



Jared Greenberg - Variance
Project No. P25-086



SUMMARY

Applicant's Request:	Variances from Section 158.217(C)(1) of the Zoning Code which prohibit accessory structures within the area extending from the front corners of the principal structure to the front property line, Section 158.217 (C)(2)(p) which restricts the maximum size of carports to either 200 square feet or 400 square feet, depending on lot size, and Sections 158.217 (C)(1) and 158.073 (H), which in combination, require that accessory structures in the RS-2 (Single-Family Residential) zoning district maintain a 10-foot setback from the side property line.
Application Type:	Variance, Quasi-Judicial
Applicant/Owner:	Greenberg, Jared

Location:	702 SW Abode Ave
Project Planner:	Ivan Betancourt, Planner I

Project Description

The City of Port St. Lucie has received a request from Jared Greenberg, the property owner, to grant the following variances: 1) to allow a carport to be constructed in the area extending from the front corners of the principal structure to the front property line, 2) a variance of 745 square feet to allow the construction of a 945 square foot carport, 3) a variance of four (4) feet to allow for a 6-foot side yard setback on the west side of the property. Section 158.217(C)(1) of the Zoning Code prohibits accessory structures within the area extending from the front corners of the principal structure to the front property line. Section 158.217 (C)(2)(p) allows for a maximum size of 200 square feet for a carport. Sections 158.217 (C)(1) and 158.073 (H) state that accessory structures in the RS-2 (Single-Family Residential) zoning district must maintain a 10-foot setback from the side property line. The property subject to the variances request is located at 702 SW Abode Ave. The property is legally described as Port St. Lucie Section 33, Block 2326 Lot 21.

Background

The subject property was granted a variance of 6 feet to allow a 0-foot side yard setback on the west of the property for a proposed solar panel roof with poles on November 3, 2020. Additionally, the existing home encroaches into the side yard setback on both sides.

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 June 20, 2025, and the file was included in the ad for the Planning & Zoning Board's agenda.

