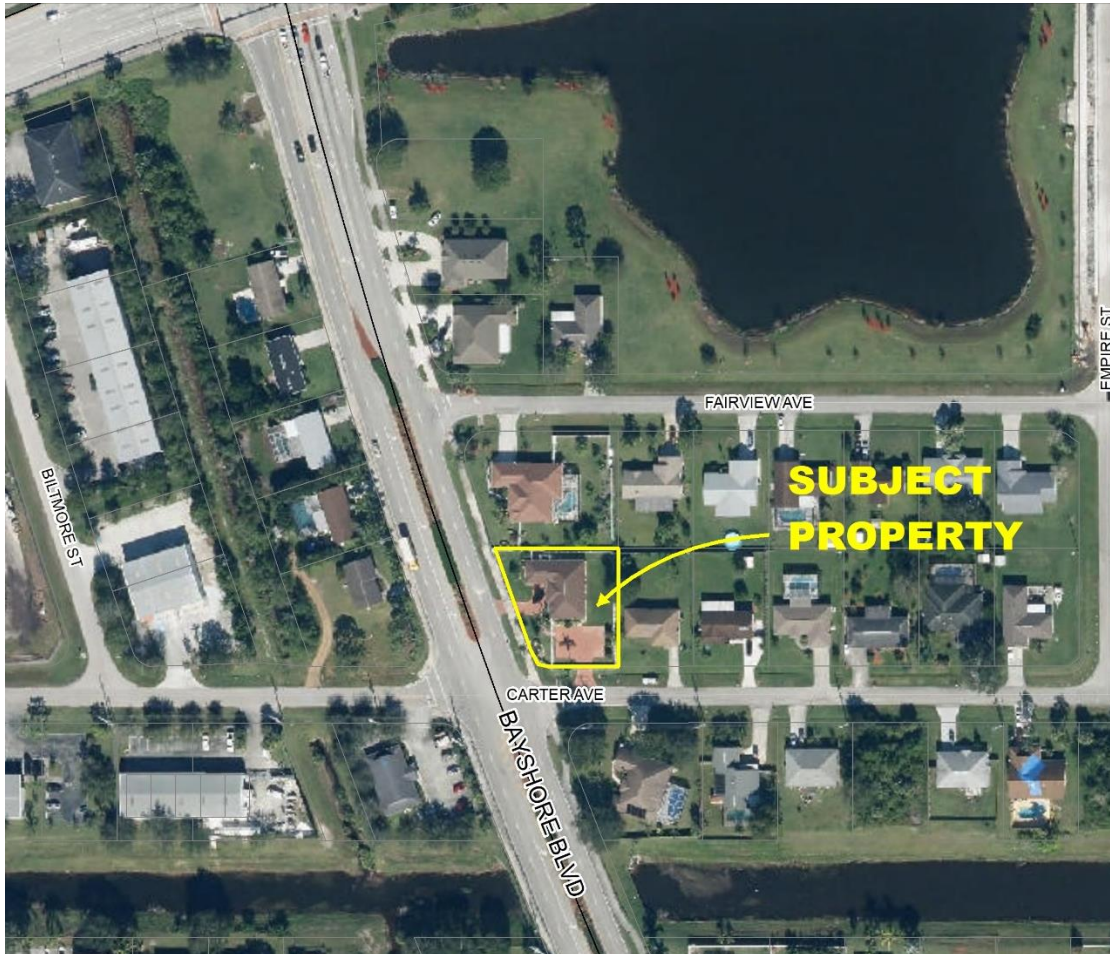




Guerrouj, Fairouz & Samira
Variance
P20-017



Project Location Map

SUMMARY

Applicant's Request:	To grant a variance to allow the installation of hinged gates within the two-foot breaks between the sections of fencing located within the property frontage and to grant a variance of 1'2" to allow a portion of the fence to be 5'2" in height.
Applicant/Property Owners:	Fairouz & Samira Guerrouj
Agent:	Christian Schoepp
Location:	657 SW Carter Avenue. Located on the east side of Bayshore Blvd, NE of the intersection of Bayshore and Carter Ave.
Application Type:	Variance application – Quasi-judicial

Project Planner:	Stephen Mayer, Planner III
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Project Description

Per code Sec. 158.216(H), fencing may be utilized as landscaped treatment in that area extending from the front building line to the front property line provided that no property is enclosed, and a two-foot break is required for each twenty feet in length and no portion of the fence exceed four (4) feet in height. A small section along the side, but in front of the house, is 5’2” in height. The remainder of the fence enclosing the front yard is 4’ high.

This is a request to grant a variance to the requirements of Chapter 158.216 (H), Fences used as Landscape Material, of the City’s Code to permit the installation of fence gates within the required breaks of the twenty (20) foot fence segments and permit a portion of the fence to exceed four (4) feet in height.



