

McCarty & Associates
Land Planning and Design
www.McCartyLandPlanning.com
729 SW Saint Lucie Crescent ▪ Stuart, FL 34994
772/341-9322

November 15, 2011

VIA HAND DELIVERY

City Clerk ~~Carron~~ Phillips *Karen*
121 S.W. Port St. Lucie Blvd.,
Port St. Lucie, FL 34984

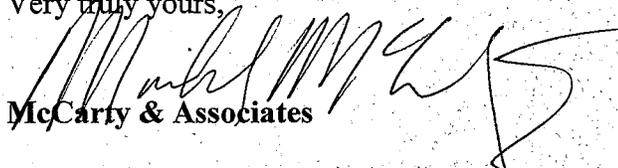
Re: *Karen* **Sorrentino Residence- P11-115 Variance Request Appeal**

Dear ~~Carron~~ Phillips:

Please accept this letter as an official appeal request to the P&Z decision during the November 1, 2011 hearing. The P&Z voted 4-3 on the item which requires an appeal to the City Council.

If you have any questions or require any additional materials please do not hesitate to call. We thank you and look forward to working with you.

Very truly yours,


McCarty & Associates

Michael T. McCarty
Principal
Mike@McCartyLandPlanning.com

NOV 15 '11 PM 12:45



CITY OF PORT ST. LUCIE

CITY CLERK'S OFFICE



A CITY FOR ALL AGES

"A City for All Ages"

December 8, 2011

CERTIFIED MAIL

McCarty & Associates
Land Planning and Design
729 SW Saint Lucie Crescent
Stuart, FL 34994

Dear Mr. McCarty,

RE: 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.

Please consider this a notice of **Public Hearing** before the City Council serving as Board of Zoning Appeals to be held on **Monday, January 9, 2012, at 6:45 p.m.** or as closely thereafter as business permits, at the Port St. Lucie Council Chambers, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

Any back-up material you wish to have put into the meeting packet should be in the City Clerk's office by 12:00 noon on Wednesday, January 4, 2012.

If you should have any questions, please do not hesitate to contact me at 871-5157.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. Phillips".

Karen A. Phillips, CMC
City Clerk

cc: Daniel Holbrook, Director Planning & Zoning
Pam E. Hakim, Assistant City Attorney
Thresiamma Kuruvilla, Planner

an update on that?" Mr. Holbrook replied, "We have Comprehensive Plan Amendments, Zoning Text Amendments, and Special Exception Uses. The Board can make a recommendation to approve, or a recommendation to approve with conditions, and those conditions can either be established by staff, placed by the Board, or they can recommend denial. An additional option that the Board has, which typically they don't use, is to table a project. That occurs when additional information or research needs to be done either by the Board or the applicant, or new information has come forward and there hasn't been sufficient time for the Board to digest that information. We do have a variance application which is the first item, and variances do receive their approval or denial by this Board. All other items are recommendations that are forwarded to the City Council."

7. PUBLIC HEARINGS

Chair Parks stated, "The applicant or agent for the applicant must be present. If no representative is present for the application, it may be tabled to the following month's meeting. Anyone wishing to speak on any item may approach the podium after the issue has been opened for the public to comment. Each person wishing to speak may do so for not more than three minutes. Please state your name when you come to the podium. You may speak only once for each agenda item. Your comments and concerns are very welcome. However, we must maintain order and provide time for everyone."

A. P11-115 MICHAEL SORRENTINO - VARIANCE

Ms. Kuruvilla said, "The applicant is Michael McCarty of McCarty Associates Land Planning and Design, and the owner is Michael Sorrentino. The property is located at 482 SW South Quick Circle, south of Becker Road, and is legally described at Lot 21, Block 2369, Port St. Lucie Section 34. The existing zoning is RS-2, and there is a single-family house on this lot. The size of the lot is 0.23 acres. The applicant is requesting two variances. One is to grant a variance of 5.4 feet to allow a side-yard setback of 4.6 feet for an existing house. The second one is to grant a variance of 5.4 feet to allow a side-yard setback of 0.6 feet for an existing concrete pad (4'x15') on the same side of the house to conform to Code. The applicant's response to the ratings criteria is in the staff report. When the form boards were surveyed on August 7, 2001, by Robert Bloomster, Professional Land Surveyor of Bloomster Professional Land Surveyors, Inc., the side-yard setback of 10.5 feet was indicated on both sides of the house. The as built survey/form board survey, Exhibit 1, received from the Building Department

is attached. Exhibit 2 is a copy of the permit from the Building Department. Exhibit 3 is the latest survey prepared by the same surveyor, dated October 13, 2011. It shows a side setback of 4.6 feet on the east side and 16.4 feet on the west side. As per the Zoning Code, Section 158.073(H)(2), Yard Requirements, the required side setback for a residence is ten feet, whereas the applicant's existing house has only 4.4 feet on the east side. Hence, the variance is 5.4 feet. The survey shows a 4'x15' concrete pad for the air conditioning unit on the east side of the house. For the record, the clear distance of the concrete pad from the property line was shown as 0.79 feet, but the latest survey dated October 13, 2011, shows 0.6 feet clear distance from the property line."