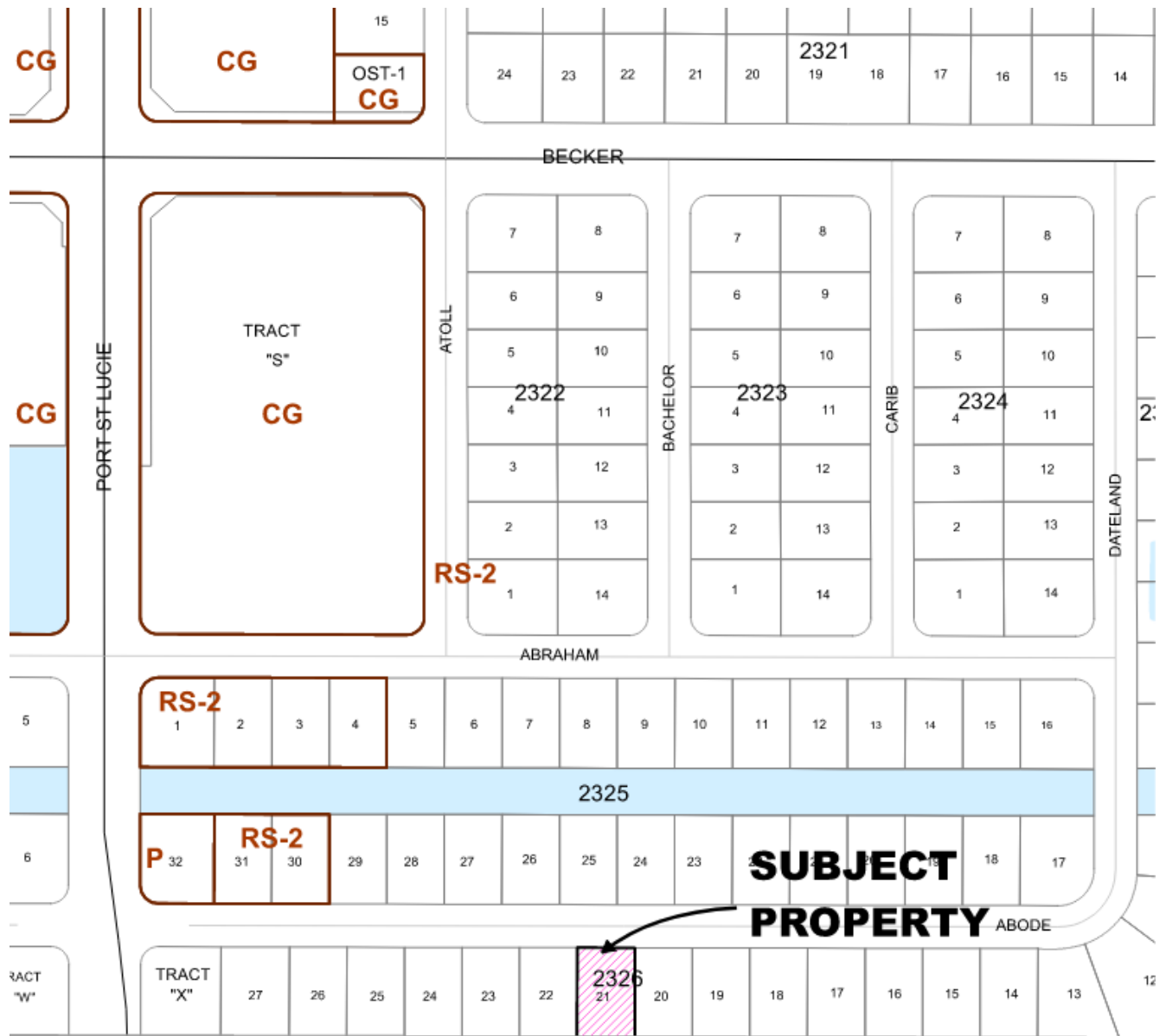
Location and Site Information

Parcel Number:	3420-660-3547-000-4
Property Size:	0.23 acres (10,000 SF)
Legal Description:	Port St. Lucie Section 33, Block 2326 Lots 21
Address:	702 SW Abode Ave
Future Land Use:	RL – Low Density Residential
Existing Zoning:	RS-2 – Single-Family Residential
Existing Use:	Single-Family Home

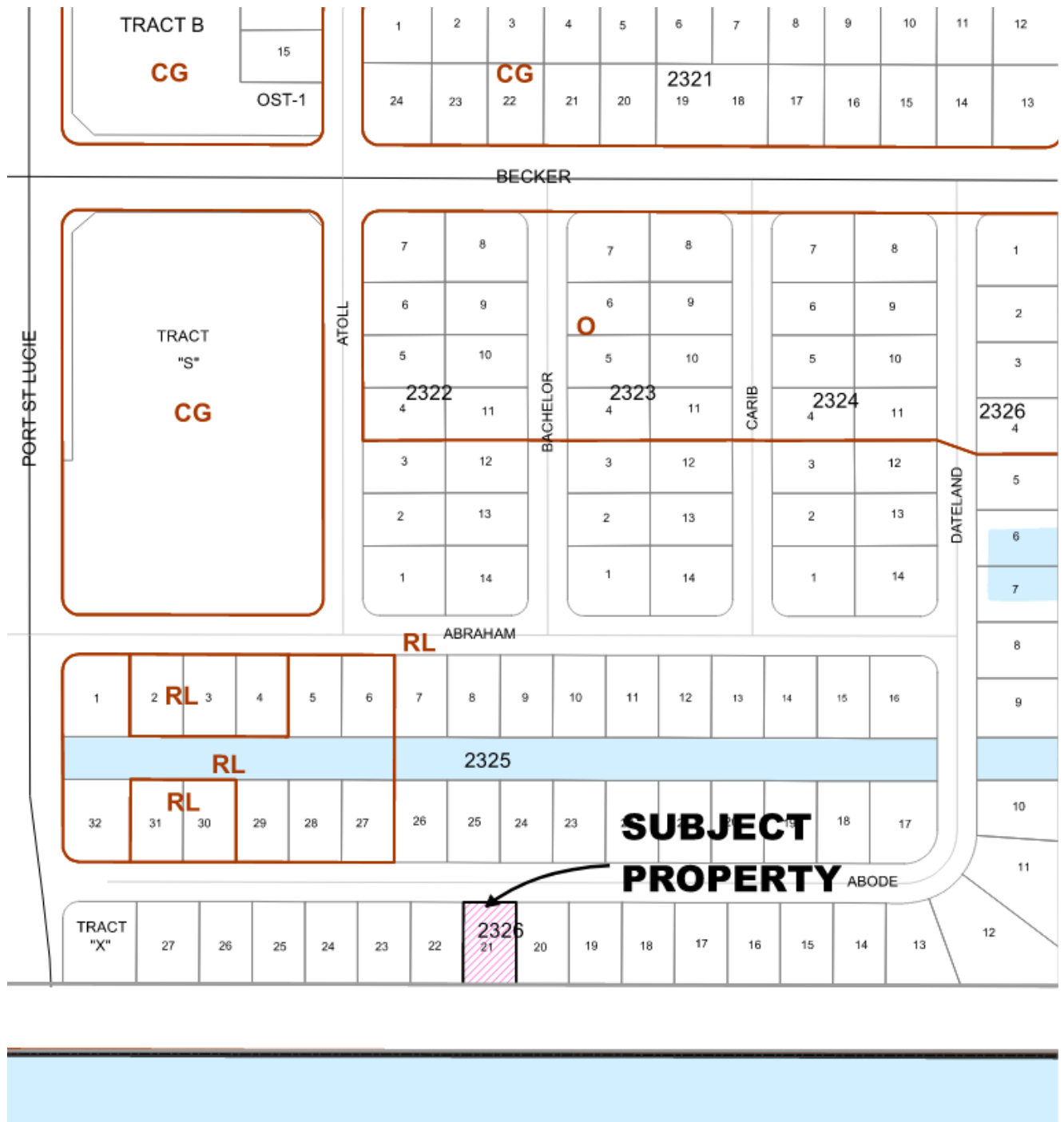
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	Single-Family Home
South	NA	NA	C-23 Canal
East	RL	RS-2	Single-Family Home
West	RL	RS-2	Single-Family Home

