

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, **APRIL 22, 2021**, 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: Charles Hayek; Darryl Bey; Bill Nunn, Chairman

Absent: James Crist

Staff Present: Rebeca Guerra, Assistant Planning Director
Alicia Rosenthal, Executive Assistant

4. **CONSIDERATION OF ABSENCES**

Motion was made by Charles Hayek, and seconded by Darryl Bey to approve the absence of Mr. Crist.

AYE: Darryl Bey, Charles Hayek, Chairman Bill Nunn
Passed

5. **APPROVAL OF MINUTES**

a. Minutes from the February 25, 2021 meeting

Motion was made by Charles Hayek, and seconded by Darryl Bey to approve the minutes from the February 25, 2021 meeting.

AYE: Charles Hayek, Darryl Bey, Chairman Bill Nunn
Passed

6. PUBLIC HEARING

a. Variance - Parry Residence - 2203 S. Indian River Drive

The clerk introduced the Variance for the Parry Residence located at 2203 South Indian River Drive.

Chairman Nunn read the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, Chairman Nunn 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.

The clerk 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– no

Mr. Bey - no

Chairman Nunn - no

Chairman Nunn opened the public hearing.

The clerk 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, gave an overview of the application. 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 first in the early 1900's and then 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. Ms. Guerra stated the applicant received two letters of support from neighboring properties that voiced no objections.

Board questions for Staff: None

Applicant questions for Staff: None

Applicant presentation: John Parry, owner, sworn, provided the Board with a brief history of his home.

Board questions for Applicant: None

Public comment: None

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

Motion was made by Charles Hayek, and seconded by Darryl Bey **to approve the Variance.**

AYE: Charles Hayek, Darryl Bey, Chairman Bill Nunn
Passed

7. DISCUSSION / OTHER BUSINESS

8. COMMENTS FROM THE PUBLIC

There were no comments from the public.

9. ADJOURNMENT