

Bldg. Permit # \_\_\_\_\_

COA# 24-35



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

COMPREHENSIVE PLANNING ◊ DEVELOPMENT REVIEW  
HISTORIC PRESERVATION ◊ URBAN DESIGN ◊ URBAN FORESTRY ◊ ZONING

### Certificate of Appropriateness Application

#### Building & Site Information

Address of the Site: 109 Fishermans Wharf  
Parcel ID #: 240334100040009  
Type of Designation:  Contributing  Non-contributing Site within the X Historic District  
 Individually Designated Site, City Commission Resolution No. \_\_\_\_\_

#### Property Owner / Applicant Information

Property Owner(s)  
Name(s): Joseph Miller  
Mailing Address: 5500 Orange Ave Fort Pierce, FL 34947  
Phone Number(s): \_\_\_\_\_ Email: \_\_\_\_\_

Applicant  
Name(s): Jon Nolli for Funky Cuda  
Mailing Address: 109 Fishermans Wharf  
Phone Number(s): 561-758-6457 Email: jonnolli@aol.com

Representative  
Name(s): Jon Nolli for Funky Cuda  
Mailing Address: 109 Fishermans Wharf  
Phone Number(s): 561-758-6457 Email: jonnolli@aol.com

*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 Historic Preservation staff for purposes of consideration of this Application and/or presentation to the Historic Preservation Board.*

I / We, Joseph Miller as Owner(s) of the subject property do hereby authorize the filing of this application on my/our behalf.

Joseph S. Miller  
Signature of Owner

5/9/24  
Date

**Description of Requested Work**

Please indicate the type of work requested:

- |   |  |   |   |
|---|--|---|---|
| <input checked="" type="checkbox"/> Fence | <input type="checkbox"/> Shed                        | <input checked="" type="checkbox"/> Door(s) | <input type="checkbox"/> Roof             |
| <input type="checkbox"/> Window(s)        | <input type="checkbox"/> Signage                     | <input type="checkbox"/> Shutter(s)         | <input checked="" type="checkbox"/> Porch |
| <input type="checkbox"/> Rehabilitation   | <input checked="" type="checkbox"/> New Construction | <input type="checkbox"/> Demolition         | <input type="checkbox"/> Relocation       |

Site Improvements (describe) Install new wood fence in place of concrete wall. Install new wood deck.

Other (describe) \_\_\_\_\_

Please provide a detailed description of the proposed work to be performed: \_\_\_\_\_

Install new wood fence with 2x4 railing and 3/8 fence pickets. Fence to be painted as attached photos. I

Have other alterations been made to the site within the last 12 months?  No  Yes, \_\_\_\_\_

Will the proposed work require a Zoning Variance?  No  Yes, Code Section(s): \_\_\_\_\_

The fence may encroach the minimum setback of 15ft. We are requesting a variance for a 12ft setback.

**Application Requirements**

- \$10.00 Application fee
- Site Plan with dimensions.
- Architectural Drawings:
  - Drawings should show all current and proposed floor plans and elevations, fences, walls, and any other landscape features.
  - Drawings should indicate materials to be used.
- Photos - One (1) color photograph of the main façade of the site and photographs of any areas affected by the proposed project.
- Material(s) specifications and/or sample(s)
- Color samples.
- Demolition - Plans for what will be taking the demolished structure's place should be submitted.



## VARIANCE

### Property Information

Property address or Location

109 Fishermans Wharf

Parcel ID #(s)

240334100040009

Project description

Install approximately 50ft of 6' high wood fence as per plan

Reason for request

Fence may encroach the 15ft setback by 8" at the bend in the sidewalk

Existing Use: Marine Comm

Date Property was Purchased: 8/25/2014

Alterations made to the site since purchase: Painting and general maintenance

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

If yes, what changed since the denial?

Property Owner(s)

5800

Orange Ave

Street Address

Fort Pierce FL 34947

City

State

Zip

Phone Number

772-489-2627

Email Address

JGMO1@comcast.net

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)

*James S Miller*

**APPOINTMENTS ARE REQUIRED FOR APPLICATION SUBMITTALS**

CALL 772.467.3737 OR E-MAIL [PLANNING\\_DL@CITYOFFORTPIERCE.COM](mailto:PLANNING_DL@CITYOFFORTPIERCE.COM)

For more information, please refer to the website:

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

## Criteria

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

Being in this zoning district, This environment is an outdoor seating area that holds equipment and we need it fenced in to protect the equipment as well as for safety.

