

**Peter W. Walden**  
**Principal Planner**  
**Martin County Growth Management Department**  
[pwalden@martin.fl.us](mailto:pwalden@martin.fl.us) Office 772-219-4923  
 2401 SE Monterey Road Stuart, FL 34996

## *Experience*

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### Public Sector Work History

**Principal Planner, AICP** Martin County, FL 2018- present

- Project Coordinator- development application and land development regulation review
- Project Coordinator for all County projects for development review.
- Manage and process all zoning variances.
- Provide assistance with building permitting and zoning inquiries.
- Draft Land Development Regulation amendments.

**Senior Planner,** Martin County, FL. 2015- 2018

- **Development Review:** Project coordinator for development and zoning applications.
- Provide review of development applications for consistency with the Comprehensive Growth Management Plan and the Land Development Regulations.

**Development Compliance Planner,** City of Palm Beach Gardens, Palm Beach Gardens, FL. 2014- 2015

- **Development Review:** Review development and permit applications for compliance with land development code. Monitor development construction for compliance with development orders and environmental compliance. Provide related documents; draft time extensions, build out determinations, administrative amendments.

**Zoning Compliance,** Village of North Palm Beach, NPB, FL. 2012- 2014

- **Plan Review:** Member of the DRC, participate in all development review, focus on zoning regulations and land development policy and compliance. Review building permits for code compliance. Prepare and present projects to the Planning Commission, and maintain all corresponding files.

### Private Sector Work History

- Over 20 years' experience in community development and home construction including landscape design and construction, infrastructure development and vertical construction.

## **Education & Certifications**

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**Florida Atlantic University,** Boca Raton, FL

**B.P.M. Bachelor of Public Management** (Administration), minor in Geography, Magna Cum Laude

**Course work in;** Urban Planning, GIS, Emergency Management, Program Evaluation, Transportation

**Indian River State College,** Stuart, FL

**A.A, Environmental Science,** Magna Cum Laude

**Government Internship,** Town of Jupiter, FL. 2011 Planning and Zoning, Business Development

**Member of the American Institute of Certified Planners, AICP**



# Board of Zoning Adjustment

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

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**File ID:** 21-0230

**NPH-1**

**Meeting Date:** 1/28/2021

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**PLACEMENT:** New Business

**TITLE:**

**MICHAEL AND DIANNA BACH VARIANCE REQUEST**

**EXECUTIVE SUMMARY:**

Request for a variance by Michael and Dianna Bach to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the HR-1, Single-family Residential District to permit the construction of a swimming pool and deck and to permit the existing encroachment of the residence. The subject property is located at 8959 SE Hawksbill Way, Hobe Sound, Florida.

Presented by: Peter Walden, AICP, Principal Planner, Growth Management Department  
Agent for Applicant: Jared Gaylord, Esq, Marc R. Gaylord, P.A.

**PREPARED BY:** Joan Seaman, Administrative Specialist II

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MARTIN COUNTY, FLORIDA  
DEVELOPMENT REVIEW DIVISION  
GROWTH MANAGEMENT DEPARTMENT

# VARIANCE APPLICATION STAFF REPORT

**SUBJECT:** Request for a variance by Michael and Dianna Bach to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the HR-1, Single-family Residential District to permit the construction of a swimming pool and deck and to address the existing encroachment of the residence. The subject property is located at 8959 SE Hawksbill Way, Hobe Sound, Florida

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## A. APPLICATION PROCESSING INFORMATION

*Applicant and property owner:* Michael and Dianna Bach  
*Agent for applicant:* Jared Gaylord, Esq., Marc. R. Gaylord, P.A.  
*Date application submitted:* October 29, 2020  
*Staff report date:* December 30, 2020  
*Date of Board of Zoning Adjustment hearing:* January 28, 2021  
*Project coordinator for County:* Peter Walden, AICP, Principal Planner  
*Growth Management Director:* Paul Schilling  
*Report number:* 2020\_1230\_GMD2020110032\_

## B. APPLICATION TYPE AND DESCRIPTION OF REQUEST

The subject property is zoned HR-1, Single-family Residential District, Article 3, Zoning District, Land Development Regulations, Martin County Code. The structural setback requirements in this zoning district are as follows:

Side: 15 ft. from the lot line

Front: 50 ft. from the centerline of the adjacent road right-of-way. Structures on lots abutting private streets platted prior to April 29, 1986 are exempt from the centerline setback requirements. The subject lot was platted in 1971 and is therefore exempt.

Rear: 35 ft. from the mean high water line  
25 ft. from the face of seawall (MHWL) – SPZ

The applicant is requesting a variance to reduce the rear yard setback requirement for the rear lot line from 35 ft. to 25 ft. to permit the construction of a swimming pool and patio. The applicant is also requesting the variance permit the existing encroachment of the residence into the rear yard setback by



4.1 ft.

## C. VICINITY AND SITE INFORMATION

8959 SE Hawksbill Way, Hobe Sound

Lot 8, Block 7, Replat of Block 7, "The Soundings", according to the map or plat thereof as recorded in Plat Book 5, Page 102, of the Public Records of Martin County, Florida.

### LOCATION MAP



### PROPOSED VARIANCE SITE





### Backyard view



#### D. APPLICANT INFORMATION

*Applicant and property owner:* Michael and Dianna Bach  
*Address:* 8959 SE Hawksbill Way  
Hobe Sound, FL  
*Phone:* 954-681-2384

*Agent for applicant:* Jared Gaylord, Esq.  
Marc. R. Gaylord, P.A.  
*Address:* 12000 SE Old Dixie Highway  
Hobe Sound, FL 33455  
*Phone:* 772-545-7740

#### E. 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 platted lot of record that was created in 1973 with the recording of the plat for the "The Soundings".
2. The property is a waterfront lot adjacent to a man-made canal and is hardened with a vertical seawall. The property is currently occupied by a one story single-family dwelling which was constructed in 1984.

3. The subject property has an area of approximately 0.36 acres (approximately 15,500 sq. ft.). The property width is approximately 105 ft. along the road frontage adjacent to SE Hawksbill Way and approximately 105 ft. of frontage on the canal. The depth of the property is approximately 100 ft. on the west and east property line.

