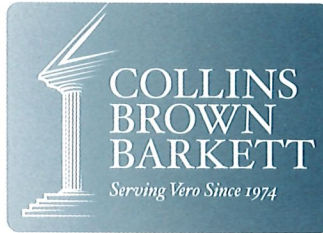


Bruce D. Barkett ⁵
Lisa Thompson Barnes ^{3,6}
Calvin B. Brown
Gregg M. Casalino ¹
George G. Collins, Jr. ¹
Aaron V. Johnson
C. Douglas Vitunac

Jonathan D. Barkett
Taylor Kennedy Lubas ^{2,8}
Ashley J. Novander ⁷
Megan N. Root

OF COUNSEL
William W. Caldwell (Ret.)
Ralph L. Evans
Michael J. Garavaglia ⁴
Steven L. Henderson ¹
P. Todd Kennedy ²



ATTORNEYS AT LAW

756 Beachland Boulevard Vero Beach, Florida 32963
Post Office Box 643686 Vero Beach, Florida 32964-3686

1. Board Certified Real Estate
2. Master Of Laws Taxation
3. Master Of Laws Real Property Development
4. Master Of Laws Estate Planning & Elder Law
5. Certified Circuit Mediator
6. Also Admitted In The Commonwealth Of The Bahamas
7. Master Of Laws In Environmental & Natural Resources
8. Master Of Business Administration

Sender's Email: Dvitunac@verolaw.com

June 20, 2023

Via Hand Delivery to:

Vennis Gilmore, Assistant Planning Director
City of Ft. Pierce
100 N. U.S. Highway 1
Fort Pierce, FL 34950

Re: Narrative for Variance Application
R & B Dixie Properties, LLC
2135 Old Dixie Hwy., Ft. Pierce, FL
Parcel ID: 1433-440-0001-010-5



Dear Mr. Gilmore:

First, thank you for taking my phone call about the variance process and confirming that a variance is the appropriate way to move forward with our need.

I represent R & B Dixie Properties, LLC, ("R & B") a Florida limited liability company, and its principal, Richard Donahue.

R & B is the owner of a commercial parcel of property, referenced above. The property is zoned Light Industrial, and is operated by a tenant, Offshore Performance Marine, which runs a marine equipment service shop on location.

Last year, Florida Department of Transportation took a part of the property in fee simple, through eminent domain, as part of a bridge construction project, and another part as a temporary construction easement.

The taking resulted in a reduction of the front set back by between about 31 feet at the south property line, to about 38 feet at the north property line. Prior to the taking, the property met the front set back requirement, having a front set back of about 43.1 feet. As a result of the taking, the setback is now 8.4 feet.

PHONE: 772.231.4343 | FAX: 772.234.5213 | WWW.VEROLAW.COM

Prior to the taking, the property had about a 16-foot landscaping buffer along Old Dixie Highway. After the taking, the property only has about 8.4 feet of landscape buffer, which is below the 10 feet required by code.

Thus, two non-conformities have been created by the taking for public use- front yard setback, and landscaping buffer requirements. These conditions are peculiar to the subject property, and not generally applicable to other properties in the zoning district. Instead, they were caused by the actions of the FDOT- not of the applicant, owner, or tenant.

There is an argument that the non-conformities should be considered grandfathered. To hold otherwise, or to hold that the conditions create an illegal use of the property would constitute the involuntary removal of vested use rights of the buildings. Due to this fact, several municipalities and counties have provisions that allow specifically for grandfathering of non-conformities created by takings. Ft. Pierce does not appear to have such an ordinance or policy, and instead, treats this situation as a cause for a variance.

The minimum variance requested is to reduce the front set back requirement to 8.3 feet, and landscaping requirement to 8.3 feet, which would allow the existing conditions.

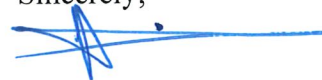
Without a variance, the owner would suffer undue hardship. To meet the literal requirements of the ordinances, the owner would hypothetically have to remove a large portion of the main building, and parking areas, and other on-site improvements that have existed from long before the taking.

