



MARTIN COUNTY, FLORIDA
DEVELOPMENT REVIEW DIVISION
GROWTH MANAGEMENT DEPARTMENT

VARIANCE APPLICATION STAFF REPORT

SUBJECT: Request for a non-administrative variance by Jayhad and Karissa A. Julien to reduce the rear setback requirement of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the HR-1, Single Family Residential District to permit the construction of a swimming pool and sand-set travertine deck on all of lot 33, Section 2 of Harbor Estates, according to the plat as recorded in Plat Book 3, Pages 65, of the Public Records of Martin County, Florida. The subject property is located at 555 SW Harbor Street, Stuart, Florida.

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A. APPLICATION PROCESSING INFORMATION

Applicant and property owner: Jayhad and Karissa A. Julien
Date application submitted: August 5, 2025
Staff report date: September 11, 2025
Date of Board of Zoning Adjustment hearing: September 25, 2025
Project coordinator for County: Barbara Counsellor, Senior Planner
Growth Management Director: Paul Schilling
Record Number: GMD2025080063
Report number: 2025_0925_Harbor_St_555_non-AdminVar_Staff_Final.doc

B. APPLICATION TYPE AND DESCRIPTION OF REQUEST

The subject property is zoned HR-1, Single Family Residential District, Land Development Regulations, Martin County Code. The structural setback requirements in this zoning district are as follows:

Front: 25 feet from the lot line
Side: 15 feet from property line
Rear: 25 feet from property line (5-foot utilities easement per plat)

The applicant is requesting a non-administrative variance to reduce the setback from 25 feet to 10 feet from the rear yard property line to permit the construction of a swimming pool and sand-set travertine

deck.

C. VICINITY AND SITE INFORMATION

Site Address: 555 SW Harbor Street, Stuart, Florida 34997

Parcel: 55-38-41-007-000-00330-2

Legal Description:

Lot 33, of Section 2, Harbor Estates, according to the plat as recorded in Plat Book 3, Pages 65, of the Public Records of Martin County, Florida.

Zoning: HR-1 Single Family Residential District

Future Land Use: Low Density

LOCATION MAP



AERIAL 2025 of PROPERTY
including other properties with variance approvals



Variance approved 02/25/2010 at 525 SW Harbor Street (carport)
Variance approved 05/26/2006 at 525 SW Harbor Street (pool, deck)
Variance approved 06/24/2004 at 636 “current 630” SW Harbor Street (SFR, pool, deck)
Variance approved 01/28/2021 at 279 SW Harbor Street (SFR)
Variance approved 06/24/2004 at 325 SW St. Lucie Street (addition, pool, deck)
Variance approved 01/24/2008 at 271 SW St. Lucie Street (pool, deck)

D. APPLICANT INFORMATION

Applicant and property owner: Jayhad and Karissa A. Julien
Address: 555 SW Harbor Street
Stuart, FL 34997