4. The setback requirements for the subject lot are as follows:

Side: 15 ft. from the lot line

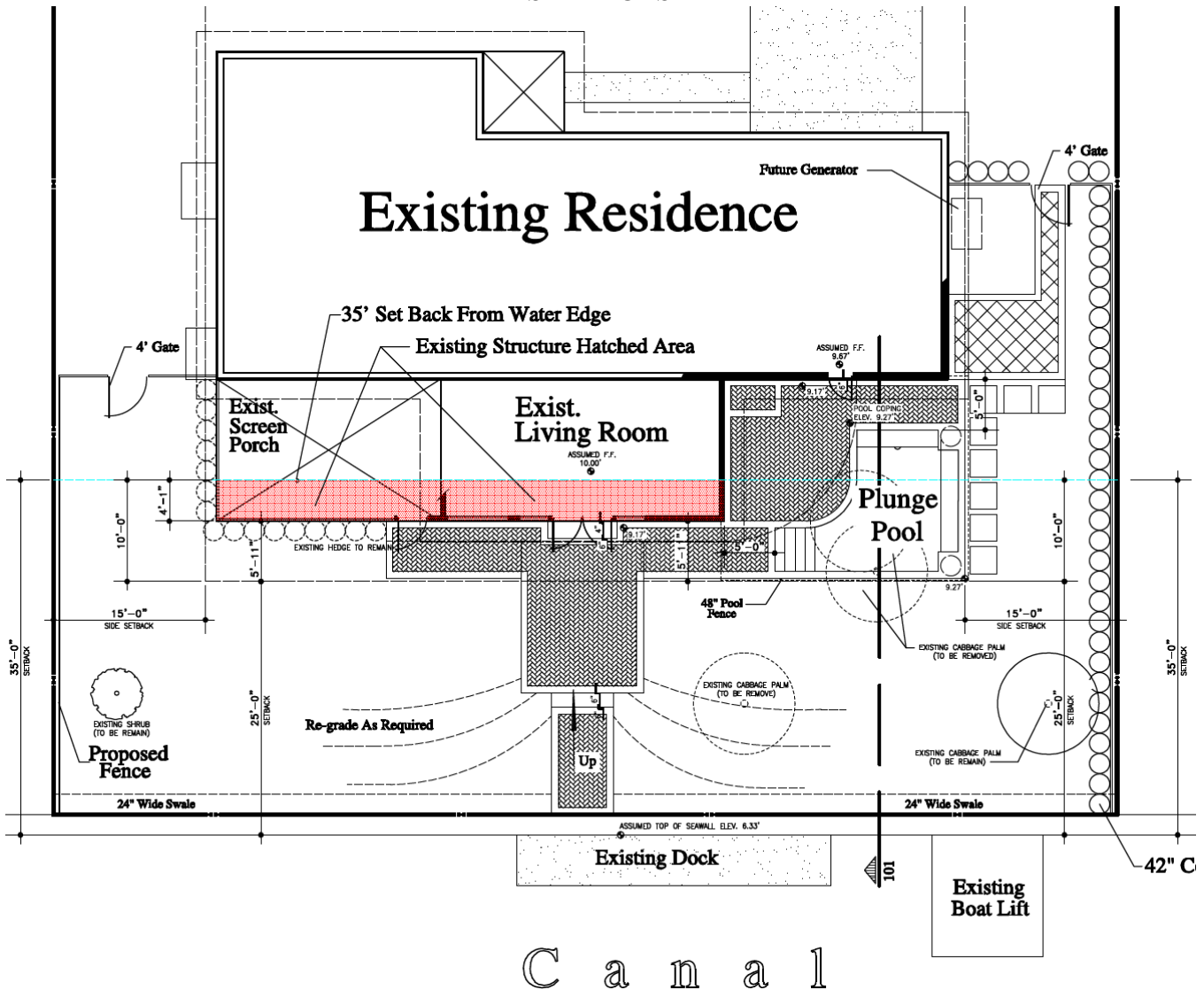
Front: 50 ft. from the centerline of the adjacent road right-of-way. Structures on lots abutting private streets platted prior to April 29, 1986 are exempt from the centerline setback requirements. The subject lot was platted in 1971 and is therefore exempt.

Rear: 35 ft. from the mean high water line (MHWL)  
25 ft. from the face of seawall (MHWL) – SPZ

These setbacks are one of the most stringent setbacks required in the County for single family uses. The HR-1 district is a carryover zoning category from the County's original zoning regulations which were adopted in 1967.

5. The applicant is requesting a variance to reduce the rear yard setback requirement from 35 ft. to 25 ft. to permit the construction of a swimming pool and deck and to address the existing 4.1 ft encroachment of the dwelling.

## REQUIRED AND PROPOSED SETBACKS



6. Based on the criteria provided in Article 9, Land Development Regulations for the granting of a setback variance, the following conclusions are offered for the Board's consideration:
  - a. Special conditions and circumstances exist which are peculiar to the subject property. The subject property has an area of approximately 0.36 acres (approximately 15,500 sq. ft.). The property width is approximately 105 ft. along the road frontage adjacent to SE Hawksbill Way and approximately 105 ft. of frontage on the canal. The depth of the property is approximately 100 ft. on the west and east property line. The existing one story dwelling, size and configuration of the lot, the current setbacks and shoreline protection zone requirements for the lot significantly reduces the design flexibility for the proposed swimming pool and deck addition.

- b. Literal interpretation of the provisions of Article 3 would deprive the applicant the rights commonly enjoyed by other properties in the same zoning district. Based on a strict interpretation of the rear yard setback requirements for this lot the proposed swimming pool and deck would not be permitted.
  - c. The special conditions and circumstances for this request is not the result of the applicant's action. The subject property is a platted lot of record that was created in 1973 with the recording of the plat for The Soundings. The property is currently occupied by a one story single-family dwelling which was constructed in 1984. The applicant purchased the property in 2018.
  - d. The 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. It appears that the granting of a variance will not create a negative impact to the health, safety, and welfare of the surrounding neighborhood and the requested variance appears to be the minimum variance that is required to permit the proposed swimming pool and deck.
  8. Research of the public records indicates that there have been setback variances granted for this subdivision.

## **F. RECOMMENDATION**

The Board is advised that this application for a setback variance is in order and qualifies for an action of approval for a rear yard setback variance of 10 ft. to reduce the setback requirement from 35 ft. to 25 ft. to permit the proposed swimming pool and deck, and address the existing 4.1 ft. rear yard encroachment of the dwelling. 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 survey that provides an illustration of the proposed improvements and reduced setback.

## **G. 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>	\$TBD	\$0.00	\$TBD

## **H. ATTACHMENTS**

1. Sample letter notice.
2. Newspaper ad for January 28, 2021 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)



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

**[REGARDING THE APPLICATION OF  
MICHAEL AND DIANNA BACH  
FOR A ZONING SETBACK VARIANCE ON PROPERTY LOCATED AT 8959 SE  
HAWKSBILL WAY WITHIN THE HR-1 SINGLE-FAMILY RESIDENTIAL DISTRICT]**

**WHEREAS, THIS BOARD HAS MADE THE FOLLOWING DETERMINATIONS OF  
FACTS:**

1. Michael and Dianna Bach have submitted a variance application to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code for the HR-1, Single-family Residential District to permit the construction of a swimming pool and deck and address the existing 4.1 ft. rear yard encroachment of the dwelling on Lot 8, Block 7, Replat of Block 7, "The Soundings", according to the Plat thereof, recorded in Plat Book 5, Page 102, of the Public Records of Martin County, Florida. The subject property is located at 8959 SE Hawksbill Way, Hobe Sound, Florida.

