

## **BOARD OF ADJUSTMENT AGENDA**

Board of Adjustment Regular Meeting - Thursday, June 27, 2024 - 2:00 p.m.  
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
5. **APPROVAL OF MINUTES**
  - a. Minutes from the February 22, 2024, meeting
6. **PUBLIC HEARINGS**
  - a. Variance - Estrada Residence - 205 S. 29th Street
7. **DISCUSSION / OTHER BUSINESS**
  - a. Annual Open Government Training
  - b. **ELECTION OF CHAIR AND VICE-CHAIR**
8. **COMMENTS FROM THE PUBLIC**
9. **ADJOURNMENT**

Any person seeking to appeal any decision by the Board of Adjustment with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact the Planning Department at (772) 467-3729, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

**Planning Board of Adjustment**

**Meeting Date:** 06/27/2024

**Re:** Board of Adjustment Minutes 2/22/24

**Submitted For:** Kev Freeman, Planning Director, Planning Department

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**Information**

**SUBJECT:**

Minutes from the February 22, 2024, meeting

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**Attachments**

BOA Minutes 2/22/24

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**Form Review**

Form Started By: Alicia Rosenthal

Started On: 03/05/2024 04:50 PM

Final Approval Date: 05/23/2024

# 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, **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**

## Planning Board of Adjustment

Meeting Date: 06/27/2024

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### Information

#### REQUESTED ACTION

Variance - Estrada Residence - 205 S. 29th Street

#### SUMMARY

The applicant is requesting to deviate from City Code 125-322(c)(1) to place a 6-foot fence within the first 25 feet (front yard) from the front property line.

#### LOCATION

205 S. 29th Street

Parcel ID: 2408-802-0019-000-6

#### RESPONSIBLE STAFF

Ryan Altizer, Senior Planner

#### RECOMMENDATION

Staff's recommendation is for the Board of Adjustment to grant in favor of the requested variance for the applicant to deviate from City Code 125-322(c)(1) to place a 6-foot fence within the first 25 feet (front yard) from the front property line.

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### Attachments

Staff Presentation

Staff Report

Staff Report & Supporting Documents

Application Packet & Supporting Documents

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### Form Review

Form Started By: Ryan Altizer  
Final Approval Date: 06/14/2024

Started On: 05/10/2024 10:40 AM



# CITY OF FORT PIERCE

## Board of Adjustment

May 23<sup>rd</sup>, 2024

Estrada Residence – 1 Variance

205 S. 29<sup>th</sup> Street

## **APPLICANT**

Nancy Estrada Avila

## **PROPERTY OWNER(S)**

Nancy Estrada Avila

## **PARCEL ID #:**

2408-802-0019-000-6

205 S. 29th Street – Variance



## SUMMARY

The applicant is requesting to deviate from City Code 125-322(c)(1) to place a 6-foot fence within the first 25 feet (front yard) from the front property line.



## SUMMARY

The applicant submitted a Building Permit for a fence with a DPCR #: 24-20000133. Kerry Driver denied said DPCR on February 13, 2024 stating:

The fence installation has been Denied by the Planning Department for the following reasons:

The proposed fence height exceeds the maximum height for the front yard

Based on the desired fence height, the setbacks for your permit are nonconforming per R-3 zoning areas

Advisory Notes:

Please reference the links below and resubmit your permit through the Building Department

Sec. 125-322 Fence

[https://library.municode.com/fl/fort\\_pierce/codes/code\\_of\\_ordinances?nodeId=SPBLADEOR\\_CH125ZO\\_ARTVIISURE\\_DIV1GE\\_S125-322FEWAHEINREMA](https://library.municode.com/fl/fort_pierce/codes/code_of_ordinances?nodeId=SPBLADEOR_CH125ZO_ARTVIISURE_DIV1GE_S125-322FEWAHEINREMA)

Sec. 125-193 Single-family moderate density zone (R-3)

[https://library.municode.com/fl/fort\\_pierce/codes/code\\_of\\_ordinances?nodeId=SPBLADEOR\\_CH125ZO\\_ARTIVBAZODI\\_S125-193SIMIMODEZO](https://library.municode.com/fl/fort_pierce/codes/code_of_ordinances?nodeId=SPBLADEOR_CH125ZO_ARTIVBAZODI_S125-193SIMIMODEZO)



## CITY CODE

Section 125-322(c)(1) Single-Family Zoning Districts (E-1, R-1, R-2, R-3).

Fences or walls may be erected or maintained along property lines or within the required yards, to a maximum height of six feet above finished grade of the abutting parcel, except as follows:

- a. Front yards. The maximum height for fences, walls or hedges in the required front yard shall be four feet.
- b. Waterfront lots. The maximum height for fences, walls or hedges in the required building setback distance from the water shall be four feet.
- c. Double frontage lots. The maximum height for walls, fences or hedges in the required rear yard, as defined by the basic use standards, shall be four feet.



## EXISTING CONDITIONS

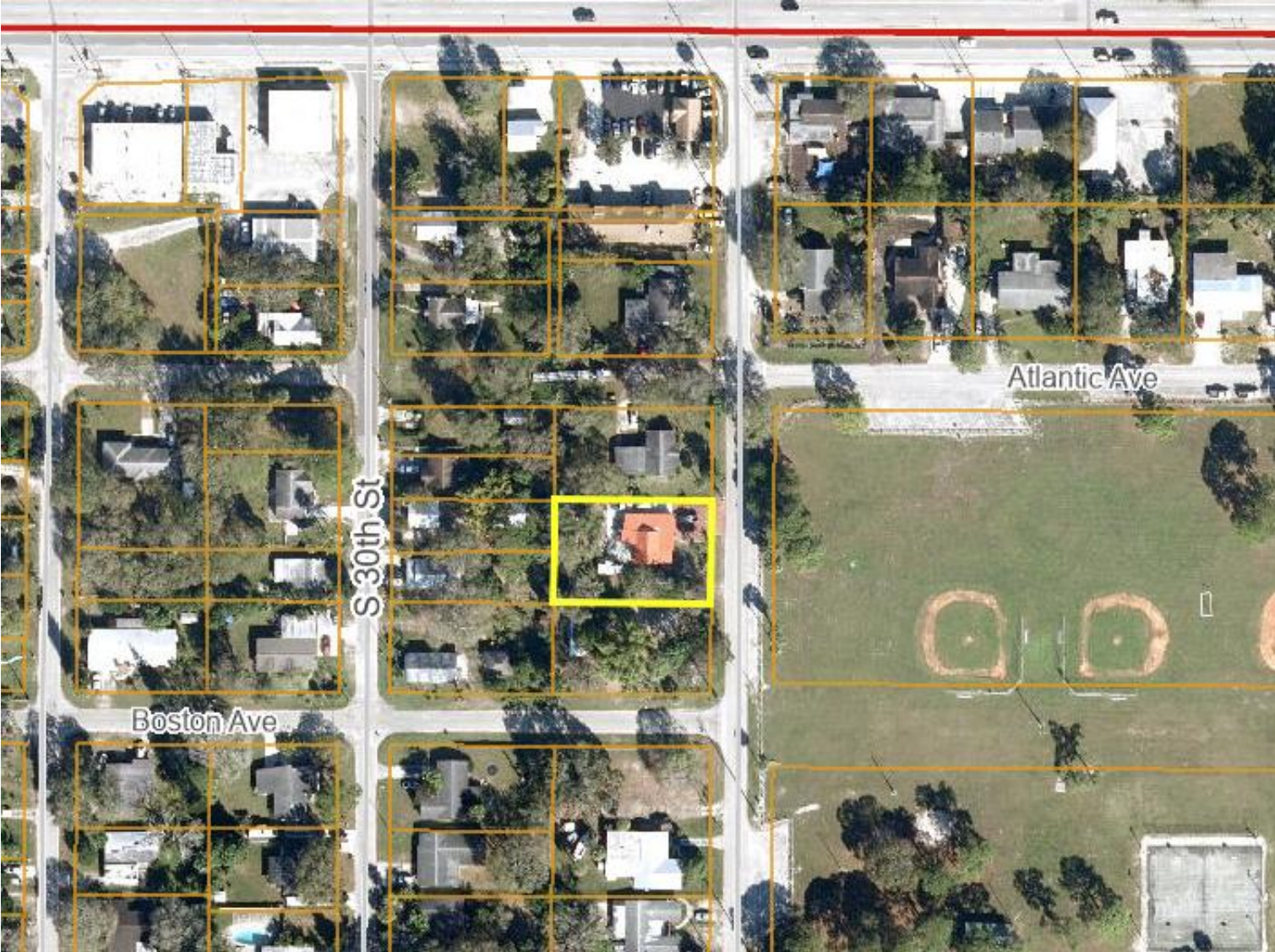
The applicant has requested the 6-ft fence (a variance of 2 ft from the allowed 4-ft fence) due to her children's safety. The applicant has stated that many people park on her lawn due to the activities that occur (such as sports tournaments) at the Park directly across from her lawn. She has also provided multiple incident reports from the Police Department of her vehicle being stolen as well as explains an incident where two men with guns hid under her families RV Truck during a police search.

Without the variance, the owner feels unsecure in her home with her husband and two daughters.



# SITE LOCATION

SITE AREA= 0.34 +/- Acres



205 S. 29th Street – Variance



# Future Land Use

Current Future Land Use:  
RL (Low Density  
Residential)



205 S. 29th Street – Variance



# ZONING

Current Zoning: R-3  
(Single-Family Moderate  
Density)



205 S. 29th Street – Variance

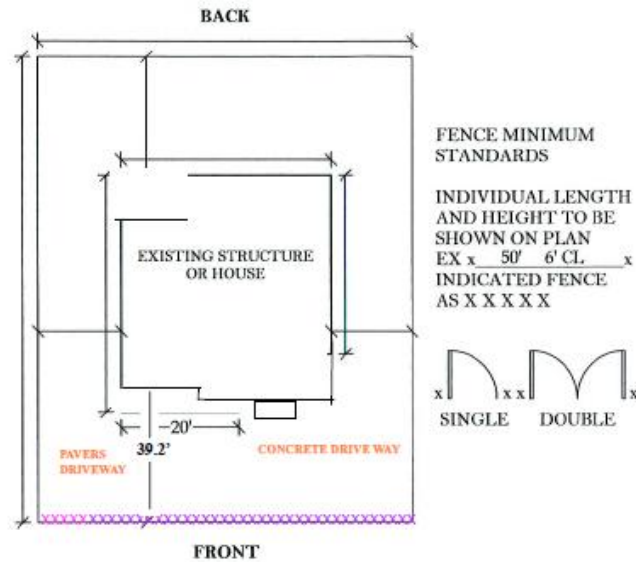


# DPCR 24-20000133

CITY OF FORT PIERCE  
BUILDING DEPARTMENT  
FENCE FORM  
(772) 467-3725  
FAX (772) 467-3849

Owner Name NANCY ESTRADA  
Property Address 205 S 29TH ST FORT PIERCE, FL 34947

\*FENCES NOT PERMITTED ON VACANT LOTS



PLOT PLAN  
1" = 20' SCALE

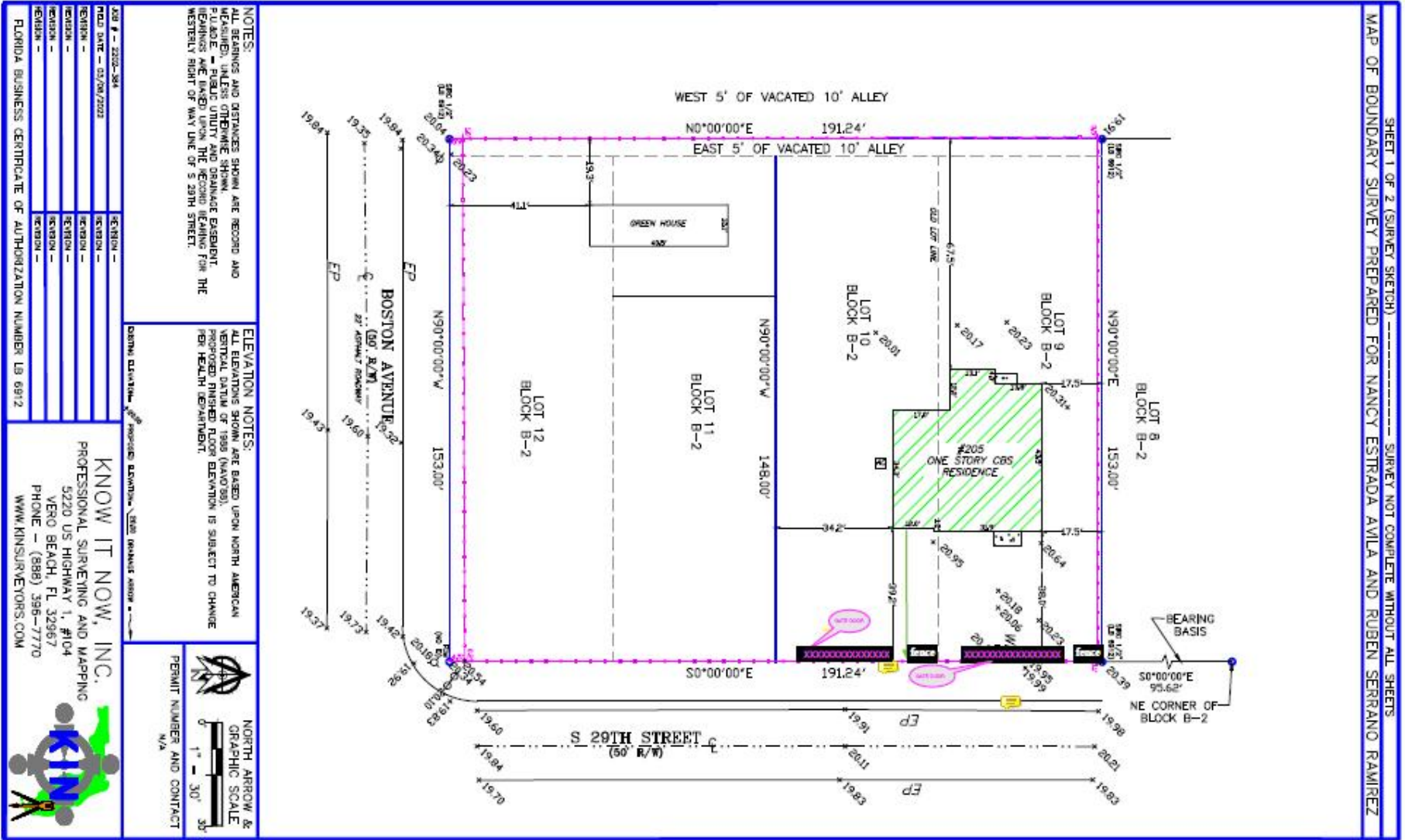
TYPE ALUMINUM HORIZONTAL  
TOTAL LENGTH 94 LF  
HEIGHT 6 FT  
GATE N° 2 SIZE 6' LOC

PROPOSED FENCE SECTION MUST BE CLOUDED  
ANY FENCES GOOD SIDE OUT

205 S. 29th Street – Variance



# SITE PLAN/FUTURE CONDITIONS



205 S. 29th Street – Variance





# FUTURE CONDITIONS

## HORIZONTAL ALUMINUM WELDED GATE AT GRADE

**200FT COMMERCIAL USE - PERFORMANCE EVALUATION, NON STRUCTURAL DECORATIVE BARRIER - ALL WELDED (HWTZ ONLY) EROSION LEVEL, FROM-ALCP-02. SEE NOTES FOR FOOT APPLICATIONS**

**SINGLE/DOUBLE GATE**

FOOT DIMENSIONS & FOOTER SIZE FOR DOUBLE ENDING SLATS		
MAX FOOT SPACING = 12 FT		
MAX GATE WIDTH = 8 FT		
FOOT HEIGHT (in)	POST DIMENSIONS (in)	FOOTER SIZE OPTIONS (in x depth, in)
48"	2" x 2" x 1/8"	12" x 47" or 10" x 40"
60"	3.5" x 3.5" x 1/8"	12" x 60" or 10" x 48"
72"	3.5" x 3.5" x 1/4"	12" x 60" or 10" x 51"

**FOOTING TABLE NOTES**

- IF SET-BACKS THE POST SUPPORTS ONLY THE INTENDED GATE. ADDITIONAL LOADS REQUIRE SEPARATE POST & FOOTING CONSIDERATION BY OTHERS.
- FOOTING CAPS TO REINFORCE LOADS REQUIRED FRONT LINE.
- FENCE & GATE MAY LIFT BUT STAY IN CONTACT WITH FOOTING SOIL AT FIRM CONDITIONS & TO STAY CONSIDERED PROPERLY DESIGNED.
- GATE TO REMAIN LOCKED DURING WIND EVENTS UNLESS + TRAILER VEH. DISTURBED.

THIS IS A PRELIMINARY PERFORMANCE EVALUATION & DESIGN. PERFORMANCE SHALL BE RE-EVALUATED 1-24-08 BY THE APPLICANT AND THE ENGINEER. THE APPLICANT SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF FOUNDATION OR OTHER STRUCTURAL ELEMENTS. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF FOUNDATION OR OTHER STRUCTURAL ELEMENTS. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF FOUNDATION OR OTHER STRUCTURAL ELEMENTS.