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

By enabling us to have this variance it will enable us to keep the existing deck as well as the concrete patio in place where it has been for years. We are simply trying to replace the fence where it was originally years back before it got blown down and replaced by an unpermitted concrete wall that was erected. (We have acquired a demo permit and removed the concrete wall)

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.

We do not see any undue hardships or deprivation with the neighborhood as we are trying to bring it back to its previous form.

4. What is the minimum variance that would give the reasonable

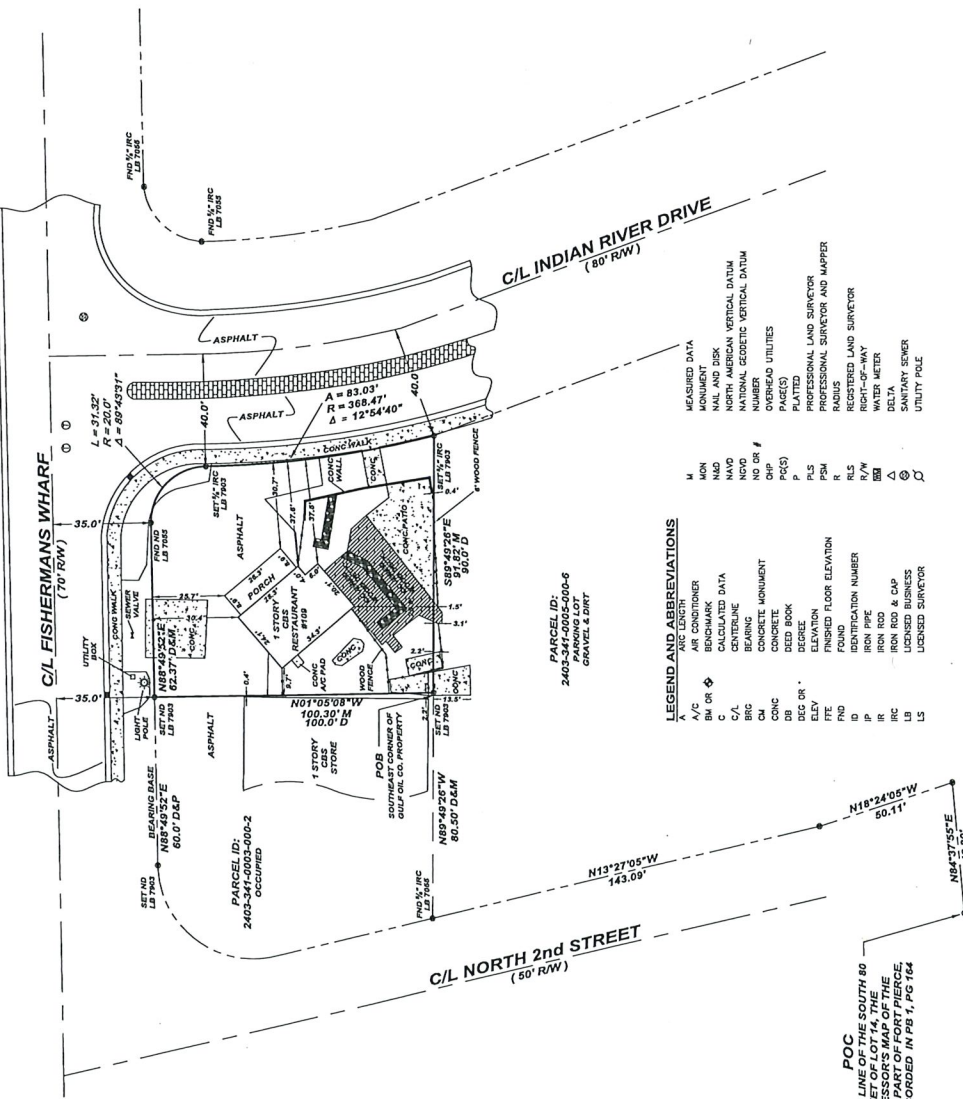
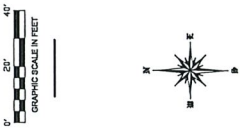
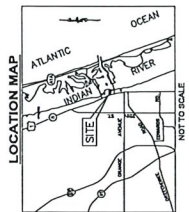
use of the land, building, or structure? 12-13 foot of the 15 foot setback is what we are looking for. As you can see in the drawings that there is not a straight line in the existing deck/patio nor is there with the property line. This is why it is not an exact number. As it sits now the deck/patio measure from 14'-14'5" in areas. So adding a fence where it was just outside of the deck/patio using 6x6 posts will result it moving closer to the property line and will vary in different areas but should not exceed 13'. But, during installation we may run into an issue with a pipe or an underground wire, thus the asking for a bit of flexibility on the exact number.

