



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

FROM: Rebeca Guerra, AICP, LEED-AP, CPD, Assistant Planning Director

RE: **Application for Variance**
Exceed Minimum Side Yard Setback
2203 South Indian River Drive

MEETING DATE: April 22, 2021

STAFF REPORT

Owner/Applicant: John & Susan Parry
 2203 South Indian River Drive
 Fort Pierce, FL 34950

Requested Action: Variance from Section 125-188(b)(2)b. to allow for a side setback of 8 feet in lieu of the Code-required fifteen (15) feet.

Location: 2203 South Indian River Drive

Parcel ID: 2414-333-0002-000-4

Zoning: E-1, Single Family Estate Density

Future Land Use: RL, Low Density Residential

Parcel Size: 0.5 acres/21,808 Square Feet

Proposed Side Setback: 8 feet

Surrounding Zoning:

North	East	South	West
E-1	Indian River	E-1	I-1

Staff Analysis:

In accordance with Article II of Chapter 125 of the City Code, the applicant is requesting the Board of Adjustment approve a Variance from Section 125-188(b)(2)b. to allow for a side setback of 8 feet in lieu of the Code-required fifteen (15) feet in order to install a whole-house generator.

The subject site has a lot size of 21,808 or 0.5 acres. The minimum lot size in the E-1 Zone is 1 acre, which makes this lot at least half as big as the majority of properties in the immediate area. Moreover, as this home and the lot it sits on were created in the 1920's, they are considered to be a legal nonconforming structure and a legal nonconforming lot as the construction of the home and the creation of the lot pre-date the City of Fort Pierce's Code for the E-1 Zone which was in 1981.

The proposed whole-house generator would sit on the south side of the property approximately eight feet from the property line. The neighbor to the south which immediately abuts the subject site has submitted a letter indicating his support for the generator's location and the necessary variance needed in order for the installation to occur in the requested area. A copy of this letter has been provided.

The site plan provided for the generator meets all other applicable codes contained in Chapter 125 of City Code. If the Variance is approved, the location of the whole-house generator will not appear to 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. The Technical Review Committee did not have any comments or objections regarding the placement of the generator.

Variance Criteria:

The following criteria are specified in City Code 125-100, 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 provision 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.
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 owner's response to the above criteria is attached to the submittal pack with the application.

Property Owner Response Survey:

A total of five (5) notifications were mailed to abutting property owners. As of April 15, 2021, no letters of objection or support have been received. An update will be provided at the Board of Adjustment meeting.

Staff Recommendation:

Staff recommends that the Board of Adjustment APPROVE a Variance from Section 125-188(b)(2)b. to allow for a side setback of 8 feet in lieu of the Code-required fifteen (15) feet.