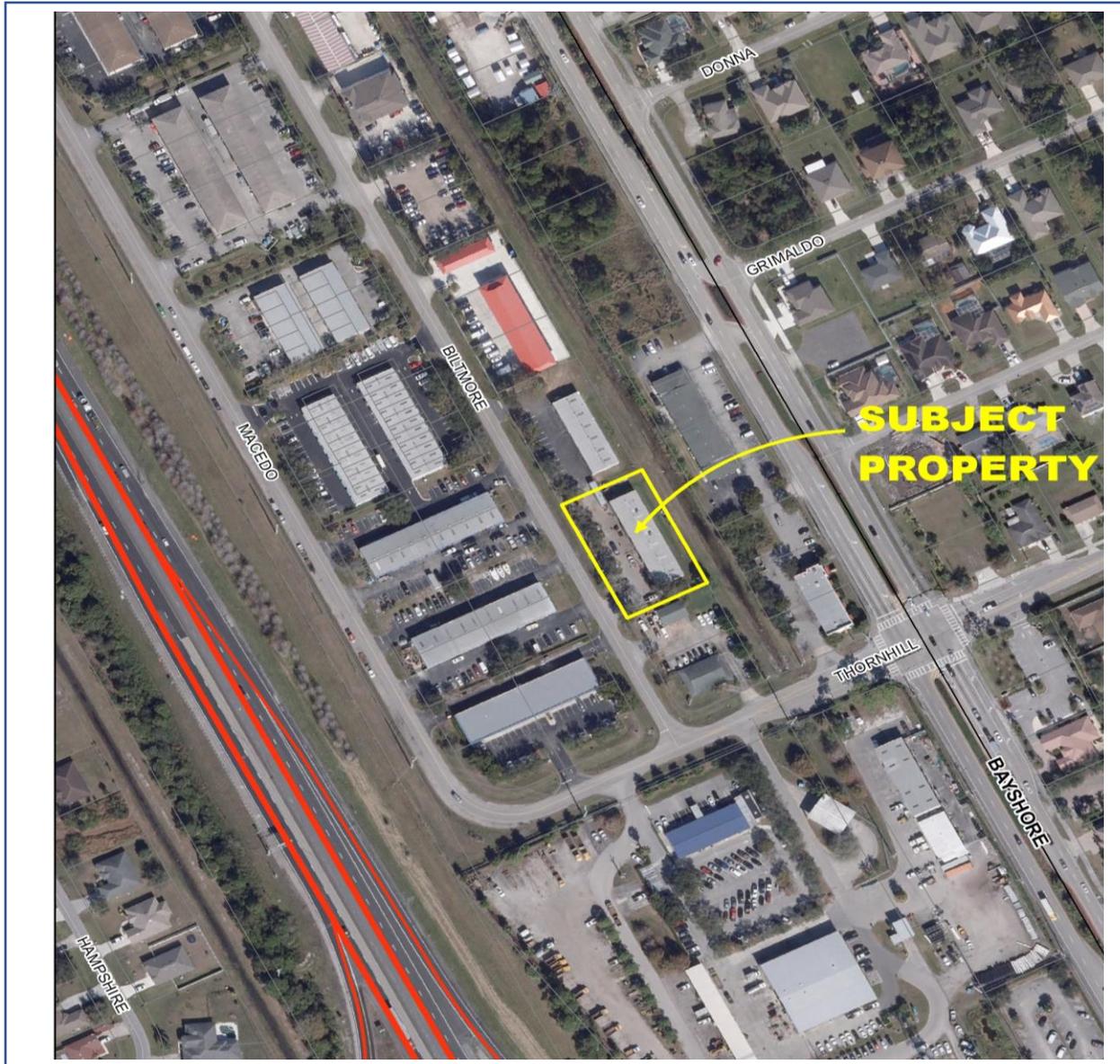




Tommy C. Creel
Variance
Project Number: P23-038



Project Aerial Map

SUMMARY

Applicant's Request:	To grant a variance of 4 feet to allow a 6-foot setback from the side property line for a proposed concrete slab used for open storage.
Applicant:	Tommy C. Creel
Property Owner:	Tommy C. Creel
Location:	1983 SW Biltmore St.
Application Type: (Identify if quasi-judicial)	Variance, Quasi-Judicial
Project Planner:	Bianca Lee

Project Description

The applicant is requesting a variance of 4 feet to allow a 6-foot setback from the side property line for a proposed concrete slab used for open storage. Section 158.126(J) Setback and Landscaping Requirements, a side setback of ten (10) feet is required as a ten (10) foot wide landscape buffer strip.

