



ITEM

I. **TITLE:** Request for alternative compliance at 4872 SE Flounder Avenue in Port Salerno, by John L. Hennessee and Melody Thor Fortier, the property owners.

II. **THE APPLICANT REQUESTS ALTERNATIVE COMPLIANCE TO:** Construct a 2,080 sq. ft. metal garage on their 14,244 sq. ft. (0.33 acre) residential lot that does not comply with:

1. Sections 3.262.C.2.c. and 3.262.B.2.b., LDR which limit the size of accessory structures to 850 sq. ft.;
2. Section 3.262.F.4. which requires residential garages to be subordinate to the main living area of the dwelling in terms of area, height, width and/or location.
3. Section 3.262.L. which requires all new development in the Port Salerno CRA to adhere to one of five architectural styles-- *Florida Vernacular, Mediterranean Revival, Anglo Caribbean, Florida Bungalow, or Art Deco.*
4. Section 3.262.F.4. which limits the width of residential driveways to 20-feet where they meet the public right-of-way;

5. **BACKGROUND:** Art. 3, Div. 6 of the LDRs, at §3.260.D, provides:

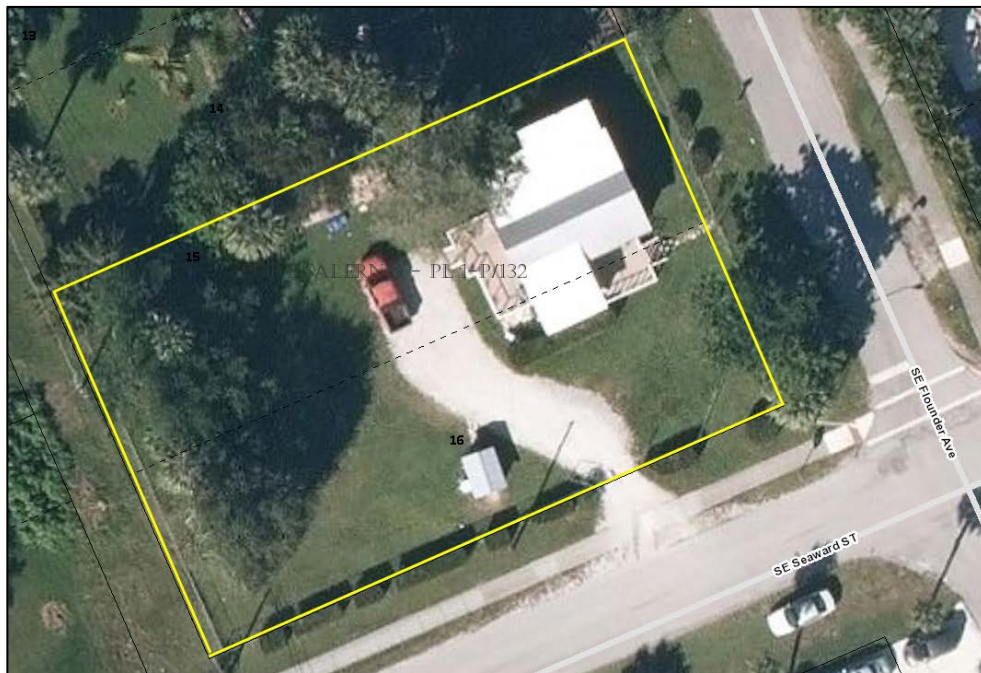
An applicant for development approval may submit a site, landscape, or architectural plan which varies from the requirements of the CRA code in order to accommodate unique circumstances of the proposed development site. Such alternative plan may include offers by the applicant to mitigate or offset the impacts of the alternative design. Such alternative plan may be approved only after having been reviewed by the appropriate Neighborhood Advisory Committee and upon a finding by the Growth Management Director that the alternative plan fulfills the purpose and intent of the CRA code as well as or more effectively than adherence to the strict requirements and would help carry out specific goals or objectives outlined in the particular CRA plan. Appropriate justifications for approving alternative plans include but are not limited to:

1. The resolution of site constraints associated with the incorporation of new buildings and structures on sites developed prior to the adoption of Redevelopment Overlay Districts.
2. The utilization of existing site characteristics, such as historical or archaeological features, topography, scenic views or native vegetation.
3. Improve or provide integration of proposed development with the surrounding off-site development.
4. The preservation of the historical or archaeological features of the area.