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

We will just be placing the fence back where it had stood for so very many years. The only other two properties that border 2<sup>nd</sup> St on this side of the road in this zoning district have gotten variances and are much closer to the road than we are asking for. It will help blend in with the area and actually add a nice visual to the neighborhood as well as to people passing by.

# BOUNDARY SURVEY

LYING IN ST. LUCIE COUNTY, FLORIDA



**LEGEND AND ABBREVIATIONS**

A	AREA LENGTH	PSM	PROFESSIONAL LAND SURVEYOR
A/C	AIR CONDITIONER	PSM	PROFESSIONAL SURVEYOR AND MAPPER
BH OR	BENCHMARK	REL	REGISTERED LAND SURVEYOR
C	COLLATED DATA	RS	REGISTERED SURVEYOR
C	CONCRETE	SM	SENIOR MAPPING ENGINEER
BRG	BEARING	SW	WATER METER
CM	CONCRETE MONUMENT	Δ	DELTA
CONC	CONCRETE	⊙	SANITARY SEWER
DB	DEED BOOK	⊙	UTILITY POLE
DB	DEED BOOK		
ELEV	ELEVATION		
ELEV	ELEVATION		
FTE	FINISHED FLOOR ELEVATION		
FOUN	FOUNDATION		
ID	IDENTIFICATION NUMBER		
IP	IRON PIPE		
IR	IRON ROD		
IRC	IRON ROD & CAP		
LB	LICENSED BUSINESS		
LS	LICENSED SURVEYOR		

**POC**  
NORTH LINE OF THE SOUTH 80 FEET OF LOT 14, THE ASSESSOR'S MAP OF THE TRACT OF LAND AS RECORDED IN PG 1, PG 164

- GLOBAL POSITIONING SYSTEM (GPS) NOTES**
- REAL-TIME KINEMATICS (RTK) METHOD WAS UTILIZED USING CARLSON BRX-4P, 372 CHANNEL GNSS ANTENNA, WITH ATLAS L-BAND RECEIVER.
  - TYPICALLY, A BASE RECEIVER IS SET UP ON AN ESTABLISHED CONTROL STATION WHILE A ROVING RECEIVER LOCATES EXISTING MONUMENTS, IMPROVEMENTS AND CONTROL ON THE PROJECT.
  - GPS SURVEY MEASUREMENTS WERE PROCESSED AND ADJUSTED USING CARLSON SURVEY 2018.
  - THE HORIZONTAL AND VERTICAL TARGET ACURACY FOR THIS SURVEY EXCEEDS MINIMUM STANDARDS OF PRACTICE PER FLORIDA ADMINISTRATIVE CODE (F.A.C.) 5A-17.
  - THE COORDINATES SHOWN HEREON ARE RELATED TO THE STATE PLANE COORDINATE SYSTEM OF THE NORTH AMERICAN DATUM OF 1983 (2007 ADJUSTMENT).