The intent of set back ordinances was never to be applied to remove existing buildings, which were considered grandfathered at the time of the effective dates of these ordinances. Thus, the intent of the set back ordinances is preserved by allowing these old buildings to remain.

Enclosed with this application please find the completed application form, check with required fee, sketches and surveys of the property. At this time, the applicant is not requesting a site plan change, although in the future, applicant may perform some additional drainage improvements, which although shown on the proposed "cure" page, may be disregarded for the purposes of this variance application.

Please let me know if you have any questions for me, otherwise, please let me know how to set the matter for the required approval meeting/hearing.

Sincerely,



C. Douglas Vitunac
FOR THE FIRM

cc: Client.



VARIANCE

Property Information

Property address or Location

2135 OLD DIXIE HWY

Parcel ID #(s)

1433-440-0001-010-5

Project description

Variance on Front Setback and Landscape Buffering caused by DOT Taking

Reason for request

Eminent Domain taking of frontage for Road Right of Way for Bridge Construction

Existing Use: marine repair/ equipment service Date Property was Purchased: October 2009

Alterations made to the site since purchase: None applicable

Has a request for this variance been denied in the past? Yes No

If yes, what changed since the denial? n/a

R & B DIXIE PROPERTIES, LLC

Property Owner(s)

7496 Commercial Circle

Street Address

Fort Pierce FL 34951

City State Zip

772-231-4343

Phone Number

dvitunac@verolaw.com

Email Address

C. Douglas Vitunac, Attorney

Applicant/Representative, Title, Company

756 Beachland Blvd.

Street Address

Vero Beach FL 32963

City State Zip

772-231-4343

Phone Number

dvitunac@verolaw.com

Email Address

Property Owner(s) Acknowledgements: - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Representative to act in his/her behalf for the purposes of seeking approval for the application described herein. The undersigned consents to inspection and photographing of the subject property by the Planning staff for purposes of consideration of this Application and/or presentation to the Planning Board and City Commission.

Richard Donahue

Richard Donahue (Jun 15, 2023 13:41 EDT)

Property Owner(s) Signature(s)

APPOINTMENTS ARE REQUIRED FOR APPLICATION SUBMITTALS

CALL 772.467.3737 OR E-MAIL PLANNING_DL@CITYOFFORTPIERCE.COM

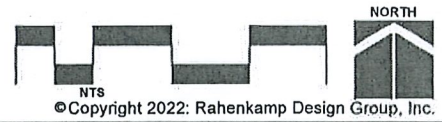
For more information, please refer to the website:

