



Martin County

Administrative Center
2401 SE Monterey Road
Stuart, FL 34996

Meeting Minutes Board of Zoning Adjustment

Travis Waddell, District 1
Cabell McVeigh, District 2
Michael Dooley, Vice-Chair, District 3
John Honan, District 4
Vacant, District 5
Mac Ross, Chair, Countywide
Brian McHale, Countywide

Thursday, October 24, 2024

7:00 PM

Commission Chambers

CALL TO ORDER

Michael Dooley, Vice-Chair, called the meeting to order at 7:03 pm. A quorum was present.

ROLL CALL

Present: Michael Dooley, Vice-Chair
John Honan
Cabell McVeigh
Travis Waddell
Brian McHale

Not present: Mac Ross, Chair

Staff Present:

Deputy County Attorney.....Elysse Elder
Deputy Growth Management DirectorPeter Walden
Senior Planner.....John Sinnott
Agency Recorder/Notary.....Rebecca Dima

MINU-1 July 25, 2024

The Board is being asked to approve the minutes from the July 25, 2024 meeting.
Agenda Item: 25-0175

MOTION: No Motion was made for approval or denial, Board Members had not reviewed the minutes, therefore, this item is postponed until next BOZA meeting.

QJP QUASI-JUDICIAL PROCEDURES

Quasi-Judicial procedures apply when a request involves the application of a policy to a specific application and site. It is a quasi-judicial decision. Quasi-Judicial proceedings must be conducted with more formality than a legislative proceeding. In Quasi-Judicial proceedings, parties are entitled – as a matter of due process to cross-examine witnesses, present evidence, demand that the witnesses testify under oath, and demand a decision that is based on a correct application of the law and competent substantial evidence in the record.

Agenda Item: 25-0176

NEW NEW BUSINESS

NPH-1 COTTON, DONALD E. & BONNIE D. VARIANCE REQUEST (QUASI-JUDICIAL)

Request for a non-administrative variance by Elemental Consulting LLC, Kristen Coughanour, on behalf of Donald E. and Bonnie D. Cotton, to reduce the required west side property line setback from 25 feet to 15.5 feet, a requirement of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the A-2, Agricultural District, for an existing encroachment of an accessory building.

Presented by: John Sinnott, Senior Planner

Agent for the Applicant: Kristen Coughanour, Elemental Consulting, LLC

Agenda Item: 25-0177

***For the Record:**

BOZA: Ex parte communications disclosures: None.

Intervener present: None.

All staff and individuals speaking on this matter were sworn in.

STAFF: Mr. Sinnott presented.

BOZA: Mr. Waddell asked if this was brought on by a sale of the property or a neighbor calling to complain.

STAFF: There have been no complaints nor a pending sale that Mr. Sinnott is aware of.

BOZA: Mr. Honan asked why there is no AG exemption on this property.

STAFF: Mr. Walden stated that the property is platted and is a Single Family Residence.

BOZA: Mr. Honan asked if a donkey on the property would qualify it for an Ag exemption?

STAFF: Ms. Elder stated that that would be up to the property appraiser to determine.

BOZA: Mr. Waddell stated that it still would not have been ok even if it had met any exemption requirements and asked if that was correct.

STAFF: Mr. Walden stated it would still have had to meet the setbacks.

BOZA: Mr. Cabell asked if you need a permit to build a pole barn.

STAFF: Mr. Walden stated that you do not, however, it still has to meet the correct setbacks.

BOZA: Mr. Dooley asked if there were any environmental setbacks that would have affected the structure being pushed back closer to the house?

STAFF: Mr. Walden said no. He also stated that one of the reasons Staff is ok with approving the request is because the owner has done a good job to keep the native land preserved and moving the structure at this point could cause damage to the native trees.

BOZA: Mr. Honan asked why there was a PAMP on this property.

STAFF: Mr. Walden explained it was part of the building permit process.

BOZA: Mr. Waddell asked to have the preserve areas pointed out on the map.

STAFF: Mr. Sinnott showed the areas and clarified them.

BOZA: Mr. Honan asked why there is an upland preserve on this property.

STAFF: Mr. Sinnott stated it is applicable to the agricultural ranchette properties. Mr. Walden noted that he was unsure why that was required on this particular property though, and that the Applicant may be able to explain more on that.