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

Public notice was mailed to owners within 750 feet and the file was included in the published notification for the Planning & Zoning Board’s agenda.

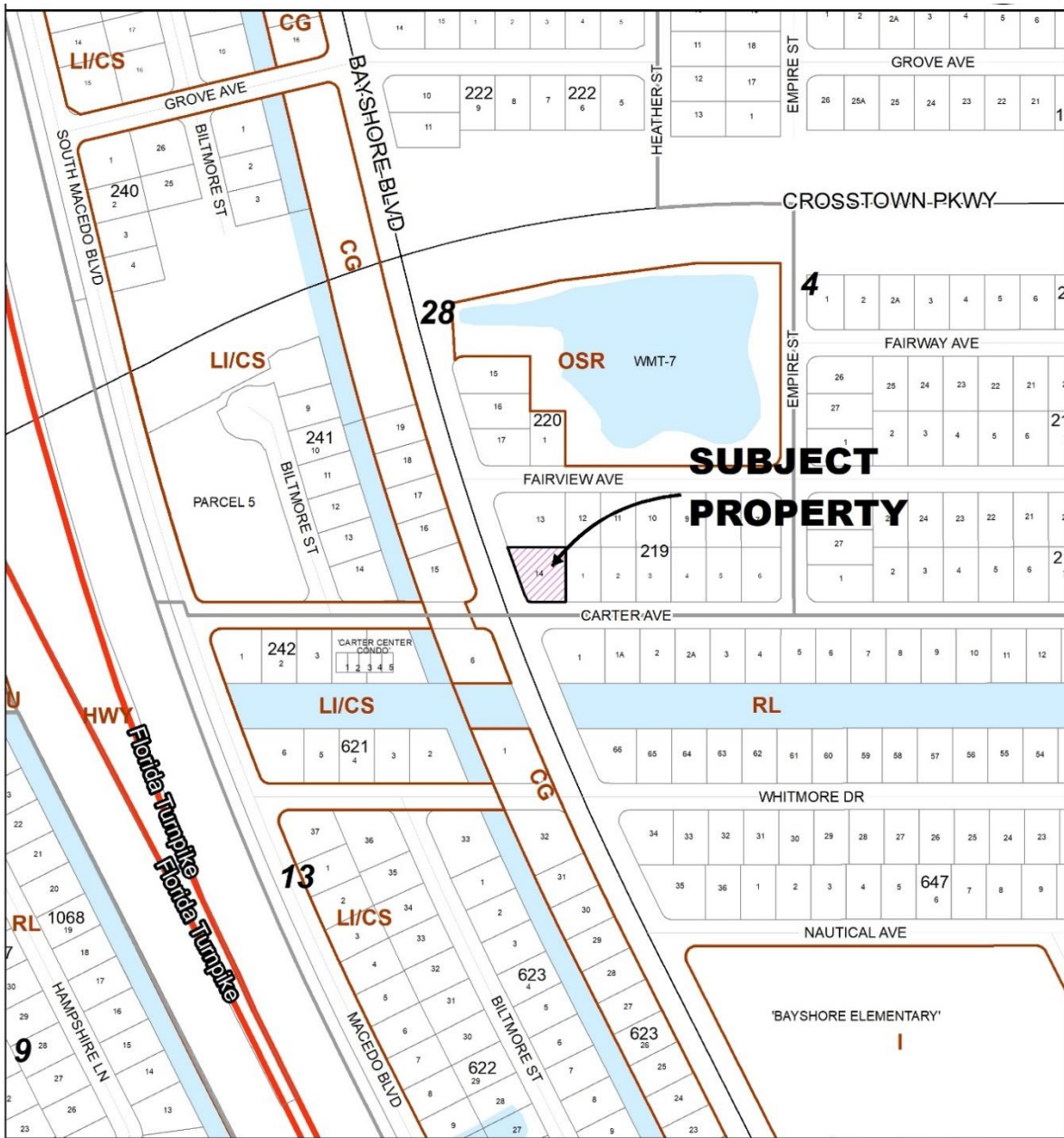
Location and Site Information

Parcel Number:	3420-635-0202-000-5
Property Size:	0.3 acres/13,145 s.f.
Legal Description:	Port St. Lucie Section 28, Block 219, Lot 14
Address:	657 SW Carter Ave
Future Land Use:	RL (Low Density Residential)
Existing Zoning:	RS-2 (Single Family Residential Zoning District)
Existing Use:	Single Family Residential