<https://www.cityoffortpierce.com/971/Application-Submittal-for-Technical-Rev1>



SUBJECT PROPERTY

Source: APLUS Aerial Imagery

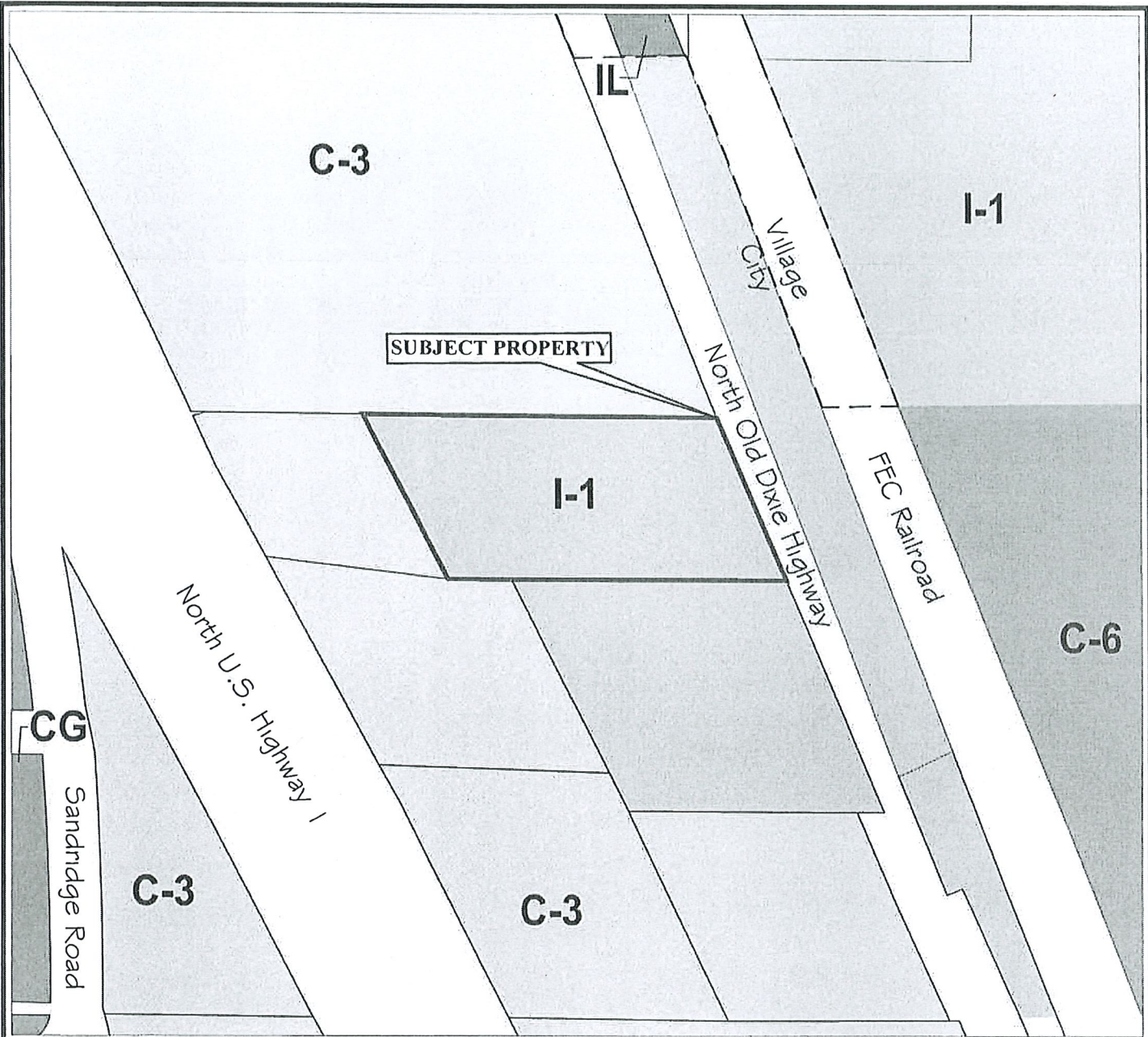


R & B Dixie Properties, LLC

2135 Old Dixie Highway
Fort Pierce, FL
Parcel Nos.: 109 & 707

AERIAL MAP


RAHENKAMP DESIGN GROUP, INC.
Development Services • Golf Course Architecture
Landscape Architecture • Land Use Planning
(L60000343) Eminent Domain
2816 S. MacDill Avenue
Tampa, Florida 33629
Phone (813) 835-4022 Fax (813) 835-9226
www.RDGroup.org