- SURVEYOR'S NOTES**
- THE PURPOSE AND/OR EXPECTED USE OF THIS SURVEY AND/OR PROPERTY CORNERS, ANY OTHER USE IS PROHIBITED BY LAW.
  - REPRODUCTIONS AND/OR PHOTO COPIES, WHETHER PARTIAL OR IN WHOLE, ARE PROHIBITED BY LAW AND WILL DEEM THIS SURVEY AND/OR MAP TO BE INVALID REGARDLESS OF ANY SIGNATURE OR SEAL, WHETHER THAT SIGNATURE OR SEAL IS DIGITAL OR NOT.
  - THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE SOUTH RIGHT OF WAY LINE OF FISHERMANS WHARF, HAVING A BEARING OF N8°49'52"E, ACCORDING TO RECORDED IN ST. LUCIE COUNTY, FLORIDA.
  - FLOOD NOTE: BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X", ACCORDING TO THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 12111 C 0187 J, EFFECTIVE DATE FEBRUARY 16, 2012.
  - ELEVATIONS, IF SHOWN, ARE IN NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988 AND ARE REFERENCED TO ST. LUCIE COUNTY BENCHMARK "CORTEX", HAVING AN ELEVATION OF 18.47.
  - ALL MEASUREMENTS ARE IN ACCORDANCE WITH UNITED STATES STANDARDS, IN FEET AND DECIMALS THEREOF.
  - ALL ABOVE GROUND FIXED IMPROVEMENTS, IF ANY, HAVE BEEN LOCATED AND SHOWN HEREON.
  - UNDERGROUND UTILITIES AND UTILITY SERVICES HAVE NOT BEEN LOCATED ON THIS SURVEY.
  - THE SURVEYOR HAS NO KNOWLEDGE OF UNDERGROUND FOUNDATIONS WHICH MAY OCCUPY LAND SURVEYED OR LAND OF OTHERS.
  - LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR RIGHT-OF-WAY, BUSINESS, ROAD, OR SHIP, ABANDONMENT'S DEED RESTRICTIONS, OR AIRSPACE DEEDS.
  - THE LAST DATE OF FIELD WORK AND/OR DATA ACQUISITION WAS MARCH 13, 2024. ANY CHANGES TO THE PROPERTY AFTER THAT DATE ARE NOT REFLECTED ON THIS SURVEY.

**LEGAL DESCRIPTION**  
FROM A CONCRETE MONUMENT ON THE NORTH LINE OF THE SOUTH 80 FEET OF LOT 14, ASSASSOR'S MAP OF THE TRACT OF LAND AS RECORDED IN PG 1, PG 164, ST. LUCIE COUNTY, FLORIDA, PUBLIC RECORDS, SAID MONUMENT BEING AT THE INTERSECTION OF THE SOUTH LINE OF AVENUE WESTERLY RIGHT OF WAY LINE OF INDIAN RIVER PARK PLAY RECORDED IN PLAY BOOK 10, PAGE 10, ST. LUCIE COUNTY, FLORIDA, PUBLIC RECORDS, THENCE ON A CIRCULAR CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 388.47 FEET, RUN A DISTANCE OF 100.30 METERS (328.94 FEET) TO THE SOUTH RIGHT OF WAY LINE OF SEAWAY DRIVE, THENCE S81°43'00"W, 100 FEET TO THE POINT OF BEGINNING, WHICH IS THE SOUTHEAST CORNER OF GULF OIL COMPANY PROPERTY.

FROM OLD POINT OF BEGINNING, CONTINUE S78°55'00"W, APPROXIMATELY 30 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INDIAN RIVER PARK PLAY RECORDED IN PLAY BOOK 10, PAGE 10, ST. LUCIE COUNTY, FLORIDA, PUBLIC RECORDS, THENCE ON A CIRCULAR CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 388.47 FEET, RUN A DISTANCE OF 100.30 METERS (328.94 FEET) TO THE SOUTH RIGHT OF WAY LINE OF SEAWAY DRIVE, THENCE S81°43'00"W, 100 FEET TO THE POINT OF BEGINNING, CONTAINING 0.20 ACRES, MORE OR LESS.



**Digitally signed by**  
**CHARLES ARNOLD**  
Date: 2024.03.25  
13:36:48 -04'00'

**NOTE:**  
If this is an electronically signed and sealed survey and/or map, it is done so per Florida Administrative Code (F.A.C.) 5A-17. Any printed survey and/or map and copies thereof are not valid without the original signature and seal of a Florida licensed surveyor and/or mapper.

