

From: [Bianca Lee](#)
To: [Jessica Heinz](#)
Cc: [Anne Cox](#)
Subject: FW: Variance Memorandum 7-3-23 2:49pm
Date: Monday, July 3, 2023 3:59:33 PM
Attachments: [Variance Memo 7-3-23.pdf](#)
[image001.png](#)
[PS23-097 - Variance response from Lot 2.msg](#)

Good afternoon,

A resident (Laura Carreno) would like to enter the attached memo into the public record.

Kind Regards,

Bianca C. Lee, Planner II

City of Port St. Lucie

Department of Planning & Zoning

121 S.W. Port St. Lucie Blvd.

Port St. Lucie, FL 34984-5099

(772) 871-5149 (Office) | (772) 871-5124 (Fax)

blee@cityofpsl.com



"A City for All Ages"

For immediate assistance, please call the Planner of the Day at 772-871-5213 or email the department at planning@cityofpsl.com with any questions or inquiries.

From: Laura Carreño <carrenofln@icloud.com>
Sent: Monday, July 3, 2023 3:51 PM
To: Bianca Lee <blee@cityofpsl.com>
Subject: Fwd: Variance Memorandum 7-3-23 2:49pm

[[CAUTION: This email originated outside of the City of PSL. Please use caution when opening attachments, clicking links, or responding to this email.]]

Sent from my iPhone

Begin forwarded message:

From: Dave Beyer <davebeyer44@gmail.com>
Date: July 3, 2023 at 2:50:20 PM EDT

To: Laura Carreño <carrenofln@icloud.com>

Subject: Variance Memorandum 7-3-23 2:49pm

Please find attached signed and sealed memorandum with the needed material indicating that approval of requested variance is NOT recommended.

Please don't hesitate to contact me if the City requires additional material or clarifications.

Thank you.

David B Beyer, P.E.

407-405-8610

MEMORANDUM

INFORMATION:

P23-097 Monna Homes, LLC – Variance
Agenda Item No. 8.c

Submitted on Behalf of:

Lucinia Ferreira
508 SE Felix Ave., Port Saint Lucie, FL 34984

Executive Summary/Findings:

The following information has been provided to assist the existing adjacent property owner for the pending Public Hearing / Agenda Item scheduled for July 5, 2023.

On June 26, 2023, Ms. Ferreira, who resides at the above address, raised several concerns regarding the proposed variance. These findings are presented here within as a technical and professional evaluation of those concerns.

The information used in this evaluation is of public record in nature and is attached as reference material in support of these findings. In addition, other publicly recorded data from the County's property appraiser's office, as well as site photos have been utilized for this purpose.

After review of the City's standard forms and applications submitted by Bela Vista Contractors, Inc., on behalf of Zamel Abou (authorized member of Monna Homes, LLC), the permitting process and the sequence of procedures appears to be irregular and exasperates the approval of this applied for variance.

An approved permit was issued April 24, 2023 at 8:57 AM, however the application submitted was dated three (3) days later on April 27, 2023. This was brought to your attention, because both documents listed rear setbacks of 25 feet or greater. Thereby indicating that the applicant/owner were aware of a greater dimension yet commenced construction with an approved site plan demonstrating otherwise. Deviations from the local development code require approved variances/waivers prior to permit issuance. Approved site plans/permits dated prior to permit application dates and without approved deviations to the code are suspect in general and as mentioned, exasperate the situation.

If the proper steps had been followed, a more practical and less impactful placement of and/or a decreased size of the proposed structure could have been accomplished, thereby alleviating Ms. Ferreira from the undue stress this whole process has brought upon her.

Included with the reference material, please find a less impactful solution to the placement of the proposed structure on the vacant lot in question. Whereas the site plan included in the permit has a much greater encroachment into the building setback area. Best management practices and sound engineering efforts should not be replaced with code deviations.

In addition to setback impacts, stormwater runoff from the proposed development is another concern. After reviewing the surrounding area, the existing subdivision appears to drain runoff

MEMORANDUM

from the rear of the property to the front, where it is collected into a roadside swale, which in turn conveys runoff to collection canals. With the proposed variance, the applicant needs to demonstrate that no adverse runoff shall be directed on to Ms. Ferriera's property. As a resident of 22 years and the increase of storm activity in recent years, additional runoff is a great concern of hers. Proper collection of rainwater via gutters and downspouts, along with proper grading directing to the front, is more challenging with less rear yard, which approval of this variance causes.