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

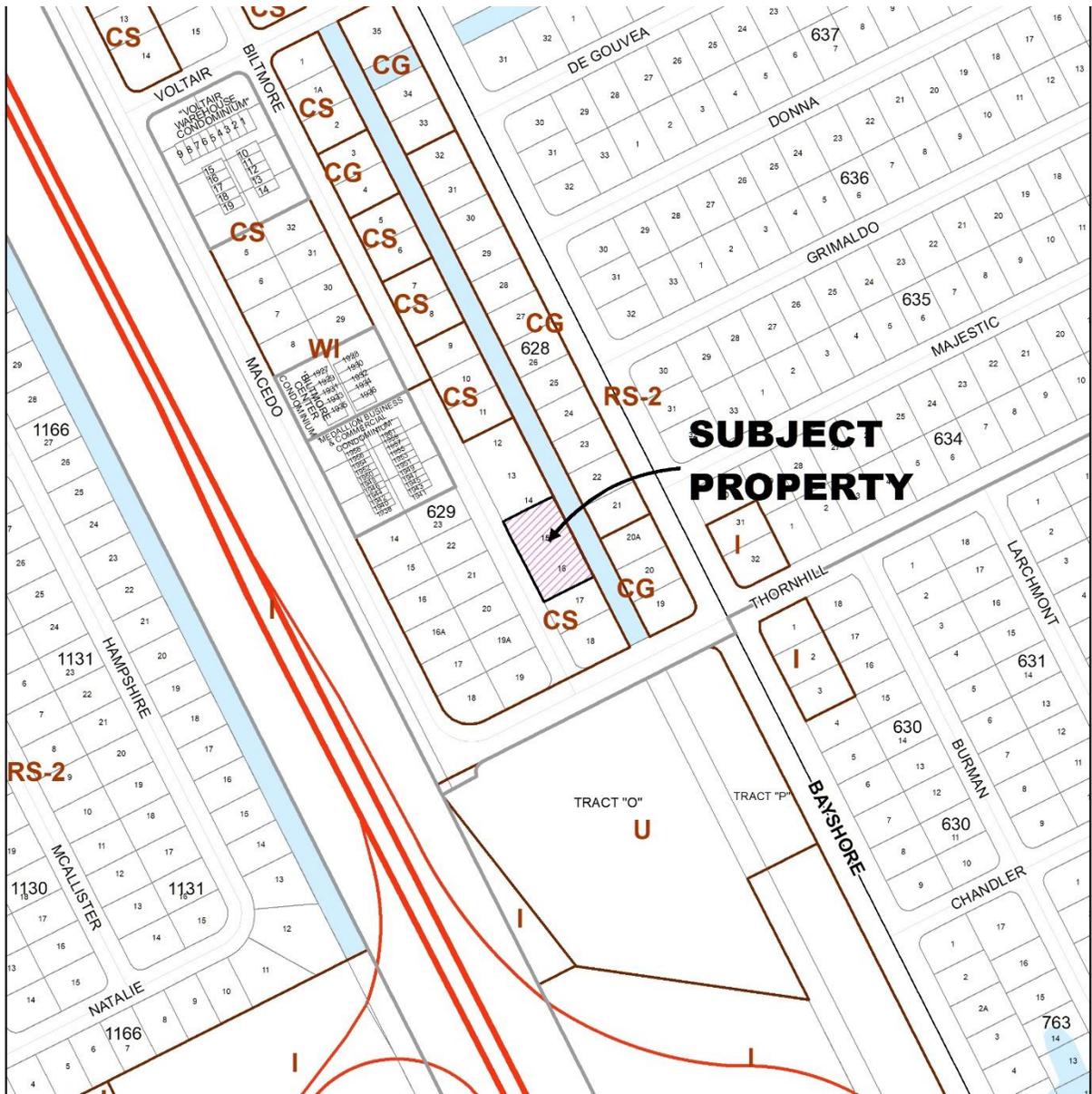
Location and Site Information

Parcel Number:	3420-560-2425-000-9
Property Size:	0.57 AC/ 25,000 SF
Legal Description:	Port St. Lucie Section 13, Block 628 S ½ Lot 14 & All Lots 15 & 16
Address:	1983 SW Biltmore St.
Future Land Use:	Light Industrial (LI) & Service Commercial (CS)
Existing Zoning:	Service Commercial (CS)
Existing Use:	Welding shop