RL (Low Density Residential) – RS-2 (Single Family Residential) – NA (Not Applicable)



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: *Due to the lots being so small, and the restrictions that zoning department puts on what you are allowed to do a carport that is recommended by the zoning department is to small to do anything under it. I don't want to get wet when it rains under my carport.*
 - Staff Findings: *There are no special conditions or circumstances which are peculiar to the land, structure or building involved which are not applicable to other properties in the same zoning district. The subject property is a standard RS-2 zoned lot measuring 80 feet in width by 125 feet in depth, consistent with the typical parcel size found throughout the zoning district.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - Applicant's Response: *I have no idea what this question is asking.*
 - Staff Findings: *There are no special conditions and circumstances. See response to number 1.*
- 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: *Nothing, others can apply for this variance or the planning and zoning department can update the code to allow for carports that are normal size and not have so many restrictions on peoples property that they own. If you own your property you should be able to build what every you want on your property.*
 - Staff Findings: *The granting of the variances will confer special privileges on the current owners that are denied to other lands in the Single-Family (RS-2) Zoning District. Properties within this zoning district are required to abide by Section 158.217 (C)(2)(p), which restricts carports in size, so they do not exceed 200 square feet or 400 square feet, depending on the lot size. Additionally, Section 158.217 (C)(1) prohibits accessory structures within the area extending from the front corners of the principal*

structure to the front property line. Furthermore, Section 158.073 (H), in combination with Section 158.217 (C)(1), require that accessory structures maintain a 10-foot setback from the side property line.

- 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: If you deny my application then you are restricting my rights to be able to enjoy my property and build what I want on my own land and to live my life the way I want to live. You will be depriving me of my God given rights to enjoy life and enjoy my property on my property.*
- *Staff Findings: The literal interpretation of the provisions of Chapter 158, Zoning Code, would not deprive the applicant of rights commonly enjoyed by other properties in the RS-2 zoning district. The applicant could reduce the size of the proposed carport to meet the size, location, and setback requirements.*

- 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: Please see the attached pictures that I have attached to the file. I am currently in the process of redoing my roof with a 1.5" standing seam 24 gauge metal roof and I would like to also install the Sky Lift supports while we do the roof replacement so when I get the carport permit I have the one side done and I don't have to take apart my new metal roof to do the carport concept.*
- *Staff Findings: The applicant currently has reasonable use of the land.*

- 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: I am still staying 25feet from the front set back of my property.*
- *Staff Findings: Granting the variance will not be in harmony with the general intent and purpose of the Zoning Code.*

- 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: I will comply with what is reasonable to do. If planning and zoning act like they did with my rear fence then we have major problems.*
- *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 make a:

- Motion to approve the variances
- 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 make a:

- Motion to deny

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

- 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).