Figure 1. Location Map



Figure 2. Subject Property



IV. ANALYSIS

The lot in question has the Medium Density Residential Future Land Use and R-2A two-family residential zoning. It is not in a Zoning Overlay or a Mixed-Use Future Land Use Overlay. Mr. Hennessee and Ms. Thor Fortier purchased the property in June 2020.

The residential future land use and zoning have been on the property since 1982 and 1967, respectively. The standards that limit the size of accessory structures to 850

sq. ft. in residential neighborhoods and require all new development to be constructed in one of 5 architectural styles are also not new. They were adopted in 2001. The only standard that might be considered new is the limitation on the width of residential driveways to 20-feet where they intersect the public right-of-way. This standard, intended to protect and promote the primacy of sidewalks and pedestrians in the residential neighborhoods, has been in effect for more than 2.5 years.

The Board of County Commissioners recently adopted amendments of the Future Land Use Map and the Zoning Atlas for the Port Salerno CRA and enacted Article 12, Division 6, Port Salerno Community Redevelopment Code. Pursuant to these adopted-but-not-yet effective ordinances, the property is assigned the CRA Neighborhood Future Land Use designation, the Port Salerno Redevelopment Zoning District, and the Detached-1 Subdistrict. Detached single-family dwellings, duplexes and townhouses are permitted uses, as well as limited impact institutional uses. The requirements regarding the size and style of accessory structures and the width of residential driveways that are at issue in this application are retained in the recently adopted code. As you may recall, the proposed amendments were presented to the Port Salerno NAC in February and June of 2020 and public hearings before the Local Planning Agency and the Board of County Commissioners were held in July, August and September 2020.

The dwelling on this lot is 1,113 sq. ft. The proposed 2,080 sq. ft. metal garage is nearly twice the size of the dwelling (87% larger).

Staff's review of existing development in the 866 acres comprising the Port Salerno CRA found no residential accessory structures that approach the proposed metal building in size. The largest residential accessory structures identified are these:

- a. a 1,200 sq. ft detached residential garage at 4186 Broward constructed in 2005. The garage is constructed of similar materials and in a similar style as the principal dwelling.
- b. a 1,404 sq. ft. detached garage at 4076 SE Barcelona, constructed in 2018 of concrete block with stucco finish and numerous residential-type details in the same footprint as the pre-existing, non-conforming structure.
- c. a 1,080 sq. ft. aluminum carport erected in 2017 at 3732 SE Lincoln (on Jack) measuring 18 feet wide as it fronts Jack Avenue.

The submission of a landscaping plan to buffer the scale and appearance of the structure is appreciated. Nonetheless, staff believes that the scale and industrial appearance of the proposed building is insufficiently mitigated by the proposed landscaping plan.

V. RECOMMENDED ACTION:

For the reasons set-forth above, staff recommends that the Port Salerno Neighborhood Advisory Committee recommend to the Growth Management Director that the request for alternative compliance be denied.

The property owners have numerous options available to them to construct a garage that complies with the applicable code or comes closer to compliance with the applicable code. Different options include, but is not limited to, the following:

1. Construct a smaller garage. To the extent a smaller structure is insufficient to store their cars, boats and recreational vehicles, there are commercial facilities available for the storage of such vehicles.
2. Re-design the site plan to consolidate the driveways and limit the total driveway width to 20 feet.
3. Implement a different building footprint such that the wall facing the Seaward is less than the proposed 40 feet and the building extends further into the lot.
4. Locate the building further away from the southern property line to reduce the visual impact on Seaward Street.
5. Substitute different materials to create a less industrial and more residential appearance.