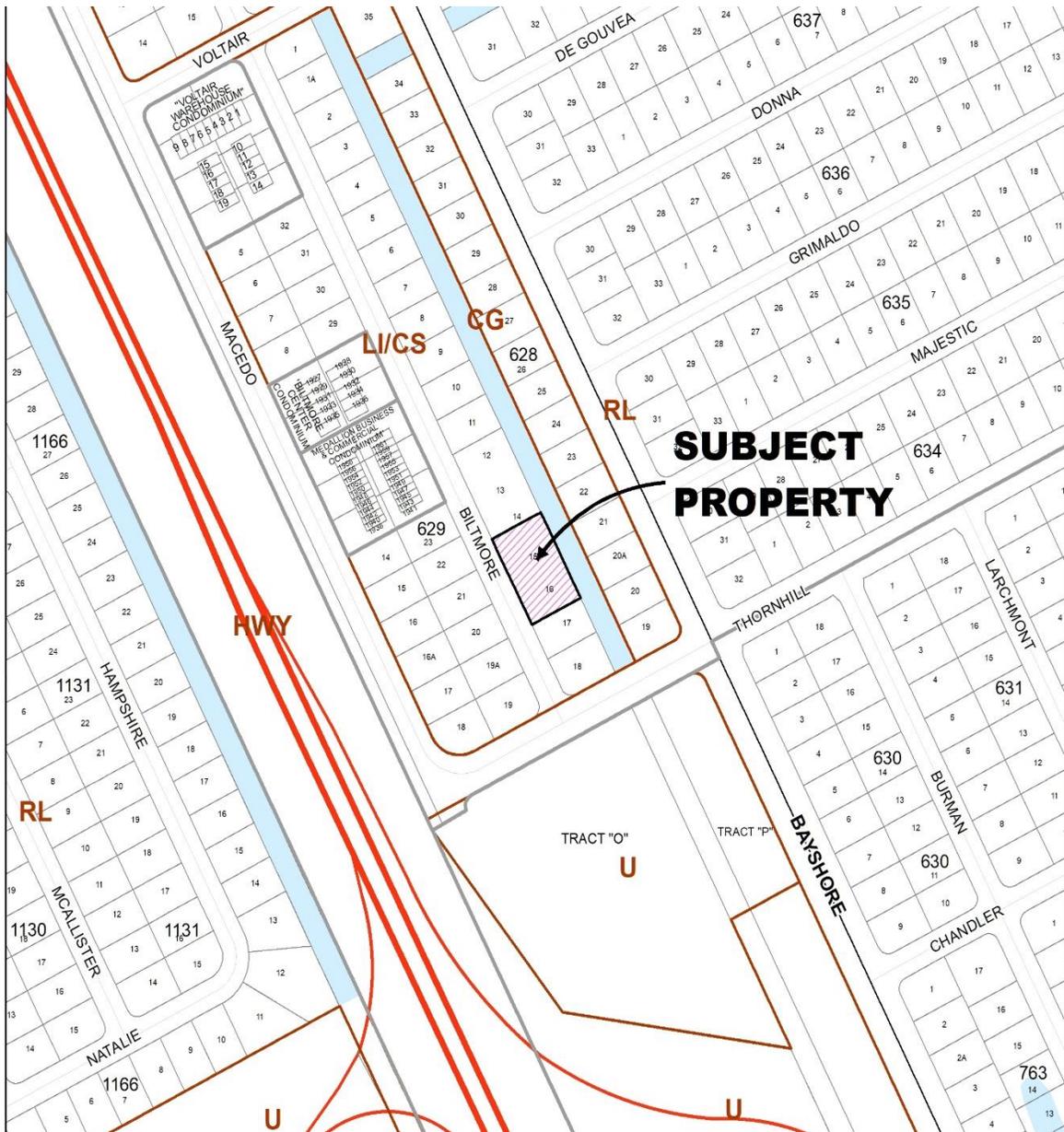
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	LI/CS	CS	Service
South	LI/CS	CS	Service
East	CG	CG	Retail
West	LI/CS	CS	Repair shop