2. This Board considered this application to reduce the setback requirements at a public hearing on January 28, 2021.

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 rear yard setback variance of 10 ft. is approved to reduce the setback requirement from 35 ft. to 25 ft. to permit the construction of a swimming pool and deck and to permit the existing rear yard 4.1 ft. encroachment of the dwelling as set forth on the survey 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 28TH DAY OF JANUARY, 2021.**

**ATTEST:**

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

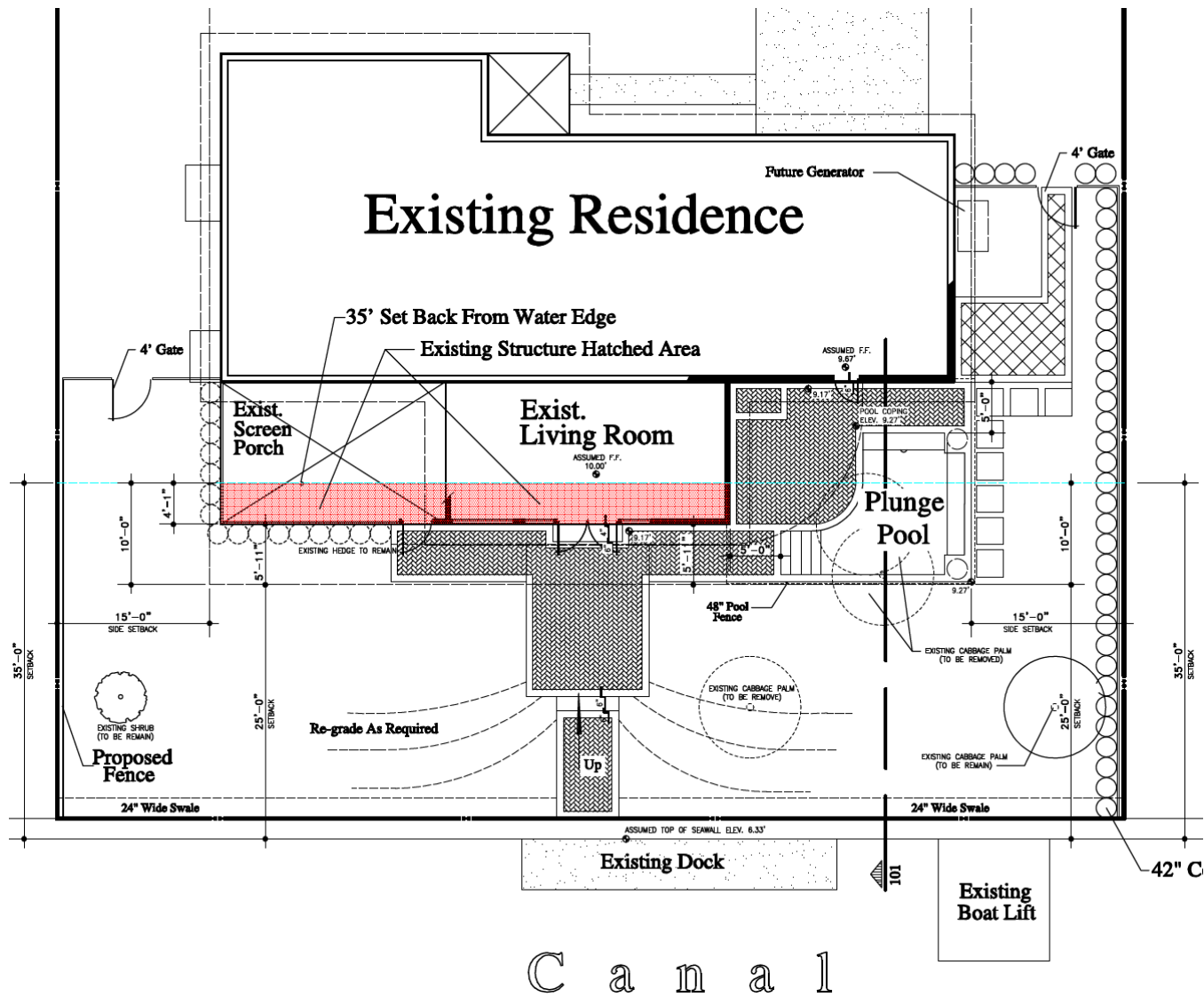
**BY: \_\_\_\_\_  
DENISE JOHNSTON  
SECRETARY**