Ms. Kuruvilla continued, "As per Section 158.217(C)(n), Accessory Uses and Structures, concrete pads shall not extend any closer than six feet to side lot line. Hence, the variance is 5.4 feet for the concrete pad. The property owner stated that the original form board survey is incorrect, and that in the attached cover letter dated October 6, 2011, the current owner purchased the property with the existing hardship, and through research found out that a simple surveying error had occurred during the construction. Staff feels that special circumstances exist which are peculiar to the building involved. A notice has been sent to all neighbors within a 300-foot radius, and the Engineering Department has no additions to this variance application. The applicant has provided no objection letters from FP&L, AT&T, Comcast, and Florida City Gas to the abandonment of the six-foot easement located on the east side of this property. The Engineering Department is processing an Abandonment of Easement for 1.4 feet of the six-foot drainage easement on the east side of the house (Exhibits 4 and 5). It is understood that the Engineering Department will not abandon the entire easement; therefore, the homeowner would be responsible for removing the concrete pad if it causes a drainage issue. The Planning and Zoning Department finds the requests to be consistent with the variance criteria as stipulated in Section 158.295(C) of the Zoning Code and recommends approval of the variance of 5.4 feet for the existing house. The Planning and Zoning Department recommends approval of the variance of 5.4 feet for the existing concrete pad with the following condition: If the concrete pad causes a drainage issue, the homeowner shall be responsible for removing 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 homeowner's 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."

Ms. Kuruvilla stated, "I also want to note that Section 158.302, Appeal from Decision, reads, 'A decision of the Planning and Zoning board to deny or approve a request for a variance may be appealed by the affected party with standing to the Board of Zoning Appeals within 15 days of the date of the Planning and Zoning Board's decision provided that written notice of the appeal shall be filed with the City Clerk within that period of time. Decisions by the Board of Zoning Appeals or unappealed decisions by the Planning and Zoning Board shall be considered final.'" Secretary Blazak asked, "Was the easterly lot owner notified?" Ms. Kuruvilla replied in the affirmative. Secretary Blazak asked, "Did they have any objections?" Ms. Kuruvilla replied, "When I talked with the owner, he said that his brother owns that lot." Secretary Blazak asked, "Is he fine with that? Do we have confirmation of that?" Chair Parks replied, "Perhaps we could address this when we have the presenter come up. In that way the gentleman who owns the property would have access to the microphone, so that it would be audible to everyone." Mr. Ojito asked, "Does the pad have an air conditioning unit on it?" Ms. Kuruvilla replied in the affirmative. Mr. Gardner asked, "Is Exhibit 3 from the same surveyor who originally surveyed in 2001?" Ms. Kuruvilla replied in the affirmative. Mr. Gardner noted, "So he's still in business. Is he here today?" Ms. Kuruvilla replied in the negative. Vice Chair Rooksberry asked, "Is this the same surveyor that we have had so many problems with?" Ms. Kuruvilla replied in the affirmative.

MICHAEL MCCARTY, McCarty Land Planning and Design, said, "The original surveyor was Bob Bloomster, and during the survey in the field when they were setting the form boards, an error was made. The house was constructed in 2002, and the property was then sold to Michael Sorrentino. He is also trying to resolve some issues with the bank, financing, and what not to try and move forward. The bank has done some due diligence in the title. If there is any type of encroachments or non-conformities, then we have an issue. That's why we're here today. In regard to Mr. Bloomster, he is still in business, and it was an error on his part. We meet all of the Codes and requirements for a variance, and we've worked with the Engineering Department. We've had all of our letters received from the different service providers, and we have no objections from any of those entities." Mr. Gardner asked, "Has there been any attempt or discussion about merging the two properties?" Mr. McCarty replied, "Currently, they don't wish to combine the lots. His brother would also like to build a house. He doesn't have any problem with the variance request. If you look at some of the photos we have, there are currently no lines located within this easement. If you look down the block, the power service runs down the west side and on the east side of the vacant lot. There really hasn't been any

discussion in combining the lots." Mr. Gardner commented, "I personally don't have an issue with the variance. It's obviously not the applicant's fault at all. It was a mistake, and you can't expect him to take his house back by ten feet. The problem is that even if the brother owns the property next door, at some point someone else is probably going to own that property with a house built on it that's eleven feet from wall to slab of the next house. It seems like that creates an undue hardship on the vacant lot owner or who would potentially own it and have a house there, and not necessarily the applicant."