Approval of this variance is not recommended. Given valid stormwater concerns and the ease of a design that produces minimum encroachment of existing setbacks, a more appropriate step would be a permit alteration. The review of the special conditions provided does not justify approval of P23-097. A structure of less overall square footage (more consistent with the existing surrounding homes) and sound engineering as to the placement, can significantly reduce and/or eliminate the need for a variance in its entirety. The fact that the applicant/owner decided to commence construction without approval to deviate from code, when the application indicating foreknown knowledge of such setbacks, does not constitute financial hardship or justify negative impacts to adjacent property owners. Furthermore, as an experienced home builder/developer in the area, special exemption cannot replace proper due diligence.

A rebuttal to the explanations provided by the application, along with all other reference material is provided below.

David B. Beyer, P.E.
License # 77386
13903 Arbor Glen Ct., Orlando, FL 32832
407-405-8610
Davebeyer44@gmail.com

REFERENCE MATERIAL

Special Conditions Rebuttal:

P23-097 Monna Homes, LLC – Variance

- 1) *Please explain special conditions and circumstances that 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. This is not a standard shape lot and has some limitations, but are not surpassable.*
- 2) *Please explain if these conditions and circumstances result from actions by the applicant; As stated by the applicant, the lot was platted this way and the applicant had foreknowledge of such prior to purchasing and obtaining a permit.*
- 3) *Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district. A special privilege would be provided by allowing a building footprint larger than the surrounding homes and allowing construction to commence prior to a needed variance to do so.*
- 4) *Please explain how a 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; There is no issue with the applicant constructing a single-family home. Any financial loss would be from actions taken as a result of undue process and risky business decisions to process at their own risk knowing there was a setback deviation.*
- 5) *Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure; The variance is clearly NOT the minimum variance needed. A less impactful solution is provided below.*
- 6) *Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise determined to the public welfare; It has already been demonstrated that a less impactful solution is achievable. Just the idea of allowing a deviation of the rear setback has already caused harm to the physical welfare to the adjacent property owner's existing medical condition in the terms of undue worry and stress of excessive runoff and expectation of anticipated eyesore of having a home in close proximity unlike what exist with the surrounding neighbors.*
- 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 begun or completed, or both. The applicant has already set the precedence for not complying or following due process, as well as risky decisions.*



City of Port St. Lucie Building Department

121 SW Port St. Lucie Blvd

Port St. Lucie, FL 34984

772-871-5132 - Web Site: <http://www.cityofpsl.com>

To Schedule Inspections

<http://pandapublicweb.cityofpsl.com>

Permit #: 2318675

Single Family Residence

CONSTRUCTION UNDER THIS PERMIT WILL BE DONE IN ACCORDANCE WITH THE FBC 7th Edition (2020)

PROPERTY ADDRESS: 520 SE CLIFF RD				Parcel ID 342069005760008	
LEGAL DESCR	SECTION 39	BLOCK 2655	LOT 18		
OWNER		MAIL ADDRESS 569 Sanderling Circle	ZIP 33442	PHONE (954) 815-2700	
				CELL (954) 815-2700	
CONTRACTOR BELA VISTA CONTRACTORS INC		MAIL ADDRESS 750 E SAMPLE ROAD, 3-2	ZIP 33064	STATE LIC. # CGC1508411	
				PSL COMP # 15148	
CONTRACTOR E-mail Address BELAVISTACONTRACTORS@GMAIL.COM			PHONE 9546443121	FAX #	CELL
Applied Date 4/27/2023	Received By Web	After the Fact NO			

SPECS

Description of work	SFR - 4/2/2 - 1 STORY
Square feet living	1844
Square feet non-living	508
Total square feet of SFR	2352
Valuation per square foot	62.50
Total valuation	147000
# of stories	1
# of Bedrooms	4
Roof Type	SHINGLE
City water	YES
City sewer	YES
Septic tank permit #	NA
Use zone	SFR
Special conditions	CBS _ R-19, 11, 4.1 _ SHINGLE ROOF _ FFE 13.71 NAVD
FFE	13.71 NAVD
Right Side setback	12.57
Left Side setback	10.49
Rear setback	31.57
Front setback	25.06
Flood hazard	X
Ceiling R-Value	19
SEER	16
EPI	PASS
Heating Type	ELECTRIC HEAT PUMP
Wind Speed	165
Type of Construction	VB
Property Use	SFR
Construction Material	CBS
Affordable Housing?	No

Application date after Approval date.