**BY: \_\_\_\_\_  
TRAVIS WADDELL, CHAIRMAN**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**

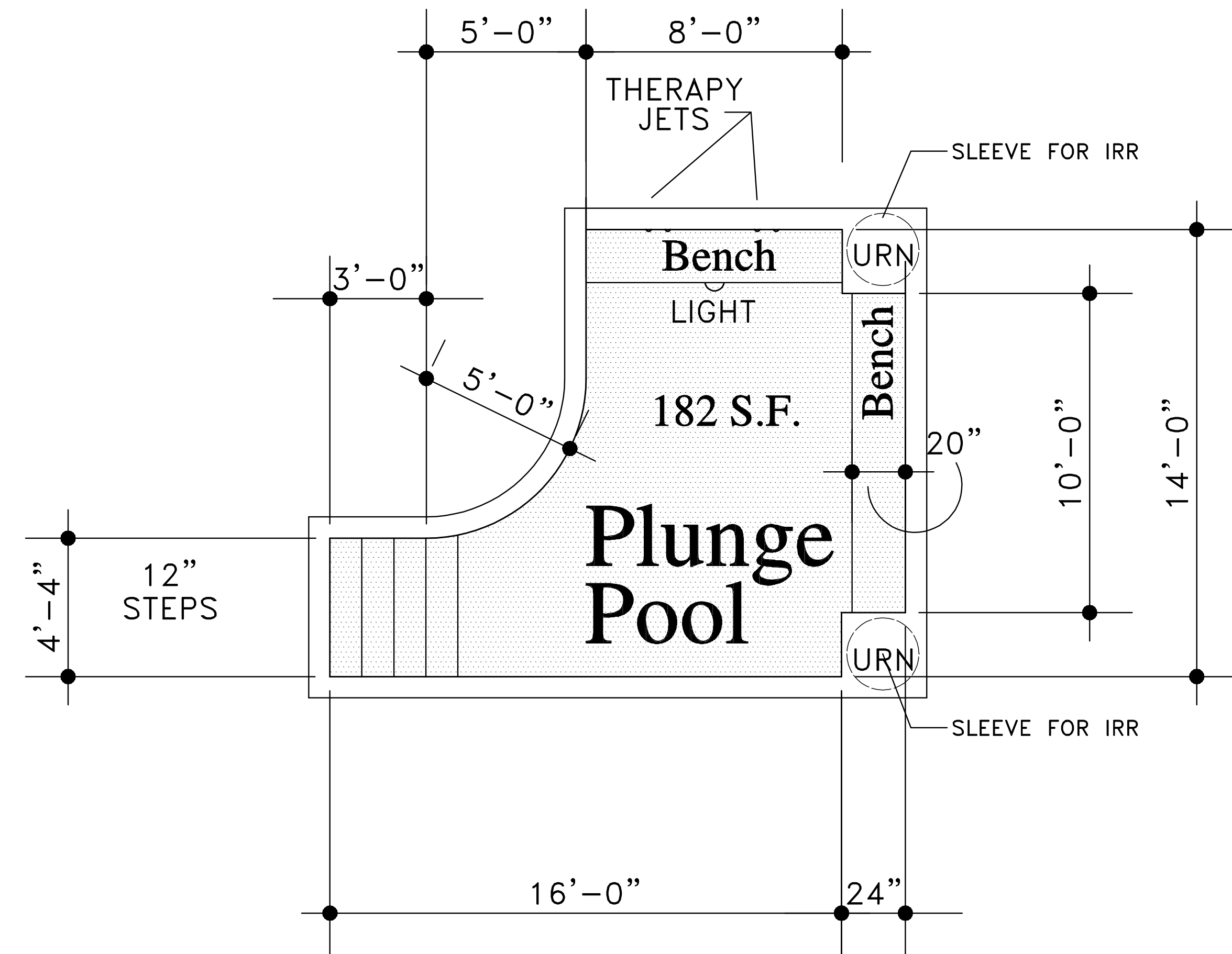
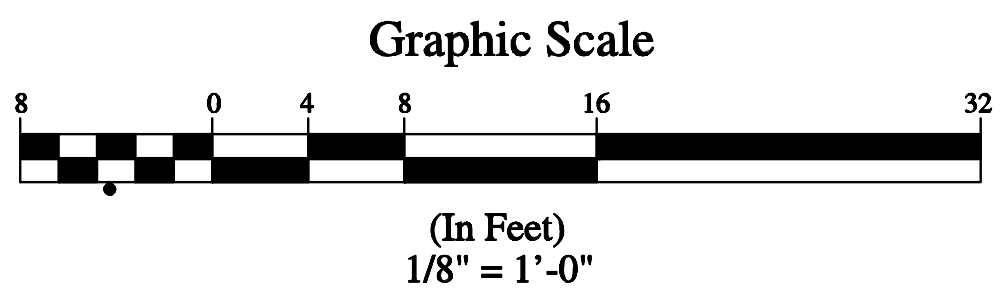
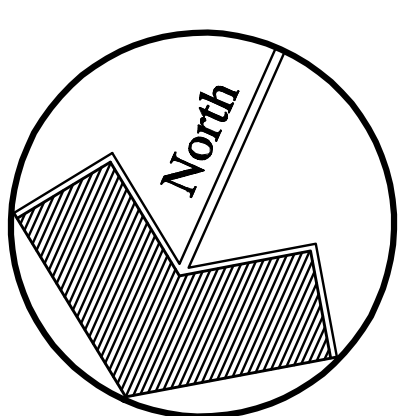
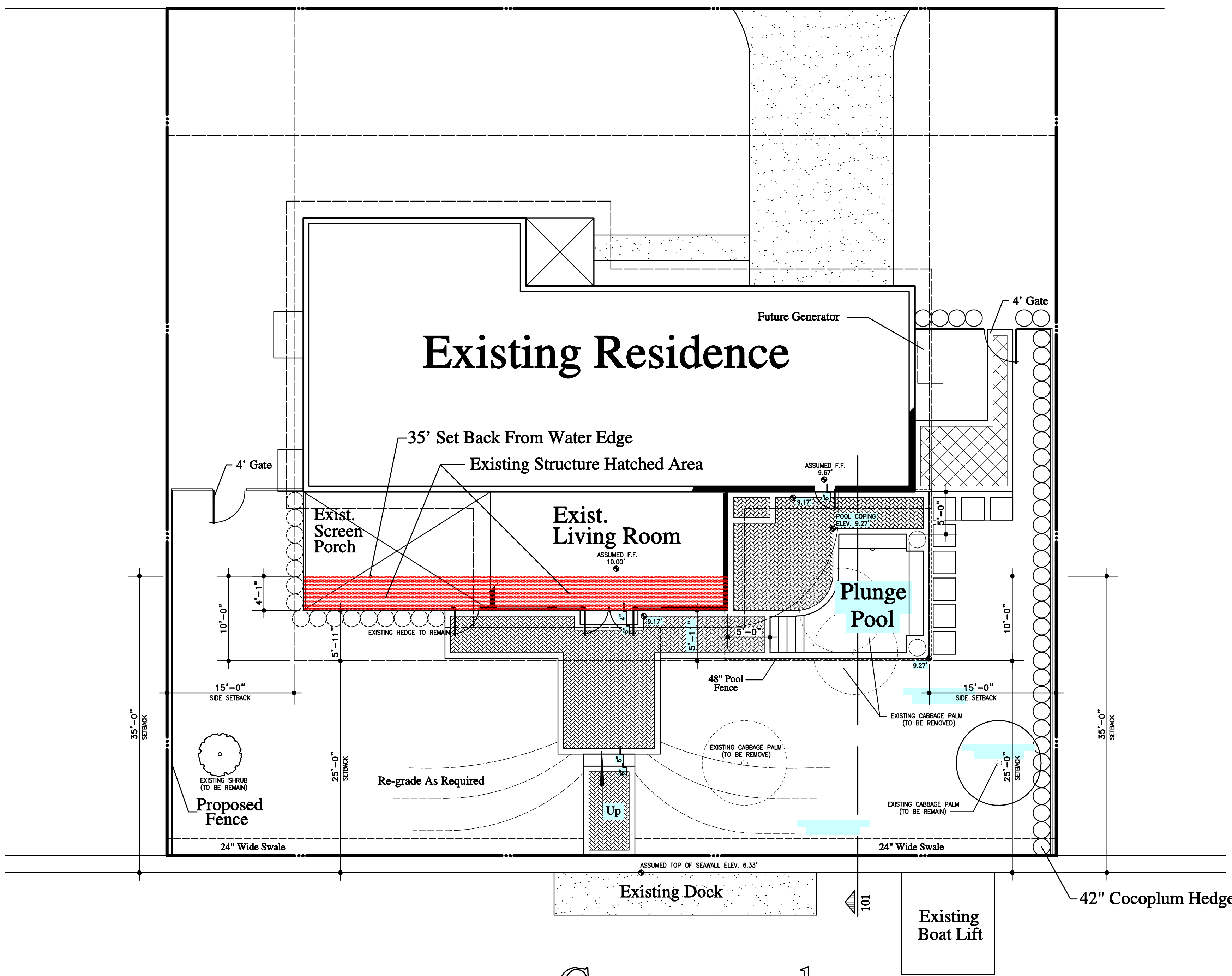
**BY: \_\_\_\_\_  
KRISTA A. STOREY  
SENIOR ASSISTANT COUNTY ATTORNEY**