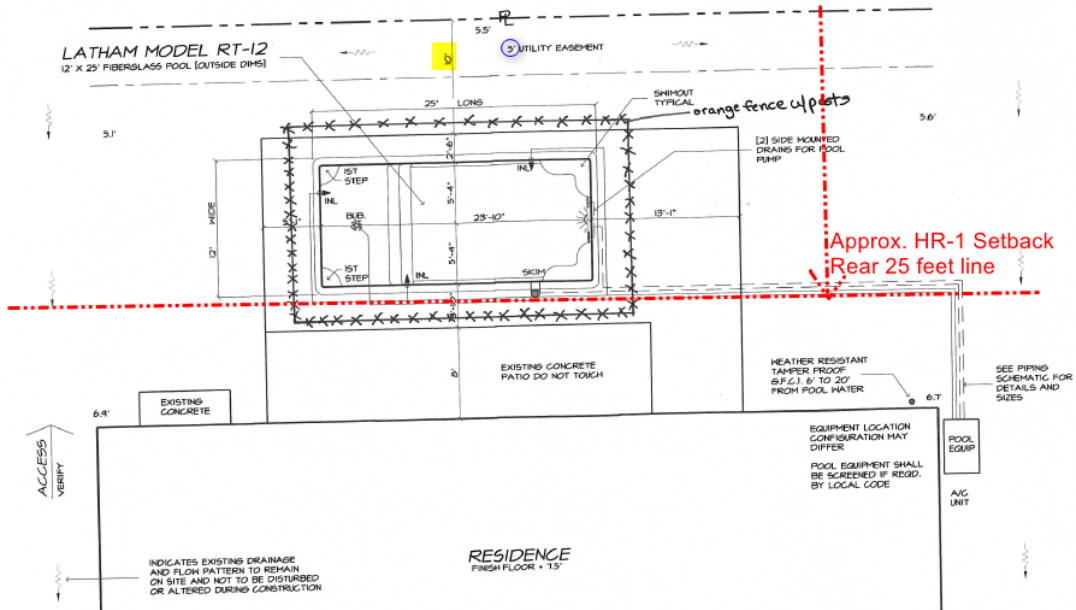
E. COMPLIANCE ASSESSMENT

Article 9, Section 9.5, Land Development Regulations, Martin County Code provides the criteria for review and action by the Board of Zoning Adjustment. Based on the review of these criteria, the information provided by the applicant, and other information reviewed by staff from the County's records, the Board is advised as follows:

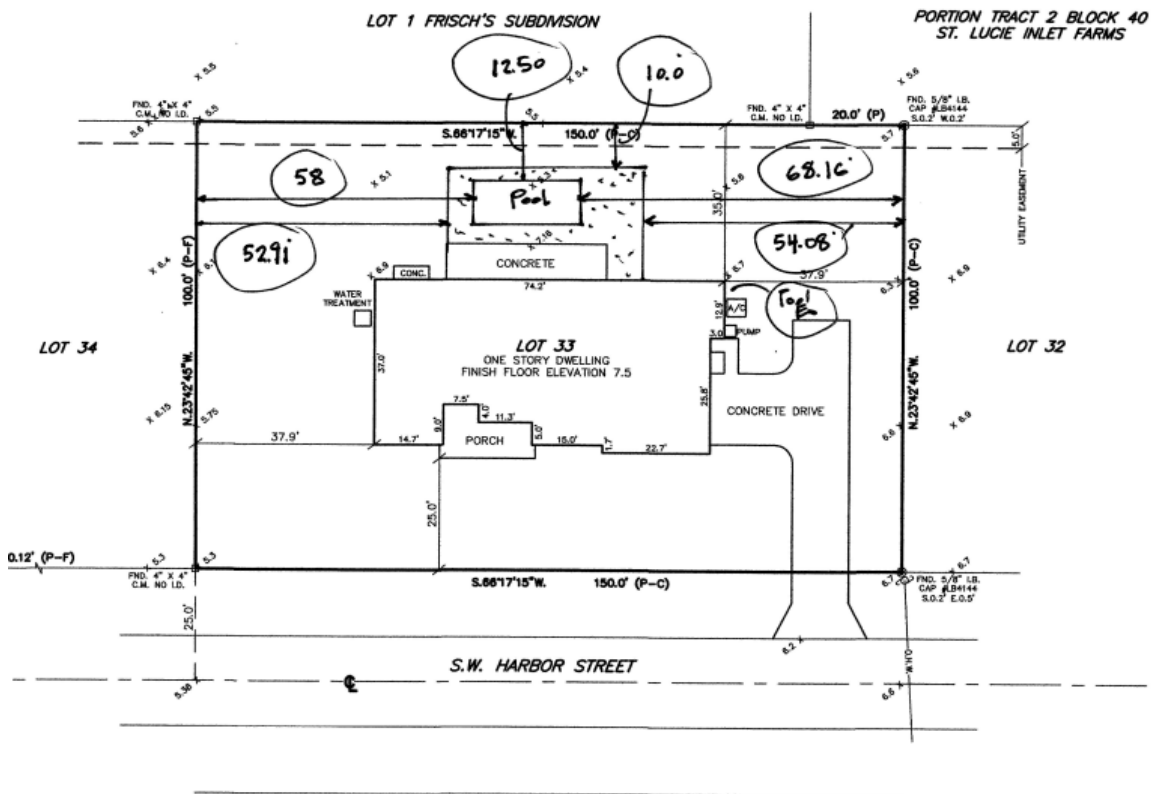
1. The subject property is a lot of record located within Harbor Estates, as recorded in Plat Book 3, Page 65, Public Records of Martin County, Florida, in May, 1957. The parcel is approximately .344 acres (14,985 sf.).
2. The setback requirements for the HR-1 zoning district are one of the strictest in the county. Most single-family residential districts require a side and rear yard setback of 6 to 10 feet for structures.
3. Variances have been approved for neighboring lots on or around SW Harbor Street and St. Lucie Street.
4. The setback requirements for the subject property are as follows:
 - Front: 25 feet from property line (There is an exemption for the 50-foot centerline of right-of-way)
 - Side: 15 feet from property line
 - Rear: 25 feet from property line
5. The applicant is requesting a variance to reduce the rear yard setback from 25 feet to 10 feet for the construction of a swimming pool and sand-set travertine paver deck as shown in the site plan below. A building permit BLD2025060179 for the swimming pool and sand-set travertine paver deck was submitted on 06/04/2025. The proposed structures will not encroach within the rear 5-foot utility easement.