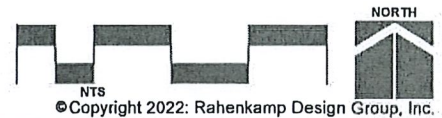
Fort Pierce Zoning

-  I-1: Light Industrial
-  C-3: General Commercial
-  C-6: Marine Commercial

St. Lucie Village Zoning

-  CG: Commercial General
-  IL: Industrial Light

Source: Fort Pierce and St. Lucie County



R & B Dixie Properties, LLC

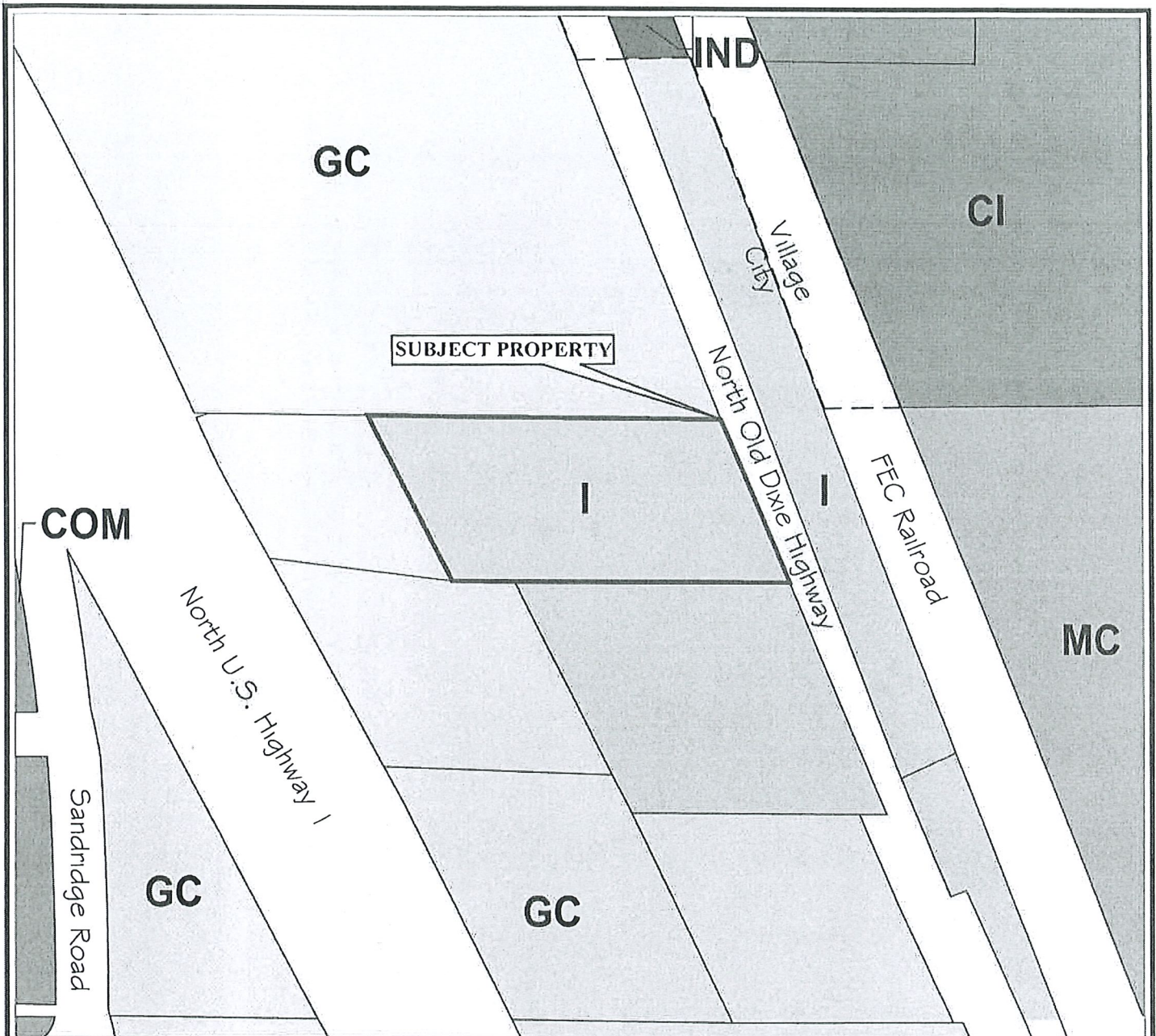
2135 Old Dixie Highway
 Fort Pierce, FL
 Parcel Nos.: 109 & 707

ZONING MAP

RAHENKAMP DESIGN GROUP, INC.

