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REVISED

February 7, 2024

Mr. Cody Sisk, Planner II  
City of Port St. Lucie  
PLANNING & ZONING DEPT.  
121 S.W. Port St. Lucie Blvd  
Building B – 2nd Floor  
Port St. Lucie, Florida 34984-5099

***Re: Conceptual Site Plan for 1915 SW Hayworth Ave***

Dear Mr. Sisk,

This Firm serves as counsel for Ekonomy Self Storage (“Applicant”) and we are seeking a variance to Appendix B, Land Use Conversion Manual of the City’s Zoning Code. The variance request for 1915 SW Hayworth Avenue (“Lot 14”) from the minimum area and frontage requirements to allow for rezoning of the property to Service Commercial (CS) Zoning District Project Number P23-176.

The Applicant does not intend to build any structures on Lot 14 at this time. Ekonomy is located to the north of Lot 14 and is a self-storage facility which rents U-Haul vehicles. The Applicant intends to use Lot 14 as an after-hours drop-off location for the vehicle rentals. For example, if a customer were to return a vehicle at 9 p.m., they would leave the vehicle in Lot 14. When Ekonomy opens at 8 a.m., the next morning, the vehicle would be moved from Lot 14 to 2732 SW Burkhardt Street.

## **VARIANCE CRITERIA**

The Town Council must consider variance criteria the criteria listed under ***Section 158.295 (B) (1) through (7)***.

- (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.**

Special conditions and circumstances exist which are peculiar to the land, which are not applicable to other lands in the same zoning district because there is no ability of the applicant to increase his right of way frontage. If you will note the graphic below, the Subject Site is bounded on both the east and the west by parcels owned by others.

Both neighbors have refused Applicants request to purchase their property at fair market value.

The parcel to the west is owned by Benabe with a just market value of \$108,300.00.

Site Address: 2797 SW Casella ST  
Sec/Town/Range: 14/37S/39E  
Parcel ID: 3420-650-1000-000-3  
Jurisdiction: Port Saint Lucie

### Ownership

Carmen Julia Benabe  
Plaza 19 Bi 13 Bosque del Lago-Entrada  
Trujillo Alto, 00976  
PUERTO RICO

### Legal Description

PORT ST LUCIE-SECTION 31- BLK 1705 LOT 13 (MAP 43/14N) (OR 258-945)