VI. PREPARED BY: Irene Szedlmayer, AICP, Principal Planner,
Martin County Growth Management Department

Figure 3. Proposed Site Plan

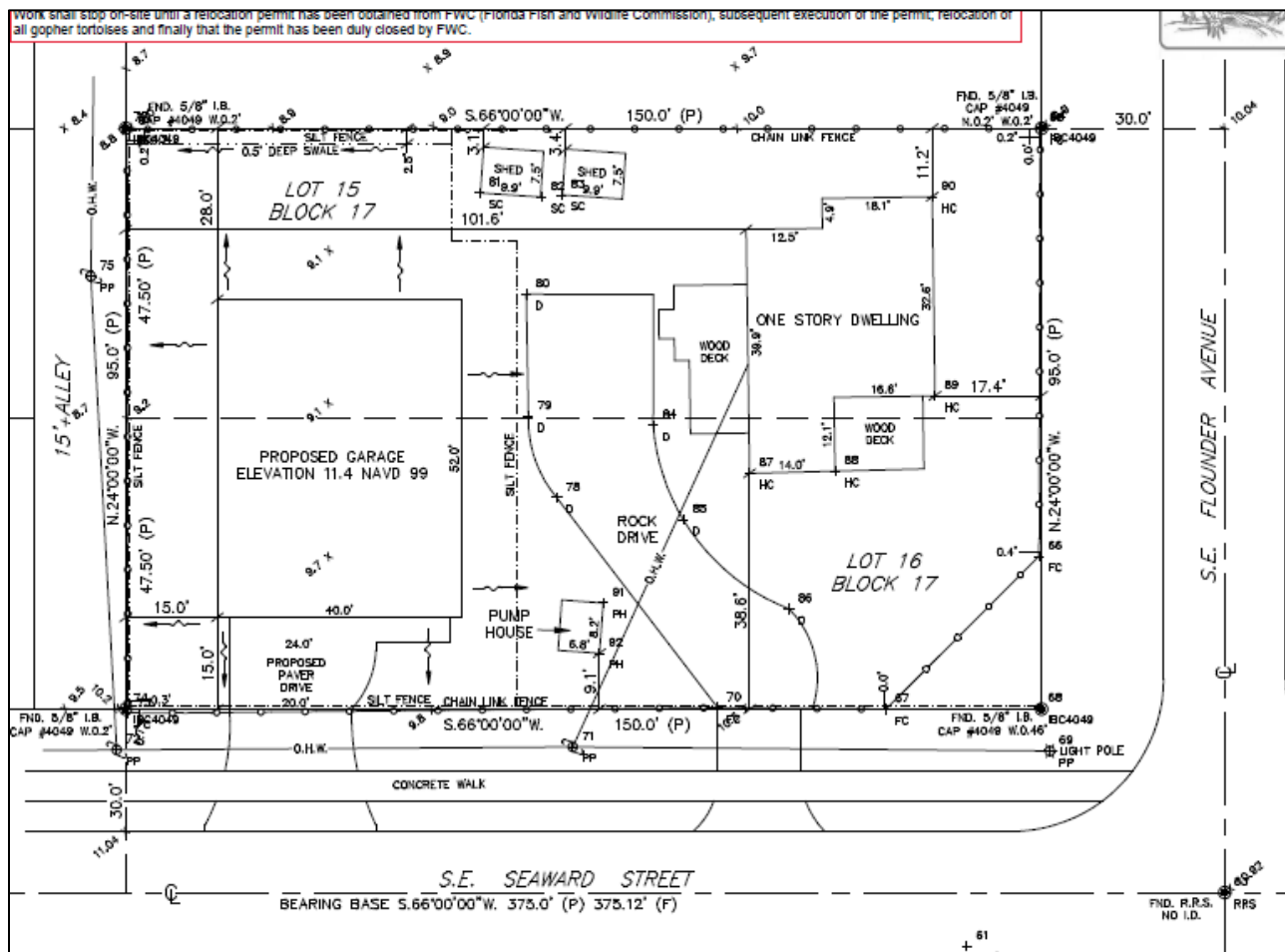
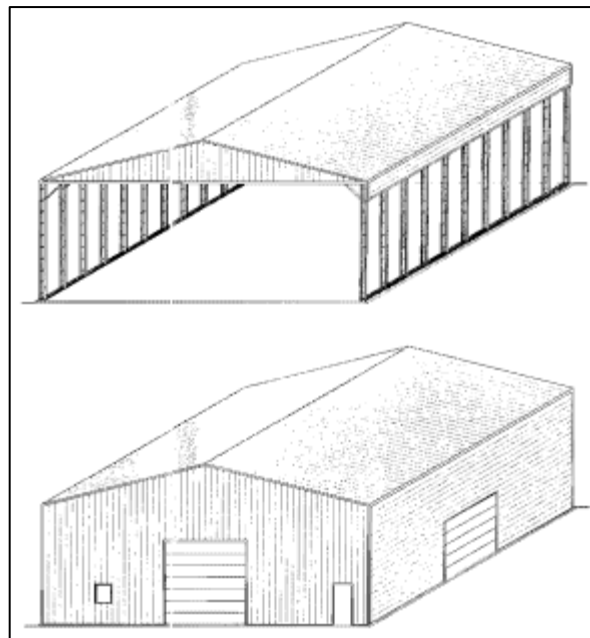
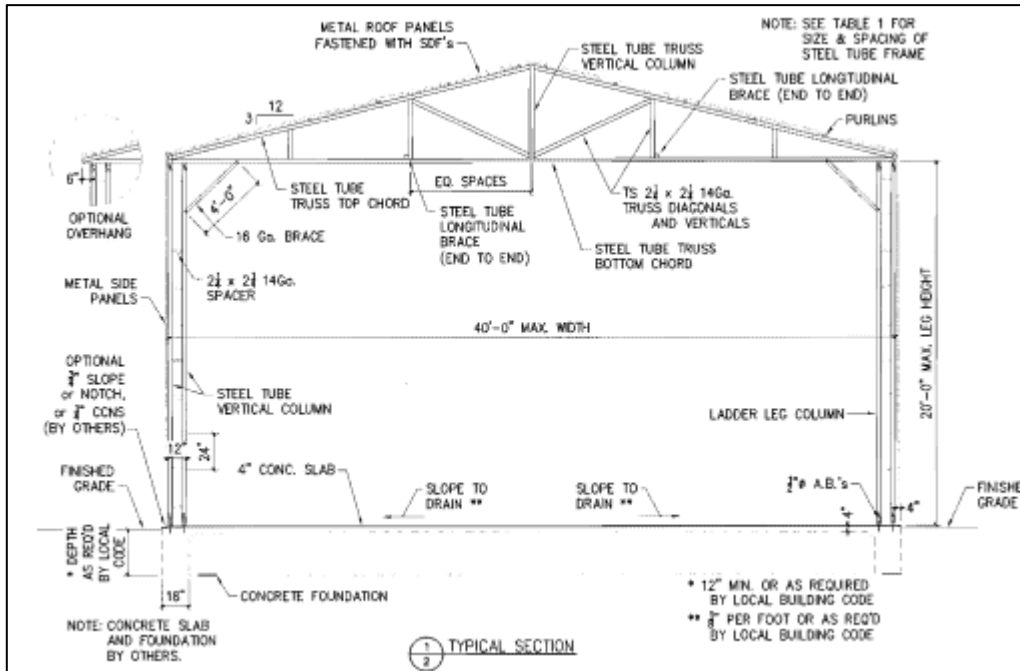


