



MARTIN COUNTY, FLORIDA  
DEVELOPMENT REVIEW DIVISION  
GROWTH MANAGEMENT DEPARTMENT

# VARIANCE APPLICATION STAFF REPORT

**SUBJECT:** Request by Elemental Consulting LLC, Kristen Coughanour, on behalf of Donald E. and Bonnie D. Cotton, for a variance 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.

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback).

## A. APPLICATION PROCESSING INFORMATION

*Applicant and property owner:* Donald E. and Bonnie D. Cotton

*Agent for applicant:* Elemental Consulting, LLC, Kristen Coughanour

*Date application submitted:* August 26, 2024

*Staff report date:* September 13, 2024

*Date of Board of Zoning Adjustment hearing:* October 24, 2024

*Project coordinator for County:* John Sinnott, Senior Planner

*Growth Management Director:* Paul Schilling

*Record Number:* GMD2024080343

*Report number:* 2024\_1024\_Cotton\_Variance\_Staff\_Final.doc

## B. APPLICATION TYPE AND DESCRIPTION OF REQUEST

The subject property is zoned A-2, Agricultural 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 or 50 feet from the centerline of the right-of-way (SW Wisteria Terrace), whichever is greater  
Side: 25 feet from property line  
Rear: 25 feet from property line

The applicant is requesting a variance to reduce the setback from 25 feet to 15.5 feet from the west side yard property line to permit the encroachment of an existing 36 feet x 22.5 feet accessory storage

structure. This structure was built between 2021 and 2022 without a building permit.

### C. VICINITY AND SITE INFORMATION

Site Address: 7003 SW Wisteria Terrace, Palm City Florida 34990

Parcel: 28-38-40-000-041-00000-1

Legal Description:

The East half of Tract 41, Section 28, Township 38 South, Range 40 East of Palm City Farms, according to the plat thereof, as recorded in Plat Book 6, Page 42, of the Public Records of Palm Beach (now Martin) County, Florida

Zoning: A-2, Agricultural District

Future Land Use: Agricultural Ranchette

### LOCATION MAP



## REQUESTED VARIANCE SITE



### D. APPLICANT INFORMATION

*Applicant and property owner:* Donald E. and Bonnie D. Cotton  
*Address:* 7003 SW Wisteria Terrace  
Palm City, FL 34990

*Agent for applicant:* Kristen Coughanour  
Elemental Consulting, LLC  
901 SE Johnson Avenue  
Stuart, Fl 33449

