

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, **FEBRUARY 22, 2024**, 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; Darrell Drummond; Charles Hayek; Jaimebeth Galinis, Chair

Absent: James Crist

Staff Present: Andrea Duenas, Assistant City Attorney
Vennis Gilmore, Assistant Planning Director
Alicia Rosenthal, Planning and Development Organizer

4. **CONSIDERATION OF ABSENCES**

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

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

5. **APPROVAL OF MINUTES**

a. Minutes from the January 25, 2024 meeting

Motion was made by Darrell Drummond, and seconded by Charles Hayek to approve the minutes from the January 25, 2024, meeting.

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

Passed

6. PUBLIC HEARINGS

a. Two (2) Sign Variances - Bev Smith Toyota South - 3350 S. US Highway 1

The clerk introduced the sign Variances for Bev Smith Toyota South located at 3350 S. US Highway 1.

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

When acting as a quasi-judicial body, the Board is held to certain procedural requirements.

Quasi-judicial proceedings are less formal than proceedings before a circuit court, but are more formal than the other aspects of today's 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 quasi-judicial proceedings more like judges than legislators. This afternoon, the Board will follow the same uniform procedure in all quasi-judicial hearings.

The Chair called the proceeding to order.

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

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

Mr. Hayek - no

Ms. Davis - no

Mr. Drummond - no

Madam Chair Galinas - 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, Assistant Planning Director, gave an overview of the application. He stated the applicant is requesting to increase the allowed height of a ground sign from 15 feet to 28 feet and 9 inches and to increase the allowed sign area from 200 square feet to 231.2. square feet in the C-3, General Commercial Zone. Mr. Gilmore said the reason for the replacement of the sign is that the current sign foundation is failing. The replacement sign is a "like for like" replacement and will match the sign permitted in 2004 regarding height and structure area and have the same setback in the same general area. The City of Fort Pierce Sign Code was amended on June 19th, 2017, by the City Commission. Per the current Sign Code, the applicant would be allowed a sign with a maximum height of 15 feet and a maximum sign area of approximately 106 square feet. The planning staff does not support the approval of the requested variances because there is no justification for a larger sign that exceeds the current Sign Code; therefore, hardship is nonexistent.

Mr. Gilmore noted fifteen (15) notifications were mailed to abutting property owners and no

responses were received.

Mr. Gilmore stated staff recommends denial of the requested two (2) ground sign variances to deviate from City Code 117-6(b)(3)(a) to increase the allowed height of a ground sign from 15 feet to 28 feet and 9 inches and to deviate from City Code Section 117-7. – Permitted Signs (5)(3) to increase the allowed sign area from 200 square feet to 231.2 square feet in the C-3, General Commercial Zone; 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 the sign was not structurally sound, would the applicant be able to receive a permit from the building department to repair the foundation. Mr. Hayek asked if the sign height is taller than the revised 2017 sign code height restriction. Ms. Davis asked if the existing sign could be replaced, if other dealership signs met the code and if there are sign exceptions for dealerships.

Applicant questions for staff: None

Applicant presentation: Patricia Ortiz, Applicant Representative from Ortiz Planning Solutions, sworn, stated they are asking for two (2) Variances for one (1) sign including increased height and the overall sign area. She said the sign is exactly like the sign that exists today. The current sign is no longer stable and the foundation cannot be fixed without removing the sign. Since the sign code changed in 2017, the current sign does not comply with the code. Ms. Ortiz noted the surrounding site area has signs of varying size, height, sign area and setbacks. Ms. Ortiz showed the Board pictures of various signs in the area. Ms. Ortiz stated they are trying to maintain what exists which allows the minimum amount of site visibility from a reasonable distance to allow customers to safely maneuver to the site. Ms Ortiz noted the sign code gives advantage to lots that are long and narrow because the sign height and size is determined by the amount of lot frontage. Ms. Ortiz said the current sign foundation has to be moved either to the left or right because of the setbacks.

Ryan McLean, from MBV Engineering, sworn, stated the Board doesn't seem to raise an issue with the finish of the sign which is ultimately what is driving the Variance and if the panels were damaged, you could replace the panels like for like. The thought process is, if the sign was damaged, to be replaced it would be fine, but a public safety benefit is not fine.

Board questions for applicant: Mr. Drummond asked Mr. Ortiz if she received something from the city on what constitutes repair versus replacement. Mr. Hayek asked what the current sign is made of and if the building department had been approached about the foundation.

Ms. Duenas asked if the sign was going to be installed on the existing foundation. Ms. Ortiz said the sign has to come down for the new sign to be placed. The foundation cannot be fixed without moving the sign. Chair Galinas asked if the Variances were approved and if the foundation is moved would they have to go through the Variance process again.

Public comment: None

Staff final comment: None

Board comment: Mr. Hayek suggested looking at standardized signage in the sign code. He is bothered by the size of the lot dictating the sign size. Mr. Drummond said he views the new sign as a repair and not a replacement, and it will not further impede the surrounding area. Ms. Davis said the sign is not a significant change and should have been grandfathered in. Ms. Galinas said the sign is not distracting and is not going to cause any problems, and they are only using words on 10% of the sign.

Applicant final comment: None

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

Motion was made by Darrell Drummond, and seconded by KeAndrea Davis to approve the requested two (2) ground sign variances to deviate from City Code 117-6(b)(3)(a) to increase the allowed height of a ground sign from 15 feet to 28 feet and 9 inches and to deviate from City Code Section 117-7. – Permitted Signs (5)(3) to increase the allowed sign area from 200 square feet to 231.2 square feet.

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

7. DISCUSSION / OTHER BUSINESS

8. COMMENTS FROM THE PUBLIC

There were no comments from the public.

9. ADJOURNMENT