

David Whitney

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

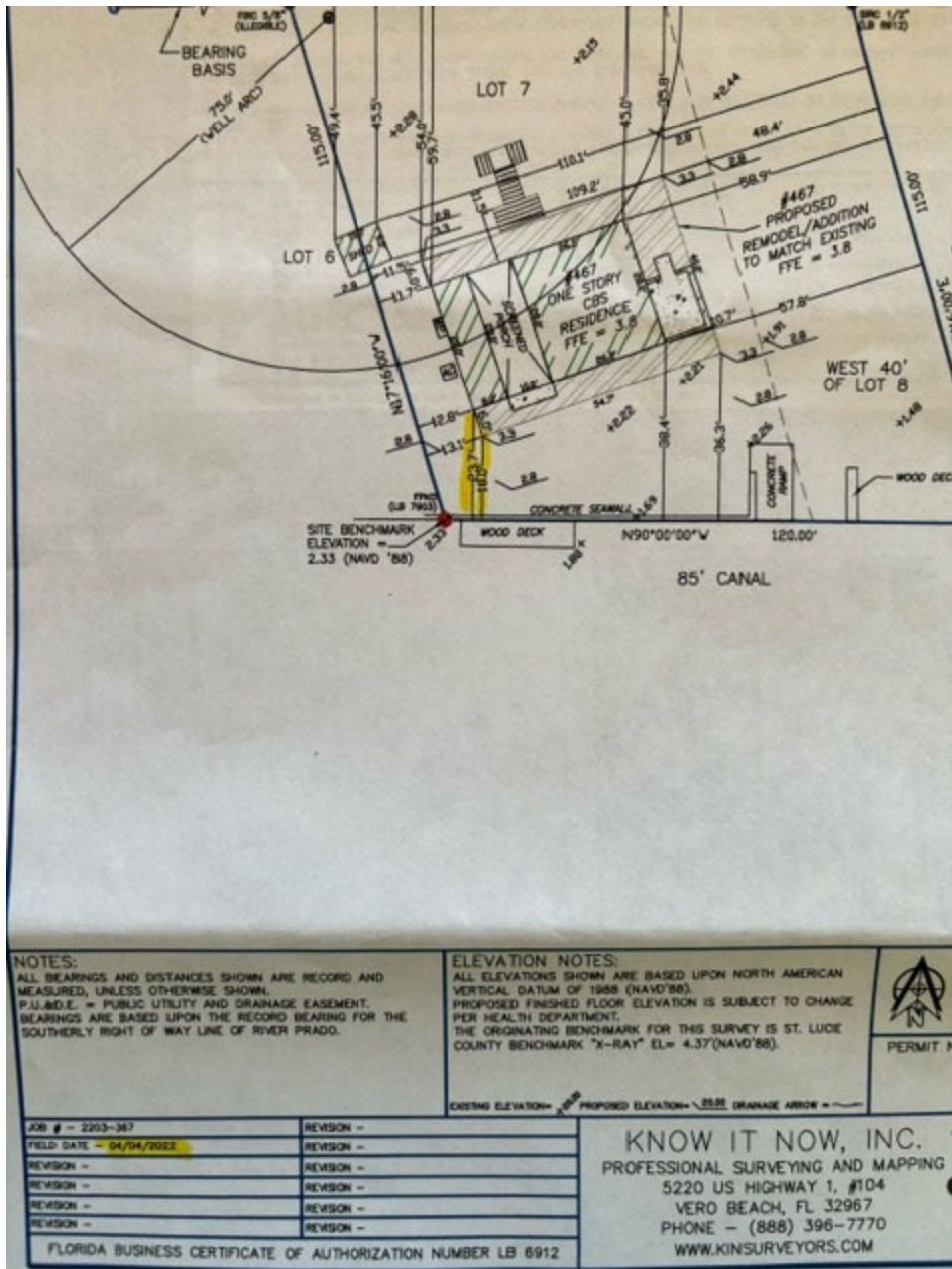
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Friday, March 29, 2024 8:37 AM
To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Cc: [REDACTED]
Subject: Re: Board of Alderman Meeting! 467 River Prado Variance Discrepancy

Thank you Richard. I've attached all of the different surveys we've obtained over the years. As you can see, there was no reason we didn't think 17.7" wouldn't be appropriate. Every survey indicates our column (and even in some cases the extending patio) to be within the variance.