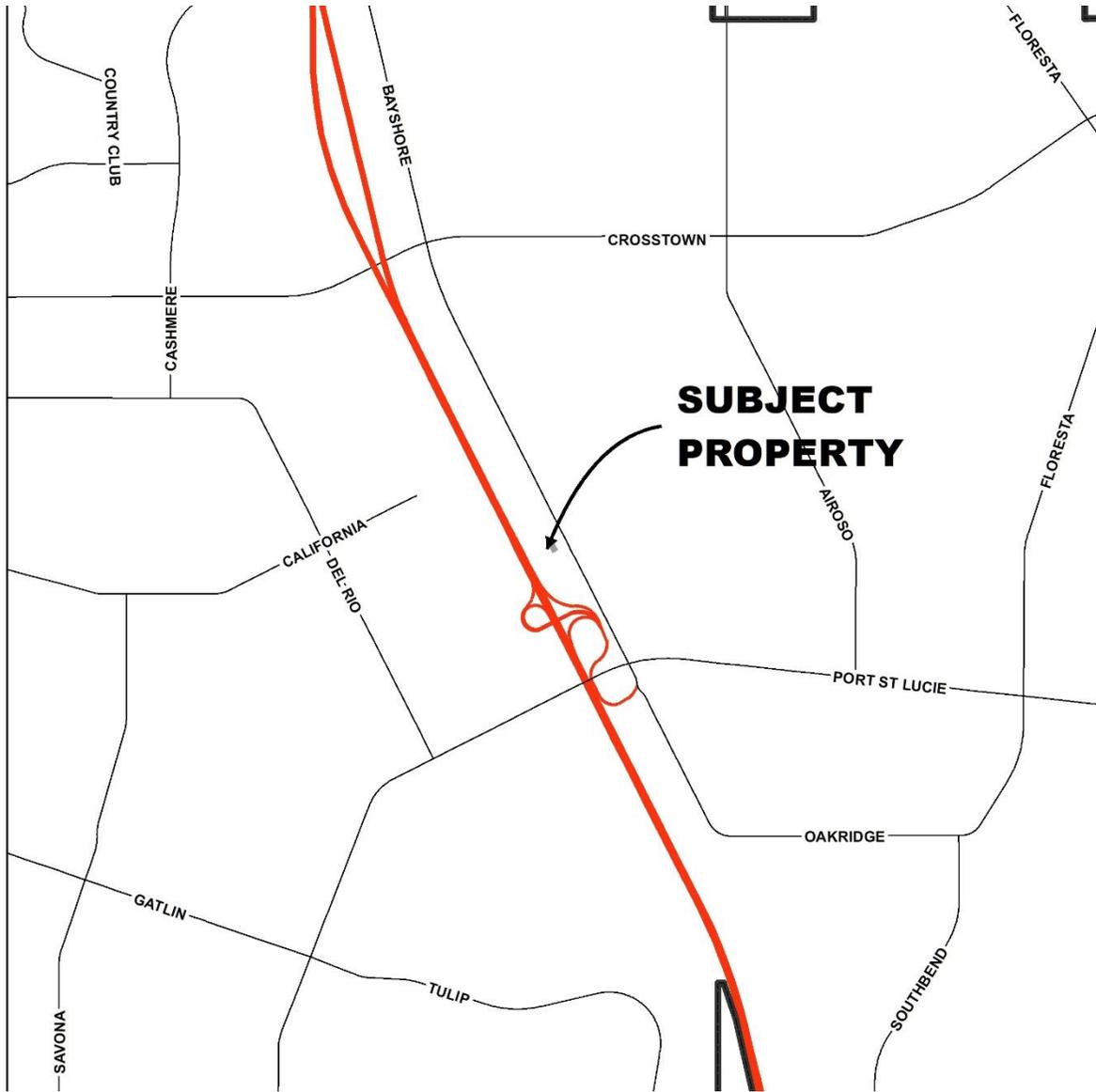
RL-Low Density Residential, and RS-2- Single-Family Residential



Zoning Map



Project Land Use Map



Location 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.
 - *Staff Findings: Special conditions and circumstances do not exist, which are peculiar to the land, structure, or building involved.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - *Staff Findings: See No. 1 above.*
- 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.
 - *Staff Findings: Special privileges would be conferred upon the applicant, a 10 ft. side landscape buffer strip is a regulatory standard applied to other lands, buildings, and structures in the Service Commercial 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.
 - *Staff Findings: Literal interpretation of the provisions of the chapter would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district or introduce unnecessary and undue hardships 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.
 - *Staff Findings: The proposed concrete slab for open storage should comply with the 10 ft. side setback as per CS-Service Commercial Zoning Section 158.126(J) Setback and Landscaping Requirements, a side setback of ten (10) feet is required as a ten (10) foot wide landscape buffer strip. The proposed concrete slab should not interfere with any utilities or drainage. A dumpster enclosure was originally intended to be located adjacent to this area on the site. The dumpster enclosure area was moved to the area between this building and the building to the north, however the enclosure is only partially constructed and does not comply with Zoning Code Section 158.232. In addition, the shrubs along the south and east sides are missing.*
- 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.

- *Staff Findings: Granting of the variance will not be in harmony with the general intent and purpose of the chapter, however, the variance is not thought to 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.

- *Staff Findings: The applicant has acknowledged this.*

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 with conditions
 1. Amend the site plan to include the proposed concrete slab and outdoor storage area.
 2. Install the missing hedges along the south and west property lines to comply with landscaping requirements.
 3. Construct a dumpster enclosure with gates adjacent to the northwest property line between the existing buildings as per Section 158.232(B).
- Motion to approve

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).