



Bayshore industrial Properties, Inc Variance
Project No. P25-031



SUMMARY

Applicant's Request:	Variances from Section 154.03(C)1. a, of the Zoning Code which requires a 10' wide perimeter landscape buffer, and Section 158.126(C)(8) which requires an 8' opaque fence around outdoor storage and that no stored material be visible beyond the height of the fence.
Application Type:	Variance, Quasi-Judicial
Applicant/Owner:	Bayshore Industrial Properties, Inc.
Location:	1791 SW Biltmore St
Project Planner:	Marissa Da Breo-Latchman, Environmental Planner II

Project Description

The City of Port St. Lucie has received a request from agent, Charlotte Lowe, on behalf of the property owner of Bayshore Properties Industrial, Inc., to grant variances of 10 feet from Section 154.03(C)1.a. of the Zoning Code which requires a 10 foot wide perimeter landscape buffer for 209 feet long the property frontage, and 2 feet from Section 158.126(C)(8) which requires an 8 foot, opaque fence around outdoor storage and that no stored material be visible beyond the height of the fence. The property owner seeks the variances to allow for the vertical storage of materials on cantilever storage racks that are 16 feet tall, 4 feet deep and 25 feet wide in the required landscape buffer and where there is an existing 6-foot fence. The subject property is zoned Service Commercial (CS) and is generally located at the northeast corner of SW Biltmore and SW Molloy Streets, between SW Bayshore and SW Macedo Boulevards. The property is legally described as Port St. Lucie Section 13, Block 624 Lots 12, & 13 and 14.

Background

The 7,600 SF building that is the subject of the variance applications was approved in 2003 as a warehouse-only structure (P03-098). The Site Plan was administratively amended in 2005 to document minor changes made during construction (P05-411).

As part of Code case CE-24-12858, the applicant was cited by Code Enforcement for various issues in August 2024 relating to Section 158.237(C)(8) for site plan violations, Section 154.03(c)(1)(c) for a lack of a perimeter buffer, Section 158.126(c) and Section 158.211 for outdoor storage violations on the property.

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 (Section 158.298 (B))

Public notice was mailed to owners within 750 feet on June 19, 2025, and the file was included in the ad for the Planning & Zoning Board's agenda.