Development Services • Golf Course Architecture
 Landscape Architecture • Land Use Planning
(L.C.00003143) **Emblem Domain**



2816 S. MacDill Avenue
 Tampa, Florida 33629
 Phone (813) 835-4022 Fax (813) 835-9226
www.RDGroup.org



Fort Pierce Future Land Use

-  I: Industrial
-  CI: County Industrial
-  GC: General Commercial
-  MC: Marine Commercial

St. Lucie Village Future Land Use

-  COM: Commerical
-  IND: Industrial

Source: Fort Pierce and St. Lucie County

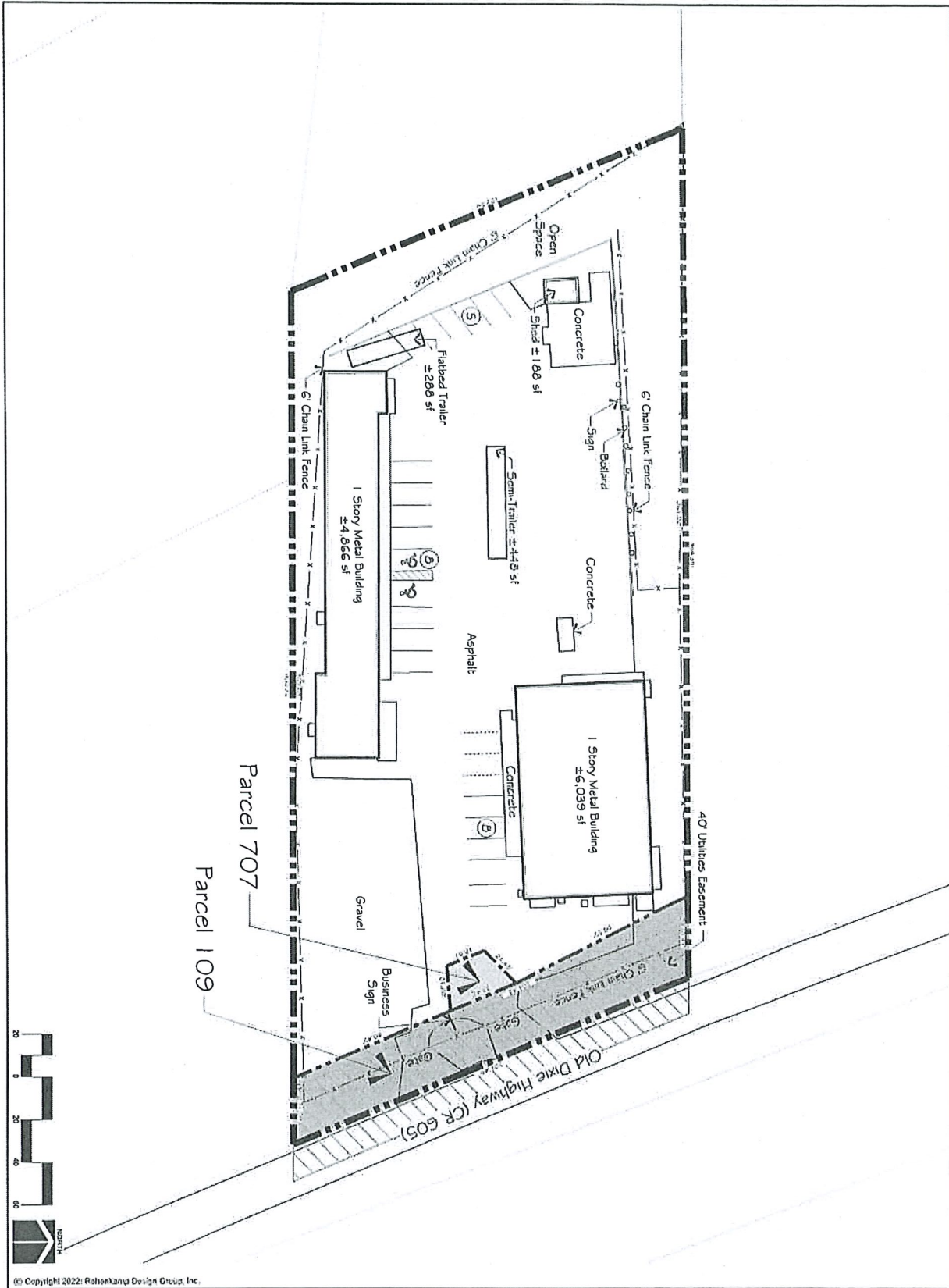


R & B Dixie Properties, LLC

2135 Old Dixie Highway
 Fort Pierce, FL