Mr. McCarty pointed out, "They would be able to meet the side setback on that vacant property, so it's staff's and my opinion that there would not be an adverse effect on that property owner if the current property owner has no problem with it." Mr. Ojito asked, "Is the intent to abandon or keep the easement?" Mr. McCarty replied, "The easement is to remain except for the portion that's encroached by the house." Mr. Ojito asked, "Are you going to have some kind of waiver from the utility companies?" Mr. McCarty replied, "Yes. We received all of the letters required." Mr. Ojito asked, "Are you going to have some kind of legal document that's going to be recorded?" Mr. McCarty replied, "I believe the conditions will be recorded, and we have letters saying that they have no objection. We don't have a problem with the condition within the staff report regarding the removal and restoration of that area." Mr. Ojito remarked, "The other concern I have is that it's just not a concrete pad. There's equipment on that pad, and the distance between the unit and the property line, and whether that's going to create some kind of service clearance issue if they put a fence on the property." Mr. McCarty said, "I don't think we have any issue with that. I think there's enough room there to be able to maintain those units."

Secretary Blazak stated, "I see the original survey that was submitted and signed off on that shows the correct setbacks, and then the one that was submitted and stamped October 11. The date of the field work is still 03/20/01. Did we actually survey this again?" Mr. McCarty replied, "They did go out in the field. They just had to make some adjustments." Secretary Blazak noted, "I see the revisions, but the date of the field work is 03/20/01." Mr. McCarty noted, "The field work was done. There were some dimensional issues that we had to clarify." Secretary Blazak asked, "Are you confirming on behalf of Mr. Bloomster. . . ?" Mr. McCarty replied, "I'm not the surveyor." Secretary Blazak asked, "Was it surveyed again and is this correct, or was it just corrected based on. . . ?" Mr. McCarty replied, "I would have to defer to him and he's not here today. As far as I know it's correct." Mr. Battle asked, "Will this affect the brother's

home if he decides to build on that location?" Mr. Holbrook replied, "There is no proposed change to the property boundaries. The vacant property to the east would still have to meet all required setbacks. Without any changes to the property lines he would still be able to build and develop within his property. If this is approved, the house is just going to be closer to the property line than what typically is required within the Zoning District." Chair Parks asked, "What was the purchase date of this property?" Mr. McCarty replied, "August 23, 2010." Chair Parks asked, "Was he aware of these conditions when he purchased the property?" Mr. McCarty replied in the negative. Chair Parks asked, "Aren't there some legal issues here?" Mr. McCarty replied, "He purchased the property with cash, so it's up to him to do the due diligence as far as title work. You can buy anything for cash. Unfortunately, the due diligence should have been done prior to the purchase."

Mr. Battle asked, "Can we get something to the surveyor to prevent him from creating further problems?" Ms. Hakim replied, "What this Board has done in the past when we've had issues with the surveyor is to send a letter to the Department of Business and Professional Regulations to report the errors. Then it's up to them what action they take against his license, if any. However, it would be noted in the record if someone else checked on this individual or his company that there have been complaints due to the quality of his work." Vice Chair Rooksberry asked, "Did Mr. Rich follow-up on this? He sent letters of complaint against the surveyor to the state." Ms. Hakim replied, "That's correct." Mr. Gardner asked, "Are the releases from the utility companies binding?" Ms. Hakim replied, "Those are sufficient. It's not that we need a legal document to actually create that. The Engineering Department would not process this without those letters from those utility companies verifying that they don't have utilities in this area that they're requesting abandonment for. I believe if the utility companies had utilities in there, this wouldn't come before you. They would have to sort this out through other legal means." Chair Parks noted, "You mentioned that the brother of the owner of the property agreed to this. However I don't see a letter from him in my packet, so it's just word of mouth." Mr. McCarty commented, "Correct, but we don't have a letter of objection either. Everyone has been notified of the issue as per your notification requirements, and we have no objection. His brother is here and spoke that there's no objection."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Vice Chair Rooksberry **moved** to recommend approval of P11-115. Mr. Gardner **seconded** the motion, which **failed** by roll call vote, with Vice Chair

Rooksberry, Mr. Battle, Mr. Gardner, and Mr. Martin voting in favor, and Secretary Blazak, Chair Parks, and Mr. Ojito voting against. Secretary Blazak said, "I'm voting no based on the fact that we don't have certified information from the surveyor that this current survey is correct." Chair Parks stated, "Insufficient information has been given that has validity to it."