[REDACTED]

1. The PDF is the original survey of the existing home done by Know It Now — 5/14/2019



NOTES:
 ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND MEASURED, UNLESS OTHERWISE SHOWN.
 P.U.&D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT.
 BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE SOUTHERLY RIGHT OF WAY LINE OF RIVER PRADO.

ELEVATION NOTES:
 ALL ELEVATIONS SHOWN ARE BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD'88).
 PROPOSED FINISHED FLOOR ELEVATION IS SUBJECT TO CHANGE PER HEALTH DEPARTMENT.
 THE ORIGINATING BENCHMARK FOR THIS SURVEY IS ST. LUCIE COUNTY BENCHMARK "X-RAY" EL= 4.37(NAVD'88).



PERMIT NO.

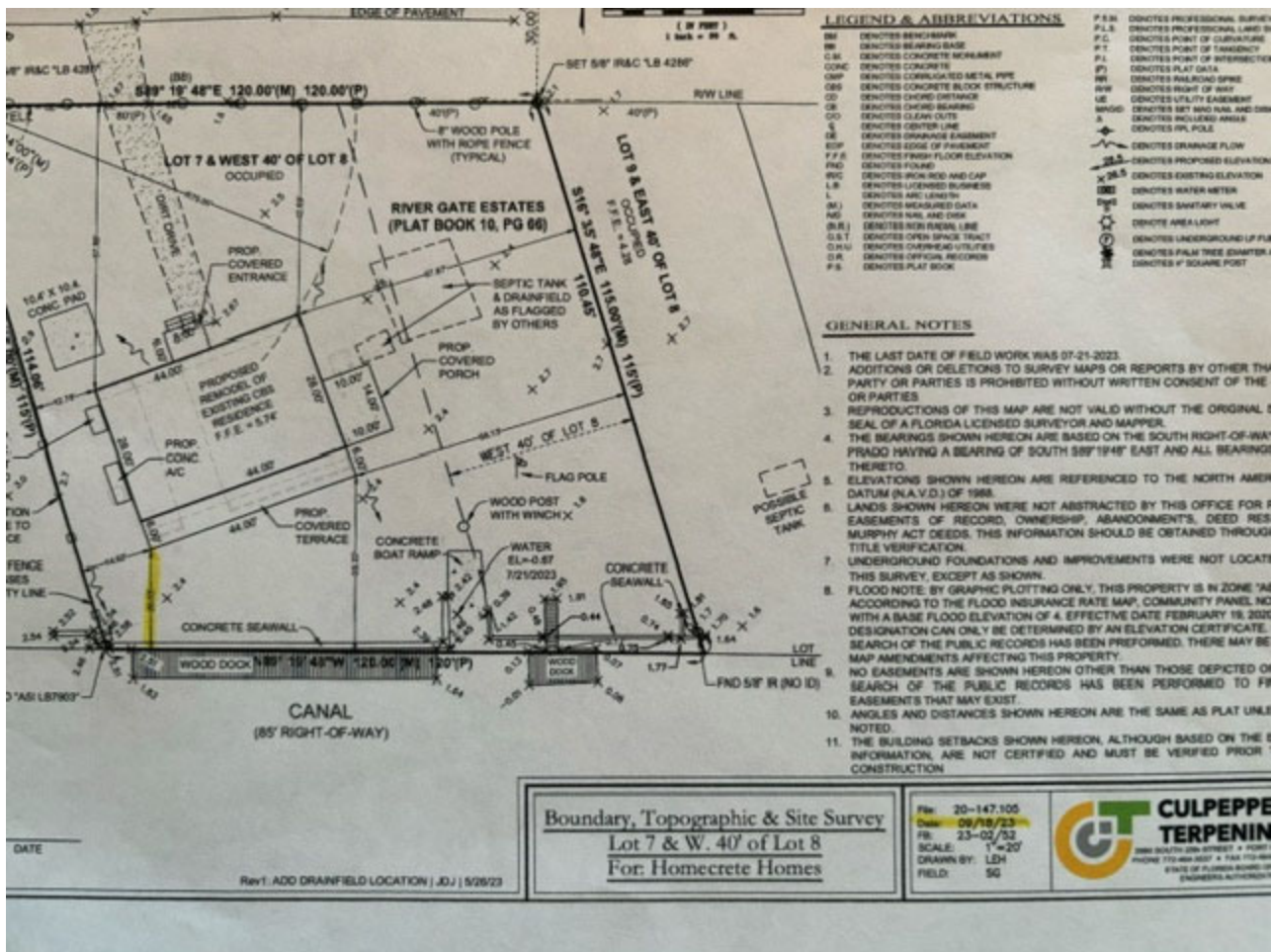
EXISTING ELEVATION = PROPOSED ELEVATION = DRAINAGE ARROW =

JOB # - 2203-367	REVISION -
FIELD DATE - 04/04/2022	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -

KNOW IT NOW, INC.
 PROFESSIONAL SURVEYING AND MAPPING
 5220 US HIGHWAY 1, #104
 VERO BEACH, FL 32967
 PHONE - (888) 396-7770
 WWW.KINSURVEYORS.COM

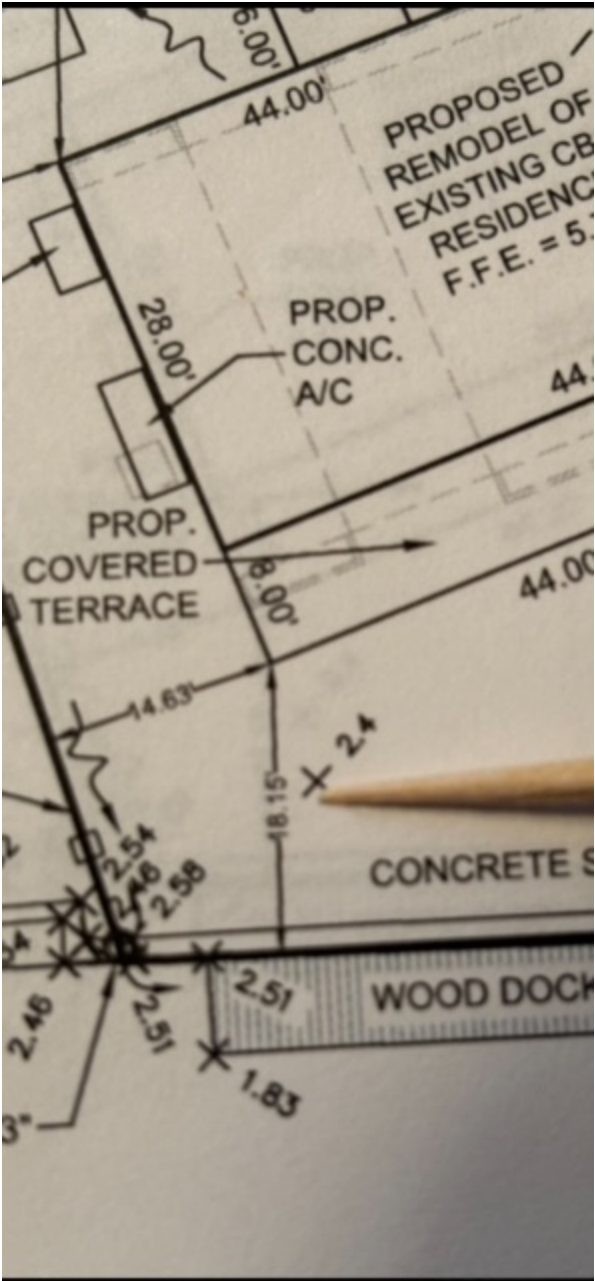
FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912

2. Second survey by Know it Now - 18.0 ft to column from 6' out from home - 4/4/2022



3. Survey done by Culpepper - 20.03 to column at 6' out from home - 9/18/23

And below TWO more surveys from ????? One shows 18.15 to the 8 ft patio NOT the column (so it would be within the variance) and the bottom one shows 16.12 to the 8ft patio so to the column add 2' and it's still 18.12' so the column would be OK and within the 17.7' variance.



EXISTING
RESIDEN
F.F.E. = 5.

28.00'

