



## **MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW DIVISION GROWTH MANAGEMENT DEPARTMENT VARIANCE APPLICATION STAFF REPORT**

**SUBJECT:** Request for a non-administrative variance by Spencer Denton (Groth) to reduce the rear setback requirement of Article 3, Zoning Districts, Land Development Regulations (LDR), Martin County Code, for the HR-1, Single Family Residential District to permit the construction of a swimming pool and sand-set travertine deck. The subject property is located at 279 SW Harbor Street, Stuart, Florida.

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### **A. APPLICATION PROCESSING INFORMATION**

|                                             |                                            |
|---------------------------------------------|--------------------------------------------|
| Applicant and property owner:               | Spencer Denton (Groth)                     |
| Date application submitted:                 | September 16, 2025                         |
| Staff report date:                          | October 08, 2025                           |
| Date of Board of Zoning Adjustment hearing: | October 23, 2025                           |
| Project coordinator for County:             | Barbara Counsellor, Senior Planner         |
| Growth Management Director:                 | Paul Schilling                             |
| Record Number:                              | GMD2025090245                              |
| Report Number:                              | 2025_1023_Harbor_St_279_non-AdminVar_Staff |

### **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 property lines (Harbor and Gaines ROW)             |
| Interior 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 6 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: 279 SW Harbor Street, Stuart, Florida 34997

Parcel: 55-38-41-007-000-00250-8

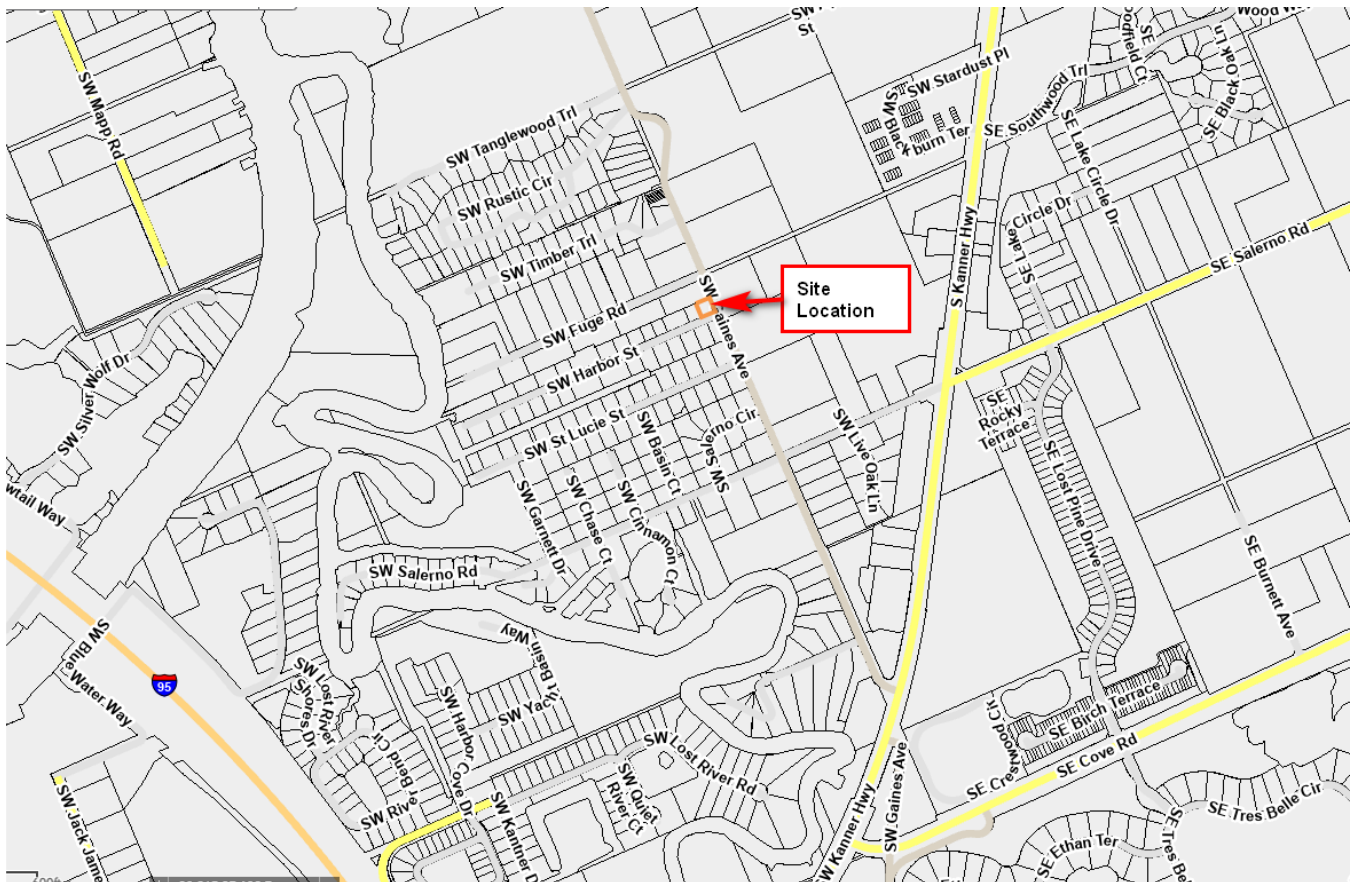
Legal Description:

