

**ALBERT B. MOORE, P.A.**  
**130 S. INDIAN RIVER DRIVE, SUITE 202**  
**FORT PIERCE, FL 34950**  
**almoore@almoorelaw.com**  
**(772) 919-2542**

June 6, 2022

Bianca Lee  
City of PSL Planning and Zoning Dept.  
[blee@cityofpsl.com](mailto:blee@cityofpsl.com)

Re: Objection to Variance Application of John & Arlene Wangle P22-131.

Dear Ms. Lee:

Please be advised that I represent Tesoro Property Owners Association, Inc. ("Tesoro"). On behalf of Tesoro, I am objecting to the Wangles' request for a variance for their screen enclosure. The reasons for the objection are straightforward: (1) The enclosure violates the setback requirements of Tesoro's governing documents; and (2) The Wangles violated the governing documents by not presenting any application to the Architectural Control Board of Tesoro ("ACB").

I have attached the relevant portions of the last two approved sets of the ACB indicating the setback requirements and the requirements that any screen enclosure be approved by the ACB of Tesoro.

Also, I have filed a statutory demand for mediation to the Wangles' and will be filing suit for injunctive relief to obtain a Court Order for the removal of the screen enclosure.

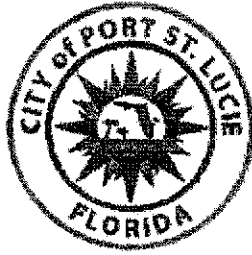
Sincerely,

/s/ Albert Moore  
Albert B. Moore, Esq.

Cc: Tesoro POA

ABM  
Enclosure

**Bianca Lee, Planner I**  
**(772) 871-5149**  
[blee@cityofpsl.com](mailto:blee@cityofpsl.com)



City of Port St. Lucie  
**Planning & Zoning Department**  
121 S.W. Port St. Lucie Blvd., Bldg B  
Port St. Lucie, Florida 34984-5099  
TDD (772) 873-6339  
(772) 871-5213  
[www.cityofpsl.com](http://www.cityofpsl.com)

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**NOTICE TO PROPERTY OWNERS**  
**VARIANCE APPLICATION**  
**Wangle, John M. & Arlene P22-131**

The City of Port St. Lucie has received a request from John M. Wangle, owner, to grant a variance of 2.69 feet to allow a 0.31-foot setback from the rear property line for an existing screen enclosure. The Tesoro PUD requires a minimum setback of three (3) feet from the rear property line for accessory uses or structures for single-family homes. The property of this variance is located at 140 SE Rio Angelica, and legally described as TESORO PLAT NO. 4 (PB 41-20) LOT 107.

There will be a public hearing held by the Planning and Zoning Board at 6:00 p.m. on Tuesday June 7, 2022, in the Port St. Lucie City Hall Council Chambers, 121 SW Port St. Lucie Boulevard, Building A at the corner of Airoso and Port St. Lucie Boulevards, Port St. Lucie, Florida.

As you are an owner of real property located within 750 feet of the subject property, you may attend the meeting and express your views pro and con. If you do not wish to attend, you may file any comment you desire in writing. The Planning and Zoning Board shall consider such comment.

- **If you would like to speak on the item at the meeting and do not desire to attend in person, please contact the Clerk's Office at 772-871-5157 and TDD Number 772-873-6340 by 11:00 a.m. on June 7, 2022 and a staff member will provide you with the required call-in information.**

The Board will vote to approve or deny the variance request. If denied, an appeal may be filed within fifteen (15) days to be heard by the City Council, which acts as the Board of Appeals.

If you have any questions regarding this petition, please contact Bianca Lee in the Planning and Zoning Department at (772) 871-5149 or by email at [blee@cityofpsl.com](mailto:blee@cityofpsl.com).

May 26, 2022

Return to: (enclose self-addressed stamped envelope)

(6)  
Name: *Cameron Davis & Gonzalez*  
*250 S. Australian Ave #1601*

Address: *WPB, FL 33401*  
P.O. Box 1900  
Fort Lauderdale, Florida 33302

This Instrument Prepared by:

M. Maxine Hicks, Esq.  
Epstein Becker and Green, P.C.  
Resurgens Plaza  
945 E. Paces Ferry Road, Suite 2700  
Atlanta, Georgia 30326

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**SECOND AMENDED AND RESTATED  
DECLARATION OF COVENANTS, RESTRICTIONS  
AND EASEMENTS FOR TESORO**

JOANNE HELMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE CO  
File Number: 2274864 OR BOOK 1803 PAGE 898  
Recorded: 09/19/03 15:19

which failure continues for a period in excess of thirty (30) days after the POA's giving notice thereof, then the POA may, but shall not be required to, assume such duties. In such event, the Neighborhood Association shall not perform such duties unless and until such time as the POA directs it to once again do so.