PROPOSED ARCHITECTURAL AND SITE PLAN

Architectural Plan



Overall Site Plan



6. Based on the criteria provided in Article 9, Land Development Regulations, for the granting of a

setback variance, the following conclusions are offered for the Board's consideration:

a) *Special conditions and circumstances exist which are peculiar to the subject property.*

The subject property has an area of approximately .344 acres (14,985 sf.). The lot is 100 foot in depth with 25-foot front and rear setback from the property lines. The 2024 built single family residential dwelling is 37 feet in width.

b) *Literal interpretation of the provisions of Article 3 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.*

The pool and deck are an improvement that is commonly enjoyed by other property owners in the same district as the subject property. The subject property is constrained by existing setback requirements that are greater than those applicable to similar properties in the area.

c) *The special conditions and circumstances of this request are not the result of the applicant's action.*

The subject lot was created prior to the County's original zoning and subdivision regulations. The subject property is a platted lot of record that was created in 1957 with the recording of the plat for Harbor Estates. The current Category "B" zoning setback requirements were adopted in 1967.

d) *Granting of the variance requested will not confer on the applicant a special privilege that is denied to owners of other lands in the same district.*

Applications for similar requests and with similar circumstances have been consistently treated by the Board. Each case is reviewed on the merits of the application and based on the established criteria for the granting of setback variances.

7. The granting of a variance will not create a negative impact to the health, safety, and welfare of the Harbor Estates community and the requested variance appears to be the minimum variance that is required for the proposed swimming pool and deck additions.
8. Research of the public records indicates that there have been several setback variances granted for this subdivision.
9. A building permit BLD2025060179 is being reviewed and inspected by a qualified Private Provider, Freedom Code Compliance. As per the approved plans within the building permit, a pool alarm and a pool safety act affidavit signed by owner with the knowledge a pool safety barrier must comply with Florida Building Code 8th Edition (2023) Residential R4501.14 at time of final inspection or when the pool is completed for contract purposes, will constitute a violation of Chapter 515, F.S. and will be considered as committing a misdemeanor of the second degree, punishable as established in the Florida Statute.

F. RECOMMENDATION

The Board is advised that this application for a setback variance is in order and qualifies for an action of approval. A rear yard setback variance of 15 feet is requested to reduce the setback requirement from 25 feet to 10 feet from the rear property line for the swimming pool and sand-set travertine paver deck. If the Board concurs and approval is granted, authorization is requested for the Chairman to sign the variance resolution which has been prepared for this agenda item with an attached Exhibit B that provides an illustration of the proposed improvements and reduced setback.

G. OTHER SUBMITTAL REQUIREMENTS

Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance due:</i>
<i>Variance application fees:</i>	\$690.00	\$690.00	\$0.00
<i>Advertising fees:</i>	\$199.96	\$0.00	\$199.96
<i>Admin fees:</i>	\$25.00		\$25.00

H. ATTACHMENTS

1. Sample letter notice.
2. Newspaper ad for September 10, 2025, meeting.
3. Application (copies provided to the Board and available for inspection in the offices of the Martin County Growth Management Department, Development Review Division)