

Haredo Realty Advisors, Inc. and Ghanie, John & Joan
Variance
P26-036



SUMMARY

Applicant's Request:	A request to grant a variance to the rear building setback requirements and the landscaping requirements for a proposed retail development as described in the project description.
Application Type:	Variance, Quasi-Judicial
Applicant/Agent:	Edward McDonald, Thomas Engineering Group, LLC
Property Owners:	Haredo Realty Advisors, Inc. (Lots 7-10) & John Mohamed Ghanie and Joan Davis-Ghanie Living Trust (Lot 6)
Location:	The property is generally located on the northwest corner of SW Bougainvillea Avenue and SW Gatlin Boulevard.
Project Planner:	Sofia Trail, Planner I

Project Description

The City of Port St. Lucie has received a request from the applicant, Edward McDonald, Thomas Engineering Group, on behalf of the property owners, Haredo Realty Advisors, Inc., and the John Mohamed Ghanie and Joan Davis-Ghanie Living Trust, for the following variances from the City of Port St. Lucie Code of Ordinances:

1. A variance of 14.6 feet from the rear building setback requirements.
2. A variance to the requirement of landscaping along the outside of the architectural wall, which is proposed ten (10) feet from the rear property line, and a variance of two (2) trees and 154 shrubs of perimeter landscaping required along the northern boundary of the subject property.

The City of Port St. Lucie Code of Ordinances states the following:

- **Section 158.155(J)(1):** The rear setback requirement for buildings within the Limited Mixed Used (LMD) Zoning District for lots adjacent to a residential land use or right-of-way is 25 feet.
- **Section 154.03(I)(5):** Allows landscaping to encroach a maximum of ten (10) feet into a 20-foot drainage easement.
- **Section 154.03(C)(5)(b):** Landscape buffer strips located adjacent to a right-of-way require an area outside of the architectural wall for landscaping and maintenance.
- **Section 154.03(C)(5)(c):** One (1) tree shall be provided for each 30 linear feet of the landscape's buffer strip as well as continuous hedging with one (1) shrub planted for each linear two (2) feet.

The property is located on the northwest corner of SW Gatlin Boulevard and SW Bougainvillea Avenue. The property is legally described as Port St. Lucie, Section 23, Block 1616, Lots 6 through 10. The property owner of lot 6 (the John Mohamed-Ghanie and Joan Davis-Ghanie Living Trust) and the property owner of lots 7 through 10 (Haredo Realty Advisors) have entered into a recorded unified control agreement to rezone and develop lots 5 through 10 as one project which was recorded with St. Lucie County on April 13, 2026.

There is 20-foot-wide drainage easement along the rear of Block 1616. The property owners intend to apply for an abandonment of 10 feet of the easement at time of site plan application. Based on conceptual site plans, lot 5, which is included in the unified control agreement, will remain undeveloped. As a result, this variance application excludes lot 5. A six-foot-high masonry buffer wall will be placed ten feet from the property line. With this application, the additional buffering from the tree canopy will be absent.

Background

The property is located in the conversion area along SW Gatlin Boulevard and SW Bougainvillea Avenue, which allows single-family lots to be rezoned to non-residential uses. A rezoning application (P25-217) and a special exception use (SEU) application (P25-219) were submitted concurrently with the variance. The applicant is requesting to rezone the properties to the Limited Mixed Density (LMD) Zoning District and is proposing a retail development that has an approximate gross floor area of 10,062 square feet, which requires SEU approval. The conceptual plans associated with the LMD rezoning and SEU are contingent upon the approval of the variance request. Additionally, the variance request is contingent upon the approval of the abandonment of 10 feet of the 20-foot drainage easement along the rear boundary line of lots 6 through 10 by the City Council

Review Criteria

An application of a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299.

Public Notice Requirements

Public notice was mailed to owners within 750 feet on April 23, 2026, and the file was included in the ad for the Planning & Zoning Board's agenda.