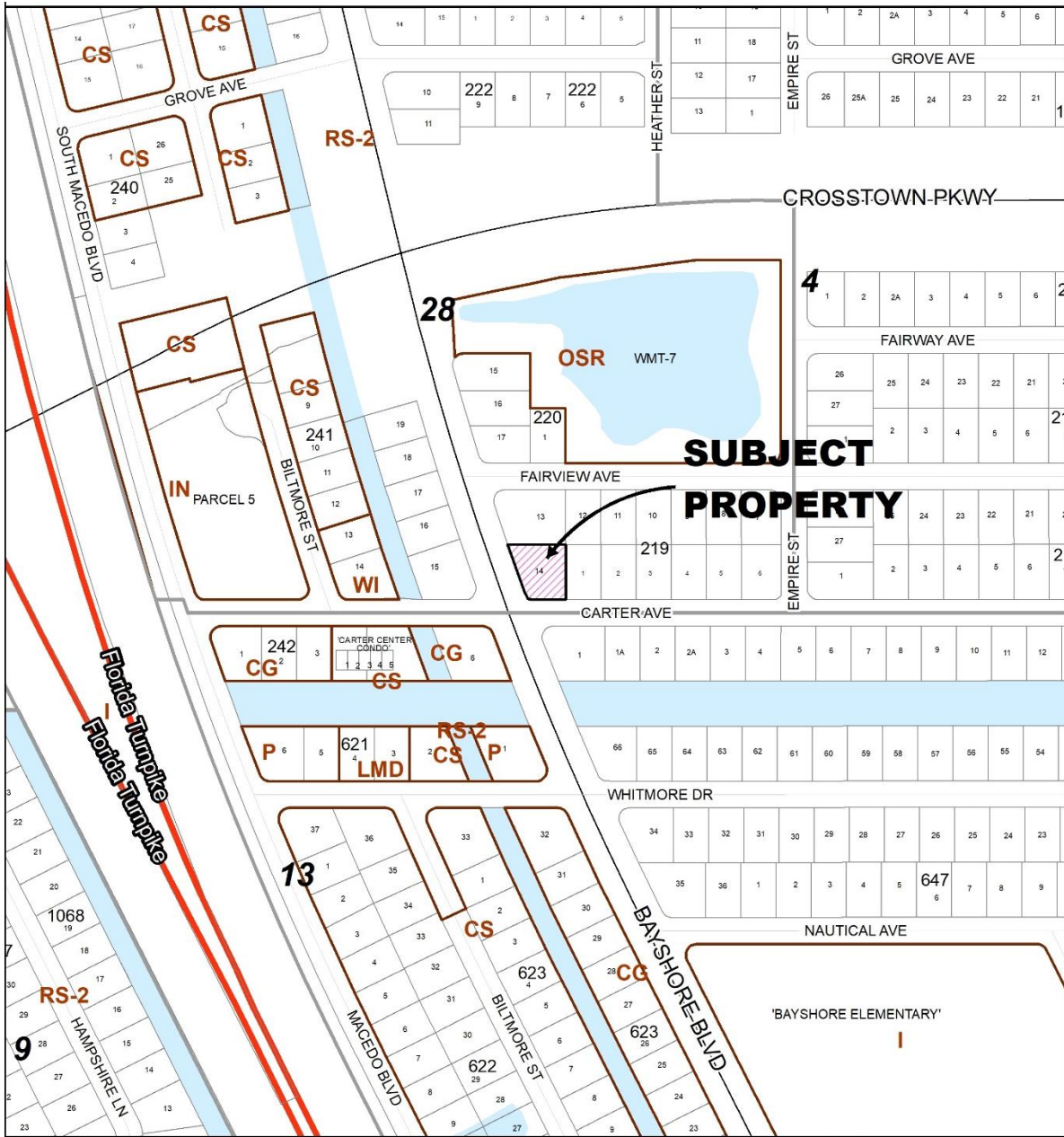
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North, East, South	RL	RS-2	Single Family Residential
West	CG	RS-2	Single Family Residential

RL- Low Density Residential
 CG- General Commercial
 RS-2- Single Family Residential



Future Land Use Map



Zoning 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.

Staff findings: The property is located within a neighborhood of properties with a single family residential (RS-2) zoning classification and residential low-density (RL) future land use designation. There are no special conditions or circumstances that exist that are peculiar to the land, structure, or building, which are not also applicable to other properties within the RS-2 zoning district, including the adjacent properties.

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

Staff findings: The required "breaks" within the fencing have been enclosed with gates. The overall height of the fence is 1'2" higher than the maximum allowed in one area. There are no special conditions or circumstances that require the gates in the two-foot breaks, nor the excess height of the fence.

- 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.

Staff findings: Granting the variance will confer special privilege in that other properties with the RS-2 zoning district are not allowed to have completely enclosed fences in the front yard.

- 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.

Staff findings: See #1.

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

Staff findings: The property owner has reasonable use of the property without the gates in the fence breaks and the and the maximum height of 5'2".

- 6) 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.

- *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).