



**Daniel & Beth Barese
 Variance (Rear Setback)
 P23-044**



Aerial Map

SUMMARY

Applicant’s Request:	To grant a variance of 15 feet from the rear yard setback requirement to allow or an addition to an existing single-family residence.
Application Type:	Variance, Quasi-Judicial
Applicant / Property Owner:	Daniel & Beth Barese
Address:	132 SW Klee Circle
Location:	The property is generally located south of Kestor Drive, East of Darwin Blvd and north of Becker Road.
Project Planner:	Marissa Da Breo-Latchman, Planner I

Project Description

The applicant is requesting a variance of 15 feet to allow a 10-foot setback from the rear property line to enable the construction of an addition to the existing home. Section 158.073(H)(3) of the City’s Zoning Code requires a 25-foot setback from the rear property line for principal structures within Single-Family Residential (RS-2) Zoning District.

Background

The applicant is seeking to expand the residence to accommodate an elderly, disabled family member. There is a 20-foot drainage and utility easement along the rear of the property; a portion of which was previously abandoned by the Public Works Department to allow for the construction of a pool. Pool construction was completed in 2022. The aerials do not show the pool. The applicant is currently pursuing an additional abandonment of easement in the area of the proposed addition.

Drainage and Utility Easement: The property is adjacent to a drainage canal, which is maintained by the Public Works Department. If the variance is approved, the applicant will coordinate with Public Works to obtain an abandonment of the easement for an additional portion of the property to accommodate the proposed addition.

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 on April 20, 2023, and the file was included in the ad for the Planning & Zoning Board’s agenda.

