

NPD-1
ex 1

Peter W. Walden, AICP
Deputy Growth Management Director
Martin County Growth Management Department
pwalden@martin.fl.us Office 772-219-4923
2401 SE Monterey Road Stuart, FL 34996

Experience

Public Sector Work History

Deputy Growth Management Director

2021-Present

- Oversee the review of all development projects and building permits.
- Assist the Growth Management Director with all aspects of the department.

Principal Planner, AICP Martin County, FL

2018- 2021

- 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.

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.

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

Florida Atlantic University, Boca Raton, FL

B.P.M. Bachelor of Public Management 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

File ID: 22-0969

NPH-1

Meeting Date: 6/23/2022

PLACEMENT: New Business

TITLE:

GRAHAM, JEFFERY & MARLENE VARIANCE REQUEST

EXECUTIVE SUMMARY:

Request for a variance by Jeffery and Marlene Graham to reduce the front property line setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code for the R1-B, Single Family residential District to permit the construction of a single-family home. The subject property is to be located at 1659 SW Albatross Way in Palm City.

Presented by: Peter Walden, AICP, Deputy Growth Management Director
Agent for Applicant: Deanna Freeman

PREPARED BY: Joan Seaman, Administrative Assistant

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MARTIN COUNTY, FLORIDA
DEVELOPMENT REVIEW DIVISION
GROWTH MANAGEMENT DEPARTMENT

VARIANCE APPLICATION STAFF REPORT

SUBJECT: Request for a variance by Jeffrey Hunter and Marlene Ann Graham to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations (LDR), Martin County Code, for the R1-B, Single Family Residential District, to permit the construction of a single-family home. The subject property is to be located at 1659 SW Albatross Way in Palm City, Florida.

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A. APPLICATION PROCESSING INFORMATION

Applicant and property owner: Jeffrey Hunter and Marlene Ann Graham
Agent for applicant: Deanna Freeman
Date application submitted: May 27, 2022
Staff report date: June 01, 2022
Date of Board of Zoning Adjustment hearing: June 23, 2022
Project coordinator for County: Barbara Counsellor, Senior Planner
Growth Management Director: Paul Schilling
Report number: 2022_0527_GMD2022050352

B. APPLICATION TYPE AND DESCRIPTION OF REQUEST

The subject property is zoned R-1B Single family residential District, Land Development Regulations, Martin County Code. The structural setback requirements in this zoning district are as follows:

Side:*(b) 10 ft. from the lot line / frontage less than 75' in width, the side setback for nonconforming lot is 6.5'.

Front: 20 ft. from the lot line.

Rear:*(f) 6 ft. from the lot line.
25 ft. Shoreline Protection Zone (SPZ) from Mean High Water Line on wet face of sea wall.

*Table 3.12.2 (b)
Side setback for nonconforming lots is 6.5 feet.

*Table 3.12.2 (f)
In the R-1B district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 25-foot setback from the mean

high-water line.

The applicant is requesting a variance to reduce the setback from 20 ft. to 3 ft. from the front property line of SW Albatross Way to permit the proposed single-family home.

C. VICINITY AND SITE INFORMATION

1659 SW Albatross Way

Parcel 06-38-41-001-000-01590-4

Lot 159, Sea Gate Harbor, according to the plat thereof, as recorded in Plat Book 4, Page 29, of the Public Records of Martin County, Florida

LOCATION MAP



PROPOSED VARIANCE SITE



D. 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 appears to be a platted lot of record that was created in 1963 with the recording of the Sea Gate Harbor plat. This date is prior to zoning code adoption in 1967.
2. There was an existing structure on the lot that was constructed in 1966 and demoed complete on 04/21/2020.
3. The subject property is approximately .173 acres. The property width is approximately 70.68 ft. along the road frontage adjacent to SW Albatross Way and approximately 108.29 ft. along the west property line and 123.48 ft. along the east property line.

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

Side: *(b) 10 ft. from the lot line / frontage less than 75' in width, the side setback for nonconforming lot is 6.5'.

Front: 20 ft. from the lot line.

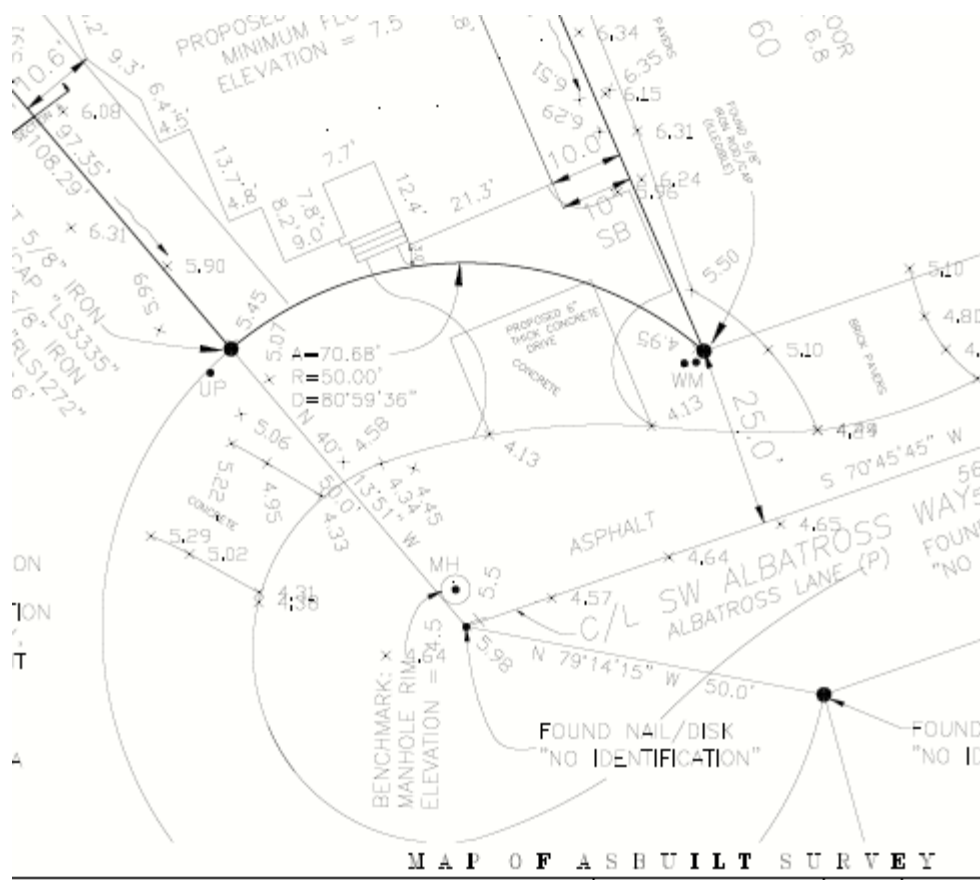
Rear: *(f) 6 ft. from the lot line.
25 ft. Shoreline Protection Zone (SPZ) from Mean High Water Line on wet face of sea wall.

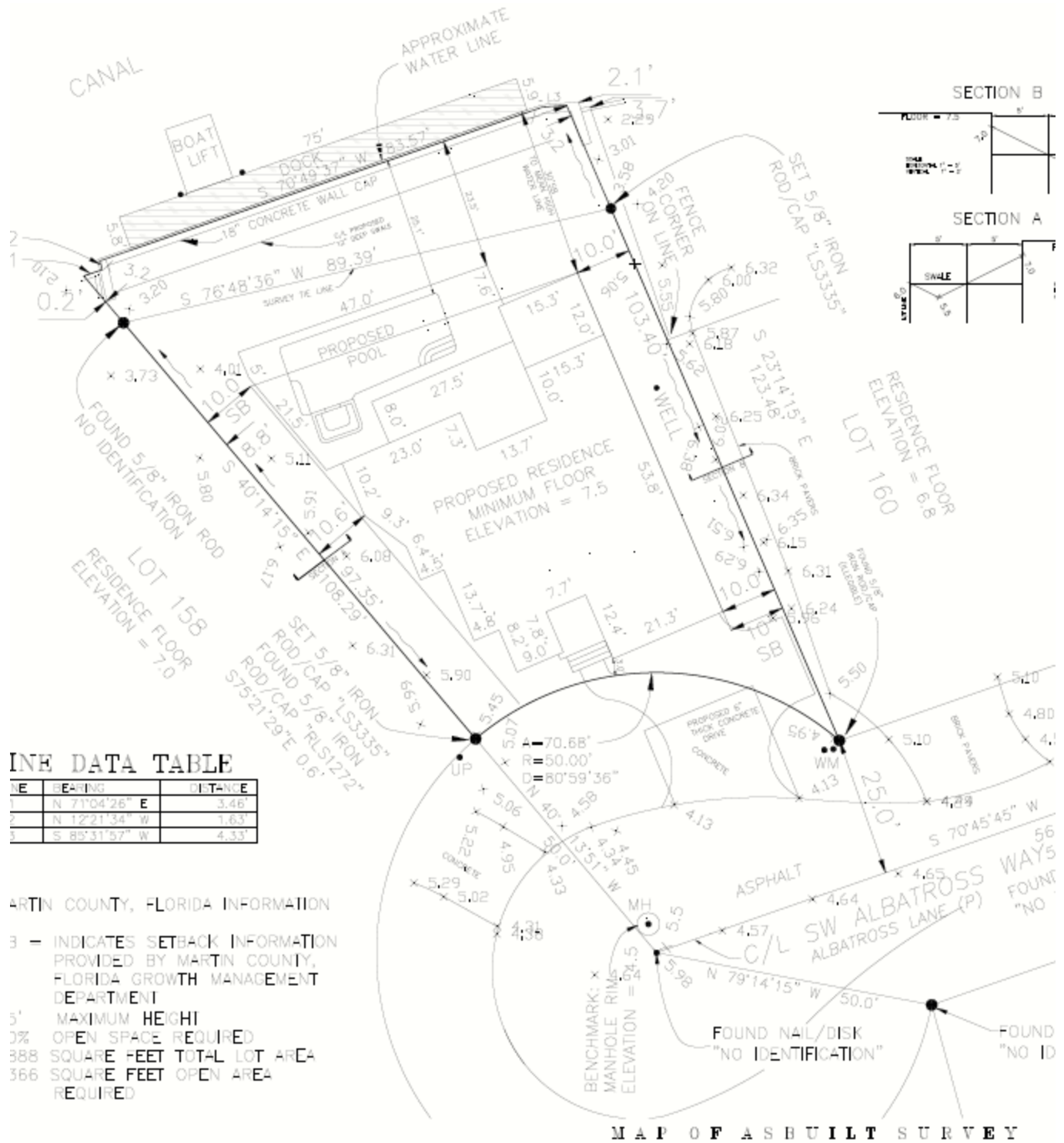
*Table 3.12.2 (b)
Side setback for nonconforming lots is 6.5 feet.

*Table 3.12.2 (f)
In the R-1B district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 25-foot setback from the mean high-water line

5. The applicant is requesting a variance to reduce the setback from 20 ft. to 3 ft. from the front property line of SW Albatross Way to permit the proposed single-family home.

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: The subject of the dwelling was designed prior to the adoption code change made pursuant to Ordinance 1156 dated April 27th, 2021 which changed the setback requirements from the 50' centerline to the front setback of 20' from property line. This resulted in a hardship on a cul-du-sac property.
 - 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 zoning requirements for this lot, the proposed single-family home would not be feasible.

- 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 1963 with the recording of the plat for Sea Gate Harbor. The applicant has provided a site plan that adheres to the unique shape of the lot while keeping the side setback requirements intact.
 - 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 single-family home.
 8. Research of the area shows there are non-conformities as to zoning setbacks and requirements in the neighborhood.

