

# VARIANCE APPLICATION

**CITY OF PORT ST. LUCIE**  
Planning & Zoning Department  
121 SW Port St. Lucie Blvd.  
Port St. Lucie, Florida 34984  
(772)871-5213

## FOR OFFICE USE ONLY

Planning Dept \_\_\_\_\_  
Fee (Nonrefundable) \$ \_\_\_\_\_  
Receipt # \_\_\_\_\_

Refer to "Fee Schedule" for application fee. Make check payable to the "City of Port St. Lucie. Fee is nonrefundable unless application is withdrawn prior to advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g.: warranty deed, affidavit), a copy of recent survey and a statement addressing each of the attached criteria.**

**PRIMARY CONTACT EMAIL ADDRESS:** BZackery@a-ces.com

### **PROPERTY OWNER:**

Name: PS Lucie SR CGP, LLC  
Address: 361 Summit Blvd Suite 110  
Telephone No. \_\_\_\_\_

### **APPLICANT (IF OTHER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):**

Name: Lauren Burleson  
Address: 440 S Church Street Suite 700, Charlotte, NC 28202  
Telephone No. (704) 377-8855 Email lauren.burleson@drivenbrands.com

### **SUBJECT PROPERTY:**

Legal Description: Lots 9 and 10, and tract P, Block 1702, Port St. Lucie Section Thirty One, According to the plat thereof, as recorded in Plat Book 14, Pages 22, 22A through 22G, inclusive, of the public records of St. Lucie County, Florida.  
Parcel I.D. Number: 3420-650-0936-00-6  
Address: 1837 SW Gatlin Boulevard  
Current Zoning Classification CG- General Commercial

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

A variance is requested to allow for garage doors to face both Gatlin Blvd. and Import Drive. The Garage door facing Gatlin Blvd. is not for a point of access. No pavement or travel way leads up to this point of the building from the exterior. This door is only to provide proper ventilation to any employees that may be working in the tunnel during business hours. The second door that faces Import Dr. is for vehicle access however it does not lead to a driveway that opens on to Import Dr. Additionally, due to the use being a car wash the building would require this access point to function and a denial of this variance would create a special exception where car wash are not allowed on corner lots that they are approved of by the overlying zoning district.

Lauren Burleson  
Signature of Applicant

Lauren Burleson  
Hand Print Name

10/28/2022  
Date

**NOTE:** Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted. 03/02/20

## **VARIANCES**

### **§ 158.295 PLANNING AND ZONING BOARD OR ZONING ADMINISTRATOR (DIRECTOR OF PLANNING AND ZONING) TO HEAR VARIANCES; POWERS AND DUTIES OF BOARD AND ZONING ADMINISTRATOR**

(C) Duties of the Zoning Administrator and Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter 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. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider:

- (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;
- (2) That the special conditions and circumstances do not result from any action of the applicant;
- (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;
- (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;
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (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;
- (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.

# VARIANCES

The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter 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. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator will consider the variance criteria in **§ 158.295 (C) 1-7 and consider your responses to the following when making a determination.**

(1) Please explain special conditions and circumstances that 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;

The existing site is a corner lot. No orientation of the proposed car wash tunnel, which is allowed by right in this zoning district,

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would be able to not face either of the two right of ways.

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(2) Please explain if these conditions and circumstances result from actions by the applicant;

An additional garage door will face toward Gatlin Boulevard that is used purely for ventilation purposes for employees during

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business hours only, no pavement leads up to the door for any sort of vehicular or pedestrian access.

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(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;

Denying the allowance of a garage door facing these streets would cause this use to not be allowed in a district that has been

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pre-approved for this use.

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(4) Please explain how a 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;

We are seeking a variance to allow for garage doors to face right of ways. The use is allowed by right to the zoning district we are

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currently zoned as, however this restriction would cause a car wash tunnel that has at least two garage doors to not be allowed on

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a corner lot that has two frontages on two right of ways sharing a corner.

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(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;

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(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

The additional of a third garage door facing Gatlin Blvd. would not impact the requirement to not allow garage doors to face right of ways, because it will not be used as an access point for any through traffic of any kind. The sole purpose of the point is to provided proper ventilation for employees.

(7) Please indicate 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.

We are prepared to meet any additional requirement the Planning and Zoning Board or Zoning Administrator may prescribe in order obtain a variance to allow the garage doors to open toward the two right of ways the property fronts.

Lauren Burlison  
Signature of Applicant

Lauren Burlison  
Hand Print Name

10/28/2022  
Date

May 19, 2022

City of Port St. Lucie, FL  
Planning and Zoning  
121 S.W. Port St. Lucie Blvd.  
Port St. Lucie, FL 34984

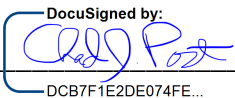
RE: Agent Authorization Letter  
Lots 9, 10 and Tract P, Block 1702, Port St. Lucie Section Thirty One  
Parcel ID 3420-650-0936-000-6

To Whom it May Concern:

I, Chad J. Post, as Authorized Agent, of PS Lucie SR CGP, LLC and owner of Lots 9, 10 and Tract P hereby authorize and designate Driven Brands to act as my agent for any matters relating to the proposed carwash development on aforementioned property. This authorization includes, but is not limited to, submitting and providing documentation (permit applications, engineered drawings, site plans, etc.) as needed for the approvals of the proposed development. Representatives shall include, but is not limited to, engineering firm, architectural firm, contractors, etc.