THIS PERMIT BECOMES NULL AND VOID IF CONSTRUCTION OR WORK AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS COMMENCED.

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS AND AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the forgoing information is accurate and that all work will be done in compliance with all applicable laws regulating to construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.

IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

MARCIO SILVA

Contractor Signature



CITY OF PORT ST. LUCIE

PUBLIC WORKS DEPARTMENT

Residential (Single-Family) & Pool Permit Application

June 2022

Per City Ordinance 57.01 "Commercial and Residential Permits will be valid for a period of one year after date of issuance/approval. If no site work has occurred within this time, the permit is null and void and no fees will be refunded."

RP# 63933
PERMIT#

Check One: <input checked="" type="checkbox"/> Inside Lot		<input type="checkbox"/> Corner Lot	<input type="checkbox"/> Pools (No Spas)	<input type="checkbox"/> Additional Driveway	<input type="checkbox"/> Curb/Gutter (Developments)
Home Owner Builder: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Contractor Key # (From Bldg. Dept.): 34810			
Licensed Name: BELA VISTA CONTRACTORS INC			Builder/Home Owner Bldr. Name:		
Phone: 954-448-0022			Affordable Housing (involving federal, state, or local funds): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Contact Name: Marcio Silva			Email: belavistacontractors@gmail.com		
Driveway Material: <input checked="" type="checkbox"/> Concrete		<input type="checkbox"/> Pavers	<input type="checkbox"/> Asphalt	<input type="checkbox"/> Other:	
Pool Deck Material: <input type="checkbox"/> Concrete		<input type="checkbox"/> Pavers	<input type="checkbox"/> N/A		
Property Information: Lot: 18		Block: 2655	Section/Unit or Subdivision/Plat: 39		
Address: 520 SE CLIFF RD					
I, <u>Marcio Silva</u> , intending to be legally bound, hereby certify that the work authorized by the issuance of this permit will be installed in accordance with all applicable Port St. Lucie City Codes of Ordinances and other appropriate permits.					

Stakeouts typically take 4-6 weeks after request.

Please do not write below

Approval date prior to Application date.



Minimum required setback: Front 25 Left side 10 Right side 10 Rear 25

Minimum required FFE (Finished Floor Elevation): 13.71 NAVD

(NOTE: For Building in special Flood Hazard areas, the finished floor elevation must be at least 1 foot above the base flood elevation.)

Rejection #1 Fee: _____ Rejection #2 Fee: _____ Rejection #3 Fee: _____

For questions regarding PLOT PLAN rejections please call the Public Works Reviewer at (772) 871-5177

If the proposed residence will be built across 2 lots, the following utility companies must be notified in order to vacate the two 6-foot side easements.

Comcast:	Anthony Springsteel	Anthony_Springsteel@cable.comcast.com	772-321-3425
AT&T	Mr. Ivan Arill	Ia7286@att.com	321-388-9719
FPL:	April Parker (Everything west of Turnpike, Crosstown south Bayshore up to Foresta, Southbend, and Becker Rd.)	April.Parker@fpl.com	
FPL:	Laura Goez (Crosstown north, St. Lucie West, Torino, Bayshore up to St. James to Midway Rd.)	Laura.Goez@fpl.com	
Florida City Gas:	Generic Mailbox	FCG-Engineering.SharedMailbox@nexteraenergy.com	

PIPE TO BE
SIZED AT
STAKEOUT

Other: MINIMUM 12" TEMPORARY PIPE REQUIRED IN CITY RIGHT OF WAY
PER CODE 51.04(4)(E) - 80% IS THE MAXIMUM PERMISSIBLE
IMPERVIOUS AREA ALLOWED

