

Brooks H. Peed
2709 North Indian River Drive
Fort Pierce, FL 34946

February 27, 2024

Richard V. Neill, Jr.
Neill Griffin Marquis Osking, PLLC
311 South Second Street
Suite 200
Fort Pierce, FL 34950

Re: 2805 North Indian River Drive – Right-of-Way Permit and Variance

Dear Richard:

I recently received your letter dated February 13, 2024, on the above subjects. I will address each of the two topics individually.

Right of Way Permit -- I believe there is a misunderstanding regarding the need for a Right-of-Way permit at the above address. Your letter states that "it's apparent that irrigation lines have been jetted or bored under North Indian River Drive." This statement is incorrect.

First, no irrigation lines have been extended to the East side of the road. The utilities that have been extended from the West side of the road to the East side of the road are: a) a new water line for the dock at the property (replacing the original water line for the dock); b) conduit for electric service to the dock (replacing the original electric service to the dock); and c) conduit for Comcast/Xfinity to provide underground cable/internet from the pole on the East side of the road to the West side of the road up to the house.

Second, the two 1" conduits and the water line were not jetted or bored under the road as you state, but were instead run through the existing 4" diameter chase that was installed in 1979 when the dock was originally constructed. My father received permission from the Village in 1979 to install the 4" chase to supply water and electric service to the dock. Obviously, the point of installing a chase is to avoid the need (in the future) to cut the pavement, or jet or bore under the road, if you need to do maintenance on the utilities running through the chase. The chase provides protection for the road from unnecessary additional intrusive work which could potentially undermine the road's foundation. My project Superintendent (Ray Ankiel) supervised the removal of the old lines in the chase and the installation by our electrician and plumber of the new utilities. I also have photos of the 45-year-old 4" chase through which we ran the new utilities.

It is my understanding that a Right-of-Way permit is only required if I intended to either cut the pavement of North Indian River Drive to bury conduit or other utilities (or alternatively to jet or bore under the road to install them). Therefore, I respectfully request that you rescind your requirement that I apply for a Right-of-Way permit for the work that has been done. Clearly the chase that was installed 45 years ago was properly installed as it has been problem free for over four decades.

R3/1

Variance – The second topic of your letter was the requirement that I apply for a variance to allow the existing accessory structure (workshop) to remain in its current location in front of the residence. You further indicated that my request for this variance should address each point outlined in Section 9.4.0 of the Land Development Code. Please consider this my request for the subject variance. I am enclosing with this letter a check for \$50.00 to cover the variance application fee.

9.4.0 (A)(1):

- **Name of applicant:** Brooks H. Peed (Trustee for Peed Family Trust)
- **Address of applicant:** 2709 North Indian River Drive, Fort Pierce, FL 34946

9.4.0 (A)(2)

- **Street address of property seeking variance:** 2805 North Indian River Drive, Fort Pierce, FL 34946

9.4.0 (A)(3)

- **Size of property:** Approximately 3 acres

9.4.0 (A)(4)

- **Variance sought and the section of this Ordinance from which a variance is requested.**
 - I do not know which section or sections of this Ordinance stipulates that an accessory structure may not extend in front of the front wall of the residence, but I take it on good faith that Mr. Neill has correctly interpreted the relevant code or ordinance. If you need the specific citation, I hereby ask Mr. Neill to provide it to you.
 - The requested variance is to allow an existing 44-year-old structure (a 16' x 40' workshop) to remain in its current location which is East of the residence. The workshop has been renovated in concert with the preservation and renovation of the 120-year-old 3-story residence.

9.4.0 (A)(5)

- **The purpose for the requested variance and a statement of the intended development of the property if the variance is granted.**
 - The purpose for the requested variance is to allow the continued use of the building as a workshop. The workshop building (the accessory structure) has had its siding replaced and painted to match the residence.
 - At this time there is no additional intended development of the property beyond what has already been permitted (other than to rebuild the dock). Upon completion of construction, and receipt of Certificates of Occupancy, my daughter Allison, her husband Jake, and my two grandchildren will move into the home, making them the 5th and 6th generations of my family to have lived there since 1904.

9.4.0 (A)(6)

- **A statement of the hardship imposed on the applicant by this Ordinance.**
 - If this variance is not granted, I will suffer significant financial hardship given the effort and costs already expended to renovate the workshop with the full awareness and approval of the Village. It is my understanding that should a variance not be granted to allow the workshop to remain in its original location, it would have to be demolished as it is not feasible (at this point) to relocate it behind the residence.
 - I started this effort to save my family's historic residence almost exactly five years ago in 2019. Since I started this historic preservation effort, the Village has reviewed and approved countless permit applications including but not limited to:
 - relocate and raise the residence built in 1904 (permit issued March 19, 2019);
 - conduct a multi-year extensive structural and aesthetic restoration of the residence bringing it up to all current building codes (in the hope that it will last another 120 years and continue to be occupied by subsequent generations of my family). All trades from the GC to each sub received the appropriate permits (and paid substantial cumulative permit fees) for this work;
 - renovate the workshop. When the Village's building official raised concerns last year that renovations to the workshop building would require multiple additional separate permits, architectural plans were prepared, and they were submitted and approved by the Village. The workshop has now been rebuilt to meet all current building codes (which were not insignificant upgrades from what was originally permitted and built in 1980).
 - While I am confident the Village could claim they had no role in creating this situation, I do not feel that would be a credible position for the Village to take. I feel it would be extremely unfair for the Village to deny this variance request for a building and site plan they have seen for years, moreover one for which they sought and received permit fees to specifically renovate the workshop to current building codes. Honestly, I was flabbergasted to be notified of the requirement for a variance at this point when we are literally days away from completing a 5-year construction process. Had this issue been raised by the Village at the beginning of the process in 2019, or 2020, or 2021, or 2022, or even 2023, I might not have been happy to hear it, but at least I could have made informed decisions before committing substantial resources to the project.

For all these reasons, I respectfully request you issue the requested variance.

Sincerely,



Brooks H. Peed

David Whitney

From: Richard V. Neill, Jr.
Sent: Sunday, March 24, 2024 11:55 AM
To: peedbrooks@gmail.com
Cc: Paulette Burgess; David Whitney; William Thiess
Subject: Peed Variance Request and supplement
Attachments: 24-02-27 Variace Request.pdf; Peed deed.pdf

Brooks,

On the right of way, I just wanted to confirm that you are correct. Now that I understand the circumstances, no ROW permit was needed.

On the variance, to complete the file, I am including the attached deed for the legal description and noting that your request is interpreted as seeking relief from Section 3.5.3(C)(1)(b)(vii), which states that, “accessory structures [with limited exceptions that don’t apply here] shall not be allowed in required or unrequired front yards” and from the limitations shown on Figure 2, both in the Village Land Development Code.

We’ll get the advertising out this week and should be good to go for a meeting on Wednesday, April 17, at 630 p.m. at the Village Hall.

Regards,

Richard V. Neill, Jr.
Town Attorney
Town of St. Lucie Village, Florida

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Please Note: Florida has a very broad public records laws. Most written communications to or from myself of Village officials regarding Village business are public records available to the public and media upon request. It is the policy of St. Lucie Village that all Village records shall be open for personal inspection, examination and/or copying. Your e-mail communications will be subject to public disclosure unless an exemption applies to the communication. If you received this email in error, please notify the sender by reply e-mail and delete all materials from all computers.