

Criteria Narrative for Variance

The project will consist of exclusively single-family homes as part of a private walkable living space complete with a natural preserve area and large stormwater area. If this variance is granted I will build very nice single-family homes, each with 4 parking spaces to accommodate growing and modern family arrangements.

The specific code being varied is 125-193(c)(3) which only allows a single home to be built on the entire 5-acre lot. Without the density bonus the max is 15 homes. With the density bonus the max is 31 homes. I am humbly proposing a variance to this code so that I can build 25 single family homes on the lot at a net density of 4.7 du/ac, less than the 6 du/ac that is allowed with the included density bonus. I will also forfeit my density bonus and build no more than 15 single family homes if it should please the board by not utilizing the density bonus.

This variance is not contrary to the public interest because it does not exceed the underlying land use maximum density of 6.5 du/ac and will transform an empty infill lot within the city and FPUA limits to provide homes for the city Fort Pierce. A literal interpretation of the code only allows 1 house on a parcel with a maximum density of 31 homes. The geographic condition peculiar to this property is that it is located within the range for a density bonus. I tried to rezone but was deprived of that right by the city commission, causing me an undue and unnecessary hardship. Allowing this variance will be consistent with the underlying land use, the underlying zoning, and will provide large tax revenues to the city to fund public services.

I would like to build exactly 25 single family homes, but I will happily accept the ability to build no more than 15 homes if it should so please the board. A 5-acre parcel inside city limits that is eligible for a density bonus should be granted this variance in order to provide the maximum benefit to the community instead of remaining a vacant lot with the potential to house up to a maximum of 31 households. A property that is eligible for a density bonus should automatically be allowed to build more than 1 house on a lot in order to actually use the eligible bonus. The current zoning language for all zones except R4 and R5 completely undermine any eligible density bonuses because they all have a limit of 1 house per lot, regardless of the size. Why make a parcel eligible for a density bonus if you can only build 1 house regardless of the density bonus or not. The density bonus code should be re-written to include a provision that allows you to build more than one house on a lot that is eligible for the density bonus. Otherwise, why have the density bonus at all?

I am humbly asking you to please allow me to build 25 or at least up to 15 individual single-family homes on this vacant 5-acre parcel inside city limits by granting a variance to code 125-193(c)(3).

Thank you very much.

Criteria responses:

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

The city of Fort Pierce municipal code allows for density bonuses based on proximity to a transit stop. The subject property meets this requirement being entirely within a ¼ mile radius of a transit stop located on Meadow Lane and South 33rd Street, Area Regional Transit Route 3. Included with this request is a letter from the Planning Director, Kevin Freeman confirming that based on his determination the property is allowed the applicable density bonus of 3 du/ac. The property is the largest residential parcel within the ¼ radius area, has the most restrictive zoning standards of any other parcel, and is the only one that remains totally undeveloped. This condition is peculiar to the specific property and not applicable to other lands because it is the only estate-zoned parcel that is within the ¼ mile radius from a transit stop. The subject property is also the only estate-zoned parcel East of Hartman Road and West of US-1 and is sandwiched between two major commercial corridors, the Orange Avenue and Okeechobee Road.

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

Special conditions were created by the Fort Pierce legislature specifically to allow more development of housing. It is important to be able to use the code of ordinances to explicitly achieve the goals of the comprehensive plan. Granting this variance would do exactly that, by allowing development of the parcel at the eligible increased density. Special circumstances resulting from actions by the city commission exist because my application for a Planned Development was denied by the city commission in a split 3 – 2 vote after an intervener clause was filed by a non-Fort Pierce neighboring land owner, former commissioner Jeremiah K. Johnson, the manager of the LLC that owns a parcel of land on 37th Street in unincorporated St. Lucie County. His actions have literally deprived me of my property rights and caused me undue financial and mental hardship. My application included the eligible density bonuses and had passed the technical review committee, received unanimous approval 5-0 from the planning board, and was recommended for approval by the planning department and the planning director Kevin Freeman. The commissioners and the mayor are supposed to listen to their planning staff and vote in the best interests of the residents of Fort Pierce and based on substantial competent evidence. Instead they failed the citizens of Fort Pierce when they voted to prioritize the preservation of a “rural” county lifestyle of unincorporated county land owners, of which there are 9 total improved county lots on 37th Street. Instead of showing consistency with their own code of ordinances and comprehensive plan (of which they violated numerous policies by denying the application) and act as judges in a quasi-judicial setting, they allowed their emotions and the wishes of 9 non-city residents to influence their opinions and voted to actively deprive me of my rights as a property owner and to continue to deprive 60 Fort Pierce households (and future tax payers) the economically viable housing options we desperately need.

