

**Calvary Christian Academy
Variance (Height Requirements)
P24-029**



Project Location Map

SUMMARY

Applicant's Request:	To grant a variance of 7 feet to allow a 42-foot-tall building addition and a variance of 9.1 feet to allow a parapet wall to hide mechanical equipment.
Application Type:	Variance, Quasi-Judicial
Applicant:	Connor Kennedy, Engineering Design & Construction
Property Owner:	Calvary Chapel Port St. Lucie West, Inc.
Address:	5545 NW St. James Drive
Location:	The property is generally located on the southwest corner of NW St. James Drive and NW Peachtree Boulevard.
Project Planner:	Francis Forman, Planner II

Project Description

The owner, Calvary Chapel Port St. Lucie West, Inc., is requesting a variance of 7 feet to allow a 42-foot-tall building addition and a variance of 9.1 feet to allow a parapet wall to hide the mechanical equipment on the flat roof. Section 158.124(G) of the Zoning Code allows a maximum height of 35 feet for any building constructed within the General Commercial (CG) zoning District. Section 158.215 of the Zoning Code requires parapet walls to not extend more than 5 feet above the allowable height of the building.

The subject property is located at the corner of NW St. James Drive and NW Peachtree Boulevard and is home to the Calvary Christian Academy. The existing school consists of a two-story, 35-foot-high classroom building and a 35-foot gymnasium. The property owner is proposing to construct a three-story building between the two existing structures for the purposes of additional classroom and office space. The addition is proposed to be constructed with each floor at a height of 14 feet, causing the overall height of the building to exceed the code maximum of 35 feet. Due to the construction of each floor at 14 feet in height, the proposed addition would be measured at 42 feet to the flat roof. The second portion of the variance is for the proposed parapet that will extend an additional 7 feet above the flat roof for the purpose of hiding mechanical equipment servicing the addition. The height of the proposed parapet exceeds the code maximum height of 5 feet above the maximum building height, causing the overall building height to be 49.1 feet.

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 February 22, 2024, and the file was included in the ad for the Planning & Zoning Board's agenda.

Location and Site Information

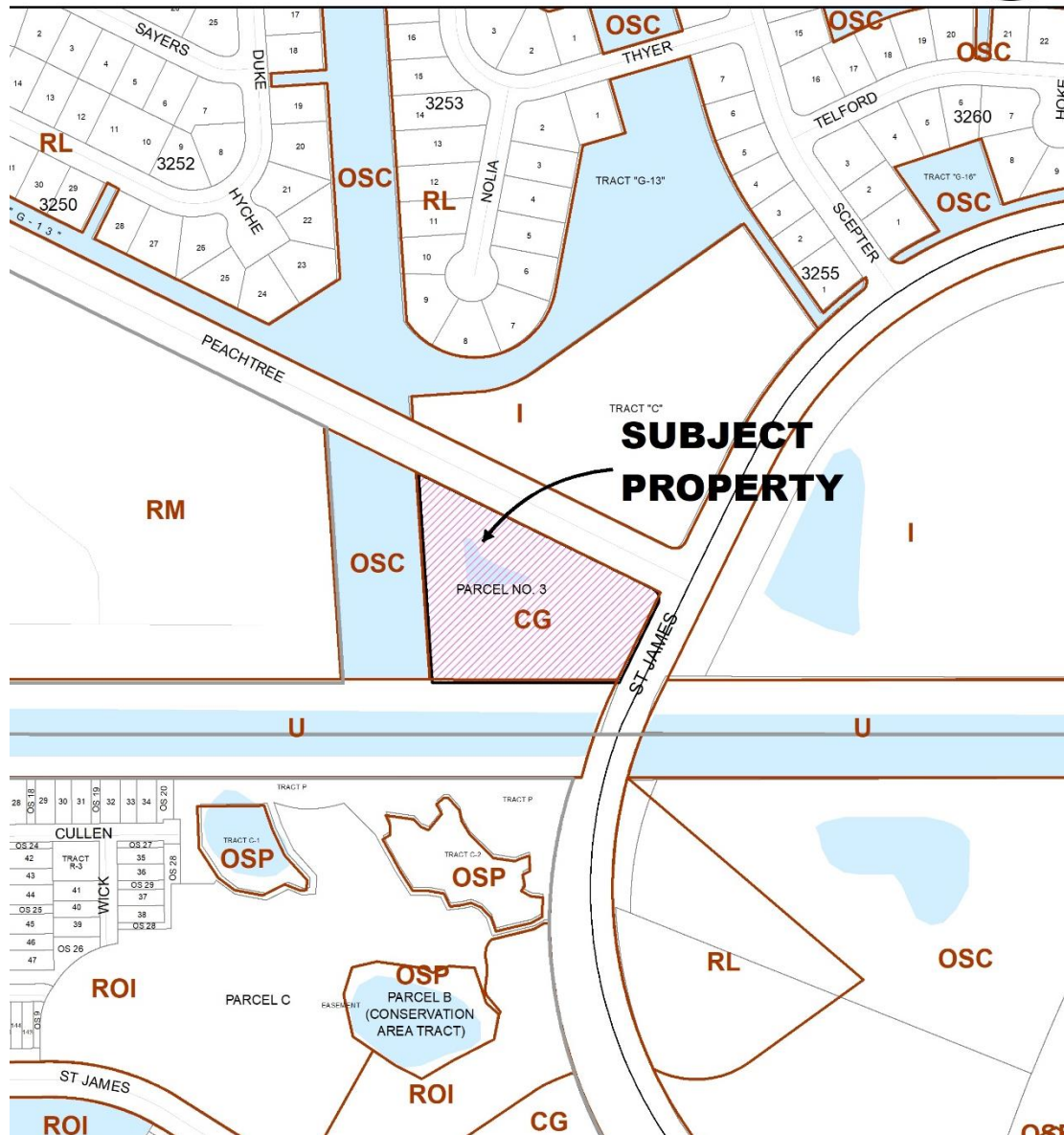
Parcel Number:	3408-602-0004-000-7
Property Size:	+/- 3.85 acres
Legal Description:	Peachtree Place, Parcel No. 3
Address:	5545 NW St. James Drive
Future Land Use:	CG (General Commercial)
Existing Zoning:	CG (General Commercial)
Existing Use:	Private School

