

VARIANCE APPLICATION

CITY OF PORT ST. LUCIE

Planning & Zoning Department
121 SW Port St. Lucie Blvd.
Port St. Lucie, Florida 34984
(772)871-5213

FOR OFFICE USE ONLY

Planning Dept _____
Fee (Nonrefundable) \$ _____
Receipt # _____

Refer to "Fee Schedule" for application fee. Make check payable to the "City of Port St. Lucie. Fee is nonrefundable unless application is withdrawn prior to advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g.: warranty deed, affidavit), a copy of recent survey and a statement addressing each of the attached criteria.**

PRIMARY CONTACT EMAIL ADDRESS: alejandrotoro@edc-inc.com

PROPERTY OWNER:

Name: Nicole Bush
Address: 2748 SW Casella Street, Port St. Lucie, FL 34953
Telephone No. 772-528-4044

APPLICANT (IF OTHER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):

Name: Alejandro Toro - EDC(Authorized Agent)
Address: 10250 SW Village Parkway Suite 201, Port St. Lucie, FL 34987
Telephone No. 772-462-2455 x121 Email alejandrotoro@edc-inc.com

SUBJECT PROPERTY:

Legal Description: PORT ST LUCIE-SECTION 31- BLK 1706 LOT 15 (MAP 43/14N)
Parcel I.D. Number: 3420-650-1029-000-2
Address: 2756 Casella St, Port St. Lucie, FL 34953
Current Zoning Classification Service Commercial (CS)

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

The applicant seeks to request a variance from the City of Port St. Lucie to allow for an existing building to

encroach approximately 5 feet into the 25-foot rear setback abutting a public Right of Way (City of PSL Drainage Canal)



Signature of Applicant

Alejandro Toro (Agent)

Hand Print Name

10/26/2023

Date

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy of public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

03/02/20

VARIANCES

§ 158.295 PLANNING AND ZONING BOARD OR ZONING ADMINISTRATOR (DIRECTOR OF PLANNING AND ZONING) TO HEAR VARIANCES; POWERS AND DUTIES OF BOARD AND ZONING ADMINISTRATOR

(C) Duties of the Zoning Administrator and Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter 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. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider:

- (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;
- (2) That the special conditions and circumstances do not result from any action of the applicant;
- (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;
- (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;
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (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;
- (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.

VARIANCES

The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter 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. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator will consider the variance criteria in **§ 158.295 (C) 1-7 and consider your responses to the following when making a determination.**

(1) Please explain special conditions and circumstances that 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;

Please see Justification Statement included with this application

(2) Please explain if these conditions and circumstances result from actions by the applicant;

Please see Justification Statement included with this application

(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;

Please see Justification Statement included with this application

(4) Please explain how a 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;

Please see Justification Statement included with this application

(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;

Please see Justification Statement included with this application

(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

Please see Justification Statement included with this application

(7) Please indicate 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.

Please see Justification Statement included with this application



Signature of Applicant

Alejandro Toro

Hand Print Name

10/26/2023

Date

COVER LETTER

Southern Underground – 2756 Casella St. Port St. Lucie, FL 34953

Variance

October 27, 2023

REQUEST

On behalf of the Petitioner, Engineering Design & Construction, Inc, would like to request a Variance approval with the City of Port St. Lucie to allow for an existing building to encroach approximately 10 feet into the 25-foot rear setback abutting a public Right of Way (City of PSL Drainage Canal). The subject site is located at 2756 SW Casella Street in Port St. Lucie, Florida. The subject parcel information is identified below.

Parcel ID	Address	Acreage	FLU	Zoning
3420-650-1029-000-2	2756 SW Casella St	0.23	CS	CS

SITE CHARACTERISTICS & PROJECT HISTORY

The subject property has a Future Land Use designation of Service Commercial (CS) and is located in the Service Commercial (CS) Zoning district.

The subject property consists of one (1) warehouse building and a concrete parking area. A stamped approved site plan dated December 14, 1993 has been provided by the city depicting a 3,000-sf building. This building at the time did not encroach into any of the property setbacks.