E. RECOMMENDATION

The Board is advised that this application for a setback variance is in order and qualifies for an action of approval for a front setback variance of 17 ft. to reduce the setback requirement from 20 ft. to 3 ft. from the front property line of SW Albatross Way to permit the proposed single-family home. 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.

F. 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	\$

G. ATTACHMENTS

1. Sample letter notice.
2. Newspaper ad for June 23, 2022 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)



Martin County, Florida Growth Management Department
DEVELOPMENT REVIEW DIVISION
2401 SE Monterey Road, Stuart, FL 34996
772-288-5495 www.martin.fl.us

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Variance Non-Administrative

Applicant shall submit the following items in the order shown below as one complete set in hard copy (paper) format (see exceptions below) and one complete set electronically either on a disc or flash drive. In addition, if any item is not included, please identify the item and the reason for its exclusion in the narrative.

- ☒ 1. APPLICATION: Please use the new application form. [Application](#)
- ☒ 2. AFFIDAVIT: Complete the affidavit for digital submission. [Affidavit for digital submission](#)
- ☒ 3. NARRATIVE: A complete project narrative including what is being requested, the location and size of the subject property.
- ☒ 4. A check made payable to the Martin County Board of County Commissioners per the Development Review Fees. [Development review fee schedule](#)
- ☒ 5. POWER OF ATTORNEY: A notarized power of attorney authorizing an agent to act on the owner's behalf.
- ☒ 6. RECORDED DEED: A copy of the recorded deed(s) for the subject property and any contract for purchase of the property.
- ☒ 7. PROPERTY TRANSFER: A certification of any property transfer since the property was deeded to the current property owner. If there has not been a property title transfer since the recorded deed, provide a certified statement that no title transfer has occurred.
- ☒ 8. VARIANCE JUSTIFICATION: Justification statement for variance.
- ☒ 9. LOCATION MAP: A location map (8 1/2 x 11) showing the property and all major and minor roadways in and adjacent to the property with the property clearly outlined.
- ☒ 10. BOUNDARY SURVEY: A boundary survey (24 x 36) of the entire site including the legal description, parcel control number(s) and acreage, certified within 180 days of the date of this application, signed and sealed by a licensed Florida professional surveyor and mapper. **Hard copy exception: 9 additional sets**
- ☒ 11. SITE PLAN: A site plan (11 x 17 or larger) illustrating what is being requested. **Hard copy exception: 9 additional sets**

- ☒ 12. CERTIFIED LIST OF PROPERTY OWNERS: A certified list of surrounding property owners, within 300 feet if site is inside the urban service district, or 600 feet if site is outside the urban service district, to be notified by letter of the public hearings.
- ☒ 13. AERIAL PHOTO: Recent aerial photograph of the site with the property clearly outlined.
- ☒ 14. DISCLOSURE of INTEREST AFFIDAVIT: Please submit a completed financial disclosure affidavit form. [Section 10.5.D.1., LDR] [Disclosure of Interest Affidavit](#)

RESOURCES: [Martin County Development Review Webpage](#)



Deanna Freeman

May 26, 2022

Paul Schilling
Growth Management Director,
Growth Management Department,
2401 SE Monterey Road,
Stuart, FL 34996

RE: 1659 SW Albatross Way, Palm City, Florida - Variance Application

Dear Paul,

Please accept the digital submittal of a request on behalf of Jeffrey & Marlene Graham as property owners for a non-administrative Variance application request. The subject property consists of a vacant residential parcel measuring 0.173 acres on a vacant property located at 1659 SW Albatross Way in Palm City. It is the property owner's intent, working with Jeffrey A. Bowers, of Masterpiece Builders, LLC, to construct a single-family residential unit on subject property.

The land has a Low Density Residential future land use and R-1B, Single Family Residential District zoning designation. Staff had been contacted June 23, 2021 with a request to confirm the development standards for a property zoned R-1B. The response from staff included confirmation at that time of a 50 ft. centerline setback required to be met as the front setback where the property is on the water. Based on staff's zoning response emailed July 7, 2021, the Architect created house plans, the surveyor a site plan, and Masterpiece Builders finalized the pricing and construction schedule January/February 2022.

Building permits were submitted for the construction of a single-family dwelling on the property. It was during the review of the building permit that staff responding confirming the zoning district code provisions for R-1B had changed in accordance with the adoption of Ordinance 1165, effective 10th August 2021. Staff confirmed properties on the water that had been required to apply a centerline setback as the front setback, are now governed by a code change in accordance with Ordinance 1165 to apply a 20 ft. front setback development standard. The complexities of the lot configuration and challenges in applying the 20 ft. front setback to the design of a dwelling on this smaller irregular shaped vacant lot Masterpiece Builders and the property owners were advised to request a variance to address the front setback provision.

Consideration is required by staff of the attached site plan depicting a reduced front setback requirement from the required 20 ft. to 3 ft. for the above-mentioned property. Please refer to the attached justification letter for further information in support of the requested variance.

The application materials submitted are as per the requirements indicated in the Martin County Variance Application Checklist and the following summary:

- 0.1 Variance Checklist
 - 1. Cover Letter
 - 2. Affidavit for digital submission
 - 3. Application Form
 - 4. Narrative and Justification Statement
 - 5. Check for \$690.00 variance application fee
 - 6. Limited Power of Attorney form
 - 7. Warranty deed
 - 8. Property Transfer statement
 - 9. Legal Description
 - 10. Maps
 - 11. Survey
 - 12. Site Plan
 - 13. Disclosure of Interest Affidavit signed and notarized.
 - 14. Property Appraiser Information Sheet

The certified list of property owners will be provided as a separate cover once completed. Nine full size sets of the boundary survey and site plan will be provided ahead of the scheduled public hearing before the Board of Zoning Adjustment.

We trust the attached information will suffice in staff's consideration of the Non-Administrative Variance application request on the property. If you have any questions or require any additional information, please do not hesitate to contact me at 772 233 5095.

Sincerely,

A handwritten signature in black ink, appearing to read 'Deanna Freeman', with a large loop at the end.

Deanna Freeman
Project Manager & Planner
772 233 5095



**Martin County County Florida Growth Management Department
DEVELOPMENT REVIEW DIVISION
2401 SE Monterey Road, Stuart, FL 34996
772-288-5495 www.martin.fl.us**

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Digital Submittal Affidavit

I, Jeffrey H Graham, attest that the electronic version included for the project 1659 SW Albatross Way is an exact copy of the documents that were submitted for sufficiency, excluding any requested modifications made by the sufficiency review team. All requested modifications, if any, have been completed and are included with the packet.

[Signature]
Applicant Signature

5/20/22
Date

NOTARY ACKNOWLEDGMENT

STATE OF: Florida COUNTY OF: Martin

I hereby certify that the foregoing instrument was acknowledged before me this 20 day of May, 20 22, by Jeffrey H Graham.

He or She ☒ is personally known to me or ☐ has produced _____ as identification.

[Signature]
Notary Public Signature

Cynthia D Tuning
Printed name

STATE OF: Florida at-large





Martin County, Florida
Growth Management Department
DEVELOPMENT REVIEW DIVISION
2401 SE Monterey Road, Stuart, FL 34996 772-288-5495 www.martin.fl.us

DEVELOPMENT REVIEW APPLICATION

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A. GENERAL INFORMATION

Type of Application: Variance

Name or Title of Proposed Project: 1659 SW Albatross Way

Brief Project Description:

A variance to reduce the required front setback to 3 feet where 20 feet is required on property located at 1659 SW Albatross Way, Palm City, Florida

Was a Pre-Application Held? ☒ YES/NO ☒ Pre-Application Meeting Date: N/A

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)

06-38-41-001-000-01590-4

B. PROPERTY OWNER INFORMATION

Owner (Name or Company): Jeffrey Graham & Marlene Graham

Company Representative: Same as Owners

Address: 98 Pointe Trinity Drive

City: Strafford, State: NH Zip: 03884

Phone: Email:

C. PROJECT PROFESSIONALS

Applicant (Name or Company): Same as Owner

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Agent (Name or Company): Deanna Freeman

Company Representative: Deanna Freeman

Address: 4777 SE Graham Drive

City: Stuart, State: FL Zip: 34997

Phone: 772 233 5095 Email: deanna@counterplan.com

Contract Purchaser (Name or Company): N/A

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Land Planner (Name or Company): Same as Applicant

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Landscape Architect (Name or Company): N/A

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Surveyor (Name or Company): Mixon Land Surveying, Inc.

Company Representative: Richard A Mixon

Address: 12450 NE 26th Avenue

City: Okeechobee, State: FL Zip: 34972

Phone: 772 260 5302 Email: _____

Civil Engineer (Name or Company): N/A

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

PROJECT PROFESSIONALS CONTINUED

Traffic Engineer (Name or Company): N/A

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Architect (Name or Company): M.A. Corson & Associates, Inc.

Company Representative: M.A. Corson

Address: 412 Colorado Avenue

City: Stuart, State: FL Zip: 34994

Phone: 772 223 8227 Email: _____

Attorney (Name or Company): _____

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Environmental Planner (Name or Company): N/A

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Other Professional (Name or Company): Masterpiece Builders, LLC

Company Representative: Jeff Bowers, President

Address: 410 Colorado Avenue

City: Stuart, State: FL Zip: 34994

Phone: 772 283 2096 Email: jbowers@masterpiecebuilders.com

D. Completeness Sufficiency Review

Applications submitted for completeness/sufficiency review meetings held on Mondays, must be received by the Growth Management Department no later than 4 p.m. the previous Thursday or in the event of a holiday, 4 p.m. Wednesday. Applications received on Fridays will be scheduled for the following week.

E. Certification by Professionals

Section 10.5.F.6.h., Article 10, Development Review Procedures, Land Development Regulations (LDR), Martin County Code (MCC) provides the following:

When reviewing a development application that has been certified by a professional listed in F.S. § 403.0877, F.S., the County shall not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. If the applicant states in writing that the request for additional information is not authorized by ordinance, rule, 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.

F. 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.

x *Jeffrey Graham*
Applicant Signature

5/20/22
Date

JEFFREY Graham
Printed Name

NOTARY ACKNOWLEDGMENT

STATE OF: Florida COUNTY OF: Martin

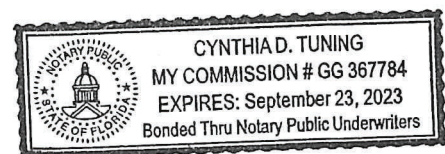
I hereby certify that the foregoing instrument was acknowledged before me this 20 day of May, 20 22, by Jeffrey Graham.

He or She ☒ is personally known to me or ___ has produced ___ as identification.

Cynthia D. Tuning
Notary Public Signature

Cynthia D. Tuning
Printed name

STATE OF: Florida at-large



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS. that I, Jeffrey Graham and Marlene Graham present as owners, hereby make, constitute and appoint Deanna Freeman, Stuart, Florida, the true and lawful attorney-in-fact for said, and in its name, place and stead. to execute and sign any and all Variance Non-Administrative documents or instruments pertaining to the following property located in Martin County, Florida.