BOZA: Mr. Honan asked to confirm if this is not approved the structure and pad will have to be removed.

STAFF: Mr. Walden said yes, that is correct.

BOZA: Mr. Waddell asked for pictures of the structure.

STAFF: Mr. Sinnott showed the plans submitted as part of the after-the-fact permit. The plans have not yet been approved and the Building Dept has asked for certified plans to be submitted.

BOZA: Mr. Honan asked if the BOZA approves the request can the Building Dept still deny the after-the-fact permit.

STAFF: Mr. Walden said that would be unlikely.

BOZA: Mr. Dooley asked to see the historical pictures of the property on the maps.

STAFF: Mr. Sinnott showed the maps as requested.

BOZA: Mr. Dooley stated he wanted to see the maps to see why the structure could not have gone elsewhere.

STAFF: Mr. Walden stated that the lot is heavily vegetated.

APPLICANT: Hunter Preston with Elemental Consulting presented and showed pictures of the property and structure. Notifications to neighboring properties were turned in.

BOZA: Mr. Dooley asked what the rectangle to the north of the structure was.

APPLICANT: Mr. Preston stated it is an equipment pad.

BOZA: Mr. Honan asked if the Agent knew what had brought about the violation.

APPLICANT: Mr. Preston stated he did not know. He also noted that the nearest neighbor was present tonight and that she does not have any issues with the project.

BOZA: Mr. Dooley asked if the concrete pad was also in violation.

STAFF: Mr. Walden stated that if it is an equipment pad, it is not in violation.

BOZA: Mr. McHale stated he found it odd that the owner built the structure without ever getting any setback information checked.

APPLICANT: Mr. Preston stated that there was some misunderstanding regarding the need for a permit or not after the Owner spoke to a member of staff believed to be a Mr. Massey.

PUBLIC: The following people spoke regarding this item: Ms. Carol Dippy, the Applicant's neighbor, confirmed that she does not have any problems with the structure and said that she was unaware of it even being there until she got the notice.

BOZA: Mr. Honan said he finds this interesting, in that setbacks were not looked into before being built, and this would normally have been a no from him, however, he sees no harm being caused as it is now rather than if it was torn up.

BOZA: Mr. Waddell agrees, especially with the neighbor being ok with it and the fact that it could cause more trouble to natural vegetation if it was taken down.

BOZA: Mr. Honan doesn't think Staff would have brought this before the Board if they did not think it was worth it to approve.

STAFF: Mr. Walden stated that when the application first came through, they did think it would have to be moved., however, after seeing the property and how the owner is working to preserve the areas around it, they realized more harm could be done to remove it.

BOZA: Mr. Cabell stated that he could see how the owner thought it was ok under an Ag zoning and then misunderstanding if he had had that in place or not.

BOZA: Mr. Honan stated that if it is approved there needs to be nothing else allowed, no changes to be made to make it a livable space.

BOZA: Mr. McHale stated that he would have said no as well, but with the neighbor being OK, he can see it being approved now.

BOZA: Mr. Dooley also stated that the neighbor being OK with this swayed him as well as the preserve area concerns being considered.

MOTION: The Motion to approve was made by Mr. Honan and he added that it must stay as it is at 9.5' and that a permit must be received and that it remains a pole barn only; this was **SECONDED** by Mr. Waddell. The motion **CARRIED** 5 - 0 with Mr. Ross absent.

COMMENTS

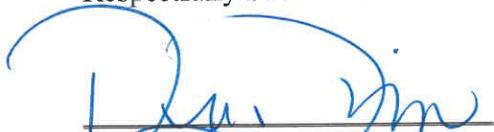
1. **PUBLIC** – None.
2. **MEMBERS** – A discussion ensued regarding the process of receiving the meeting packages. The members stated they would prefer to receive the plans and minutes as hard copies mailed to them, rather than electronically.
3. **STAFF** – This request was acknowledged by Staff.

ADJOURN:

The Board of Zoning Adjustment meeting of October 24, 2024, adjourned at 7:38 pm.

Respectfully Submitted:

Approved by:



Rebecca Dima, Martin County,
Growth management Department
Agency Recorder/Notary



Michael Dooley, Vice Chair

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Date Signed

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