Surrounding Uses

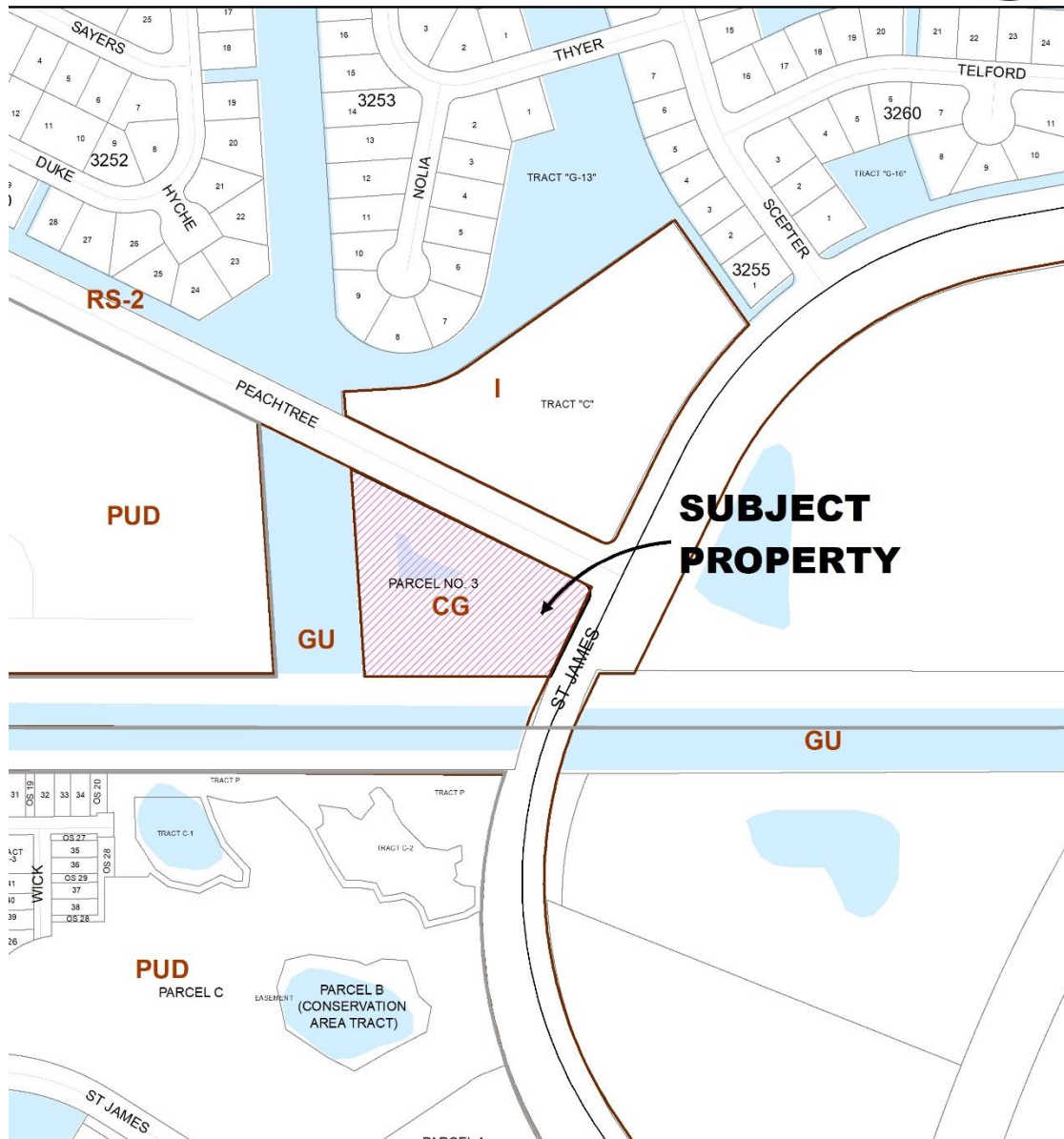
Direction	Future Land Use	Zoning	Existing Use
North	I	I	Church
South	U	GU	Port St. Lucie Drainage Easement
East	U	GU	School
West	OSC	GU	Port St. Lucie Drainage Easement