Exhibit A

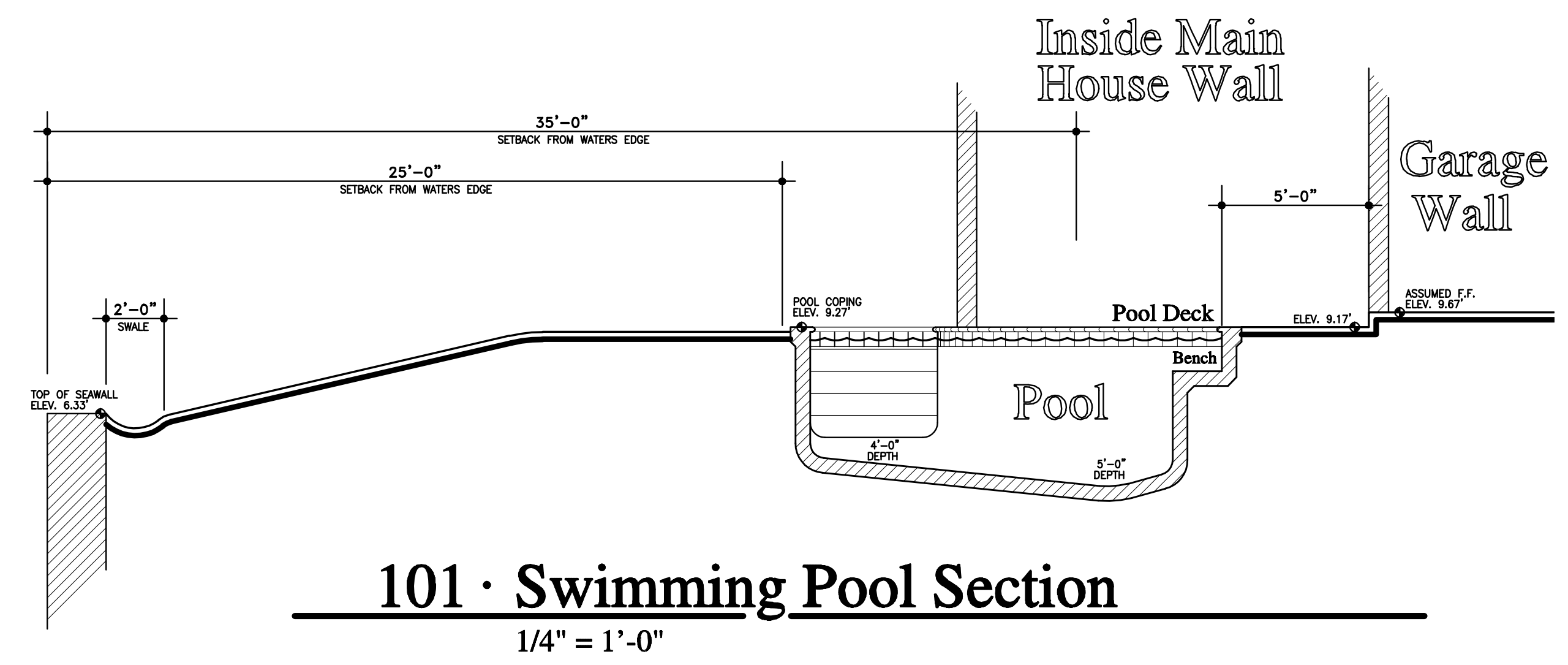


L a n d s c a p e A r c h i t e c t u r e P l a n n i n g

S.E. Hawksbill Way



Pool Layout Plan 3/8" = 1'-0"



101 · Swimming Pool Section  
1/4" = 1'-0"

**INTUITIVE IDG DESIGN GROUP**  
9273 SE Saturn Street  
Hobe Sound, Florida 33455  
Phone.....772.402.5932  
Cell.....772.263.0770  
Email.....idg@bellsouth.net  
www.intuitivedesigngroup.com

All Ideas, Designs, Arrangements And Plans Indicated Or Represented By This Drawing Are Owned By And The Property Of The Landscape Architect And Were Created, Evolved And Developed For Use On And In Connection With The Specified Project. None Of Such Ideas, Designs, Arrangements, Or Plans Shall Be Used By Or Disclosed To Any Person, Firm, Or Corporation For Any Purpose Without The Written Permission Of The Landscape Architect.

Michael N. Spang  
Cert. Number LA0000676  
License Number 2002-125-0072

Landscape Plan  
**The Bach Residence**  
Martin County, Florida

Date:  
September 14, 2020

Sheet:

**LP-1**

Of: XXX





Martin County, Florida  
Growth Management Department  
DEVELOPMENT REVIEW DIVISION  
2401 SE Monterey Road, Stuart, FL 34996 772-288-5495 [www.martin.fl.us](http://www.martin.fl.us)

## DEVELOPMENT REVIEW APPLICATION

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### A. GENERAL INFORMATION

Type of Application:

Variance



Name or Title of Proposed Project: Bach Pool Variance

#### Brief Project Description:

The Bach family requests a 10' non-administrative variance into their rear yard setback to install a new pool and associated patio. The application will also address the existing encroachments - a portion of the screened porch and living room.

No in-person pre-application meeting was held, but email correspondence with staff began on September 4, 2020.

Was a Pre-Application Held? ☐ YES/NO ☒ Pre-Application Meeting Date: \_\_\_\_\_

Is there Previous Project Information? ☐ YES/NO ☒

Previous Project Number if applicable: N/A

Previous Project Name if applicable: N/A

#### Parcel Control Number(s)

34-38-42-060-007-00080-6



### B. PROPERTY OWNER INFORMATION

Owner (Name or Company): Michael and Dianna Bach

Company Representative: \_\_\_\_\_

Address: 8959 SE Hawksbill Way

City: Hobe Sound, State: FL Zip: 33455

Phone: 954-681-2384 Email: michaelsbachB7@gmail.com

**C. PROJECT PROFESSIONALS**

**Applicant (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Agent (Name or Company):** Marc R. Gaylord, P.A.

Company Representative: Jared Gaylord, Esq.

Address: 12000 SE Dixie Highway

City: Hobe Sound, State: FL Zip: 33455

Phone: 772-545-7740 Email: jared@marcgaylordlaw.com

**Contract Purchaser (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Land Planner (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Landscape Architect (Name or Company):** Intuitive Design Group

Company Representative: \_\_\_\_\_

Address: 9273 SE Saturn Street

City: Hobe Sound, State: FL Zip: 33455

Phone: 772-402-5932 Email: idg@bellsouth.net

**Surveyor (Name or Company):** R.B Brennan Surveying, Inc.

Company Representative: \_\_\_\_\_

Address: PO Box 1090

City: Jupiter, State: FL Zip: 33466

Phone: 561-776-0505 Email: email@brennanservices.com

**Civil Engineer (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## PROJECT PROFESSIONALS CONTINUED

**Traffic Engineer (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Architect (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Attorney (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Environmental Planner (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Other Professional (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### D. Certification by Professionals

Section 10.2.D.7., Article 10, Development Review Procedures, Land Development Regulations (LDR), Martin County Code (MCC) provides the following:

When reviewing an application for a development permit that is certified by a professional listed in s. 403.0877, F.S., the County shall not request additional information from the application more than three times, unless the applicant waives the limitation in writing. If the applicant believes the request for additional information is not authorized by ordinance, rules, statute, or other legal authority, the County, at the applicant's request, shall proceed to process the application for approval or denial. (125.022(1), Fla. Stat.)

☐

This box must be checked if the applicant waives the limitations.