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Feb 2, 2004  
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### FENCE AND SINGLE GATE POST EXTRUSIONS

**HORIZONTAL SLAT OPTIONS**

200FT COMMERCIAL USE - PERFORMANCE EVALUATION, NON STRUCTURAL DECORATIVE BARRIER - ALL WELDED (HWTZ ONLY) EROSION LEVEL, FROM-ALCP-02. SEE NOTES FOR FOOT APPLICATIONS

**ENGINEERING EXPRESS**

POSTAL ADDRESS:  
2034 NORTH FEDERAL HIGHWAY  
MIDDLEBURG, FL 32131  
E-MAIL: INFO@ENGINEERINGEXPRESS.COM

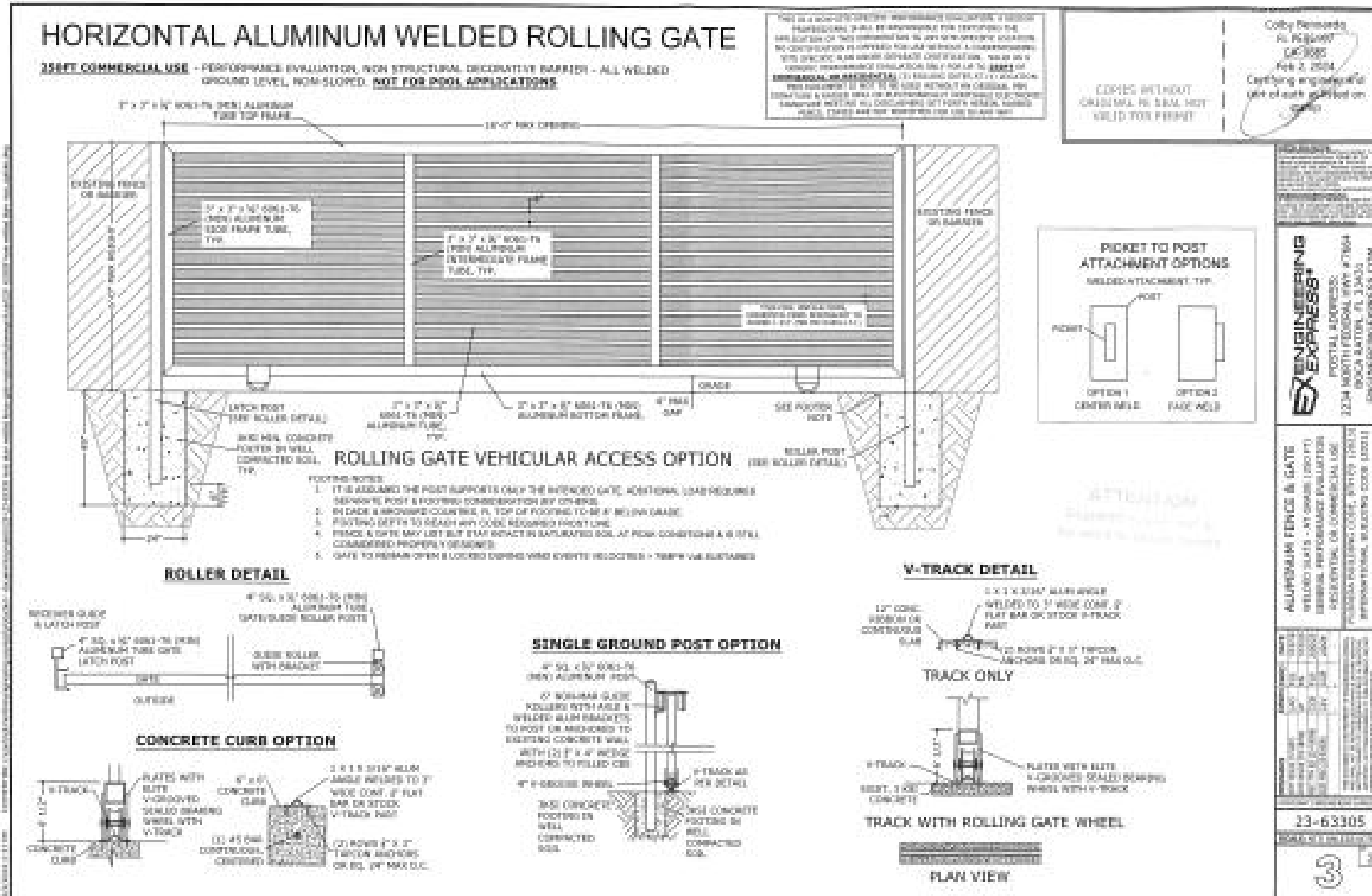
**ALUMINUM FENCE & GATE**  
WELDED SLATS - AT GRADE (200 FT)  
GENERAL PERFORMANCE EVALUATION  
200 FT SLATS, OR COMMERCIAL USE  
PERFORMANCE EVALUATION (SEE NOTES)  
INTERNATIONAL BUILDING CODE (IBC)  
AND DISTRICT PERMITS (200)

23-63305

2



# FUTURE CONDITIONS



## **RECOMMENDATION**

The recommendation of Staff is to grant approval of the requested variance to deviate from City Code 125-322(c)(1) to place a 6-foot fence within the first 25 feet (front yard) from the front property line.

## **ALTERNATIVE RECOMMENDATION**

1. Recommend Approval with conditions.

Or

2. Recommend Disapproval.





# CITY OF FORT PIERCE

## Board of Adjustment

May 23<sup>rd</sup>, 2024

Estrada Residence – 1 Variance

205 S. 29<sup>th</sup> Street

# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

**PROJECT:** HARRY BLUE ANNEXATION - 24-12000001

**REVIEWER:** RYAN ALTIZER, SENIOR PLANNER

**DATE:** 5/10/2024

### STAFF REPORT

**Owner:** Nancy Estrada Avila

**Applicant:** Nancy Estrada Avila

**Requested Action:** Review of an application for a variance to deviate from City Code 125-322(c)(1) to place a 6-foot fence within the first 25 feet (front yard) from the front property line.

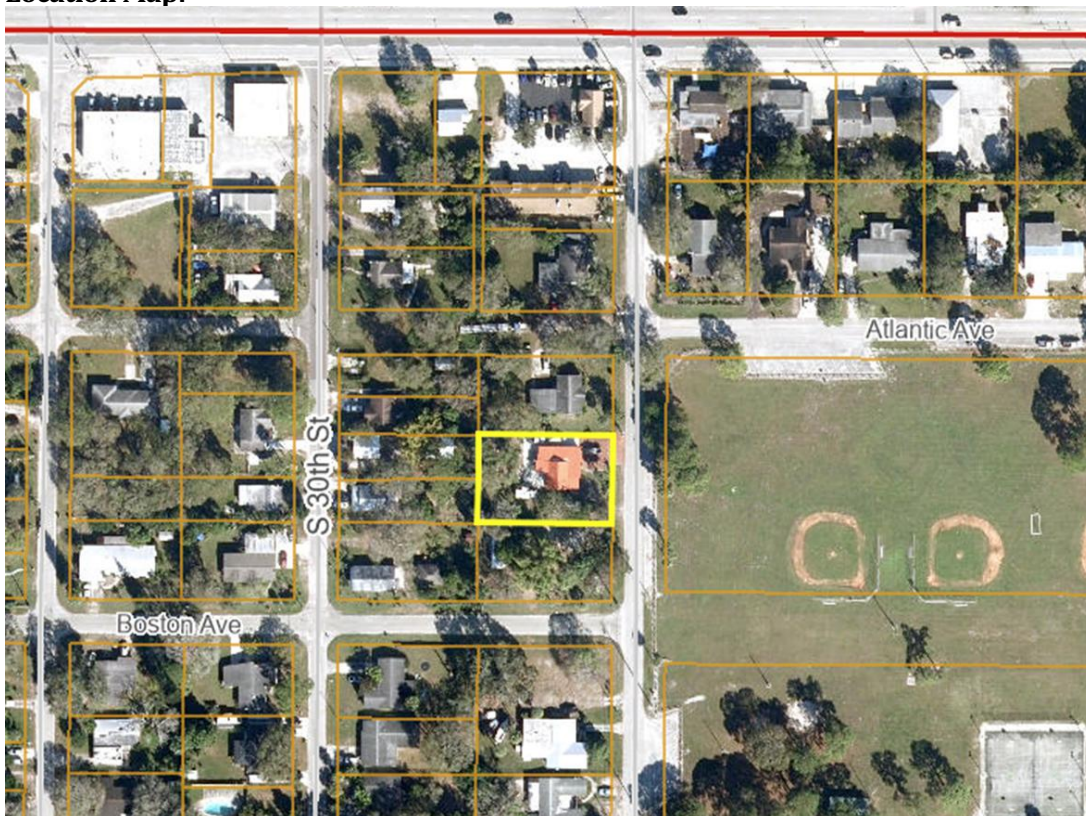
**Location:** 205 S. 29th Street

**Parcel IDs:** 2408-802-0019-000-6

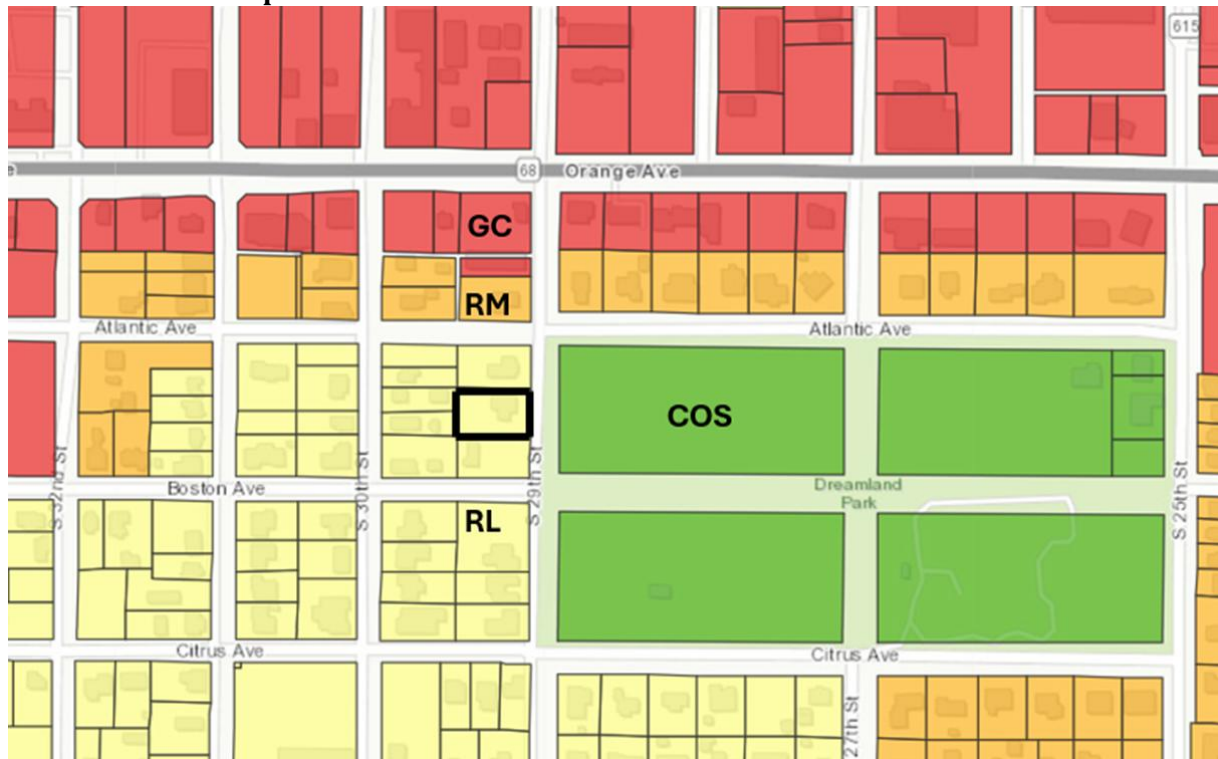
**Current Zoning:** R-3 (Single-Family Moderate Density)

**Current Future Land Use:** RL (Low Density Residential)

#### Location Map:



**Future Land Use Map:**



**Zoning Map:**



R-3	OS-3	R-3	R-3
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**Surrounding Zoning:**

**Site Area:** +/- 0.34

**Utilities:** Located within the FPUA Service Area

**Staff Analysis**

The applicant is requesting to deviate from City Code 125-322(c)(1) to place a 6-foot fence within the first 25 feet (front yard) from the front property line.

The applicant submitted a Building Permit for a fence with a DPCR #: 24-20000133. Kerry Driver denied said DPCR on February 13, 2024 stating:

The fence installation has been Denied by the Planning Department for the following reasons:

The proposed fence height exceeds the maximum height for the front yard

Based on the desired fence height, the setbacks for your permit are nonconforming per R-3 zoning areas

**Advisory Notes:**

Please reference the links below and resubmit your permit through the Building Department

Sec. 125-322 Fence

[https://library.municode.com/fl/fort\\_pierce/codes/code\\_of\\_ordinances?nodeId=SPBLADEOR\\_CH125ZO\\_ARTVII\\_SURE\\_DIV1GE\\_S125-322FEWAHEINREMA](https://library.municode.com/fl/fort_pierce/codes/code_of_ordinances?nodeId=SPBLADEOR_CH125ZO_ARTVII_SURE_DIV1GE_S125-322FEWAHEINREMA)

Sec. 125-193 Single-family moderate density zone (R-3)

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The applicant has requested the 6-ft fence (a variance of 2 ft from the allowed 4-ft fence) due to her children's safety. The applicant has stated that many people park on her lawn due to the activities that occur (such as sports tournaments) at the Park directly across from her lawn. She has also provided multiple incident reports from the Police Department of her vehicle being stolen as well as explains an incident where two men with guns hid under her families RV Truck during a police search.

Without the variance, the owner feels unsecure in her home with her husband and two daughters.

**Existing Conditions**



## HORIZONTAL ALUMINUM WELDED GATE AT GRADE

**358FT COMMERCIAL USE** - PERFORMANCE EVALUATION, NON STRUCTURAL DECORATIVE BARRIER - ALL WELDED (10%Z ONLY)  
GROUND LEVEL, NON-SLOPED. **SEE NOTES FOR POOL APPLICATIONS**

**SINGLE/DOUBLE GATE**

POST DIMENSIONS & COVER SIZE FOR DOUBLE GATE GATES			
POST HEIGHT (IN)	POST DIMENSIONS (IN)	POST COVER SIZE (IN)	POST COVER SIZE (IN)
48"	3" x 3" x 1/2"	12" x 60"	OR 10" x 60"
60"	3.5" x 3.5" x 1/2"	12" x 60"	OR 10" x 60"
72"	3.5" x 3.5" x 1/2"	12" x 60"	OR 10" x 60"

**POSTING NOTES:**  
1. IF IT IS ASSUMED THE POST SUPPORTS ONLY THE INTENDED GATE, ADDITIONAL LOAD REQUIRES SEPARATE POST & FOOTING CONSIDERATION BY OTHERS.  
2. FOOTING DEPTH TO REACH ANY CODE REQUIRED FRONT LINE.  
3. FENCE & GATE MAY NOT BE AT SATURATED SOIL AT PEAK CONDITIONS & IS STILL CONSIDERED PROPERLY DESIGNED.  
4. GATE TO REMAIN LOCKED DURING WIND EVENTS VELOCITY > 15 MPH VAS GATED WIND.

### FENCE AND SINGLE GATE POST EXTRUSIONS

**HORIZONTAL SLAT OPTIONS**

### GATE HARDWARE

THIS IS A NON-SPECIFIC PERFORMANCE DESCRIPTION. IT DOES NOT IMPLY THAT THE APPLICATOR IS RESPONSIBLE FOR OBTAINING THE APPLICATOR OF THIS INFORMATION TO ANY SPECIFIC LOCATION. NO USE OF THIS INFORMATION FOR USE WITHOUT A CORRESPONDING SITE SPECIFIC ANALYSIS (PERMITS, CERTIFICATION, ETC.) IS A VIOLATION OF THE TERMS OF THIS INFORMATION. THE APPLICATOR IS RESPONSIBLE FOR OBTAINING THE APPLICATOR OF THIS INFORMATION TO ANY SPECIFIC LOCATION. NO USE OF THIS INFORMATION FOR USE WITHOUT A CORRESPONDING SITE SPECIFIC ANALYSIS (PERMITS, CERTIFICATION, ETC.) IS A VIOLATION OF THE TERMS OF THIS INFORMATION.

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Colby Remando  
FL REG-997  
EX-3085  
Feb 2, 2024  
Certifying engineer and  
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card

## HORIZONTAL ALUMINUM WELDED ROLLING GATE

**358FT COMMERCIAL USE** - PERFORMANCE EVALUATION, NON STRUCTURAL DECORATIVE BARRIER - ALL WELDED  
GROUND LEVEL, NON-SLOPED. **NOT FOR POOL APPLICATIONS**

**ROLLING GATE VEHICULAR ACCESS OPTION**

**ROLLING NOTES:**  
1. IF IT IS ASSUMED THE POST SUPPORTS ONLY THE INTENDED GATE, ADDITIONAL LOAD REQUIRES SEPARATE POST & FOOTING CONSIDERATION BY OTHERS.  
2. IN GATE & BARRIER COURSE IN TOP OF FOOTING TO BE AT MIN. GRADE.  
3. FOOTING DEPTH TO REACH ANY CODE REQUIRED FRONT LINE.  
4. FENCE & GATE MAY NOT BE AT SATURATED SOIL AT PEAK CONDITIONS & IS STILL CONSIDERED PROPERLY DESIGNED.  
5. GATE TO REMAIN OPEN & LOCKED DURING WIND EVENTS VELOCITY > 15 MPH VAS UNGATED WIND.

### PICKET TO POST ATTACHMENT OPTIONS

**ATTENTION**  
Sealed paper, not to be used to fabricate.

### ROLLER DETAIL

### CONCRETE CURB OPTION

### SINGLE GROUND POST OPTION

### V-TRACK DETAIL

### TRACK ONLY

### TRACK WITH ROLLING GATE WHEEL

**PLAN VIEW**

THIS IS A NON-SPECIFIC PERFORMANCE DESCRIPTION. IT DOES NOT IMPLY THAT THE APPLICATOR IS RESPONSIBLE FOR OBTAINING THE APPLICATOR OF THIS INFORMATION TO ANY SPECIFIC LOCATION. NO USE OF THIS INFORMATION FOR USE WITHOUT A CORRESPONDING SITE SPECIFIC ANALYSIS (PERMITS, CERTIFICATION, ETC.) IS A VIOLATION OF THE TERMS OF THIS INFORMATION. THE APPLICATOR IS RESPONSIBLE FOR OBTAINING THE APPLICATOR OF THIS INFORMATION TO ANY SPECIFIC LOCATION. NO USE OF THIS INFORMATION FOR USE WITHOUT A CORRESPONDING SITE SPECIFIC ANALYSIS (PERMITS, CERTIFICATION, ETC.) IS A VIOLATION OF THE TERMS OF THIS INFORMATION.

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Colby Remando  
FL REG-997  
EX-3085  
Feb 2, 2024  
Certifying engineer and  
part of each printed on  
card

***Summary of Technical Review Committee***

All affected departments have reviewed the proposed Development Plan with regards to consistency with established ordinances and requirements of the City Code. The Technical Review Committee reviewed this project, and all departments supported the variance.

***Staff Recommendation***

Staff's recommendation is to grant approval of the requested variance to deviate from City Code 125-322(c)(1) to place a 6-foot fence within the first 25 feet (front yard) from the front property line.

# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

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**PROJECT:** HARRY BLUE ANNEXATION - 24-12000001

**REVIEWER:** RYAN ALTIZER, SENIOR PLANNER

**DATE:** 5/10/2024

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### STAFF REPORT

**Owner:** Nancy Estrada Avila

**Applicant:** Nancy Estrada Avila

**Requested Action:** Review of an application for a variance to deviate from City Code 125-322(c)(1) to place a 6-foot fence within the first 25 feet (front yard) from the front property line.