B. P11-122 CITY OF PORT ST. LUCIE - CHAPTER 153, LANDSCAPE; LAND CLEARING CODE AND CHAPTER 158, ZONING CODE - TEXT AMENDMENTS

Ms. Cox said, "At the Summer Retreat the City Council discussed shared Dumpster enclosures as part of the Regulatory Rethink presentation. For small projects, the sharing of Dumpster enclosures would allow more flexibility and save space on the smaller sites. It was the consensus of Council for staff to bring back language on the shared Dumpster enclosures. The proposed Text Amendments before you would allow minor projects that are less than 10,000 square feet or fewer than 50 dwelling units to share the enclosures. They would be required to have an agreement for the perpetual joint use and maintenance of the enclosure, the agreement would also have to specify how the monthly pickup fee would be divided, and name the property owner who would be responsible for the payment of that fee. Staff is also proposing that the regulations regarding the Dumpster enclosures be moved from the Landscaping Code to the Zoning Code under a new section, which would be 158.232 and titled 'Refuse Collection and Recycling Areas.' Staff recommends approval of the proposed Text Amendments as shown in Exhibit A of the staff report. We've also reorganized that entire section so that it's easier to follow."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Vice Chair Rooksberry **moved** to recommend approval of P11-122. Mr. Gardner **seconded** the motion, which **passed unanimously** by roll call vote.

C. P11-124 KOLTER GROUP/PEACOCK PROPERTY - LARGE SCALE COMPREHENSIVE PLAN AMENDMENT

Mr. Finizio said, "The applicant is Cotleur & Hearing, Inc., and the applicant is the Kolter Group, LLC. The property is located west of I-95, east of Glades Cut-Off Road, and north of the intersection of Village Parkway and Crosstown Parkway. The size of the parcel is approximately 46.86 acres, and the existing zoning is AG-5, which is a St. Lucie County zoning designation. The site is currently vacant. The existing land use designation is General Commercial, Medium Density Residential, and Open



City of Port St. Lucie

Planning and Zoning Department Memorandum

TO: PLANNING AND ZONING BOARD - MEETING OF NOVEMBER 1, 2011

FROM: THRESIAMMA KURUVILLA, PLANNER

RE: VARIANCE APPLICATION (PROJECT NO. P11-115)
MICHAEL SORRENTINO

DATE: OCTOBER 25, 2011

APPLICANT: Michael T. McCarty of McCarty Associates Land Planning and Design. Authorization letter is attached.

OWNER: Michael Sorrentino

LOCATION: It is located at 482 SW South Quick Circle, Port St. Lucie.

LEGAL DESCRIPTION: Lot 21, Block 2369, Port St. Lucie Section 34.

SIZE: 0.23 Acres (10,000 square feet)

EXISTING ZONING: RS-2 (Single Family Residential)

EXISTING USE: Single family house.

REQUESTED VARIANCE: (1) Request to 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'x15') on the same side of the house to conform to code.

SURROUNDING USES: North = RS-2 (Single Family Residential), and drainage right-of-way; East = RS-2 (Single Family Residential), vacant lot; South = RS-2 (Single Family Residential), and South Quick Circle; and West = RS-2 (Single Family Residential), vacant lot.

IMPACTS AND FINDINGS

Evaluation of Variance Criteria (Section 158.295(C):

A) 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.

a) Applicant response: The applicant says that the house was constructed in 2002 and does not meet the required side setback of 10' on the east side of the property along with a 6' concrete slab set back. The variance request is to lawfully permit the reduced setback to 4.6' for the residential structure and concrete slab set back as depicted on the attached survey. The reduction to the side setbacks will not have an adverse impact on the neighboring property. Other properties throughout the City of Port St. Lucie have had similar situations and the same course of action was taken to correct the unintentional nonconformity.

b) Staff evaluation: When the form boards were surveyed on August 07, 2001 by Robert Bloomster, Professional Land Surveyor of Bloomster Professional Land Surveyors, Inc., the side yard setback of 10.5 feet was indicated on both sides of the house. The As Built survey/form board survey Exhibit (1) received in the Building Department is attached. The attached Exhibit (2) shows the permit from the Building Department.

The latest survey prepared by the same surveyor dated 10/13/11 Exhibit (3) shows a side setback of 4.6 feet on the east side and 16.4 feet on the west side. As per the Zoning Code Section 158.073 (H) (2) - Yard Requirements, the required side setback for a residence is 10 feet, whereas the applicant's existing house has only 4.6 feet, and hence the variance is 5.4 feet. The survey also shows a 4'x15' concrete pad for the air conditioning unit. The clear distance of the concrete pad from the property line is shown as 0.6 feet. As per Section 158.217 (C) (n)-Accessory uses and structures, concrete pads shall not extend any closer than 6 feet to side lot line. Hence the variance is 5.4 feet for the concrete pad. The property owner stated that the original form board survey is incorrect. The applicant says in the attached covering letter dated Oct 6, 2011 that the current owner purchased the property with the existing hardship and through the research he found out that a simple surveying error had occurred during the construction. Staff feels that special circumstances exist which are peculiar to the building involved.