44

TERRACE FO

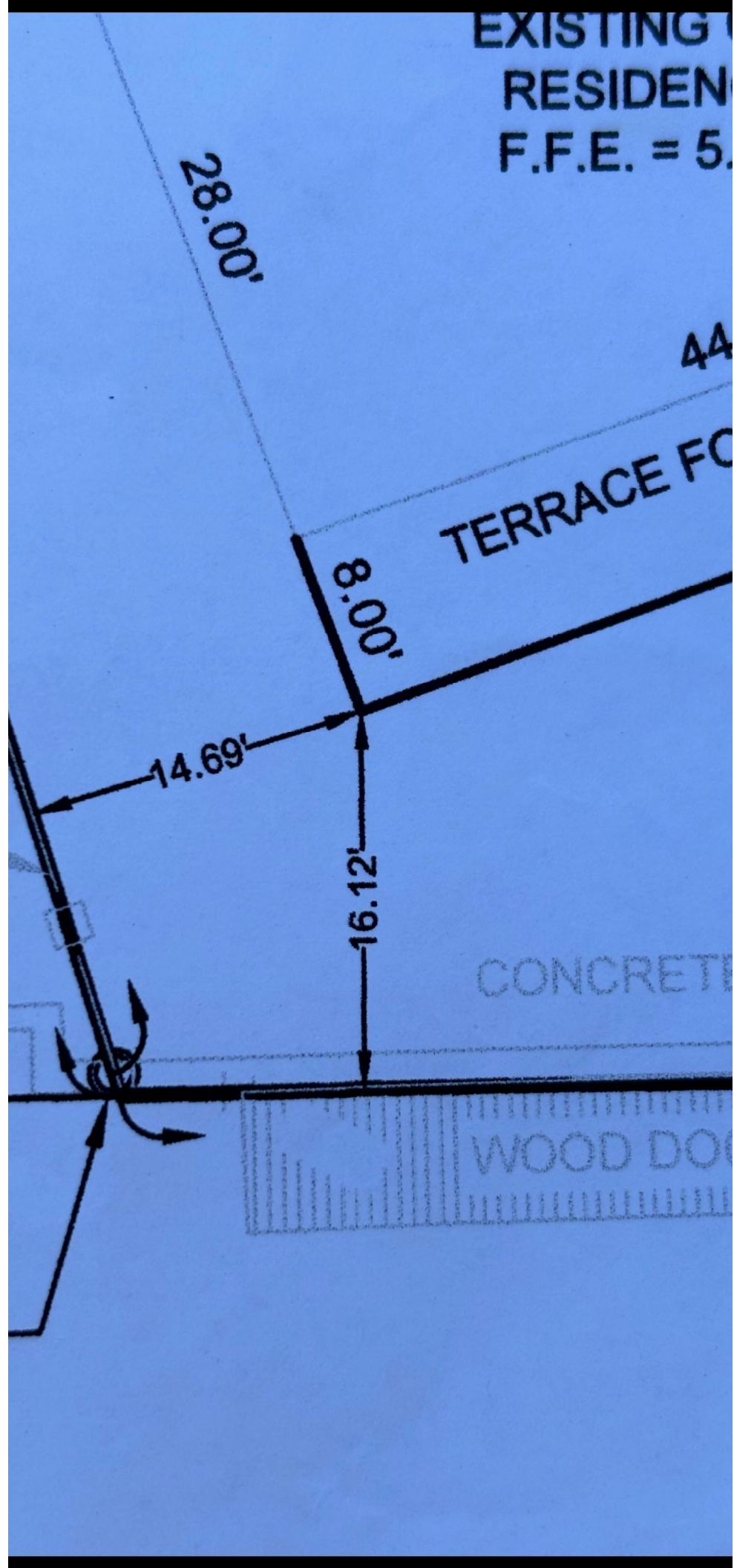
8.00'

14.69'

16.12'

CONCRETE

WOOD DOOR



█ and I are still dumbfounded why we are not within the variance all of a sudden.

Thank you again for taking time to fit us into your busy schedule.

Have a wonderful weekend,

█ and █

Sent from my iPhone....

█

On Mar 28, 2024, at 5:07 PM, Richard V. Neill, Jr. <RNeillJr@neillgriffin.com> wrote:

█ and █

I'm also noting for the file that the particular restriction from which you seek relief is Section 3.5.6(C) of the St. Lucie Village Land Development Code, the provision that requires a 25 foot setback from the bulkhead.

I don't think that was specifically referenced in our prior email communications but I have included it in the advertising and now in this part of your application paperwork so I think it's reasonably documented.

Regards,

Richard

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

Neill Griffin Marquis Osking, PLLC
Post Office Box 1270
Ft. Pierce, FL 34954
Telephone: 772-464-8200
Fax: 772-464-2556
richard.neill@stlucievillagefl.gov

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.

From: Richard V. Neill, Jr.
Sent: Wednesday, March 27, 2024 11:01 AM
To: [REDACTED]
Cc: [REDACTED] Jill Risser <jill@jillkrisser.com>
Subject: RE: Board of Alderman Meeting! 467 River Prado Variance Discrepancy

[REDACTED]

I think that we can do that. Let us work on getting a notice prepared for the paper and getting a mailing list prepared.

I will be in touch further on that.

