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July 17, 2023

Via FedEx

Office of the City Council
City of Port St. Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

Re: Variance Application for 2732 SW Casella Street

Dear Council Members,

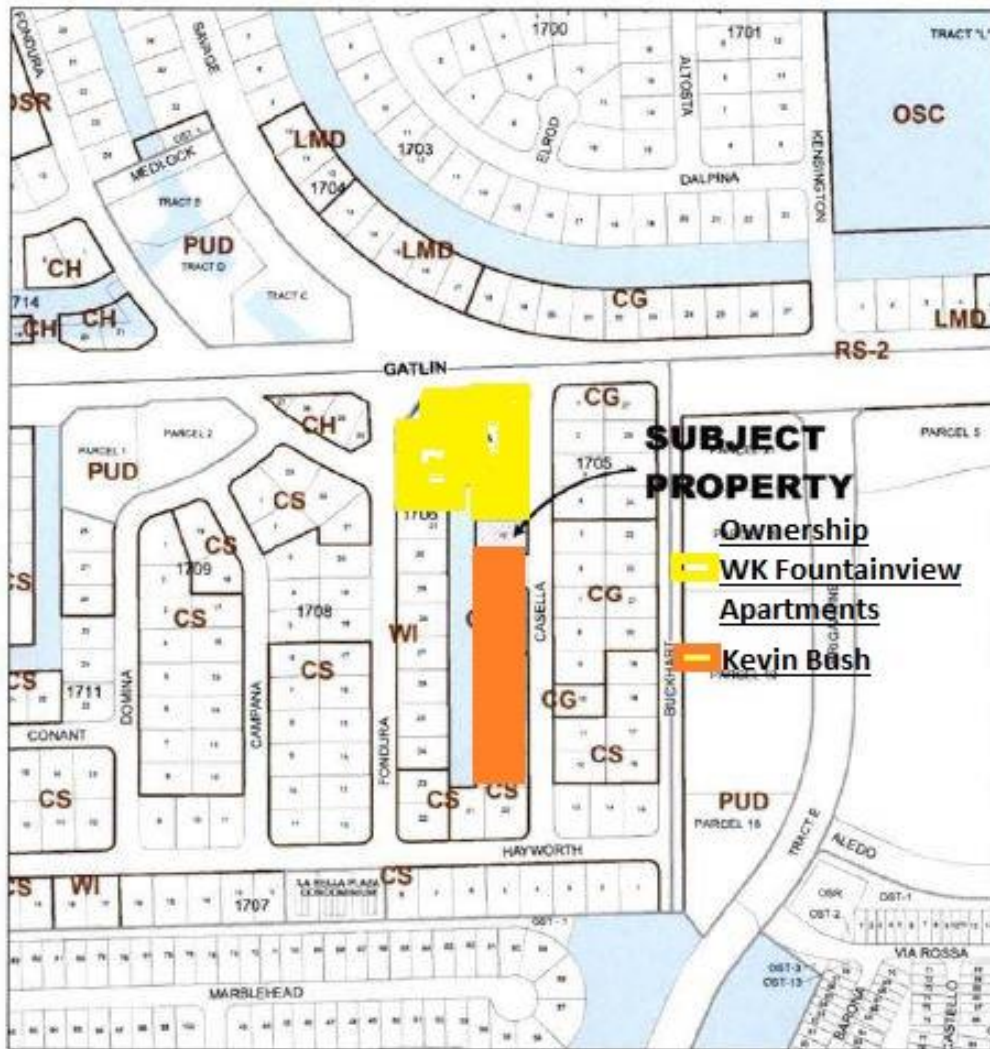
I am unable to attend the July 24, 2023, City Council meeting in person but, am writing in support of the variance application to Appendix B, Land Use Conversion Manual of the City's Zoning Code, submitted by Mr. James Freese (P22-197). The variance request for 2732 SW Casella Street ("Property") is to rezone the property to Service Commercial (CS) Zoning District. This property is located within Conversion Area 24, which requires a minimum road frontage of 160 feet, or the equivalent of two (2) eighty-foot lots.

VARIANCE CRITERIA

The Town Council must consider the following variance criteria listed under Section 158.295 (B) (1) through (7):

- (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;**

Special conditions and circumstances exist which are peculiar to the land, which are not applicable to other lands in the same zoning district because there is no ability of the applicant to increase his right of way frontage. If you will note the graphic below, The Subject property is bounded on the north by a 1.8 acre parcel owned by WK Fountain Apartments which is highlighted in yellow. The Subject Parcel is bounded to the south by 1.4 acres owned by Mr. Kevin Bush which is highlighted in orange in the graphic below. Due to the ownership of the surrounding properties this property is already isolated and unable to expand the frontage.