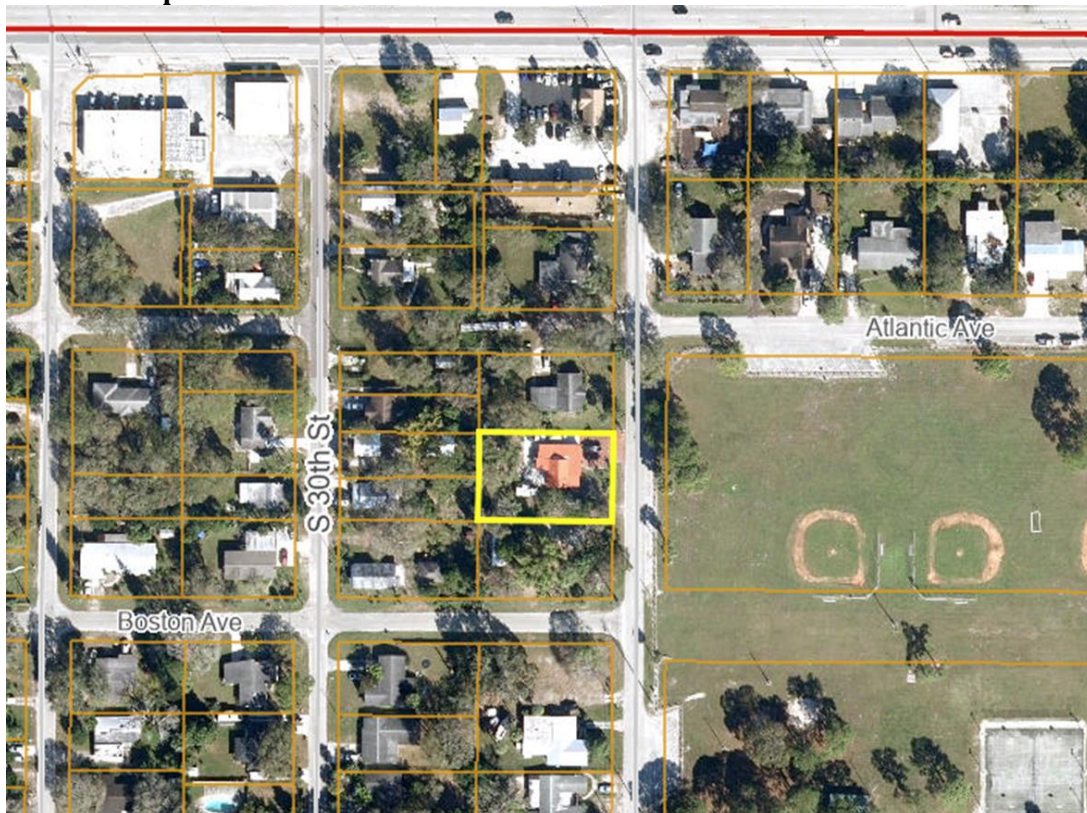
**Location:** 205 S. 29th Street

**Parcel IDs:** 2408-802-0019-000-6

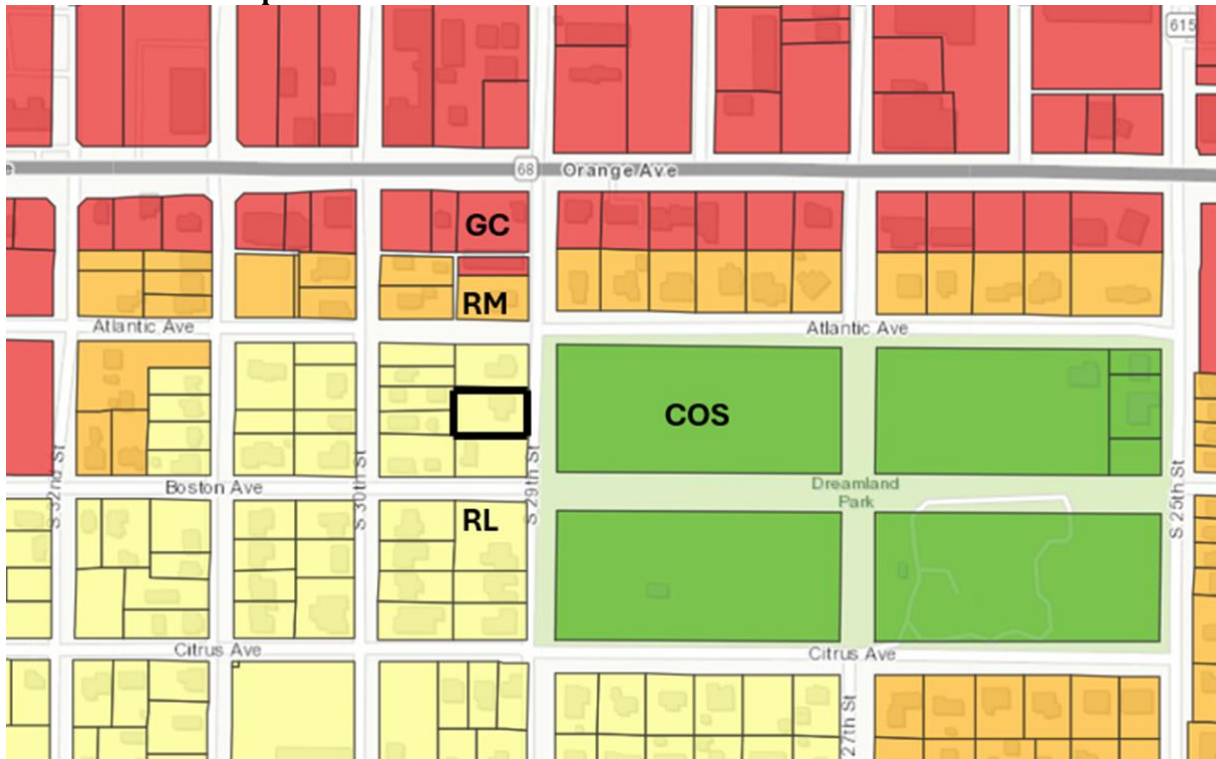
**Current Zoning:** R-3 (Single-Family Moderate Density)

**Current Future Land Use:** RL (Low Density Residential)

#### Location Map:



**Future Land Use Map:**



**Zoning Map:**



**Surrounding Zoning:**

North	East	South	West
R-3	OS-3	R-3	R-3

**Site Area:** +/- 0.34

**Utilities:** Located within the FPUA Service Area

**Staff Analysis**

The applicant is requesting to deviate from City Code 125-322(c)(1) to place a 6-foot fence within the first 25 feet (front yard) from the front property line.

The applicant submitted a Building Permit for a fence with a DPCR #: 24-20000133. Kerry Driver denied said DPCR on February 13, 2024 stating:

The fence installation has been Denied by the Planning Department for the following reasons:  
The proposed fence height exceeds the maximum height for the front yard  
Based on the desired fence height, the setbacks for your permit are nonconforming per R-3 zoning areas

**Advisory Notes:**

Please reference the links below and resubmit your permit through the Building Department

Sec. 125-322 Fence  
[https://library.municode.com/fl/fort\\_pierce/codes/code\\_of\\_ordinances?nodeId=SPBLADEOR\\_CH125ZO\\_ARTVII\\_SURE\\_DIV1GE\\_S125-322FEWAHEINREMA](https://library.municode.com/fl/fort_pierce/codes/code_of_ordinances?nodeId=SPBLADEOR_CH125ZO_ARTVII_SURE_DIV1GE_S125-322FEWAHEINREMA)

Sec. 125-193 Single-family moderate density zone (R-3)  
[https://library.municode.com/fl/fort\\_pierce/codes/code\\_of\\_ordinances?nodeId=SPBLADEOR\\_CH125ZO\\_ARTIV\\_BAZODI\\_S125-193SIMIMODEZO](https://library.municode.com/fl/fort_pierce/codes/code_of_ordinances?nodeId=SPBLADEOR_CH125ZO_ARTIV_BAZODI_S125-193SIMIMODEZO)

Section 125-322(c)(1) Single-Family Zoning Districts (E-1, R-1, R-2, R-3).

Fences or walls may be erected or maintained along property lines or within the required yards, to a maximum height of six feet above finished grade of the abutting parcel, except as follows:

- a. Front yards. The maximum height for fences, walls or hedges in the required front yard shall be four feet.
- b. Waterfront lots. The maximum height for fences, walls or hedges in the required building setback distance from the water shall be four feet.
- c. Double frontage lots. The maximum height for walls, fences or hedges in the required rear yard, as defined by the basic use standards, shall be four feet.

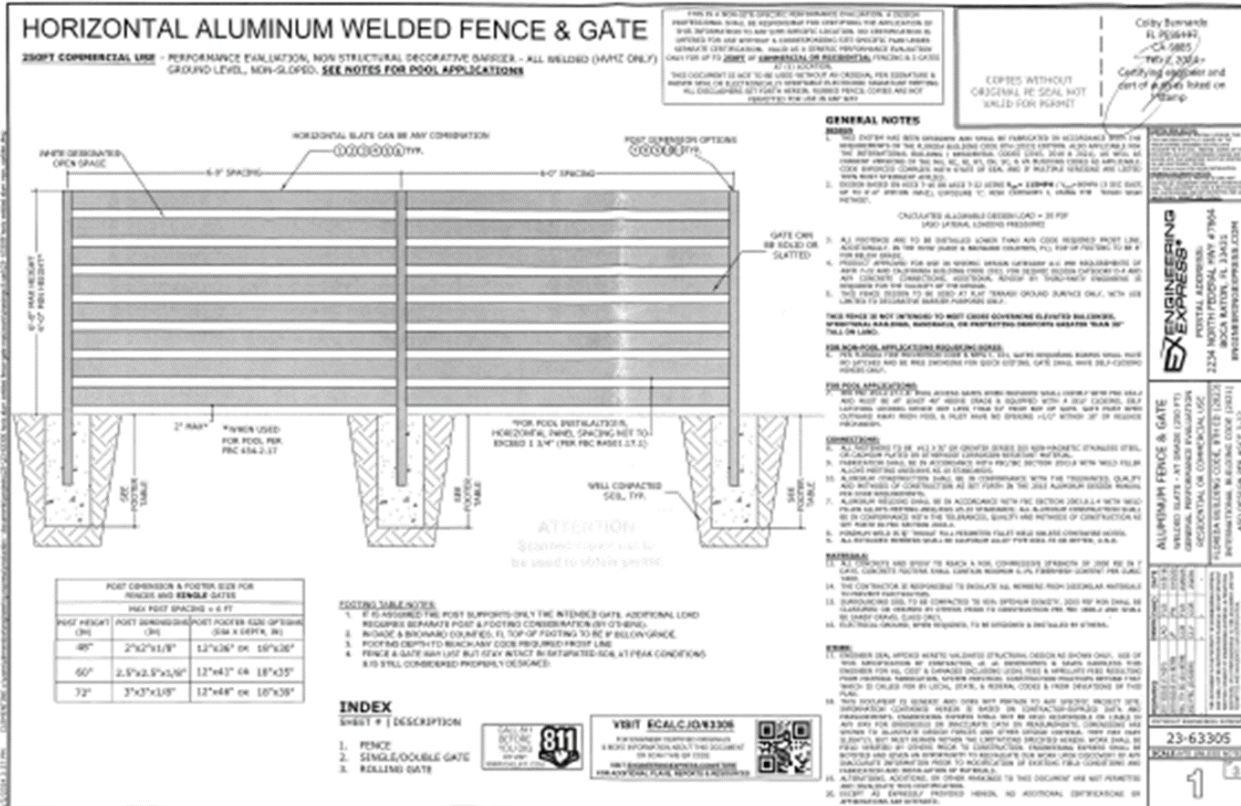
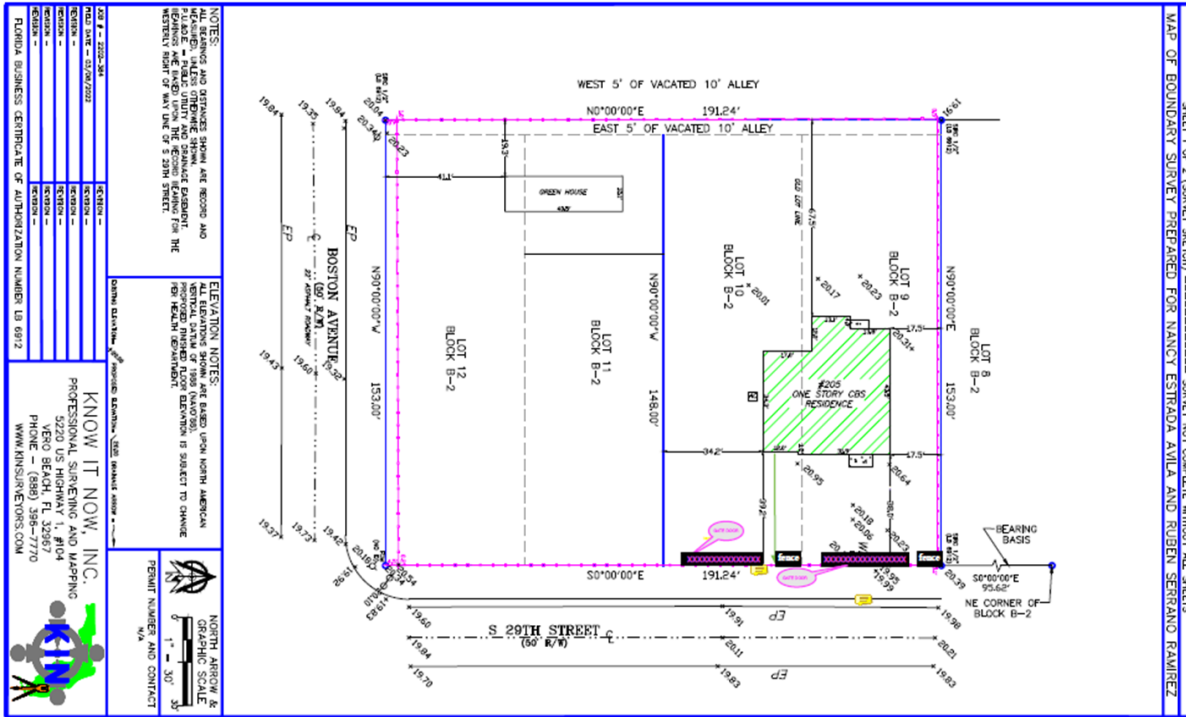
The applicant has requested the 6-ft fence (a variance of 2 ft from the allowed 4-ft fence) due to her children’s safety. The applicant has stated that many people park on her lawn due to the activities that occur (such as sports tournaments) at the Park directly across from her lawn. She has also provided multiple incident reports from the Police Department of her vehicle being stolen as well as explains an incident where two men with guns hid under her families RV Truck during a police search.

Without the variance, the owner feels unsecure in her home with her husband and two daughters.

**Existing Conditions**

Currently the land has a single-family home on it having a Future Land Use of RL, Residential Low Density, and a Zoning of R-3, Single-Family Moderate Density.

Future Conditions



## HORIZONTAL ALUMINUM WELDED GATE AT GRADE

**35KFT COMMERCIAL USE** - PERFORMANCE EVALUATION, NON STRUCTURAL DECORATIVE BARRIER - ALL WELDED (HYNC ONLY)  
GROUND LEVEL, NON-SLOPED. **SEE NOTES FOR POOL APPLICATIONS**

**SINGLE/DOUBLE GATE**

POST DIMENSIONS & FOOTER SIZE FOR CONCRETE EXISTING SLATES	
MAX GATE HEIGHT = 8 FT	
MAX POST SPACING = 12 FT	
POST HEIGHT (IN)	POST DIMENSIONS/POST FOOTER SIZE OPTIONS (IN X DPTH, IN)
48"	3"X3"X13" OR 1.2"X4.3" OR 1.5"X4.6"
66"	3.5"X3.5"X14" OR 1.2"X4.6" OR 1.5"X4.8"
72"	3.5"X3.5"X14" OR 1.2"X4.6" OR 1.5"X5.1"

**FOOTING TABLE NOTES:**  
1. IT IS ASSUMED THE POST SUPPORTS ONLY THE INTENDED GATE. ADDITIONAL LOAD REQUIRES SEPARATE POST & FOOTING CONSIDERATION BY OTHERS.  
2. FOOTING DEPTH TO REACH ACHIEVE CODE REQUIRED FROST LINE.  
3. FENCE & GATE ARE LIST BUT THEY MUST BE SATURATED SOIL AT PEAK CONDITIONS & IS STILL CONSIDERED PROPERLY DESIGNED.  
4. GATE TO REMAIN CLOSED DURING WIND EVENTS RELOCATES + 15MIN V&B DETERMINED.

### FENCE AND SINGLE GATE POST EXTRUSIONS

### HORIZONTAL SLAT OPTIONS

**ATTENTION**  
Sloped gates are not to be used in pool areas.

### GATE HARDWARE

THIS IS A 35KFT (COMMERCIAL USE) PERFORMANCE EVALUATION. IT DOES NOT REPRESENT AN ENDORSEMENT OF THE PRODUCT OR THE MANUFACTURER. THE APPLICATOR OF THIS INFORMATION IS RESPONSIBLE FOR OBTAINING THE APPROPRIATE LOCAL, STATE, AND FEDERAL REGULATORY REQUIREMENTS. THIS IS NOT A WARRANTY OF PERFORMANCE. THE USER OF THIS INFORMATION IS RESPONSIBLE FOR OBTAINING THE APPROPRIATE LOCAL, STATE, AND FEDERAL REGULATORY REQUIREMENTS. THIS IS NOT A WARRANTY OF PERFORMANCE. THE USER OF THIS INFORMATION IS RESPONSIBLE FOR OBTAINING THE APPROPRIATE LOCAL, STATE, AND FEDERAL REGULATORY REQUIREMENTS.

Colby Pennington  
FL REG.# 00000000  
23-63305  
Feb 2, 2024  
Certifying engineer's seal of each applied on this.

COPIES WITHOUT ORIGINATOR'S SEAL ARE NOT VALID FOR PERMIT

**ALUMINUM FENCE & GATE**  
VEHICLE SLATS - AT GRADE (COMMERCIAL USE)  
RESIDENTIAL OR COMMERCIAL USE  
PERFORMANCE EVALUATION (HYNC ONLY)  
2324 NORTH FEDERAL HWY # 7044  
BOCA RATON, FL 33433  
INFO@ENGINEERINGEXPRESS.COM  
ENGINEERINGEXPRESS.COM  
MAX DESIGN WIND SPEED 70 MPH

23-63305

2

## HORIZONTAL ALUMINUM WELDED ROLLING GATE

**35KFT COMMERCIAL USE** - PERFORMANCE EVALUATION, NON STRUCTURAL DECORATIVE BARRIER - ALL WELDED  
GROUND LEVEL, NON-SLOPED. **NOT FOR POOL APPLICATIONS**

**ROLLING GATE VEHICULAR ACCESS OPTION**

**FOOTING NOTES:**  
1. IT IS ASSUMED THE POST SUPPORTS ONLY THE INTENDED GATE. ADDITIONAL LOAD REQUIRES SEPARATE POST & FOOTING CONSIDERATION BY OTHERS.  
2. IN GRADE & BROWNE COUNCILS PL. TOP OF FOOTING TO BE 1' BELOW GRADE.  
3. FOOTING DEPTH TO REACH ACHIEVE CODE REQUIRED FROST LINE.  
4. FENCE & GATE ARE LIST BUT THEY MUST BE SATURATED SOIL AT PEAK CONDITIONS & IS STILL CONSIDERED PROPERLY DESIGNED.  
5. GATE TO REMAIN OPEN & LOCKED DURING WIND EVENTS RELOCATES + 15MIN V&B DETERMINED.

### V-TRACK DETAIL

**TRACK ONLY**

**TRACK WITH ROLLING GATE WHEEL**

**PLAN VIEW**

### ROLLER DETAIL

### SINGLE GROUND POST OPTION

### CONCRETE CURB OPTION

THIS IS A 35KFT (COMMERCIAL USE) PERFORMANCE EVALUATION. IT DOES NOT REPRESENT AN ENDORSEMENT OF THE PRODUCT OR THE MANUFACTURER. THE APPLICATOR OF THIS INFORMATION IS RESPONSIBLE FOR OBTAINING THE APPROPRIATE LOCAL, STATE, AND FEDERAL REGULATORY REQUIREMENTS. THIS IS NOT A WARRANTY OF PERFORMANCE. THE USER OF THIS INFORMATION IS RESPONSIBLE FOR OBTAINING THE APPROPRIATE LOCAL, STATE, AND FEDERAL REGULATORY REQUIREMENTS. THIS IS NOT A WARRANTY OF PERFORMANCE. THE USER OF THIS INFORMATION IS RESPONSIBLE FOR OBTAINING THE APPROPRIATE LOCAL, STATE, AND FEDERAL REGULATORY REQUIREMENTS.

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BOCA RATON, FL 33433  
INFO@ENGINEERINGEXPRESS.COM  
ENGINEERINGEXPRESS.COM  
MAX DESIGN WIND SPEED 70 MPH

23-63305

3

***Summary of Technical Review Committee***

All affected departments have reviewed the proposed Development Plan with regards to consistency with established ordinances and requirements of the City Code. The Technical Review Committee reviewed this project, and all departments supported the variance.