**E. 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.

*Michael Bach + Diana Bach*

By:

*[Signature]*  
Applicant Signature *Atty-in-fact*

*10/22/2020*

Date

*Jared Gaylord attorney-in-fact*  
Printed Name *For Michael + Diana Bach*

**NOTARY ACKNOWLEDGMENT**

STATE OF: Florida COUNTY OF: Martin

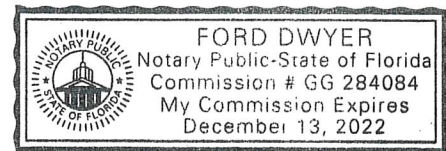
I hereby certify that the foregoing instrument was acknowledged before me this 22 day of October, 20 20, by Jared Gaylord.

He or She    is personally known to me or S has produced driver license as identification.

*[Signature]*  
Notary Public Signature

*Ford Dwyer*  
Printed name

STATE OF: Florida at-large





## **JUSTIFICATION STATEMENT**

- 1. 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:**

The subject property is located in The Soundings Homeowner's Association (the "Soundings") in Hobe Sound. The existing house was originally built in 1984. Aerial imagery from 2004 indicates a covered patio has encroached into the thirty-five foot (35') waterfront setback since at least this time. Because the Property was developed in this manner in 1984, the existing encroachments on the Property are essentially "already out of the bag." My client merely wishes to add a small, uncovered plunge pool and associated patio, similar to many other properties in the Soundings. The remaining request is to "legitimize" the existing four feet one inch (4' 1") encroaching covered and screened porch.

The residences built in the Soundings are peculiar from other homes in the HR-1 zoning district. Many of the residences in this neighborhood have structures, screen enclosures, pools, and decks that encroach into the 35' waterfront setbacks. A large number of these encroaching structures are screened patios – like the neighbor west of my client's Property. Some of these structures that encroach into the waterfront setback are actual enclosed structures – not merely covered or screened. Additionally, homes built on Hawksbill Way are further disadvantaged due to the smaller lot depth. The Soundings granted properties on Hawksbill a special exception from the association's setback requirements due to the smaller lot sizes.<sup>1</sup>

The frequency of these encroachments, the existing developed lot, and the narrower lots on Hawksbill Way creates a special condition for this community and the Bach family's Property.

- 2. Literal interpretation of the provisions of article 3 or article 4 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district:**

Literal interpretation of article 3 would deprive the Bach family of rights commonly enjoyed by other properties in this zoning district. Properties east and west of the Bach's Property encroach into the rear yard setback. The property just west of my clients' has a large, encroaching screen enclosure. Across the canal from the Property, many homes or their accessory structures encroach into the waterfront setbacks. In fact, the majority of waterfront properties in The Soundings have homes, screen enclosures, or patios that encroach into the 35' waterfront setback. Denying the Bach's family of these rights would create an unnecessary and undue hardship by not denying them the ability to maximize the use and functionality of their Property. The Bachs should be permitted an outdoor living area similar to their neighbors throughout the Soundings.

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<sup>1</sup> See Art. III, Sec. V(A), Setback Lines, THE SOUNDINGS YACHT AND TENNIS CLUB, AMENDED AND RESTATED COVENANTS (2018), recorded in OR BK 3012, PG 142, Martin County Public Records.

**3. The special conditions and circumstances do not result from the actions or inactions of the applicant:**

The current conditions of the Property do not result from the actions or inactions of the applicant. The existing house was constructed prior to when the Bach family owned the Property. Their existing building envelope, encroachments, and lot depth are the result of previous owners, not the applicant. The neighboring waterfront setback encroachments, common in the Soundings, are not the result of the actions or inactions of the Bachs.

**4. 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:**

The variance requested will not confer any special privilege that is denied to other lands in the same zoning district. At least ten properties in The Soundings have been granted variances for setback encroachments by the BOZA. Additionally, many properties in the Soundings currently encroach into the 35' waterfront setback. As previously stated, some of these encroachments include screen enclosures and enclosed, covered, living space. The proposed outdoor pool area and associated patio are characteristic of other properties in the neighborhood and will not negatively impact the surrounding community.

**5. The variance is the minimum variance that will make possible the reasonable use of land, building or structure:**

The variances requested are the minimum variances that will make possible the reasonable use of the land and building. The existing covered patio already encroaches in the Property's rear yard setback. Adding a small pool and pool patio will not cause any additional harm to this area, especially considering the view corridor and existing amenities of neighboring properties. Finally, the applicants wish to legitimize four feet one inch (4' 1") of their existing encroachments in the rear yard waterfront setback. Doing so will protect the Bachs and future owners if this area is destroyed or demolished.

The applicants requested variances for an outdoor pool and living space are found throughout the Soundings. The proposed encroachment will not be enclosed, air-conditioned space, but rather an uncovered outdoor living area. This neighborhood in the HR-1 zoning district characteristically has structures, decks, and screen enclosures that encroach into the 35' waterfront setbacks. The applicants are asking only for that which is consistent with and previously approved in the surrounding neighborhood.

- 6. The granting of the variance will be in harmony with the general purpose and intent of the LDR and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare:**

The requested variances are harmonious with the general purpose and intent of the Land Development Regulations. Granting these variances will enhance the value of the Property, result in development consistent with the neighborhood, and will not produce injurious impacts to the public or adjacent properties.

## **SAMPLE LETTER TO SURROUNDING PROPERTY OWNERS**

*(month) (day), (2020)*

*(addressee from the certified property owners list)*  
*(address)*

Subject: Request for a variance by Michael and Dianna Bach to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the HR-1, Single-family Residential District to permit the construction of a swimming pool and deck and to permit the existing encroachment of the residence. The subject property is located at 8959 SE Hawksbill Way, Hobe Sound, Florida.

Legal Description: Lot 8, Block 7, Replat of Block 7, "The Soundings", according to the map or plat thereof as recorded in Plat Book 5, Page 102, of the Public Records of Martin County, Florida.

Dear *(property owner)*:

As a landowner within 300 feet of the property identified in the legal description and shown on the map attached to this letter, please be advised that consideration of a request for a variance as noted above will occur at a public hearing.

The date, time and place of the scheduled hearing are as follows:

### **BOARD OF ZONING ADJUSTMENT**

Date: Thursday, January 28, 2021  
Time: 7:00 P.M. or sooner as it can be heard after this time  
Place: Martin County Administrative Center, Commission Meeting Room, First Floor  
2401 S.E. Monterey Road, Stuart, Florida 34996

All interested persons are invited to attend and be heard. Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 SE Monterey Road, Stuart, FL, 34996, no later than three days before the hearing date. This notification can be reproduced in an alternative format upon request by contacting the Office of the ADA Coordinator at (772) 320-3131. Persons using a TTY device, please call 711 Florida Relay Services.

