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

**[REGARDING THE APPLICATION OF
MARK GALLAGHER
FOR A CENTERLINE SETBACK VARIANCE ON PROPERTY LOCATED AT 1353 NE
SKYLINE DRIVE WITHIN THE R-3A, LIBERAL MULTIPLE FAMILY DISTRICT]**

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

1. Mark Gallagher has submitted a variance application to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code for the R-3A Liberal Multiple-family District to reduce the centerline setback requirements pursuant to Section 3.407.C.4, to permit the construction of a single-family home, garage and pool on Lot 21, Indian River Gardens according to the plat thereof, as recorded in Plat Book 4, Page 70, Public Records of Martin County. The subject property is located at 3553 NE Skyline Drive, Jensen Beach, 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 centerline setback variance of 15 ft. on NE Skyline Drive is approved to reduce the setback requirement from 65 ft. to 50 ft. to permit the construction of a single-family home, garage and pool as set forth on the site plan 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*
**DENISE JOHNSTON
SECRETARY**

BY: *Travis Waddell*
TRAVIS WADDELL, CHAIRMAN

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

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

**FILED FOR RECORD
Clerk of
Board of Zoning Adjustment
MARTIN CO., FL**

BY: *Denise Johnston*
DATE: *1/29/2021*

Exhibit A