 Parcel Nos.: 109 & 707

FUTURE LAND USE MAP


RAHENKAMP DESIGN GROUP, INC.
 Development Services • Golf Course Architecture
 Landscape Architecture • Land Use Planning
(LC0000343) Eminent Domain
 2816 S. MacDill Avenue
 Tampa, Florida 33629
 Phone (813) 835-4022 Fax (813) 835-9226
www.RDGgroup.org



© Copyright 2022: Ralstonkamp Design Group, Inc.

Scale:	1" = 20'
Date:	17 June 21
Drawn:	ECN
Checked:	ECN
Revised:	2021
Sheet:	21.003
Project:	EC

R & B Dixie Properties, LLC

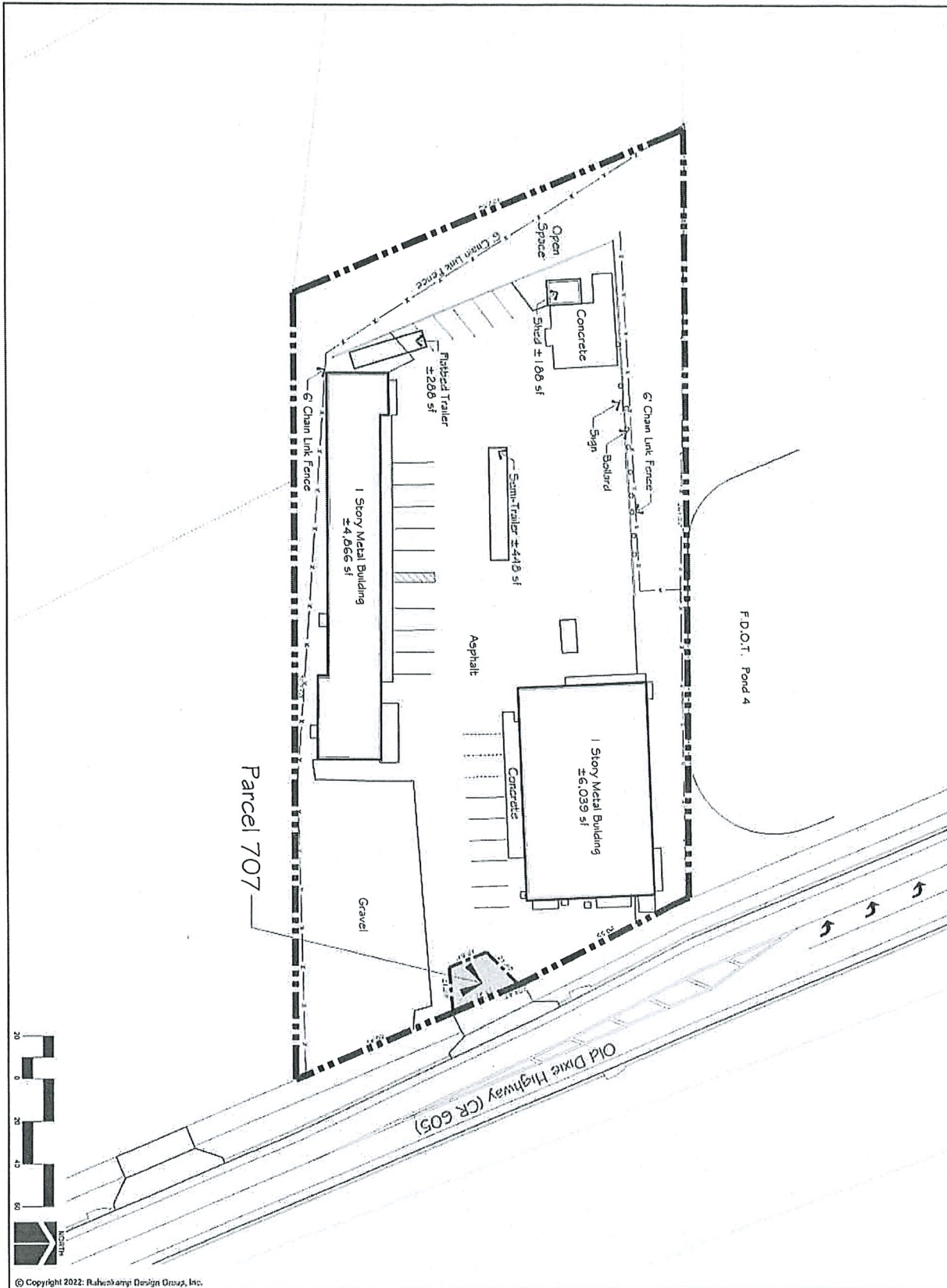
2135 Old Dixie Highway, Fort Pierce, Florida
Parcel Nos.: 109 & 707