For clarification, it's the Board of Adjustment and the meeting will be Wednesday, April 17.

Richard

Richard V. Neill, Jr., of
Neill Griffin Marquis Osking, PLLC
Post Office Box 1270
Ft. Pierce, FL 34954
Telephone: 772-464-8200
Fax: 772-464-2566
rneilljr@neillgriffin.com

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From: [REDACTED] <[REDACTED]>
Sent: Wednesday, March 27, 2024 10:30 AM
To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Cc: [REDACTED] Jill Risser <jill@jillkrisser.com>
Subject: Board of Alderman Meeting! 467 River Prado Variance Discrepancy

Sir,

Bad news. [REDACTED] met with the surveyor this morning... We are not within the variance. It measured at 16'6" inside closest from the bulkhead.

We really do not want to redo the plans, add more columns, make truss adjustments, and add more expense to this project.

We are praying it is not too late to add us to the agenda for the April 15 Board of Alderman meeting. If it's not too late, could you schedule us? [REDACTED] will stop by to pay the \$50. If so, please amend the variance to 14 feet. The actual measurement would probably be 14'6"... to the corner of the 8 foot patio and 16'6" to the corner of the column (as the patio is 2 feet forward of the column). But why run the risk, so 14' would give 6" leeway.

Nothing has changed on the plans - it's all definitions of what a structure is and the measurement location.

Honestly, I'm not sure how all of this happened? The two surveys we have show it being legal.

I'm so sorry to be wasting your time dealing with this. I'm sure it's frustrating to say the least.

Have a good rest of your week and weekend.

[REDACTED] (and [REDACTED])

Sent from my iPhone....

[REDACTED]

On Mar 25, 2024, at 1:38 PM, Richard V. Neill, Jr. <RNeillJr@neillgriffin.com> wrote:

Certainly wish you all the best. Let me know if I can help. Richard

Richard V. Neill, Jr., of
Neill Griffin Marquis Osking, PLLC
Post Office Box 1270
Ft. Pierce, FL 34954
Telephone: 772-464-8200
Fax: 772-464-2566
rneilljr@neillgriffin.com

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From: [REDACTED] <[REDACTED]>
Sent: Sunday, March 24, 2024 4:46 PM
To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Cc: [REDACTED] <[REDACTED]>
Subject: Re: 467 River Prado Variance Discrepancy

Good afternoon Richard,

Thank you again for quickly responding to us.

After exploring the options, we decided to move forward with a 6ft concrete deck off the SW corner, instead of 8ft. The contractor will need to move the forms 2 feet in at the SW corner so we are within the 17.7 setback requirement.

From what we learned there are three different surveys that all contradict each other.

Hopefully things will sort out and a small modification to the forms by the builder will fix it and the project can move forward.

So for now, we will forego attempting to get a variance modification unless something else comes up - lol....

Thanks again for suggesting alternatives, we really appreciate it.

Kind regards,

[REDACTED] and [REDACTED]

Sent from my iPhone

On Mar 24, 2024, at 11:08 AM, Richard V. Neill, Jr.
<RNeillJr@neillgriffin.com> wrote:

[REDACTED]

To answer your question, I looked to see what was sent to the board. I don't have an actual scan the signed letter with enclosures that went out, but I have compiled the component parts—attached. It appears to me that at least one of the drawings shows that dimension.

Do you want to ask the Board of Adjustment to amend the order? Let me know asap because we've got to

move forward notices early this week for the April meeting to give 15 days' mailed and published notice. And, please confirm what the revision would be—change the specified dimension to 15 feet at that corner? We can treat the emails, the prior package and the prior order as your request. Same \$50 application fee, same obligation to pay publication cost.

Richard

Richard V. Neill, Jr., of
Neill Griffin Marquis Osking, PLLC
Post Office Box 1270
Ft. Pierce, FL 34954
Telephone: 772-464-8200
Fax: 772-464-2566
rneilljr@neillgriffin.com

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From: [REDACTED] <[REDACTED]>
Sent: Thursday, March 21, 2024 2:56 PM
To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>
Cc: [REDACTED] <[REDACTED]>
Subject: Re: 467 River Prado Variance Discrepancy

Richard,

Thank you so much for your quick attention to this matter. Can you confirm that the variance board received a copy of the building plans depicting the 8' covered porch off the preexisting structure at the time the board approved the variance request?