Figure 4. Proposed Building



RECEIVED
Development Applications
Alternative Compliance - CRA

SEP 16 2020

Martin County, Florida
Growth Management Department
DEVELOPMENT REVIEW DIVISION

GROWTH MANAGEMENT
DEPARTMENT

ALTERNATIVE COMPLIANCE REQUEST COMMUNITY REDEVELOPMENT AREA (CRA)

A. Project information:

Property owner-applicant:..... John L. Hennessee & Melody Thor Fortier
Address: 4872 SE Flounder Avenue
..... Stuart, FL 34997
Telephone and fax: _____
E-mail address:..... _____

Agent for owner-applicant:..... Mack Matos, Mel-Ry Construction
Address: 10967 S. Ocean Drive
..... Jensen Beach, FL 34957
Telephone and fax: 772-229-9439 772-229-9400
E-mail address:..... Mack @ Mel-Ry. com

Project name: Detached Garage

Project professional's name and telephone number:

Land planner Mack Matos Mel-Ry Construction

Landscape architect _____

Property address: 4872 SE Flounder Avenue, Stuart, FL

Legal description:..... Port Salerno Lots 15 & 16, Bk 17

Parcel control number(s): # 51-38-41-001-017-00150-0

B. General instructions:

This application form identifies the minimum documents and information required to initiate the review of a request for alternative compliance that varies from the strict application of the requirements of Article 3, Division 6, Land Development Regulations, Martin County Code (LDR). The applicant is cautioned to follow the instructions carefully.