Mickey Barkett
Barkett Law
1005 Delridge Avenue
Orlando, Florida, 32804

Existing Conditions

RALSTONKAMP DESIGN GROUP, INC.

Development Services • Civil • Survey • Architecture
Interior Design • Business • General Contracting
2015 S. MacDill Avenue
Fort Pierce, Florida 34949
Phone: (888) 833-8822 • Fax: (888) 833-8822



© Copyright 2022: Rabichamp Design Group, Inc.

Date: 1/14/20
 Drawn: 17 June 21
 Project: 21.003
 Client: SWS
 Project: FC

R & B Dixie Properties, LLC

2135 Old Dixie Highway, Fort Pierce, Florida
 Parcel Nos.: 109 & 707

Mickey Barkett
 Barkett Law
 1005 Delridge Avenue
 Orlando, Florida, 32804

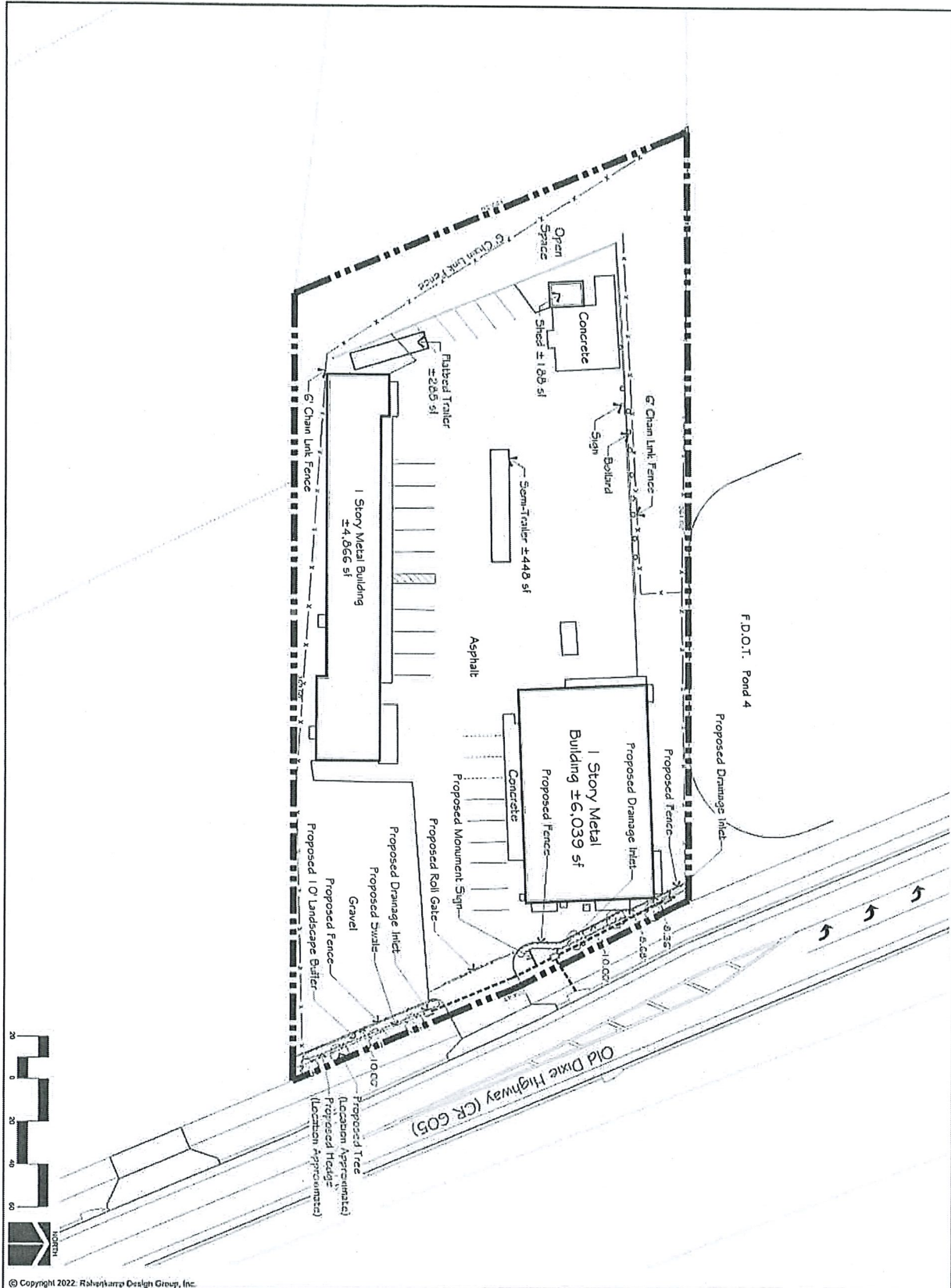
Future Conditions (Uncured)

KAMENKAMP DESIGN GROUP, INC.

Development Services • Civil • Survey • Architecture
 Planning • Environmental • Engineering • Construction Management • Real Estate

2815 S. MacDuff Avenue
 Fort Pierce, Florida 34947
 Phone: 888-333-3333 • Fax: 888-333-3333

Site



© Copyright 2022. Rabenhaupt Design Group, Inc.

Scale:	1" = 20'	Sheet No.:	21.003
Date:	11/24/21	Project:	FCPC
Drawn:	EDL	Client:	R & B Dixie Properties, LLC
Checked:	EDL	Project No.:	21.003
Reviewed:	EDL	Project Name:	FCPC

R & B Dixie Properties, LLC

2135 Old Dixie Highway, Fort Pierce, Florida
 Parcel Nos.: 109 & 707
 Mickey Barkett
 Barkett Law
 1005 Delridge Avenue
 Orlando, Florida, 32804

Future Conditions (Proposed Cure)

RABENHAUPT DESIGN GROUP, INC.
 Development Services - Civil/Storm Architecture
 Licensed Professional Engineer
 2017 S. WALTON AVENUE
 FORT PIERCE, FLORIDA 34949
 Phone: (888) 887-8888 • Fax: (888) 887-8888