

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, **APRIL 28, 2022, 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: KeAndrea Davis; Charles Hayek; James Crist; Darrell Drummond; Jaimebeth Galinis, Chair

Staff Present: Vennis Gilmore, Senior Planner
Alicia Rosenthal, Planning and Development Organizer

Attendees: Lance Lilly, Senior Planner
Fran Ross, Board Attorney

4. CONSIDERATION OF ABSENCES

All Board members were in attendance.

5. APPROVAL OF MINUTES

a. Minutes from the March 24, 2022 meeting

Motion was made by Charles Hayek, and seconded by KeAndrea Davis to approve the minutes from the March 24, 2022 meeting.

AYE: James Crist, KeAndrea Davis, Charles Hayek, Chair Jaimebeth Galinis

Other: Darrell Drummond (ABSTAIN)

Passed

6. PUBLIC HEARINGS

a. Variance - Lexus Billboard - 5121 S. US Highway 1

The clerk introduced the Variance for the Lexus Billboard located at 5121 S. US Highway 1.

The chair asked the Board attorney 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.

The Chair called the proceeding to order.

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

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

Ms. Davis- no

Mr. Hayek - yes

Mr. Crist - yes

Mr. Drummond - no

Chair Galinis - yes

The Chair 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:

Lance Lilly, Senior Planner, gave an overview of the application. The applicant is requesting a 25-foot variance to increase in the allowable off-premises sign height of 25 feet to 50 feet. Per the applicant, the 25-foot variance is being requested in order to achieve the required visibility. The recommendation of Staff is to grant approval of the requested variance for the proposed 25-foot variance to increase in the allowable off-premises sign height of 25 feet to 50 feet; based upon the justification presented by the applicant with respect to the criteria for granting a Variance specified in Section 125-100.

Board questions for Staff: Mr. Drummond asked if surrounding businesses have higher signs than code allows for. Mr. Drummond asked if a code change has been made for sign height in C-3 zoning. Chair Galinis asked if there is any value to the city by increasing the height of

the sign. Mr. Drummond asked if the sign on the property was originally in the county and annexed into the city. Mr. Drummond asked how staff reached the decision to recommend approval. Mr. Drummond asked if the vision of the city was to have all the signs at 25 feet.

Applicant questions for Staff: None

Applicant presentation: Donald Cuozzo, Applicant Representative, sworn, provided history on the off-premise sign. He stated there was a static sign on the property for years, and it was changed to a digital sign and to meet code it was reduced to 25 feet. Mr. Cuozzo said there are existing signs on US Highway 1 that are 50 feet in height. He noted that since the building is 65 feet and the landscaping is higher than 25 feet, the 25-foot sign is hard to see. Mr. Cuozzo stated that the sign is used for the Lexus dealership and the owner of the dealership allows non-profit organizations to advertise for free. Mr. Cuozzo explained that the sign cannot be moved up on the property due to an FPL line and the height of the car carrier.

Board questions for Applicant: Ms. Davis ask if there are any 50 foot signs within a close radius to the proposed location. Mr. Drummond asked what the conditions are that are peculiar to the property and are not applicable to other lands, structures or buildings in the same zoning district. Mr. Hayek asked if the sign is important to the business of Lexus.

Public comment: None

Applicant final comment: Mr. Cuozzo stated he is requesting the additional height of the sign due to the angle, existing building and landscaping height.

The Chair, seeing no one else, closed the public hearing.

Motion was made by Darrell Drummond, and seconded by KeAndrea Davis to approve the proposed 25-foot variance to increase in the allowable off-premises sign height of 25 feet to 50 feet.

AYE: Darrell Drummond, KeAndrea Davis, Charles Hayek, James Crist, Chair Jaimebeth Galinis

Passed

7. DISCUSSION / OTHER BUSINESS

8. COMMENTS FROM THE PUBLIC

There were no comments from the public.

9. ADJOURNMENT