

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, **JUNE 24, 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: James Crist; Jaimebeth Galinis; Darryl Bey, Chairman

Absent: Charles Hayek

Staff Present: Jennifer Hofmeister, Planning Director
Rebeca Guerra, Assistant Planning Director
Vennis Gilmore, Senior Planner
Alicia Rosenthal, Executive Assistant

4. CONSIDERATION OF ABSENCES

Motion was made by James Crist, and seconded by Jaimebeth Galinis to approve the absence of Mr. Hayek.

AYE: James Crist, Jaimebeth Galinis, Chairman Darryl Bey

Passed

5. APPROVAL OF MINUTES

- a. Minutes from the May 27, 2021 meeting

Motion was made by Jaimebeth Galinis, and seconded by James Crist to approve the minutes from the May 27, 2021 meeting.

AYE: Jaimebeth Galinis, James Crist, Chairman Darryl Bey
Passed

6. PUBLIC HEARINGS

a. **Variations For Fence Height & Front Yard Setback - Jacquin Residence - 1363 Bayshore Drive**

The clerk introduced the Variations for the fence height and front yard setback for the Jacquin Residence located at 1363 Bayshore Drive.

Chairman Bey asked the clerk to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, the clerk, 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 Bey called the proceeding to order.

The clerk confirmed the City complied with advertisement and notice requirements.

ChairmanBey inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Ms. Galinis - yes
Mr. Crist - yes
Chairman Bey - no

Chairman Bey 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. 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, 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, except 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. There is an approximately 100-foot distance from the front property line to the front facade of the three-car garage where the fence/wall may be relocated. 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. 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," the applicant stated it will actually be used as a covered, pedestrian walk-through which may also be utilized for temporary storage. The subject site has no discernable special circumstances or hardships which would justify this Variance being granted. 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.

Board questions for Staff: Ms. Galinas asked if pedestrian access would be allowed on the alleyway behind the property. Ms. Guerra stated the alleyway is private property and access would not be allowed. Mr. Crist asked if the guardhouse needed to be reduced in size. Ms. Guerra stated the Board has many options to consider.

Applicant questions for Staff: None

Applicant presentation: Mke Jacquin, owner, sworn, spoke to the three most impacted neighbors and received letters in favor of the Variances. Mr. Jacquin confirmed with staff that the structure could still be built without any Variances if it was moved back 25 feet to the setback. Mr. Jacquin explained to the Board that the increased elevation and safety are the main reasons for the Variances and he added that lighting will be provided on the guardhouse.

Board questions for Applicant: Mr. Crist clarified the distance from the structure.

Public comment: None

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

Motion was made by Jaimebeth Galinis, and seconded by James Crist to deny the Variance from Section 125-322(c)(1)a. to allow for a 6-foot high fence to be erected within the front yard in lieu of 4 feet.

AYE: James Crist, Jaimebeth Galinis, Chairman Darryl Bey
Passed

Motion was made by Jaimebeth Galinis, and seconded by James Crist to approve the Variance from Section 125-191(c)(1)a. to allow for a front setback of 21 feet in lieu of 25 feet.

AYE: James Crist, Jaimebeth Galinis, Chairman Darryl Bey
Passed

b. Variances for Lot Width and Setback - Desota Residences - 1403 Desota Street

The clerk introduced the Variances for the lot width and setback for the Desota Residences located on 1403 Desota Street.

Chairman Bey called the proceeding to order.

The clerk confirmed the City complied with advertisement and notice requirements.

Chairman Bey inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Crist - yes
Ms. Galinis - yes
Chairman Bey - yes

Chairman Bey 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:

Vennis Gilmore, Senior Planner, gave an overview of the application. In accordance with Article II of Section 125 of the City Code, the applicant is requesting to seek relief from the provisions of Section 121.11(g)(12) of the Code of Ordinances for the City of Ft. Pierce. The petitioner is seeking relief to permit a corner lot, on a re-subdivided parcel of land having less than the required 75-foot minimum lot width. The lot width requested is 59-feet. The applicant is also requesting to seek relief from the required 50-foot corner setback for the residential driveway located on proposed Lot #1 of the proposed Desota Residences site plan. The requested Variances will be to permit the location of a single-family driveway, at 46 feet from the edge of the adjacent travel-way (eastbound lanes of Seaway Drive). If approved, the edge of the driveway will be 46 feet from the edge of the travel way.

The petitioner is proposing to re-subdivide the property into five (5) building sites, with the objective of providing for the construction of five (5) new homes on the property, consistent with the sites R4A zoning density. It is the objective of the petitioner to convey ownership of these units through a fee simple ownership form. In order to meet the minimum lot area of

requirements of the R4A zoning district, each platted (or replatted) lot is to have a minimum lot area of 5,000 square feet, per dwelling unit. Each of the lots proposed in this subdivision will have a lot area of at least, 5,000 square feet, with the lot subject to this specific Variance request being 8,975 feet (more or less) in area, with a minimum lot width of 59 feet.

Board questions for Staff: Mr. Crist asked if the height of the privacy wall will need a Variance. Ms. Galinas asked if indication road signs will be added on Desota Street, since it is not clear if you are turning on a one-way or two-way road, which creates a dangerous situation. Ms. Hofmeister stated this will be addressed with the Engineering department.

Applicant questions for Staff: None

Applicant presentation: Dennis Murphy, Culpepper and Terpening, sworn, explained the lot has been vacant for a long time and this proposal is for a high quality residential product consisting of five units, which will be an enhancement to the neighborhood.

Board questions for Applicant: Ms. Galinas asked what will happen to the street light pole that is located on the property, that connects to the house across the street. Mr. Murphy explained they will be working with FPUA to relocate all utilities as necessary. Ms. Galinas asked if sidewalks will be added on Desota Street. Mr. Murphy said sidewalks will be in the right-of-way and terminate before Binney Drive.

Public comment: None

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

Motion was made by James Crist, and seconded by Jaimebeth Galinis to approve the proposed two Variances, with no changes.

AYE: Jaimebeth Galinis, James Crist, Chairman Darryl Bey
Passed

c. **Variance - Surfside Quadruplex - Parcel ID: 2412-501-0132-000-3**

This item will be continued until the next Board of Adjustment meeting on July 22, 2021.

7. DISCUSSION / OTHER BUSINESS

8. COMMENTS FROM THE PUBLIC

There were no comments from the public.

9. ADJOURNMENT