When attending a public hearing, a member of the public may speak during the public comment portion of the public hearing. A person may also participate in the public meeting as an Intervenor. An Intervenor may ask questions of the staff, applicant and give testimony on the subject of the



public hearing. In order to be an Intervenor, a person must qualify to receive mailed notice of the subject application in accordance with Section 10.6.E., Land Development Regulations, Martin County Code. In addition, an Intervenor must file a form of intent with the County Administrator not less than 7 business days prior to the Board of Zoning Adjustment meeting. No fee will be assessed on Intervenor. If the Intervenor is representing a group/association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, stating the he/she is authorized to speak for the group. Forms are available on the Martin County website [www.martin.fl.us](http://www.martin.fl.us). Any documentation, including all dvd, cd or video cassette tapes, intended to be proffered as evidence must be submitted to the Growth Management Department at least 7 business days prior to the meeting.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

For further information, please call the Growth Management Department at 772-288-5495. All written comments should be sent to Paul Schilling, Growth Management Director, (e-mail: [pschilli@martin.fl.us](mailto:pschilli@martin.fl.us)) or 2401 SE Monterey Road, Stuart, FL 34996. Copies of the item will be available from the Growth Management Department.

Sincerely,

*(applicant's name)*

Attachments: Location Map  
Site Plan



Public Notices

LEGAL NOTICE:

The Indian River County Hospital District will hold a Chairman's Meeting on **Wednesday, January 20, 2021 at 10:00 AM** in the District Office Conference Room, 1705 19th Place, Suite G3, Vero Beach, FL 32960. You may also participate via Zoom

Dial in Number: 1 312 626 6799  
Meeting ID: 881 8613 4585  
Passcode: 606463

The Indian River County Hospital District will hold its Regular Monthly Meeting on **Thursday, January 21, 2021 at 4:00 PM** the District Office Conference Room, 1705 19th Place, Suite G3, Vero Beach, FL 32960. You may also participate via Zoom

Dial in Number: 1 312 626 6799  
Meeting ID: 880 3270 7741  
Passcode: 958690

If a person decides to appeal any matter discussed at these public meetings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pub: January 13, 2021  
TCN4543086

Extra Space Storage will hold a public Auction to sell personal property described below, belonging to those individuals listed below at the location indicated, Extra Space Storage, 9893 US Hwy 1, Sebastian, Florida 32958 Friday, January 29, 2021 2:15 PM. Blaze Howe Household Goods, Sandy Wark Household Goods, Sandy Wark Household Goods. The Auction will be listed and advertised on [www.storagetreasure.com](http://www.storagetreasure.com) purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.  
Pub: Jan. 13, 20, 2021  
TCN4537250

**NOTICE**  
Indian River Farms Water Control District will be spraying canals within the District beginning Dec 28, 2020 through January 16, 2020. David E. Gunter Secretary Treasurer  
Publish: Dec. 23, 30, Jan. 6, 13, 2020  
TCN4514993

SEMI-ANNUAL FREE CHLORINE MAINTENANCE

Martin County Utilities, City of Stuart and South Martin Regional Utility (SMRU) will temporarily change the method of chlorinating potable water to ensure the future safety of the water. The Utility water users may notice an unusual chlorine taste or odor in their tap water during the period of January 3, 2021 – January 17, 2021.

These temporary conditions will not be harmful to your health; however, if you are on kidney dialysis, you should consult your physician for special instructions concerning this matter. If you have tropical fish or aquatic animals, you should contact your local tropical fish store for advice and take appropriate action to ensure that you have properly treated the water before adding it your aquarium.

The hydrant flushing during this period may cause the water to become cloudy and discolored. This is a temporary condition and should not last more than a few hours.

We apologize for any inconvenience you may experience during this time. Please keep in mind that this is necessary to provide safe water for our customers.

For more information contact Martin County Utilities Customer Service at (772) 221-1434, the City of Stuart Customer Service at (772) 288-5317 or (772) 288-5318 or South Martin Regional Utility (SMRU) Customer Service at (772) 546-2511.

Thank you for your cooperation.  
Pub December 27th 2020, January 2nd-January 17th 2021  
TCN4502381

Notice to Contractors  
Florida Department of Transportation Project

Bids will be received by the District Four Procurement Office until 10:30 A.M. on Friday, February 5, 2021, for the following proposal in Martin, St. Lucie, and Indian River Counties: E4V03-R0- BDI Sweeping; E4U98 BDI Multi-posting signs; Z4101-R0 Pre-Event Generator & Traffic Signal; Z4103 Pre-Event Sign Repair. Complete letting advertisement information is available on our website at: <https://www.fdot.gov/contracts/d4/default.shtm> click on Friday, February 5, 2021, letting or by calling (954) 777-4612.  
Pub: Jan 6 & 13, 2021  
TCN4531752

An online auction will be held at [Storageauctions.com](http://Storageauctions.com), January 28, 2021 at 7:00 pm. The proceeds will be used to pay delinquent rent and other unpaid charges.

All units contain household items unless otherwise noted.

Marion Lewis  
Ashley Koscheky  
Nicole Czerins  
Jenniffer Fontaine  
Pub: January 13, 15, 2021  
TCN 4552048

Public Notices

Notice Under Fictitious Name  
Law Pursuant to Section 865.09, Florida Statutes

NOTICE IS HEREBY GIVEN that the undersigned, desiring to engage in business under the fictitious name of Savi Air located at 2524 SE Witham Field Dr. #105, in the County of , MARTIN in the City of Stuart, Florida 34996 intends to register the said name with the Division of Corporations of the Florida Department of State, Tallahassee, Florida. Dated at Stuart, Florida, this 8th day of January, 2021, T. Gabe Houston, President GB Airlink, Inc. d/b/a Savi Air January 13, 2021 TCN4546784

Notice to Contractors  
Florida Department of Transportation Project

Bids will be received by the District Four Procurement Office until 10:30 A.M. on Friday, March 5, 2021, for the following proposal in Martin, St. Lucie, and Indian River Counties: Z4100-R0; – Pre-Event Emergency Roadside Assistance. Complete letting advertisement information is available on our website at: <http://www.dot.state.fl.us/contractsadminstrationdistrict4/> click on March 5, 2021 letting or by calling (954) 777-4612.  
Pub: Jan 6 & 13, 2021  
TCN4531737

Notice is hereby given that Stor-A-Way Indiantown, Indiantown, FL, [www.storawayministorage.com](http://www.storawayministorage.com), will sell the personal property in Units:

Lopez, Dora  
Ball, Wayne  
Friedenheimer, Debbie  
Salazar, Oreste  
Panet Lozada, Rosalyn

An online auction will be held at [Storageauctions.com](http://Storageauctions.com), January 29th, 2021 at 8:00 pm. The proceeds will be used to pay delinquent rent and other unpaid charges.  
Published: 1/6, 1/13/2021  
TCN4530139

Notice is hereby given that Stor-A-Way II, Stuart, FL 34997, [www.storawayministorage.com](http://www.storawayministorage.com), will sell the personal property in Units:

Charlissa Romero  
Daniel Werner

An online auction will be held at [Storageauctions.com](http://Storageauctions.com), January 22nd, 2021 at 8:00 pm. The proceeds will be used to pay delinquent rent and other unpaid charges.  
Published: 1/6, 1/13/2021  
TCN4526019

Chad Harvey MD announces his retirement from his medical practice effective February 1, 2021. Rebecca Prostko MD PA will be the custodian of patient records and is available for continuity of service at 900 East Ocean Blvd #150F Stuart, FL 34994 (772-287-2191) or 938 SE Martin Downs Blvd Palm City, FL 34990 (772-223-6410).  
Publish: Jan. 6, 13, 20, 27, 2021  
TCN4533072