***Staff Recommendation***

Staff's recommendation is to grant approval of the requested variance to deviate from City Code 125-322(c)(1) to place a 6-foot fence within the first 25 feet (front yard) from the front property line.



Nancy Estrada Avila  
205 S 29<sup>th</sup> Street  
Fort Pierce, FL 34947

**Subject: Variance – 205 S 25<sup>th</sup> Street – Technical Review Committee Comments for March 21, 2024 TRC Meeting**

**City of Fort Pierce Planning Department**

1. Please provide pictures of the surrounding properties.
2. Please provide the proposed material that the fence will be made of with images for examples.
3. Is any landscaping being proposed in front of the 6-foot fence?
4. Section 125-308 -Clear Vision Areas:
  - (a) A clear vision area shall be maintained on the corner of all property adjacent to the intersection of two streets or of a street and a railroad, or a street and a driveway, except in a C-4 zone. A clear vision area shall contain no planting, fence or temporary or permanent obstruction exceeding 24 inches in height measured from the top of the curb or, where no curb exists, from the established centerline grade, except that the following may be permitted:
    - (1) Trees whose branches and foliage are removed to a height of eight feet above grade; and
    - (2) Necessary retaining walls.
  - (b) A clear vision area shall consist of a triangular area, two sides of which are right-of-way lines or, in the case of an intersection of a street with a driveway, the street right-of-way and the edge of the driveway. The third side is a line across the corner of the property which connects the ends of the other two sides. The size of the clear vision area is determined by the distance from the point of intersection of the two right-of-way lines to the third side or, in the case of an intersection of a street with a driveway, the distance from the point of intersection of the right-of-way line with the driveway edge to the third side, measured along the right-of-way line or driveway edge. This distance shall be 20

feet where a street intersects with another street or a railroad. The distance shall be ten feet where a street intersects with a driveway.

- (c) A clear vision area shall not preclude the installation of a chainlink fence up to 48 inches in height, provided that no obstruction, such as slates or vegetation, be installed that would obstruct vision within the defined area.

**Fort Pierce Engineering Department**

- 1. The 6' high fence request is approved by this department for the location as shown on the submitted plan with the exception of the southeast corner of the property which must provide the minimum 20' clear vision, refer to City of Fort Pierce Code of Ordinances Section 125-08 for specific requirements.

**Fort Pierce Building Department**

- 1. Building Official or his representative has no comment at the time of this meeting, but reserves submission of comments upon completion of the official plan review.
- 2. Building Permit required.

**Fort Pierce Police Department**

No comments at this time

**St. Lucie County Planning Department**

Comments may be forthcoming

**St. Lucie County PW/Engineering**

No comments at this time

**City Clerk Office**

Comments may be forthcoming

**Code Enforcement**

Comments may be forthcoming

**Fort Pierce Utilities Authority**

FPUA W/WW Engineering: Approved, No comment.

FPUA Electric & Gas Engineering: Electric and Gas Engineering Department have reviewed the application –Approved.

FPUA Gas: Approved

FPUAnet Fiber: FPUAnet Approves

**St. Lucie County Fire District**

No comments at this time

**Florida Department of Transportation**

Comments may be forthcoming

**St. Lucie County School Board**

Comments may be forthcoming

ST. LUCIE NEWS TRIBUNE  
ATTN: Legal Advertising

Run Once: Sunday, May 5, 2024

Send Proof of Publication to: Ryan Altizer, Senior Planner and Alicia Rosenthal, Executive Assistant

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PUBLIC NOTICE  
CITY OF FORT PIERCE  
BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Fort Pierce, pursuant to Section 125-37 & 125-103 of the Fort Pierce Code of Ordinances, will hold a public hearing on Thursday, May 23, 2024, at 2:00 p.m., in the City Hall Commission Chambers, 100 N. U.S. 1, Fort Pierce, Florida.

The public hearing will be on the consideration of the following Variance request:

1. One (1) Variance request submitted by the applicant Nancy Estrada Avila for approval of the following: (1) The applicant is seeking to place a 6-foot fence within the first twenty-five (25) feet from the property line.

The property is located at 205 S. 29<sup>th</sup> Street, and is zoned R-3, Single-Family Moderate Zoning. The Parcel ID of the site is 2408-802-0019-000-6, and legal description of the property is: ORANGE PLACE S/D BLK 2 LOTS 9 AND 10 AND E 5 FT OF VACATED ALLEY ADJ ON W

Any person seeking to appeal the decision of the Board of Adjustment of the City of Fort Pierce, Florida, as to the foregoing, is advised that a record of the proceedings is required in any such appeal, and any such person may need to ensure that a verbatim record of proceedings is made including the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

Dated this 5<sup>th</sup> day of May 2024



May 6, 2024

Dear Property Owners:

The applicant Nancy Estrada Avila has one (1) Variance request submitted for approval of the following: (1) The applicant is seeking to place a 6-foot fence within the first twenty-five (25) feet from the property line.

The property is located at 205 S. 29th Street, and is zoned R-3, Single-Family Moderate Zoning. The Parcel ID of the site is 2408-802-0019-000-6, and legal description of the property is: ORANGE PLACE S/D BLK 2 LOTS 9 AND 10 AND E 5 FT OF VACATED ALLEY ADJ ON W

A public hearing is scheduled before the Planning Board of Adjustment of the City of Fort Pierce, Florida, at their meeting on **Thursday, May 23rd, 2024**, which begins at **2:00 p.m.** in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida. You are provided the opportunity to attend the public hearing and to speak in favor of, or in opposition to, the requested **Variance**. If you have any inquiries, or would like to review the complete application, please contact me at (772) 467-3742, (772-467-3737), or [raltizer@cityoffortpierce.com](mailto:raltizer@cityoffortpierce.com). If you cannot reach me Maria Lewicka can also be reached at [mlewicka@cityoffortpierce.com](mailto:mlewicka@cityoffortpierce.com). If you cannot reach me Maria Lewicka can also be reached at [mlewicka@cityoffortpierce.com](mailto:mlewicka@cityoffortpierce.com). Furthermore, published agenda packets for each Board of Adjustment meeting are provided a few days in advance at the following web address: <http://cityoffortpierce.com/223/Agendas-Minutes>.

Sincerely,

*Ryan Altizer*

Ryan Altizer  
Senior Planner

---

Variance – Estrada Residence – 205 S. 29<sup>th</sup> Street

**Phone**

772-467-3742 or 772-467-3737

**Email**

[raltizer@cityoffortpierce.com](mailto:raltizer@cityoffortpierce.com)

# 205 S. 29th Street



Yosi Realty LLC  
Timmy G LLC  
Lorenzo Dawson  
Crescencio Guadarrama and Tiofila  
Sandra Slay Williams  
Nancy Estrada Avila and Ruben Serr  
Nancy Estrada Avila and Ruben Serr

4112 SW 137th AVE  
2521 N Indian River DR  
208 S 30th St  
212 S 30th ST  
9495 Germany Canal RD  
205 S 29th ST  
205 S 29th ST

Davie; FL 33330-5700

Fort Pierce; FL 34946-1806

Fort Pierce; FL 34947-7203

Fort Pierce; FL 34947-7203

Fort Pierce; FL 34987-3312

Fort Pierce; FL 34947-3619

Fort Pierce; FL 34947-3619



RECEIVED

MAR 04 2024

CITY OF FORT PIERCE  
 PLANNING & ZONING

**VARIANCE**

**Property Information**

Property address or Location

205 S 29TH ST FORT PIERCE FL 34947

Parcel ID #(s)

2408-802-0019-000-6

Actual permit DPCR# 24-20000133

Project description

Two Gate entrance 6'ft and 6'ft fence

Reason for request

Security for my childrens and property

Existing Use: residential

Date Property was Purchased: 10/23/2018

Alterations made to the site since purchase: add a driveway and pavers driveway on the front house, metal roof, stucco wall, impact windows w doors, solar panels.

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

If yes, what changed since the denial? \_\_\_\_\_

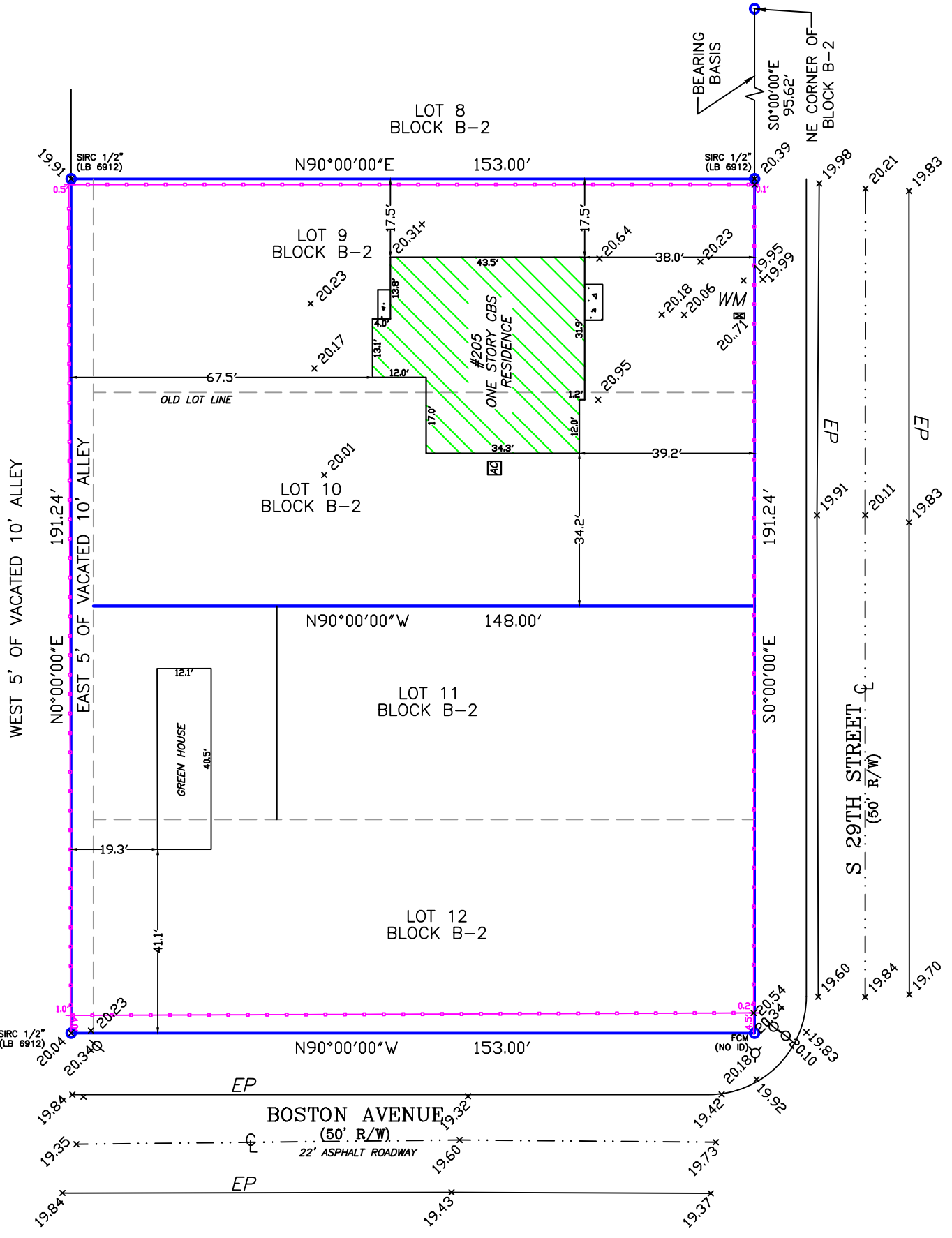
NANCY ESTRADA AVILA  
 Property Owner(s)  
205 S 29TH ST  
 Street Address  
FORT PIERCE FL 34947  
 City State Zip  
(772)828-5997  
 Phone Number  
NATYCNAN@GMAIL.COM  
 Email Address

\_\_\_\_\_  
 Applicant/Representative, Title, Company  
 \_\_\_\_\_  
 Street Address  
 \_\_\_\_\_  
 City State Zip  
 \_\_\_\_\_  
 Phone Number  
 \_\_\_\_\_  
 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.*

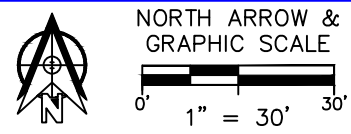
Property Owner(s) Signature(s)

**APPOINTMENTS ARE REQUIRED FOR APPLICATION SUBMITTALS**  
 CALL 772.467.3737 OR E-MAIL PLANNING [DL@CITYOFFORTPIERCE.COM](mailto:DL@CITYOFFORTPIERCE.COM)  
 For more information, please refer to the website:  
<https://www.cityoffortpierce.com/971/Application-Submittal-for-Technical-Rev1>



**NOTES:**  
 ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND MEASURED, UNLESS OTHERWISE SHOWN.  
 P.U.&D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT.  
 BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE WESTERLY RIGHT OF WAY LINE OF S 29TH STREET.

**ELEVATION NOTES:**  
 ALL ELEVATIONS SHOWN ARE BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD'88).  
 PROPOSED FINISHED FLOOR ELEVATION IS SUBJECT TO CHANGE PER HEALTH DEPARTMENT.



PERMIT NUMBER AND CONTACT  
 N/A

EXISTING ELEVATION =  $\times$  20.00 PROPOSED ELEVATION =  $\backslash$  20.00 DRAINAGE ARROW =  $\sim$

JOB # - 2202-384	REVISION -
FIELD DATE - 03/08/2022	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -

**KNOW IT NOW, INC.**  
 PROFESSIONAL SURVEYING AND MAPPING  
 5220 US HIGHWAY 1, #104  
 VERO BEACH, FL 32967  
 PHONE - (888) 396-7770  
 WWW.KINSURVEYORS.COM

**LEGAL DESCRIPTION:**

LOTS 9 AND 10, BLOCK 2, AND THE EAST 5 FEET OF VACATED ALLEY ADJACENT ON THE WEST, ORANGE PLACE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE(S) 9, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

**JOB NUMBER:** 2202-384

**FIELD WORK DATE:** 03/08/2022

**PROPERTY ADDRESS:**  
205 SOUTH 29TH STREET, FORT PIERCE, FL 34947

**FLOOD INFORMATION:**  
PANEL NUMBER: 12111C0178J  
FIRM DATE: FEBRUARY 16, 2012  
FLOOD ZONE: X  
BASE FLOOD ELEVATION: NA  
COMMUNITY NAME: FORT PIERCE, CITY OF  
COMMUNITY NUMBER: 120286

**AERIAL PHOTOGRAPH**



**SURVEYOR'S LEGEND**

A/C = AIR CONDITIONING  
BB = BEARING BASIS  
BFP = BACKFLOW PREVENTER  
BLDG = BUILDING  
BLK = BLOCK  
BM = BENCHMARK  
C = CURVE  
CATV = CABLE T.V. RISER  
CB = CATCH BASIN  
CL = CENTERLINE  
CLF = CHAIN LINK FENCE  
CLP = CONCRETE LIGHT POLE  
CONC = CONCRETE  
CP = CONTROL POINT  
CPP = CONCRETE POWER POLE  
D = DEED  
DF = DRAINFIELD  
ELEV = ELEVATION  
EM = ELECTRIC METER  
EOW = EDGE OF WATER  
EP = EDGE OF PAVEMENT  
F = FIELD  
FCM = FOUND CONCRETE MONUMENT  
FDH = FOUND DRILL HOLE

FFE = FINISHED FLOOR ELEVATION  
FIP = FOUND IRON PIPE  
FIPC = FOUND IRON PIPE AND CAP  
FIR = FOUND IRON ROD  
FIRC = FOUND IRON ROD AND CAP  
FN = FOUND NAIL  
FN&D = FOUND NAIL AND DISC  
FND = FOUND  
FPK = FOUND PK NAIL  
FPKD = FOUND PK NAIL AND DISC  
FRRSPK = FOUND RAILROAD SPIKE  
GAR = GARAGE  
HYD = FIRE HYDRANT  
ID = IDENTIFICATION  
L = LENGTH  
LB # = LICENSED BUSINESS  
LS # = LICENSED SURVEYOR  
M = MEASURED  
MB = MAP BOOK  
MES = MITERED END SECTION  
MH = MANHOLE  
MLP = METAL LIGHT POLE  
OHW = OVERHEAD WIRES  
P = PLAT  
PB = PLAT BOOK  
PC = POINT OF CURVATURE

PCC = POINT OF COMPOUND CURVATURE  
PCP = PERMANENT CONTROL POINT  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
PP = POOL PUMP  
PRC = POINT OF REVERSE CURVATURE  
PRM = PERMANENT REFERENCE MONUMENT  
PT = POINT OF TANGENCY  
R = RADIUS  
RNG = RANGE  
R/W = RIGHT OF WAY  
S = SEPTIC  
SEC = SECTION  
SIR = SET IRON ROD AND CAP  
SPKD = SET PK NAIL AND DISC  
SV = SEWER VALVE  
TBM = TEMPORARY BENCHMARK  
TOB = TOP OF BANK  
TWP = TOWNSHIP  
TR = TELEPHONE RISER  
TYP = TYPICAL  
WIT = WITNESS  
WLP = WOOD LIGHT POLE  
WM = WATER METER  
WPP = WOOD POWER POLE  
WV = WATER VALVE

**LINETYPES**

— = BOUNDARY LINE  
— = STRUCTURE LINE  
- · - · - · - = CENTERLINE  
- - - - - = EASEMENT LINE  
- o - o - o - = FENCE LINE  
- - - - - = OLD LOT LINE

**SYMBOLS**

⊙ = FIRE HYDRANT  
⊗ = WATER METER  
⊗ = POWER POLE  
⊙ = GAS SERVICE  
⊙ = LIGHT POLE  
⊗ = WELL  
⊙ = BENCHMARK  
▣ = CATCH BASIN  
⊙ = SANITARY MANHOLE  
⊙ = CABLE T.V. SERVICE  
⊙ = ELECTRIC SERVICE  
⊙ = TELEPHONE SERVICE  
⊙ = DRAINAGE MANHOLE  
⊙ = SANITARY SERVICE

**SURVEYOR'S NOTES**


- UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
- JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
- THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
- THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
- PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
- MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
- COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
- THIS SURVEY MEETS AND/OR EXCEEDS THE ACCURACY REQUIREMENTS PER FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.
- PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
- IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