I – Institutional GU – General Use U – Utilities OSC – Open Space Conservation

FUTURE LAND USE



EXISTING 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 a 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 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) of the Zoning Code. The applicant's response to this criterion is attached to the application. Staff's review is provided below:

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.
 - *Applicant's Response: Calvary Christian Academy is a private educational institution located within the General Commercial (CG) Zoning District. The existing two-story building was built dedicating 14-feet to each story. A height variance of 7 feet is required in order to maintain a consistent architectural appearance across all three stories.*
 - *Staff Findings: The granting of this variance request will confer special privilege that is denied by this chapter to other lands in the same zoning district, however, per the applicant's response to criteria #1, special conditions exist due to the construction of the existing school with 14-foot-high floors. The addition is proposed to be constructed with the same parameters and will exceed the maximum allowable building height.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - *Applicant's Response: Since approval of Applicant's previous site plan growth in the City of Port St. Lucie has continued thereby increasing the demand for private educational institutions such as Calvary Christian Academy. This request is in an effort to keep pace with this demand. The granting of this height variance would allow this institution to add an additional story of classroom space thereby serving additional prospective students in the area while maintaining an attractive community.*
 - *Staff Findings: Special conditions and circumstances which are peculiar to the land, structure, or building do exist from the actions of the applicant in the construction of the existing building with floor heights of 14 feet.*
- 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.
 - *Applicant's Response: There is no special privilege conferred on the applicant that is denied to other lands, buildings, or structures in the same zoning district. As stated in Section 158.124 of Port St. Lucie's Code of Ordinances, the maximum allowable height for General Commercial Zoned structures is 35 feet (not including the additional 25 percent extension granted for roof structures concealing mechanical equipment). However, consideration must be made regarding the educational use associated with*

Applicant's property. Additionally, the requested height variance is not great enough as to negatively impact the surrounding area.

- *Staff Findings: The granting of this variance request will confer special privilege that is denied by this chapter to other lands in the same zoning district, however, per the applicant's responses to comments #1, this variance is requested to construct an addition to the existing school to provide for additional classroom and office space.*
- 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.
- *Applicant's Response: It is unreasonable to subject the applicant to unnecessary hardship by denying this height variance. Due to size limitations of applicant's parcel, they must increase building capacity by adding height rather than increasing their footprint. This is in an effort to meet the growing demand for private educational institutions in the area. A height variance of 7 feet is required in order to maintain architectural consistency across all three stories of the building. The roof structure falls within the 25 percent of the approved height afforded in Section 158.215. Furthermore, the height at which applicant is seeking to build is not so great as to negatively impact the surrounding area.*
 - *Staff Findings: The literal interpretation of the provisions would not deprive the applicant of any commonly enjoyed rights by other property owners in the same zoning district.*
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- *Applicant's Response: The Variance requested is to seek relief from the minimum height needed to accommodate this three-story school building. The building that was previously approved included two 14-foot stories. This third story is being proposed at 14-feet as well. This is in an effort to remain consistent across all three stories of the building. Section 158.215 of Port St. Lucie's Code of Ordinances states that "Utility penthouses, scenery lofts, towers, cupolas, steeples, domes, flag poles, airplane beacons, broadcasting towers, antennas, chimneys, stacks, tanks, roof mounted solar energy systems, non-roof installed solar energy devices integrated into the architecture of the building, and roof structures used only for ornamental or mechanical purposes may exceed the permissible height limit in any district by not more than twenty-five (25) percent." A height Variance of 7-feet is the minimum Variance required to accommodate three 14-foot stories. The additional height needed for the building's roof structure which conceals mechanical equipment falls within the 25 percent height exclusion outlined above.*
 - *Staff Findings: The request for this variance is not the minimum to make possible the reasonable use of the land. If the proposed addition was to be reduced to 2-stories, the variance would not be required.*
- 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.
- *Applicant's Response: The granting of this Variance will not be injurious to the area*

involved. The additional height afforded by this variance would enable Calvary Christian Academy to serve a greater number of students located in the respective area. This Variance would not be great enough as to negatively impact the identity or scale of the surrounding area.

- *Staff Findings: Granting 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.
- *Applicant's Response: The applicant is currently seeking to be in full compliance with the conditions and safeguards that the Planning and Zoning Board or Zoning Administrator may prescribe. The applicant will be in full compliance with any additional conditions the Planning and Zoning Board may request.*
 - *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).