* For Pool Permit Only * Final Inspection Approval Date: _____ Inspector: _____

General Permit Requirements

1. The work performed shall not adversely affect the public's health, safety, or general welfare, and shall be conducted and maintained in a safe and sanitary condition at the sole cost, risk, and responsibility of the permittee. The City may issue a stop work order for any work that is creating a threat to the public's health, safety, or general welfare, or if the work is not in accordance with the approved permit.
2. The City reserves the right to require additional requirements or reject the request if the permittee has failed to comply with the requirements of a permit.
3. The work shall be completed in accordance with the approved permit.
4. The permittee shall notify the city for the following inspections: culvert, stakeout, driveway, and final.
5. The work shall not alter the material, slope, or finish of a sidewalk that is adjacent to or bisects the driveway.
6. Contractors will be responsible for the repair of any roadway damaged during construction. When damage to roadway is noted, a police report as well as damage claim will be filed. The City will then contract with an appropriate vendor to conduct repair. The contractor will be responsible for all costs associated with the repair and will be contacted by the City's Risk Management Department for subrogation.
7. Any time a sidewalk is being removed; a sidewalk closure request form is required. (See requirements on the link below).
<https://www.cityofpsl.com/government/departments/public-works/commercial-residential-review-permitting>
8. Must install silt fence along all ditches, canals, or waterways.
9. Must protect all City culvert pipes from debris. Contractor may be required to clean all City pipes if not protected during construction.

I, Marcio Silva, intending to be legally bound, hereby certify that the work authorized by the issuance of this permit will be installed in accordance with all applicable Port St. Lucie City Codes of Ordinances and other appropriate permits and that I have read and acknowledge the General Permit Requirements as provided above.

BOUNDARY SURVEY

LEGAL DESCRIPTION:
(Supplied by Client)

LOT 18 IN BLOCK 2655 OF PORT ST. LUCIE SECTION THIRTY NINE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 30, PAGES 30A THROUGH 30NN, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

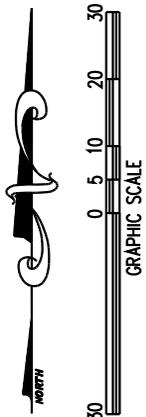
ABBREVIATIONS:

SET = SET 5/8" IRON REBAR WITH YELLOW CAP MARKED "PSM5543"
 FD = FOUND 5/8 IRON REBAR
 R/W = RIGHT OF WAY
 (M) = MEASURED
 (P) = PLATTED
 (C) = CALCULATED
 R = RADIUS OF CURVE
 L = LENGTH OF CURVE
 D= DELTA OF CURVE
 FFE = FINISHED FLOOR ELEVATION
 OH-OH-OH- = OVERHEAD WIRES
 X-X-X- = CHAINLINK FENCE
 □-□-□- = PLASTIC FENCE
 O-O-O- = WOOD FENCE
 CONC. = CONCRETE
 C.P. = CONCRETE PAD
 Cov. = COVERED

 WATER METER
 POWER POLE
 ELECTRIC BOX

SURVEYORS NOTES:

1. UNLESS OTHERWISE NOTED ONLY PLATTED EASEMENTS ARE SHOWN HEREON.
2. ALL LOT DIMENSIONS SHOWN ARE PER PLAT UNLESS OTHERWISE SHOWN.
3. NO UNDERGROUND UTILITIES OR IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE SHOWN.
4. THIS SITE LIES WITHIN FLOOD INSURANCE RATE MAP ZONE X MAP# 12111C0289 K DATED: 2-19-20.
5. FLOOD ZONE SHOWN HEREON IS AN INTERPRETATION BY THE SURVEYOR AND IS PROVIDED AS A COURTESY. THE FLOOD ZONE SHOULD BE VERIFIED BY A DETERMINATION AGENCY.+
6. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 6 AS BEING N14°24'02"E ACCORDING TO THE PLAT DESCRIBED HEREON.
7. P.U.D.E. DENOTES PUBLIC UTILITIES AND DRAINAGE EASEMENT, U.E. DENOTES UTILITY EASEMENT.
8. THE ACCURACY OF THIS SURVEY IS PREMISED ON THE EXPECTED USE OF THE SURVEY. THE EXPECTED USE/PURPOSE OF THIS SURVEY IS HOME CONSTRUCTION. ACCURACY=1 FOOT IN 7.500 FEET OR BETTER.
9. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY ANYONE OTHER THAN THE SIGNING SURVEYOR IS PROHIBITED WITHOUT WRITTEN CONSENT.