E. Collection of Assessments by POA. Notwithstanding the foregoing, with respect to Lots that are not subject to the jurisdiction of a Neighborhood Association, the POA shall collect all Assessments and other sums due the POA from the Owner(s) of such Lots.

Section 16. WAIVER OF USE. No Owner, other than Declarant, may exempt himself from personal liability for Assessments duly levied by the POA or Neighborhood Association. No Owner may release the Lot owned by him from the liens and charges hereof either by waiver of the use and enjoyment of the POA Property and the facilities thereon or by abandonment of his or her Lot or Home.

ARTICLE VII  
ARCHITECTURAL CONTROL COMMITTEE

Section 1. MEMBERS OF THE COMMITTEE. The Architectural Control Committee, sometimes referred to in this Master Declaration as the "Committee," shall be comprised of three (3) members. The initial members of the Committee shall consist of persons designated by Declarant. Declarant shall have the right to appoint the members of the Committee and to change the number of members on the Committee. Persons appointed by the Declarant may be removed and replaced by the Declarant in its sole discretion. Unless removed by Declarant, such persons shall hold office until all Lots have completed Homes thereon and have been conveyed to Owners other than Builders or at such earlier time as the Declarant may, at its sole option, elect. Thereafter, each new member of the Committee shall be appointed by the Board and shall hold office until such time as he has resigned or has been removed or his successor has been appointed, as provided herein. The Board shall have the sole right to appoint and remove all members of the Committee after the expiration of such rights of the Declarant.

Section 2. REVIEW OF PROPOSED CONSTRUCTION.

A. No Improvements, including, by way of example and not of limitation, accessory structures, exterior lighting fixtures, brick pavers, stamped concrete, concrete flatwork, basketball goals, buildings, fences, walls, pools, roofs, gutters or rain spouts, antennae, aerials, microwaves, reception devices, mailboxes, external enclosures (including entry screen and patio screen enclosures), or landscaping (including hedges and massed plantings) shall be commenced, erected, installed, altered, modified, painted, planted, or maintained on the Committed Property, including the Lots, nor shall any canopy, shutters, or window coverings be attached to or placed upon outside walls or roofs of any Home or building by any Owner other than Declarant, unless such Improvements have been reviewed by and received the written approval of the Committee (not the POA) in accordance with Paragraph B hereinbelow. Any Owner desiring to make Improvements shall submit plans and specifications prepared by an architect, landscape architect, engineer or other person determined by the Committee to be qualified, showing the nature, dimensions, materials and location of the same.

DR BOOK 1803 PAGE 944

B. The Committee shall approve proposed plans and specifications submitted for its approval only if it deems that the construction, alterations or additions contemplated will not be detrimental to the appearance of the surrounding area of the Total Property as a whole, and that the appearance of any structure affected thereby will be in harmony with the surrounding structures and is otherwise desirable. In reviewing each submission, the Committee may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other considerations. Decisions may be based solely on aesthetic considerations. Each Owner acknowledges that opinions on aesthetic matters are subjective and may vary over time. In reviewing and acting upon request for approval, the Committee shall be acting solely in Declarant's interest and shall owe no duty to any other person. Each Owner acknowledges that opinions on aesthetic matters are subjective and may vary over time. The Committee shall have the sole discretion to make final, conclusive, and binding determinations on matters of aesthetic judgment and whether proposed improvements are consistent with Design Guidelines. If the proposed construction, alterations or additions are to a portion of the Improvements which the POA is obligated to maintain, said approval shall also be subject to approval by the Board. The Committee may condition its approval of proposed plans and specifications in such a manner as it deems appropriate and may require the submission of additional information prior to approving or disapproving such plans.