**SURVEYOR'S SIGNATURE**

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

**CERTIFIED TO:**

NANCY ESTRADA AVILA  
RUBEN SERRANO RAMIREZ

  
\_\_\_\_\_  
BILL HYATT  
SURVEYOR AND MAPPER #4636  
STATE OF FLORIDA

3.31.22  
\_\_\_\_\_  
DATE

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912

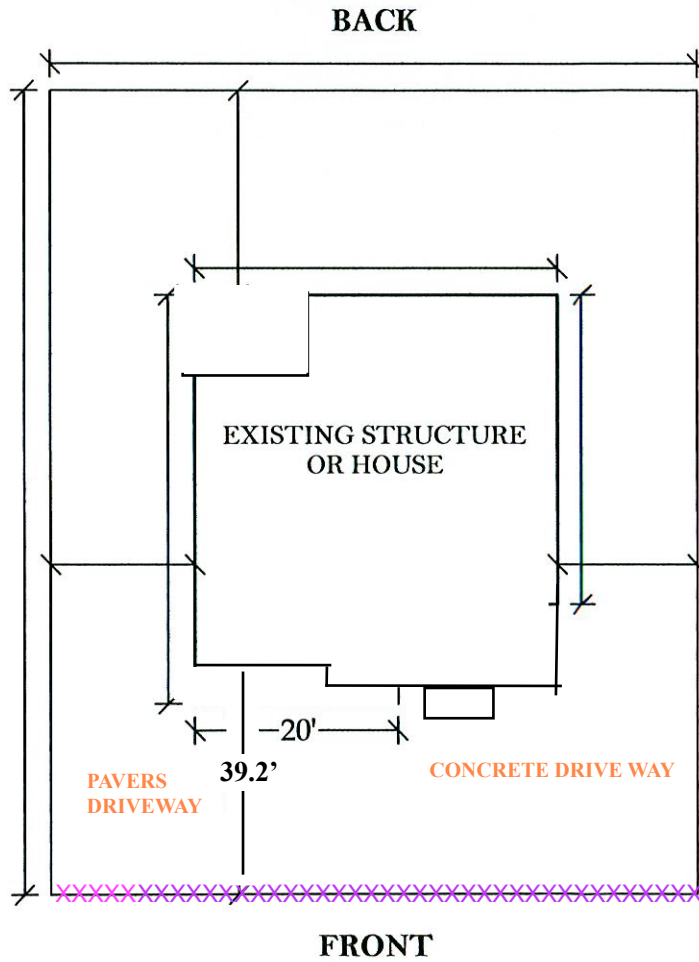
KNOW IT NOW, INC.  
PROFESSIONAL SURVEYING AND MAPPING  
5220 US HIGHWAY 1, #140  
VERO BEACH, FL 32967  
PHONE - (888) 396-7770  
WWW.KINSURVEYORS.COM



CITY OF FORT PIERCE  
 BUILDING DEPARTMENT  
 FENCE FORM  
 (772) 467-3725  
 FAX (772) 467-3849

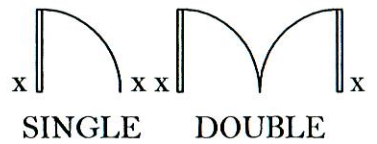
Owner Name NANCY ESTRADA  
 Property Address 205 S 29TH ST FORT PIERCE, FL 34947

\*FENCES NOT PERMITTED ON VACANT LOTS



FENCE MINIMUM STANDARDS

INDIVIDUAL LENGTH AND HEIGHT TO BE SHOWN ON PLAN  
 EX x 50' 6' CL x  
 INDICATED FENCE AS X X X X X



PLOT PLAN  
 1" = 20' SCALE

TYPE ALUMINUM HORIZONTAL  
 TOTAL LENGTH 94 LF  
 HEIGHT 6 FT  
 GATE N° 2 SIZE 6' LOC

PROPOSED FENCE SECTION MUST BE CLOUDED  
 ANY FENCES GOOD SIDE OUT



# Incident Report Additional Name List

Fort Pierce Police Department

OCA: 22-07-00602

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) IO 1	ESTRADA, NANCY Address 205 S 29TH ST, FORT PIERCE, FL 34947- Empl/Addr		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	24	W	F
2) IO 2	[REDACTED] Address [REDACTED], FORT PIERCE, FL 34946- Empl/Addr [REDACTED]		[REDACTED] H: [REDACTED] B: [REDACTED] Mobile #: - -	25	B	F
3) IO 3	[REDACTED] Address [REDACTED], FORT PIERCE, FL 34950- Empl/Addr [REDACTED]		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	25	B	M
4) WT 1	[REDACTED] Address [REDACTED] FORT PIERCE, FL 34947- Empl/Addr [REDACTED]		[REDACTED] H: [REDACTED] Mobile #: [REDACTED]	32	B	F

## INCIDENT/INVESTIGATION REPORT

Fort Pierce Police Department

Case # 22-07-00602

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found						
	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S						

Assisting Officers  
*GRECCO (8100), LINDSTADT, T. (8499), GULLETT, J. (8600), SHARPE, S. (8997), MINCEY, S. (8802), VICIERE, J.R. (8861), GIL, J. (8928), VELASQUEZ, E. (9052), DONNELLY, J. (9009), BROCATO, S. (8926), WARREN, T. (8998), FEMMINELLO, D. (8839)*

Suspect Hate / Bias Motivated: *None*

### INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 22-07-00602

*Fort Pierce Police Department*

**NARRATIVE**  
 shooting incident occurred along 107 N 29th St towards Delaware Ave/S 29th St

REPORTING OFFICER NARRATIVE

Fort Pierce Police Department

OCA
22-07-00602
Date / Time Reported
Sun 07/24/2022 23:55

Victim	Offense	Date / Time Reported
Society	WEAPONS OTHER VIOLATIONS	Sun 07/24/2022 23:55

On July 24th 2022 at approximately 2355 hours I, Officer Carim was at 2423 Orange Ave and I heard shooting activity in the area of 301 S 25th St (Dreamland park) approximately 30 or more consecutive loud rounds.

I investigated in the area of S 29th St around Delaware Avenue towards Atlantic Avenue and an Officer on scene spotted shell casings in the roadway between S 29th St/Delaware towards S 29th St/Citrus (26 rounds). We discovered our scene was lager and we had 10 more shell casings from S 29th St/Citrus to S 29th St/Boston Ave as well as 1 more shell casing between S 29th St/Boston Ave and S 29th St/Atlantic Ave. On scene, a victim walked up to Ofc. Viciere regarding vehicle damage at 107 N 29th St where another shell casing was recovered.

Please refer to Officers Gil, Brocato, Mincey, Donnelly and Warren's supplements regarding on scene actions as they protected the crime scene, collected shell casings, took photographs and canvassed the area for witnesses.

Please refer to Officer Viciere's supplement regarding the vandalism that occurred at 107 N 29th St for a bullet striking a vehicle and causing damage.

I contacted the residence of 205 S 29th St which was located about 100 yards away from majority of where the shell casings were between Delaware Ave to Boston Ave along S 29th St, this home is located between Citrus/Boston along S 29th St. This resident is now identified to me as Nancy Estrada Avila. Ms. Avila provided CCTV of the incident, however could not provide copies as she does not know how to. CCTV video displayed the following; Between 2350 hours to 0000 hours two vehicles were traveling South to North back and forth between this timeframe (white in color Audi 4D sedan, silver in color 4D sedan). At approximately 2355 to 2356 hours when the shooting activity was initially called out, the cameras display a black in color 2D charger speeding south along S 29th St between Boston and Citrus Ave where the vehicle goes off view for a few seconds while a black in color SUV suddenly stops in the street when going in the same direction of the black in color charger. The SUV turns slowly off the road way to avoid whatever was ahead, where majority of the shell casings were 50-100 yards ahead. Seconds later the black SUV does a U-turn and leaves the area, while a white in color Audi speeds by traveling north on S29th St from Citrus Ave. I believe these two vehicles exchanged gun fire but cannot prove it as it is not on CCTV footage and no witness'.

On scene, 36 shell casings were recovered from the roadway, 1 shell casing was recovered from a vehicle struck at 107 N 29th St, making it 37 total recovered shell casings from this incident. The following ammunition was recovered;

- X1) Unmarked/unidentified bronze shell casing- on S 29th St between Atlantic/Boston
- X9).45 Auto shell casings- on S 29th St between Boston/Citrus
- X1) Unmarked/unidentified bronze shell casing- on S 29th St between Boston/Citrus
- X1) 9MM ruger Norma gray shell casing- on S 29th St between Citrus/Delaware
- X1) 9MM Luger bronze shell casings- on S 29th St between Citrus/Delaware
- X2) 31/92 bronze long shell casings- on S 29th St between Citrus/Delaware
- X1) 3/55 bronze long shell casings- on S 29th St between Citrus/Delaware
- X21) 7.62x39 TulAmmo gray shell casings- on S 29th St between Citrus/Delaware

Shell casings on scene were recovered and placed into evidence to be processed for latent prints. Photographs on scene were taken and uploaded via Axon Capture. Video on scene of CCTV was taken with my work issued phone and will be uploaded via Axon Capture.

**REPORTING OFFICER NARRATIVE**

*Fort Pierce Police Department*

OCA 22-07-00602
Date / Time Reported Sun 07/24/2022 23:55

Victim <i>Society</i>	Offense <i>WEAPONS OTHER VIOLATIONS</i>
--------------------------	--

Based on my investigation, I cannot determine the reason of this shooting activity or where it exactly started at initially. No witnesses for this incident or suspect information, no vehicle tag numbers, minimal CCTV footage of the incident at this time. This report will be documented as a suspicious incident/Vandalism, nothing further to report and this will be INACTIVE.

BWC footage available.



# INCIDENT/INVESTIGATION REPORT

Fort Pierce Police Department

Case # 22-03-00693

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S						

Assisting Officers

Suspect Hate / Bias Motivated:

## INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 22-03-00693

Fort Pierce Police Department

**NARRATIVE**  
 Responded to 205 S. 29th Street, in reference to a stolen automobile. No further information.

## REPORTING OFFICER NARRATIVE

Fort Pierce Police Department

OCA 22-03-00693
Date / Time Reported Sat 03/26/2022 08:05

Victim ESTRADA, NANCY	Offense THEFT OF AUTOMOBILE
--------------------------	--------------------------------

On March 26, 2022, at approximately 0805 hours, I responded to 205 S. 29th Street, in reference to a stolen automobile.

Upon arrival, I made contact with the victim, Nancy Estrada Avila, who advised that her black 2017, Dodge Durango, bearing Florida Tag 77ASSZ, VIN #1C4RDHAG8HC936223, Decal #15957389 was stolen from her driveway, located directly in front of her residence. She indicated that her husband, Ruben Serrano Ramirez, went to leave for work this morning, at approximately 0530 hours and when he came outside, he noticed the vehicle was missing. Estrada-Avila advised that the vehicle was last seen at approximately 0100 hours this morning, when her parents were visiting.

Estrada-Avila stated that her and her Ramirez are the only ones that use the vehicle. She indicated that she did not have the vehicle keys in her possession, as they were inside the unlocked vehicle. She denied anyone else having access to the vehicle and indicated that all vehicle payments are up to date. Per 911 dispatch, the vehicle had not been towed. Estrada-Avila stated that the vehicle has damage to the left tail light and that there is a Sunpass sticker located in the center of the front windshield. There was no glass located in the driveway indicating that forced entry to the vehicle was made and a canvass of the area for video surveillance was conducted, which ended with negative results.

A Stolen Vehicle Affidavit form was completed and faxed over to 911 dispatch so that the vehicle could be entered into NCIC/FCIC as stolen. This report has also been forwarded to the Criminal Investigations Division, for further review and investigation. Nothing to follow.

BWC - Available

# Incident Report Suspect List

Fort Pierce Police Department

OCA: 22-03-00693

<b>1</b>	Name (Last, First, Middle) <i>JUVENILE</i>					Also Known As <i>JUVENILE</i>					Home Address <i>JUVENILE</i>	
	Business Address <i>JUVENILE</i>											
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State	
	<i>15</i>	<i>B</i>	<i>M</i>	<i>N</i>	<i>600</i>	<i>165</i>	<i>BLK</i>	<i>BRO</i>	<i>DBR</i>	<i>JUVENILE</i>		
Scars, Marks, Tattoos, or other distinguishing features <i>JUVENILE</i>												

<i>Reported Suspect Detail</i>		Suspect Age	Race	Sex	Eth	Height	Weight	SSN
Weapon, Type	Feature	Make	Model		Color	Caliber	Dir of Travel Mode of Travel	
Veh Yr / Make / Model		Drs	Style		Color	Lic Plate / State		VIN

Notes

Physical Char

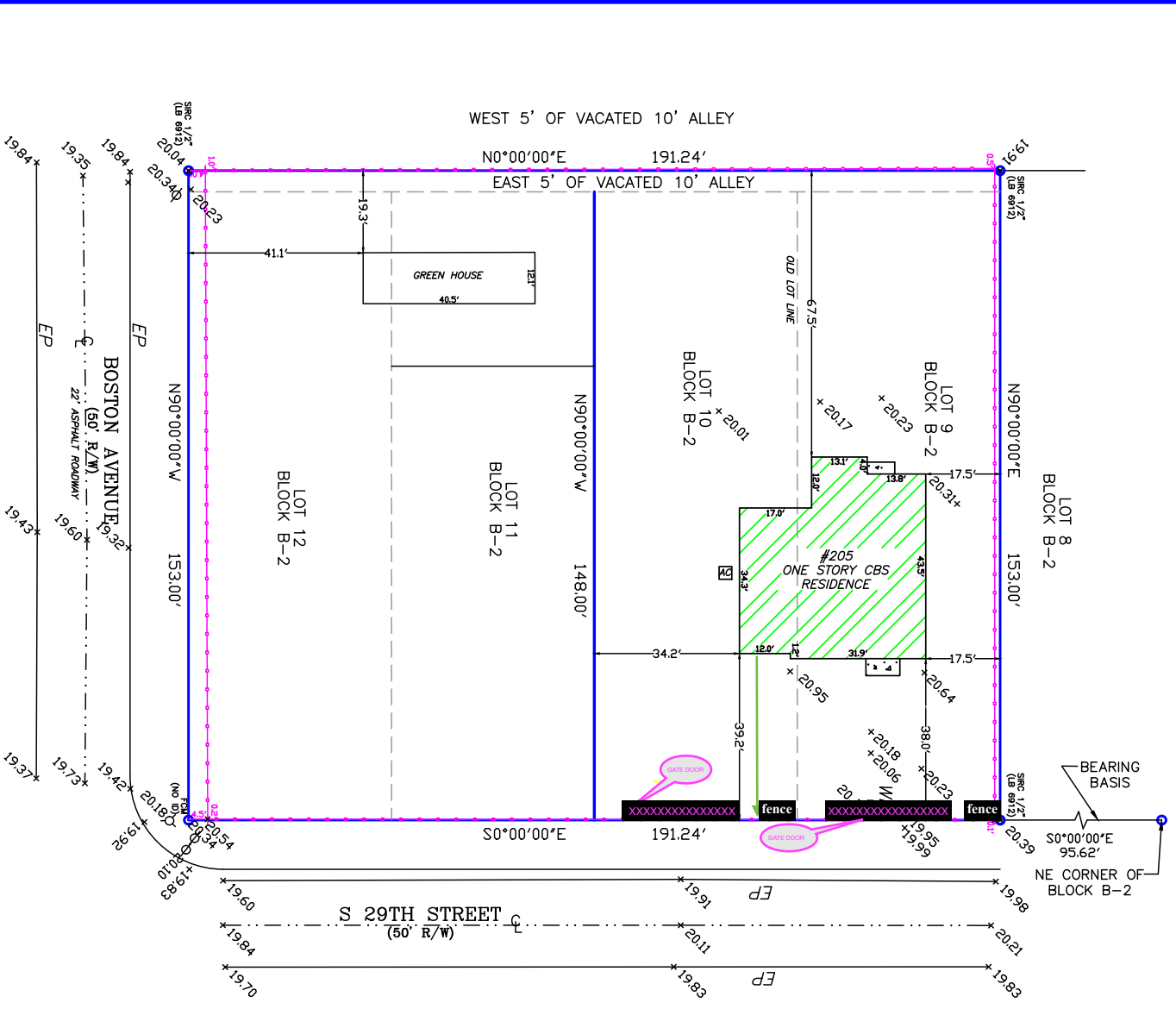
## Incident Report Related Vehicle List

Fort Pierce Police Department

OCA: 22-03-00693

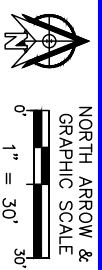
1	VehYr/Make/Model <i>2017 DODG, Durango</i>		Style <i>UT</i>		Color <i>BLK/BLK</i>		Lic/Lis /Decal <i>77ASSZ FL 2022, 15957389</i>		VIN <i>1C4RDHAG8HC936223</i>			
	IBR Status <i>Recovered</i>		Date <i>03/27/2022</i>		Location <i>205 S 29TH ST, FORT PIERCE FL</i>							
	Condition		Value <i>\$19,000.00</i>		Offense Code <i>0710</i>		Jurisdiction <i>Locally</i>		State #		NIC #	
	Name (Last, First, Middle) <i>Estrada, Nancy</i>				Also Known As				Home Address <i>205 S 29TH ST FORT PIERCE, FL 34947</i> <div style="background-color: black; width: 100px; height: 15px; margin-top: 5px;"></div>			
	Business Address											
DOB <div style="background-color: black; width: 50px; height: 15px;"></div>	Age <i>24</i>	Race <i>W</i>	Sex <i>F</i>	Hgt <i>502</i>	Wgt <i>180</i>	Scars, Marks, Tattoos, or other distinguishing features						

Notes



**NOTES:**  
 ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND REASURED, UNLESS OTHERWISE SHOWN.  
 PLUMBED, UNLESS OTHERWISE SHOWN.  
 BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE WESTERLY RIGHT OF WAY LINE OF S 29TH STREET.

**ELEVATION NOTES:**  
 ALL ELEVATIONS SHOWN ARE BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).  
 PROPOSED FINISHED FLOOR ELEVATION IS SUBJECT TO CHANGE PER HEALTH DEPARTMENT.

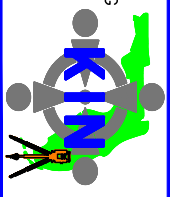


PERMIT NUMBER AND CONTACT  
 N/A

JOB # - 2202-384	REVISION -
FIELD DATE - 03/08/2022	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -

EXISTING ELEVATION = +20.86  
 PROPOSED ELEVATION = 20.00 DRAINAGE ARROW =

**KNOW IT NOW, INC.**  
 PROFESSIONAL SURVEYING AND MAPPING  
 5220 US HIGHWAY 1, #104  
 VERO BEACH, FL 32967  
 PHONE - (888) 396-7770  
 WWW.KINSURVEYORS.COM



**General Information**

- **Incomplete application packets will not be accepted.**
- In-take meetings are required for application submittals.
- Fee Schedule - <https://www.cityoffortpierce.com/DocumentCenter/View/2620/Fee-Schedule->
- Public Notice Fees - <https://www.cityoffortpierce.com/DocumentCenter/View/8818/Public-Notice-Fees->



**Submittal Requirements:**

**Submit one (1) original & three (3) hard copies and one (1) CD or Flash Drive of the following. Additional copies will be required of subsequent submittals.**

- As-built Survey
- Floor Plan of Existing Buildings ✕
- Site plan, to scale, including all relative improvements, existing and proposed structures, landscaping, parking, fencing, signs, etc.
- Criteria Narrative
- Complete Application

**Criteria:**

To determine whether your request for Variance meets all the criteria in Section 125-100 of the City Code, please answer the following questions. Please provide answers to the questions on separate pages:

1. Describe those conditions peculiar to the specific property and not applicable to other lands, structures, or buildings in the same zoning district.
2. Do special conditions or circumstances result from actions other than that of yours? Please explain
3. Identify any undue hardships or deprivation of commonly enjoyed property rights that would result in the literal interpretation of the code for the zoning district.
4. What is the minimum variance that would give the reasonable use of the land, building, or structure?
5. Explain how the variance request would not impair the intent of the zoning ordinance or be detrimental to the general public welfare.

Criteria: To determine whether your request for Variance meets all the criteria in Section 125-100 of the City Code, please answer the following questions. Please provide answers to the questions on separate pages:

1. Describe those conditions peculiar to the specific property and not applicable to other lands, structures, or buildings in the same zoning district.

