D R A F T

CITY OF FORT PIERCE

BOARD OF ADJUSTMENT

Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, MAY 28, 2026, 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: Darrell Drummond; James Crist; Renella Mitchell; Jaimebeth Galinis, Chair

Absent: Allyson Mendez

Staff Present: Felicia Holloman, Assistant City Attorney
Christopher Suneson, Assistant Planning Director
Kerry Driver, Senior Planner
Alicia Rosenthal, Planning and Development Organizer

4. CONSIDERATION OF ABSENCES

Ms. Mendez was excused.

5. APPROVAL OF MINUTES

a. Minutes from the February 12, 2026 meeting

Motion was made by Renella Mitchell, and seconded by Darrell Drummond to approve the minutes from the February 12, 2026 meeting.

AYE: James Crist, Renella Mitchell, Darrell Drummond, Chair Jaimebeth Galinis
Passed

6. PUBLIC HEARINGS

a. **PZVAR2026-00001**
Variance - Billboard Height
1710 N. 25th Street

The clerk introduced the Variance for billboard height located at 1710 N. 25th Street.

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:

Ms. Mitchell - no
Mr. Drummond - no
Mr. Crist - no
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: Ms. Driver said the applicant is requesting to deviate from City Code 117-6 to increase the allowed height of a ground sign from 10 feet to 25 feet. She provided the history on the application. Ms. Driver said the applicant presented a variance for approval on April 3, 2025, and it was denied by the Board of Adjustment. She said the applicant submitted a permit to install a 10 foot non-digital V-shaped billboard after the previous 25-foot-height billboard was denied on July 29, 2025. Ms. Driver said she approved the 10-foot height billboard sign and the applicant applied for a second variance request on January 29, 2026. Ms. Driver said that the maximum height the parcel can have is 10 feet. In addition, the parcel is in the City's Community Redevelopment Agency (CRA) district, and the proposed use does not align with the city's vision to take advantage of opportunities for economic, social, or aesthetic improvements. She concluded that due to the five (5) variance criteria not being met, the Planning Department cannot recommend approval.

Board questions for staff: None

Applicant questions for staff: None

Applicant presentation: Scotty Shivor, applicant, sworn, stated that they applied for a 25-foot variance in the past, and they were denied, but were approved for a 10-foot-billboard sign building permit. He said they want to raise the sign to add landscaping around it and so it does not get vandalized or someone runs into it. Mr. Shivor said the billboard does not compare to other billboards in the area, and he is asking for a variance to raise it.

Board questions for the applicant: Mr. Drummond asked if there was anything substantially different from what was presented in April of last year. Ms. Driver stated that in April last year the parcel was vacant. Currently, a 10-foot V-shaped billboard has been installed on the parcel and was approved through a building permit.

Public comment: None

Board comment: Mr. Drummond suggested the applicant did not meet any of the variance criteria and nothing has substantially changed since the last submittal for a variance. All the Board members agreed.

Staff final comment: None

Applicant final comment: None

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

Motion was made by Darrell Drummond, and seconded by Renella Mitchell to deny the billboard height variance for 1710 N. 25th Street.

AYE: Darrell Drummond, James Crist, Renella Mitchell, Chair Jaimebeth Galinis
Passed

b. **PZVAR2026-00002**
Variance - Landscape Buffer Reduction
3500 Enterprise Road
Parcel ID: 2428-502-0027-000-6

The clerk introduced the Variance for a landscape buffer reduction located at 3500 Enterprise Road.

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. Crist - no
Ms. Mitchell - no
Mr. Drummond - no
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: Mr. Suneson stated the request is to reduce the required 10-foot landscape buffer to 5-foot on 7.87 acres. The land development code requires a 10-foot wide landscape buffer when a vehicle use area abuts an adjacent property. He said the site is currently occupied by three (3) structures comprised of a 40,212 square foot industrial building, a 14,408 square foot building and a 4,712 square foot building. Ms. Suneson noted the current Future Land Use is I - Industrial and the zoning is I-1 - Light Industrial.