Location and Site Information

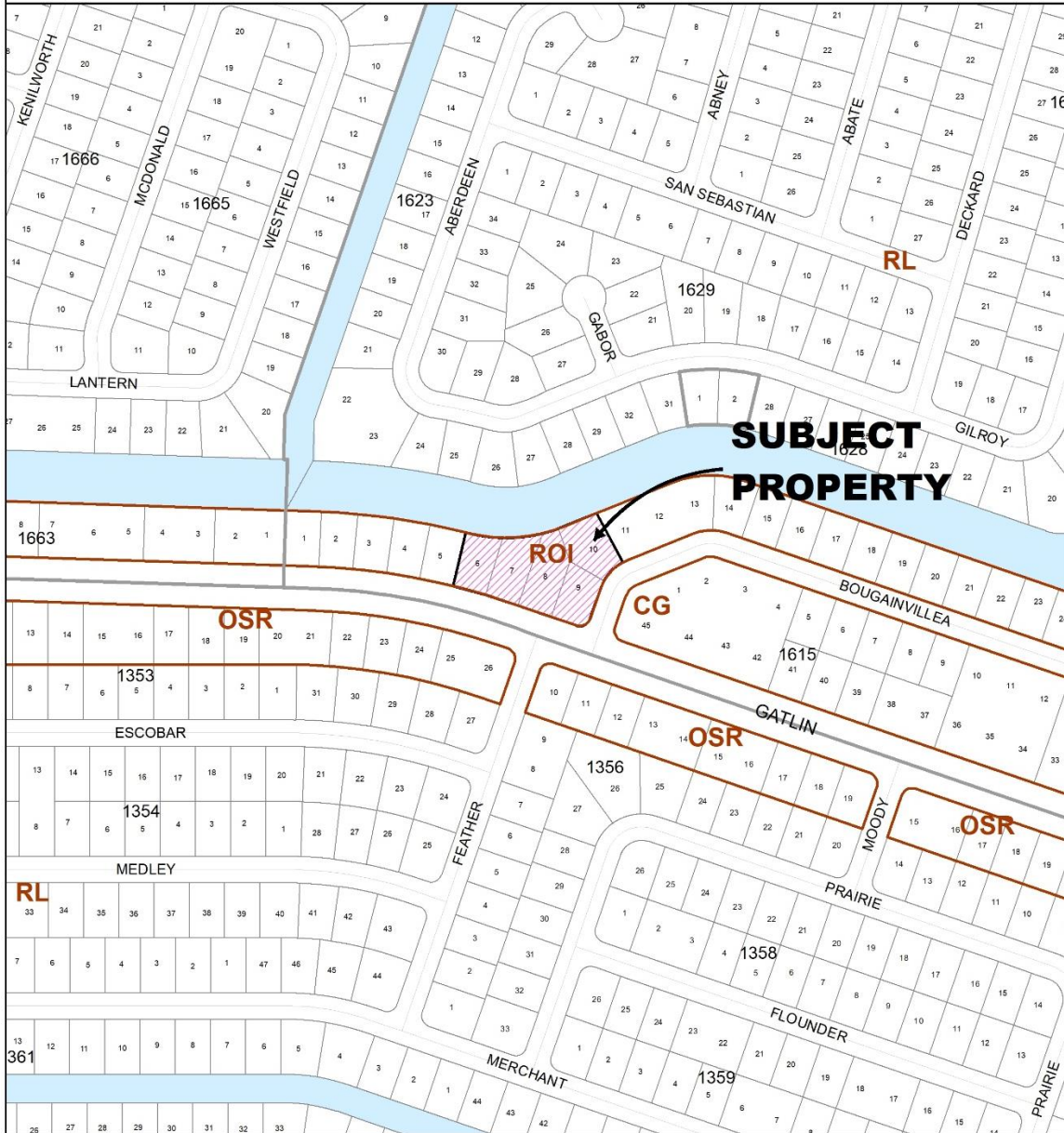
Parcel Numbers:	3420-610-0715-000-7 (Lot 6), 3420-610-0716-000-4 (Lot 7), 3420-610-0717-000-1 (Lot 8), 3420-610-0718-000-8 (Lot 9), and 3420-610-0719-000-5 (Lot 10)
Property Size:	1.36-acres
Legal Description:	Port St Lucie, Section 23, Block 1616, Lots 6-10
Future Land Use:	ROI (Residential/Office)
Existing Zoning:	Lot 6 (P – Professional) Lots 7-10 (RS-2 Single-Family Residential)
Existing Use:	Undeveloped

