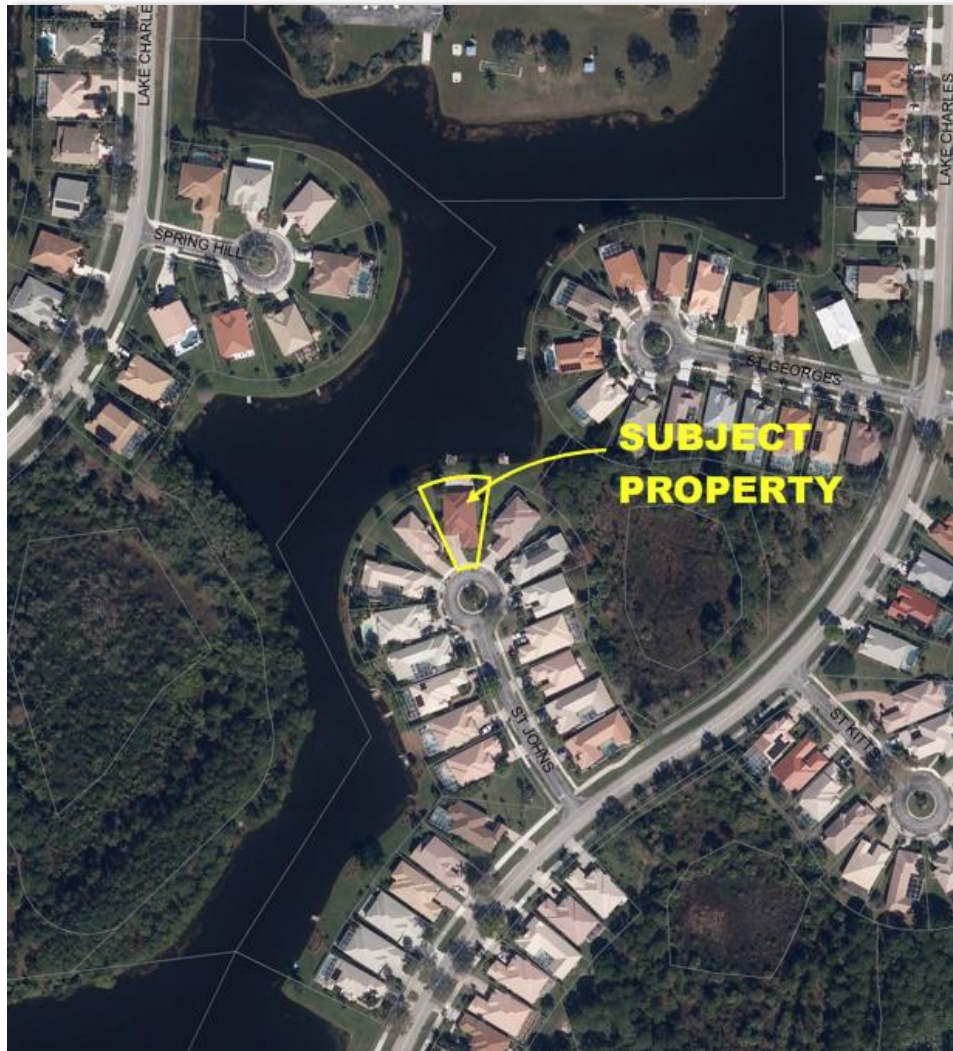




**Matthew & Darlene McNeal - Variance**  
**Project No. P24-082**



**SUMMARY**

Applicant's Request:	A variance request to allow a rear setback of 7" from the property line for a proposed patio addition and screened enclosure.
Application Type:	Variance, Quasi-Judicial
Applicant/Property Owner:	Matthew & Darlene McNeal
Location:	595 SW St. Johns Bay
Project Planner:	Marissa Da Breo-Latchman, Environmental Planner II

**Project Description and Background**

The City of Port St. Lucie has received a request from Matthew and Darlene McNeal, property owners, to grant a variance from setback requirements for property located at 595 SW St. Johns Bay. The request is for a variance of 4.42' to allow a rear setback of 0.58' (7") from the rear property line for a proposed patio addition and screened enclosure. An administrative variance for 2.8' was granted on February 13, 2024, to allow a 2.2' setback due to the patio being constructed in the PUD-required 5' setback for pools, patios, screened enclosures, and other accessory uses. The subject property is zoned Planned Unit Development (PUD) and legally described as St Lucie West Plat No. First Replat at Lake Charles, Block, Lot 8.