Unfortunately I believe that delaying the build for a month would present a significant financial hardship for us. The previous mishap with the wrong variance being sent out, and having to reschedule caused significant delays with the project. One alternative to this situation if the Villiage were unable to recognize and remedy the situation would be an estoppel claim, causing even more delays. A second option would be to

revise the building plans, and make the porch smaller with additional costs incurred. The third option as you reported would be for a scheduled third variance meeting to seek another approval.

I'll work through our contractor to seek alternatives and hopefully bring this to a quick resolution.

We will stay the course and try to remain optimistic.

Please let me know if you have any questions or updates.

Thank you again,
[REDACTED] and [REDACTED]

On Mar 21, 2024, at 11:47 AM, Richard V. Neill, Jr.
<RNeillJr@neillgriffin.com> wrote:

[REDACTED]

Since we spoke, I've talked to Bill and Carl, and have reviewed our files. (I don't see anything in the materials showing the 17.7 foot measurement other than your variance request and the order(s).)

The good news is that I am almost 100% certain that the Board of Adjustment would want to amend the variance (or grant a further variance) so you can proceed as you desire. The bad news is that it requires the Board to take action at a noticed public hearing.

I can at least tell you that we're already working on scheduling a Board of Adjustment meeting for Wednesday, April 17. (We're currently confirming the availability of a quorum. I do anticipate that we'll have one.) I could treat your email below as a request for a further variance or an amendment to the prior

order, and it could be considered at that time.

Be assured that I have seriously considered whether I can “fix” the order by interpreting it but, given the language used, I really cannot. I just can’t honestly interpret it any other way than being the measurement to the closest point.

I’ve also considered whether you could do the pour next week *at your own risk*—that is to proceed with the pour hoping that you will get the variance. That just seems like a really bad idea; but, I could look at that further, if you really wanted me to.

Regards,

Richard

Richard V. Neill, Jr., of
Neill Griffin Marquis Osking, PLLC
Post Office Box 1270
Ft. Pierce, FL 34954
Telephone: 772-464-8200
Fax: 772-464-2566
rneilljr@neillgriffin.com

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From: [REDACTED]
<[REDACTED]>
Sent: Wednesday, March 20, 2024 8:30 PM

To: Richard V. Neill, Jr. <RNeillJr@neillgriffin.com>

Cc: [REDACTED] <[REDACTED]>

[REDACTED] <[REDACTED]>

Subject: 467 River Prado Variance Discrepancy

Good evening Richard,

I hope you're doing well.

We have a serious issue regarding our approved variance for 467 River Prado.

The wording in the Order states " (3)(b) a covered roof and porch with concrete patio floor with supporting pilings may extend to **as close to the bulkhead** as 17.7 feet".

All of the surveys submitted took measurements from the **outside** of the bulkhead. The forms and footers are ready for concrete and the building official will not approve the pour due to a 2 foot discrepancy (which is most likely the bulkhead). I'm assuming he took the measurement from the inside of the bulkhead.

Can the order be modified since all the supporting documents and survey measurements were taken from the outside of the bulkhead and that's what the variance board approved. This hold up and revision could cost us thousands of dollars and weeks of further delays.

I have attached a copy of the order and a copy of the survey corner submitted during approval. Clearly it was measured from the outside of the bulkhead.

Please call me at your earliest conscience to discuss further.