F. Inquiries and comments:

If you have any question or comment regarding this application, please contact us at (772) 288-5495. We appreciate suggestions of how to improve our services.

G. Applicant or agent certification:

I have read this application, and to the extent that I participated in the application, I have answered each item fully and accurately.

M. Matos
Applicant's or Agent's signature

9/15/2020
Date

MACK MATOS
Printed name

NOTARY ACKNOWLEDGMENT

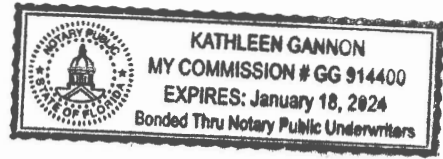
STATE OF Florida

COUNTY OF St. Lucie

I hereby certify that the foregoing instrument was acknowledged before me this 15th day of September, 2020, by Mack Matos. He or she is personally known to me or has produced _____ as identification.

Kathleen Gannon
Notary public signature

Kathleen Gannon
Printed name



State of Florida at-large

From: [John Hennessee](#)
To: [Irene Szedlmayer](#)
Cc: [Mack Matos](#)
Subject: Re: Application for alternative compliance RE: Bldg Permit BLD2020080079
Date: Wednesday, September 23, 2020 2:54:19 PM



Irene,

I am writing in regard to my Alternative Compliance application for building the accessory building at my recently purchased property located at 4872 SE Flounder Ave in the Port Salerno CRA.

My current residence is listed as 4745 SE Desoto Ave, which is the Fish House Art Center. I am currently under contract to sell the Fish House Art Center to my long time business partner Michael Harman. We have a closing date set for November 5th, 2020. Once the sale is finalized, I will be moving my residence to the 4872 SE Flounder location.

I am having this unusually large accessory building constructed in order to garage all of my vehicles, which includes a 38 ft Class A Diesel motorhome with a 12ft trailer, two cars, a golf cart, a Polaris side by side 4 wheel vehicle, and two motorcycles. The Diesel motorhome is the reason that the garage will need the additional height for the large garage door that will be needed to get the motorhome inside, which requires a 14 ft high garage door, in addition to a regular 10' X 10' garage door for the other vehicles to enter the garage. These two garage doors will face SE Seward, with the house itself actually having its frontage facing Flounder Ave. There will be a 20 ft wide driveway on Seaward to enter the garage doors.

Please let me know if you need any additional information to complete the Alternative Compliance Application.

John Hennessee

On Thu, Sep 17, 2020 at 1:11 PM Irene Szedlmayer <iszedlma@martin.fl.us> wrote:

Dear Mr. Matos:

I received the application for alternative compliance regarding the construction of metal building at 4872 SE Flounder Ave. and I reviewed the building permit file.

- As indicated in my email on August 12th, approval of alternative compliance is needed regarding:

1. Section 3.262.L., LDR --All new development in the Port Salerno CRA is required to adhere to one of the five architectural styles –Florida Vernacular, Mediterranean Revival, Caribbean, Florida Bungalow, Art Deco.

2. Section 3.262.B.2.e, LDR , which limits the size of accessory structures in the Port Salerno CRA to 850 sq. ft. and 20 feet in height.

The request for alternative compliance would be strengthened by attention to the following three things:

1. Neither the building permit application nor the application for alternative compliance provides information about the appearance of the building or the height. Please provide building elevations and the height.
2. I realize Mr. Hennessee and Ms. Fortier only purchased the property 3 months ago. Because the Property Appraiser reports the mailing address of the owners as 4745 SE DESOTO AVE, a statement by them that they reside at 4872 SE FLOUNDER AV or when they intend to reside there, is an important fact regarding the classification of the proposed structure as an accessory structure.
3. The section of code providing for consideration of alternative compliance, Section 3.260.D., also states "Such alternative plan may include offers by the applicant to mitigate or offset the impacts of the alternative design." In this case the size and the materials are what needs to be mitigated. Your letter indicates that the owners will be adding landscaping but no landscaping information is provided.