See Attached legal description as Exhibit 'A'

I, Jeffrey Graham and Marlene Graham, Owners, give and grant unto said attorney-in-fact, full power and authority to do and perform any and all acts necessary on incident to the performance and execution of the powers herein expressly granted, with power to do and perform all acts authorized hereby, as fully to all intents and purposes as owners might or could do with full power of substitution and revocation, hereby ratifying and confirming all that said attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

IN WITNESS WHEREOF, I, Jeffrey Graham and Marlene Graham, Owners, have hereunto set my hand on this 26th day of MAY, 2022

Sealed and delivered in the presence of:

Jeffrey A. Bowers
Witness

Print Name: JEFFERY A. BOWERS

Lisa Bowers
Witness

Print Name: Lisa Bowers

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 26 day of May 2021, by Jeffrey Graham, Owner of said property.
Marlene Graham

Notary Public

Cynthia Tuning

OWNER(S)

By: Jeffrey Graham

Print name: Jeffrey Graham

By: Marlene Graham

Print name: Marlene A. Graham

Cynthia Tuning
Print Name

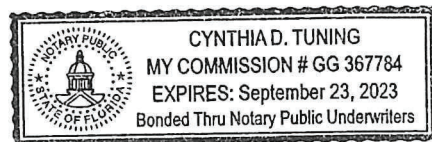


Exhibit "A"
(Disclosure of Interest and Affidavit)
(Legal Description)

Lot 159, SEA GATE HARBOR, according to the Plat thereof, as recorded in Plat Book 4, Page 29, Public Records of Martin County, Florida

Appendix
Article 10.2.B.3. Article 10, Development Review Procedures;
Land Development Regulations; Martin County Code

10.2.B. Application submittal for development approval. Applications for development approval shall comply with the following described procedures:

1. Initiation. A development application shall be filed with the County Administrator by the owner or other person having a power of attorney from the owner to make the application.
2. Acceptance of the application. A development application will be received for processing on any working day.
3. Verification of property ownership. The documents required below are required prior to an application being determined complete. After the application is determined to be complete, the applicant has a continuing obligation to provide revised documents to reflect any changes to the information provided that may occur before and as of the date of the final public hearing or final action on the application.
 - a. Proof of ownership must be provided for any application for any type of development order. The applicant shall provide a copy of the recorded deed for the subject property, and shall certify any subsequent transfers of interests in the property. If the applicant is not the owner of record, the applicant is required to report its interest in the subject property.
 - b. The applicant must disclose the names and addresses of each and every natural person or entity with any legal or equitable interest in the property of the proposed development, including all individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, limited liability company, professional associations and all other groups or combinations.
 - c. For those entities that are a firm, association, joint adventure, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, limited liability company, professional associations and all other groups or combinations thereof, every natural person or entity that enjoys a legal or equitable interest in property of the proposed development shall be disclosed including but not limited to any partners, members, shareholders, trustees, and stockholders.
 - d. The disclosure required in b. and c. above shall not apply to companies that are publicly traded and to consultants and contractors who may perform professional services or work related to the property.
 - e. In addition, the disclosure must include those having any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property.
 - f. The applicant must list all other applications for which they have an interest as defined in subsection b. and c. above that is currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.
 - g. Any development order, including applications for Planned Unit Developments which was granted or approved based on false or incomplete disclosure will be presumed to have been fraudulently induced and will be deemed by the Martin County Board of County Commissioners to be void ab initio and set aside, repealed, or vacated.



May 24, 2022

Variance Narrative & Justification

Applicant & Property Owner: Jeffrey & Marlene Graham

Agent: Deanna Freeman

Application Type & Description of Request:

The subject property is zoned R-1B, Single Family Residential District, Land Development Regulations, Martin County Code. The structural setback requirements in this zoning district are as follows:

Front: 20 ft (f)

Sides: 6 ft

Rear: 10 ft

Footnote (f) includes provision requiring wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 25 foot setback from the mean high water line.

The property owner and applicant is requesting a variance of the 17 feet to reduce the setback from 20 ft to 3 ft for the front property line adjacent to SW Albatross Way, a residential street.

Property Information

Address: 1659 SW Albatross Way, Palm City, Florida

Parcel: 06-38-41-001-000-01590-4

Background Information

The vacant 0.173-acre property is located at 1659 SW Albatross Way in Palm City, Florida and was previously developed with a single family home in the 1970's. The existing house was demolished in 2019, prior to the applicant purchasing the property in 2020. Since the demolition of the existing house and building permit plans were submitted to construct a new home on the subject property, Martin County made changes to the development standards and setback provisions of Article 3. Those changes included alterations to the required front setback provision for properties zoned R-1B as part of the code changes adopted as Ordinance Number 1165, effective 10th August 2021. As a result of the adoption of Ordinance Number 1165, the applicant is required to no longer apply a centerline setback of 50 feet applicable to lots abutting the water. Such a provision was removed and replaced with a now 20 foot front setback requirement during the design and preparation of the building permits. It was only once the permit had

been submitted to the building permit for review that the owner and Masterpiece Builders were notified of the code change impacting the design standards now applicable to the site.

The subject property lies adjacent to an existing cul-de-sac configuration with the turning circle significantly restricting the development pattern and application of the 20 foot front setback when compared to the majority of the existing properties along SW Albatross Way. To accommodate a single-family residential unit on the subject property a Variance application request is required to address the required 20 ft. setback on property zoned R-1B for the vacant lot. for consideration of a reduced front setback of 3 feet where 20 feet is required.

The attached survey and proposed site plan provides the design and layout of the single family dwelling. With the exception of the front line setback, the proposed layout and design of the residential unit is consistent with the development standards and setback requirements applicable to property zoned R-1B and with a Low Density Future Land Use.

Ordinarily the applicable setback requirements are included within the Martin County Land Development Regulations, Article 3, Zoning Districts, Divisions 2, Standard Zoning Districts, Table 13.12.1, Development Standards and Table 13.2.2. Structure Setbacks. However, Ordinance Number 1165, amended Article 3, Zoning Districts, Land Development Regulations, Martin County, adopted 10th August 2021. The amendments provided for revised development standards and setbacks that then altered the development parameters applicable to properties zoned R-1B.

Prior to the adoption of Ordinance Number 1165, the applicable code extract included provisions as follows:

Sec. 3.12. Development standards.

The land development standards set forth in Tables 3.12.1 and 3.12.2 shall apply to all lands zoned in accordance with this Division.

**TABLE 3.12.1
DEVELOPMENT STANDARDS**

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft)/(stories)	Min. Open Space (%)	Other Req. (footnote)
B	R-1B	8,200	75	(a)	—	—	35	30	—

NOTES:

- (a) Maximum residential density shall be one single-family residential dwelling unit per lawfully established lot.

**TABLE 3.12.2.
STRUCTURE SETBACKS**

		Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
C A T	Zoning District	1	2	3	4	1	2	3	4	1	2	3	4
B	R-1B	30(f)	30(f)	30(f)	30(f)	6(f)	6(f)	6(f)	6(f)	10(d)	10(d)	10(d)	10(d)

- (f) In the R-1B district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 30-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.

3.16.C. Centerline setbacks.

1. Generally. All structures, except those listed as exempt pursuant to subsection 3.16.B., above, shall be set back from the centerlines of public and private streets as follows:
 - a. Local streets: 50 feet.
 - b. Collector or arterial street: 65 feet.
 - c. U.S. Highway 1: 100 feet.

The adoption of Ordinance Number 1165, effective on the date of adoption 10th, August 2021, replaced the above cited code including the following changes extracted as applicable changes impacting property with an R1-B zoning district designation.

Extract of Ordinance Number 1165:

BEFORE THE BOARD OF COUNTY
COMMISSIONERS MARTIN COUNTY, FLORIDA
ORDINANCE NUMBER 1165

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 3, ZONING DISTRICTS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY, TO PROVIDE FOR REVISED DEVELOPMENT STANDARDS AND SETBACKS; PROVIDING FOR APPLICABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

PART 2. AMENDMENT OF ARTICLE 3, ZONING DISTRICTS, LDR,
DIVISION 2.

TABLE 3.12.2 STRUCTURE SETBACKS

Table 3.12.2 Structure Setbacks is hereby amended as follows:

**TABLE 3.12.2.
STRUCTURE SETBACKS**

C A T	Zoning District	Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
		1	2	3	4	1	2	3	4	1	2	3	4

B	R-1A	20	20	20	20	6	8	10	10	6	8	10	10
B	R-1B	30 20(f)	30 20(f)	30 20(f)	30 20(f)	6(f)	6(f)	6(f)	6(f)	10(df)(b)	10(df)(b)	10(df)(b)	10(df)(b)
B	R1-C	30	30	—	—	20	20	—	—	10	10	—	—
B	R-2	20	20	20	—	6	8	10	—	6	8	10	—

- (f) In the R-1B district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum ~~30~~25-foot setback from the mean high water line, ~~and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.~~

To request a variance Martin County staff and the Board of Zoning Adjustment are required to consider the proposal against the provisions included in Article 9, Section 9.5, Subsection 9.5.K, Variance Procedure.

1. The subject property was previously developed with a single family residence on the Sea Gate Harbor Plat, Plat Book 4 Page 29 date May 20, 1963.
2. The residence was demolished in 2019, prior to the applicant(s) purchasing the property.
3. The property has a Low Density Future Land Use and is zoned R-1B.
4. The setback requirements for the subject property are as follows:

Front: 20 ft (f)

Sides: 6 ft

Rear: 10 ft

Footnote (f) includes provision requiring wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 25 foot setback from the mean high water line.

5. The property owner and applicant is requesting a variance of the 17 feet to reduce the setback from 20 ft to 3 ft for the front property line adjacent to SW Albatross Way, a residential street. Refer to the attached site plan depicting the proposed reduced front setback.

The criteria is extracted as follows with information included in response to each.

9.5.K. Variance procedure.

1. The variance application shall be submitted in a form approved by the Growth Management Director and made available to the public. At a minimum, the variance application shall include information which demonstrates 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.

The subject property is the smallest lot located off SW Albatross Way, measuring 0.173 acres (approximately 7,536.88 sq. ft). The property width is irregular in shape measuring approximately 91.01 ft across towards the rear and 62 ft side towards the front. It is located at the terminus of SW Albatross Way and accessed off an existing cul-de-sac and turning circle and also abuts four other properties. Both the subject property and property directly to the south, (1650 SW Albatross Way) are both significantly impacted by the existing turning circle and are the smallest lots on this street.

The previous single-family home that had been constructed on the property as early as the 1960's and therefore pre-dates the R1-B zoning codes. The previously constructed house on the subject property was built with a centerline setback of 76.4 feet (where 50 ft is required) and a front setback of 22.8 ft (where 30 ft was required), side setbacks of 2ft off of the western property line and 5ft off of the eastern property line (where 10 ft was required), and a rear setback from the water of 25ft, until the property was demolished in 2019.

The adoption of Ordinance 1165 implemented zoning district code changes included removal of a requirement for the front setback to be governed by the centerline setbacks for properties zoned R-1B (50 ft for local streets) and a front setback now of 20 ft applicable to the subject

property. These newly introduced code provisions together with the small size of the existing irregular shaped vacant lot, significantly restrict the size, orientation, and location of any proposed single family residential unit on the subject property.

- b. 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.

A proposal to accommodate a single family unit on the vacant property based on the newly adopted 20 ft. front setbacks rather than the 50 ft centerline setback previously in place, introduces a challenging setback provision to meet on a significant smaller lot impacted by the development pattern of the turning circle, than the other existing lots located off SW Albatross Way. The existing property located at 1650 SW Albatross Way is set back approximately 2 ft from the front property line. The property owners share the same design challenges with one of the smaller lots measuring 0.18 acres and the turning circle dominating the front lot line.

- c. The special conditions and circumstances do not result from the actions or inactions of the applicant.

The subject property is required to reduce the building footprint by 25 ft at the rear, 20 ft at the front and 10 ft on the sides. Special conditions on the subject property relate to the shape of the overall lot, measuring 62 ft at the front and 91 ft at the rear. In addition, the front property line is situated at the terminus of SW Albatross Way cul-de-sac with the turning circle creating an irregular frontage shape. The lot is also significantly smaller at 0.173 acres, than the other existing lots. Since the lot was cleared in 2019, purchased by the applicants in 2020, the code was amended to replace the 50 ft centerline setback with a 20 ft front setback provision. Such a change does not impact most of the other lots located along SW Albatross Way as all but five of the lots are perpendicular to the road without the challenge of the turning circle impact the extend of frontage afforded to the properties. One exception being property located at 1650 SW Albatross Way where the existing house is setback less than 2 ft. from the frontage. Another property located at 1670 SW Albatross Way has an existing front setback measuring 18 ft. from the property line to the existing single family home.

