



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, April 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: Michael Dooley, Vice-Chair
John Honan
Joseph Connelly
Mac Ross, Chair
Rodney Sturm

Not present: Travis Waddell
Cabell McVeigh

Staff Present:

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

MINU APPROVAL OF MINUTES

No Minutes to approve at this meeting.

QJP-Q 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: 23-1040

NEW NEW BUSINESS

STAFF: Ms. Elder explained to the BOZA members that they had forms to review and sign regarding the new Public Records and email policies in place.

NPH-1 FOXLAND PROPERTIES, INC VARIANCE REQUEST (QUASI-JUDICIAL)

Request for a variance by Foxland Properties, Inc. to reduce the side setback requirements of Article 2, Zoning Districts, Land Development Regulations (LDR), Martin County code, for the HB-1AA, Hotel and Motel Zoning district to permit the construction of a three-story residential dwelling and appropriate accessory structures on subject property located at 106 NE Doubloon Drive, Stuart, Florida on Hutchinson Island.

Presented by: Barbara Counsellor, Senior Planner

Requested by: Scott Krill, President, Foxland Properties Inc.

Agenda Item: 24-0812

***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 provided NPH-1, a copy of agenda item, staff report, and a copy of her work history.

BOZA: Mr. Sturm has no questions about the presentation but would like to discuss the general circumstance after.

APPLICANT: Mr. Krill introduced himself and asked if there are any questions for him, the Affidavit of Mailing, and advertising check payment were provided.

BOZA: Mr. Connelly explained that typically they like the Applicant to explain why they want a variance, however, with this property it is understood due to the zoning.

BOZA: Mr. Sturm asked the Applicant if he was aware of the need for a variance when he purchased the property.

APPLICANT: Mr. Krill stated he was not aware.

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

MOTION: Mr. Dooley motioned that the Applicants request be Approved. SECONDED by Mr. Sturm. The motion CARRIED 5-0 with Mr. Waddell & Mr. McVeigh absent.

BOZA: Mr. Sturm asked staff what happens with the existing homes that were built under the previous zoning standards.

STAFF: Ms. Counsellor explained that those properties are “legal-non-conforming”.

BOZA: Mr. Sturm asked if that would cause complications should the homes be sold in the future.

STAFF: Ms. Counsellor stated it would not.

BOZA: Mr. Honan stated that everything in this subdivision is fairly new, only 6-7 years old.

BOZA: Mr. Sturm asked if it is fair to ask the property owners to come in for variances since everyone is aware of this particular conflict between the language of what is counted as a story and the side setbacks as it seems like an unfair burden to put on property owners.

BOZA: Mr. Honan stated that in a perfect world it would not be necessary however, this is actually the better way rather than having to go for a land use change.

STAFF: Ms. Elder further clarified that this is following the requirements under Florida law, and this is the most affordable way for this to be done.

BOZA: Mr. Sturm asked if the fees could be waived.

STAFF: Ms. Elder stated that would be up to the Board.

BOZA: Mr. Ross asked if there were any questions relating to the forms they were asked to complete regarding public records.

BOZA: Mr. Dooley asked if there was a class they would have to attend.

STAFF: Ms. Elder stated that they only needed to attend a class if they have not already done so.

COMMENTS

1. PUBLIC – None.
2. MEMBERS – None.
3. **STAFF** – Ms. Counsellor let the Board members know that there is no May meeting scheduled at this time.

ADJOURN:

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

Respectfully Submitted:

Approved by:

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

Mac Ross, Chair

Date Signed

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