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**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 4.1 ft. rear yard encroachment of the dwelling as set forth on the survey attached hereto as Exhibit A.

H. The granting of this variance shall be subject to the requirement that the swimming pool and pool deck shall not be enclosed in the future. A screened enclosure is prohibited.

I. 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*
**DENISE JOHNSTON
SECRETARY**

BY: *Travis Waddell*
TRAVIS WADDELL, CHAIRMAN

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

FILED FOR RECORD
Clerk of
Board of Zoning Adjustment
MARTIN CO., FL
BY: *Denise Johnston*
DATE: *2/4/2021*

BY: *Krista A. Storey*
KRISTA A. STOREY
SENIOR ASSISTANT COUNTY ATTORNEY

Exhibit A

