



# Martin County

Administrative Center  
2401 SE Monterey Road  
Stuart, FL 34996

## Meeting Minutes Board of Zoning Adjustment

Ashley E. Froehling, District 1  
Cabell McVeigh, District 2  
Michael Dooley, Vice Chair, District 3  
John Honan, District 4  
Vacant, District 5  
Mac Ross, Chair, Countywide  
Brian McHale, Countywide

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**Thursday, April 24, 2025**

**7:00 PM**

**Commission Chambers**

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### CALL TO ORDER

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

### ROLL CALL

Present: Ashley E. Froehling  
Cabell McVeigh  
Michael Dooley  
John Honan  
Mac Ross  
Brian McHale

Not present: None.

### Staff Present:

Deputy County Attorney.....Elysse Elder  
Deputy Growth Management Director .....Peter Walden  
Agency Recorder/Notary.....Rebecca Dima

### MINU APPROVAL OF MINUTES

#### MINU-1 July 25, 2024

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

**Agenda Item: 25-0890**

**MOTION:** A Motion was made by Mr. Honan to approve staff's recommendation of approval;  
**SECONDED** by Mr. Dooley. The Motion **CARRIED** 6 – 0.

**MINU-2    October 24, 2024**

The Board is being asked to approve the minutes from the October 24, 2024, meeting.

**Agenda Item: 25-0891**

**MOTION:** A Motion was made by Mr. Honan to approve staff's recommendation of approval;  
**SECONDED** by Mr. Dooley. The Motion **CARRIED** 6 – 0.

**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: 25-0889**

**NEW           NEW BUSINESS**

**NPH-1       NPH-1 BENDER, KAREN VARIANCE REQUEST (QUASI-JUDICIAL)**

Request for a non-administrative variance by Karen Bender to reduce the west side setback requirements of Article 3, Zoning Districts, Land Development Regulations (LDR), Martin County Code, for the R-2, Single Family Residential District to permit the pre-existing encroachment of a shed. The subject property is located at 3254 NE Highland Ave., Jensen Beach, Florida.

Presented by: Peter Walden, AICP,CNU-A, Deputy Growth Management Director

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

**Agenda Item: 25-0893**

**\*For the Record:**

**BOZA:** Ex parte communications disclosures: None.

Intervener present: None.

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

**STAFF:** Mr. Walden presented.

**BOZA:** Mr. Honan asked if the structure was on a slab or not, he also asked if it was known who made the complaint to code enforcement.

**STAFF:** Mr. Walden stated he was unsure but believed it was on a slab, he stated the Applicant can clarify that. He further stated that the complaint was made by a neighbor.

**BOZA:** Mr McVeigh asked what the code was at the time it was built.

**STAFF:** Mr. Walden stated that the setback would have been the same and further explained that there

are not very good records from the 1980s; he also noted that sheds were very rarely permitted at the time this was built.

**BOZA:** Mr. McHale asked if the neighbor who made the complaint was the neighbor to the North.

**STAFF:** Mr. Walden said it was not.

**APPLICANT:** Mr. Waters presented and turned in the affidavits of notices to the neighboring properties. To the best of their knowledge, from conversations had with the Code Enforcement Officer, the complaint was made by the neighbor across the street and was made as an unpermitted structure. The Applicant applied for the permit and that is when the setback issues were discovered. He also explained why this is the best placement for the structure due to the property's elevations. The neighbor to the North was informed via the rental management company; however, no statement was received or made by them. Mr. Waters stated that they do have an email, which was turned in for the record, from the neighbor located on the corner of Sunview and Highland, which stated they have no objection to the structure.

**BOZA:** Mr. Honan asked how many feet are between the shed and the house.

**APPLICANT:** Mr. Waters stated it was about 6'.

**BOZA:** Mr. Dooley asked what the construction of the shed is.

**APPLICANT:** Mr. Waters stated it is wood frame with trusses.

A discussion ensued between the board members regarding the fence on the property, as well as a concrete planter that appears to encroach on property lines. The fence was shown on the survey of the property.

**BOZA:** Mr. Dooley asked Mr. Walden to confirm if it is believed that this shed was constructed sometime in the 80s, and that staff is unsure if a shed needed permitting back then.

**STAFF:** Mr. Walden stated that it was likely required, however, many were built without getting the necessary permits in the 1980s. The County is much stricter now and a tie-in survey is now required and that was not the case then.

**BOZA:** Mr. Honan asked to confirm that, if they are granted the variance then their permit will be approved for this structure and asked if it is denied what will happen.

**APPLICANT:** Mr. Waters said yes, they should get the permit if the variance is granted and if it is not granted then the structure would have to be taken down.

**BOZA:** Mr. McVeigh asked if the shed would have to be brought to code if the permit is approved.

**APPLICANT:** Mr. Waters stated that everything will go through the building dept for the full review. He also stated that they believe if the shed was moved to the front, it would negatively impact the neighborhood.