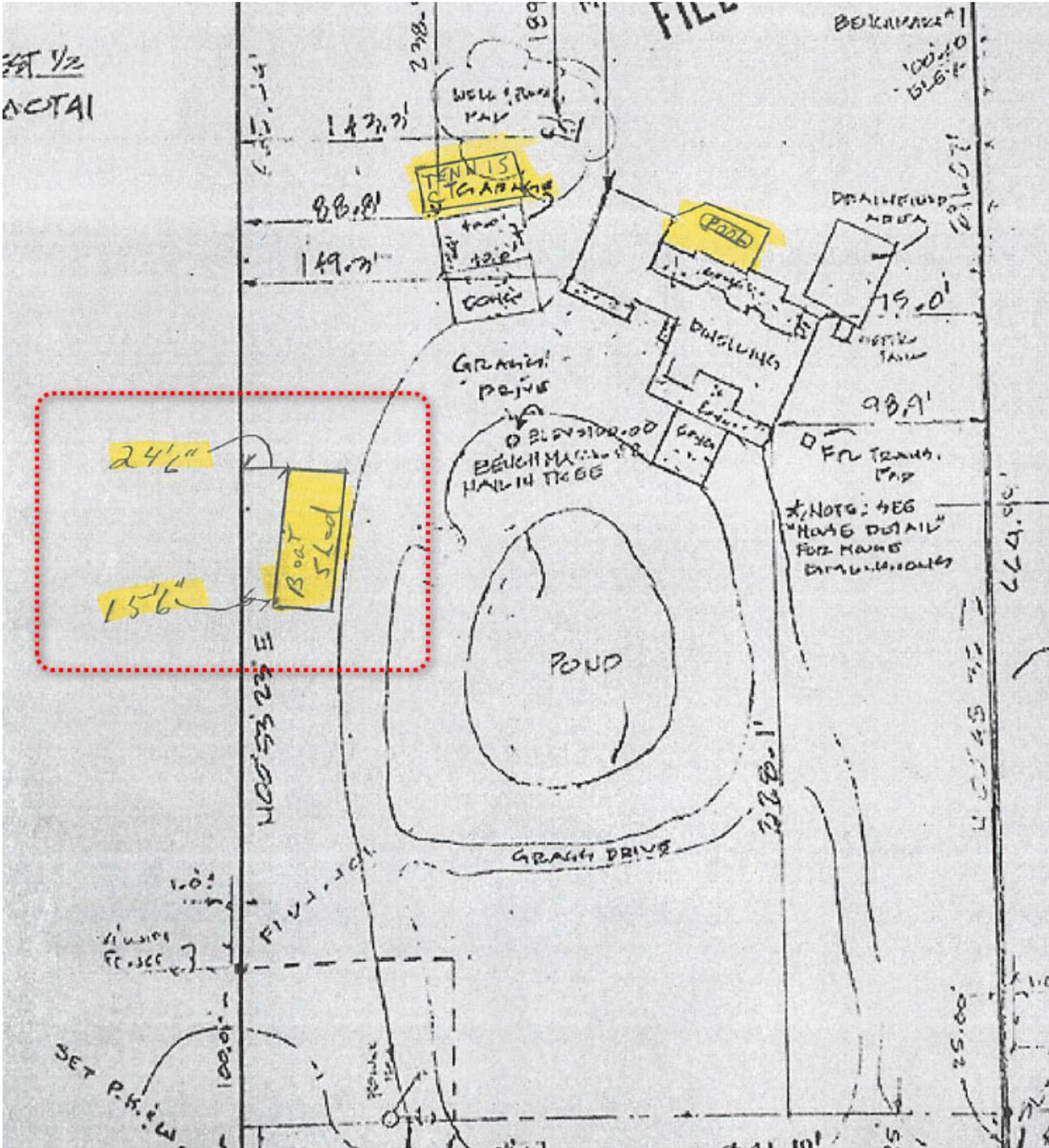
## E. COMPLIANCE ASSESSMENT

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 located within the Palm City Farms Plat, as recorded in Plat Book 6, Page 42, Public Records of Palm Beach (now Martin) County, Florida, in 1916. According to the submitted boundary survey, the subject property is approximately 4.9 acres.
2. The existing 36 feet x 22.5 feet accessory storage structure on the lot appears to have been constructed between 2021 and 2022. This non-air-conditioned structure was constructed without a building permit. At the time of construction, the property owner was under the impression that an agricultural exemption applied to this type of structure and that no building permit was required. A Notice of Violation was issued to the property owner in October 2023 as part of Code Enforcement Case ENF2023080731. The property owner subsequently applied for an after-the-fact building permit, BLD2023100970. This building permit has not yet been issued due to conditions applied by the Martin County Building Department and Martin County Growth Management.
3. According to materials submitted with the building permit application and this variance application, the structure consists of a 4" thick concrete slab foundation with posts embedded in 24" diameter concrete footers. The structure is open ended at the front and rear with 5V metal crimp siding on the left and right sides. Electrical outlets and lighting are also included within the submitted plans.
4. The property owner constructed the accessory storage structure adjacent to the existing access driveway to allow for proper access to the structure and to limit impacts to existing native vegetation. Other potential locations could have impacted older trees that Mr. Cotton was hopeful to maintain. An approximately 0.5-acre pond is present between the dwelling and SW Wisteria Terrace. A Preserve Area Management Plan (PAMP) is also in effect on the property. The preserve area consists of approximately 1.55 acres of upland habitat to the rear of the residence. The accessory storage structure is located approximately 120 feet south of the preserve area on the property.
5. The accessory storage structure is approximately 275 feet from the dwelling on the neighboring property to the west. The structure is approximately 70 feet from the wetland on the neighboring property and 20 feet from the edge of the wetland buffer.
6. The setback requirements for the subject property are as follows:
  - Front: 25 feet from the lot line or 50 feet from the centerline of the right-of-way (SW Wisteria Terrace), whichever is greater
  - Side: 25 feet from property line
  - Rear: 25 feet from property line

7. The applicant is requesting a variance to reduce the west side yard setback from 25 feet to 15.5 feet for the existing 36 feet x 22.5 feet accessory storage structure, as shown in the site plan below

**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 property is currently occupied by a single-family residence and several accessory structures. An approximately 0.5-acre pond is present between the dwelling and SW Wisteria Terrace. The property owner chose the existing location of the accessory storage structure given the preserve area occupying the majority of the property to the rear of the residence and based on the existing pond and an abundance of native vegetation between the residence and SW Wisteria Terrace.

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.*

Based on a strict interpretation of the side yard setback, the accessory structure would not be authorized in its current location. Similar types of accessory structures are common on other properties in this area of Palm City. Literal interpretation of the provisions of Article 3 would necessitate greater impacts to the native vegetation on the property.

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

The construction of the accessory storage structure without a building permit appears to be a result of the property owner's misunderstanding of regulations regarding building permit exemptions for nonresidential buildings used for agricultural purposes. The property owner claims that he was not aware of a setback requirement for the structure.

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.*

Similar types of accessory structures are common on other properties in this area of Palm City. The owner chose the location to reduce negative impacts on existing vegetation.

7. The granting of a variance will not create a negative impact to the health, safety, and welfare of the surrounding neighborhood. The variance is the minimum variance that will make possible the reasonable use of the structure as it exists in its current configuration.

## **F. RECOMMENDATION**

The Board is advised that this application for a setback variance is in order and qualifies for an action of approval. A side yard setback variance of 9.5 feet is requested to reduce the setback requirement from 25 feet. to 15.5 feet from the west side property line for the existing 36 feet x 22.5 feet accessory storage structure. 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 existing 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>	\$219.56	\$0.00	\$219.56
<i>Admin fees:</i>	\$25.00		\$25.00

## **H. ATTACHMENTS**

1. Sample letter notice.
2. Newspaper ad for September 26, 2024, 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)