The Committee may adopt Design Guidelines to assist it and the Owners in establishing a uniform standard for review and approval. The Design Guidelines may contain rules and provisions for submitting plans and specifications and general provisions applicable to all of the Committed Property, as well as specific provisions which vary according to land use and from one (1) portion of the Committed Property to another depending upon the location, unique characteristics, and intended use. For example, by way of illustration but not limitation, the Design Guidelines may impose stricter requirements on those portions of the Committed Property adjacent to or visible from the Country Club Property or any Lake, pond, stream or other body of water. The Design Guidelines are intended to provide guidance to Owners and Builders regarding matters of particular concern to the Committee in considering applications hereunder. The Design Guidelines are not the exclusive basis for decisions of the Committee and compliance with the Design Guidelines does not guarantee approval of any application.

The Committee shall have sole and full authority to amend Design Guidelines, and any amendments shall be prospective only. There shall be no limitation on the scope of amendments to the Design Guidelines except that no amendment shall require the modification or removal of any structure previously approved once the approved construction or modification has commenced. The Committee is expressly authorized to amend the Design Guidelines to remove requirements previously imposed or otherwise to make the Design Guidelines less restrictive.

The Committee shall make the Design Guidelines available to Owners and Builders who seek to engage in development or construction within the Committed Property.

C. Each application to the Committee shall contain a representation and warranty by the Owner that use of the plans submitted does not violate any copyright associated with the plans. Neither the submission of the plans to the Committee, nor the distribution and review of the plans by the Committee shall be construed as publication in violation of the designer's copyright, if any. Each Owner submitting plans to the Committee shall hold the members of the Committee,

**TESORO**

**DESIGN GUIDELINES, RULES AND REGULATIONS**

**November 17, 2005**  
**Revised June 5, 2006**  
**Effective Date: July 11, 2006**

**Changes Made to Pages: 6, 8, 9, 10, 11, 18, Exhibit "A" and "K"**  
**Added Exhibits "M", "N", "O", "P"**

**Revised November 13, 2007**  
**Changes made to pages: 9, 30, 31, 32, A-31, H-1, and Exhibit "N"**

## Exhibit "D"

### Residential Lot Information



Lot Size	Front	Side	Rear	Accessories	Street Side (1)(6)	Total Area	Coverage	Bldg. Area AC
						(2), (5)	(3)	
45	20'	6'	10'	3'	15'	80%	70%	2000 sf
55	20'	6'	10'	3'	15'	80%	70%	2500 sf
70	25'	6'	10'	3'	15'	80%	70%	3000 sf
80	25'	6'	10'	3'	15'	80%	70%	3500 sf
110	25'	10' (4)	10'	3"	15'	80%	70%	4000 sf

**Footnotes:**

- (1) Verify Side yard Setbacks for corner lots.
- (2) The impervious listed in this column is based on the impervious area within the individual lot.
- (3) Maximum building coverage includes all area under roof, including garages and a lanai.
- (4) Accessory use setback for the 110 foot product is 10 feet (for the side setbacks).
- (5) Impervious areas are defined as pools, pool decks, regardless of the materials, walks, driveways, etc. (by the City).  

**NOTE: The City of Port St. Lucie considers brick pavers to be impervious, except for grass-crete blocks which are open blocks filled with sod.**
- (6) Where a driveway and/or garage entrance occurs on the street side the minimum street side setback shall be 20 feet.

\* Lot depth size may vary depending on location.




**TESORO**  
**DESIGN GUIDELINES, RULES AND REGULATIONS**  
**Updated: March 2022**

common sidewalk located within the right-of-way must be terminated at the driveway entrance to maintain consistent use of materials throughout the driveway. When curbs and/or sidewalks are required to be broken for driveway entrances, the curb shall be repaired in a manner acceptable to the ACB. Driveway reflectors are not permitted.

Driveways shall have a three (3) foot by six (6) foot flare to accommodate full size vehicle turning radius and must be constructed of paved concrete over the easement from the sidewalk to the street. Acceptable paver materials shall be as determined by the ACB.

**F. Swimming Pools, Spas, and Decks**

Any swimming pool, spa, or deck, to be constructed upon any Home Lot must be approved by the ACB, with the Final Plans depicting any such improvement(s) in sufficient detail as to include all design components including materials, finishes and colors, pool deck, fencing, additional landscape, pool equipment or any other requested element. Pool equipment must be sound-reduced, and landscaped so as to not be visible from the front or rear of the lot.

 Screen enclosures are not allowed on any Home Lot in the Development.