He stated the site is surrounded by similarly zoned properties with the same Future Land Use designation.

Mr. Suneson said the applicant is seeking to construct a 110,000 square foot manufacturing and office facility with a three (3) story parking garage and associated site improvements. He explained that the applicant faces two competing code requirements. Section 125-316 requires two-way drives to be a minimum of 24 feet wide.and Section 123-37(c) requires a minimum of a 10-foot wide landscape buffer.

Mr. Suneson said the five variance criteria have been met. He explained that for Criteria 1, when the original plat is overlaid with an aerial photo of present lot configurations, a pattern of land transactions has resulted in the subject parcel's existing configuration. Mr. Suneson said the land was subdivided in 1949 and over the years people have traded land and the lot lines are no longer the regular lot lines from the subdivision. For Criteria 2, he explained the irregular configuration of the lot and the restrictive dimensions of the lot were established by previous owners. The applicant inherited the boundary constraints and is further limited by the established development of adjacent properties. Mr. Suneson highlighted that the narrow point of the site at 195.33 feet complicates the area of the requested variance. For Criteria 3, he stated the applicant has designed the proposed building and site to best accommodate the circulation patterns needed for their manufacturing and product delivery processes. For Criteria 4, Mr. Suneson said that within 30 feet between the proposed building and property line, the applicant has provided the required 24-foot wide drive aisle for circulation and has minimized intrusion into the required landscape buffer by utilizing compact construction techniques using the "D" curb. For Criteria 5, he said the landscape plan provides code required plantings in the reduced landscape buffer and the buffer is also 50 feet from any development on the adjacent property

Mr. Susneson concluded that staff recommends approval with two conditions:

1. The applicant will document the variance approval on the proposed site and landscape plans in a prominent note, "This site plan is subject to an approved variance under PZVAR2026-00002 reducing the southern landscape buffer from 10-foot wide to 5-foot wide along the property line measuring 146.86 feet."
2. The applicant will construct a sight-obscuring 6-foot-high fence made of wood, stone, brick, or other suitable material along the property within the area of the reduced buffer.

Board questions for staff: Mr. Crist asked if the landscape buffer is just shy of 5 feet. Chair Galinas asked if this is a new building or an existing building.

Applicant questions for staff: None

Applicant presentation: Brad Currie, applicant, sworn, said the landscape buffer will be a little over 5 feet. Mr. Currie explained that they needed the variance because the Engineering department said the internal drive aisle needed to be 24-feet wide with a 10-foot landscape buffer. Mr. Currie said the building would be state-of-the-art and over 100,000 square feet with a

3-story parking garage. He said the lot does not back up to any commercial or industrial areas. Mr. Currie highlighted that the project is being supported by the Economic Development Council and the proposed 294 employee count is significant. He said the development is for Inkas, an armored vehicle manufacturing facility. Mr. Currie noted that there is a 10-foot landscape buffer around the rest of the property and the building is 100 feet away from where the buffering starts. He stated he is not in favor of the condition to add a fence around the small area. He said it is not needed, and he would rather add more landscaping than have a fence. Mr. Currie said they have met all landscape requirements in the reduced buffer.

Board questions for the applicant: Chair Galinas asked if there is a fence anywhere else on the property. Mr. Crist asked if there are plans for a vinyl-coated security fence around the perimeter of the property. Mr. Crist asked if irrigation would be provided.

Public comment: None

Board comment: Mr. Crist asked if there is something the city can do if the landscaping dies because it is not irrigated property. Chair Galinas agreed that a fence is not needed in the small area, and she would rather see a fence around the entire site.

Staff final comment: Mr. Suneson asked about the existing fence on the property. Mr. Suneson said there is a landscape maintenance agreement that is required by the applicant to keep the landscaping maintained.