B) That the special conditions and circumstances do not result from any action of the applicant.

a) Applicant response: The applicant states that the situation was not self inflicted by the applicant. The property was owned by a different individual at the time the condition was created. The encroachment was unintentional and needs to be corrected by approval of the variance request for the reduction in primary structure side setback to 4.6 feet and concrete slab set back of 0.6 feet.

b) Staff evaluation: The As Built survey/form board survey (Exhibit 1) received in the Building Department shows 10.5 feet side setbacks on both east and west sides, which is inaccurate. This condition did not result from any action of the applicant but rather the surveyor.

C) 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.

ITEM 7A

a) Applicant response: Other properties throughout the City of Port St. Lucie have had similar situations and the same course of action was taken to correct the unintentional nonconformity.

b) Staff evaluation: The staff conducted some research on similar variance requests, and the actions were found out as follows.

(1) P92-86-Lot 1, Block 374, Section 13. The Planning and Zoning Board on 10/5/92 approved the variance of 2.7 feet on the rear yard setback to allow a rear yard setback of 22.3 feet and also for the driveway encroached into the rear yard drainage and utility easement on condition that future construction must comply with all applicable codes.

(2) P93-002-Lot 10, Block 2879, Section 40. The screened pool enclosure was encroaching into the drainage and utility easement on the rear setback. The Planning and Zoning Board on 3/1/93 unanimously approved the 1.6 foot variance request to allow an 8.4 foot rear yard setback for an existing screened pool enclosure on condition that they should contact the City Engineering Department to request an abandonment of easement for the screened pool enclosure.

(3) P99-206-Lot 29, Block 2, Villas of Sandpiper Bay, Unit 2. The Planning and Zoning Board on 9/8/98 approved the variance of 8.3 feet to allow a rear yard setback of 6.7 feet for a proposed screened room on condition that a form board survey is required to be submitted to the Building Department prior to pouring the slab for the addition.

(4) P02-242-Lot 23, Block 431, Section 3. The request was for a 5.5 foot variance to allow a setback of 44.5 feet from the mean high water line of the Coral Reef Waterway for a proposed pool deck and screen enclosure. The Planning and Zoning Board on 10/7/02 approved the variance on condition that a form board survey is required to be submitted to the Building Department prior to construction of pool and deck, and to provide a 15 feet native vegetation from the mean high water line.

(5) P04-585-Lot 28, Block 460, Section 26. The Planning and Zoning Board on 2/7/05 approved the variance of 5.11 feet to permit a rear yard setback of 19.89 feet for the existing single family residence with screen room.

(6) P08-055-Lot 6, Block 1105, Section 9. The request was for a variance of 13 feet to allow a rear yard setback of 12 feet for an addition of a porch roof. The Zoning Board of Appeals approved the variance on 5/9/08.

(7) P10-072 Lot 14, Block 2808, Section 40. The request was (1) to grant a variance of 3.31 feet to allow a rear yard setback of 21.69 feet for an existing house to conform to code and (2) to grant a variance of 0.88 feet to allow a rear yard setback of 9.12 feet for an existing pool deck and screen enclosure to conform to code. The Planning and Zoning Board on August 3, 2010 unanimously approved these variances.

(8) P11-044 Lot 5, Block 1632, Port St. Lucie Section 5. The request was to grant a 4.80 foot variance to allow a 5.20' side yard set back in the RS-2 (Single Family Residential) Zoning District for an existing house. The Planning and Zoning Board on June 7, 2011 unanimously approved the variance.

Granting the variance will confer on the applicant special privileges that are denied to other structures, however, other variances similar in nature have been granted in the past.

ITEM 7A

D) 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.

a) Applicant response: The applicant states that the structure on the property does not conform to the required side setbacks as per the RS-2 zoning district. The nonconformity creates a hardship for the property owner. Bank loans cannot be obtained as lending institutions will not lend on properties consisting of encroachments or non conformities. The nonconformity prevents the transfer of the property with a clean title.

b) Staff evaluation: The literal interpretation would not deprive the applicant of rights enjoyed by others nor create undue hardship. The existing use of a single family home could still be enjoyed by the applicant. However, staff agrees that the "clear title" issue causes undue hardship.

E) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

a) Applicant response: Yes, the requested variance is the minimum variance needed to reasonably correct the nonconformity. The current side set back for the structure is 4.6' and the request is for a reduction in side setback to 4.6'.

b) Staff evaluation: Staff agrees that the variances requested are minimum since the structure is existing. This house has 16.4 feet set back on the west side, instead of the required minimum 10 feet side set back. It is understood that the form board survey was wrong.