My property is located on the 29th St in front of the Dreamland park and also a corner street property where a lot of activities are made from sports events, sales events and parties where we had cars park on front of our fence yard ...

My street has a lot of transit on the day with cars and school bus on the afternoon...

Our min speed on the 29th street is 25mph where majority of the cars does not respect the speed limit sign and also the motorcycle guys that speed with their sport motors and we have this issue since we moved in.

My house is similar to all my neighbors but my biggest concern are my two girls 3 & 4 years old safety which they don't have the age to understand the danger from the cars running and stranger walking across the street and the events that we had in the past.

2. Do special conditions or circumstances result from actions other than that of yours?

Please explain

My property has different factors on why we are asking to get approved 6" fence on the gate section in the first place are my 2 child safety and second as you can see on the survey we have 34 ft from the driveway where I park my personal car and my husband work trucks. we do not have the option to build the 6" fence after the 25 ft allowed by code since the space we have is between our driveways and front house...you would see on the survey for better explanation.

3. Identify any undue hardships or deprivation of commonly enjoyed property rights that would result in the literal interpretation of the code for the zoning district.

my husband and I when we bought the property in 2018 we were waiting for our first baby girl born 2019 and then 2020 second baby girl..

And during those years we never see or had any situation on our property that involves stealing or a stranger walking into our property so we thought it was a great place with security even if we always see the car speeding or the motorcycles guys speeding in groups...

but everything changed and we started seeing few events that make us worry about our child safety and our safety.

I submit a copy of the two police reports that we made not to mention the last event at the end of 2023 where two strangers with a gun tried to hide on our property while the sheriff officers were looking for them and this happened around 9:30 pm or 10 pm where I was having my girls almost ready to go to sleep when my husband called me and with a quiet voice told me to lock the two doors because he saw two guys trying to hide under our RV truck... I felt very very unsecured and with my two girls that was the day when we decided to have our home more secure and make the effort to afford at least the front gate done and soon we got the entire fence done...

My property has a 4" fence and is very easy to get access from any angle and with my yard we do not always have a clear view and who pass by.

The two reports I share show when we had our car stolen from the front of the house around 2am and we decided to put cameras since that incident.

The second police report was when we heard gun shooting very close to the house and cars speeding and that happened at night while we were ready to sleep and now we are concerned because our house has a big yard and very open access to walk in... and all those incidents we have the police in our house to get any video evidence...

I WORRY ABOUT MY GIRLS THEY LOVE THE YARD AND I SEE THEM PLAYING OUTSIDE I ALWAYS WATCHING BUT YOU NEVER KNOW WHEN THEY CAN GO OUTSIDE WITHOUT LETTING YOU KNOW AND A STRANGER BEING OUTSIDE OR MY GIRLS RUNNING BECAUSE THEY HEAR THE ICE CREAM TRUCK AND SOMETHING CAN HAPPEN BECAUSE ON THEIR AGES THEY KNOW BY NOW HOW TO OPEN DOORS AND ARE VERY INNOCENT AND I WANT TO FEEL I DID ALL I CAN TO PROTECT MY KIDS, MY PROPERTY AND MY BELONGINGS.

4. What is the minimum variance that would give the reasonable use of the land, building, or structure?

We are asking to approved us 2ft more so we can have a 6ft front fence with the gate and will do in the future for the entire fence property as well.

And the main reason is for my family safety but also our belongs which are work tools, generators and material from our roofing company since we used our property as our company office.

we have to make sure every night that our cars are lock and secured since the incidents we had in the past we have 5 trucks and a RV and the main and front driveway give us the access to have our cars and work truck with the tools secure during the night.

5. Explain how the variance request would not impair the intent of the zoning ordinance or be detrimental to the general public welfare.

The 6 ft gate will not interfere with public since we do not intend to block the public passage .

# HORIZONTAL ALUMINUM WELDED FENCE & GATE

**250FT COMMERCIAL USE** - PERFORMANCE EVALUATION, NON STRUCTURAL DECORATIVE BARRIER - ALL WELDED (HVHZ ONLY) GROUND LEVEL, NON-SLOPED. **SEE NOTES FOR POOL APPLICATIONS**

THIS IS A NON-SITE-SPECIFIC PERFORMANCE EVALUATION. A DESIGN PROFESSIONAL SHALL BE RESPONSIBLE FOR CERTIFYING THE APPLICATION OF THIS INFORMATION TO ANY SITE-SPECIFIC LOCATION. NO CERTIFICATION IS OFFERED FOR USE WITHOUT A CORRESPONDING SITE SPECIFIC PLAN UNDER SEPARATE CERTIFICATION. VALID AS A GENERIC PERFORMANCE EVALUATION ONLY FOR UP TO **250FT** OF **COMMERCIAL OR RESIDENTIAL** FENCING & 2 GATES AT (1) LOCATION.  
THIS DOCUMENT IS NOT TO BE USED WITHOUT AN ORIGINAL PEN SIGNATURE & RAISED SEAL OR ELECTRONICALLY VERIFIABLE ELECTRONIC SIGNATURE MEETING ALL DISCLAIMERS SET FORTH HEREIN. RUBBED PENCIL COPIES ARE NOT PERMITTED FOR USE IN ANY WAY

Colby Bennardo  
FL PE95197  
CA-9885  
Feb 2, 2024  
Certifying engineer and cert of auth as listed on stamp

COPIES WITHOUT ORIGINAL PE SEAL NOT VALID FOR PERMIT

## GENERAL NOTES

### DESIGN

- THIS SYSTEM HAS BEEN DESIGNED AND SHALL BE FABRICATED IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA BUILDING CODE 8TH (2023) EDITION. ALSO APPLICABLE FOR THE INTERNATIONAL BUILDING / RESIDENTIAL CODES (2015, 2018 & 2021), AS WELL AS CURRENT VERSIONS OF THE MN, NC, NJ, NY, OH, SC, & VA BUILDING CODES AS APPLICABLE. CODE ENFORCED COMPLIES WITH STATE OF SEAL AND IF MULTIPLE VERSIONS ARE LISTED THEN MOST STRINGENT APPLIES.
- DESIGN BASED ON ASCE 7-16 OR ASCE 7-22 USING  $V_{ult} = 115\text{MPH}$  /  $V_{ref} = 90\text{MPH}$  (3 SEC GUST, UP TO 6'-0" WITHIN HVHZ), EXPOSURE 'C', RISK CATEGORY I, USING THE 'SOLID SIGN METHOD'.

CALCULATED ALLOWABLE DESIGN LOAD = 20 PSF  
(ASD LATERAL LOADING PRESSURE)

- ALL FOOTINGS ARE TO BE INSTALLED LOWER THAN ANY CODE REQUIRED FROST LINE. ADDITIONALLY, IN THE HVHZ (DADE & BROWARD COUNTIES, FL), TOP OF FOOTING TO BE 8" MIN BELOW GRADE.
- PRODUCT APPROVED FOR USE IN SEISMIC DESIGN CATEGORY A-C PER REQUIREMENTS OF ASCE 7-22 AND CALIFORNIA BUILDING CODE 2022. FOR SEISMIC DESIGN CATEGORY D-F AND ANY CONCRETE CONNECTIONS, ADDITIONAL REVIEW BY THIRD-PARTY ENGINEERS IS REQUIRED FOR THE VALIDITY OF THE DESIGN.
- THIS FENCE DESIGN TO BE USED AT FLAT TERRAIN GROUND SURFACE ONLY, WITH USE LIMITED TO DECORATIVE BARRIER PURPOSES ONLY.

**THIS FENCE IS NOT INTENDED TO MEET CODES GOVERNING ELEVATED BALCONIES, STRUCTURAL RAILINGS, HANDRAILS, OR PROTECTING DROPOFFS GREATER THAN 30" TALL ON LAND.**

### FOR NON-POOL APPLICATIONS REQUIRING EGRES:

- PER FLORIDA FIRE PREVENTION CODE & NFPA 1, 101, GATES REQUIRING EGRES SHALL HAVE NO LATCHES AND BE FREE SWINGING FOR QUICK EXITING. GATE SHALL HAVE SELF-CLOSING HINGES ONLY.

### FOR POOL APPLICATIONS:

- PER FBC 454.2.17.1.8: POOL ACCESS GATES WHEN PROVIDED SHALL COMPLY WITH FBC 454.2 AND MUST BE AT LEAST 48" ABOVE GRADE & EQUIPPED WITH A SELF CLOSING, SELF LATCHING LOCKING DEVICE NOT LESS THAN 54" FROM BOT OF GATE. GATE MUST OPEN OUTWARD AWAY FROM POOL & MUST HAVE NO OPENING >1/2" WITHIN 18" OF RELEASE MECHANISM.

### CONNECTIONS:

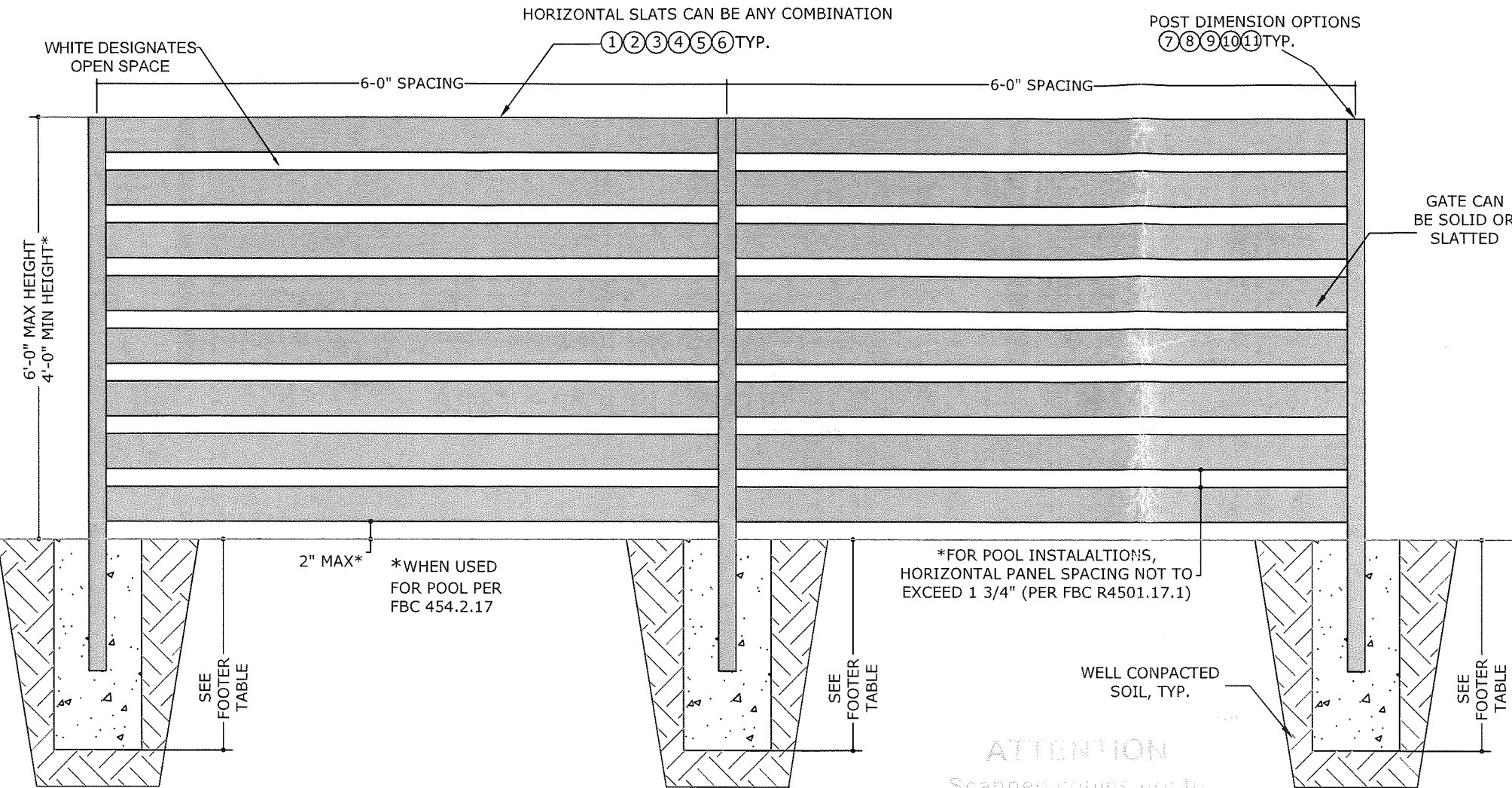
- ALL FASTENERS TO BE #12 X 3/4" OR GREATER SERIES 300 NON-MAGNETIC STAINLESS STEEL, OR CADMIUM PLATED OR OTHERWISE CORROSION RESISTANT MATERIAL.
- FABRICATION SHALL BE IN ACCORDANCE WITH FBC/IBC SECTION 2003.8 WITH WELD FILLER ALLOYS MEETING ANSI/AWS A5.10 STANDARDS;
- ALUMINUM CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE TOLERANCES, QUALITY AND METHODS OF CONSTRUCTION AS SET FORTH IN THE 2015 ALUMINUM DESIGN MANUAL PER CODE REQUIREMENTS.
- ALUMINUM WELDING SHALL BE IN ACCORDANCE WITH FBC SECTION 2003.8.1.4 WITH WELD FILLER ALLOYS MEETING ANSI/AWS A5.10 STANDARDS; ALL ALUMINUM CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE TOLERANCES, QUALITY AND METHODS OF CONSTRUCTION AS SET FORTH IN FBC SECTION 2003.2.
- MINIMUM WELD IS 1/8" THROAT FULL PERIMETER FILLET WELD UNLESS OTHERWISE NOTED.
- ALL EXTRUDED MEMBERS SHALL BE ALUMINUM ALLOY TYPE 6061-T6 OR BETTER, U.N.O.

### MATERIALS:

- ALL CONCRETE AND EPOXY TO REACH A MIN. COMPRESSIVE STRENGTH OF 3000 PSI IN 7 DAYS. CONCRETE FOOTERS SHALL CONTAIN MINIMUM 0.1% FIBERMESH CONTENT PER CUBIC YARD.
- THE CONTRACTOR IS RESPONSIBLE TO INSULATE ALL MEMBERS FROM DISSIMILAR MATERIALS TO PREVENT ELECTROLYSIS.
- SURROUNDING SOIL TO BE COMPACTED TO 95% OPTIMUM DENSITY, 2000 PSF MIN SHALL BE CLASSIFIED OR VERIFIED BY OTHERS PRIOR TO CONSTRUCTION PER FBC 1806.2 AND SHALL BE SANDY GRAVEL CLASS ONLY.
- ELECTRICAL GROUND, WHEN REQUIRED, TO BE DESIGNED & INSTALLED BY OTHERS.

### OTHER:

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RESIDENTIAL OR COMMERCIAL USE  
FLORIDA BUILDING CODE, 8TH ED (2023)  
INTERNATIONAL BUILDING CODE (2021)  
ASD DESIGN PER ASCE 7-22

REMARKS	DRWN	CHKD	DATE
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1 OF 3

POST DIMENSION & FOOTER SIZE FOR FENCES AND SINGLE GATES		
MAX POST SPACING = 6 FT		
POST HEIGHT (IN)	POST DIMENSIONS (IN)	POST FOOTER SIZE OPTIONS (DIA X DEPTH, IN)
48"	2"x2"x1/8"	12"x36" OR 18"x30"
60"	2.5"x2.5"x1/8"	12"x41" OR 18"x35"
72"	3"x3"x1/8"	12"x46" OR 18"x39"

### FOOTING TABLE NOTES:

- IT IS ASSUMED THE POST SUPPORTS ONLY THE INTENDED GATE. ADDITIONAL LOAD REQUIRES SEPARATE POST & FOOTING CONSIDERATION (BY OTHERS).
- IN DADE & BROWARD COUNTIES, FL TOP OF FOOTING TO BE 8" BELOW GRADE.
- FOOTING DEPTH TO REACH ANY CODE REQUIRED FROST LINE
- FENCE & GATE MAY LIST BUT STAY INTACT IN SATURATED SOIL AT PEAK CONDITIONS & IS STILL CONSIDERED PROPERLY DESIGNED.

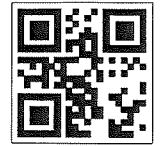
## INDEX

SHEET # | DESCRIPTION

- FENCE
- SINGLE/DOUBLE GATE
- ROLLING GATE



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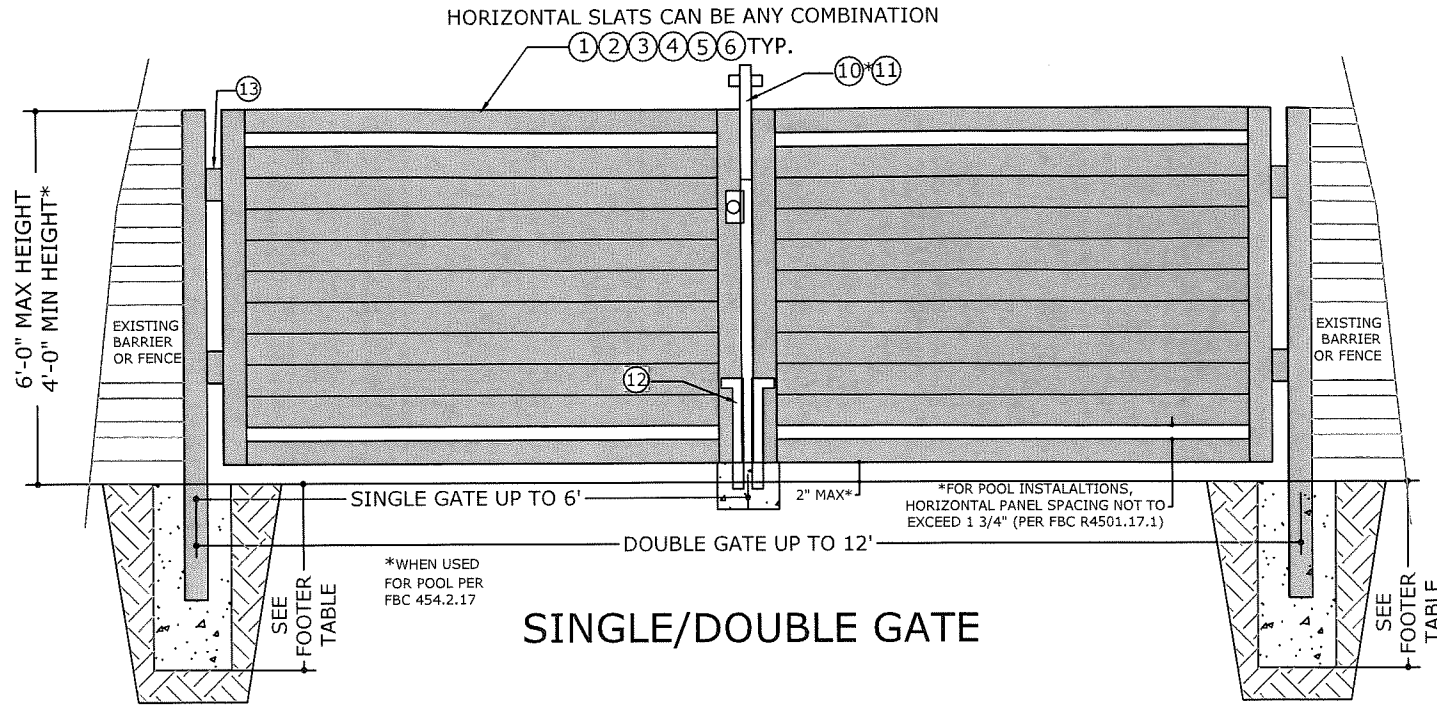
# HORIZONTAL ALUMINUM WELDED GATE AT GRADE