Applicant final comment: None

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

Motion was made by James Crist, and seconded by Darrell Drummond to approve the reduced landscape variance from the required 10 foot landscape buffer to 5 foot without a fence.

AYE: James Crist, Renella Mitchell, Darrell Drummond, Chair Jaimebeth Galinis
Passed

c. **PZVAR2025-00010**
Variance - To Allow More Than One Residential Building
1038 S. 37th Street
Parcel ID: 2417-213-0001-000-7

The clerk introduced the Variance to allow more than one residential building at 1038 S. 37th Street.

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. Drummond - no
Mr. Crist - no
Ms. Mitchell - no
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: Before the presentation, Mr. Suneson said one of the notice letters sent out came back as undeliverable.

He said the request is to allow the construction of more than one residential building with a kitchen on 5.28 acres of vacant land. Mr. Suneson said the subject parcel is south of Dewberry Road with frontage along South 37th Street. He noted the property was previously subject to a rezoning application for a Planned Development, but it was denied by the City Commission. Mr. Suneson said the Future Land Use designation is RL, Residential Low and is zoned E-3, Residential Single - Family 3 dwelling units per acre. The Future Land Use and Zoning is surrounded by similar land use and zoning.

The applicant is seeking to vary the land development code Section 125-190(c)(2) which limits the number of residential structures on a lot to no more than one additional residential building without a kitchen, provided the lot is 30,000 square feet in size. The applicant is requesting to be allowed to construct a range of 15-31 dwelling units on the subject parcel. Mr. Suneson said a site plan was included with the application that depicted 25 single family units with double driveways.

He shorthanded each of the variance criteria with staff analysis. Mr. Suneson highlighted the special conditions and circumstances in criteria 1. He said the first condition, the size, shape or dimensions of the site, is the most critical one the applicant establishes because from there they can establish the second and third criteria.

Mr. Suneson said in criteria 1, the applicant argues that the zoning classification and proximity to a transit stop location make the property unique. Staff analysis of criteria 1 stated that identified site characteristics are not physical constraints that limit development of the property. Mr. Suneson said the lot is relatively large at 5.28 acres, is rectangular, is relatively flat and does not contain peculiar features.

He stated that criteria 2 is those peculiarities to the land that are not the action of the applicant. The applicant argues that special conditions were created when the City Commission denied an application to rezone to PD, Planned Development. Staff analysis stated no special circumstances peculiar to the land exist or legitimately argued under the hardships pointed to in the Land Development Code (LDC) Section 125-98. While the Commission's denial of a rezoning application may not be the result of the applicant, it is not grounds for a hardship. Mr. Suneson explained
If a portion of the property has been taken for right-of-way for a transportation project, 20 feet is needed on the frontage in order to expand the roadway for increased traffic, then it could be argued that the size or dimensions of the property had been diminished and this did not result from the applicant’s actions. Mr. Suneson said that since the peculiarity of the land cannot be established, it is hard to establish whether there is any action the applicant did or did not do in order to affect those particular conditions of the property.

On criteria 3, the applicant argues he is unable to utilize the density bonus his property is entitled to because of the one residential structure limitation. The applicant also argued that the unnecessary and undue hardship resulting from the site’s physical proximity to a transit stop, and lastly, that the denial of the rezoning application to PD has denied property rights. Mr. Suneson provided some background on a density bonus. He said the land is entitled to a density

bonus of three (3) dwelling units per acre because it is within a quarter mile of a transit stop which turns the piece of land into a 6 units per acre density. Mr,. Suneson stated that with straight zoning, you can get about 15 units and, under the density bonus, you could get about 31 units. The staff analysis states no physical limitation of the property has been established, and staff is unable to establish whether the limitation did not result from the applicant's actions. Without the first two criteria being met, staff is unable to establish unnecessary and undue hardship or deprivation of property rights.