In order to be considered in my recommendation to the NAC and the Growth Management Director, any additional information you wish to submit must be received no later than Monday, September 28th.

Thank you.

Irene A. Szedlmayer, AICP

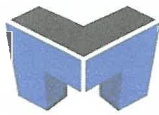
Principal Planner

Martin County Board of County Commissioners

Growth Management Department

Telephone: 772-288-5931 (my line); 772-288-5931 (Department)

Email: iszedlma@martin.fl.us



MEL-RY CONSTRUCTION INC.
RESIDENTIAL & COMMERCIAL BUILDERS

To: Martin County Community Development Department

From: Mack Matos

Date: September 15, 2020

Re: 4872 SE Flounder Ave BLD 2020080079

PID#51-38-41-001-017-00150-0

Date: September 10, 2020

RECEIVED

SEP 16 2020

GROWTH MANAGEMENT
DEPARTMENT

Identify the specific sections of the Land Development Regulations that will not be strictly followed.

What are the reasons why the strict adherences or application of the requirements are not feasible.

Describe the distinctiveness of this request. How does this request accommodate unique site features (i.e. historical or archeological features, topography, scenic views or native vegetation) or utilize innovative design?

Will the alternative compliance request, as proposed, create a nuisance or an adverse effect to any neighboring properties?

The alternative compliance request would not create a nuisance or effect to any of the neighboring properties as this new Metal detached garage is being built like the other existing Metal detached garages in the neighborhood.

How does the proposed alternative means for compliance with the specific requirements provide and equal or superior means of meeting the intent and purpose of this regulation.

The request of this would make this Metal detached garage equal with existing Metal detached garages in we are asking for side loading from SE Seaward St. and equal in characteristic of the neighborhood.

Re: 4875 SE Flounder Ave
PID#51-38-41-001-017-00150-0
Date: September 10, 2020

BLD 2020080079

How does the request improve or provide for the integration of proposed development with the surrounding off-site development?

This property has owners exiting main house and they will be adding landscaping to the new Metal detached garage with Paver driveway and walkways which will be matching the off-site development.

Gopher Tortoise Statement:
 During site preparation, clearing, bulldozing, paving, grading and throughout all construction, if you encounter a Gopher Tortoise, Stop construction activity and consult an environmental professional. Notify Martin County Environmental staff at env@martin.fl.us. Work shall stop on-site until a relocation permit has been obtained from FWC (Florida Fish and Wildlife Commission), subsequent execution of the permit; relocation of all gopher tortoises and finally that the permit has been duly closed by FWC.

8.3.2020

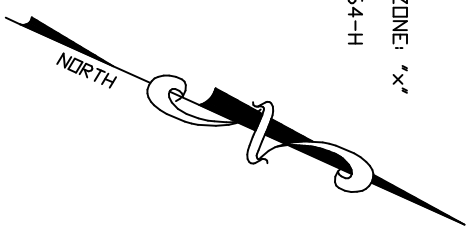


- LEGEND**
- A/C - AIR CONDITIONER
 - CONC. - CONCRETE
 - IP. - IRON PIPE
 - IB. - IRON BAR
 - D.H.W. - OVERHEAD WIRE
 - R/W - RIGHT-OF-WAY
 - C.M. - CONCRETE MONUMENT
 - N. - NORTH
 - N.G.V.D. - NATIONAL GEODETIC VERTICAL DATUM 1988
 - SET I.B. - SET 5/8" IRON BAR CAP #4459
 - (P) - DENOTES DISTANCE, ANGLE OR BEARING BY FURNISHED DESCRIPTION
 - (F) - DENOTES MEASURED DISTANCE, ANGLE OR BEARING
 - (C) - DENOTES CALCULATED DISTANCE, ANGLE OR BEARING