- (2) That the special conditions and circumstances do not result from any action of the applicant;

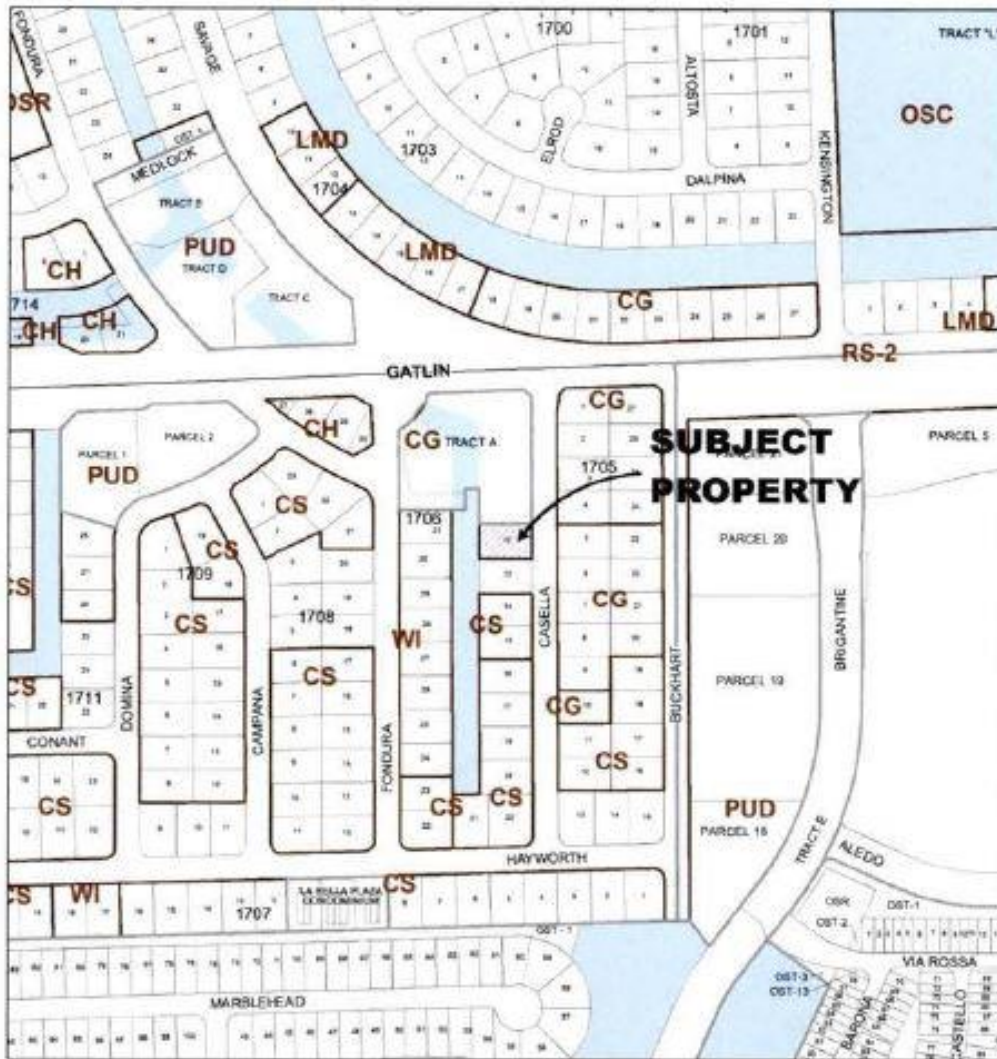
Special conditions and circumstances do not result from any action of the applicant as the ownership of surrounding properties is not within his control.

- (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;

The request will not confer a special privilege that is denied by this chapter to other lands in the same zoning district. To the contrary, the property is currently zoned

RS-2 and is surrounded by property with commercial zoning. The variance will allow the Property to be compatible with the surrounding properties.

As indicated in the zoning map below, the Property to the north is zoned General Commercial Zoning District (“CG”), the properties to the south are Service Commercial Zoning District (“CS”), to the east is zoned CG and to the west is Warehouse Industrial Zoning District (“WI”). The fact that this parcel is residential surrounded by commercial gives rise to the argument that it is impermissible spot zoning and to correct this the City Council must grant the requested variance.



- (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;**

The literal interpretation of the code provision would deprive the applicant of his property rights in that, the regulations deny him the right to use his property in manner compatible with other properties within the immediate area. The deprivation of the right to use his property is working an unnecessary and undue hardship as he is prevented from using his property.

- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;**

The request for the variance is the minimum possible that will allow the applicant to use his property. Currently, the property is zoned residential and residential is the only permitted use. Since a residential use is incompatible with the surrounding commercial zoning the variance is the minimum request that will allow a reasonable use of the land.

- (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; and**

Granting the variance allows the property to be used in a manner that is compatible with the surrounding land uses, is in harmony with existing uses in the area and will not be 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.**

The applicant will fully comply with **any** additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe.

The applicant's request for a variance is the minimum request which would allow him to use his Property in a manner which is compatible with the surrounding uses. Currently, the Property is singled out and being treated differently than surrounding parcels which is the definition of impermissible spot zoning. Additionally, the application meets the seven criteria delineated in the Code. Since the variance request would allow the property owner to use his property in a manner consistent with surrounding uses, to deny his request would be an arbitrary, capricious and an

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unreasonable treatment of the Property. Therefore, I respectfully request that you grant the requested variance.

Sincerely,



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Senior Attorney

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cc: City Council Members (via E-mail only)
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Councilwoman Stephanie Morgan Stephanie.Morgan@cityofpsl.com
Councilman David Pickett David.Pickett@cityofpsl.com
Councilman Anthony Bonna Anthony.Bonna@cityofpsl.com