Based on aerial imagery, it was determined that the building was expanded between 1999 and 2004 and has been in use ever since. The applicant purchased the property on November of 2022 and did not anticipate that the building was encroaching into the rear ROW setbacks. The applicant is currently looking to resolve any issues caused by the unforeseen expansion.

The applicant submitted a site plan amendment application on May 17, 2023 and attended the June 14, 2023 Site Plan Review Committee (SPRC). During review, it was determined that the existing building on the site did not meet the setback requirements set forth by Section 158.126(J)(3) of the City Code of Ordinances. The existing building encroaches approximately 10 feet into the rear 25-foot setback that abuts a City of Port St. Lucie R.O.W Drainage Canal. The purpose of this application is to get relief from section 158.126(J)(3) to allow the building to continue to stand and operate as it has been for the past 20 years.

To the north of the subject parcel lies an existing outdoor storage yard. This parcel has a Future Land Use designation of Service Commercial (CS) and lies in the Single Family Residential (RS-2) Zoning district.

East of the subject property is 60-foot right-of-way (ROW) of SW Casella Street followed by 3.67 ac storage facility. This parcel has a Future Land Use designation of Service Commercial (CS) and is located in the General Commercial (CG) and Single Family Residential (RS-2) Zoning Districts.

South of the subject property lies 1.28-acre storage facility. This parcel has a Future Land Use designation of Service Commercial (CS) and is located in the Service Commercial (CS) Zoning district.

West of the subject parcel lies a 60-foot drainage Right of Way followed by 1.38-acre auto services plaza. This parcel has a Future Land Use designation of Service Commercial (CS) and is located in the Warehouse Industrial (WI) Zoning district.

RESPONSES TO VARIANCE CRITERIA

Please find the responses below in ***Bold Italics*** for this variance as outlined in section 158.295 (C) 1-7:

1. Please explain special conditions and circumstances that 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.

RESPONSE: The applicant purchased the subject property in November of 2022. At the time of purchase, the applicant was unaware that the building did not meet the rear ROW setback requirement and that the building encroached approximately 10 feet into the rear ROW setback. This circumstance is peculiar because the applicant did not anticipate the need for a variance upon making site improvements. The applicant is thus forced to get a variance approved prior to consideration of site plan approval.

2. Please explain if these conditions and circumstances result from actions by the applicant
RESPONSE: The conditions and circumstances do not result from actions by the applicant. Based on aerial photography, the building on site was expanded by the previous owner between 1999 and 2004. The applicant bought the property in November of 2022 and seeks to resolve the hardship of not being able to meet the setback requirements per Sec 158.126(J)(3).

3. Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district

RESPONSE: Granting the variance requested will not confer to the applicant's special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district in that:

1. ***The applicant did not cause a self-induced circumstance that requires this variance***
2. ***The applicant seeks to resolve the setback issues and go through the variance approval process with the City of PSL***

4. Please explain how a 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

RESPONSE: The literal interpretation of the provisions of the chapter are as follows: "Rear Setback. Each lot shall have a rear yard with a building setback line of ten (10) feet. A building rear setback line of twenty-five (25) feet shall be required when it abuts a residential future land use category or public right-of-way"

The rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter are being able to operate business and have the right to make improvements to their properties via site plan approval process without the need for a variance application. The applicant must resolve the setback issue via

this variance application prior to getting a site plan amendment approval from the City of Port St. Lucie.

5. Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure.

RESPONSE: The variance requested will allow the building to maintain its square footage and location. The building has been unchanged since the early 2000's. It is reasonable to allow the building to maintain its current size rather than demolishing a portion of it.

6. Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare

RESPONSE: Granting variance will be in harmony with the general intent and purpose of the chapter in that it will allow the applicant to continue to operate their business and not halt any workflow or employment. The granting of the variance will not be injurious to the area involved because no demolition would be required. All site conditions would remain as they currently exist.

7. Please indicate 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.

RESPONSE: The Planning and Zoning department made the request for this variance during the June 14, 2023 SPRC meeting. As a result, the applicant is currently seeking to be in full compliance with the conditions and safeguards and respectfully requests review and approval of the attached variance. The applicant will be in full compliance with any additional conditions the Planning and Zoning Board may request.

Based on the above and attached information, the applicant respectfully requests approval of the proposed variance

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