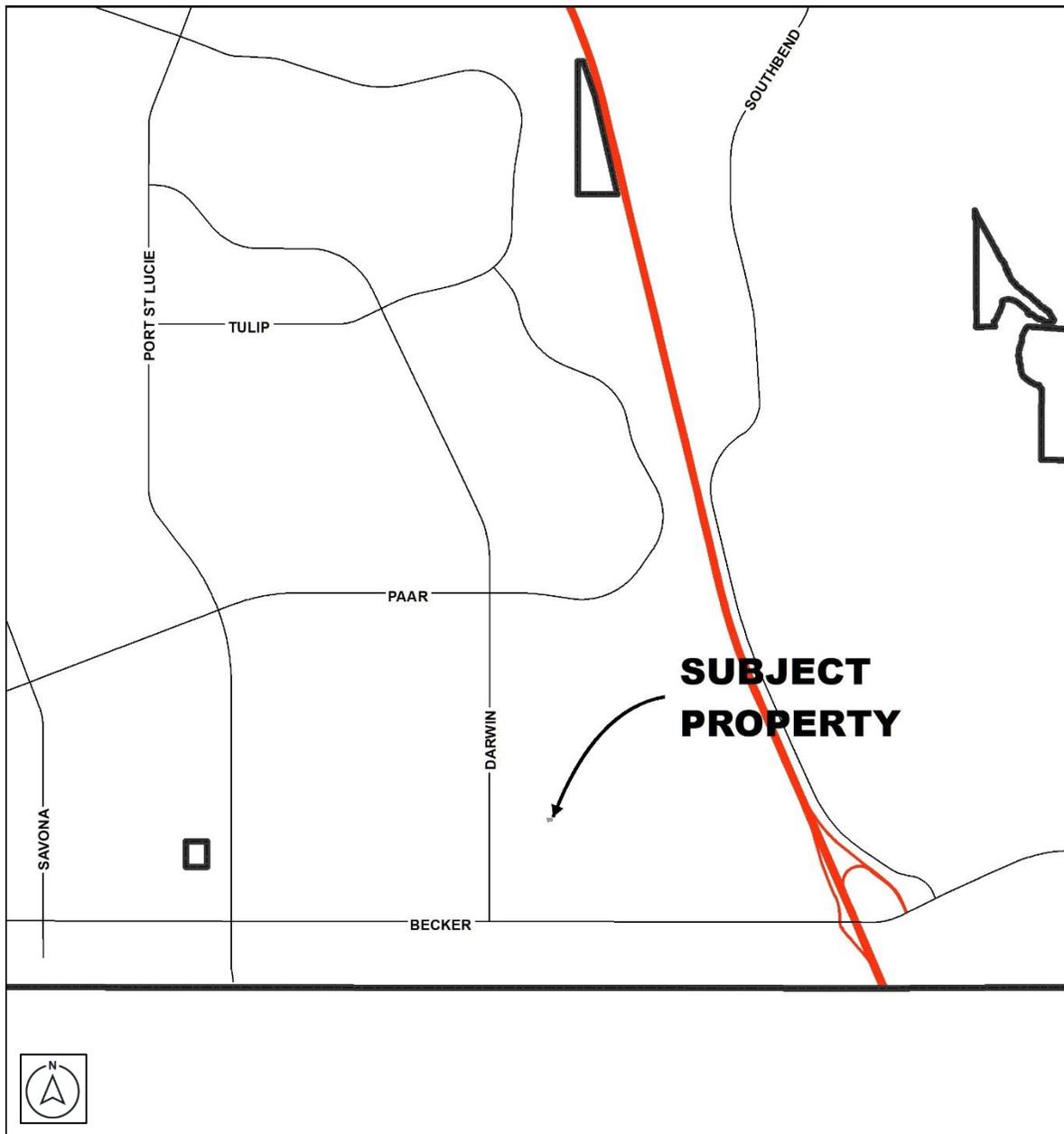
Location and Site Information

Parcel Number:	3420-665-2096-000-5
Property Size:	0.24-acres
Legal Description:	Port St. Lucie - Section 34, Block 2406, Lot 22
Future Land Use:	RL
Existing Zoning:	RS2
Existing Use:	Single-Family Residence