**BOZA:** Mr. Honan asked if the shed could be moved up against the house.

**APPLICANT:** Mr. Waters said that would be difficult as it is on a slab and could be very expensive and it is believed a small variance would still be needed.

**BOZA:** Ms. Froehling asked about the fines that are currently being accrued by the owner at \$100 a day and what happens to those fines that are due if the variance is granted, and permit is approved.

**APPLICANT:** Mr. Waters stated the owner can go before the special magistrate and ask for a relief regarding the fees.

**BOZA:** Mr. McHale asked why this was not caught when the home was purchased in 2010.

**APPLICANT:** Mr. Waters stated there was no financing done to purchase the home so surveys may not have been required.

**BOZA:** Mr. McVeigh asked to see the property on a Google Ariel Map.

Map was shown and reviewed by the Board.

**PUBLIC:** The following people spoke regarding this item: Ms. Linda Martin, the neighbor across the street from the property spoke in opposition to the variance being granted.

**BOZA:** Mr. Honan and Mr. Dooley asked the Applicant to confirm that there has been no expansion of the footprint of the shed since they purchased the property in 2010.

**APPLICANT:** Mr. Waters reiterated that they are only going by what they have been told as to who made the complaint to the County and confirmed that he has spoken to the Owner and the shed has not been rebuilt.

The Board asked Mr. Walden to go to Google Earth so that they could review the history of the homesite. This was done and the Board members reviewed the historical maps.

**MOTION:** A Motion was made by Mr. Honan to approve staff's recommendation of approval but asked to have the variance revised to state that the shed cannot be replaced if it is for any reason gone, i.e.: hurricane or act of God, etc.; **SECONDED** by Mr. Dooley. The Motion **CARRIED 6 - 0**.

A ten-minute break was taken.

**NPH-2 FISHER, JAMIE AND NICOLE VARIANCE REQUEST (QUASI-JUDICIAL)**

Request for a non-administrative variance by Jamie and Nicole Fisher to reduce the rear setback requirements of Article 3, Zoning Districts, Land Development Regulations (LDR), Martin County Code, for the R-1A, Single Family Residential District to permit the existing encroachment of swimming pool deck and screen enclosure with footer. The subject property is located at 1510 SW Lago Circle, Palm City, Florida.

Presented by: Peter Walden, AICP, Deputy Growth Management Director  
Agent for Applicant: Tyson Waters, Esq., Fox McCluskey Bush Robison, PLLC  
**Agenda Item: 25-0894**

**\*For the Record:**

BOZA: Ex parte communications disclosures: None.

Intervener present: None.

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

**STAFF:** Mr. Walden presented.

**BOZA:** Mr. Honan asked if this was caught at final permit review.

**STAFF:** Mr. Walden said, yes, it was found at the Tie-In survey.

**BOZA:** Mr. McHale asked to have the area shown again where it is overlapping.

**STAFF:** Mr. Walden showed the area and stated that the pool permit is separate from the screen enclosure footer and the documents showed differing items.

**BOZA:** Mr. Dooley asked who poured the slab, was it not the pool company?

**STAFF:** Mr. Walden stated it was not poured by the pool company.

**BOZA:** Mr. Dooley asked if there have been any objections from South Florida Water Management.

**APPLICANT:** Mr. Waters said no, they have not. The owner of the neighboring lot sent in a letter of no objection. Mr. Waters turned in the affidavit of notices to the neighboring properties.

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

**MOTION:** A Motion was made by Mr. Honan to approve staff's recommendation of approval;  
**SECONDED** by Mr. Dooley. The Motion CARRIED 6 - 0.

**DEPT DEPARTMENTAL**

**DEPT-1 ANNUAL ELECTION OF NEW OFFICERS**

The Board is asked to elect a new Chairman and a new Vice Chairman at the first meeting of each calendar year.

Requested by: Elysse Elder, Deputy County Attorney

Presented by: Elysse Elder, Deputy County Attorney

**Agenda Item: 25-0892**

**MOTION:** A Motion was made by Mr. Honan to recommend Mac Ross as Chair; **SECONDED** by Mr. McVeigh. The Motion **CARRIED** 6 - 0.

**MOTION:** A Motion was made by Mr. Honan to recommend Michael Dooley as Vice Chair; **SECONDED** by Mr. McVeigh. The Motion **CARRIED** 6 - 0.

## **COMMENTS**

1. **PUBLIC** – None.
2. **MEMBERS** – Mr. Honan and Mr. Dooley expressed their preference to get the hard copies of the items mailed to them to back up the digital copies they received and asked that the items include the backup documents for the items as well as any minutes.
3. **STAFF** – Mr. Walden and Ms. Elder stated they will get that taken care of.

## **ADJOURN:**

The Board of Zoning Adjustment meeting of April 24, 2025, adjourned at 8:02 pm.

Respectfully Submitted:

Approved by:

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

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Mac Ross, Chair

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Date Signed

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