Surrounding Uses

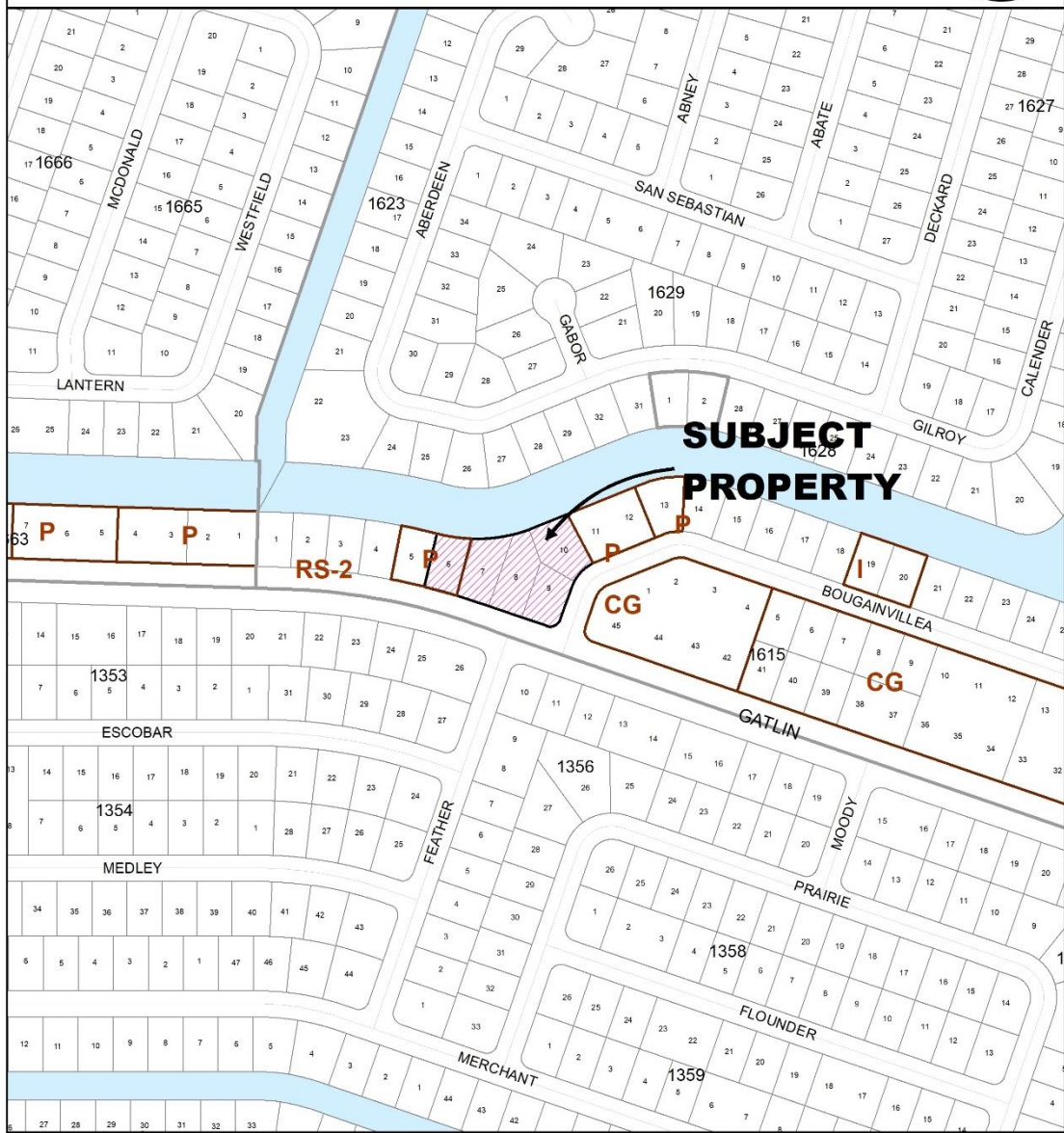
Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	Drainage right-of-way
South	OSR	RS-2	Pedestrian pathway
East	ROI	P/RS-2	Undeveloped
West	ROI	P	Offices

RL – Low-Density Residential, ROI – Residential/Office, RS-2 – Single Family Residential, OSR – Open Space Recreation, P – Professional

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 the 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 the 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). The applicant's response to this criterion is attached to the application. Staff's review is provided below.