F) 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.

a) Applicant response: The applicant states that the reduction to the side setback will not have an adverse impact on the neighboring properties and will not create a detrimental situation to the public. The variance request is minimal in nature and will not allow for an increase in intensity or building square footage. Other properties throughout the City of Port St. Lucie have had similar situations and the same course of action was taken to correct the unintentional nonconformity. The request is in harmony with the general intent and purpose of the chapter as the variance request is to reduce the required set back by 4.6' and concrete slab set back of 0.6 feet.

b) Staff evaluation: Staff agrees that the requested variance is in harmony with the general interest and purpose of the chapter, and not detrimental to the public welfare.

G) 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 the variance is required shall be begun or completed, or both.

ITEM 7A

a) Applicant response: The applicant agrees that there will be full compliance with any additional reasonable conditions and safeguards requested by the P&Z and administrators. We request the variance be processed in a timely fashion to cure the hardship as soon as possible.

b) Staff evaluation: The applicant has agreed to comply with any additional conditions

Other: The City Engineering Department has no objection to this variance application. The applicant has provided no objection letters from FPL, AT&T, Comcast and FL City Gas to the abandonment of the six feet easement located on the east side of this property. The City Engineering Department is processing an abandonment of easement for 1.4 feet of the 6 foot drainage easement on the east side for the house (Exhibit 4 and Exhibit 5). It is understood that the Engineering Department will not abandon the entire easement, therefore the homeowner would be responsible for removing the concrete pad if it causes a drainage issue.

STAFF RECOMMENDATION

The Planning and Zoning Department finds the requests to be consistent with the variance criteria as stipulated in Section 158.295(C) of the Zoning Code and recommends approval of the variance of 5.4 feet for the existing house. The Planning and Zoning Department recommends approval of the variance of 5.4 feet for the existing concrete pad with the following condition:

1. 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 homeowner's 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.

NOTE TO APPLICANT: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the City Council. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing.

Section 158.302 APPEAL FROM DECISION

A decision of the Planning and Zoning Board or the Zoning Administrator to deny or approve a request for a variance may be appealed by an affected party with standing to the Board of Zoning Appeals within 15 days of the date of the Planning and Zoning Board's or the Zoning Administrator's decision; provided, that written notice of the appeal shall be filed with the City Clerk within that period of time. Decisions by the Board of Zoning Appeals, or unappealed decisions by the Planning and Zoning Board or Zoning Administrator, shall be considered final.

McCarty & Associates
Land Planning and Design
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729 SW Saint Lucie Crescent • Stuart, FL 34994
772/341-9322

November 16, 2011

VIA HAND DELIVERY

Port St. Lucie Planning and Zoning Department
Daniel Holbrook- Planning and Zoning Director
121 S.W. Port St. Lucie Blvd., Building A,
Port St. Lucie, FL 34984

Re: ***Sorrentino Residence- Variance Application***

Dear Thresiamma Kuruvilla:

Please find attached the Variance application and supplemental materials for the Sorrentino residence located at 482 SW South Quick Circle in Port Saint Lucie Fl. The single family residence was constructed in 2002 and does not meet the required side setback of 10' and concrete slab set back of 6'. The variance request is to lawfully reduce the primary structure side set back to 4.6' and concrete lab set back to .6'. The current owner purchased the property with the existing hardship. Through our research we have found a simple surveying error occurred during the construction. We need to correct the situation by method of a variance to the primary structure side setback, concrete slab set back and abandonment of the drainage/utility easement encroached by the existing structures.

Accompanying this letter you will find the following additional materials for your review subsequent to the P&Z hearing:

1. No objection letter from the adjacent property owner
2. Letter from the surveyor regarding the survey for the property

If you have any questions or require any additional materials please do not hesitate to call. We thank you and look forward to working with you.

Very truly yours,


McCarty & Associates

Michael T. McCarty
Principal
Mike@McCartyLandPlanning.com

COUPRE01

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Port St. Lucie, FL 34984

NOTICE OF PUBLIC HEARING

The City Council of the City of Port St. Lucie serving as the Board of Zoning Appeals will consider an appeal on January 9, 2012, at 6:45 p.m., or as closely thereafter as business permits, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida, as follows:

Zoning Appeal #12-1
Legal Description: Lot 21, Block 2369, Port St. Lucie Section 34
Location: 482 SW South Quick Circle, Port St. Lucie, Florida

Action Sought: 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

Appellant: Owner: Michael Sorrentino
 Applicant: Michael T. McCarty, McCarty Associates Land Planning and Design

Copies of the above appeal documents are available in the City Clerk's office for public inspection Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. Interested parties may appear at the meeting and be heard with respect to the appeal.

No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.

