



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

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

**RE:** **Application for Two (2) Variances  
 Allow For 6-Foot Front Yard Fence  
 Encroach Front Yard Setback  
 1363 Bayshore Drive**

**MEETING DATE:** May 27, 2021

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**STAFF REPORT**

**Owner/Applicant:** Michael Jacquin & Casi Jacquin  
 P.O. Box 4343  
 Fort Pierce, FL 34948

**Requested Actions:** Variance from Section 125-322(c)(1)a. to allow for a six (6) foot high fence to be erected within the front yard in lieu of the Code-maximum of four (4) feet.

Variance from Section 125-191(c)(1)a. to allow for a front setback of one (1) foot in lieu of the Code-required twenty-five (25) feet.

**Location:** 1363 Bayshore Drive

**Parcel ID:** 2401-603-0001-000-5

**Zoning:** Single-Family Low Density Zone (R-1)

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

**Parcel Size:** 0.52 acres/22, 596 Square Feet

**Proposed Fence Height:** 6 feet

**Proposed Front Setback:** 1 foot

**Surrounding Zoning:**

North	East	South	West
R-1	Indian River	R-4A	R-4A

**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 125-322(c)(1)a. to allow for a six (6) foot high fence/wall to be erected within the front yard in lieu of the Code-maximum of four (4) feet and a variance from Section 125-191(c)(1)a. to allow for a front setback of one (1) foot in lieu of the Code-required twenty-five (25) feet. The

fence/wall will have an approximately 35-square foot big, 12-foot-high covered structure attached. It is this accessory structure that will have the one (1) foot setback from the front property line.

The first variance is requested in order to erect a 6 (six) foot tall masonry fence/wall approximately four feet from the front property line. The proposed fence/wall will be completely opaque and run the length of the western property line, wrapping ten feet along both sides, and interrupted by an eighteen-foot wide, aluminum double-door entrance gate. The homes along Bayshore Drive, in contrast, are all open and unenclosed by fencing of any kind, save for the property facing the subject site which has a 4-foot high, vinyl-coated, open chain link fence. The proposed fence/wall would be the only single-family home to have this kind of structure, making it both inconsistent and incompatible with the immediate area and development style. This area of South Hutchinson Island gives the sense of an open, airy neighborhood with an inviting sense of community. The proposed fence/wall lends itself to more of an enclosed, compound-type situation that is distinctly different in sight and feeling. The subject site has no discernable special circumstances or hardships which would justify a variance being granted. In fact, there is an approximately 100-foot distance from the front property line to the front façade of the three-car garage where the fence/wall may be relocated. Additionally, the fence/wall may be reduced to four feet in height and remain in its proposed location should the applicants still wish to enclose the entirety of their front yard. Lastly, if the variance is approved, the location of the fence/wall (and attached accessory structure) will appear to adversely affect traffic flow, safety and control, pedestrian safety, and convenience or visibility of the driveway, rights-of-way, and other curb cuts.

The second variance is for the approximately 35-square foot, 12-foot-high covered structure that would be attached to the proposed fence/wall. The applicants are proposing to locate the structure one (1) foot from the front property line. Although the application has indicated that the structure is a "guardhouse," after speaking with one of the applicants, it will actually be used as a covered, pedestrian walk-through which may also be utilized for temporary storage. As indicated previously, the subject site has no discernable special circumstances or hardships which would justify this variance being granted. And as also stated before, the proposed structure would be the only single-family home to have this kind of construction, making it both inconsistent and incompatible with the immediate area and development style. If the applicants wish to have a covered pedestrian walk-through onto their property, a gated, roofed opening (like an arbor, pergola, etc.) could be incorporated into the proposed fence/wall which would be more in keeping with the neighborhood's overall aesthetic. Staff would be willing to support such a covered opening, up to 7 feet in height, as an alternative with a variance.

#### **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, no letters of support or objection have been received. An update will be provided at the Board of Adjustment meeting.

**Staff Recommendations:**

Staff recommends that the Board of Adjustment DENY a Variance from Variance from Section 125-322(c)(1)a. to allow for a six (6) foot high fence to be erected within the front yard in lieu of the Code-maximum of four (4) feet.

Staff recommends that the Board of Adjustment DENY Variance from Section 125-191(c)(1)a. to allow for a front setback of one (1) foot in lieu of the Code-required twenty-five (25) feet.