Mr. Suneson said for criteria 4 the applicant argues a range of 15-31 units are in the application. He said the site plan shows 25 units. The staff analysis states density is not an issue. Straight E-3 zoning allows 15 units without the need for a variance, and with a density bonus, 31 units are allowed. The requested range of units could be achieved by subdividing the parcel and constructing proper infrastructure and a minimum variance has not been established.

Mr. Suneson said criteria 5 the applicant argues the request is in keeping with the policies contained within the Comprehensive Plan and Land Development Code. The proposed development would meet the social goal of providing additional housing for a variety of groups and would contribute to the City's property tax revenue. The staff analysis states the site plan seems to show single-family structures, but no individual household ownership. Mr. Suneson said there are no lot lines on the site plan. He said the site plan is a multifamily development, contradictory to the E-3, Residential Single Family zoning. He highlighted that the E-3 zoning is in keeping with the surrounding County zoning at approximately 3 dwelling units per acre. He concluded that allowing the variance could be injurious to surrounding property values. Mr. Suneson said none of the five variance criteria have been met and staff recommends the Board of Adjustment deny the proposed variance.

Board questions for staff: Chair Galinas asked if the property was divided into several lots, could they already build 15 or 31 units based on how close they are to the bus stop? Mr. Suneson said the density bonus is never guaranteed with all the requirements that are needed. If there were no other site requirements, the piece of land could yield 19 units per acre with the minimum lot size under the code. Chair Galinas asked if the property was broken up, would they even need a variance. Mr. Suneson said no. Mr. Crist asked the location of the transit stop. Mr. Suneson added that the applicant provided an exhibit in his application, which was a letter from Kev Freeman, Director of Planning, indicating a density bonus of 3 units per acre could be used on the site. Mr. Drummond asked what would happen later on if individuals were allowed to purchase the home. Mr. Suneson said it depends on the site layout. It would need to be pre-planned in order to subdivide each lot. Depending on how many lots there are, each would have to have a minimum square footage of 12,000 square feet. Mr. Crist asked if the homes were to be rented.

Applicant questions for staff: None

Applicant presentation: Franco Prado, applicant, sworn, said the lot is owned by his father. He said nowhere in the code does it require a physical constraint. Mr. Prado said the code says conditions and circumstances. He said the location is a geographic condition and the lot is special because it has a density bonus. Mr. Prado said you have a zoning district and land uses that are created and established with a fundamental concept of density per acre. The literal interpretation of the code and that section of code exists in 75% of the zoning districts E1, E2, E3, R1, R2, and R3. It says you cannot build more than one building in all of those zoning districts. The only type of building you're allowed to construct is a single-family home. Mr. Prado explained that if you're only allowed one building and the building can only contain one dwelling, the de facto density for all of those zoning districts, if you have 1 or 100 acres, you can only place one dwelling, so you are violating the concept of density per acre, and you're saying one dwelling per lot. He said what he is asking for is not to have to go through the undue hardship of subdividing in order to build an allowed-use, single-family home at an allowed density. Mr.

Prado stated that multifamily is defined as a development with more than five dwellings. The development he is presenting is a single-family development. The only structure that is present or can be present is a single family dwelling. Mr. Prado stated the site plan provided is a purely speculative example, showing that 25 houses can fit, and it does not violate the lot coverage or the allowed density. Mr. Prado said he did not make the code, and he did not give himself the bonus. He said if the variance is granted, all you are letting me do is to develop an allowed use at an allowed density. He said pretending the land is subdivided to the minimum lot sizes, the density bonus does not matter. A minimum lot size, means one house can be put there, but double density is allowed. Mr. Prado highlighted that even if he had the minimum lot sizes, the allowed density would allow him to put in two houses, but he still wouldn't be able to with the literal interpretation of the code. He said his request is consistent with the underlying land use because he is not going over the land use, and he is not violating the comprehensive plan. Mr. Prado said the code strips the right of everybody who owns property in the zoning districts (E1, E2, E3, R1, R2, R3) to develop an allowed use at the allowed density. He said the code is making me subdivide to achieve what it says I am allowed to achieve. Mr. Prado said the code is in direct conflict with the comprehensive plan, basic property rights, and allowing development at a predetermined density. Mr. Prado concluded the density he wants to use is within the future land use limit, and he is not violating any part of the comprehensive plan which establishes the land use. He said the lot is ready to build and, fundamentally, the line of code is not consistent with the comprehensive plan.

