

I, Michelle Longarzo, on behalf of Nicholas Danaluk, applied for a conditional use with no new construction -under 31 days permit for my home at 715 Ocean Dr. Unit D, Fort Pierce, FL 34949 (Parcel ID: 2401-504-0004-000-2) on July 12, 2019. As a designated representative of Tiffany Wright Ofeimu, I will also be applying for the same type of permit for 715 S. Ocean DR. Unit E.

Background:

I completed the following steps as mandated by the application

1. File application- completed
2. Attend Technical Review Meeting- completed
3. Attend Planning board Meeting- completed
4. Attend City Commissioners- completed

Permit Status:

1. **Technical Review Committee** (TRC) August 25, 2019, APPROVED
2. **The Planning Board Committee** (PBC) September 17, 2019 DENIED – conditions required
3. **Commissioners Review Board** (CRB) on October 21, 2019 APPROVED with the eight conditions (See letter dated October 21, 2019 from Linda Cox, City Clerk.)

My application was approved with the following conditions:

<u>Condition</u>	<u>Requirement</u>	<u>Status</u>	<u>Explanation</u>
1	Property manager available all times and registered with City of Fort Pierce	Partially completed	Will comply upon approval
2	Guide booklets from Code Enforcement placed in the unit	Completed	
3	File and obtain: <ol style="list-style-type: none"> 1. St. Lucie County Tax license 2. Fort Pierce Tax License 3. DBPR license 	<ol style="list-style-type: none"> 1. Completed 2. Incomplete/ Pending 3. Complete 	2. Met all other requirements. Reached a stopgap due to Build Dept and Planning Dept approvals -Unable to obtain due to conditions placed
4	No more than 2 vehicles on site	Partially complete	Will comply upon approval
5	Fort Pierce Business Tax Number listed on all advertising	Partially complete	Will comply upon approval
6	Max. occupancy of the home	Partially complete	Will comply upon approval
7	Installation of 1 handicap space	Incomplete	Appeal to FBC Conflict with Planning - Currently R2- no handicap

			required - Although we disagree with this condition, we filed for a permit for stripping-pending approval
8	Sidewalk	Complete	Payment to Sidewalk Fund made in lieu of installation of sidewalk

Problem:

The following conditions have created barriers that are disabling me from completing the process:

- 3. Fort Pierce Business Tax License
- 7. Handicapped Parking Installation

Most concerning are the conditions which are using a subjective interpretation of the law and codes.

In reference to Condition 3, Paul Thomas, Building Official, stated that we must change from Residential Group R-2 to R-3. He is using FBC 310.4 and 310.5 to justify this requirement. He sent his official opinion and requirements on Thursday, November 21, 2019.

This demand triggered the requirements of:

- Life Safety Plan
- Fire Requirements (fire sprinklers system)
- SLC Fire District Approval
- Accessibility

Response to Building Conditions dispute:

- Per request from Mr. Thomas, we hired a Mr. Jeff Collins, a consultant, former Fire Marshal and former Fire Chief, per recommendations from St. Lucie County Fire District Marshal's Office to interpret these conditions and design a Life Safety Plan. (Jeff Collins MS, PE-361 Mulberry Grove Drive, Royal Palm Beach, FL 33411 561-723-3225)
- Mr. Collins says that there is not a legal mandate to change from R-2 to R-3. R-2 and there are rules in place for situations such as this "Vacation Timeshare Properties." Per the Existing Florida Building Code, Chapter 10, R-2 requirements are more stringent than R-3 requirements.
- Mr. Collins stated additional reasons to include per definition, R-3 cannot have more than two units and our condominium has 13 units.(Please see letter from Jeff Collins)
- Mr. Collins and I consulted with Mo Madani at Florida Building Commission (2601 Blair Stone Road Tallahassee, FL 32399, 850-717-1825).
- Mr. Madani advised us that we could not file for a Florida Opine until we went to the local appeal board.
- A request for a meeting was made to Mr. Thomas to discuss appeal.
- Mr. Thomas, Ed Rosebery, Jeff Collins and Michelle Longarzo met at Fort Pierce City Hall on November 20, 2019 at 11:00 AM. Mr. Thomas stated that they eliminated the local appeal board because they kept overturning him. Mr. Collins verbally confirmed

his building codes interpretation while validating his professional opinion of maintaining the residence R-2. Mr. Collins received several opinions from different building officials throughout the State of Florida who agreed with his interpretation. During the meeting we discussed the statewide issue with these residences and Mr. Thomas stated 50% of the building officials do nothing with these types of rentals and 50% enforce the building code. I stated that I have no concerns complying with the building code and fire code, but not his interpretation. We also discussed proposed state law that will more clearly define the regulatory process of these rentals and the current proposed legislation will be to allow it without any change in use. We agreed to implement the life safety plan inside the unit with the installation of a monitored fire alarm system (not required) instead of sprinklers to ease his concerns and there was no willingness to consider.

- Mr. Thomas agreed to give us a letter by the end of the day to state that Fort Pierce Building Department does not have a local appeal board. (see letter dated November 20, 2019 by Paul Thomas, CBO, CFM)
- Mr. Collins and I had a conference call with Mr. Mo Madani, whereby he informed us of the following:
 - 1) This issue exclusively concerns an *Existing Building* rated R-2.
 - 2) Chapter 10 determines the change of use for Existing Buildings.
 - 3) The Paul Thomas Opinion is erroneously citing Chapter 3 in his conditions.
 - 4) Fair Housing is not applicable in this situation to trigger ADA compliance because R-2 does not fall under ADA Compliance.
 - 5) R-3 occupancies do not require the installation of fire sprinkler systems.

-Madani suggested that we ask Mr. Thomas to accept a much easier informal interpretation in reference to the above. Madani stated that Mr. Thomas could call for verification.

-December 16, 2019, Mr. Thomas stated in an informal meeting that he would not call Mr. Madani. He said we must instead request a Binding Interpretation from the State of Florida.

-A request for a Binding Interpretation from Florida Building Commission is being prepared by Jeff Collins.

Comparison with nearby communities:

Conditions are not aligned with the local municipalities nearby. Nearby communities have much lower requirements for permits less than 31 days.

Other Pertinent Issues:

The City of Fort Pierce has only fully approved for short-term rental one complex, Ocean Village, under a grandfather clause. This complex has been allowed to “self-regulate” per the Code Enforcement Officer. This is a discriminatory practice. It allows Ocean Village to have a monopoly on the short-term vacation rental industry in Fort Pierce. Ocean Village has both under

thirty and over thirty days although there were not any extra requirements for those less than thirty days. This is highly prejudicial.

The city has made our process overwhelming and unattainable, in an attempt to block property rights.

Viable Solutions:

1. Accept Mo Madini's request for an informal interpretation form DBPR
2. Revise ordinance to align with 31 Day Permit
3. Allow a variance for existing homes, duplexes, and condominiums.