DATE	BY	REVISIONS

# BOUNDARY SURVEY

## LYING IN ST. LUCIE COUNTY, FLORIDA

**GLOBAL POSITIONING SYSTEM (GPS) NOTES**

- REAL TIME KINEMATICS (RTK) METHOD WAS UTILIZED USING CARLSON BRX-6+, 372 CHANNEL GNSS ANTENNA, WITH ATLAS L-BAND RECEIVER.
- TYPICALLY A BASE RECEIVER IS SET UP ON AN ESTABLISHED CONTROL STATION WHILE A ROVING RECEIVER LOCATES EXISTING MONUMENTS, IMPROVEMENTS AND CONTROL ON THE PROJECT.
- GPS SURVEY MEASUREMENTS WERE PROCESSED AND ADJUSTED USING CARLSON SURVEY 2018.
- THE HORIZONTAL AND VERTICAL TARGET ACCURACY FOR THIS SURVEY IS 1 CM + 1 PPMM FOR HORIZONTAL AND 3 CM + 1 PPMM FOR VERTICAL. ADMINISTRATIVE CODE (F.A.C.) 15-17.
- THE COORDINATES SHOWN HEREON ARE RELATIVE TO THE NAD 83 DATUM OF THE SYSTEM OF THE NORTH AMERICAN DATUM OF 1983 (2007 ADJUSTMENT).

**SURVEYOR'S NOTES**

- THE PURPOSE AND/OR EXPECTED USE OF THIS SURVEY AND/OR MAP IS TO VERIFY PROPERTY CORNERS. ANY OTHER USE IS PROHIBITED BY LAW.
- REPRODUCTIONS AND/OR PHOTO COPIES, WHETHER PARTIAL OR IN ITS ENTIRETY, AS WELL AS ANY ADDITIONS TO THIS SURVEY AND/OR MAP TO BE INVALID REGARDLESS OF ANY SIGNATURE OR SEAL, WHETHER THAT SIGNATURE OR SEAL IS DIGITAL OR NOT.
- THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE SOUTH RIGHT OF WAY LINE OF FISHERMAN'S WHARF, HAVING A BEARING OF N88°49'52"E, ACCORDING TO RECORDED IN ST. LUCIE COUNTY, FLORIDA.
- FLOOD NOTE BY GRAPHIC PLOTTING ONLY. THIS PROPERTY IS IN ZONE "X", ACCORDING TO THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 12111 C 0197 J, EFFECTIVE DATE FEBRUARY 16, 2012.
- ELEVATIONS, IF SHOWN, ARE IN NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988 AND ARE REFERENCED TO ST. LUCIE COUNTY BENCHMARK "CORTIZ", HAVING AN ELEVATION OF 19427.
- ALL MEASUREMENTS ARE IN ACCORDANCE WITH UNITED STATES STANDARDS, IN FEET AND DECIMALS THEREOF.
- ALL ABOVE GROUND FIXED IMPROVEMENTS, IF ANY, HAVE BEEN LOCATED AND SHOWN HEREON.
- UNDERGROUND UTILITIES AND UTILITY SERVICES HAVE NOT BEEN LOCATED ON THIS SURVEY.
- THE SURVEYOR HAS NO KNOWLEDGE OF UNDERGROUND FOUNDATIONS WHICH MAY OCCUPY LAND SURVEYED OR LAND OF OTHERS.
- LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR RIGHTS-OF-WAY, EASEMENTS OF RECORD, OWNERSHIP, ABANDONMENT'S DEED RESTRICTIONS, OR IMPARTY ACT DEEDS.
- THE LAST DATE OF FIELD WORK AND/OR DATA ACQUISITION WAS MARCH 13, 2024. ANY CHANGES TO THE PROPERTY AFTER THAT DATE ARE NOT INCLUDED ON THIS SURVEY.

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THE SURVEY OF THE PROPERTY SHOWN AND SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS MINIMUM STANDARDS OF PRACTICE FOR SURVEYS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PER FLORIDA ADMINISTRATIVE CODE (F.A.C.) 15-17. PURSUANT TO SECTION 15.17(1)(b), THE SURVEYOR HAS REVIEWED THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE. THIS SURVEY IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENTS.