The existing residence was constructed in 1997. In 2009, permit P09-01292 was approved for the construction of an irregularly shaped concrete patio. An encroachment was noticed during the permitting process for a new pool (permit # 2406439), hence the need for the administrative variance. The current application seeks a variance so that the shape of the patio can be modified to be rectangular as depicted on the attached survey.

**Review Criteria**

An application for a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299. Final action on the application (approval or denial) is in the form of an Order of the Planning and Zoning Board following a quasi-judicial public hearing. A vote of approval by five (5) members of the Planning and Zoning Board is required to grant a variance.

**Public Notice Requirements (Section 158.298 (B))**

Public notice was mailed to owners within 750 feet on August 22, 2024, and the file was included in the ad for the Planning & Zoning Board's agenda.

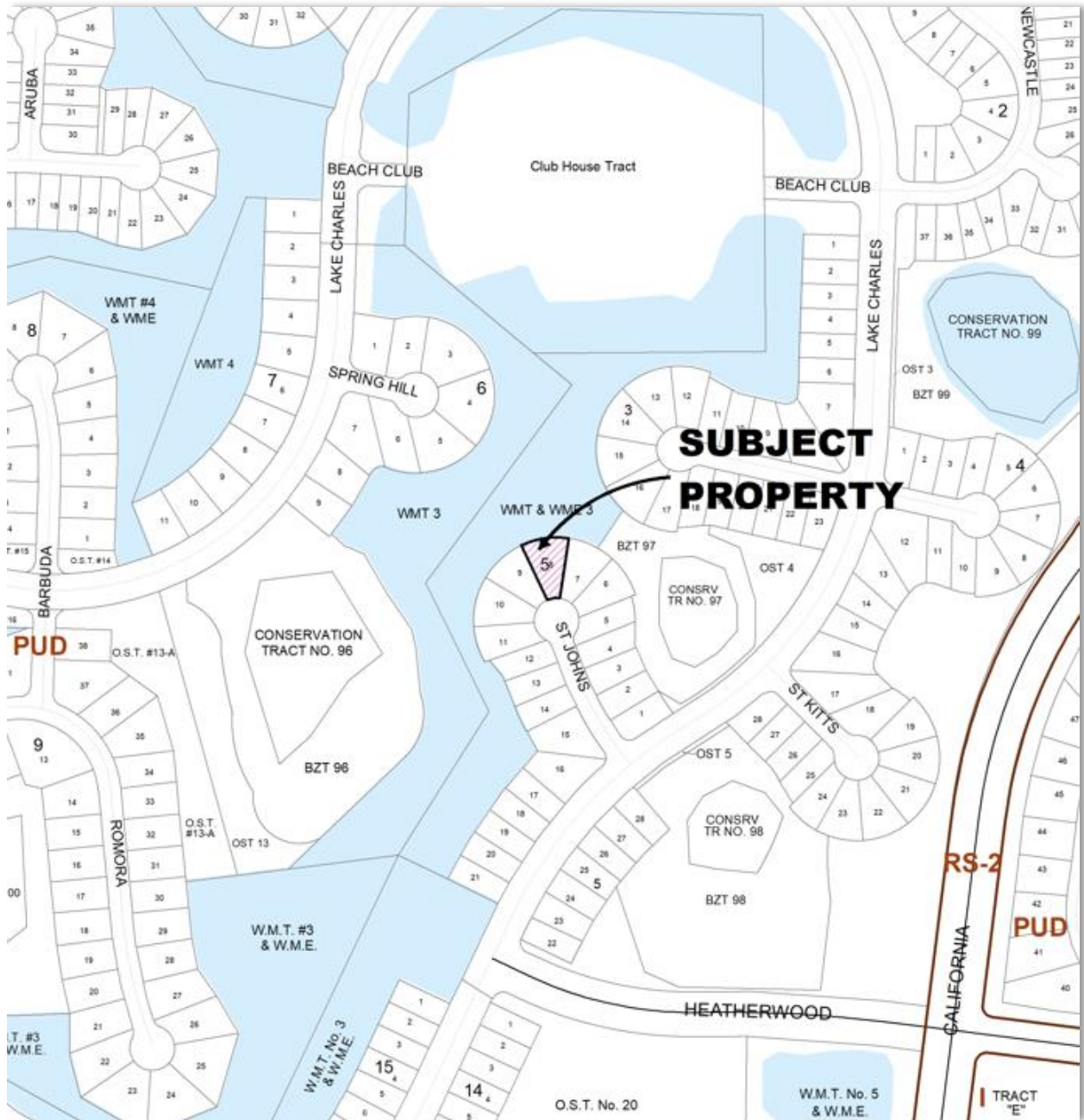
**Location and Site Information**

Parcel Number:	3323-882-0045-000-8
Property Size:	0.21 acres
Legal Description:	St Lucie West Plat No. 1 First Replat at Lake Charles, Block 5, Lot 8
Address:	595 SW St. Johns Bay
Future Land Use:	RM/OSR/I
Existing Zoning:	PUD (Planned unit Development)
Existing Use:	Single Family Residence

**Surrounding Uses**

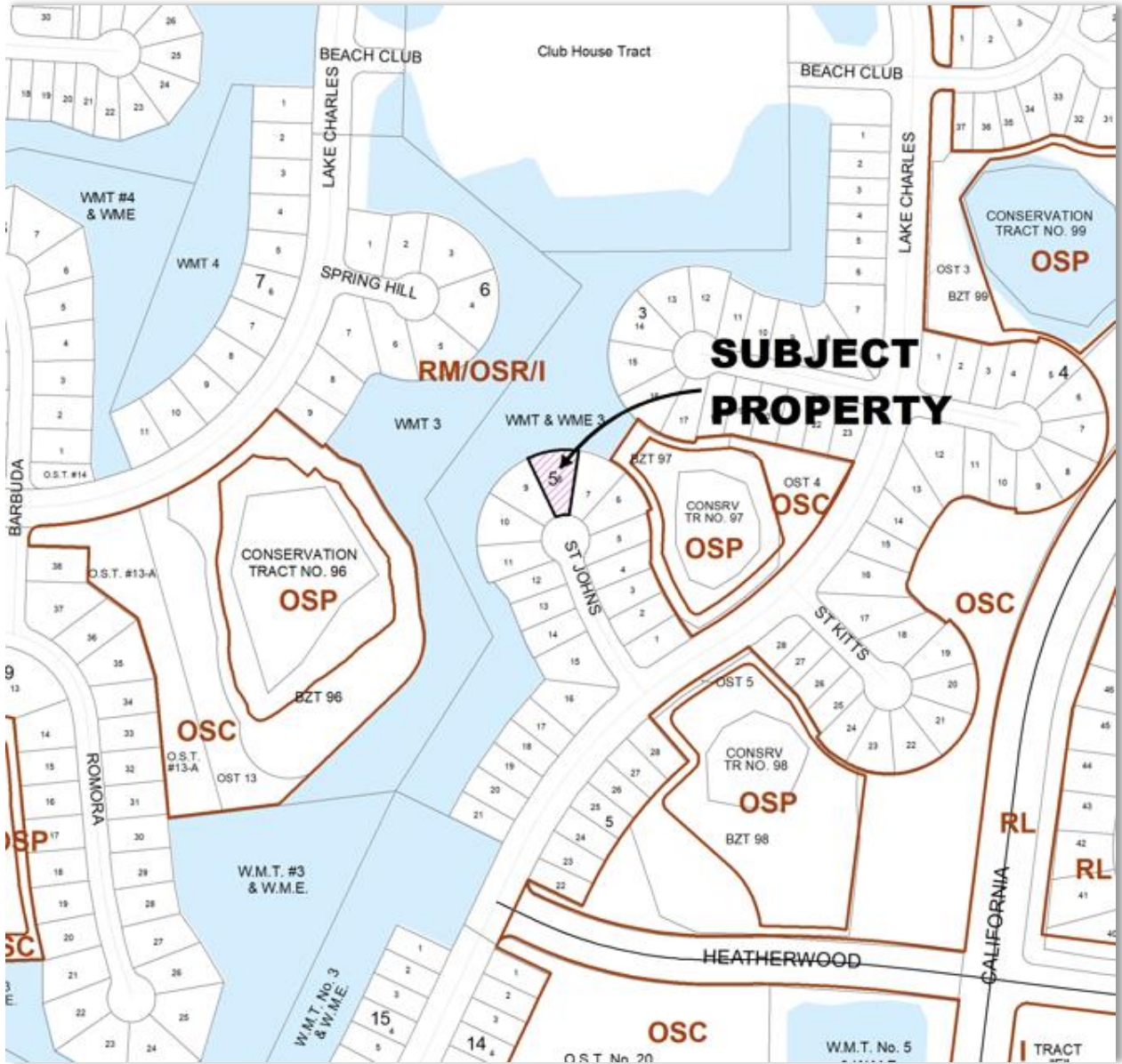
Direction	Future Land Use	Zoning	Existing Use
North	RM/OSR/I	PUD	Retention pond, amenity center
South	RM/OSR/I	PUD	Residential
East	RM/OSR/I	PUD	Residential
West	RM/OSR/I	PUD	Residential