- 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.

The current development pattern of properties off SW Albatross Way, with the exception of the existing house located at 1650 SW Albatross Way, are of a size, shape and scale that meet the newly modified code provisions in place requiring 20 ft front setbacks. At the time the subdivision was built out a number of the existing properties are setback with a centerline setback measuring less than the 50 ft. on approximately 7 of the 21 lots located along SW Albatross Way. It is understood that the existing properties may have been constructed prior to the current code provisions being in place. However, to approve the dwelling units with a front setback of 20 ft will accommodate an infill development more consistent with the codes now in place, with the exception of the front setback.

In addition, any property owner located within Martin County is afforded the same opportunity detailed in Article 9, Section 9.5.K to request a variance to address setback issues along SW Albatross way.

7. A variance shall not be granted unless the BOZA determines that:

a. The requirements of subsection 9.5.K.4 have been met by the applicant for the variance.

The requirements of Subsection 9.5.K.4. are demonstrated in the above referenced responses provided, in addition to all of the procedures required ahead of the Board of Zoning Adjustment meeting.

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

A reduced front setback of 3 ft. where 20 ft. is required provides the opportunity to accommodate a single family home on the subject property that meets all other provisions of the R-1B setback and development standards.

c. 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 proposed single family home will be of a scale and positioning on the property consistent and harmonious with the neighborhood.

We trust the above and attached information provides sufficient information for staff to be able to review and provide a positive recommendation before the Board of Zoning Adjustment for a reduced front setback of 3 feet from SW Albatross Way where 20 feet is required.



Recorded in Martin County, FL 7/15/2020 11:07 AM
 Carolyn Timmann, Clerk of the Circuit Court & Comptroller
 Rec Fees: \$10.00 Deed Tax: \$2,660.00
 CFN#2825842 BK 3143 PG 590 PAGE 1 of 1

This Document Prepared By and Return to:
 Christopher J. Twohey, PA
 844 SE Ocean Blvd. Suite A
 Stuart, Florida 34994

Parcel ID Number: 06-38-41-001-000-01590.40000

Warranty Deed

This Indenture, Made this 9th day of July, 2020 A.D., Between
 Christopher J. Rastrelli and Patricia L. Rastrelli, husband and wife
 of the County of Martin, State of Florida, grantors, and
 Jeffrey Hunter Graham and Marlene Ann Graham, husband and wife
 whose address is: 99 Pointe Trinity Dr., Strafford, NH 03884
 of the County of Strafford, State of New Hampshire, grantees.

Witnesseth that the GRANTORS, for and in consideration of the sum of
 TEN DOLLARS (\$10)

and other good and valuable consideration to GRANTORS in hand paid by GRANTEES, the receipt whereof is hereby
 acknowledged, have granted, bargained and sold to the said GRANTEES and GRANTEES' heirs, successors and assigns
 forever, the following described land, situate, lying and being in the County of Martin
 State of Florida to wit:

Lot 159, SEA GATE HARBOR, according to the Plat thereof, as recorded in Plat Book 4, Page 29, Public
 Records of Martin County, Florida.

SUBJECT TO:

1. Taxes for the year 2020, and all subsequent years;
2. Zoning restrictions, prohibitions and other requirements imposed by governmental authority;
3. Restrictions and matters appearing on the Plat or otherwise common to the subdivision; and
4. Public utility easements of record, if any.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons
 whomsoever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

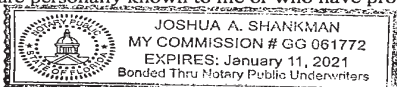
Signed, sealed and delivered in our presence:

Printed Name:
 Witness

Printed Name:
 Witness

State of Florida
 County of Martin

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online
 notarization, this 9th day of July, 2020, by
 Christopher J. Rastrelli and Patricia L. Rastrelli, husband and wife
 who are personally known to me or who have produced their Florida driver's license as identification.



Printed Name:
 Christopher J. Rastrelli

P.O. Address: 1704 NW Shore Terr., Stuart, FL 34994

Printed Name:
 Patricia L. Rastrelli

P.O. Address: 1704 NW Shore Terr., Stuart, FL 34994

Printed Name:
 Notary Public

My Commission Expires:

graham3

Laser Generated by ©Display Systems, Inc. 2020 (863) 763-5555 netForm FLWD-1

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned person on the date set forth below, who, first being duly sworn, deposes and says under penalties of perjury:

1. That the record property owner(s) of the Real Property described in **Exhibit "A"** to this Affidavit is (are) as follows:

Name	Address
Jeffrey Graham	99 Pointe Trinity Drive, Strafford, NH, 03884
Marlene Graham	99 Pointe Trinity Drive, Strafford, NH, 03884

(If more space is needed attach separate sheet)

2. That the following is a list of every natural person and entity with any legal or equitable interest in the property (as defined in Section 10.2.B.3. Land Development Regulations, Martin County Code):

Name	Address	Interest
Jeffrey Graham	99 Pointe Trinity Drive, Strafford, NH, 03884	Owner
Marlene Graham	99 Pointe Trinity Drive, Strafford, NH, 03884	Owner

(If more space is needed attach separate sheet)

3. That the following is a list of those, who have any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property:

Name	Address	Interest
N/A	N/A	N/A

(If more space is needed attach separate sheet)

4. That the following is a list of all other applications for which the applicant has an interest as defined in subsection b. and c. of Section 10.2.B.3. Land Development Regulations, Martin County Code currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.

Application Name and/or Project Number	Names & Addresses of Parties involved	Date	Type of Application	Status of Application*
N/A	N/A	N/A	N/A	N/A

(If more space is needed attach separate sheet)

- Status defined as:
A = Approved

P = Pending
D = Denied
W = Withdrawn

This Affidavit is given for the purpose of establishing compliance with the provisions of Section 10.2.B.3 Land Development Regulations; Martin County Code.

FURTHER AFFIANT SAYETH NOT.

AFFIANT

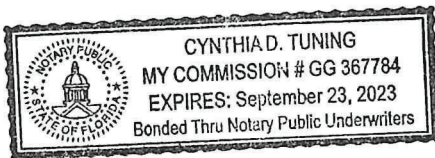
Jeffrey Graham Mark Smith

STATE OF Florida
COUNTY OF Martin

The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this 26th day of May 20122, by

Jeffrey Graham & Marlene Graham who is personally known to me or have produced
_____ as identification.

(Notary Seal)



Cynthia Tuning

Notary Public, State of Florida
Print Name: Cynthia Tuning
My Commission Expires: 9/23/2023

Exhibit "A"
(Disclosure of Interest and Affidavit)
(Legal Description)

Lot 159, SEA GATE HARBOR, according to the Plat thereof, as recorded in Plat Book 4, Page 29, Public
Records of Martin County, Florida N/A N/A

N/A

N/A

N/A

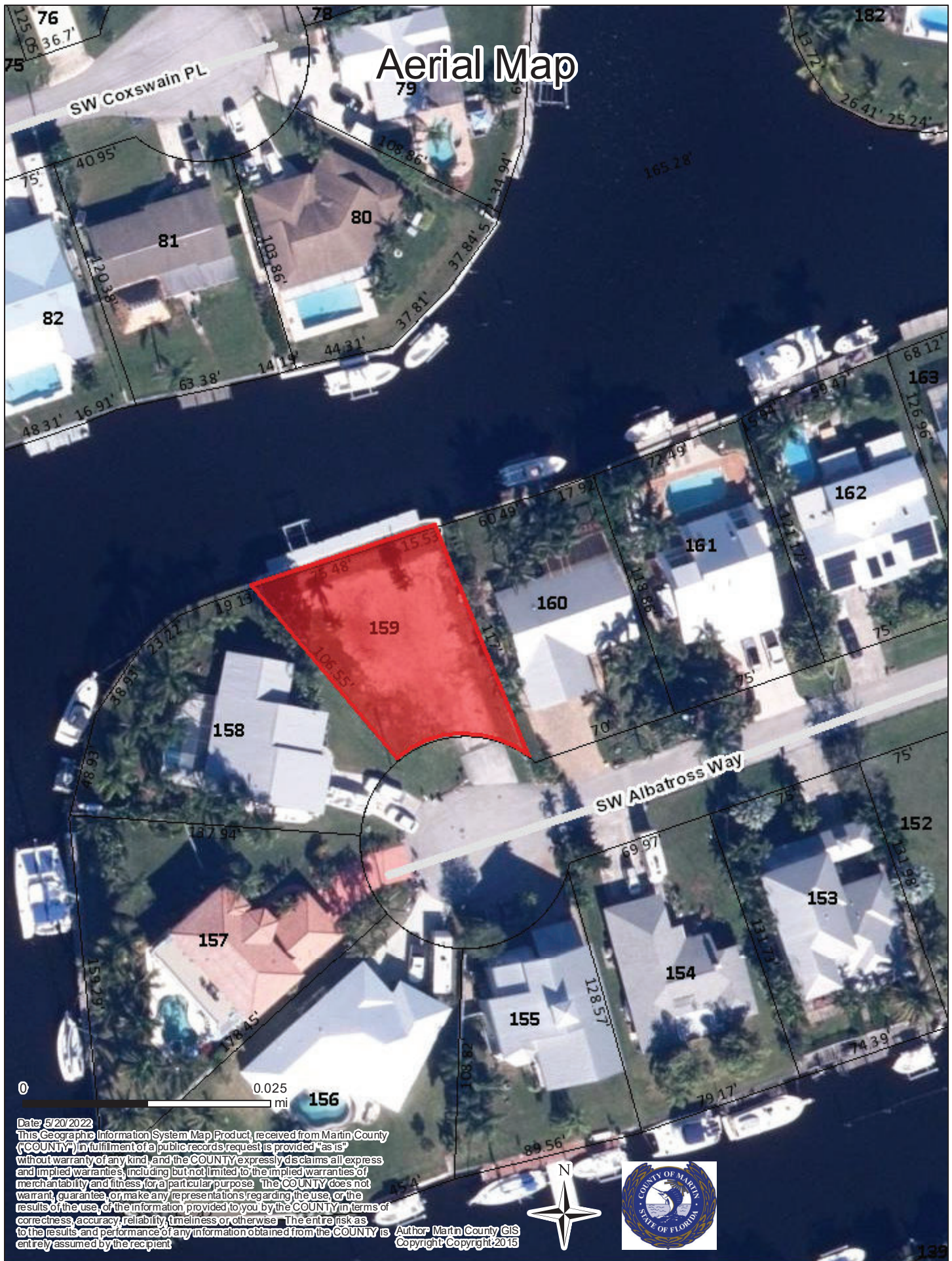
N/A

N/A

Appendix
Article 10.2.B.3. Article 10, Development Review Procedures;
Land Development Regulations; Martin County Code

10.2.B. Application submittal for development approval. Applications for development approval shall comply with the following described procedures:

1. Initiation. A development application shall be filed with the County Administrator by the owner or other person having a power of attorney from the owner to make the application.
2. Acceptance of the application. A development application will be received for processing on any working day.
3. Verification of property ownership. The documents required below are required prior to an application being determined complete. After the application is determined to be complete, the applicant has a continuing obligation to provide revised documents to reflect any changes to the information provided that may occur before and as of the date of the final public hearing or final action on the application.
 - a. Proof of ownership must be provided for any application for any type of development order. The applicant shall provide a copy of the recorded deed for the subject property, and shall certify any subsequent transfers of interests in the property. If the applicant is not the owner of record, the applicant is required to report its interest in the subject property.
 - b. The applicant must disclose the names and addresses of each and every natural person or entity with any legal or equitable interest in the property of the proposed development, including all individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, limited liability company, professional associations and all other groups or combinations.
 - c. For those entities that are a firm, association, joint adventure, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, limited liability company, professional associations and all other groups or combinations thereof, every natural person or entity that enjoys a legal or equitable interest in property of the proposed development shall be disclosed including but not limited to any partners, members, shareholders, trustees, and stockholders.
 - d. The disclosure required in b. and c. above shall not apply to companies that are publicly traded and to consultants and contractors who may perform professional services or work related to the property.
 - e. In addition, the disclosure must include those having any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property.
 - f. The applicant must list all other applications for which they have an interest as defined in subsection b. and c. above that is currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.
 - g. Any development order, including applications for Planned Unit Developments which was granted or approved based on false or incomplete disclosure will be presumed to have been fraudulently induced and will be deemed by the Martin County Board of County Commissioners to be void ab initio and set aside, repealed, or vacated.