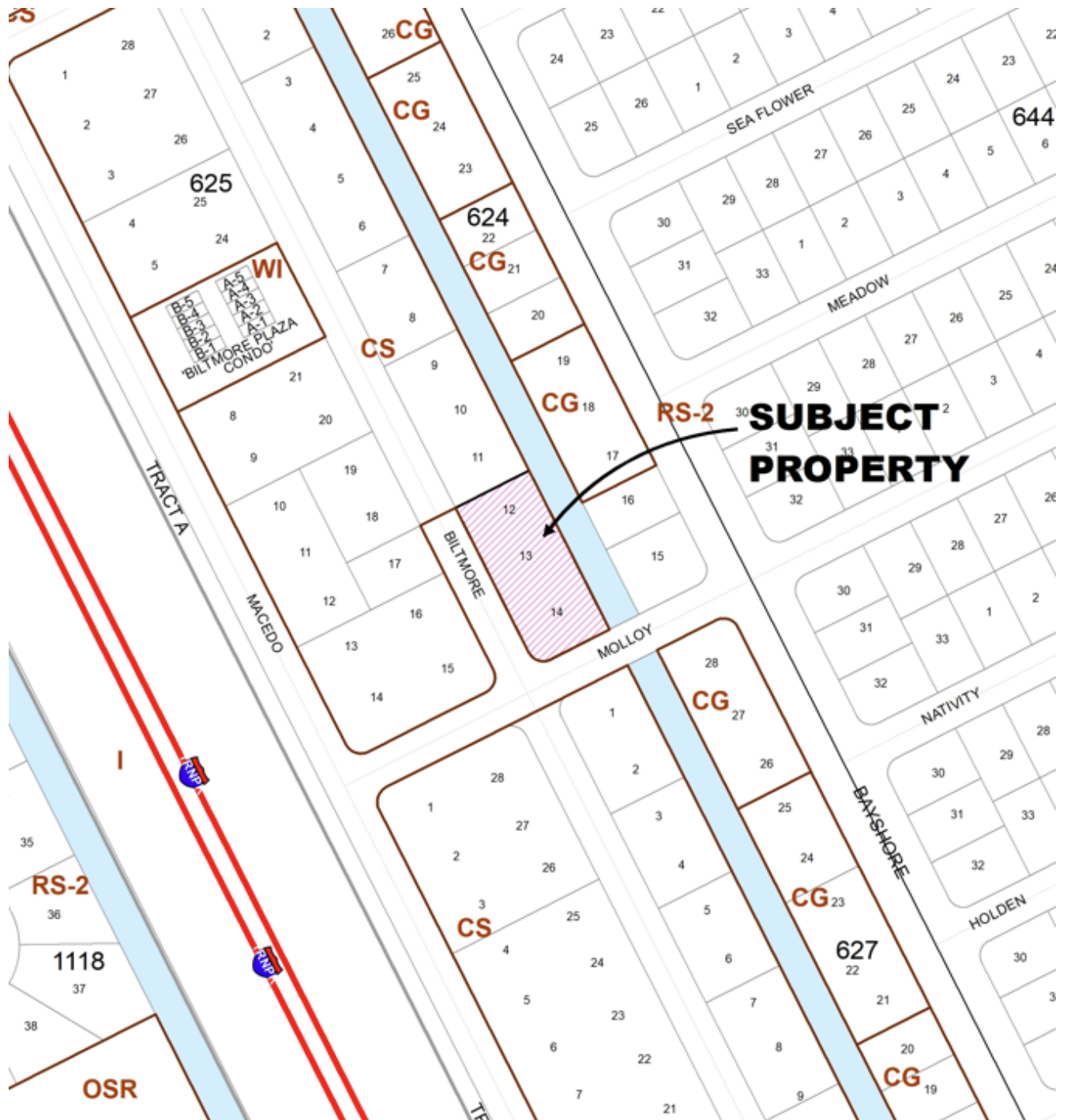
Location and Site Information

Parcel Number:	3420-560-2310-000-0
Property Size:	0.77 acres (21,780 SF)
Legal Description:	Port St. Lucie Section 13, Block 624 Lots 12, & 13 and 14
Address:	1791 SW Biltmore St.
Future Land Use:	LI/CS-Light Industrial/Service Commercial
Existing Zoning:	CS-Service Commercial
Existing Use:	Developed

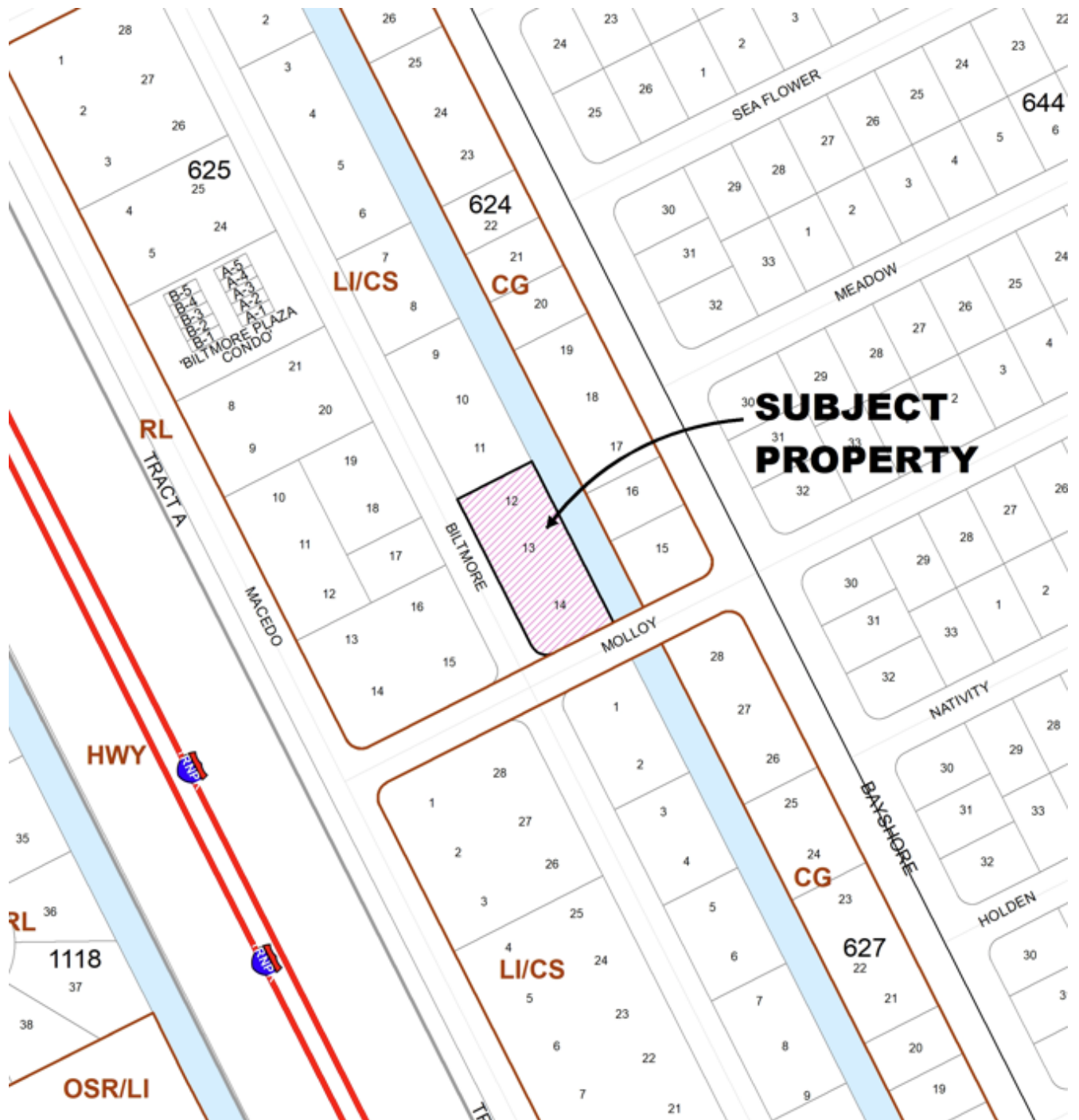
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	LI/CS	CS	Drainage canal, single family residential
South	LI/CS	CS	Single family residential
East	CG	CG & RS-2	Single family residential
West	LI/CS	CS	Drainage canal, single family residential

