

ADMINISTRATIVE 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. **Attach two copies of proof of ownership (e.g.: warranty deed, affidavit), and a copy of recent survey.**

PRIMARY CONTACT EMAIL ADDRESS: John M Cherveney John@homesbyjmc.com

PROPERTY OWNER: John@homesbyjmc.com

Name: Brian & Susan Barnes
Address: 887 Forest Glen Lane, Wellington, FL 33414
Telephone No. 561-795-4119 Email: _____

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

Name: John M Cherveney (JMC Contracting Inc)
Address: 419 N.E. Baker Road
Telephone No. 772-260-8525 Email: John@homesbyjmc.com

SUBJECT PROPERTY:

Legal Description: Kitching Cove Estates Lot 3 St. Lucie County FL
Parcel I.D. Number: 4415-801-0004-000-3
Address: 1003 S.E. Kitching Cove Lane PSC FL 3495
Current zoning classification Residential

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 project is on a private road + well + septic. Due to this property location on the river + the flood plain + other environmental regulations, the septic system had to be installed in the front yard. The lot had to have fill brought in for the septic system which raised the lot in the front. The site plan + surveys submitted to the Building Dept @ the time of permit request had a side entry garage because of the relocation of the septic the driveway had to be moved from AS we could not have the garage over the septic. The side entry garage included sufficient turning radius for Full Access*

Signature of Applicant: [Signature] Hand Print Name: John M Cherveney Date: 1-16-2024

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 for 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.

As a cumulative result of the characteristics of this property the driveway extent is 03/02/20 proposed to be closer than left. Site plan + surveys submitted to the building dept when applying for A permit to build house reflected location of driveway + curb. The home is regulated by FEMA height

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;

* Because of septic being moved to the front of house the driveway had to be moved as shown in original plans at the time of permit + survey

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

* The change was due to changes for health permit (septic)

(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;

* The variance is per recommendations + rules of health Dept + DEP

(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;

* The work has to be approved in order to complete ^{reconstruction} of the home + to have a safe driveway

(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;

* moving the driveway is the only item needed to complete the home per permitted at this time

This Document Prepared By and Return to:
Christopher J. Twohey, PA
844 SE Ocean Blvd. Suite A
Stuart, Florida 34994

Parcel ID Number: 4415-801-0004-000/3

Warranty Deed

This Indenture, Made this 5th day of March, 2021 A.D., Between
Gerard Matheis
of the City of Grand Duchy of Luxembourg, Country of
Brian G. Barnes and Susan M. Barnes, husband and wife, grantor, and
whose address is: 887 Forest Glen Ln., Wellington, FL 33414
of the County of Palm Beach, State of Florida, grantees.

Witnesseth that the GRANTOR, for and in consideration of the sum of
TEN DOLLARS (\$10)

and other good and valuable consideration to GRANTOR in hand paid by GRANTEES, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said GRANTEES and GRANTEES' heirs, successors and assigns
forever, the following described land, situate, lying and being in the County of Saint Lucie
State of Florida to wit:

Lot 3, Kitching Cove Estates, according to the Plat thereof as recorded in Plat Book 20, Page 11, Public
Records of Saint Lucie County, Florida.

* GRANTOR FURTHER COVENANTS THAT THE ABOVE DESCRIBED PROPERTY DOES
NOT NOW, NOR HAS IT EVER CONSTITUTED THE HOMESTEAD OF GRANTOR.

SUBJECT TO:

1. Taxes for the year 2021, and all subsequent years;
2. Zoning restrictions, prohibitions and other requirements imposed by governmental authority;
3. Restrictions and matters appearing on the Plat or otherwise common to the subdivision; and
4. Public utility easements of record, if any.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons
whomsoever.

Warranty Deed - Page 2

Parcel ID Number: 4415-801-0004-000/3

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written,
Signed, sealed and delivered in our presence:

Witness Printed Name: SINAN SAR
Witness #1

Witness Printed Name: ANA FURTADO-TAVARES
Witness #2

Gerard Matheis (Seal)
Gerard Matheis
P.O. Address: 32, rue Meckenheck, L-3321 Berchem, Grand Duchy
of Luxembourg

Embassy of the United States of America
Country of
City of Grand Duchy of
Luxembourg

The foregoing instrument was acknowledged before _____, Consul of the United States of America
at _____, duly commissioned and qualified, this _____ day of March, 2021, by
Gerard Matheis
who is personally known to me or who has produced his Passport as identification.

Printed Name: _____
Notary Public
My Commission Expires: _____



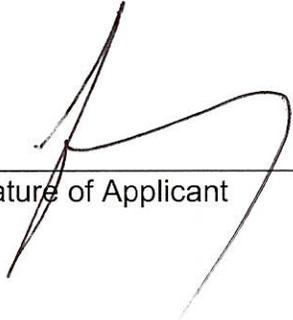
I, undersigned, Léonie GRETHEN, Notary in Luxembourg, do hereby certify that the signature subscribed to the foregoing document is the genuine signature of M. Gerard MATHEIS, born in Luxembourg on December 04th 1962 Luxembourg, March 09th, 2021

(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;

* See previous description page #1

(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.

* JMC Contracting will adhere to all permit instructions
+ Approvals



Signature of Applicant

John M Cheney

Hand Print Name

1-16-2024

Date