**250FT COMMERCIAL USE** - PERFORMANCE EVALUATION, NON STRUCTURAL DECORATIVE BARRIER - ALL WELDED (HVHZ ONLY) GROUND LEVEL, NON-SLOPED. **SEE NOTES FOR POOL APPLICATIONS**

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Colby Bennardo  
FL PE95197  
CA-9885  
Feb 2, 2024  
Certifying engineer and  
cert of auth as listed on  
stamp

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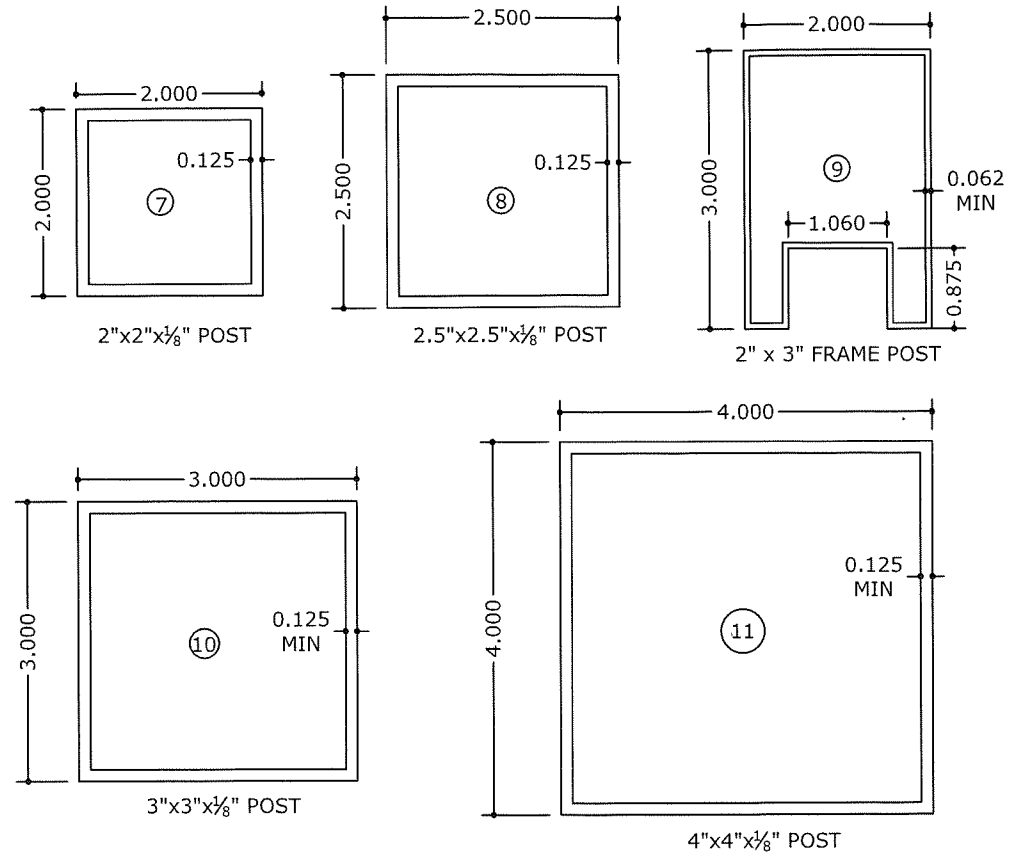
**SINGLE/DOUBLE GATE**

POST DIMENSION & FOOTER SIZE FOR DOUBLE SWING GATES		
MAX POST SPACING = 12 FT		
MAX GATE WIDTH = 6 FT		
POST HEIGHT (IN)	POST DIMENSIONS (IN)	POST FOOTER SIZE OPTIONS (DIA X DEPTH, IN)
48"	3"x3"x1/8"	12"x47" OR 18"x40"
60"	3.5"x3.5"x1/8"	12"x54" OR 18"x46"
72"	3.5"x3.5"x1/4"	12"x60" OR 18"x51"

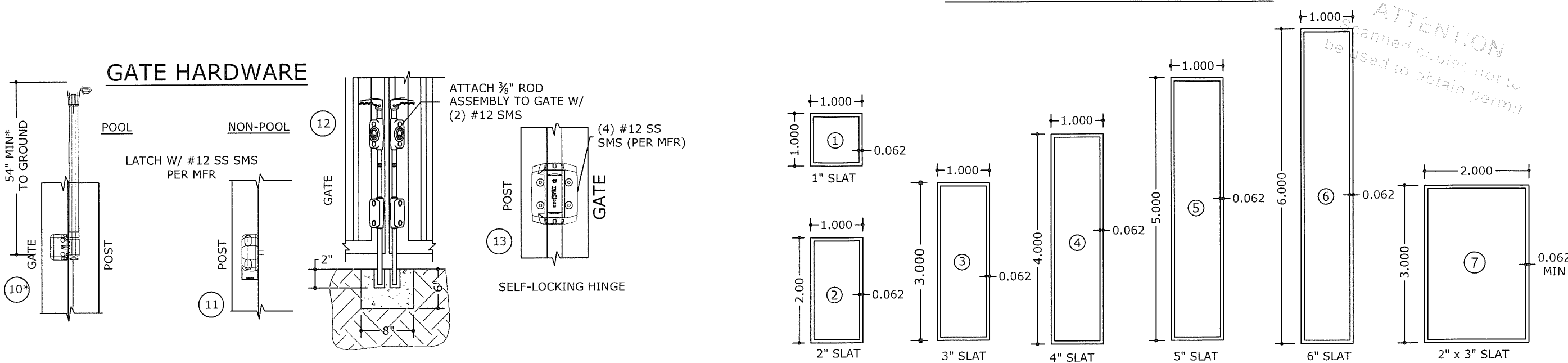
**FOOTING TABLE NOTES:**

1. IT IS ASSUMED THE POST SUPPORTS ONLY THE INTENDED GATE. ADDITIONAL LOAD REQUIRES SEPARATE POST & FOOTING CONSIDERATION (BY OTHERS).
2. FOOTING DEPTH TO REACH ANY CODE REQUIRED FROST LINE
3. FENCE & GATE MAY LIST BUT STAY INTACT IN SATURATED SOIL AT PEAK CONDITIONS & IS STILL CONSIDERED PROPERLY DESIGNED.
4. GATE TO REMAIN LOCKED DURING WIND EVENTS VELOCITIES > 75MPH Vult SUSTAINED

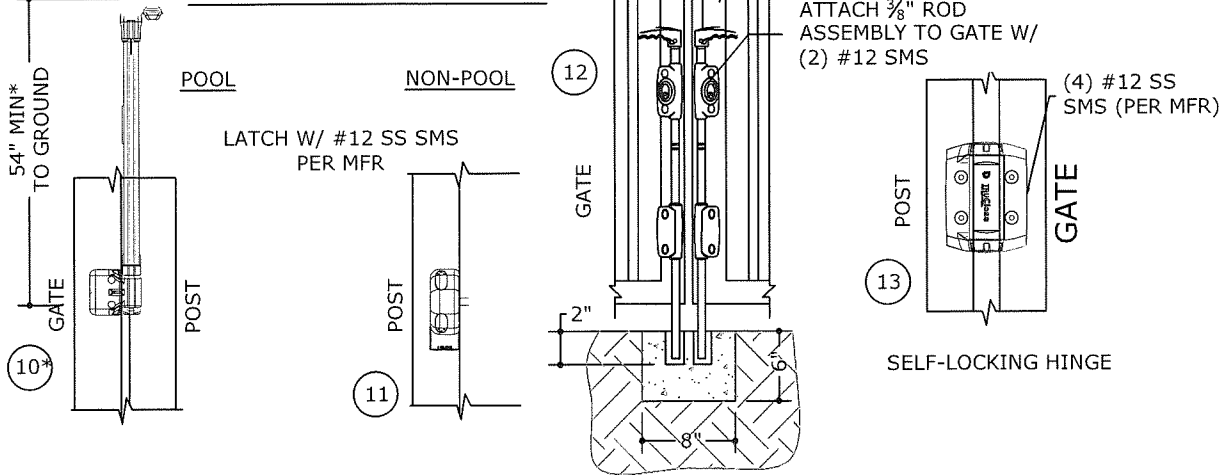
## FENCE AND SINGLE GATE POST EXTRUSIONS



## HORIZONTAL SLAT OPTIONS



## GATE HARDWARE



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**ENGINEERING EXPRESS**

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WELDED SLATS - AT GRADE (250 FT)  
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2/2/2024 2:37 PM CLEMENTINE c:\users\dementine\engineering\express\production - documents\projects\23-23-63305 horiz alum welded fence-gate mps\work\drawings & cad\23-63305f horiz welded alum mps-update.dwg

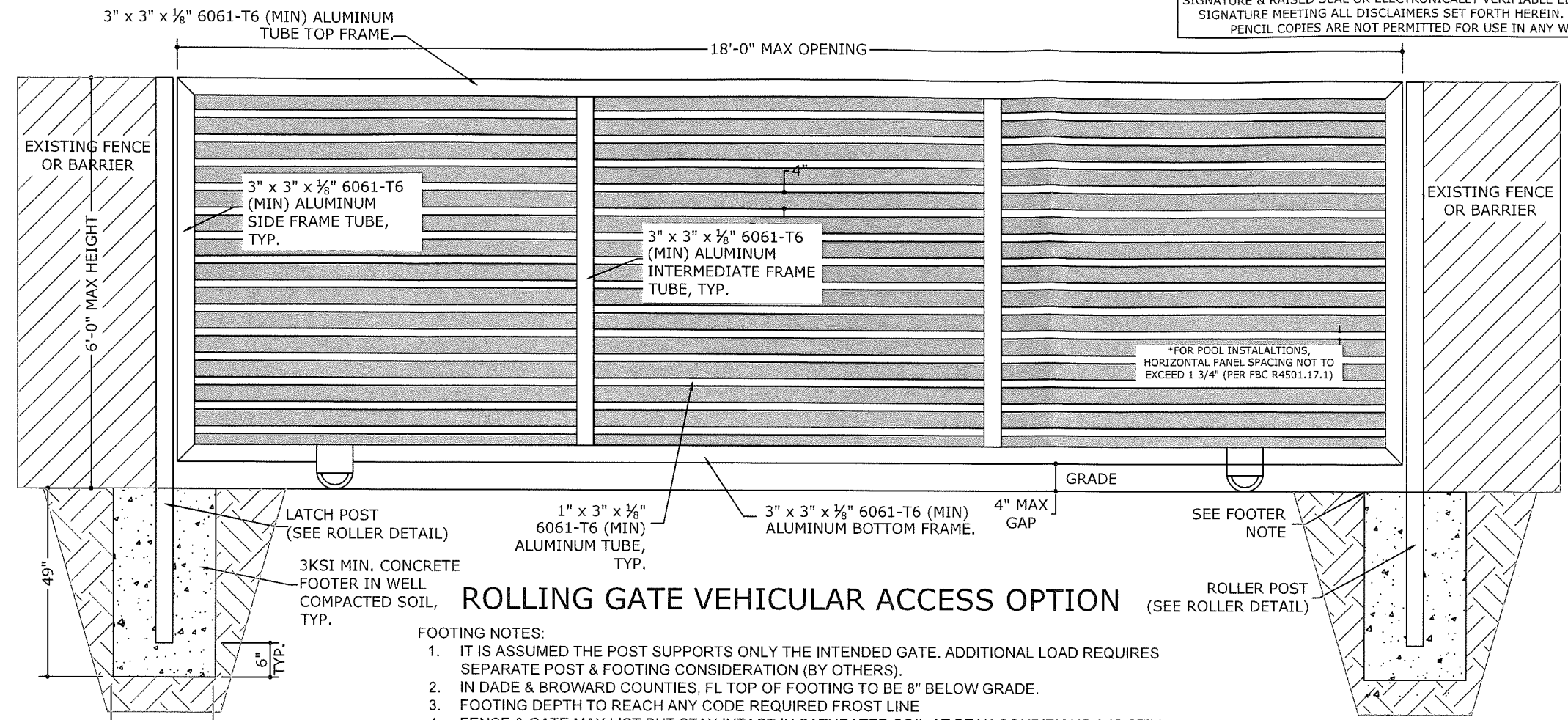
# HORIZONTAL ALUMINUM WELDED ROLLING GATE

**250FT COMMERCIAL USE** - PERFORMANCE EVALUATION, NON STRUCTURAL DECORATIVE BARRIER - ALL WELDED GROUND LEVEL, NON-SLOPED. **NOT FOR POOL APPLICATIONS**

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stamp

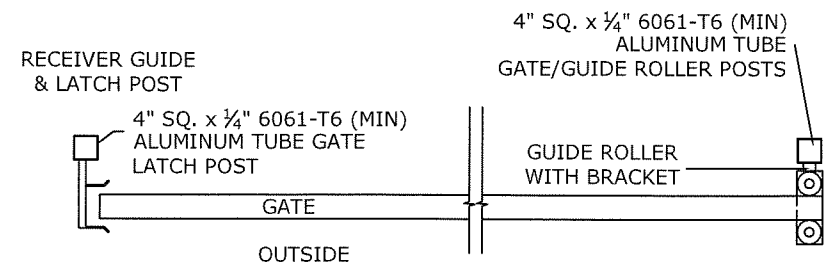
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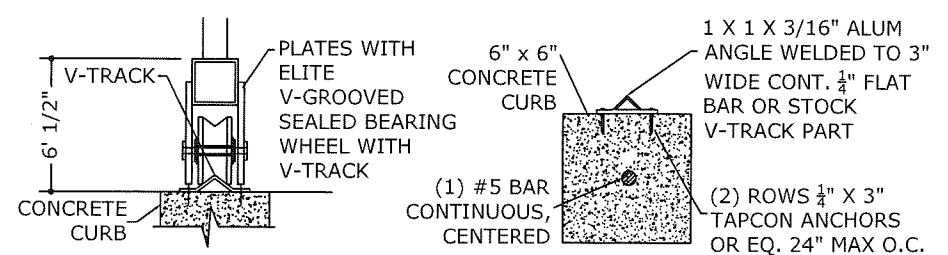
## ROLLING GATE VEHICULAR ACCESS OPTION

- FOOTING NOTES:
- IT IS ASSUMED THE POST SUPPORTS ONLY THE INTENDED GATE. ADDITIONAL LOAD REQUIRES SEPARATE POST & FOOTING CONSIDERATION (BY OTHERS).
  - IN DADE & BROWARD COUNTIES, FL TOP OF FOOTING TO BE 8" BELOW GRADE.
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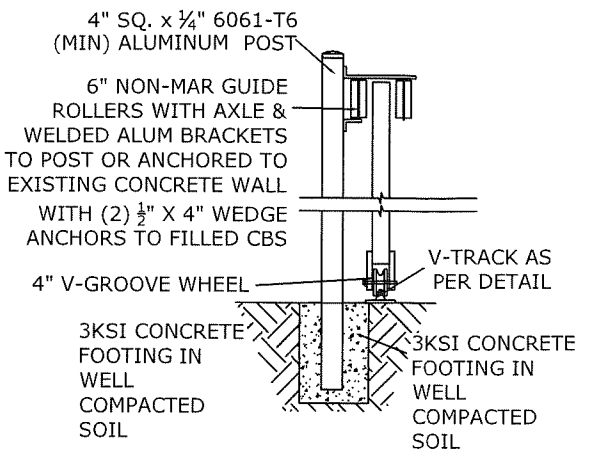
### ROLLER DETAIL



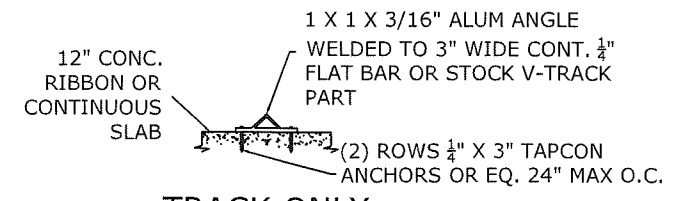
### CONCRETE CURB OPTION



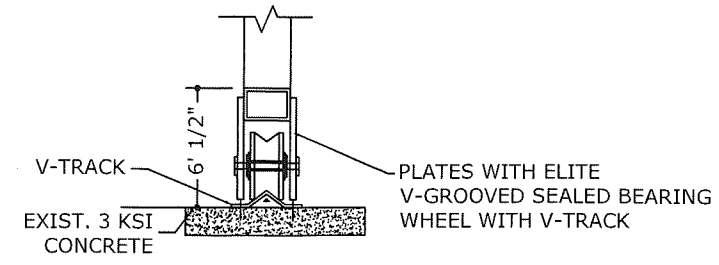
### SINGLE GROUND POST OPTION



### V-TRACK DETAIL



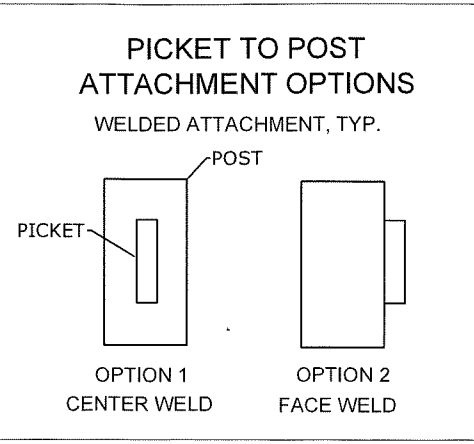
### TRACK ONLY



### TRACK WITH ROLLING GATE WHEEL



### PLAN VIEW



ATTENTION  
Scanned copies not to be used to obtain permit

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205 S 29th St Fort Pierce FL 34947

04/15/24

Gate and Fence variance

We would like to do a 6ft Gate and a 6ft fence  
For our property on the picture I show my  
Property boundary Lines and an illustration  
on where we want the 2 Gate entrance  
and the fence.

On the Drawing is the description of the materials  
and desing we would be using.

My name Nancy Estrada Avila owner of the  
above address.

