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City of Port St Lucie
City Clerk's Office
121 SW Port St. Lucie Blvd
Port St. Lucie, FL 34984

May 12, 2026

RE: Haredo Realty Advisors, Inc and Ghanie, John & Joan – Variance – P26-036

Dear City Clerk,

We respectfully appeal the Planning and Zoning Board's denial of our variance request (Item P26-036) heard on May 5, 2026. The Board denied the variance while tabling the related applications P25-217 and P25-219.

We are appealing only the rear setback variance denial and are withdrawing the landscaping variance request (Item 2 below), as we intend to resolve that issue through a Revocable Encroachment Permit consistent with the recent approval for the 7 Brews project (P24-125).

Item 1 – Appeal of Rear Setback Variance (14.6 feet)

We respectfully request that the Appeals Board overturn the Board's denial of a 14.6-foot variance from the rear building setback requirement.

Grounds for Appeal:

The requested variance is consistent with the public welfare, represents the minimum relief necessary, and is required due to a unique condition created by the canal right-of-way, which is currently zoned RS-2. Granting the variance will be in harmony with the intent and purpose of the forthcoming Limited Mixed Use (LMD) rezoning.

The subject property is located in the LMD Conversion Area, Planning Area 2, where the City's clear intent is to eliminate the single-family residential designation and promote commercial/retail development along this corridor. The property backs up to an existing canal right-of-way (approximately 115 feet wide). Beyond the canal lies single-family residential property.

Pursuant to Section 158.155 of the LMD Zoning District:

- A standard rear setback of 10 feet is required.
- A 25-foot setback applies when the yard adjoins a residential land use or public right-of-way.
- A 50-foot setback is required for two-story buildings adjacent to single-family lots.

Because the canal parcel is zoned RS-2, the zoning code requires a 25-foot setback. The requested 14.6-foot variance would still provide more than 130 feet of total separation between the proposed building and the nearest single-family home property line. Additionally, a 6-foot masonry wall is required along the northern property line, providing further buffering.

Granting this variance will not adversely affect neighboring residential properties and is consistent with the City's policy of encouraging commercial development in the LMD Conversion Area. The only scenario in which this variance would conflict with the code's intent would be if the canal right-of-way were converted to residential use, which is an improbable scenario.



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Item 2 – Landscaping Variance (Outside Wall / Perimeter Landscaping)

Withdrawn.

We are withdrawing this variance request. Following the May 5th hearing, we learned that a similar request was approved for the 7 Brews coffee drive-thru (P24-125) via a Revocable Encroachment Permit allowing the wall and landscaping within the drainage and utility easement. We will submit the same permit application for this Dollar Tree project. We have attached relevant staff emails and the 7 Brews site plan for reference.

Conclusion and Request

We respectfully request that the Appeals Board grant our appeal of the 14.6-foot rear setback variance. This relief is modest, well-justified by site conditions and the City's own LMD rezoning objectives, and will not harm the public welfare or adjacent properties.

This appeal is based on the grounds that the requested variance is not contrary to the public interest, is the minimum necessary to relieve a hardship created by the canal right-of-way zoning, and is consistent with the intent and purposes of the LMD zoning district.

Thank you for your consideration. We are available to provide any additional information or to meet with staff or the Commission as needed.

Sincerely,

THOMAS ENGINEERING GROUP

A handwritten signature in blue ink, appearing to read 'Edward McDonald', is written over the printed name.

Edward McDonald, P.E.
Principal