Karen A. Phillips, CMC
City Clerk

PUBLISH: December 28, 2011



**CITY OF PORT ST. LUCIE
CITY CLERK'S OFFICE**
121 SW Port St. Lucie Blvd. Port St. Lucie, FL 34984
(772) 871-5157

2028

DATE 11-16-11

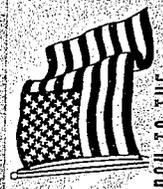
RECEIVED FROM Bloomster Prof Land \$ 75.00 DOLLARS
dear to the city of lucie

FOR Appraisal

AMOUNT OF ACCOUNT	<input type="checkbox"/> CASH
THIS PAYMENT <u>10231</u>	<input checked="" type="checkbox"/> CHECK
BALANCE DUE	<input type="checkbox"/> M.O.

BY Amy Bloomster

THANK YOU



**BLOOMSTER PROFESSIONAL LAND
SURVEYORS, INC.**
791 N.E. DIXIE HIGHWAY
JENSEN BEACH, FL 34957
(772) 334-0868

10231

DATE 11-16-2011

63-8376/2670

\$ 75.00 DOLLARS



IN GOD WE TRUST

PAY TO THE ORDER OF City of Port St. Lucie
Seventy Five and 00/100

BankAtlantic
Jensen Beach, FL 34957

Bloomster

⑈010231⑈ ⑆267083763⑆ 0001276559⑈



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1. Article Addressed to:

McCarty & Associates
Land Planning & Design
729 SW Saint Lucie Crescent
Stuart, FL 34994

Attn: Michael T. McCarty

2. Article Number (Transfer from service label) **7011 0470 0000 2759 0973**

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

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If YES, enter delivery address below:

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 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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City, State, ZIP+4 *Stuart, FL 34994*

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OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To *McCarty & Associates Land Planning & Design*
Street, Apt. No. or PO Box No. *729 S.W. Saint Lucie Crescent*
City, State, ZIP+4 *Stuart, FL 34994*

6260 6522 0000 0240 7702
26 6522 0000 0240 7702

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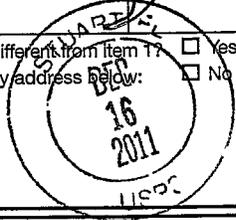
Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) **7011 0470 0000 2759 0973**



CERTIFIED MAIL™
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS (FOLD AT DOTTED LINE)



BLOOMSTER
PROFESSIONAL LAND SURVEYORS, INC.

641 NE SPENCER STREET * JENSEN BEACH, FL 34957
Phone: 772-334-0868 * Fax: 772-334-5283

bloomster@bloomstersurvey.net

November 3, 2011

Appeals Board
City of Port St. Lucie
9221 Civic Center Place
Port St. Lucie, FL 34952

RE: 482 SW Quick Circle
Lot 21 Block 236
Port St. Lucie Section 34
Plat Book 15 Pages 9 A-W
Port St. Lucie, St. Lucie County, Florida

To Whom It May Concern;

The last date of field work for this Survey was October 13, 2011 and is true and correct. The survey error made was unintentional and is a first time occurrence for this firm. We have never appeared before the Appeals Board in the past and would respectfully request that you approve the variance request before you.

Thanking you in advance for your consideration of this Variance.

