



THE SUNRISE CITY  
**FORT PIERCE**  
PLANNING DEPARTMENT *Florida*

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**TO:** Richard Chess, MBA City Manager

**THROUGH:** Kevin Freeman, Planning Director

**FROM:** Kerry C. Driver, Senior Planner

**RE:** **Variance: Fence**  
**5325 Fantasy Drive**

**BOARD DATE:** December 4, 2025

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**STAFF REPORT**

**Owner:** Celebration Pointe Master  
HOA  
Fort Pierce, FL 34950

**Applicant:** Sovereign & Jacobs  
Cherie Moya Nash  
120 Sea Grove Main St.  
St. Augustine, FL 32080

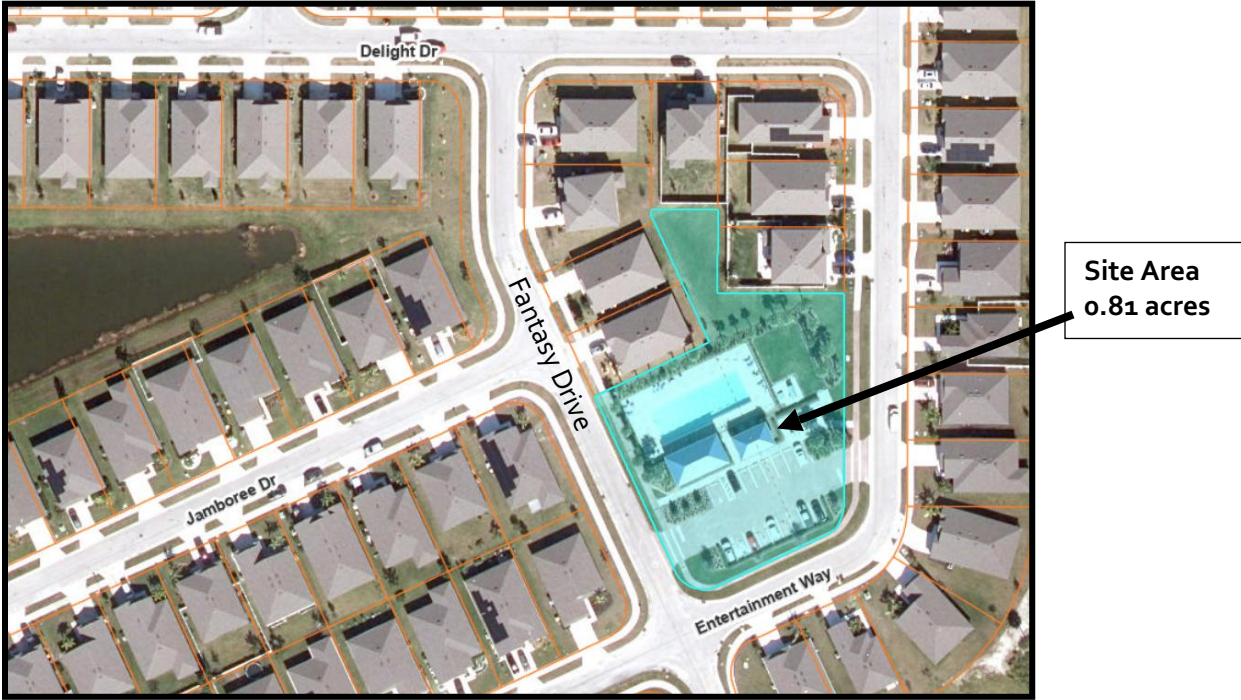
**Applicant's Request:** Approval of Variance: Fence Height Increase

**Location(s):** 5325 Fantasy Drive

**Parcel ID:** 2418-600-0049-000-6

**Future Land Use:** Residential Medium (RM)

**Current Zoning:** PD, Planned Development



**Surrounding FLU:**

North	East	South	West
RM	RM	RM	RM

**Surrounding Zoning:**

North	East	South	West
PD	PD	PD	PD

**Site Area:** +/- 0.81 acres

**Utilities:** FPUA

**Staff Analysis:**

**Variance Request**

In accordance with Article VII of Section 125-322 of the City Code, the applicant is requesting a variance against the 6ft height fence allowance.

**Project Summary**

The applicant is seeking to increase the height of the pool fence by 2ft to prevent trespassing during non-pool hours and non-key fob holders and vandalism. The current height of the fence is 6ft.

**Hardship Documentation**

The applicant has provided evidence of documented community violations. The evidence includes violations within the last six months and photos of individuals, all ages, scaling the pool's security fence.

The proposed fence topper is designed to prevent or decrease the possibility of scaling the security fence.

**Proposed Fence Extension**



- Houdini-Proof fence topper, 100 ft wide (pool parameter)
- Black vinyl-coated galvanized steel
- Can be set to raise the height as high as 2 additional feet

**Landscaping**

No landscape details were provided. The pool area is currently vegetated and up to code.

**Existing Conditions**

The parcel has the community's clubhouse and pool that is accessible to community residents with approved HOA access.

**Lighting**

No lighting details were provided. The site is well illuminated due to current operation.

**Variance Criteria**

According to Section 125-100, Criteria for granting variances, a variance may be granted only in the event that all of the following criteria are satisfied:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building

- involved and which are not applicable to other lands, structures or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant;
  3. The literal interpretation of this provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would result in unnecessary and undue hardship on the applicant;
  4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
  5. The granting of the variance will be in harmony with the general intent and purpose of the ordinance codified in this section and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

***Applicant's Response***

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

This is a homeowners association and only residents are to have access to the pool. Unfortunately we have people jumping the existing 6' fence regularly who then create problems for residents and damage the property.. We hope a higher fence will eliminate this ongoing issue.

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

Yes, ongoing vandalism and access to pool by non-residents after we have installed fob system, signed tress pass agreement with Police Dept, and initiated fines to residents for non-compliance.

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

Ongoing property damage and homeowners feeling scared to be in the pool as nonresidents frequently jump the fence and cause problems with residents.

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

We seek to make a 6' fence, an 8' fence with an attachment –

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

This is within a homeowner community and only residents would have access via their fob system.

***Technical Review Committee***

All affected departments have reviewed the proposed Variance application regarding the requirements of the City Code. Findings from the review by corresponding departments and the associated responses by the applicant are provided with the staff's supporting documents.

***Property Owner Response Summary***

A total of 4 notifications of the proposal were mailed to the owners of property adjacent of the subject property. As of November 25, 2025, there have been zero (0) responses by adjacent property owners regarding the request. An update will be provided by the Board of Adjustment at the public hearing.

***Staff Recommendation:***

Staff have confirmed that the five (5) criteria listed in City Code Sec. 125-100 have been met. Planning Department recommends approval of the four (4) conditions:

1. The fence material may only be material approved by the Florida State Building Code
2. The fence extension shall be constructed in such manner that is not a blight to the community's aesthetics
3. The fence extension material must be the same color as the pool fence
4. The use of the pool is restricted until installation past inspection