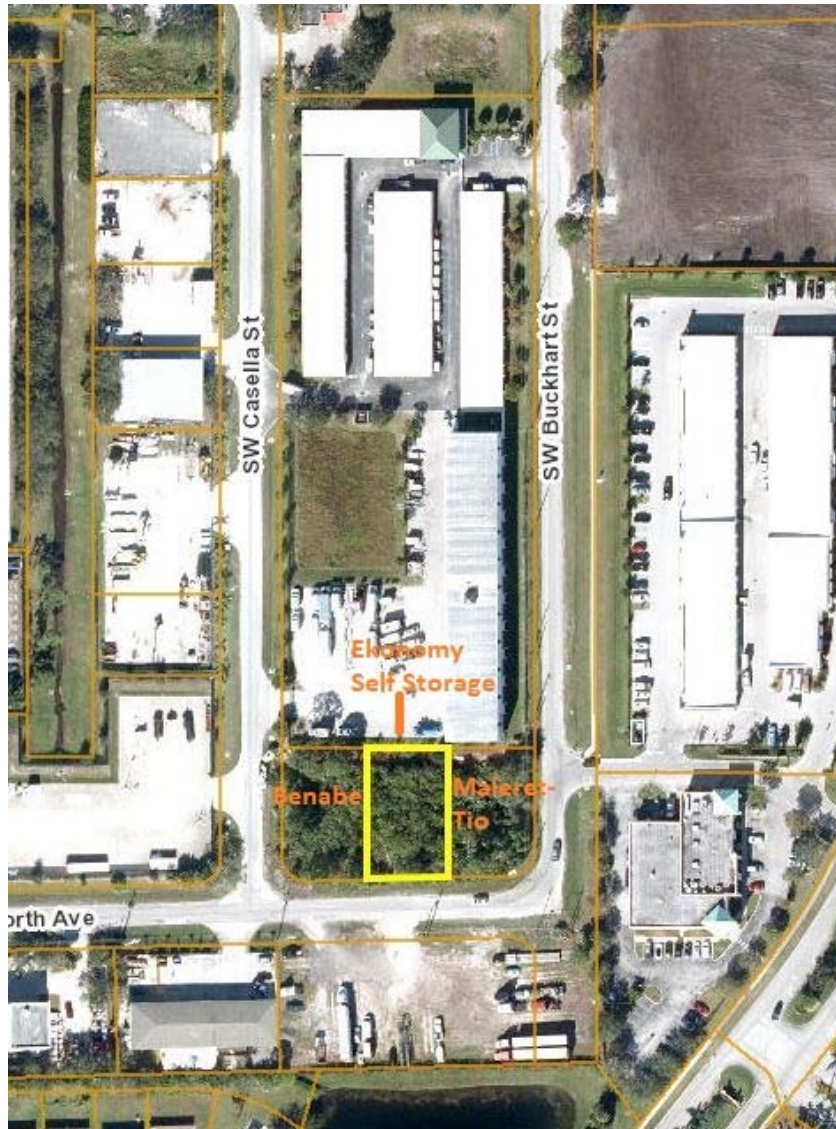
### Current Values

Just/Market Value:	\$108,300
Assessed Value:	\$21,629
Exemptions:	\$0
Taxable Value:	\$21,629

The parcel to the east is owned by Maleret-Tio with fair market value of \$105,000.

Site Address: 1901 SW HAYWORTH AVE	
Sec/Town/Range: 14/37S/39E	
Parcel ID: 3420-650-1002-000-7	
Jurisdiction: Port Saint Lucie	
<b>Ownership</b>	
Ada Maleret-Tio Pedro E Malaret Jr PO Box 190007 San Juan, 00919 PUERTO RICO	
<b>Legal Description</b>	
PORT ST LUCIE-SECTION 31- BLK 1705 LOT 15 (MAP 43/14N) (OR 208-1315)	
<b>Current Values</b>	
Just/Market Value:	\$105,000
Assessed Value:	\$20,849
Exemptions:	\$0
Taxable Value:	\$20,849

The neighboring property owners are very familiar with the regulation in Conversion Area 24, and understand that the city will deny the applicant the right to use their property without combining with their land. Therefore, each has requested \$1.3 million dollars for their parcel. If the city were to grant the variance it may be an impetus for the neighboring property owners to entertain a reasonable offer. As the realization that they can no longer prevent the use of Applicants property, may incentivize them to sell at fair market value. As previously stated, Economy would like to purchase and combine all three (3) parcels.



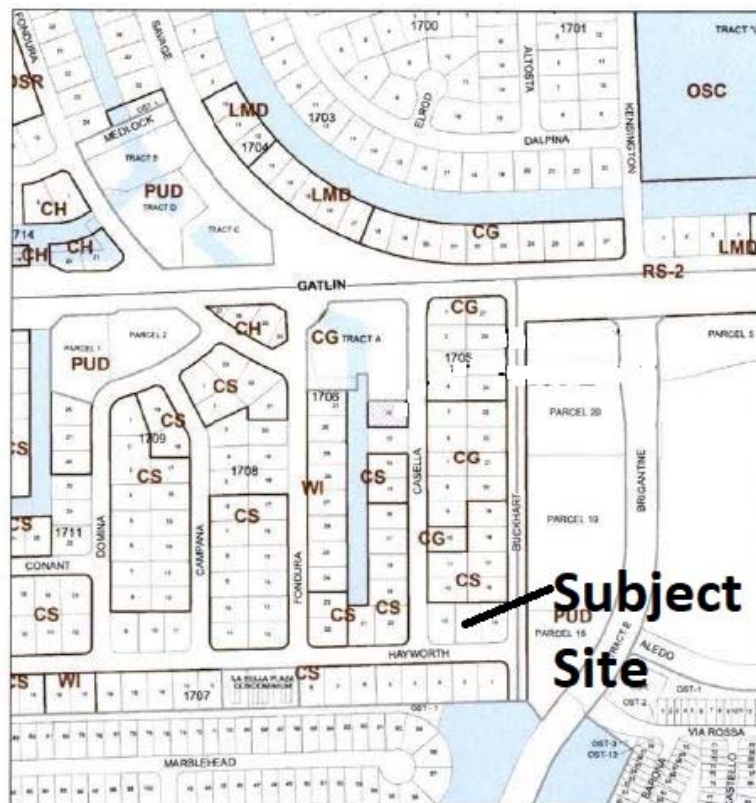
- (2) That the special conditions and circumstances do not result from any action of the applicant.**

