

Prepared by:
Martin County Growth Management Department
2401 SE Monterey Road
Stuart, FL 34996

[Blank space above line reserved for recording data]

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

**BEFORE THE BOARD OF ZONING ADJUSTMENT
MARTIN COUNTY, FLORIDA**

**[REGARDING THE APPLICATION OF
CHAD AND ELISA HOPKINS
FOR A ZONING SETBACK VARIANCE ON PROPERTY LOCATED AT 9295 SE
DELAFIELD STREET WITHIN THE HB-1A, HOTEL MOTEL DISTRICT]**

WHEREAS, this Board has made the following determinations of fact:

1. Fox McCluskey Bush Robison, PLLC on behalf of Chad and Elisa Hopkins submitted a variance application to reduce the side setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code for the HB-1A, Hotel Motel District, to permit the construction of a screen-enclosed pool and patio structures on the subject property and to acknowledge the existing rear setback encroachment of the single-family dwelling within the Gomez Grant & Jupiter Island, according to the plat thereof, as recorded in Plat Book 01, Page 80, of the Public Records of Martin County, Florida. The subject property is located at 9295 SE Delafield Street, Stuart, Florida.
2. This Board considered this application to reduce the side setback requirements and acknowledge the existing rear setback encroachment of the existing dwelling at a public hearing on July 25, 2024.
3. At the public hearing, all interested parties were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING ADJUSTMENT
OF MARTIN COUNTY, FLORIDA, THAT:**

- A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- B. Literal interpretation of the provisions of Article 3, Land Development Regulations, Martin County Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

- C. The special conditions and circumstances do not result from the actions or inactions of the applicant.
- D. Granting the variance requested will not confer on the applicant any special privilege that is denied to owners of other lands, structures, or buildings in the same district.
- E. The variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F. The granting of the variance will be in harmony with the general purpose and intent of the Land Development Regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- G. A setback variance on the subject lot is approved for a reduced side yard setback of 10 feet for a proposed screen-enclosed pool and patio structure to reduce the setback requirement from 20 feet to 10 feet along the west side property line and to acknowledge the existing encroachment of 19.9 feet of the existing single-family dwelling structure into the rear setback as set forth on the site plan attached hereto as Exhibit A.
- H. This resolution shall be recorded in the official records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

DULY PASSED AND ADOPTED THIS 25TH DAY OF JULY, 2024.

ATTEST:

BOARD OF ZONING ADJUSTMENT
MARTIN COUNTY, FLORIDA

REBECCA DIMA,
AGENCY RECORDER/NOTARY

BY: _____
MAC ROSS, CHAIRMAN

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: _____
EYLSSE A. ELDER,
DEPUTY COUNTY ATTORNEY

ATTACHMENTS:
Exhibit A, Site Plan