By signing this document, I hereby acknowledge that I am authorized and possess the authority to execute this agent authorization document.

PS Lucie SR CGP, LLC

By:  \_\_\_\_\_  
DCB7F1E2DE074FE...

Chad J. Post  
Authorized Agent

This Instrument Prepared By:  
Scott Frederick  
Baker Donelson Bearman Caldwell & Berkowitz, PC  
420 20<sup>th</sup> Street North, Suite 1400  
Birmingham, Alabama 35203

After recording, send deed and tax notices to:  
PS Lucie SR CGP, LLC  
361 Summit Blvd., Suite 110  
Birmingham, AL 35243

Parcel ID No. 3420-650-0936-000-6

**SPECIAL WARRANTY DEED**

**THIS IS A SPECIAL WARRANTY DEED** executed and delivered to be effective as of the 16 day of December, 2021, by **SHILLELAGH GROUP, LLC**, a Delaware limited liability company, whose address is 114 Hammon Avenue, Palm Beach, Florida 33480 ("**Grantor**"), to **PS LUCIE SR CGP, LLC**, a Delaware limited liability company, whose address is 361 Summit Blvd., Suite 110, Birmingham, Alabama 35243 (hereinafter referred to as the "**Grantee**").

**KNOW ALL PERSONS BY THESE PRESENTS**, That in consideration of the sum of Ten and 00/100 Dollars and (\$10.00) in hand paid by Grantee to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor does by these presents grant, bargain, sell and convey unto Grantee that certain real property situated in St. Lucie County, Florida, as more particularly described on Exhibit A attached hereto and incorporated herein (the "**Property**");

**TOGETHER WITH** all appurtenances thereto belonging or in anywise appertaining;

**TO HAVE AND TO HOLD** unto Grantee forever in **FEE SIMPLE**, subject to real estate taxes for the year 2022 and all subsequent years not yet due and payable and those matters more particularly set forth on the attached Exhibit B (collectively, the "**Permitted Exceptions**");

**AND THE SAID** Grantor shall warrant and forever defend the right, title and interest to the **Property** unto Grantee against the claims of all persons claiming by, through or under Grantor, but not otherwise.

[Remainder page intentionally left blank]

IN WITNESS WHEREOF, the undersigned Grantor has duly executed this instrument under seal to be effective as of the date first set forth above.

Signed, sealed, and delivered in the presence of:

GRANTOR:

SHILLELAGH GROUP, LLC,  
a Delaware limited liability company

Maria C Miller  
Print name: MARIA MILLER

By: [Signature]  
Name: Michael J. Flynn  
Title: Member

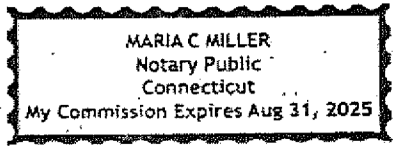
Annie Osborne  
Print name: ANNE OSBORNE

STATE OF CONNECTICUT )  
COUNTY OF Fairfield ) ss:

The foregoing instrument was acknowledged before me by means of physical presence, this 16 day of December, 2021, by Michael J. Flynn, Member of SHILLELAGH GROUP, LLC, a Delaware limited liability company. He/She is personally known to me or has produced Driver License + PASSPORT as identification.

[Signature]  
NOTARY PUBLIC Maria C Miller

My Commission Expires: 8/31/2025



**Exhibit A**  
**Legal Description**

Lots 9 and 10, and Tract P, Block 1702, Port St. Lucie Section Thirty One, according to the plat thereof, as recorded in Plat Book 14, Page 22, 22A through 22G, inclusive, of the Public Records of St. Lucie County, Florida.

**Exhibit B**  
**Permitted Exceptions**

1. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Port St. Lucie Section Thirty One, recorded in Plat Book 14, Page 22, 22A - 22G, inclusive, of the Public Records of St. Lucie County, Florida.
2. Restrictions, covenants, and conditions as set forth in the Declaration of Restrictions recorded in Official Records Book 165, Page 2155.
3. Assignment Agreement recorded August 13, 1985 in Official Records Book 473, Page 1177.
4. Stipulated Order of Taking recorded in Official Records Book 817, Page 2091, as affected by Property Interest Assignment and Assumption Agreement and Deed of Transfer in Official Records Book 922, Page 1179, and as affected by Amended Order of Taking recorded in official Records Book 1013, page 2229, and as affected by Assignment and Assumption Agreement recorded in Official Records Book 1141, Page 2395.
5. Ordinance No. 95-039 recorded in Official Records Book 981, Page 1615.
6. Ordinance No. 95-039 recorded in Official Records Book 992, Page 2862.
7. Resolution No. 98-R49 recorded in Official Records Book 1157, Page 2701.
8. Ordinance No. 99-001 recorded in Official Records Book 1203, Page 1026.
9. Ordinance No. 00-002 recorded in Official Records Book 1301, Page 2302.
10. Revocable Encroachment Permit recorded September 23, 2002, in Official Records Book 1584, Page 1398.
11. Access and Utility Easement granted to the City of Port St. Lucie recorded July 19, 2006, in Official Records Book 2614, Page 2874.
12. Resolution No. 13-121 recorded in Official Records Book 3541, Page 731.
13. Unity of Title recorded May 1, 2015 in Official Records Book 3742, Page 12 and amended in Official Records Book 3778, Page 1786.
14. Utility Service Agreement with the City of Port St. Lucie recorded December 18, 2015, in Official Records Book 3818, Page 2473.