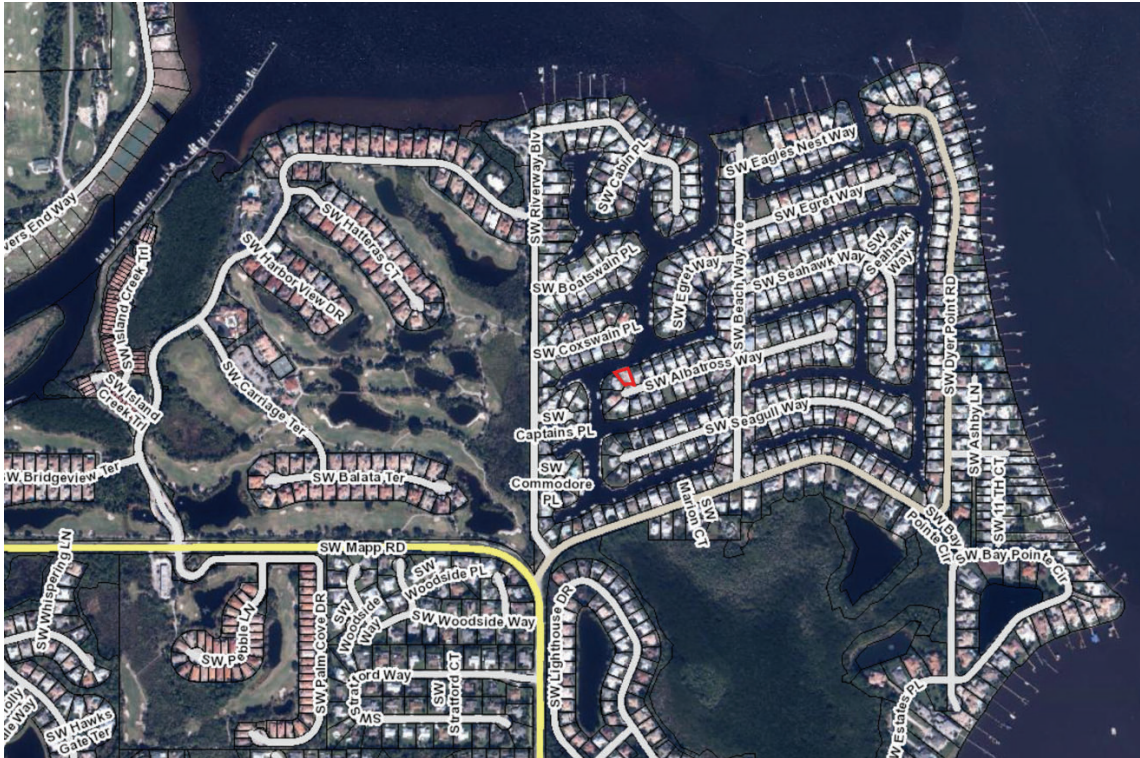


Date: 5/20/2022
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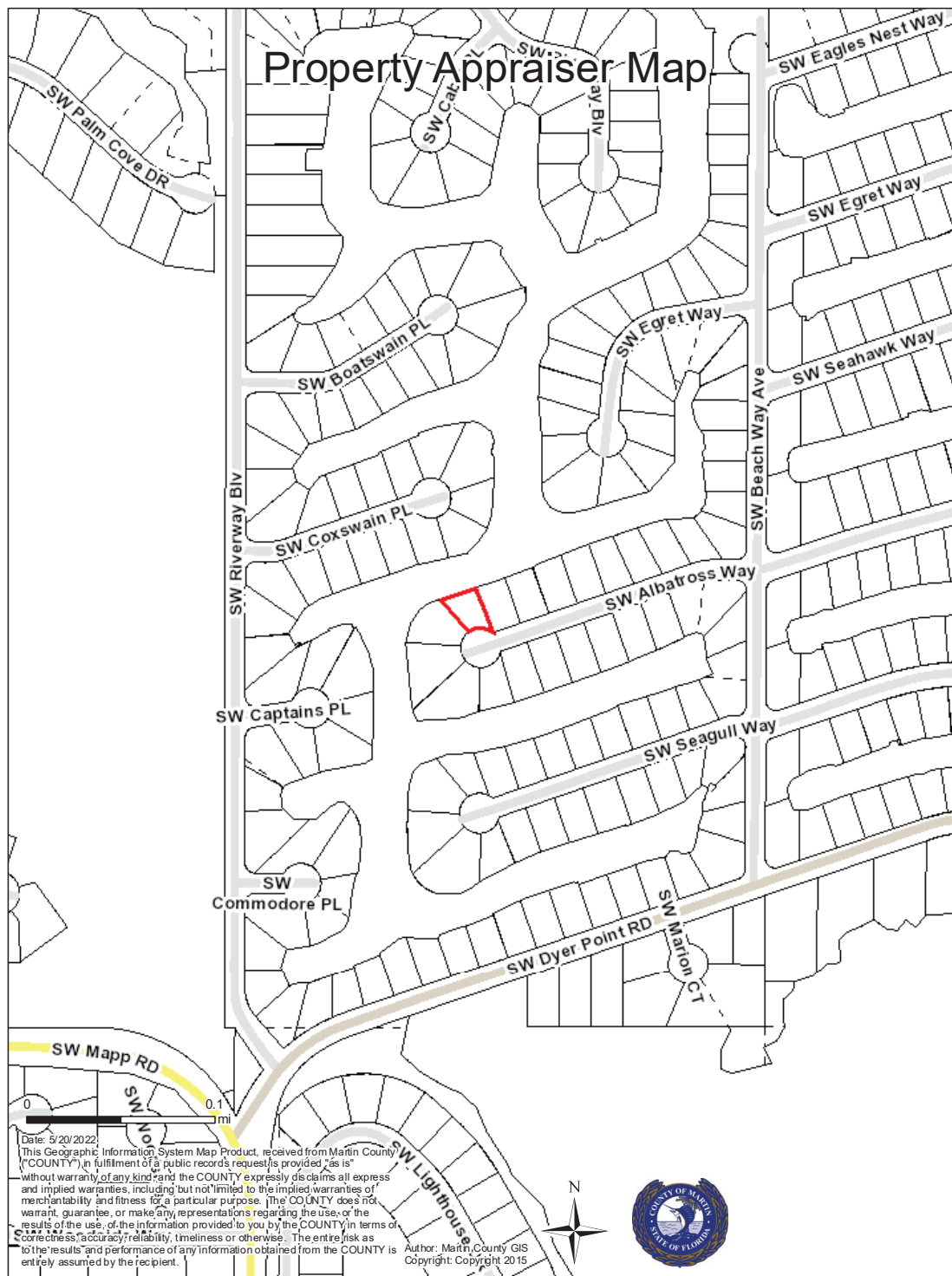
Author: Martin County GIS
Copyright: Copyright 2015

Map Information

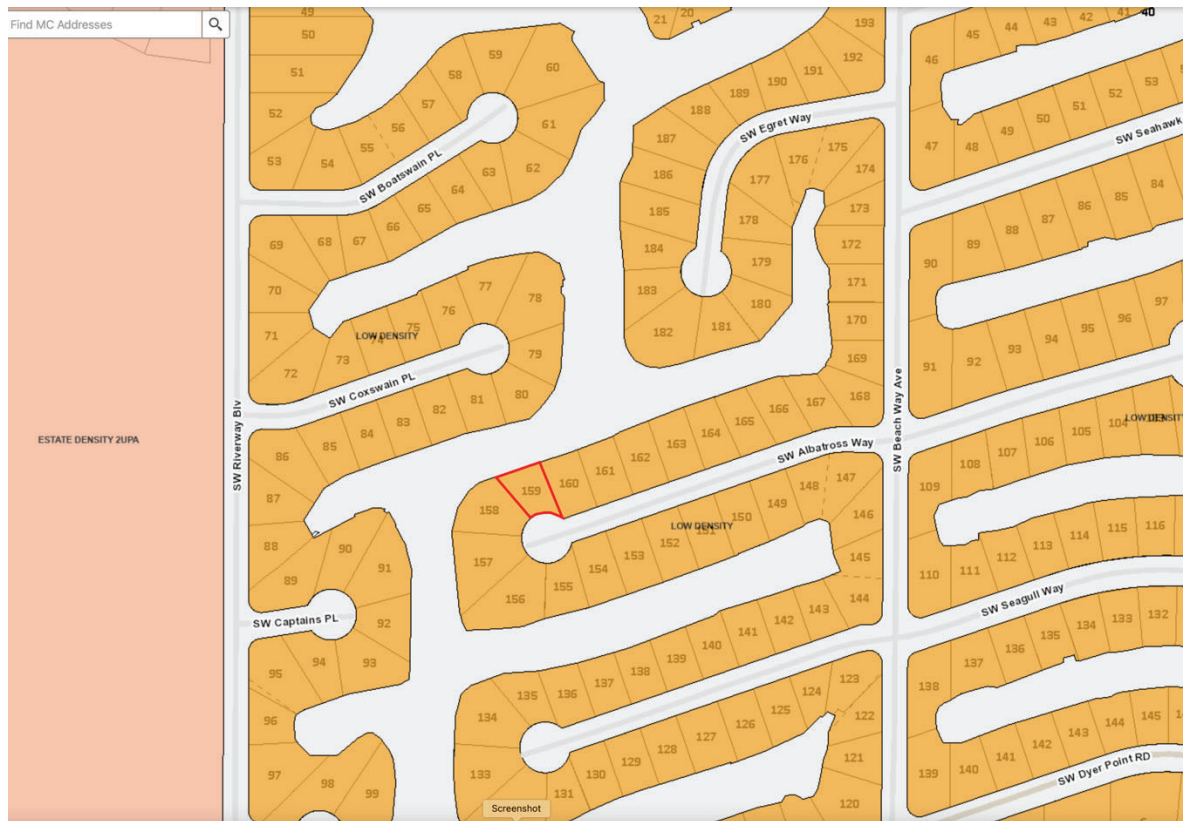
Aerial Maps



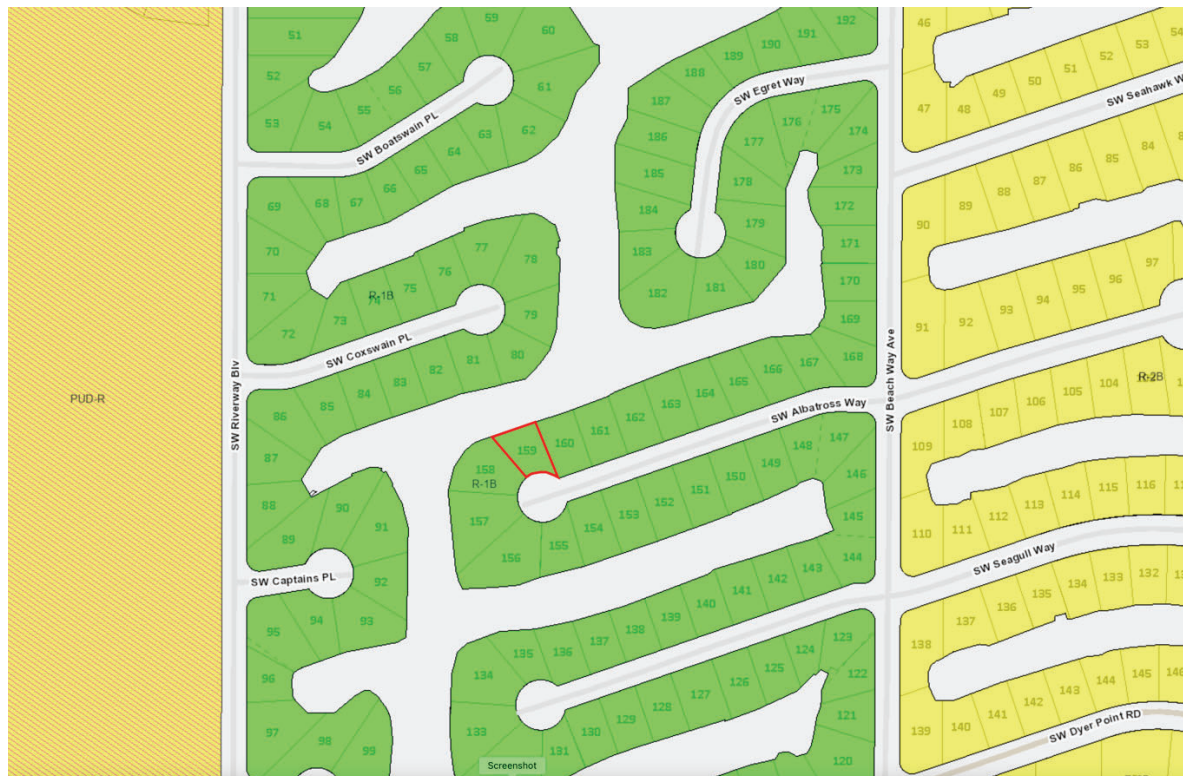




Land Use Map: Low Density Residential



Zoning Map R-1B Single Family Residential



Analysis of Setbacks:

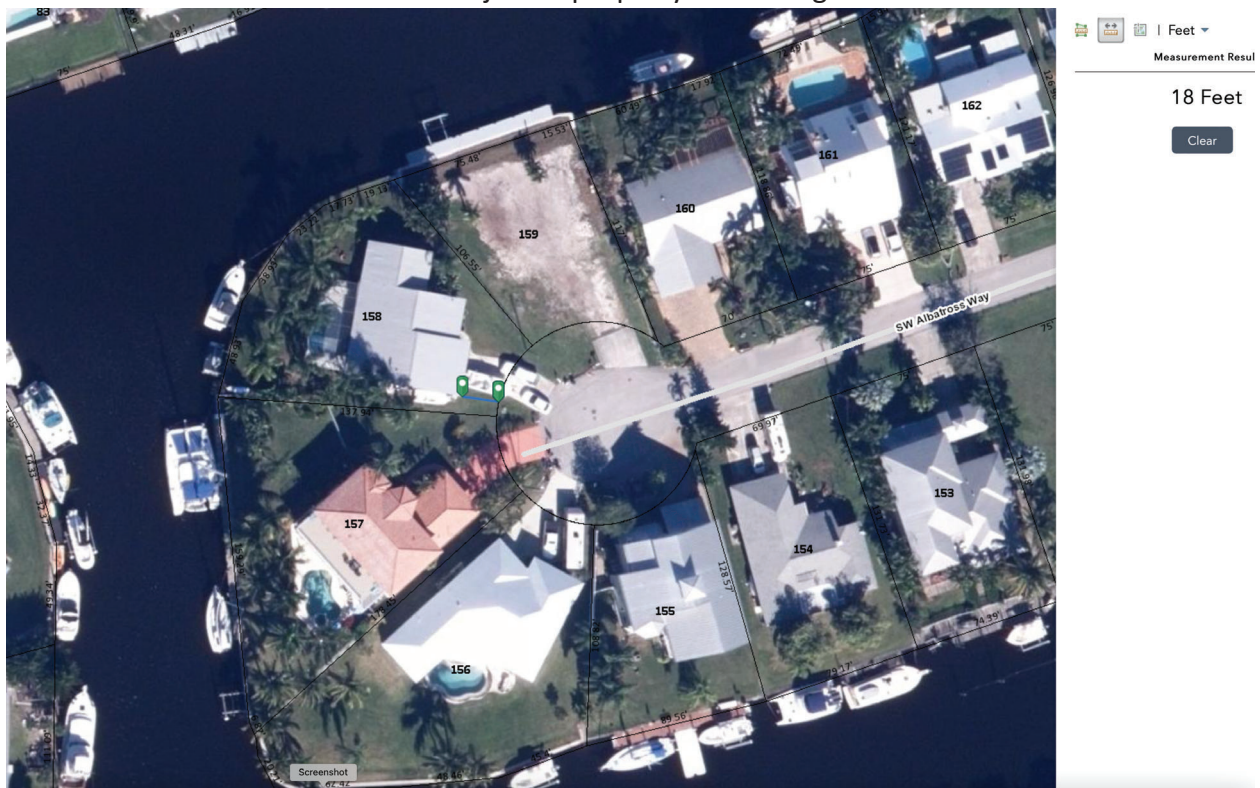
Subject Property centerline to front of lot 51.7 ft. Previous house on property achieved over 70 ft centerline setback.



Adjacent property has less than 2 ft front setback as existing.



Front setback of less than 20 ft on adjacent property as existing



Graphic depicting all of the lots (highlighted in green) with existing units measuring less than a 50 ft. centerline setback as was previously required:





Basic Info

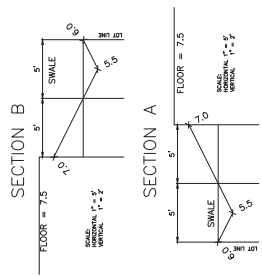
PIN	AIN	Situs Address	Website Updated
06-38-41-001-000-01590-4	22753	1659 SW ALBATROSS WAY PALM CITY FL	5/20/22

General Information

Property Owners GRAHAM JEFFREY HUNTER GRAHAM MARLENE ANN	Parcel ID 06-38-41-001-000-01590-4	Use Code/Property Class 0700 - 0700 Misc Residential Imp
Mailing Address 99 POINTE TRINITY DR STRAFFORD NH 03884	Account Number 22753	Neighborhood 490020 N Palm City Canals
Tax District DISTRICT FIVE MSTU	Property Address 1659 SW ALBATROSS WAY PALM CITY FL	Legal Acres .1730
	Legal Description SEAGATE HARBOR LOT 159	Ag Use Acres N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2021	\$ 292,500	\$ 10,770	\$ 303,270	\$ 0	\$ 303,270	\$ 0	\$ 303,270



LINE	BEARING	DISTANCE
L1	N 71°04'26" E	3.46'
L2	N 12°21'34" W	1.63'
L3	S 85°31'57" W	4.33'

MARTIN COUNTY, FLORIDA INFORMATION

SB = INDICATES SETBACK INFORMATION PROVIDED BY MARTIN COUNTY, FLORIDA GROWTH MANAGEMENT DEPARTMENT

35' MAXIMUM HEIGHT
30% OPEN SPACE REQUIRED

7888 SQUARE FEET TOTAL LOT AREA
2366 SQUARE FEET OPEN AREA REQUIRED

MAP OF ASBUILT SURVEY

[illegible]



LOT COVERAGE	
LOT AREA:	7888 S.F. (100%)
BUILDING FOOTPRINT:	2494 S.F. = 31.6% (75% MAX.)
DRIVEWAY + STEPS:	281 S.F. = 3.6%
POOL DECK:	1105 S.F. = 14.0%
EQUIP. PAD:	84 S.F. = 1.0%
TOTAL IMPERVIOUS:	4130 S.F. = 52.4% (70% MAX.)
TOTAL OPEN SPACE:	3758 S.F. = 47.6% (50% MIN.)

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**BEFORE THE BOARD OF COUNTY
COMMISSIONERS MARTIN COUNTY, FLORIDA**

ORDINANCE NUMBER 1165

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING
ARTICLE 3, ZONING DISTRICTS, LAND DEVELOPMENT
REGULATIONS, MARTIN COUNTY, TO PROVIDE FOR
REVISED DEVELOPMENT STANDARDS AND SETBACKS;
PROVIDING FOR APPLICABILITY; PROVIDING FOR
CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE;
PROVIDING FOR CODIFICATION AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners (BCC) has adopted the Martin County Comprehensive Growth Management Plan within which are included goals, objectives, and policies related to the process for review and approval of certain development applications; and

WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals, objectives and policies through the adoption of consistent land development regulations; and

WHEREAS, this proposed amendment of Article 3, Zoning Districts, of the Land Development Regulations, Martin County Code, has received public hearings before the Local Planning Agency and the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners finds the proposed amendment consistent with the goals, objectives and policies of the Comprehensive Growth Management Plan.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS, MARTIN COUNTY, FLORIDA, THAT:**

**PART 1: AMENDMENT OF ARTICLE 3, ZONING DISTRICTS, LAND
DEVELOPMENT REGULATIONS, DIVISION 2.**

TABLE 3.12.1 DEVELOPMENT STANDARDS

Table 3.12.1 Development Standards, is hereby amended as follows:

**TABLE 3.12.1
DEVELOPMENT STANDARDS**

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft)/(stories)	Min. Open Space (%)	Other Req. (footnote)
A	AG-20A	20 ac.	300	0.05	—	—	30	50	—
A	AR-5A	5 ac.	300	0.20	—	—	30	50	—
A	AR-10A	10 ac.	300	0.10	—	—	30	50	—
A	RE-2A	2 ac.	175	0.50	—	—	30	50	—
A	RE-1A	1 ac.	150	1.00	—	—	30	50	—
A	RE-½A	21,780	100	2.00	—	—	30	50	—
A	RS-3	15,000	60	3.00	—	—	30	50	—
A	RS-BR3	10,000	75	3.00	—	30	35	50	—
A	RS-4	10,000	60	4.00	—	—	30	50	—
A	RS-5	7,500	60	5.00	—	—	30	50	—
A	RS-6	7,500	50	6.00	—	—	40	50	—
A	RS-8	5,500	50	8.00	—	—	40	50	—
A	RS-10	4,500	40	10.00	—	—	40	50	—
A	RM-3	15,000(h)	60(h)	3.00	—	—	40	50	—
A	RM-4	10,000(h)	60(h)	4.00	—	—	40	50	—
A	RM-5	8,500(h)	60(h)	5.00	—	—	40	50	—
A	RM-6	7,500(h)	50(h)	6.00	—	—	40	50	—
A	RM-8	5,500(h)	50(h)	8.00 (d)	—	—	40	50	—
A	RM-10	4,500(h)	40(h)	10.00(g)	—	—	40	50	—
A	MH-P	10 ac.(e)	—	8.00	—	—	20/1-25/2	50	—
A	MH-S	5,500	50	8.00	—	—	20/1-25/2	50	(i)
A	CO	10,000	80	—	—	40	30	40	—
A	COR-1	10,000(h)	80(h)	5.00	10.00	40	30	40	—
A	COR-2	10,000(h)	80(h)	10.00	20.00	40	30	40	—
A	LC	10,000	80	10.00	20.00	50	30	30	—
A	CC	10,000	80	—	20.00	50	30	30	—
A	GC	10,000	80	—	20.00	60	40	20	—
A	WRC	10,000(h)	80 (h)	10.00	20.00	50	30	30	—
A	WGC	10,000	80	—	20.00	50	40	30	—
A	LI-1	—	—	—	—	—	—	—	—
A	LI	15,000	100	—	20	40	30(l)	20	—
A	GI	30,000	125	—	20	50	40	20	—
A	HI	1 ac.	125	—	—	60	40	20	—
A	PR	—	—	—	—	45	40	40	—
A	PC	—	—	—	—	45	30	40	—
A	PS-1	10,000	80	—	—	45	40	40	—
A	PS-2	10,000	80	—	—	45	40	40	—
A	PAF	—	—	—	—	—	—	50	—
B	HR-1	10,000	100	(a)	—	—	35	30	—
B	HR-1A	12,000	100	(a)	—	—	35	30	—
B	R-1	15,000	100	(a)	—	25-35	30/3	50	—

Strikethrough passages are deleted; underline passages are added.