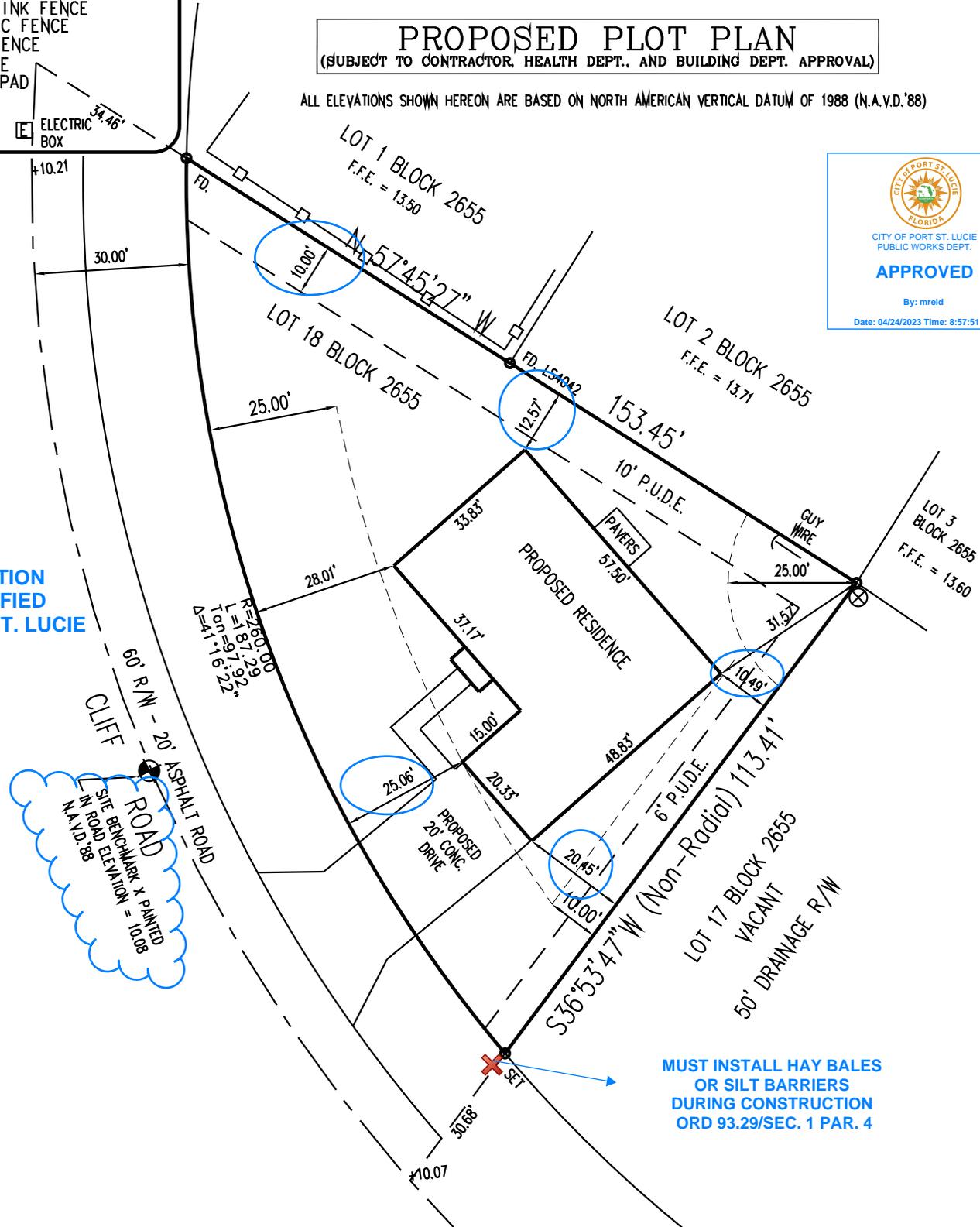


PROPOSED PLOT PLAN
(SUBJECT TO CONTRACTOR, HEALTH DEPT., AND BUILDING DEPT. APPROVAL)

ALL ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.'88)



PLAN INFORMATION NOT FIELD VERIFIED BY CITY OF PORT ST. LUCIE



520 SE CLIFF ROAD	
SCALE: 1"=30'	Atlantic Land Designs
DATE: 4/20/23	of the Treasure Coast, LB7468
DRAWN: JC	754 NE Jensen Beach Blvd. Jensen Beach, FL 34957
2023-0268	Mailing Address:
DATE:	P.O. Box 1421 Jensen Beach, FL 34958
REVISIONS	ALD5543@gmail.com (772) 398-4290
LAST FIELD DATE: 4/13/23	

Certified to: Bela Vista Contractors, Inc.
(954) 815-2700

I hereby certify that the survey shown hereon is true and correct and is based on actual measurements taken in the field.

DocuSigned by:
James Cesiro
A1338D8A59FD4C1...



NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL