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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, **JULY 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; Jaimebeth Galinis; Darryl Bey, Chairman

Absent: James Crist

Staff Present: Jennifer Hofmeister-Drew, Planning Director
Brandon Creagan, Senior Planner
Alicia Rosenthal, Executive Assistant

4. CONSIDERATION OF ABSENCES

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

AYE: Charles Hayek, Jaimebeth Galinis, Chairman Darryl Bey
Passed

5. APPROVAL OF MINUTES

a. Minutes from the June 24, 2021 meeting

Motion was made by Charles Hayek, and seconded by Jaimebeth Galinis to approve the minutes from the June 24, 2021 meeting.

AYE: Charles Hayek, Jaimebeth Galinis, Chairman Darryl Bey
Passed

6. PUBLIC HEARINGS

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

The clerk introduced the Variance for the Surfside Quadruplex - Parcel ID: 2412-501-0132-000-3

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.

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

Ms. Galinis - yes
Mr. Hayek - no
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:

Brandon Creagan, Senior Planner, 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 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 multifamily. 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.

Board questions for Staff: Chairman Bey asked if letters were sent out to the surrounding community. Mr. Creagan explained there were two rounds of letters that were mailed out. He stated 29 letters were sent out in June before the item was postponed and two responses, not in support of the Variance, were received. No responses were received from the second round of mailings. Ms. Hofmeister-Drew noted that there was some confusion when the first letter went out because the map indicated the entire lot size, which showed the property line going to the waters edge. The second letter delineated the foot print to show where the actual structure would be.

Ms. Galinis asked how far the buildings are from the road. Mr. Creagan said they are 25 feet from the property line and more than 25 feet from the road.

Applicant questions for Staff: None

Applicant presentation: William Stoddard, sworn, explained they have worked with staff and tried to minimize the impacts as much as possible. It is a very tight site to develop because of the Coastal Construction Control Line and the lot width. Mr. Stoddard highlighted that the 6-foot side yard setback is the absolute minimum and it is in harmony with the development immediately to the north.

Board questions for Applicant:

Public comment: None

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

Motion was made by Charles Hayek, and seconded by Jaimebeth Galinis to approve the Variance for the Surfside Quadruplex, Parcel ID: 2412-501-0132-000-3.

AYE: Jaimebeth Galinis, Charles Hayek, Chairman Darryl Bey
Passed

7. DISCUSSION / OTHER BUSINESS

8. COMMENTS FROM THE PUBLIC

There were no comments from the public.

9. ADJOURNMENT