Respectfully,



Robert Bloomster Jr.
Professional Surveyor & Mapper
No. 4134 State of Florida

11/14/2011

Alfonse Sorrentino
Microsoft
Woodstock VT 05091

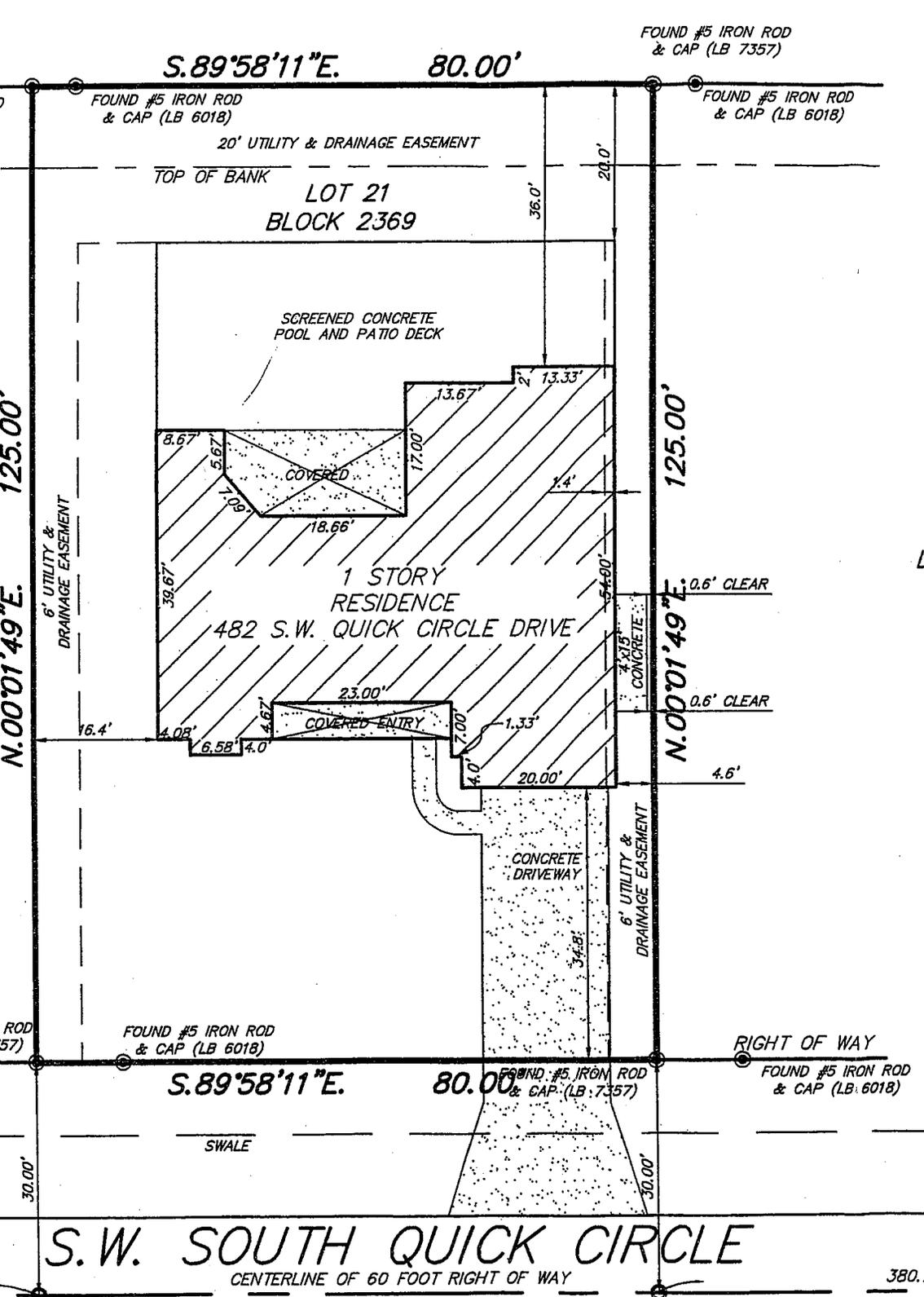
Michael T. McCarty
McCarty & Associates
729 SW Saint Lucie Crescent
Stuart FL 34994

Dear Michael,

I write to acknowledge that I have no objection to the request for a VARIANCE P11-115 presented on the behalf of my brother, Michael Sorrentino. His property is located at 482 SW South Quick Circle - Lot 21, Block 2369, Section 34

Thank you, Alfonse Sorrentino

A handwritten signature in black ink, appearing to be 'Alfonse Sorrentino', written in a cursive style.



LEGAL DESCRIPTION:

LOT 21, BLOCK 2369, PORT ST. LUCIE SECTION 34, ACCORDING TO PLAT BOOK 15, PAGES 9 (A THROUGH W) LUCIE COUNTY, FLORIDA

SURVEYORS NOTES:

1. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RECORD EXCEPT AS SHOWN ON THE RECORD PLAT IF ANY.
2. NO ATTEMPT WAS MADE BY THIS FIRM TO LOCATE UNRECORDED OR FENCES ON OR ADJACENT TO THIS SITE.
3. BEARINGS SHOWN HEREON REFER TO AN ASSUMED MERIDIAN THE NORTH RIGHT OF WAY LINE OF S.W. SOUTH QUICK CIRCLE.
4. THIS SITE LIES IN FLOOD ZONE 'X' AS SCALED AND IN FLOOD ZONE MAP 120287-0405-F, DATED: AUGUST 19, 1991.
5. SITE AREA: 10,000.00 SQUARE FEET OR 0.2296 ACRES.
6. LEGAL DESCRIPTION FURNISHED BY CLIENT.
7. ELEVATIONS SHOWN ARE REFERENCED TO NATIONAL GEODETIC DATUM 1983.

CERTIFICATION:

1. MICHAEL A. SORRENTINO

SURVEYORS' CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY WAS PREPARED IN MY CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARD OF THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS OF FLORIDA STATUTES, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS CERTIFICATION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL OF THE SURVEYOR AND MAPPER.

LOT 20

BLOOMSTEIN
 PROFESSIONAL LAND
 SURVEYORS, INC.
 LB #6018

641 NORTHEAST SPENCER STREET
 JENSEN BEACH, FLORIDA 34957
 PHONE 772-334-0868



OTTER STREET

POINT OF INTERSECTION

380.78'