

**CITY OF PORT ST. LUCIE  
BOARD OF ZONING APPEALS MEETING MINUTES  
JANUARY 9, 2012**

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 January 9, 2012, at 6:45 p.m., at PORT ST. LUCIE CITY HALL, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**1. CALL TO ORDER**

**2. ROLL CALL**

Council Members

Present: Mayor JoAnn M. Faiella  
Vice Mayor Linda Bartz  
Councilwoman Michelle Lee Berger  
Councilman Jack Kelly

Members Not

Present: Councilwoman Shannon M. Martin

Others Present:

Jerry A. Bentrrott, City Manager  
Edward Cunningham, Communications Director  
Joel Dramis, Building Official  
Pam E. Booker, Senior Assistant City Attorney  
Daniel Holbrook, Planning and Zoning Director  
Karen A. Phillips, City Clerk  
Jack Reisinger, Building Department Manager  
April C. Stoncius, Deputy City Clerk

**3. PUBLIC HEARING - ZONING APPEAL 12-1,** APPEAL THE DECISION OF THE PLANNING & ZONING BOARD ON NOVEMBER 1, 2011, TO (1) GRANT A VARIANCE OF 5.4 FEET TO ALLOW A SIDE YARD SETBACK OF 4.6 FEET FOR AN EXISTING HOUSE, AND (2) TO GRANT A VARIANCE OF 5.4 FEET TO ALLOW A SIDE YARD SETBACK OF 0.6 FEET FOR AN EXISTING CONCRETE PAD (4'X 15') ON THE SAME SIDE OF THE HOUSE TO CONFORM TO CODE, P11-115.

Mr. Holbrook said, "Before you are two variances for the side yard setback for the primary structure, which is 10 feet, and the accessory structure setback, which is 6 feet. The request is for a 5.4-foot setback for each variance. Staff recommends approval on the condition that if the concrete pad causes a drainage issue, the homeowner shall be responsible for removing it and restoring the terrain within 30 days of receiving written notice from the Engineering Department. In the event that the concrete pad is not removed and the terrain restored within 30 days of the homeowners' receipt of the notice, the City shall remove the pad and the homeowner shall reimburse the City for all costs incurred for the removal and restoration. That Staff Report was presented to the Planning and Zoning Board on November 1, 2011. There was a motion

to approve, which failed by a 4 to 3 vote. The Board is required to have 5 votes for a variance approval. A number of issues were raised about the survey, and the impacts to the abutting properties. Interestingly enough, it is a relative of the owner who owns the property adjacent to it. Since the variance was appealed, new materials have been presented to the City that are in your packet. One is a signed and sealed Survey Statement from the original surveyor. The other is a letter from the property owner of the vacant lot, which is immediately to the east." Mayor Faiella clarified, "The owner did purchase the property when it had an existing hardship." Mr. Holbrook replied in the affirmative. Councilman Kelly inquired, "Have we had any problems with this surveyor in the past?" Mr. Holbrook responded in the negative.

Mayor Faiella opened the Public Hearing.

**MIKE MCCARTY**, McCarty and Associates Land Planning and Design, said, "I'm the agent for Mr. Sorrentino. We went in front of the Planning and Zoning Board on November 1, 2011. They raised a couple of concerns with three different items. We supplied the information requested to resolve those items, and the only other item was a maintenance issue regarding who would be able to maintain the air conditioner. It is very common that if there is a tight spot, a crane can be used to lift the piece of equipment. We don't have a problem with the reduction. If you have any questions regarding the materials that were submitted as a supplement to the appeal, I'd be happy to answer any questions. Thank you." Councilman Kelly asked, "How long has Mr. Sorrentino owned the property?" Mr. McCarty replied, "Since 2010." Councilman Kelly questioned, "When he purchased it, did he know there was a problem with the survey?" Mr. McCarty answered, "No, sir. He purchased it with cash, and with the existing hardship. In order to correct it, we need a variance. Otherwise, who knows what will happen with the property? Hopefully, he doesn't walk away from it, but that is why we are here today." Councilman Kelly explained, "To me, a hardship is something that the City may have caused, but this is a hardship that he had. He didn't have a chance to do his due diligence as a person would normally do. It is not a hardship that was put upon him by the City. It is due to a bad survey." McCarty stated, "Correct. It was a simple survey error. There were some assumptions that the surveyor was a repeat customer with the City, as far as some survey issues. He is not that entity, and he is here today. He has been in business for over 20 years. This is just one of those rare instances where a mistake was made. He is before you today to try to correct the issue."

There being no further comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve the setback variances, with the conditional approval as mentioned. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Zoning Appeal 12-1 for the house and the concrete pad with the stipulations as stated. The **motion passed**

**unanimously** by roll call vote.

**4. ADJOURN**

There being no further business, the meeting adjourned at 6:55 p.m.

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Karen A. Phillips, City Clerk

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April C. Stoncius, Deputy City Clerk