Page 2 of 7

B	R-1A	10,000	85	(a)	—	25-35	30/3	30	(d)
B	R-1B	8,200	75	(a)	—	—	35	30	—
B	R1-C	15,000	100	(a)		25-35	25/2	50	—
B	R-2	7,500	60	(a)	—	35	30/3	30	—
B	R-2B	7,500	60	(a)	—	35	30/3	30	—
B	R-2C	5,000	50	(a)	—	—	35	30	—
B	R-2T	7,500	60	(a)	—	35	30/3	30	—
B	RT	5,500(f)	50	(a)	—	—	20/1-25/2	30	(b), (i)
B	TP	10 ac.	—	(k)	—	—	20/1-25/2	—	(c), (j)
B	E	43,560	—	(a)	—	—	30/3	50	—
B	E-1	30,000	150	(a)	—	25-35	30/3	50	—
B	WE-1	30,000	100	(a)	—	25-35	25 30/2	50	—

NOTES:

- (a) Maximum residential density shall be one single-family residential dwelling unit per lawfully established lot.
- (b) In the RT district:
 - (1) Mobile home subdivisions shall be surrounded by a landscaped buffer strip at least 25 feet in depth on all sides. Buffers shall be unoccupied, except for underground utilities, canals, ditches, landscaping and entrance ornamentation.
 - (2) A minimum of five percent of the gross land area shall be required for recreation area.
 - (3) Fences and walls located on or within five feet of lot lines shall not exceed a height of six feet, except such fences or walls shall not exceed three feet six inches when located in a required front yard.
- (c) In the TP district:
 - (1) A minimum of five percent of the gross land area shall be required for recreation area.
 - (2) Fences and walls located on or within five feet of lot lines shall not exceed a height of six feet, except such fences or walls shall not exceed three feet six inches when located in a required front yard.
- ~~(d) In the R-1A district, waterfront lots shall have a minimum of width of 60 feet along the street frontage and 100 feet in width along the waterway.~~
- (d) The maximum density for the RM-8 district is 10 units per acre for sites meeting the affordable housing criteria set forth in Policy 4.13A.7.(4) of the Comprehensive Growth Management Plan.
- (e) In the MH-P district, each mobile home shall have a site area of at least 5,500 square feet.
- (f) Each mobile home subdivision shall have a site area of at least ten acres.
- (g) The maximum density for the RM-10 district is 15 units per acre for sites meeting the affordable housing criteria set forth in ~~4.4.M.1.e.(5)~~ Policy 4.13A.7.(5) of the Comprehensive Growth Management Plan.
- (h) The minimum lot area and minimum lot width requirements shall not apply to zero lot line, townhouse or multifamily developments on lots created after March 29, 2002.
- (i) In the RT and MH-S districts, single-family detached dwellings (site-built dwellings) shall also comply with the provisions of Section 3.98.
- (j) In the TP zoning district, mobile homes, modular homes and single-family detached dwellings (site-built dwellings) shall be limited to a foot print approved by the owner of the property (e.g., president of a condominium association or cooperative). Verification of the location and foot print by the property owner shall be provided with the building permit application. Primary structures and

Strikethrough passages are deleted; underline passages are added.

Page 3 of 7

attached accessory structures, regardless of construction type, shall maintain a ten foot separation from other primary structures and attached accessory structures. Also, single-family detached dwellings (site-built dwellings) shall comply with the provisions of Section 3.98.

- (k) In the TP zoning district the maximum residential density shall not exceed that density established on the parcel on April 1, 1982. New mobile home park development, requiring final site plan approval, in the TP zoning district shall not exceed eight units per acre.
- (l) The maximum building height shall be 40 feet for all commercial and business uses permitted in the LI zoning district as set forth in Table 3.11.2.

PART 2. AMENDMENT OF ARTICLE 3, ZONING DISTRICTS, LDR, DIVISION 2.

TABLE 3.12.2 STRUCTURE SETBACKS

Table 3.12.2 Structure Setbacks is hereby amended as follows:

TABLE 3.12.2. STRUCTURE SETBACKS

C A T	Zoning District	Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
		1	2	3	4	1	2	3	4	1	2	3	4
A	AG-20A	50	50	50	50	50	50	50	50	50	50	50	50
A	AR-5A	40	40	40	40	40	40	40	40	40	40	40	40
A	AR-10A	40	40	40	40	40	40	40	40	40	40	40	40
A	RE-2A	30	30	30	30	30	30	30	30	30	30	30	30
A	RE-1A	25	25	25	25	15	15	15	15	15	15	15	15
A	RE-½A	25	25	25	25	15	15	15	15	15	15	15	15
A	RS-3	25	25	25	25	10	10	10	10	10	10	10	10
A	RS-BR3	25(l)	25(l)	25(l)	25(l)	15(j)	15(j)	15(j)	15(j)	10(k)	10(k)	10(k)	10(k)
A	RS-4	25	25	25	25	10	10	10	10	10	10	10	10
A	RS-5	25	25	25	25	10	10	10	10	10	10	10	10
A	RS-6	25	25	25	25	10	20	30	40	10	10	20	30
A	RS-8	25	25	25	25	10	20	20	30	5	5	10	20
A	RS-10	25	25	25	25	10	20	20	30	5	5	10	10
A	RM-3	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-4	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-5	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-6	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-8	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-10	25	25	25	25	10	20	30	40	10	10	20	30
A	MH-P	20	20	20	20	6	6	6	6	6	6	6	6
A	MH-S	20	20	20	20	6	6	6	6	6	6	6	6
A	CO	25	35	35	35	20	30	30	30	10	20	30	30
A	COR-1	25	25	25	25	20	20	30(h)	30(h)	10	10	30	30
A	COR-2	25	35	35	35	20	30	30	30	10	20	30	30
A	LC	25	25	25	25	20	20	30	40	10	10	20	

A	CC	25	25	25	25	20	20	30	40	10	10	20	30
A	GC	25	25	25	25	20	20	30	40	10	10	20	30
A	WRC	25	25	25	25	20	20	20	20	10	10	10	10
A	WGC	25	25	25	25	20	20	20	20	10	10	10	10
A	LI-1	—	—	—	—	—	—	—	—	—	—	—	—
A	LI	15(c)	15(c)	15(c)	15(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)
A	GI	15(c)	15(c)	15(c)	15(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)
A	HI	40	40	40	40	40	40	40	40	40	40	40	40
A	PR	25	25	25	25	20	20	30	40	10	10	20	30
A	PC	25	25	25	25	20	20	30	40	10	10	20	30
A	PS-1	25	25	25	25	20	20	30	40	10	10	20	30
A	PS-2	25	25	25	25	20	20	30	40	10	10	20	30
A	PAF	—	—	—	—	—	—	—	—	—	—	—	—
B	HR-1	35(d)25	35(d)25	35(d)25	35(d)25	25(d)	25(d)	25(d)	25(d)	15(a)	15(a)	15(a)	15(a)
B	HR-1A	35	35	35	35	25	25	25	25	15(a)	15(a)	15(a)	15(a)
B	R-1	20(e)-	20(e)	20(e)	20(e)	6(e)	8(e)	10(e)	10(e)	6 (e)	8 (e)	10(e)	10(e)
B	R-1A	20	20	20	20	6	8	10	10	6	8	10	10
B	R-1B	3020(f)	3020(f)	3020(f)	3020(f)	6(f)	6(f)	6(f)	6(f)	10(df)(b)	10(df)(b)	10(df)(b)	10(df)(b)
B	R1-C	30	30	—	—	20	20	—	—	10	10	—	—
B	R-2	20	20	20	—	6	8	10	—	6	8	10	—
B	R-2B	20	20	20	—	6	8	10	—	6	8	10	—
B	R-2C	20	20	20	20	6	8	10	10	6	8	10	10
B	R-2T	20	20	20	20	6	8	10	10	6	8	10	10
B	RT	20	—	—	—	6	—	—	—	6	—	—	—
B	TP	15(i)	—	—	—	5(i)	—	—	—	5(i)	—	—	—
B	E	35	35	35	35	6	8	8	8	6	8	8	8
B	E-1	40	40	40	—	20	25	30	—	20	25	30	—
B	WE-1	5035(g)	5035(g)	—	—	2550(g)	2550(g)	—	—	15	15	—	—

NOTES:

Additional setback specifications are contained in division 3 (standards for specific uses) and division 4 (miscellaneous development standards) of this article 3.

- (a) Side setback for nonconforming lots is 7.5 feet.
- (b) Side setback for nonconforming lots is 6.5 feet.
- (c) Where the real property boundary abuts an RE, RS, MH, RM, HR-1, HR-1A, R-1, R-1A, R-1B, R-1C, R-2, R-2B, R-2C, R-2T, RT, TP, E, E-1, WE-1 zoning district, a residential use in a PUD, or the real property boundary of a public school, these increased setbacks shall apply:

Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)				
1	2	3	4	1	2	3	4	1	2	3	4	Corner
25	25	25	25	20	20	30	40	15	20	20	30	25

- (d) ~~In the HR-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 35-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C. Reserved.~~
- (e) ~~In the R-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 205-foot setback from the mean high water line, and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.~~

- (f) In the R-1B district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum ~~30~~25-foot setback from the mean high water line, ~~and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.~~
- (g) In the WE-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 50-foot setback from the mean high water line. ~~and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.~~ Where existing principal residences on adjacent lots are set back more than 50 feet from the mean high water line, the minimum setback from the mean high water line shall be the mean setback of the nearest principal residences on adjacent lots, or, where there is no principal residence within 1,000 feet, the minimum setback from the mean high water line shall be 50 feet. Accessory structures which are not roofed or enclosed by walls or screening shall only be subject to the minimum 50-foot setback from the mean high water line.
- (h) The minimum rear setback for single-family detached residences and duplex dwellings shall be 20 feet.
- (i) Setbacks shown for the TP zoning district are from property lines, i.e. the mobile home park boundary. The setbacks are not applicable between structures.
- (j) For enclosed storage structures, greenhouses, child's playhouse and gazebos, this dimension may be reduced to five feet.
- (k) The side/corner minimum setback shall be 20 feet.
- (l) For lots that have frontage on ingress/egress or access easements and not on platted road rights-of-way the front setbacks shall be measured from the easement line.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 727, pt. 1, 10-24-2006; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 937, pt. 1, 8-6-2013; Ord. No. 1014, pt. 2, 12-6-2016)

PART 3: APPLICABILITY OF ORDINANCE.

This Ordinance shall be applicable throughout the unincorporated area of Martin County.

PART 4: CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan.

PART 5: SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART 6: FILING WITH THE DEPARTMENT OF STATE.

The clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of state via electronic transmission.

PART 7: CODIFICATION.

Provisions of this ordinance shall be incorporated into the Martin County Land Development Regulations, except that Parts 4 through 8 shall not be codified. The word "ordinance" may be changed to "article," "section," or other word, and the sections of this ordinance may be renumbered or re-lettered.

