



**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**  
**1111 Fernandina Street**

**MEETING DATE:** May 27, 2021

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**STAFF REPORT**

**Owner/Applicant:** Charles C. Hayek & Kathleen A. Gilmartin  
 1111 Fernandina Street  
 Fort Pierce, FL 34949

**Requested Action:** Variance from Section 125-192(b)(2)b. to allow for a two (2) foot side yard setback in lieu of the Code-minimum seven (7) feet.

**Location:** 1111 Fernandina Street

**Parcel ID:** 2401-431-0002-000-5

**Zoning:** Single-Family Intermediate Density Zone (R-2)

**Future Land Use:** Low Density Residential (RL)

**Parcel Size:** 0.67 acres/29,000 Square Feet

**Proposed Side Setback:** 2 feet

**Surrounding Zoning:**

North	East	South	West
R-2	R-2	R-2	Indian River

**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 125-192(b)(2)b. to allow for a side setback of two (2) feet in lieu of the Code-required seven (7) feet in order to install a whole-house generator.

The proposed whole-house generator would sit on the northern side of the property approximately two feet from the property line. The neighbor to the north which immediately abuts the subject site has submitted a letter indicating their 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 applicant has indicated that the generator's placement has been dictated by the location of the existing electric panel and gas tank along the northern side of the house. Moving the generator closer to the street or in the back yard, they reason, would make electrical and other connections difficult due to the distance and size of wiring needed. Moreover, its proposed location would be obscured by a 5½-foot CBS wall and a hedge of 18-foot Areca Palms.

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 six (6) notifications were mailed to abutting property owners. As of May 20, 2021, two (2) letters of support have been received, and none in objection. 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 125-192(b)(2)b. to allow for a side setback of two (2) feet in lieu of the Code-required seven (7) feet.