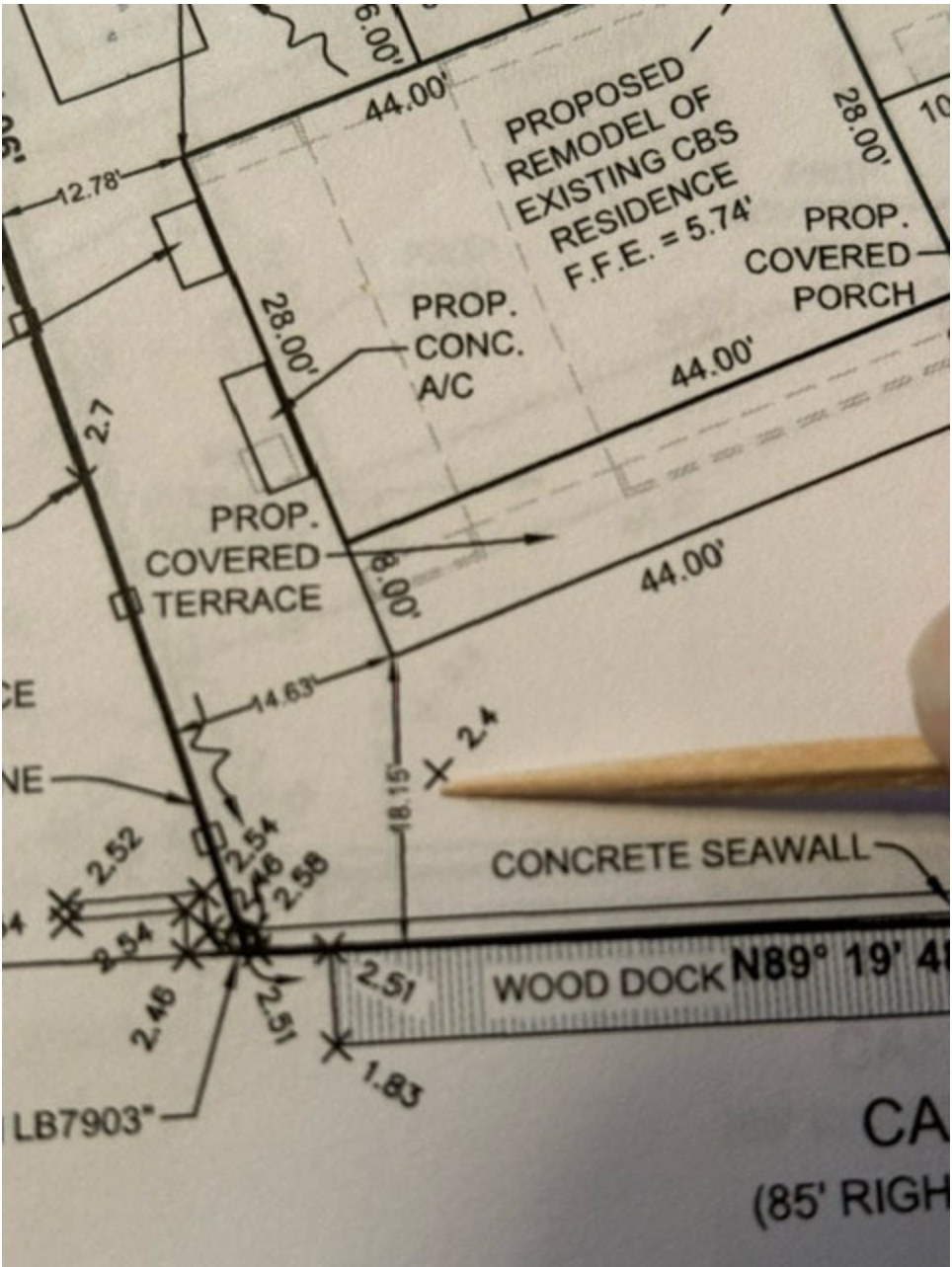
Thank you for your time and consideration on this matter.

