

# City of Port St. Lucie

## Board of Zoning Appeals

### Meeting Minutes - Final

121 SW Port St. Lucie  
Blvd.  
Port St. Lucie, Florida  
34984

Shannon M. Martin, Mayor

Jolien Caraballo, Vice Mayor, District IV  
Stephanie Morgan, Councilwoman, District I  
Dave Pickett, Councilman, District II  
Anthony Bonna, Councilman, District III

Please visit [www.cityofpsl.com/tv](http://www.cityofpsl.com/tv) for new public comment options.

---

**Monday, June 26, 2023**

**6:00 PM**

**Council Chambers, City Hall**

---

**1. Call to Order**

A meeting of the CITY COUNCIL OF THE CITY OF PORT ST. LUCIE serving as the BOARD OF ZONING APPEALS was called to order on June 26, 2023, at 6:00 p.m., at PORT ST. LUCIE CITY HALL, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**2. Roll Call**

Council Members Present:

Mayor Shannon M. Martin  
Vice Mayor Jolien Caraballo  
Councilwoman Stephanie Morgan  
Councilman Dave Pickett  
Councilman Anthony Bonna

**3. Public Hearings**

- 3.a** Order 23-11, Quasi-Judicial, Public Hearing, An Appeal to an Order of the Planning and Zoning Board Denying a Variance to Allow a 10 foot Setback from the Rear Property Line to Provide for an Extension to an Existing Dwelling.

**2023-548**

Mayor Martin read Zoning Appeal 23-11 aloud by title only.

The City Attorney read the Quasi-Judicial Procedures into the record and explained that since it was an appeal, the burden was placed on the property owner to show that the Planning & Zoning Board's judgement was wrong. He stated that the Zoning Board could listen to

arguments from the property owner or staff, but no new facts could be added. The City Clerk administered the Oath of Testimony to staff and other interested parties. Mayor Martin opened the Public Hearing and asked if there were any ex-parte communications to disclose, to which there were none.

(Clerk's Note: A PowerPoint was shown at this time.)

Marissa Da Breo-Latchman, Planning and Zoning, stated that the official file was sent to the City Clerk's Office 5 days prior to the hearing and that the applicant was requesting a variance from Section 158.073(H)(3) of the City's Code of Ordinance to allow a 10-foot setback from the rear property line to accommodate an addition to the existing single-family residence. She explained that the property was zoned Single family RS-2 and the Land Use was Low Density Residential. She added that the applicant previously received an abandonment for a pool, which was not shown on the aerial, and they were requesting an additional variance for the area. Ms. Da Breo-Latchman informed the City Council that the variance was denied at the Planning and Zoning Meeting on May 2, 2023.

Councilwoman Morgan inquired as to if the planner had an updated plan showing where the pool was located or how it was laid out, to which Ms. De Breo-Latchman responded in the negative and explained that the abandonment and survey was prior to the pool being installed.

Mayor Martin confirmed that the applicant received a partial abandonment because the City still needed access to the drainage canal, to which Ms. De Breo-Latchman responded in the affirmative.

The City Clerk administered the Oath of Testimony to Beth Barens, who stated that they have been residents for 17 years and she was respectively appealing the Planning and Zoning Board's decision regarding her variance request. Ms. Barens explained that their hope was to reduce the rear set back of their property, as they needed to build an addition for her mother-in-law who developed health issues. She stated that they did not plan to add to their property until they were faced with being her mother-in-law's only option. Ms. Barens stated that a large sign was posted on their property providing information regarding their request and that letters were sent to their neighbors providing the information along with ways they could oppose the request. She added that the City did not receive any communication opposing the request. Ms. Barens stated that they were looking to add

an addition that would be approximately 350 square feet and would line up with the back of the pool.

Councilwoman Morgan inquired as to if Ms. Barensen had an updated survey showing the pool, to which Ms. Barensen responded that she thought she sent one to the Clerk's office but that the pool was 15 feet by 20 feet and was located in the back of the property.

Mayor Martin stated that she was sympathetic as there were a lot of issues with the cost of housing along with the need for multi-generational living. Mayor Martin stated that the City of Port St. Lucie was one of eight cities that were platted, and she was concerned that if they allowed the variance, it would set a precedent. Mayor Martin stated that they needed to look at policies from other cities when it comes to this issue and until there was a comprehensive policy on how to address this issue going forward, she could not support the request.

Ms. Barensen stated that she understood that it could set a precedent and pointed out that some residents build structures then ask for forgiveness and explained that she has done everything the right way. She stated that each individual case is different and there was no opposition from her neighbors.

Mayor Martin asked if there was anyone from the public to speak, to which there was no one.

Councilman Bonna stated that anyone who owned property had the right to develop it as they acquired it and that no one was entitled to a variance or change. He stated that he was comfortable with the request and explained that precedent could be deviated based on new information, changes in circumstances, and changes in elected officials.

Vice Mayor Caraballo agreed with Mayor Martin and explained that the City was designed to have a certain size house and creating the extension reduces the lot line. She explained that it was a poor design issue and suggested taking a look at best practices from other cities, who have similar situations. Vice Mayor Caraballo stated that she sympathized with the applicant but would not be supporting the request.

Councilwoman Morgan stated that she did not see a huge issue with

the request, as it would line up with the pool. She inquired as to if Public Works had any comments regarding the application, to which there were none. Councilwoman Morgan stated that she would be supporting the request.

Councilman Pickett stated that the property was similar to his and he had a mother-in-law suite, along with a pool. He stated that there would be no difference between building the mother-in-law suite or placing a shed in the area and added that he would support the request.

Vice Mayor Caraballo suggested having a workshop to discuss these items and possibly updating the structure of the Building Code, to which Mayor Martin agreed.

There being no further discussion, Councilwoman Morgan moved to approve the variance for Order 23-11. Councilman Bonna seconded the motion. The motion passed by roll call vote with Councilwoman Morgan, Councilman Bonna, and Councilman Pickett voting in favor and Mayor Martin and Vice Mayor Caraballo voting against.

The City Clerk clarified if there was consensus asking staff to bring an item forward in the future and for staff to research the issue prior to the discussion, to which Council responded in the affirmative. Vice Mayor Caraballo added that she would like staff to look closely at pre-platted cities throughout the State of Florida.

#### **4. Adjourn**

There being no further business, the meeting adjourned at 6:30 p.m.

---

Sally Walsh, City Clerk

---

Daisy Ruiz, Deputy City Clerk

---

Typed By: Calleigh Nazario, Deputy City Clerk