



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

**THRU:** Jenn Hofmeister-Drew, AICP, LCAM, Planning Director

**FROM:** Brandon C. Creagan, MCRP, LEED Green Associate, Senior Planner

**RE:** **Application for Variance  
 To Exceed Minimum Side Yard Setback  
 Parcel ID: 2412-501-0132-000-3**

**MEETING DATE:** June 24, 2021

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**STAFF REPORT**

**Owner/Applicant:** Surfside Land LLC  
 9481 Campi DR  
 Lake Worth, FL 33467

**Requested Action:** Variance from Section 125-195(b)(2)b. to allow for a six (6) foot side yard setback in lieu of the Code-minimum ten (10) feet for a quadraplex.

**Location:** TBD Surfside Drive

**Parcel ID:** 2412-501-0132-000-3

**Zoning:** Hutchinson Island Medium Density (R-4A)

**Future Land Use:** Hutchinson Island Residential (HIR)

**Parcel Size:** 0.54 acres/23,500 Square Feet

**Proposed Side Setback:** 6 feet

**Surrounding Zoning:**

North	East	South	West
R-4A	Ocean	R-1	R4-A

**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 125-195(b)(2)b. to allow for a side setback on the north property line from the Code-required 10 feet for the residential building to approximately six (6) feet from the property line. The structure will maintain the required 10-foot setback on the southern property line.

The applicant has indicated that the residential structure placement has been dictated by the overall width of the lot. By right, the applicant is permitted four (4) residential units on the property due to the density allowed in the R-4A zoning district. The applicant notes that the lot width is atypical for a lot that is zoned for multi-family. The applicant also stated that the placement of both the dune and Coastal Construction Control Line (CCCL) has limited the owner's ability to fully utilize the property for construction of buildings. Staff has determined that the justification constitutes a hardship and a reason to recommend approval to grant the Variance for a side yard setback of six (6) feet in lieu of 10 feet on the northern property line.

The site plan displays a residential structure that meets all other applicable codes contained in Chapter 125 of City Code. It is staff's professional opinion that the location of the residential structure 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. The Engineering Department has approved the proposed site plan, which involved numerous revisions to meet Engineering design standards.

### **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 29 notifications were mailed to abutting property owners. As of June 18, 2021. An update will be provided at the Board of Adjustment meeting regarding those in support or opposition to the request.

### **Staff Recommendation:**

Staff recommends that the Board of Adjustment APPROVE a Variance from Section 125-195(b)(2)b. to allow for a side setback of six (6) feet in lieu of the Code-required 10 feet.