



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
Joseph P. Connelly, District 5
Mac Ross, Chair, Countywide
Rodney Sturm, Countywide

Thursday, July 25, 2024

7:00 PM

Commission Chambers

CALL TO ORDER

Mr. Ross, Chair, called the meeting to order at 7:00 pm. A quorum was present.

ROLL CALL

Present: Mac Ross, Chair
Michael Dooley, Vice-Chair
John Honan
Travis Waddell
Cabell McVeigh

Not present: Joseph Connelly
Rodney Sturm

Staff Present:

Deputy County Attorney.....Elysse Elder
Growth Management Development Review Administrator Elizabeth Nagal
Senior Planner.....Barbara Counsellor
Agency Recorder/Notary.....Rebecca Dima

MINU-1 FEBRUARY 22, 2024

The Board is being asked to approve the minutes from the February 22, 2024 meeting.
Agenda Item: **24-1137**

MOTION: Mr. Honan motioned to approve the minutes of the Board of Zoning Adjustment Meeting of February 22, 2024. **SECONDED** by Mr. Dooley. The motion **CARRIED** 5-0 with Mr. Connelly and Mr. Sturm absent.

MINU-2 APRIL 25, 2024

The Board is being asked to approve the minutes from the April 25, 2024 meeting.

Agenda Item: **24-1138**

MOTION: Mr. Honan motioned to approve the minutes of the Board of Zoning Adjustment Meeting of April 25, 2024. **SECONDED** by Mr. Dooley. The motion **CARRIED** 5-0 with Mr. Connelly and Mr. Sturm absent.

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: **23-1139**

NEW NEW BUSINESS

NPH-1 HOPKINS, CHAD AND ELISA VARIANCE REQUEST (QUASI-JUDICIAL)

Request for a non-administrative variance by Fox McCluskey Bush Robison, PLLC on behalf of Chad and Elisa Hopkins. a non-administrative variance to reduce the west side yard setback of 10 feet from 20 foot to 10-foot requirement of Article 3, Zoning Districts, Land Development Regulations, Martin County Code for HB-1A, Hotel Motel District to permit the construction of a screen-enclosed pool with patio structure and existing encroachment of the 19.9 feet rear of dwelling. The subject property is located at 9295 SE Delafield Street in Hobe Sound.

Presented by: Barbara Counsellor, Senior Planner

Agent for Applicant: Tyson Waters, Esq., Fox McCluskey Bush Robison, PLLC

Agenda Item: **24-1141**

***For the Record:**

BOZA: Ex parte communications disclosures: None. Intervener present: None.

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

STAFF: Ms. Counsellor presented NPH-1, and provided a copy of agenda item, staff report, and a copy of her work history.

BOZA: Mr. Honan asked for clarification regarding any variance/s that have been previously granted for this property.

STAFF: Ms. Counsellor explained that there has been rear, front and east side variances

approved previously.

BOZA: Mr. McVeigh asked if those were all done at once.

STAFF: Ms. Counsellor confirmed they were.

BOZA: Mr. Waddell asked if there have been any neighbor comments received.

STAFF: Ms. Counsellor stated there have been no apposed comments received; the neighbor to the West sent a comment in favor; this was presented to the Board for review.

APPLICANT: Mr. Waters presented and turned in proof of notices to surrounding properties.

BOZA: Mr. Honan asked how big the home is.

APPLICANT: Mr. Waters stated it is 2100 square feet.

BOZA: Mr. Dooley asked for clarification on the size of the screen porch.

APPLICANT: Mr. Waters confirmed the proposed size.

BOZA: Mr. Honan asked if this was to be stand alone or attached.

APPLICANT: Mr. Waters stated it was stand alone with patio connectivity.

BOZA: Mr. McVeigh asked about the current codes for rear setback and stated that it appeared that even now they could still not meet the current codes for a pool in the rear setback.

APPLICANT: Mr. Waters explained that due to code changes and the current standard of 25' setback requirement from the water the pool could not go further towards the rear.

BOZA: Mr. Honan asked if Wetland Waivers are allowed.

APPLICANT: Mr. Waters stated they are only allowed to build behind the 25' SPZ (Shoreline Protection Zone), no waivers are permitted to build within the SPZ with the exception of some access rights.

PUBLIC: The following people spoke regarding this item: None.

MOTION: Mr. Dooley motioned that the Applicants request be Approved.

BOZA: Mr. Honan stated he had been concerned with the number of variances granted on this property already, however, due to the neighbor's letter in favor of this request he was swayed to vote for approval.

MOTION: The Motion to approve by Mr. Dooley was **SECONDED** by Mr. Honan. The motion **CARRIED** 5-0 with Mr. Connelly & Mr. Sturm absent.

PRES PRESENTATIONS

PRES-1 PUBLIC RECORDS PROCEDURES

Public Records policy and procedure training according to Chapter 119 of the Florida Statutes.

Requested by: Paul Schilling, Growth Management Department Director Presented by:
Sangeeta Maragh, Public Records Supervisor

Agenda Item: 24-1140

STAFF: Ms. Maragh presented.

BOZA: Mr. Honan asked for clarification regarding where to post a notice to send emails only to county address from their personal emails.

STAFF: Ms. Maragh stated it can be sent as a reply to any emails you may receive or as a text on any personal devices.

BOZA: Mr. Dooley asked to confirm that documents received from the County such as Agendas are not needed to be kept after the meeting is completed.

STAFF: Ms. Maragh & Ms. Elder both confirmed this was correct.

BOZA: Mr. Dooley asked if verbal conversations counted.

STAFF: Ms. Maragh & Ms. Elder both stated they do not. Ms. Elder further stated that any ex parte would have to be declared if it were applicable.

COMMENTS

1. PUBLIC – None.
2. MEMBERS – Mr. Ross asked if there were any applications for next month.
3. STAFF – Ms. Counsellor stated there was not at this time.

ADJOURN:

The Board of Zoning Adjustment meeting of July 25, 2024, adjourned at 7:50 pm.

Respectfully Submitted:

Approved by:

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

Mac Ross, Chair

Date Signed

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