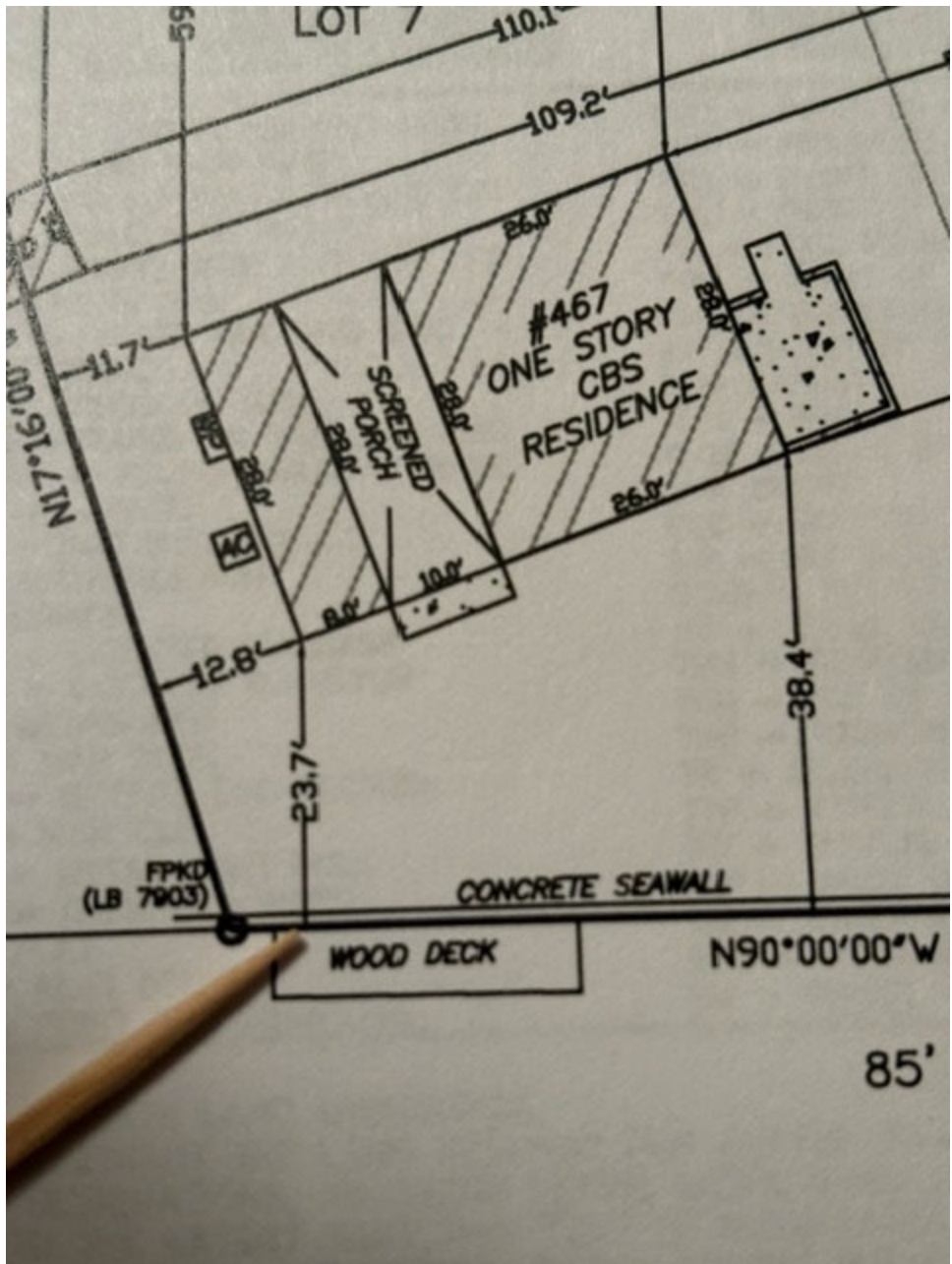
Best regards

[REDACTED] and [REDACTED]

467 River Prado

Cell [REDACTED]





IN RE: PETITION FOR VARIANCE FOR
467 RIVER PRADO

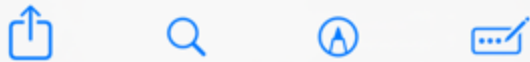
ORDER

This matter came before the Board of Adjustment of the Town of St. Lucie Village, Florida, on May 17, 2023, at 6:30 p.m. at the Village Hall on the request of Property Owners for relief from the setbacks applicable to their property.

The Board of Adjustment, having considered the petition of the Property Owners of 467 River Prado, having heard from petitioners, having provided an opportunity for public comment, and having otherwise given the matter full consideration, finds as follows:

1. The hearing was properly noticed by publication and mailed notices, as required by the St. Lucie Village Land Development Code.
2. The subject property is a currently improved, residential lot located at 467 River Prado, Fort Pierce, Florida 34946, and has tax I.D. number 1421-602-0007-000-3. The property is located in St. Lucie County, Florida, and more particularly described as follows: LOT 7 AND WEST 40 FEET OF LOT 8, RIVER GATE ESTATE, PLAT BOOK 10, PAGE(S) 66, ST. LUCIE COUNTY, FLORIDA.
3. Property Owners requested variances to grant relief from the setback requirements of the Land Development Code, so that (a) a detached garage may extend 3 feet forward on the lot beyond the forward edge/front wall of the residence, (b) a covered roof and porch with concrete patio floor with supporting pilings may extend to as close to the bulkhead as 17.7 feet, and (c) a new pool may be located as close as 10 feet from the bulkhead. Considerations associated with the elevation of the existing structure, FEMA's requirements for improvements to existing structures in a floodplain, and the fact that the structure was sited and built before the setback from the bulkhead was established, present unique circumstances.
4. The variances requested arise from a condition that is unique to the land and structures involved.

5. Literal enforcement of the Code would deprive Property Owners of rights commonly enjoyed by other property owners in the same zoning district.
6. Granting the variances as specified herein will not be materially detrimental or injurious to other property or improvements in the neighborhood.
7. Granting the below variances will not confer any special privilege to Property



Sent from my iPhone
<5-2-23 Package to Bd of Adjstmnt.pdf>