Special conditions and circumstances do not result from any action of the applicant as the ownership of surrounding properties is not within his control.

- (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.**

The request will not confer a special privilege that is denied by this chapter to other lands in the same zoning district. To the contrary, the property is currently zoned RS-2 and is surrounded by property with commercial zoning. The variance will allow the Property to be compatible with the surrounding properties.

As indicated in the zoning map below, the Property to the north is zoned Service Commercial Zoning District ("CS"), the properties to the south are CS, to the west the bulk of the properties are zoned CS and to the east is Planned Unit Development known as Gatlin Commons. The fact that this parcel is residential surrounded by commercial gives rise to the argument that it is impermissible spot zoning and to correct this the City Council must grant the requested variance.



- (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.**

The literal interpretation of the code provision would deprive the applicant of his property rights in that, the regulations deny him the right to use his property in manner compatible with other properties within the immediate area. The deprivation of the right to use his property is working an unnecessary and undue hardship as he is prevented from using his property.

**(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.**

The request for the variance is the minimum possible that will allow the applicant to use his property. Currently, the property is zoned residential and residential is the only permitted use. Since a residential use is incompatible with the surrounding commercial zoning the variance is the minimum request that will allow a 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.**

Granting the variance allows the property to be used in a manner that is compatible with the surrounding land uses, is in harmony with uses in the area and will not be 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.**

The applicant will fully comply with **any** additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe.

The applicant's request for a variance is the minimum request which would allow him to use his property in a manner which is compatible with the surrounding uses. Currently, the Property is singled out and being treated differently than surrounding parcels which is the definition of impermissible spot zoning. Additionally, the application meets the seven criteria delineated in the Code. Since the variance request would allow the property owner to use his property in a manner consistent with surrounding uses to deny his request would be an arbitrary, capricious and an unreasonable treatment of the property. Therefore, I respectfully request that you grant the requested variance.

## **PERFORMANCE STANDARDS**

- 1) Any application which would result in adjacent lots becoming non-conforming to the conversion standards may be required to submit a conceptual site plan as a part of the variance.**

Please see Conceptual Site Plan below.



- 2) The plan shall designate adequate buffers surrounding the site and remaining properties.**

Noted

- 3) Where appropriate, the plan shall be designed as one project and must provide for shared access and parking of any remaining, or adjacent lots or parcels which would not conform to the conversion standards as a result of the variance. It shall not result in isolation or landlocked lots without providing access.**

Our variance application, if granted, will not isolate or landlock the remaining parcels as they are both situated as a corner lot and have access onto two right of ways. The Benabe Parcel has access onto SW Casella Street to the west and SW Hayworth Avenue to the south. The Malaret-Tio Parcel has access to SW Hayworth Avenue to the east and to the south.

- 4) The plan shall not allow for access onto residential streets or non-conversion area streets.**

The proposed access is not onto residential streets, it is on a conversion area street, SW Hayworth Avenue.

- 5) The plan shall require the recording of Unity of Title for the project to prohibit further division and sale of separate lots which were a part of the overall approved site plan. Also, recording of access easements for future use of the remaining adjacent lots is required. Verification of this is required prior to the issuance of building permits for the project.**

Noted.

Cordially,



Lisa A. Reves  
For the Firm