See the applicant's responses that are included in the Variance application.

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: *The unique shape of the property relative to the width of the property from Gatlin Boulevard does for majority of typical commercial users. This property has just enough depth if granted to allow for commercial development to occur in line with the LMD Conversion manual and the City Comprehensive Plan.*
 - Staff Findings: There are no unique conditions or circumstances present. Parcels in this conversion area typically have a depth of 125 feet. Those that have been rezoned from single-family to non-residential uses generally position buildings near the front property line, with access driveways at the rear and parking on the sides. These parcels support an approximate maximum building depth of 50 feet without needing variances for setbacks or landscaping. The proposed building has a building depth of 80 feet.

The subject property's depth ranges from 123 to 226 feet, making it larger than most parcels in the area, and has an approximate width of 440 feet. The proposed building is 10,062 square feet and is surrounded by two-way drive aisles in the front and rear. This building's size and its parking requirement of 50 stalls, do not fit the subject property.
2. That the special conditions and circumstances do not result from any action of the applicant.
 - Applicant's Response: *No.*
 - Staff Findings: No special conditions or circumstances exist. See response 1.
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: *The request for this variance is in line with the LMD Zoning District and Conversion Area that looks to promote assembly of single-family residential lots along strategically located segments of major thoroughfares. Granting of this variance allows for future parcels to develop west of the subject parcel and provides for utility infrastructure and cross-access between parcels.*
 - Staff Findings: Granting the variances requested by the applicant will confer special privileges that are denied by other parcels within the LMD Zoning District. All site

plans are required to meet the minimum building setbacks and minimum landscaping requirements as outlined in the City's code. Any proposals that do not meet those requirements would be required to request a variance, regardless of being identified as conversion areas.

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: *The unique nature of the LMD Conversion Area requires flexibility and support from the City in order to keep with the City's Comprehensive Plan.*
 - Staff Findings: The literal interpretation of the provisions of the chapter will not deprive the applicant of rights commonly enjoyed by other properties in the LMD Zoning District. In order to meet the intent of the Land Use Conversion Manual, the plan shall designate adequate buffers surrounding the site and remaining properties. With a smaller building, the applicant could provide the required landscape buffering and meet the minimum building setbacks.
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 site plan uses the bare minimum building square footage that this end user has and the site plan provides all other code required foundation planting, landscape buffer, parking and access for a successful development. The site plan is the bare minimum possible and is the result of over a year of working with staff to fine tune.*
 - Staff Findings: The applicant is stating that the building on the conceptual plan for Dollar Tree is the smallest footprint they have. This is the minimum variance that would make this particular project possible as currently designed.
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 site has the benefit of the canal as acting as a buffer between the residential properties and the subject properties and surrounding properties that are in the LMD Conversion Area. Approving the request promotes the commercial development along the major thoroughfares and allows for the rezoning of the property.*
 - Staff Findings: Granting the variances will not be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare. The intent is to have a 6-foot-high masonry wall with canopy trees for the buffering of non-residential uses. The applicant is proposing 8 of the 10 required canopy trees to be planted inside of the buffer wall. Additionally, the distances between the trees range from 8' to 150', not providing a continuous tree canopy buffer as required by code.
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 started or completed, or both.

- Applicant's Response: Yes.
- Staff Findings: Acknowledged.

PLANNING AND ZONING BOARD ACTION OPTIONS

The Board may choose to approve, deny or table the proposed variance(s). If the Board finds that the variance application(s) are 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 the variance(s)
- Motion to approve the variances with the following condition:
 - The variances to the City of Port St. Lucie Code of Ordinances will expire after one (1) year of approval if 10 feet of the 20-foot drainage easement is not abandoned by the City Council.

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).