PROPERTY LOCATED IN FLOOD ZONE: "X"
 BASE ELEVATION: N/A
 COMMUNITY PANEL NO.: 120161-0164-H
 DATED: 02/19/2020

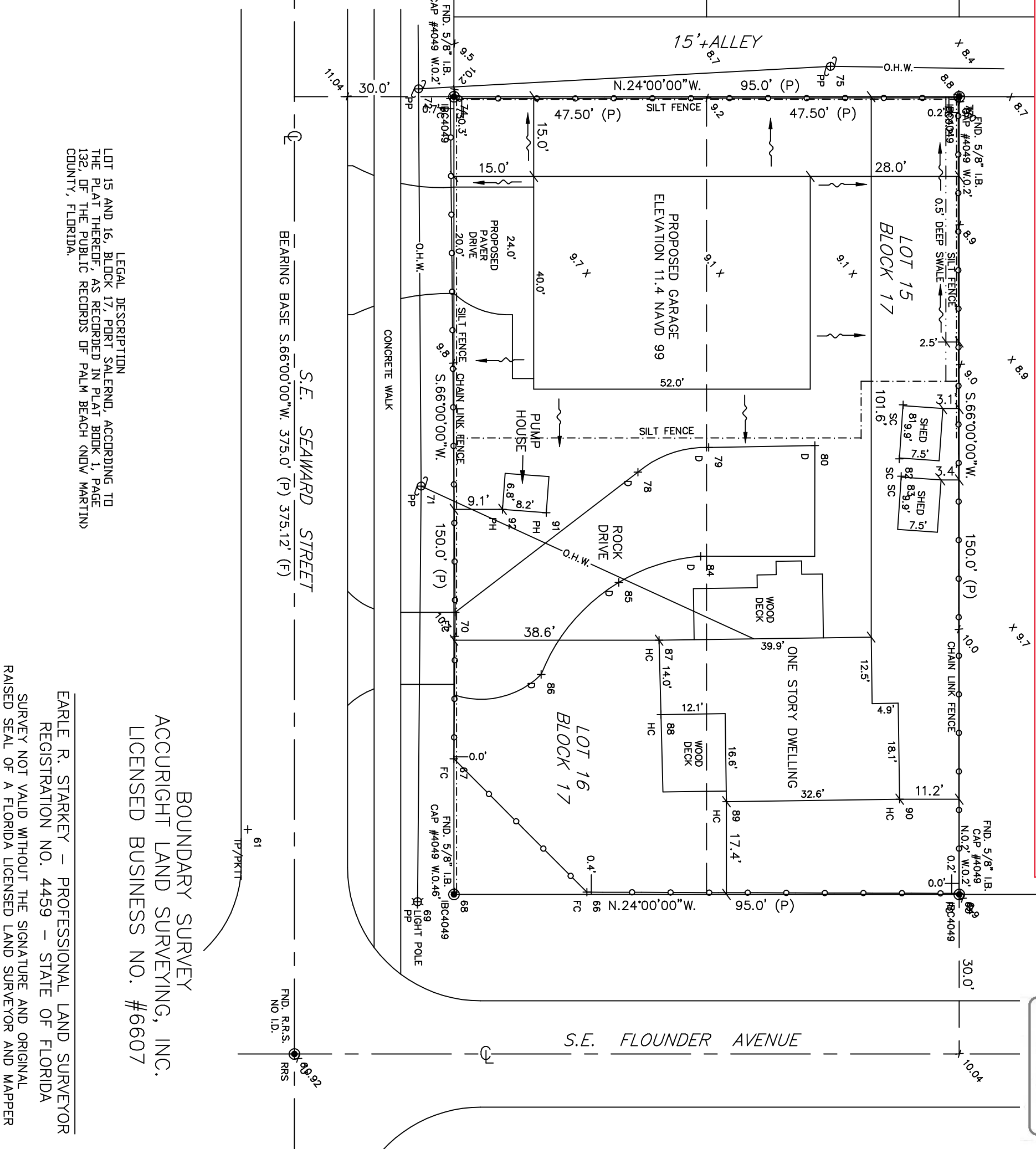
PROPERTY STREET ADDRESS:
 4872 S.E. FLOUNDER AVENUE
 STUART, FL, 34997

PREPARED FOR: HENNESSEE



SYMBOLS	
●	PROPOSED ELEVATION
⊙	POWER POLE
00.00 X	EXISTING ELEVATION
~	DRAINAGE FLOW
—	CENTERLINE

- SURVEYOR'S NOTES**
1. SURVEY OF DESCRIPTION AS FURNISHED BY CLIENT, UNLESS OTHERWISE NOTED.
 2. LANDS SHOWN HEREIN WERE NOT ABSTRACTED FOR EASEMENTS, BUILDING SETBACKS, AND/OR RIGHTS-OF-WAY OF RECORD BY ACCURIGHT LAND SURVEYING, INC.
 3. ELEVATIONS SHOWN HEREIN ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM OF 1988, SEE SURVEY FOR REFERENCE BENCH MARK, UNLESS OTHERWISE NOTED.
 4. THERE ARE NO ABOVE GROUND ENCROACHMENTS, UNLESS OTHERWISE NOTED.
 5. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.



