

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 Fee is nonrefundable unless application is withdrawn prior to advertising for the Planning and Zoning Board meeting.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: twaters@foxmcccluskey.com

PROPERTY OWNER:

Name: St. Lucie West Properties, LLC
Address: 1600 S. Brentwood Blvd, Suite 770, St. Louis, MO 63144
Telephone No. _____

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

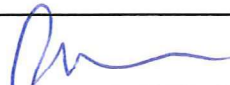
Name: Law Offices of Craig Goldenfarb, P.A.
Address: 1800 S. Australian Avenue, Suite 400, West Palm Beach, FL 33409
Telephone No. _____ Email _____

SUBJECT PROPERTY:

Legal Description: See Attached.
Parcel I.D. Number: 3323-650-0021-010-4
Address: 1100 SW St. Lucie West Blvd., Port St. Lucie, Florida
Current Zoning Classification 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.

See attached.


Signature of Applicant

Craig Goldenfarb, Esq
Hand Print Name

1/26/22
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;

See Attached.

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

See Attached.

(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;

See Attached.

(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;

See Attached.

(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;

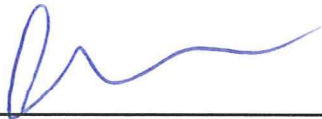
See Attached.

(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;

See Attached.

(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.

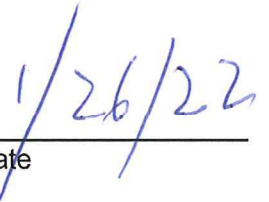
See Attached.



Signature of Applicant



Hand Print Name



Date

VARIANCE JUSTIFICATION

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.

Response: Special conditions and circumstances exist which are peculiar to the land and building that are not applicable to other lands and buildings in the same zoning district. The subject property is located on the corner of St. Lucie West Boulevard and Bethany Drive. Section 155.08(H) of the City of Port St. Lucie Land Development Code appears to allow "one additional sign" on each street with frontage since the property is over three (3) acres in size. However, because this parcel is located and governed, in part, by the St. Lucie West Master Sign Program, the subject property is not treated as similar parcels in the same zoning district are treated. Instead, the Master Sign Program only allows one sign on St. Lucie West Boulevard and one sign on Bethany Drive. A sign currently exists at the intersection of St. Lucie West Boulevard and Bethany Drive, however the St. Lucie West Boulevard entrance is approximately 350 feet away from such signage. The location of the existing monument sign creates a hardship for this parcel that was not created by the Applicant, however affects the applicant's ability to adequately promote its business given how far away from the actual entrance the sign is located.

The St. Lucie West Commercial Association supports the variance requests.

2. Please explain if these conditions and circumstances result from actions by the applicant.

Response: The conditions and circumstances do not result from the actions of the Applicant. The hardship, which includes the location of the existing signage and requirements set forth in the St. Lucie West Master Sign Program, predates the Applicant's interest in the subject property. Approving the variance would be consistent with City of Port St. Lucie Land Development Code and is supported by the St. Lucie West Commercial Association.

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.

Response: The granting of the variance request will not confer on the Applicant any special privilege that is denied by the City of Port St. Lucie Land Development Code to other lands, buildings or structures in the same zoning district. In fact, it would appear that other parcels of a similar size as the subject property would be permitted to have the requested signage. As previously provided, Section 155.08(H) of the City of Port St. Lucie Land Development Code allows "one additional sign" on each street with frontage since the property is over three (3) acres in size. It is only because of the St. Lucie West Master Sign Program that an issue exists as to whether or not the requested sign is allowed. The St. Lucie West Commercial Association is in favor of the variance request and has provided a letter of support.

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.

Response: The literal interpretation of the provisions of this chapter, and the St. Lucie West Master Sign Program, would deprive the Applicant rights commonly enjoyed by other properties in the same zoning district due to the size of the property and the distance between the proposed location of the additional sign, and entrance to the property off St. Lucie West Boulevard, and the existing signage at the intersection of St. Lucie West Boulevard and Bethany Drive. The inability to locate a small monument sign at the easterly entrance to the property off St. Lucie West Boulevard creates an unnecessary hardship on the Applicant and parcel as a whole. The St. Lucie West Commercial Association supports the variance request and allowing the proposed monument sign will allow signage consistent with the intent of the Land Development Code and allow for the enjoyment of rights that are commonly enjoyed by other property owners with similar properties within the City of Port St. Lucie.

5. Please illustrate and explain if the variance requested is the minimum variance that will make possible thereasonable use of the land, building, or structure.

Response: The variance is the minimum variance that will make possible the reasonable use of the building, as it is a multi-use building (i.e., has multiple tenants) and the proposed sign location is approximately 350 feet away from the existing monument sign located at the intersection of St. Lucie West Boulevard and Bethany Drive. The proposed signage size is consistent with the size requirements for a secondary sign as set forth in the St. Lucie West Master Sign Program.

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.

Response: The general intent and purpose of the chapter is to allow for the reasonable use of signage in order to promote businesses occupying property. The proposed monument sign is of a size consistent with the requirements of City of Port St. Lucie Land Development Code and the St. Lucie West Master Sign Program and would be located approximately 350 feet away from the existing monument sign located at the intersection of St. Lucie West Boulevard and Bethany Drive. Allowing the additional sign as and where proposed would be consistent with the character of St. Lucie West. The proposed signage is supported by the St. Lucie West Commercial Association and is consistent with the general intent and purpose of the City of Port St. Lucie Land Development Code. Approving the variance will not be injurious to the area, nor otherwise detrimental to the public welfare.

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.

Response: The proposed monument sign will comply with all other requirements and provisions of the City of Port St. Lucie Land Development Code and provisions of the St. Lucie West Master Sign Program. The Applicant, upon approval, intends to immediately apply for all necessary permits to construct the sign and complete the installation of the proposed sign as soon as possible.