, Assistant 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.

Vice-Chair Crist called the proceeding to order.

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

Vice-Chair Crist inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Mr. Crist - no
Mr. Hayek - no
Mr. Hula - no
Chairman Nunn - yes

Vice-Chair Crist 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:

Rebeca Guerra, Assistant Planning Director, explained the ADA improvements needed on the first floor are requiring the Variance. The proposed single-family home and structures will exceed the established lot area restrictions noted unless the Variance is granted. The proposed home will meet the yard (setback) and height standards of the district. With the exception of the proposed Jacuzzi and decking, the site plan provided meets all other applicable codes contained in Chapter 125 of the Land Development code. The location of the two structures shall be addressed as part of the building permit review process. The applicant has been made aware of the issue and will be looking for alternative locations on the property that meet code. If the Variance is approved, the additional lot coverage will not adversely affect traffic flow, safety and

control, pedestrian safety, and convenience or visibility at any street intersections, drives, rights-of-way, curb cuts, or crosswalks.

Board questions for Staff: Mr. Hayek asked the number of homes in the neighborhood that have been granted lot coverage Variances. Mr. Hula asked the cost of the Variance application.

Applicant questions for Staff: None

Applicant presentation:

Frank Colleran, owner, sworn, stated there are nine homes on the same side of the street that have exceeded the 25% lot coverage and one home is currently being built that exceeds the lot coverage. Mr. Colleran explained that if his home was located on the other side of the street he would meet the 30% lot coverage requirement. Mr. Colleran highlighted that the walkways and through ways are being extended for wheelchair access.

Board questions for Applicant: None

Public comment: None

Vice-Chair Crist, 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 29% lot coverage Variance for 1675 Thumb Point Drive.

AYE: **Vice-Chair James Crist, Stanley Hula, Charles Hayek**

NAY: **Chair William Nunn**

Passed

b. Updated Board of Adjustment Rules of Procedure

This item was pulled and will be forwarded to the next Board of Adjustment meeting.

7. DISCUSSION / OTHER BUSINESS

8. COMMENTS FROM THE PUBLIC

There were no comments from the public.

9. ADJOURNMENT

