

# DRAFT



CITY OF FORT PIERCE  
**BOARD OF ADJUSTMENT**

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## Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, **JUNE 23, 2022**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

### 1. CALL TO ORDER

Prior to the Call to Order, Ms. Earley, City Attorney, asked the Board members to present a motion for a member to act as Chair for the meeting.

Motion was made by Darrell Drummond, and seconded by KeAndrea Davis for Mr. Crist to be the acting Chairman for the meeting.

AYE: Darrell Drummond, KeAndrea Davis, Vice-Chair James Crist  
Passed

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

Present: Darrell Drummond; James Crist, Vice-Chair; KeAndrea Davis

Absent: Charles Hayek; Jaimebeth Galinis, Chair

Staff Present: Kev Freeman, Planning Director  
Tanya Earley, City Attorney  
Vennis Gilmore, Senior Planner

### 4. CONSIDERATION OF ABSENCES

Motion was made by Darrell Drummond, and seconded by KeAndrea Davis to approve the absence of Mr. Hayek and to defer the consideration of absence for Chair Galinis until the next Board meeting.

AYE: KeAndrea Davis, Darrell Drummond, Vice-Chair James Crist

Passed

## 5. APPROVAL OF MINUTES

- a. Minutes from the April 28, 2022 meeting

Motion was made by Darrell Drummond, and seconded by KeAndrea Davis to approve the minutes from the April 28, 2022, meeting with the amended voting change to Item 6a.

AYE: Darrell Drummond, KeAndrea Davis, Vice-Chair James Crist  
Passed

## 6. PUBLIC HEARINGS

- a. **Variance Application - Blackman Residence - 1627 Thumb Point Drive**

The clerk introduced the Variance for the Blackman Residence located at 1627 Thumb Point Drive.

The chair asked the Board attorney to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, the City Attorney, 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:

Mr. Drummond - yes  
Ms. Davis- no  
Mr. Crist - no

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:

Vennis Gilmore, Senior Planner, gave an overview of the application. The subject property has a Future Land Use designation of Low Density Residential (RL) with a compatible zoning district classification of Single-Family Low Density Residential Zone (R-1). The applicant is requesting a variance to deviate from City Code 125-191(b)(3) to allow for an increase of maximum allowed 25 percent of lot coverage to 31 percent. The proposed first level area calculation shows a total of 3,737 square feet when only 2,994 square feet is allowed. The Engineering department is requiring a revision to the two one-way driveways to provide a minimum width of 12' and that a minimum spacing of 40' shall be maintained between the driveways.

Board questions for Staff: Mr. Drummond asked if the recently divided lots meet the R-1 zoning requirement for size. Mr. Crist asked if the site plan has been updated to show the 12' driveway spacing.

Applicant questions for Staff: None

Ms. Earley informed the applicant that because there are only three Board members in attendance, the applicant can choose to proceed with three Board members, or come back when there are four or five members in attendance. Mr. Earley noted that three votes are needed to pass and if there is a denial, a waiting period would have to expire before coming back to the Board. The applicant also has the right to appeal a "no" vote to the city commission.

Applicant presentation: Huey Blackman, Applicant Representative, sworn, provided background on how he acquired the lot. He explained his wife wants to be high and dry during a hurricane, so the design of the house was lifted with the garage and storage on the first level and the living space on the top floor. Mr. Blackman stated it was challenging to get the house to fit inside the setbacks, and he was not aware of the 25% lot coverage. Mr. Blackman said the circle driveway can be removed if needed.

Board questions for Applicant: Mr. Crist asked if there is only one single family home.

Public comment: None

Board comment: Mr. Drummond said the application does not meet any of the requirements for granting a Variance and there is nothing unique about the site that requires something different be done. Mr. Crist is happy with the development on Thumb Point Drive and 25% lot coverage varies depending on the size of the lot.

Applicant final comment: Mr. Blackman said he would have to go back to the drawing board and create new plans and he highlighted that there are three houses on the street that have lot coverage over 30%.

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

Motion was made by KeAndrea Davis and seconded by Darrell Drummond to approve the Variance as requested.

AYE: KeAndrea Davis, Vice-Chair James Crist

NAY: Darrell Drummond

Failed

Ms. Earley explained a majority of the Board of Adjustment is necessary for a Variance to pass, so the motion failed, and a final action is needed from the Board.

Key Freeman recommended the Board continue the application to the next Board of

Adjustment meeting when more members can be in attendance.

Motion was made by Darrell Drummond, and seconded by KeAndrea Davis to continue the item to the next Board of Adjustment meeting on July 28, 2022.

AYE: KeAndrea Davis, Darrell Drummond, Vice-Chair James Crist  
Passed

**7. DISCUSSION / OTHER BUSINESS**

**8. COMMENTS FROM THE PUBLIC**

**9. ADJOURNMENT**

Motion was made by KeAndrea Davis, and seconded by Darrell Drummond to adjourn the meeting.

AYE: KeAndrea Davis, Darrell Drummond, Vice-Chair James Crist  
Passed