CHARLES ARNOLD, FSM  
FLORIDA LICENSED NO. 15 4971

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LB 7903

ASPHALT

ASPHALT

8.9'

14'

37.6'

37.5'

BAR

CONC WALK

$\Delta = 120^{\circ}54.40$

13.9'

CK

RED  
DECK

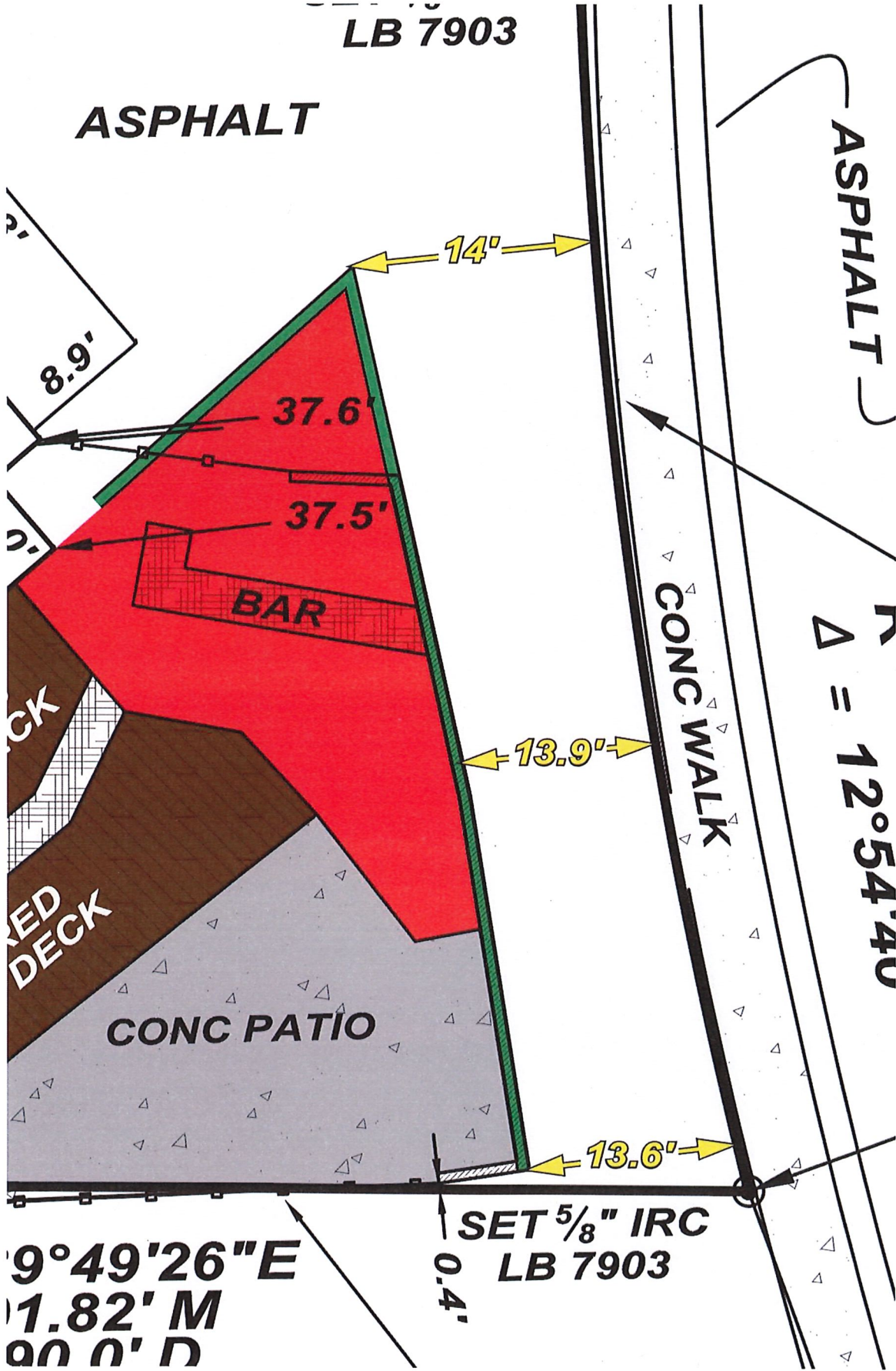
CONC PATIO

13.6'

SET  $\frac{5}{8}$ " IRC  
LB 7903

0.4'

$9^{\circ}49'26''E$   
 $1.82' M$   
 $00 0' D$







ICE

THE FUNNY BUNCH

CITY OF MIAMI