## **F. Swimming Pools, Decks and Pool Enclosures**

Any swimming pool, deck or enclosure to be constructed upon any Home Lot must be approved by the ACB, with the Final Plans depicting any such improvement(s) in sufficient detail as to include all design components including materials, finishes and colors, pool deck, fence, additional landscape, pool equipment or any other requested element.

Screen enclosures are strongly discouraged on any Home Lot in the Development. Where permitted, screened enclosures shall be (i) consistent with the architectural design, materials and roofline of the Home, (ii) a mansard style, and (iii) include frames that are either white or match the color of the exterior window trim or perimeter fence. Screened enclosures shall in no event extend beyond the side plane of the structures.

No rear loaded pools will be allowed in homes abutting the golf course unless the owner executes a recordable indemnification and hold harmless agreement prepared by the Developer. No above ground pools or spas will be allowed.

## **V. STREET FRONT IMPROVEMENTS**

### **A. Streetscape**

Owner shall landscape the area between the roadway curbing and the right-of-way. The POA will own and maintain these improvements. During construction, special care shall be taken to minimize the disturbance to this area. At the time of the landscape construction of the Home Lot, this area shall be restored to its original condition. Existing irrigations system must continue to operate during construction.

### **B. Lighting**

All exterior lighting shall be consistent with the character established in the Development and be limited to the minimum necessary for safety, identification, and decoration. If required by the ACB, Home address numbers shall be lighted. Exterior lighting of Homes shall be limited to concealed fixtures with bulbs not visible from adjacent properties; provided, however, the ACB may require, in its sole discretion, a front yard post light continuously powered by photocell. Lighting will be designed in such a manner to prevent the spill of light onto adjacent properties. Soffit mounted or floodlights are not allowed on the Home Lot. Lighting of outdoor recreational facilities is not permitted, except swimming pool lighting specifically approved by the ACB. Special site conditions may be considered by the ACB.

### **C. Signage**

All signs are prohibited on a Home Lot, including without limitation "For Sale" or "For Rent" signs, unless otherwise approved by the ACB in writing. Notwithstanding such prohibition, Builder shall place one (1) sign on its Home Lot related to identification of the Home Lot, Featured Builder and other permitted information that has been

**EXHIBIT "B" (continued)  
RESIDENTIAL LOT INFORMATION**

Lot Width	Front S.B.	Side S.B.	Rear S.B.	Accessories S.B.	Street Side S.B. (1)(6)	Imp.
		(1)				(2), (5)
45	20'	6'	10'	3'	15'	80%
55	20'	6'	10'	3'	15'	80%
70	25'	6'	10'	3'	15'	80%
80	25'	6'	10'	3'	15'	80%
110	25'	10'	10'	3' (4)	15'	80%

Lot Width	Lot Depth	Lot S.F.	Maximum Bldg S.F.	Minimum Bldg S.F. (1 Story)	Minimum Bldg S.F. (2 Story)	Maximum Impervious S.F.
			(3) 70%			(2), (5) (80%)
45'	120'	5,400	3,780	2,000		4,320
45'	140'	6,300	4,410	2,000		5,040
55'	130'	7,150	5,005	2,500	2,750	5,720
55'	140'	7,700	5,390	2,500	2,750	6,160
70'	130'	9,100	6,370	3,200	3,500	7,280
70'	140'	9,800	6,860	3,200	3,500	7,840
70'	150'	10,500	7,350	3,200	3,500	8,400
80'	130'	10,400	7,280	3,500		8,320
80'	160'	12,800	8,900	3,500		10,240
110'	130'	14,300	10,010	4,000		11,440
110'	140'	15,400	10,780	4,000		12,320

**Footnotes:**

- (1) Verify side yard setbacks for corner lots.
- (2) The impervious listed in this column is based on the impervious area within the individual lot.
- (3) Maximum building square footage includes all first and second floor square footage under roof, including garages and covered porches.
- (4) Accessory use setback for the 110 foot product is 10 feet (for the side setbacks).
- (5) Impervious areas are defined as pools, pool decks regardless of the materials, walks, driveways, etc. (by the City).  
**NOTE: The City of Port St. Lucie considers brick pavers to be impervious, except for grass-crete blocks which are open blocks filled with sod. (%) + -**
- (6) Where a driveway and/or garage entrance occurs on the street side the minimum street side setback shall be 20 feet.