The East 100 feet of lot 25, Harbor Estates, according to the plat thereof, 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 06/28/1990 at 270 SW Harbor Street (pool, spa, deck)  
Variance approved 08/22/1991 at 590 SW Harbor Street (pool, enclosure)  
Variance approved 06/24/2004 at 636 "current 630" SW Harbor Street (SFR, pool, deck)  
Variance approved 06/24/2004 at 325 SW St. Lucie Street (addition, pool, deck)  
Variance approved 05/26/2006 at 525 SW Harbor Street (pool, deck)  
Variance approved 01/24/2008 at 271 SW St. Lucie Street (pool, deck)  
Variance approved 02/25/2010 at 525 SW Harbor Street (carport)  
Variance approved 04/26/2012 at 370 SW Harbor Street (pool, deck)  
Variance approved 01/28/2021 at 279 SW Harbor Street (SFR)  
Variance approved 09/25/2025 at 555 SW Harbor Street (pool, deck)

#### **D. 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 that was created in 1957 with the recording of the Harbor Estates plat.

2. The subject property is approximately 0.2296 acres ( approximately 10,000 sf.). The property width is approximately 100 ft. along the road frontage adjacent to SW Gaines Avenue and approximately 100 ft. along the road frontage adjacent to SW Harbor Street.

3. 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.

4. The front setback as shown in Table 3.12.2 shall apply to all sides of a lot which are adjacent to a street. The subject property does not meet the regulations to where the lot was lawfully established prior to May 9, 1967, and is 75 feet or less in width, as measured along the front lot line, or which is otherwise 7,500 square feet or less in total area, the front setback shall only apply to the sides of the lot providing vehicular access. The setback requirements for the subject property are as follows:

Front: 25 feet from property lines (SW Gaines Ave. / SW Harbor St.)\*

\*There is an exemption for the 65-foot and 50-foot centerline of rights-of-way per code regulations, Ordinance 1156 adopted April 27, 2021.

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 6 feet for the construction of a 10 ft. x 25 ft. swimming pool and sand-set travertine paver deck area as shown in the site plan below. The dwelling was constructed in 2022 at 25.08 feet from the rear property line meeting the three 25 feet setback requirements. The previously approved variance was for the reduction of the centerline that was in affect at the time of construction, which was most restricted. The dwellings footprint and the property's setbacks would not permit the construction of a pool or deck except within 11 feet of space on the SW Gaines Ave. side yard. Within the 11 feet side yard space, there are sewer and plumbing lines and with the construction close proximity to the dwelling poses a significant risk to the homes foundation and potentially damaging to underground infrastructure. Due to these constraints, the only feasible location for the pool would be in the rear yard and a variance is necessary to accommodate the modest pool footprint. The proposed structures will not encroach within the rear 5-foot utility easement.

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

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 at least 10 setback variances granted for this subdivision. Examining the neighboring area also shows there are non-conformities as to zoning setbacks and requirements in the neighborhood.

## **E. 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 19 feet is requested to reduce the setback requirement from 25 feet to 6 feet from the rear property line for a 10ft by 25ft 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.

## **F. 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>          | \$                 | \$0.00              | \$                  |
| <i>Admin fees:</i>                | \$25.00            |                     | \$25.00             |

## **G. ATTACHMENTS**

1. Sample letter notice.
2. Newspaper ad for October 23, 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)