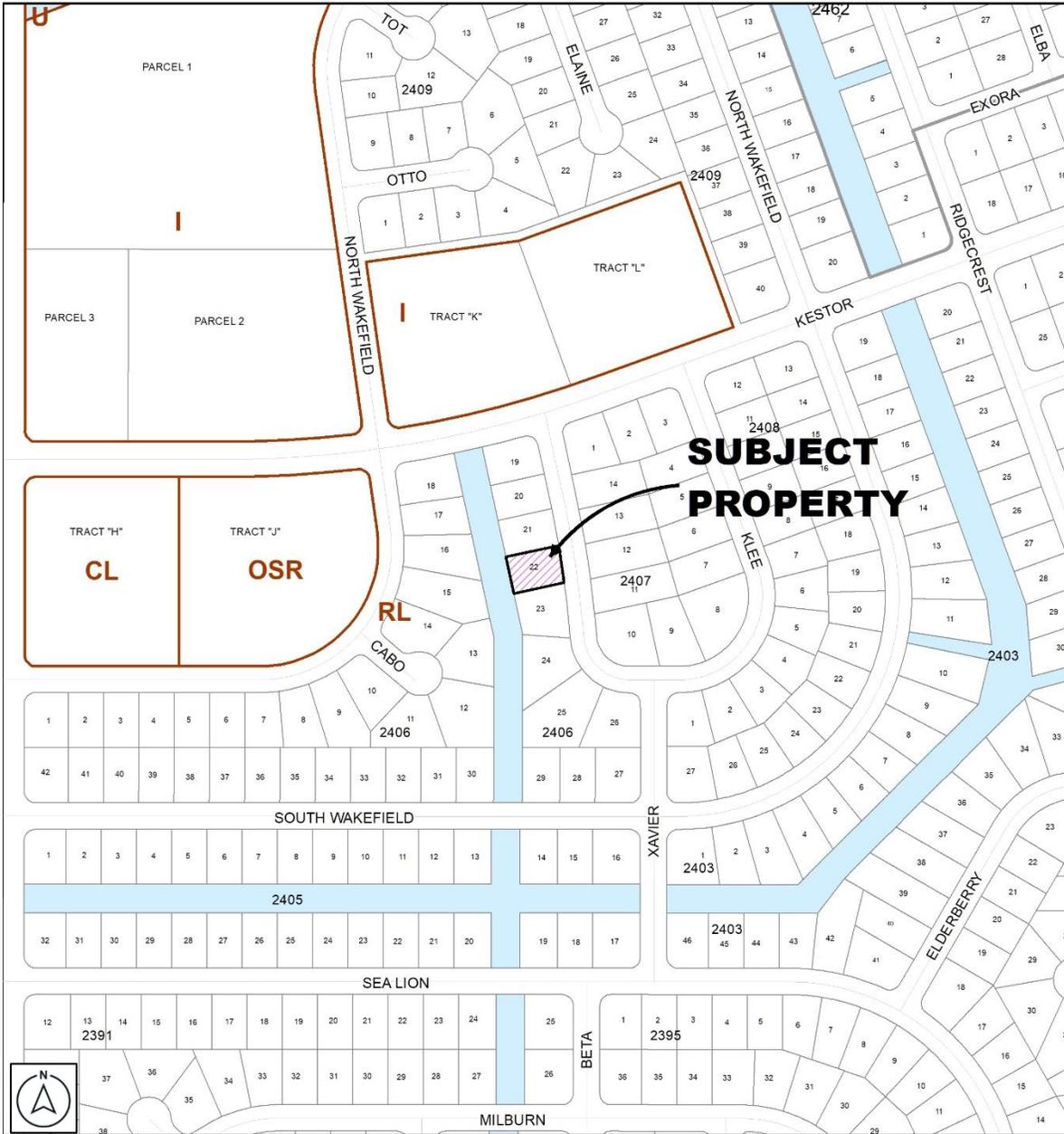
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	Single-Family Residence
South	RL	RS-2	Single-Family Residence
East	RL	RS-2	Vacant Parcel
West	RL	RS-2	Drainage canal, Single-Family Residence