**Planning Board of Adjustment**

Meeting Date: 06/27/2024

---

Information

REQUESTED ACTION

Annual Open Government Training

SUMMARY

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

---

Attachments

Open Government Training Presentation 2024

---

**Form Review**

Form Started By: Alicia Rosenthal  
Final Approval Date: 05/23/2024

Started On: 03/29/2024 11:11 AM

# Florida's Open Government Laws

---

SARA HEDGES

CITY ATTORNEY

CITY OF FORT PIERCE

# Florida's Open Government Laws

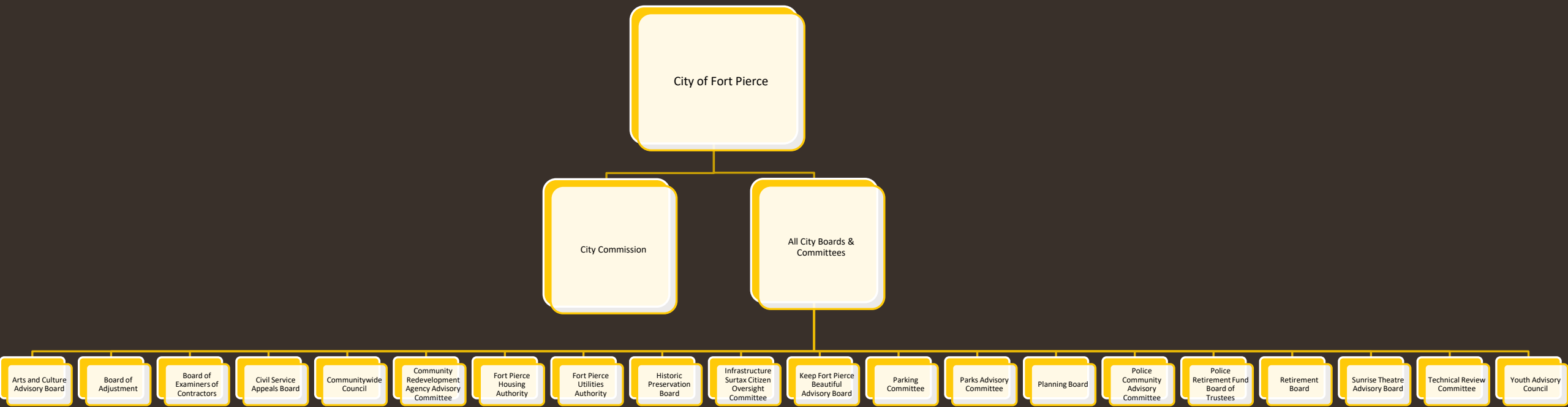
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Florida's Government in the Sunshine Law

Florida's Public Records Act

Voting Conflicts of Interest

# Who do these laws apply to?



# Florida's Government in the Sunshine Law: Chapter 286, Florida Statutes

---

Provides for a right of access to governmental proceedings of any board or commission at both the state and local levels of government.

Applies to any gathering of two or more members of a board or commission to discuss any matter which will foreseeably come before them for action.

Applies to both elected and appointed boards or commissions.

# Basic Requirements of Section 286.011, Florida Statutes

---

1. Meetings of public boards or commissions must be open to the public
2. Reasonable notice of such meetings must be given
3. Written minutes of the meetings must be taken, promptly recorded, and open to public inspection

# Advisory Boards and Committees

---

Sunshine Law applies to advisory boards, even though their recommendations are not binding upon the agencies that created them.

Very limited exception applies to advisory committees established for fact-finding only. However, if the committee has any decision-making function (making recommendations to the governmental body) as part of their duties, the Sunshine Law applies.

“The principle to be followed is very simple: When in doubt, the members of any board, agency, authority or commission should follow the open-meeting policy of the State.”

Town of Palm Beach v. Gradison, 296 So.2d 473 (Fla. 1974).

# Ex Officio Board Members

---

An ex officio board member is subject to the Sunshine Law, no matter whether serving in a voting or non-voting capacity.

# Staff and Non-Board Members

---

Board members are not prohibited from discussing board business with City staff or non-board members.

Cannot, however, use such individuals as a liaison to communicate with members of your board.

## Examples:

Member of the CRA Advisory Committee speaking to the City's Economic Development Manager regarding an item on the agenda for an upcoming meeting?

Member of the CRA Advisory Committee asking the Economic Development Manager to poll the remaining members of the committee to see how they will vote on the review of upcoming grant applications?

# Types of Gatherings Considered a Meeting

---

Gathering does not have to be a formal meeting.

Sunshine Law applies to informal gatherings as well.

# Types of Communication Constituting a Meeting

---

Sunshine Law is not limited to just verbal in person communication.

Applies to all communications.

Includes:

Telephone Conversations

Text Conversations

Emails

Public Social Media Posts

Private Social Media Communications

# One Way Communications

---

May send documents to other commission or board members for their review.

But, once there is a response to the group or to one individual, that has triggered a meeting for which the Sunshine Law applies.

**BEST PRACTICE:** Do not send such communications. Do not reply to such communications.

# Behavior by Members of the Public

---

The public must “be given a reasonable opportunity to be heard on a proposition before a board or commission,” subject to limited exceptions in the statute.

The board or commission is permitted to maintain “orderly conduct or proper decorum in a public meeting.”

May adopt rules or policies for the meetings.

Section 286.0114, Florida Statutes.

# Rules or Policies Governing Opportunity of the Public to be Heard at Public Meetings

---

Section 286.0114, Florida Statutes limits the rules or policies to permit those that:

1. Provide guidelines regarding the amount of time an individual has to address the board or commission;
2. Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
3. Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or
4. Designate a specified period of time for public comment.

# Prohibited Restrictions on Meetings

---

Cannot ask certain members of the public to “voluntarily” leave a meeting.

Cannot ban videotaping, tape recording, or photography at public meetings when doing so is nondisruptive.

Cannot require those attending a public meeting to provide identification in order to attend.

# Secret Ballots

---

Secret ballots violate the Sunshine Law.

Written ballots may be used so long as the votes are made openly at a public meeting. Ballot must include the name of the person voting and their selection. Ballot must be maintained and made available for public inspection.

# Consequences of Violating the Sunshine Law

---

No resolution, rule, regulation, or formal action shall be considered binding except when taken or made at an open meeting.

Civil action can be brought for the violation.

Violations of the Sunshine Law result in those decisions being voided. They will have to be cured by reexamining the decision within the Sunshine.

Waste of time and resources of the City.

# Penalties for Violating the Sunshine Law

---

Public officer who violates any provision is guilty of non-criminal infraction, punishable by a fine up to \$500.00.

Member of a board or commission who knowingly violates the provisions by attending a meeting not held in accordance with the Sunshine Law is guilty of a misdemeanor of the second degree, punishable by up to 60 days in the county jail, 6 months of probation, and/or a fine up to \$500.00.

Conduct occurring outside of the State of Florida which would be a knowing violation is a misdemeanor of the second degree, punishable by up to 60 days in the county jail, 6 months of probation, and/or a fine up to \$500.00.

\*May also be suspended or removed from your position\*

# How Serious Should You Take the Sunshine Law?

---

Damien Gilliams, Pamela Parris, and Charles Mauti, formerly of the Sebastian City Council.

Accusation was that they held an illegal meeting outside of the Sunshine, where they voted to remove the Mayor and fire the City Manager, City Clerk, and City Attorney.

Mauti entered a plea to two civil infractions. Ordered to pay fines, court costs, cost of investigation, and attend and complete sunshine law training in the cases. Total ordered to be paid equaled \$1,886.00.

Gilliams found guilty at trial of 3 counts of Violation of the Sunshine Law (affirmed on appeal) and 1 count of Perjury – Unofficial Proceeding (reversed on appeal).

Parris found guilty at trial of 1 count of Violation of the Sunshine Law (affirmed on appeal) and 2 counts of Perjury – Unofficial Proceeding (Count V reversed on appeal, Count VI affirmed on appeal).

# Damien Gilliams Sentences

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BK: 3464 PG: 607, 9/16/2021 8:36 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119AXXXXX

STATE OF FLORIDA  
VS  
DAMIEN HERMAN GILLIAMS

Charge(s): CT(1)  
VIOLATION OF THE SUNSHINE LAW

### JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:  
 pleaded guilty  
 pleaded no contest  
 been tried and found guilty
- The Court does hereby:  
 Adjudge the Defendant to be Guilty  
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:  
FINE \$ 500 PD FEE \$ \_\_\_\_\_  
COSTS \$ 243 PD APP FEE \$ \_\_\_\_\_  
TV AD \$ \_\_\_\_\_ C.O.P. \$ Reserved  
COI \$ Reserved ADDITIONAL COSTS \$ \_\_\_\_\_
- The Defendant is incarcerated for a period of 45 days in the Indian River County Jail.  
a. \_\_\_\_\_ as a condition of probation. as CTS concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:  
a. \_\_\_\_\_ hours of community service.  
b. Restitution of \$ 26088.00 to City of Sebastian; Joint and several  
c. Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No  
d. \_\_\_\_\_ Attend the next victim impact panel.  
e. \_\_\_\_\_ Attend DUI School and follow any recommendations.  
f. \_\_\_\_\_ Days House Arrest.  
g. \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock  
h. \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.  
i. \_\_\_\_\_ Attend and complete:  
 26 week Batterer's Intervention Program  
 12 week Living without Violence Program / Anger Mgt. Class  
 ACF Mileposts  Misd. Class  
 Enroll within \_\_\_\_\_ Days.  
j.  Report to CORE Probation within 72 hrs. of release from jail.  
k.  Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_  
l.  Other No contact with [REDACTED]

3120210065304 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT  
BK: 3464 PG: 609, 9/16/2021 8:36 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119AXXXXX

STATE OF FLORIDA  
VS  
DAMIEN HERMAN GILLIAMS

Charge(s): CT(2)  
VIOLATION OF THE SUNSHINE LAW

### JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:  
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 pleaded no contest  
 been tried and found guilty
- The Court does hereby:  
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 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:  
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COSTS \$ \_\_\_\_\_ PD APP FEE \$ \_\_\_\_\_  
TV AD \$ \_\_\_\_\_ C.O.P. \$ \_\_\_\_\_  
COI \$ \_\_\_\_\_ ADDITIONAL COSTS \$ \_\_\_\_\_
- The Defendant is incarcerated for a period of 45 days in the Indian River County Jail.  
a. \_\_\_\_\_ as a condition of probation. as CTS concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:  
a. \_\_\_\_\_ hours of community service.  
b. Restitution of \$ \_\_\_\_\_ to \_\_\_\_\_  
c. Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No  
d. \_\_\_\_\_ Attend the next victim impact panel.  
e. \_\_\_\_\_ Attend DUI School and follow any recommendations.  
f. \_\_\_\_\_ Days House Arrest.  
g. \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock  
h. \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.  
i. \_\_\_\_\_ Attend and complete:  
 26 week Batterer's Intervention Program  
 12 week Living without Violence Program / Anger Mgt. Class  
 ACF Mileposts  Misd. Class  
 Enroll within \_\_\_\_\_ Days.  
j.  Report to CORE Probation within 72 hrs. of release from jail.  
k.  Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_  
l.  Other \_\_\_\_\_

3120210065305 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT  
BK: 3464 PG: 611, 9/16/2021 8:36 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119AXXXXX

STATE OF FLORIDA  
VS  
DAMIEN HERMAN GILLIAMS

Charge(s): CT(3)  
VIOLATION OF THE SUNSHINE LAW

### JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:  
 pleaded guilty  
 pleaded no contest  
 been tried and found guilty
- The Court does hereby:  
 Adjudge the Defendant to be Guilty  
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:  
FINE \$ 500 + 125 PD FEE \$ \_\_\_\_\_  
COSTS \$ \_\_\_\_\_ PD APP FEE \$ \_\_\_\_\_  
TV AD \$ \_\_\_\_\_ C.O.P. \$ \_\_\_\_\_  
COI \$ \_\_\_\_\_ ADDITIONAL COSTS \$ \_\_\_\_\_
- The Defendant is incarcerated for a period of 45 days in the Indian River County Jail.  
a. \_\_\_\_\_ as a condition of probation. as CTS concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:  
a. \_\_\_\_\_ hours of community service.  
b. Restitution of \$ \_\_\_\_\_ to \_\_\_\_\_  
c. Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No  
d. \_\_\_\_\_ Attend the next victim impact panel.  
e. \_\_\_\_\_ Attend DUI School and follow any recommendations.  
f. \_\_\_\_\_ Days House Arrest.  
g. \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock  
h. \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.  
i. \_\_\_\_\_ Attend and complete:  
 26 week Batterer's Intervention Program  
 12 week Living without Violence Program / Anger Mgt. Class  
 ACF Mileposts  Misd. Class  
 Enroll within \_\_\_\_\_ Days.  
j.  Report to CORE Probation within 72 hrs. of release from jail.  
k.  Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_  
l.  Other \_\_\_\_\_

# Pamela Parris Sentences

3120210065296 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT  
BK: 3464 PG: 574, 9/16/2021 8:30 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119BXXXXX

STATE OF FLORIDA  
VS  
PAMELA RAPP PARRIS

Charge(s): CT(1)  
VIOLATION OF THE SUNSHINE LAW

## JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:  
 pleaded guilty  
 pleaded no contest  
 been tried and found guilty
- The Court does hereby:  
 Adjudge the Defendant to be Guilty  
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:  
FINE \$ 500 PD FEE \$ \_\_\_\_\_  
COSTS \$ 243 PD APP FEE \$ \_\_\_\_\_  
TV AD \$ \_\_\_\_\_ C.O.P. \$ Reserved  
COI \$ Reserved ADDITIONAL COSTS \$ \_\_\_\_\_
- The Defendant is incarcerated for a period of 30 days in the Indian River County Jail.  
a. \_\_\_\_\_ as a condition of probation. CS CR5 Concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:
  - \_\_\_\_\_ hours of community service.
  - Restitution of \$ 2698.95 to City of Sebastian; Joint and Several
  - Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No
  - \_\_\_\_\_ Attend the next victim impact panel.
  - \_\_\_\_\_ Attend DUI School and follow any recommendations.
  - \_\_\_\_\_ Days House Arrest.
  - \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock
  - \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.
  - Attend and complete:  
 26 week Batterer's Intervention Program  
 12 week Living without Violence Program / Anger Mgt. Class  
 ACF Mileposts  Misd. Class  
 Enroll within \_\_\_\_\_ Days.
  - Report to CORE Probation within 72 hrs. of release from jail.
  - Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_
  - Other No Contact with \_\_\_\_\_

3120210065300 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT  
BK: 3464 PG: 601, 9/16/2021 8:30 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119BXXXXX

STATE OF FLORIDA  
VS  
PAMELA RAPP PARRIS

Charge(s): CT(6)  
PERJURY - NOT IN OFFICIAL PROCEEDING

## JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:  
 pleaded guilty  
 pleaded no contest  
 been tried and found guilty
- The Court does hereby:  
 Adjudge the Defendant to be Guilty  
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:  
FINE \$ 1000 + 50.00 PD FEE \$ \_\_\_\_\_  
COSTS \$ \_\_\_\_\_ PD APP FEE \$ \_\_\_\_\_  
TV AD \$ \_\_\_\_\_ C.O.P. \$ \_\_\_\_\_  
COI \$ \_\_\_\_\_ ADDITIONAL COSTS \$ \_\_\_\_\_
- The Defendant is incarcerated for a period of 90 days in the Indian River County Jail.  
a. \_\_\_\_\_ as a condition of probation. CS CR5 Concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:
  - \_\_\_\_\_ hours of community service.
  - Restitution of \$ \_\_\_\_\_ to \_\_\_\_\_
  - Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No
  - \_\_\_\_\_ Attend the next victim impact panel.
  - \_\_\_\_\_ Attend DUI School and follow any recommendations.
  - \_\_\_\_\_ Days House Arrest.
  - \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock
  - \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.
  - Attend and complete:  
 26 week Batterer's Intervention Program  
 12 week Living without Violence Program / Anger Mgt. Class  
 ACF Mileposts  Misd. Class  
 Enroll within \_\_\_\_\_ Days.
  - Report to CORE Probation within 72 hrs. of release from jail.
  - Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_
  - Other \_\_\_\_\_

# One Last Thought on the Sunshine Law

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“We note that the Sunshine Law was enacted in the public interest to protect the public from ‘closed door’ politics and, as such, the law must be broadly construed to effect its remedial and protective purpose.” Wood v. Marston, 442 So.2d 934 (Fla 1983).

# Florida Public Records Act: Chapter 119, Florida Statutes

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Florida's public records laws create a right of access to records of state and local governments and private entities acting on their behalf.

Material falling within the definition of a "public record" must be disclosed to the public absent a statutory exemption.

Be mindful, a public records exemption does not create a Sunshine Law exemption.

# Definition of “Public Records”

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“Public records’ means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(12), Florida Statutes

When “intended to perpetuate, communicate, or formalize knowledge of some type.” Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc., 379 So.2d 633 (Fla. 1980).

# Personal Communications and “Public Records”

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Personal notes are a public record if they are intended to communicate, perpetuate, or formalize knowledge of some type.

Emails to and from personal email, texts on personal cell phone, social media exchanges, etc. made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency or intended to communicate, perpetuate, or formalize knowledge of some type are public record.

Personal communications or documents stored on government equipment are not automatically public records, but they may be depending on the circumstances.

# Retention of Public Records

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All public records have a specific retention schedule approved by the Department of State.

Even exempt records must be retained.

Bottom Line: Do **NOT** destroy, delete, or alter a public record. If you are unsure whether something is a public record, **KEEP IT**.

# Public Records Requests

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Cannot be withheld at the request of the sender.

No legitimate purpose or noncommercial interest must be established by the requestor, motivation is irrelevant.

Cannot deny a request because it is overbroad.

Unless a statute authorizes such, requestor cannot be required to identify themselves or make the request in writing.

Cannot delay production of the records requested further than reasonable amount of time to retrieve and redact the records (according to the law).

# Penalties for Noncompliance with Public Records Laws

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## Civil Actions

Civil action to enforce compliance with chapter 119 requires an immediate hearing and takes priority over other matters.

Attorney's fees shall be awarded if agency is found to have unlawfully withheld public records.

## Civil Penalties

An unintentional violation is a non-criminal infraction punishable by up to a \$500.00 fine.

## Criminal Penalties

Knowing and intentional violation is a first degree misdemeanor, punishable by up to 1 year in the county jail, 1 year of probation, and/or up to a \$1,000.00 fine.

\*May also be suspended or removed from your position\*

# Voting Conflicts of Interest: Section 286.012, Florida Statutes

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As a general rule, cannot abstain from voting.

Members must vote unless there is, or appears to be, a possible conflict of interest under Florida Statutes (112.311, 112.313, 112.3143, and 112.326).

If the only conflict or possible conflict is one arising from the additional or more stringent standards adopted pursuant to s. 112.326, the member shall comply with any disclosure requirements adopted pursuant to s. 112.326.

If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.

# Voting Conflicts of Interest: Section 112.3143, Florida Statutes

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A voting conflict of interest exists when voting on any matter that would inure to the special private gain or loss of the person voting, their relative, their business associate, or a principal by whom they are retained.

Relative: father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

Business associate: any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder.

Principal by whom retained: individual or entity, other than an agency as defined in s. 112.312(2), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one's client, employer, or the parent, subsidiary, or sibling organization of one's client or employer.

# Voting Conflicts of Interest: Section 112.3143, Florida Statutes

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Special private gain or loss: an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

# Additional Conflicts of Interest Statutes

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Section 112.311, Florida Statutes: Legislative Intent and Declaration of Policy.

Excerpt of subsection (5): “It is hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.”

Section 112.313, Florida Statutes: Standards of Conduct for Public Officers, Employees of Agencies, and Local Government Attorneys.

Topics addressed include accepting gifts, doing business with own agency, misuse of public position, etc.

# Voting Conflicts of Interest: Section 112.3143, Florida Statutes

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If you have a voting conflict:

**Must**: Announce the nature of the conflict, abstain from voting, and file a Memorandum of Voting Conflict (Commission on Ethics Form 8B).

**May**: Participate (attempt to influence the decision orally or in writing by self or at your direction) if follow specifically outlined steps in the statute based on when you decide to participate.

**Best Practice**: Disclose the conflict prior to the meeting and remove oneself from the room during that agenda item.

# Questions about Sunshine Law, Public Records Laws, Ethical Concerns, Etc.

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May contact the City Attorney's Office

- Remember, we represent the City and will take a position that best protects the City
- We will advise you to stay "1,000 feet" away from the line
  - Example: voting conflicts of interest
- You should always follow up with:
  - The Commission on Ethics
  - Your own private, personal attorney

Resources Available:

- Sunshine Manual
- Attorney General's Office
- Florida Statutes