Board questions for the applicant: Mr. Crist asked how many units he was requesting. Mr. Prado said if he could build 15, he would be able to do what he is already allowed to do, and he would forget about the bonus. Chair Galinas asked if he didn't want to break up the property into individual pieces; that the other option would be to apply for a rezoning. Mr. Prado said the only zones that allow more than a single residential building are R-4, R-4A and R-5. All of those zones have a land use of residential medium. Mr. Prado said even if he cut up the property, he would still need a variance to utilize what he is entitled to use with the density bonus. He noted the only zoning that allows more than a single building would also require a land use change, which has a bigger impact on the area than simply allowing the development to occur at the allowed density and what is already allowed there, which is single family.

Public comment: None

Applicant final comment: Mr. Prado stated if you believe in the fundamental foundation for which the comprehensive plan was created to regulate the size, density and types of uses on the property, then you should grant me that variance. He said nothing he is doing would violate the comprehensive plan, and he will be meeting all the other criteria for development. Mr. Prado noted that subdividing to smaller lots doesn't address the problem with the code that only allows one building per lot. He stated, in his particular circumstance he is allowed to apply for more density, so it wouldn't help him, in his unique situation.

Staff final comment: Mr. Suneson said what the applicant has presented to the Board is a fundamental misunderstanding of the development process. He said when we start looking at large chunks of land, whether they be 2, 5 or 20 acres, there are minimum lot sizes that say if you want to build a residential home on a parcel in the E-3 district it has to be a minimum of 12,000 square feet. Mr. Suneson said you have to look at the overall parcel when we get into density bonuses. Mr. Suneson emphasized that density is not an issue here. He highlighted that the Planning Director and the Planning Department have indicated that the property is entitled to 6 units per acre under the density bonus provisions. However, the argument was made that density is never achievable because of other limitations of the code. Mr. Suneson said what the applicant has provided in this application is a run around other provisions of the code. He stated that fundamentally, it is the subdivision regulations. Because if he subdivided, he would have to put in streets that have curbs and gutters and drainage systems, which may in turn preclude financial development of the parcel. Mr. Suneson concluded that none of the variance criteria

have been met, and Planning urges the Board of Adjustment to recommend denial.

Applicant Final comment: Mr. Prado said he does not agree with what Mr. Suneson said. He said all I am asking for is my three units on the land and I can't do that because I can't build more than one single building and the only kind of building I can build is a single family. Mr. Prado stated that requiring the subdivision is in of itself to achieve something that is permitted by right, which is a hardship. He said he feels that he has met all the criteria and the criteria doesn't have fiscal constraints anywhere in the entire criteria. It says conditions and circumstances. Mr. Prado concluded that whether he has the support of the staff does not come into play, that what he is asking for is consistent with the comprehensive plan and is permitted.

Board comment: none

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

Motion was made by Darrell Drummond, and seconded by Renella Mitchell to deny the construction of more than one residential building with a kitchen on 5.28 acres located at 1038 S. 37th Street, based on the applicant not meeting any of the variance criteria required or a hardship.

AYE: Renella Mitchell, Darrell Drummond, James Crist, Chair Jaimebeth Galinis
Passed

7. DISCUSSION / OTHER BUSINESS

8. COMMENTS FROM THE PUBLIC

There were no comments from the public.

9. ADJOURNMENT