LI/CS-Light Industrial/Service Commercial; CG-General Commercial; RS-2 Single Family Residential



Zoning Map



Future Land Use Map

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: *This building and it's outside storage area are were used to store building materials for the past twenty years. The cantilever racks were mounted on concrete pads along the perimeter of the outside storage and against the building. Expert Shutter leased the building due to the way the building was already being utilized, to store materials.*
 - Staff Findings: *No special conditions and circumstances exist. The property is zoned Service Commercial and outside storage is permitted provided that all open storage areas are completely enclosed by an opaque eight (8) foot fence and that no material is visible beyond the height of the fence.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - Applicant's Response: *We had leased this building to the same tenant for twenty years. The outside storage and the cantilever racks were part of the everyday operations. This property was utilized if the same manor for twenty years. Expert Shutter leased this property with the understanding that the storage area would continue to be utilized in the same way.*
 - Staff Findings: *There are no special circumstances associated with the subject property. The installation of cantilever storage racks in the landscape buffer was not approved. The Site Plan shows no outdoor storage.*
- 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: *This variance has been provided to other properties in the same business district. Port St Lucie is growing, manufacturers need more storage space for manufacturing and storage. There are not a lot of options in this area. We need to support these companies and not drive them out of our city. This variance will help keep jobs and create new ones.*
 - Staff Findings: *The granting of this variance will confer special privileges on the current*

owners/tenant. Outdoor storage is allowed in the Service Commercial zoning district but not in the required landscape buffer and it should be fully concealed by an 8-foot opaque fence.

- 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: Expert Shutters has invested over a million dollars into this property and in the main facility. They leased this building with the understanding that the property could continue to be used as it has for the last twenty years. If a variance not granted, we may face litigation. But ultimately, without this storage area, the company may be forced to relocate.
- Staff Findings: Other Service Commercial zoned properties are required to meet the requirements of Section 154.03(C)1.a, which specifies a 10-foot wide perimeter landscape buffer and Section 158.126(C)(8) which requires an 8 foot opaque fence around outdoor storage and that no stored material be visible beyond the height of the fence.

- 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: This requested variance, is to allow the property to continue to use the 16' cantilever racks along the perimeter of the outside storage and against the building.
 1. These storage racks affect a portion of the landscape buffer on the inside of the fence along Biltmore Street.
 2. These storage racks would affect the width requirement of the drive isle to approximately 27' feet.
 3. These storage racks would exceed the height of the existing fence by several feet.
 4. Fence height , may need to be raised to screen the open storage area.
- Staff Findings: The granting of this request is the minimum that will allow the current tenant to properly store materials and remain in proximity to the associated manufacturing facility which is located at 668 SW Whitmore Dr.

- 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: This variance has been provided to other properties in the same district. The racks had existed for twenty years. To the best of our knowledge, there have been no complaints concerning these racks and pose no detriment to the area. We have worked with the new tenants and have dramatically improved the property and the street view of the property.
- Staff Findings: The subject property is located in an area that is commercially zoned and outdoor storage is allowed with proper screening as noted in Section 158.126(C)(8). Section 154.03(C)1.a, requires all properties to have a 10-foot perimeter landscape buffer.

- 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: We acknowledge and respect the efforts of the city of Port St Lucie to improve our business district. We fully intend to comply with any additional conditions or safeguards that may be required, and will do so in a timely manor. Thank you for your consideration.*
- *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 make a:

- Motion to approve the variances with the following conditions:
 - 1) The variances shall terminate if the current tenant vacates the property.
 - 2) If the current tenant vacates the property, the landscape buffer shall be restored per the existing landscape plan.

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 make a:

- Motion to deny

Should the Board need further clarification or information from either the applicant and/or staff, the Board may make a:

- 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).