RM/OSR/I-Residential Multi-family/Open Space Recreation/Institutional



Zoning Map





Future Land Use Map

## IMPACTS AND FINDINGS

Section 158.295 (B) of the Zoning Code establishes the duties of the Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board may authorize a variance from the provisions of the Zoning Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. Pursuant to Section 158.296, a variance is authorized only for height, area, and size of structure, yard size, building setback, lot size requirements, and other applicable development regulations, excluding use. To authorize a variance, the Planning and Zoning Board should consider the criteria listed under Section 158.295 (B) (1) through (7) of the Zoning Code. The applicant's response to this criterion is attached to the application. Staff's review is provided below:

### **Compatibility with variance criteria Section 158:295 (B).**

- 1) That 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.
  - Applicant's Response: *Current concrete is angled-this will allow current concrete pool to be squared off for the screen enclosure around pool.*
  - Staff Findings: *No special conditions and circumstances exist which are peculiar to the property, structure, or building involved. All residences in Lake Charles PUD are required to maintain a 5' setback from the property line for pools, patios, screened enclosures, and other accessory uses. There are several cul-de-sacs throughout the Lake Charles development that have parcels with arched/curved rear property lines.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
  - Applicant's Response: *Current concrete angled when installed-with pool and screen enclosure current slab will be squared.*
  - Staff Findings: *There are several cul-de-sacs throughout the Lake Charles development that have parcels with arched/curved rear property lines. The applicants were the property owners when the permit was applied for to install the existing patio in 2009. The attached existing survey shows the existing shape.*
- 3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.
  - Applicant's Response: *Current concrete slab is on back of the house not visible from front of house.*
  - Staff Findings: *See #1 above. The granting of this variance request will confer special privilege that is denied by this chapter to other lands in the Lake Charles development. Additionally, an administrative variance was granted in February 2024 to reduce the setback to 2.2' because the patio was constructed in the required setback.*
- 4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.

- Applicant's Response: Current concrete slab has an angle on both sides-making the concrete slab will not effect visibility to neighbors-it will improve the area.
  - Staff Findings: The literal interpretation of the provisions would not deprive the applicant of any commonly enjoyed rights by other property owners. All residences in Lake Charles PUD are required to maintain a 5' setback from the property line for pools, screened enclosures, and other accessory uses. There are several cul-de-sacs throughout the Lake Charles development that have parcels with arched/curved rear property lines.
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- Applicant's Response: Adding concrete to existing slab to make it square (see depiction in Variance response). This will improve look of the area while adding space.
  - Staff Findings: See #1 above. An administrative variance was granted in February 2024 to reduce the rear setback to 2.2' because the patio was constructed in the required setback or 5'.
- 6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- Applicant's Response: Request for variance to square off existing concrete patio. Will not have an impact on neighbors. It will provide better look for screen.
  - Staff Findings: The variance will not detrimentally impact public welfare or the neighbors. The patio or screen enclosure will not be visible from the front of the property.
- 7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.
- Applicant's Response: We will complete any additional request/requirements from the Planning and Zoning Board. Completion once approved will be within 60 days.
  - Staff Findings: Acknowledged.

## PLANNING AND ZONING BOARD ACTION OPTIONS

The Board may choose to approve, deny or table the proposed variance. If the Board finds that the variance application is consistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code (listed above), then the Board may:

- Motion to approve
- Motion to approve with conditions.

If the Board finds that the variance application is inconsistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code, then the Board may:

- Motion to deny

Should the Board need further clarification or information from either the applicant and/or staff, the Board may:

- Motion to table or continue the hearing or review to a future meeting

***(NOTE TO APPLICANTS: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).***