BOUNDARY SURVEY
 ACCURIGHT LAND SURVEYING, INC.
 LICENSED BUSINESS NO. #6607

EARLE R. STARKEY - PROFESSIONAL LAND SURVEYOR
 REGISTRATION NO. 4459 - STATE OF FLORIDA
 SURVEY NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED LAND SURVEYOR AND MAPPER

ACCURIGHT LAND SURVEYING, INC.
 SURVEYORS DESIGNERS LAND PLANNERS CONSULTANTS

1501 DECKER AVENUE, SUITE 419-D
 STUART, FLORIDA 34994

OFFICE PHONE: (772) 286-7694
 FAX (772) 220-7993

PROJECT: 1320-116-01	REVISIONS:
FIELD DATE: 07/21/2020	
DRAWN BY: E.R.S.	
CHECKED BY: W.G.H.	
SCALE: 1" = 20'	

PLANT SCHEDULE

CANOPY TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NOTES	NOTES
	1	CONOCARPUS ERECTUS 'GREEN'	GREEN BUTTWOOD	B & B		12' HT., 6' SPRD.	NATIVE, DROUGHT TOLERANT	REQ. CODE
	2	ILEX CASPINE	DAHOON HOLLY	B & B		12' HT., 6' SPRD.	NATIVE, DROUGHT TOLERANT	REQ. CODE
PALMS	4	SABAL PALMETTO	CABBAGE PALM	B & B	BUCK	8' CTH	NATIVE	NOTES
SHRUBS	44	CHRYSOBALANUS ICAGO RED-TIP	COCOPALM	3 GAL.	24" O.C.	20" X 16"	NATIVE, DROUGHT TOLERANT	NOTES
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE	NOTES	NOTES
	126	TRACHEOSPERMUM ASIATICUM 'NINIVA'	NINIVA YASBINE	1 GAL.	18" O.C.	4" X 8"		
OTHER	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE	NOTES	NOTES
	536 SF	HARDWOOD, NON-CYPRRESS	MILCH	8" F.	AS NEEDED	4" LAYER		
	1,088 SF	STENOPLERUM SECUNDATUM 'FLORATAN'	FLORATAN SOD	SOD	TIGHTLY FITTED, STAGGERED JOINTS			

TABLE OF CONTENTS:

L1 - LANDSCAPE PLAN
L2 - DETAILS AND SPECIFICATIONS

RESIDENTIAL LANDSCAPE REQUIREMENTS			
	REQUIRED	SUPPLIED	NOTES / STANDARDS
TOTAL TREES	1 / 3,000 SF	5	FL#1, 50% NATIVE
CANOPY TREES	5/08	3	12' OA HT., 6' SPREAD
PALMS	2 FOR 1	4 (EQUALS 2 TREES)	4 (EQUALS 2 TREES)



Date: 09/25/2020
 Drawn by: AM,PA,TZ
 Reviewed by: MF
 Scale: 1"=8'
 Revised: 00/00/0000

Landscape Plan
HENNESSEE RESIDENCE
 4872 SE Flounder Ave, Stuart, FL 34997

Sheet
L1
 Landscape plan
 Plant Schedule

Michael Flough
 LANDSCAPE ARCHITECT

FL Reg. #LA0001728
 772.419.0024
 Stuart
 Houzz.com/pro/Michael-Flough www.MikeFloughLA.com

Please note:
 This landscape plan is a professional interpretation of existing and proposed site elements based on multiple sources of information. These sources may include: property surveys, architectural plans, google aerial imagery, site observations, photographs and site plans. At times, these supporting documents are inaccurate or approximate at best and on-site adjustments to the design during installation are necessary. It is the contractor's responsibility to verify all measurements and quantities prior to commencing work.