



CITY OF FORT PIERCE
PLANNING BOARD OF ADJUSTMENT

VARIANCE

205 S 29th ST

6ft High Fence

ITEM TABLED FROM MAY 23, 2024 MEETING

APPLICANT: Nancy Estrada Avila

PROPERTY OWNER(S): Nancy Estrada Avila

PARCEL ID #: 2408-802-0019-000-6

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.

205 S. 29th Street – Variance



Sec. 125-98. - Purpose.

The purpose of a variance is to allow a modification of certain zoning ordinance regulations when such modification will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance provisions would result in unnecessary and undue hardship.

Unnecessary and undue hardships may result from the size, shape or dimensions of a site; the location of existing structures on the site; geographic, topographic or physiographic features or other conditions on the site or in the immediate vicinity; or street locations or traffic conditions in the immediate vicinity.



Sec. 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 the 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.



Applicants Justification

The applicant has requested the 6-ft fence (a variance of 2 ft from the allowed 4-ft high 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. The applicant has also provided multiple incident reports from the Police Department of her vehicle being stolen as well as an incident where two men with guns hid on the property during a police search.

Without the variance, the owner feels unsecure in her home



SITE LOCATION – 205 S 29th ST



205 S. 29th Street – Variance



FUTURE LAND USE – LOW DENSITY RESIDENTIAL



205 S. 29th Street – Variance



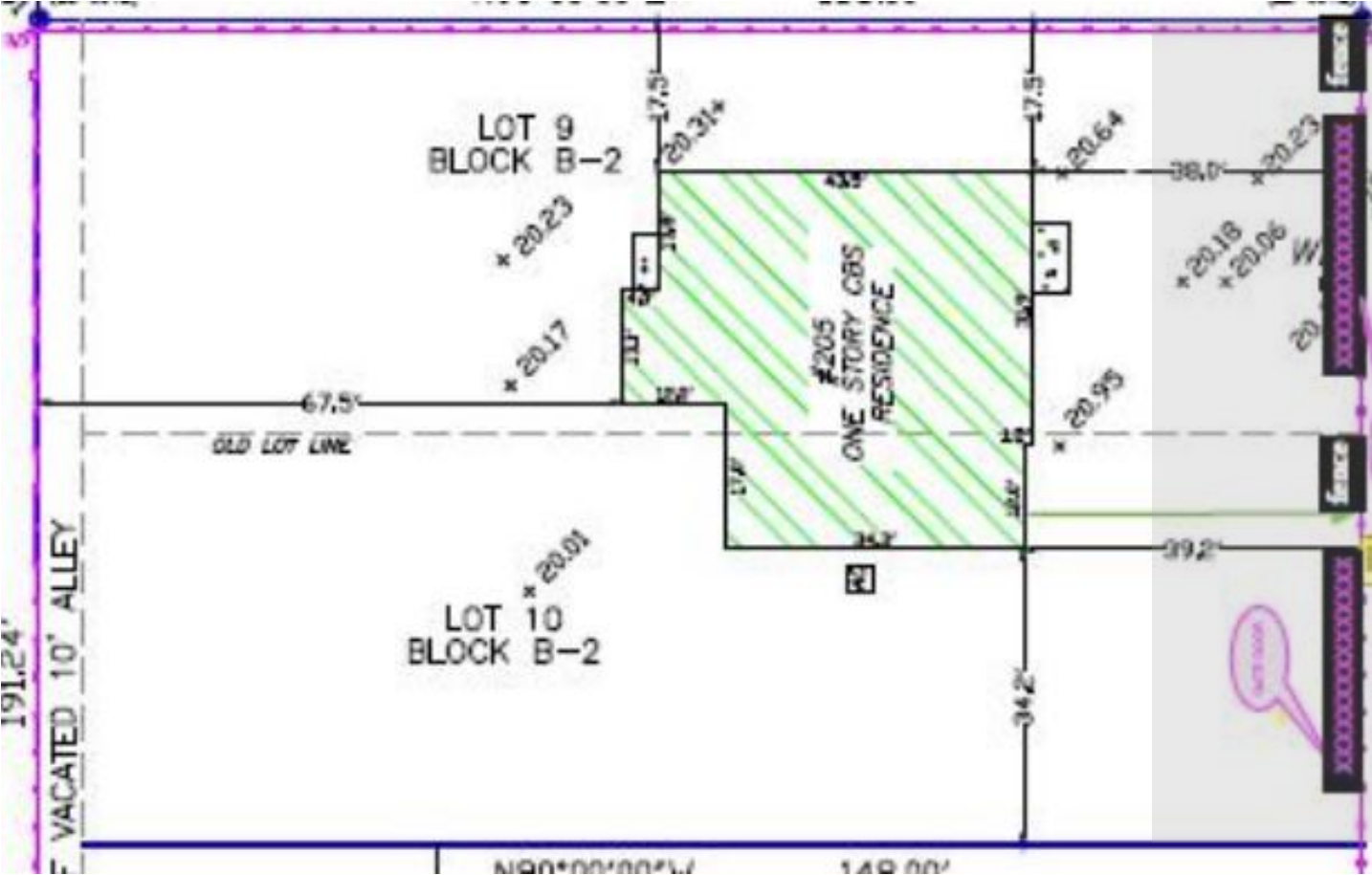
ZONING: R-3



205 S. 29th Street – Variance



25ft Front Yard Setback



205 S. 29th Street – Variance



S 29th ST - View North



205 S. 29th Street – Variance



S 29th ST - View South



205 S. 29th Street – Variance



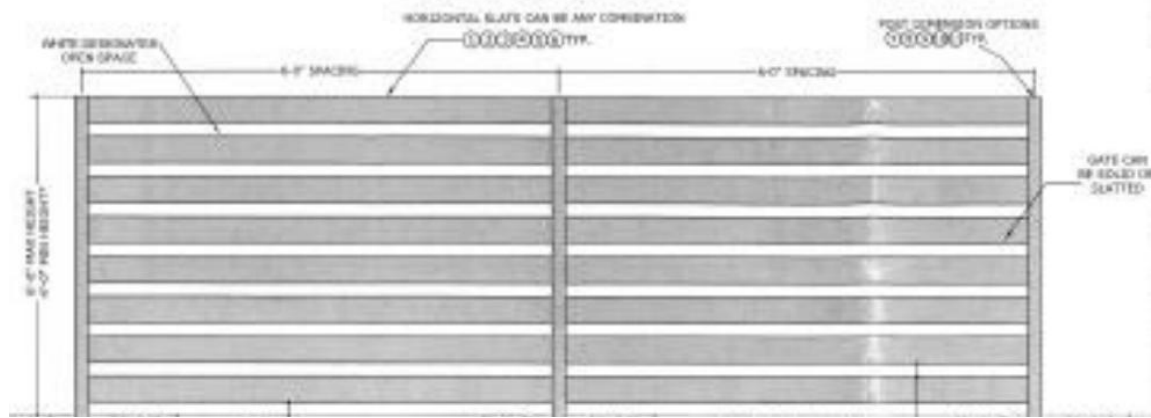
Existing Fences at the intersection of S 29th ST and Delaware Ave



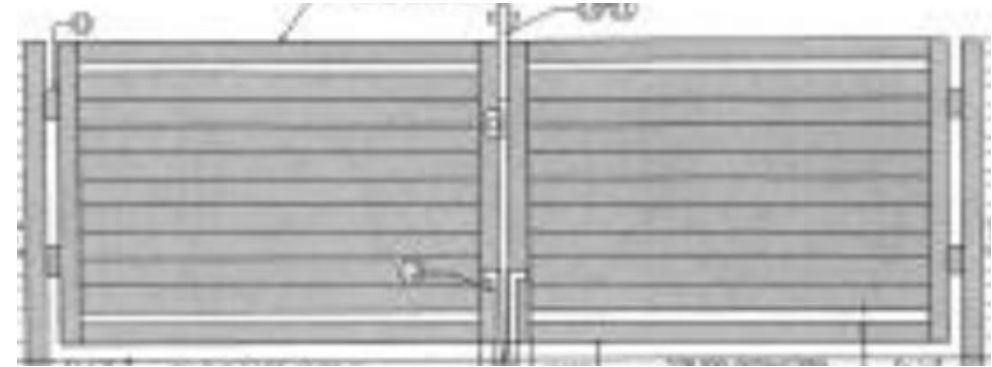
205 S. 29th Street – Variance



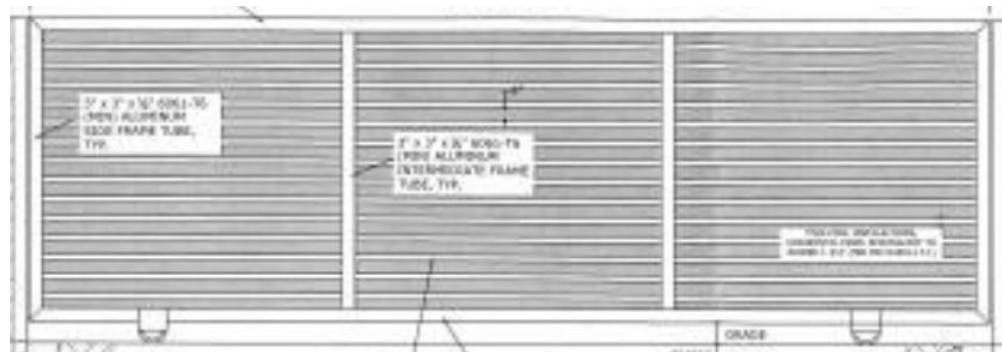
Proposed Aluminum Fence and Gate(s)



6ft Aluminum Fence



6ft Aluminum Gate



6ft Aluminum Rolling Gate

Recommendation

The Planning Board of Adjustment should consider the application against the criteria prior to granting 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.

Options

1. APPROVE

or

2. APPROVE WITH CONDITIONS

or

3. DENY THE VARIANCE



Sec. 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 the 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.