Extra Space Storage will hold a public Auction to sell personal property described below, belonging to those individuals listed below at the location indicated, Extra Space Storage, 9893 US Hwy 1, Sebastian, Florida 32958 Friday, January 22, 2021 2:15 PM. Tyjuan McFarlen Household Goods, Ben Martin Household, Yvette Drake Household Goods. The Auction will be listed and advertised on [www.storagetreasures.com](http://www.storagetreasures.com) purchases must be made with cash only and paid at the above referenced facility in order to complete the transaction. Extra Space Storage may refuse any bid and may rescind any purchase up until the winning bidder takes possession of the personal property.  
Pub: Jan. 6, 13, 2021  
TCN4529728

Notice is hereby given that Stor-A-Way II, Stuart, FL 34997, [www.storawayministorage.com](http://www.storawayministorage.com), will sell the personal property in Units:

Charlissa Romero  
Daniel Werner

An online auction will be held at [Storageauctions.com](http://Storageauctions.com), January 22nd, 2021 at 8:00 pm. The proceeds will be used to pay delinquent rent and other unpaid charges.  
Published: 01/06, 01/13/2021  
TCN4526018

Notice of Meeting  
Notice of Neighborhood Workshop for property owners within 500 feet of the Heritage Reserve project site, 4600 26th Street. The workshop has been scheduled for Thursday, January 28, 2021 at 6:00 PM at City Hall, Council Chambers - 1053 20th Place.

The purpose of the workshop is to present a conceptual site plan for a residential development and answer questions from the public.

This project was originally approved in 2006 for 780 residential units, but never commenced with construction due to the economic downturn in housing. The 333-acre project will propose 722 residential lots for a density of 2.17 lots per acre.

Questions can be directed to Carter Associates, Inc. at (772) 562-4191.  
Publish: Jan. 13, 2021  
TCN4543547



Public Notices

BEFORE THE BOARD OF ZONING ADJUSTMENT  
MARTIN COUNTY, FLORIDA  
\*\*\*\*\*  
NOTICE OF PUBLIC HEARING

Subject: Request for a variance by Gregg and Tinamarie Conzone to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the RM-5, Low Density Residential District to permit the construction of a paver deck and pergola. The subject property is located at 18172 SE Wood Haven Lane, Tequesta, Florida.

Legal Description: Lot 46, North Passage Plat No. 2, according to the map or plat thereof as recorded in Plat Book 11, Page 61, of the Public Records of Martin County, Florida.

Time and Date: 7:00 P.M., or as soon after as the matter may be heard, on Thursday, January 28, 2021

Place: Martin County Administrative Center  
2401 SE Monterey Road  
Stuart, Florida

All interested persons are invited to attend and be heard. Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772)-221-1396, or the Office of the County Administrator at (772) 221-2360, or in writing to 2401 SE Monterey Road, Stuart, FL 34996, no later than three days before the meeting date. This notification can be reproduced in an alternative format upon request by contacting the Office of the ADA Coordinator at (772) 221-1396. Persons using a TDD device, please call 711 Florida Relay Services.

When attending a public hearing, a member of the public may speak during the public comment portion of the public hearing. A person may also participate in the public meeting as an Intervenor. An Intervenor may ask questions of the staff, applicant and give testimony on the subject of the public hearing. In order to be an Intervenor, a person must qualify to receive mailed notice of the subject application in accordance with Section 10.6.E, Land Development Regulations, Martin County Code. In addition, an Intervenor must file a form of intent with the County Administrator at least 7 business days prior to the BOZA meeting. No fee will be assessed on Intervenor. If the Intervenor is representing a group/association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, stating that he/she is authorized to speak for the group. Forms are available on the Martin County website [www.martin.fl.us](http://www.martin.fl.us). Any documentation, including all dvd, cd or video cassette tapes, intended to be proffered as evidence must be submitted to the Growth Management Department at least 7 business days prior to the meeting.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

For further information, please call the Growth Management Department at 772-288-5495. All written comments should be sent to Paul Schilling, Growth Management Director, (e-mail: [pschilli@martin.fl.us](mailto:pschilli@martin.fl.us)) or 2401 SE Monterey Road, Stuart, FL 34996. Copies of the item will be available from the Growth Management Department.  
Published: 01/13/2021 TCN4540664

BEFORE THE BOARD OF ZONING ADJUSTMENT  
MARTIN COUNTY, FLORIDA  
NOTICE OF PUBLIC HEARING

Subject: Request for a variance by Mark Gallagher to reduce the centerline setback requirements pursuant to Section 3.407, R-3A Liberal Multiple-family District., Land Development Regulations (LDR) to permit the construction of a single-family home, garage and pool. The subject property is to be located at 1373 NE Skyline Drive in Jensen Beach, Florida.

Legal Description: Lot 21, Indian River Gardens according to the plat thereof, as recorded in Plat Book 4, Page 70, Public Records of Martin County, Florida.

Time and Date: 7:00 P.M., or as soon after as the matter may be heard, on Thursday, January 28, 2020

Place: Martin County Administrative Center  
2401 SE Monterey Road  
Stuart, Florida

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Pub: Jan 13, 2021 TCN4540797

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TR-CG0570816-02

Public Notices

BEFORE THE BOARD OF ZONING ADJUSTMENT  
MARTIN COUNTY, FLORIDA  
\*\*\*\*\*  
NOTICE OF PUBLIC HEARING

Subject: Request for a variance by Michael and Dianna Bach to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the HR-1, Single-family Residential District to permit the construction of a swimming pool and deck and to permit the existing encroachment of the residence. The subject property is located at 8959 SE Hawksbill Way, Hobe Sound, Florida.

Legal Description: Lot 8, Block 7, Replat of Block 7, "The Soundings", according to the map or plat thereof as recorded in Plat Book 5, Page 102, of the Public Records of Martin County, Florida.

Time and Date: 7:00 P.M., or as soon after as the matter may be heard, on Thursday, January 28, 2021

Place: Martin County Administrative Center  
2401 SE Monterey Road  
Stuart, Florida

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Published: 01/13/2021 TCN4540638

BEFORE THE BOARD OF ZONING ADJUSTMENT  
MARTIN COUNTY, FLORIDA  
NOTICE OF PUBLIC HEARING

Subject: Request for a variance by Edward and Stephanie Pearson to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the HR-1, Single-family Residential District to permit the construction of a swimming pool and deck. The subject property is located at 8551 SE Driftwood Street, Hobe Sound, Florida

Legal Description: Lot 33, of NORTH HOBE SOUND SHORES, according to the map or plat thereof as recorded in Plat Book 3, Page 49, of the Public Records of Martin County, Florida.

Time and Date: 7:00 P.M., or as soon after as the matter may be heard, on Thursday, January 28, 2021

Place: Martin County Administrative Center  
2401 SE Monterey Road  
Stuart, Florida

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Pub: Jan 13, 2021 TCN4540797

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TR-CG0570816-02