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.

A literal interpretation of the current zoning district code would deprive me of commonly enjoyed property rights by entirely undermine the eligible density bonus because the density would not be possible to achieve if only a single detached home is allowed to be built on the entire 5+ acre lot. This unnecessary and undue hardship results from the geographic feature of the site, specifically that it is located within the proximity to a bus stop to allow a density bonus. This density bonus is part of the code of ordinances which establish the commonly enjoyed property rights of Fort Pierce residents whose property meet specific requirements. By allowing this variance I will still adhere to the current E-3 zone development standards will ensure that the parcel remains consistent with the underlying zoning characteristics and development standards, while not causing me any undue hardship and allows me to enjoy my common property rights granted to me by the code of ordinances and the comprehensive plan. In order to use the eligible bonus, I tried to rezone to a Planned Development which got unanimous planning board approval and recommended for approval by the planning department, only to have the mayor decide she would rather appease the former commissioner and non-Fort Pierce residents instead of providing for more affordable housing for city residents. This has caused me an undue hardship of my commonly enjoyed property rights because the literal interpretation of the code necessitated a rezoning in order to utilize eligible bonuses and it was denied even though it met the code and is supported by numerous comprehensive plan policies, the planning board, and the planning department.

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

The variance we are requesting is regarding section (c)(2) of the E-3 zoning standards:

(2) On any lot used for residential purposes, no more than one residential building will be allowed on the lot, except one building without kitchen facilities may be allowed as a guest house, provided that the lot on which such guest house is located is 30,000 square feet or more in size.

A lot of this size with the unique zoning density bonuses allowed by the code permit a maximum density of 6 dwelling units per acre and therefore could provide housing for up to 31 Fort Pierce households instead of remaining empty or only being allowed up build a single residence. I will still be limited to building single family detached homes on the lot and will otherwise adhere to all E3 development standards. I am humbly asking you to please allow me to exercise my property rights recognized by the city of Fort Pierce Code of Ordinance and allow me to build more than a single residential building. And if absolutely needed, I will also happily accept no density bonuses and be limited to the currently allowed density of 3 du/ac which would allow a maximum of 15 homes to be built on the lot, if you wish to make that a condition of the variance to allow more than 1 single residential building. I am pleading with you to please allow me the most basic ability to develop this vacant infill lot beyond a single residence. While I do think it is important that my property rights under the code be recognized, if I must relinquish my bonus in order to allow the variance at the current density then I will be very happy and grateful for that outcome as well.

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

Granting this variance would allow development of the property that would be consistent with the comprehensive plan and municipal code because gross residential density does not increase. The allowed 3 du/ac bonus would raise the total density of the property to 6 du/ac, which would still be less than the 6.5 du/ac limit for the underlying future land use of Residential Low, confirming once again that this request is consistent with the comprehensive plan because gross residential density does not increase. Because the amount of available housing in the city is such a big issue, it is important to be able to apply the eligible density bonuses to be able to effectively achieve the goals of the comprehensive plan. The variance will not be detrimental to the public welfare because development of this parcel at the eligible density would provide new, safe homes for families and will meet the needs of all population groups including school-age groups, working-age groups, and retirement-age groups. It will also generate up to an estimated \$155,000 in property tax revenue per year that will go to fund local government services and programs. This variance request would not impair the intent of the zoning ordinance because I am still adhering to the all development standards of the E-3 zone Sec. 125-190 including total building coverage, and building heights. This is all to help improve the general public welfare by providing more housing for Fort Pierce residents on a residential parcel that has been vacant since before the city incorporated in 1901.