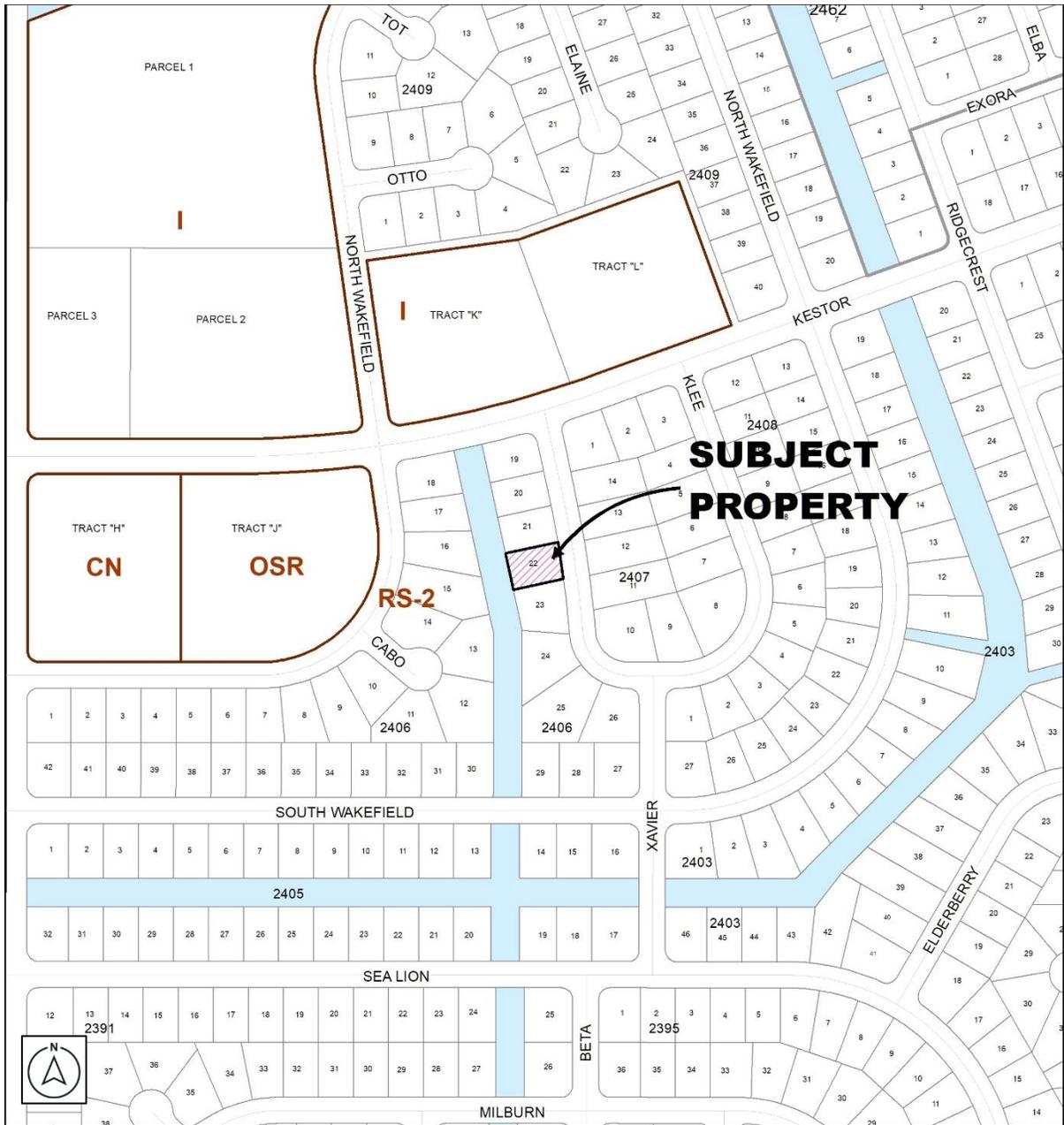
RL – Low Density Residential, RS-2 – Single-Family Residential



Location Map



Future land Use



Zoning

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 the 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 the 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). The applicant's response to this criterion is attached to the application. Staff's review is provided below.

See the applicant's responses that are included in the Variance application.

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 lot is irregularly shaped; the north property line is 122 feet long while the southern property line is 116 feet. The width is 85 feet. A typical RS-2 zoned lot is 80 by 125 feet. The existing structure is approximately 62 feet long at the northern side of the property and 52 feet at the southern side. A pool and screen enclosure were installed in 2022 at the rear of the property which only allows for an addition in the area proposed.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - *Staff Findings: See No. 1 above. The applicant is seeking a variance to allow for an addition to the existing structure to accommodate an elderly parent.*
- 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: Special privileges would be conferred upon the applicant, a 25-foot rear setback is a regulatory standard applied to other lands and residential structures within the RS-2 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.
 - *Staff Findings: Literal interpretation of the provisions of the chapter would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district or introduce unnecessary and undue hardships on the applicant. All property owners who own a single-family dwelling unit located in the Single-Family Residential (RS-2) Zoning District are permitted to have additions provided they meet the setback requirements. Building to the required setback would not provide adequate space.*
- 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 contains a primary structure and a swimming pool with screen enclosure. The proposed addition can only be accommodated at the location proposed.*

- 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.
- *Staff Findings: Variance approval to the rear yard setback must first be granted before the City's Building Department can issue a permit for the addition. The applicant is currently seeking an additional abandonment of easement from the Public Works Department to accommodate the proposed addition. Any public comment that is received will be forwarded to the Board for consideration.*
- 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.
- *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).