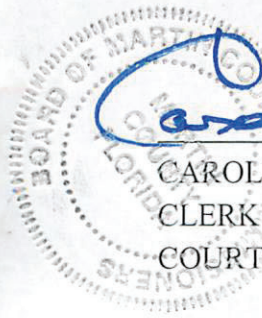
PART 8: EFFECTIVE DATE.

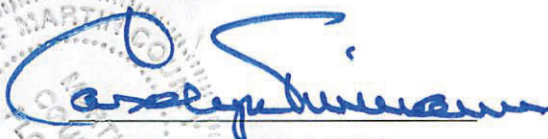
This ordinance shall take effect upon filing with the Office of Secretary of State.

PASSED AND DULY ADOPTED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS,
MARTIN COUNTY, FLORIDA





CAROLYN TIMMANN,
CLERK OF THE CIRCUIT
COURT AND COMPTROLLER

BY:


STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

BY


SARAH W. WOODS
COUNTY ATTORNEY



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 17, 2021

Ms. Carolyn Timmann
Clerk of the Circuit Court
Martin County
Post Office Box 9016
Stuart, Florida 34995

Attention: Layla Ponders

Dear Ms. Timmann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Martin County Ordinance No. 1165, which was filed in this office on August 17, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb

Martin County - Growth Management

N/A

A-15-All

2021 0180 BCC

Advertiser:

Agency:

Section-Page-Zone(s):

Description:

Ad Number: GCI0694250-01

Insertion Number: N/A

Size: 2 Col x 10 in

Color Type: N/A

Stuart News

Friday, July 23, 2021



A pyrocumulonimbus cloud, or fire cloud, is seen over the Bootleg Fire in southern Oregon on July 14. AP

Raging western wildfires create their own weather

Doyle Rice
USA TODAY

This year has seen a brutally hot, dry summer in the Western U.S., with hundreds of heat records broken amid an unprecedented drought that has created a tinderbox for ferocious wildfires.

Weather often contributes to the growth and spread of wildfires, and high heat, low humidity, gusty winds and lack of rainfall are among the prime culprits. But fires also can influence the weather.

Sometimes, wildfires can create a witches' brew of weather, including pyrocumulonimbus clouds, thunderstorms, dry lightning and even fire tornadoes.

What are pyrocumulonimbus ('fire') clouds?

Pyrocumulonimbus clouds - aka fire clouds - look like giant, dirty-colored thunderheads that sit atop a massive column of smoke from a wildfire. Often the top of the smoke column flattens into the shape of an anvil.

When air over the fire becomes superheated, it rises in a large column. As air with more moisture rises, it rushes up the smoke column into the atmosphere, and the moisture condenses into droplets. That's what creates the "fire clouds" that look much like the thunderheads seen before a big thunderstorm.

Sometimes these clouds can turn even more fierce and become what are known as "pyrocumulonimbus" clouds.

A cumulonimbus without the "pyre" is imposing enough - a massive, anvil-shaped tower of power reaching 5 miles high, hurling thunderbolts, wind and rain.

Add smoke and fire to the mix and you have pyrocumulonimbus, an explosive storm cloud actually created by the smoke and heat from a wildfire.

What is dry lightning?

To put it simply, according to the National Severe Storms Laboratory, dry lightning is lightning that hits the ground without rainfall nearby.

Humid air among the clouds feeds thunderstorms, while dry air below causes the rain to evaporate before reaching the ground. Lightning strikes still reach the surface, however, where vegetation is dry from months of persistent heat and low humidity - providing the perfect kindling to ignite a wildfire.

What are fire tornadoes?

Fire whirls, fire tornadoes and "firenadoes" - terms for the same phenomenon - are among the more dangerous elements firefighters face.

Some of the wildfires this summer in the West have spawned fire whirls.

A fire whirl is a "spinning vortex column of ascending hot air and gases rising from a fire and carrying aloft smoke, debris, and flame," according to the Bureau of Land Management's Glossary of Wildland Fire Terminology. "Fire whirls range in size from less than 1 foot to more than 500 feet in diameter. Large fire whirls have the intensity of a small tornado."

Created by cool air rushing to take the place of hot air, the whirl generates a spin that can hurl embers and sparks great distances.

Contributing: The Associated Press

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the Board of County Commissioners of Martin County will conduct public hearings on August 10, 2021 beginning at 6:00 A.M. or as soon thereafter as the items may be heard to review the following items:

1. A REQUEST FOR A WAMR, PURSUANT TO SECTION 5.3.E, GENERAL ORDINANCES, MARTIN COUNTY CODE, FROM THE MINIMUM DISTANCE REQUIREMENTS BETWEEN A RESIDENTIAL ZONING DISTRICT OR A DWELLING AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION AT 3805 SE EVANS TERRACE.
2. AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 3, ZONING DISTRICTS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE, TO PROVIDE FOR REVISED DEVELOPMENT STANDARDS AND SETBACKS, PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.
3. AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 3, ZONING DISTRICTS, TO REPEAL SECTION 3.290, COMMUNITY REDEVELOPMENT OVERLAY DISTRICTS, IN GENERAL, AND SECTION 3.296, INDIANTOWN REDEVELOPMENT OVERLAY DISTRICT, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE, PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.
4. AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLAN AMENDMENT 21-47, FEDERAL HIGHWAY AND RIDGEWAY TERRACE, AMENDING THE FUTURE LAND USE MAP OF THE MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN, PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY, PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, AND AN EFFECTIVE DATE.

In conjunction with:

5. A RESOLUTION OF MARTIN COUNTY, FLORIDA, REGARDING AN APPLICATION TO CHANGE THE ZONING DISTRICT FROM R-2A, LIBERAL MULTIPLE FAMILY DISTRICT, TO GC, GENERAL COMMERCIAL DISTRICT OR THE MOST APPROPRIATE ZONING DISTRICT ON 1.29 ACRES LOCATED ON THE WEST SIDE OF S.E. FEDERAL HIGHWAY, NEAR THE INTERSECTION OF S.E. RIDGEWAY TERRACE AND S.E. FEDERAL HIGHWAY, ISSUE SOUND.

All interested persons are invited to attend and be heard. The meeting will be held in the Commission Chambers on the first floor of the Martin County Administrative Center, 2401 SE Monterey Road, Stuart, Florida 34996. Written comments may be mailed to: Paul Schilling, Director, Martin County Growth Management Department, 2401 S.E. Monterey Road, Stuart, Florida 34996. Copies of the items will be available from the Growth Management Department. For more information, contact the Growth Management Department at (772) 288-5426.

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. Persons using a TTY device, please call 711 Florida Relay Services.

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 insure 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.



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SCALE: 1"=100'

See Surveys
Affidavit recorded
in O.R. Book 835-
pg. 1216, March 4
Stillier, Clerk of
Court, by Ch. Vierra
8-25-89

See Surveys
Affidavit recorded
in O.R. Book 835-
pg. 1219, March 4
Stillier, Clerk of
Court, by Ch. Vierra
8-25-89

See Surveys
Affidavit recorded
in O.R. Book 841-
pg. 247, March 4
Stillier, Clerk of
Court, by Ch. Vierra
8-25-89



DESCRIPTION

ALL OF GOVERNMENT LOT 2 AND OF THE SOUTH 24.25.00 FEET OF THE EAST 28 FEET OF GOVERNMENT LOT 31 THAT FORMERLY GOVERNMENT LOT 5 NORTH OF DIVER POINT ALAND, SECTION 36, T29N 88S, R06E 41E, MARTIN COUNTY, FLA. ALL OF GOVERNMENT LOT 4, SECTION 31, T29N 88S, R06E 41E, MARTIN COUNTY, FLA.

ACKNOWLEDGEMENT

STATE OF FLORIDA } 55
COUNTY OF MARTIN }

I HEREBY CERTIFY THAT ON THIS DAY, PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGMENTS, ROBERT W. GRIER AND RICHARD D. BARK TO BE WELL KNOWN TO BE PRESIDENT AND SECRETARY RESPECTIVELY OF ST. LUCIE LANDS, INC., A FLORIDA CORPORATION AND THEY DID ACKNOWLEDGE BEFORE ME THAT THEY HAD ENTERED INTO AN AGREEMENT WITH ST. LUCIE LANDS, INC. ON BEHALF OF SAID CORPORATION AND WITH AUTHORITY OF ITS BOARD OF DIRECTORS.

WITNESS MY HAND AND OFFICIAL SEAL THIS 23RD DAY OF APRIL A.D. 1983.

Robert W. Grier
ST. LUCIE LANDS, INC.

MY COMMISSION EXPIRES 9-16-83

DEDICATION

STATE OF FLORIDA } 55
COUNTY OF MARTIN }

KNOW ALL MEN BY THESE PRESENTS, THAT THE ST. LUCIE LANDS, INC., A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF FLORIDA, BEING THE OWNER OF THE PROPERTY SHOWN IN THE ATTACHED PLAT AND TITLE AND HAVE CAUSED THE ATTACHED PLAT TO BE MADE, AND SAID LAND TO BE SUBDIVIDED AS SHOWN HEREON, AND DO HEREBY DEDICATE TO THE PUBLIC USE OF SAID ROADS AND EASEMENTS SHOULD THE SAME BE ARMORSED BY THE PUBLIC OR DISCONTINUED BY THE SUCCESSORS OF SAID LANDS, INC. AND THEIR SUCCESSORS AND ASSIGNS, AND DO HEREBY AGREE TO WAIVE ALL RIGHTS AND CLAIMS TO SAID ROADS AND EASEMENTS SHOULD THE SAME BE ARMORSED BY THE PUBLIC OR DISCONTINUED BY THE SUCCESSORS OF SAID LANDS, INC. AND THEIR SUCCESSORS AND ASSIGNS.

IN WITNESS WHEREOF IT HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRESIDENT AND ITS CORPORATE SEAL TO BE AFFIXED AND ATTESTED BY ITS SECRETARY THIS 23RD DAY OF APRIL A.D. 1983.

ATTEST: *Robert W. Grier*
ITS SECRETARY

Robert W. Grier
ST. LUCIE LANDS, INC.

CERTIFICATE

STATE OF FLORIDA } 55
COUNTY OF MARTIN }

I HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PROPERLY PLACED AS REQUIRED BY LAW.

Robert W. Grier
JOSUA S. GRIER
FLORIDA CERTIFICATE NO. 645

SUBSCRIBED AND APPROVED TO RECORD ME AT STUART, MARTIN COUNTY, FLORIDA THIS 9TH DAY OF MAY A.D. 1983.

Robert W. Grier
NOTARY PUBLIC OF FLORIDA
5 FEBRUARY 1984
MY COMMISSION EXPIRES

FILE NO. 83986
4-29

THIS PLAT WAS FILED FOR RECORD AND RECORDED IN THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, IN PLAT BOOK 841-26, PAGE 247, THIS 12TH DAY OF MAY A.D. 1983.

APPROVED
BY *Robert W. Grier*
CHIEF OF SURVEY
MAY 14, 1983

MARTIN COUNTY PLANNING & ZONING DEPARTMENT
COMMUNITY DEVELOPMENT
MAY 14, 1983

NOTE: ASSURED DRAWING OF 1/4"=100' ON WEST LINE OF GOV'T LOT 2 REFINANCES SHALL CONTAIN ANIMUM SQUARE FOOTAGE OF 720 SQUARE FEET.



LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	N 71°04'26" E	3.46'
L2	N 12°21'34" W	1.63'
L3	S 85°31'57" W	4.33'

MARTIN COUNTY, FLORIDA INFORMATION

SB = INDICATES SETBACK INFORMATION PROVIDED BY MARTIN COUNTY, FLORIDA GROWTH MANAGEMENT DEPARTMENT
35' MAXIMUM HEIGHT
30% OPEN SPACE REQUIRED
7888 SQUARE FEET TOTAL LOT AREA
2366 SQUARE FEET OPEN AREA REQUIRED

DESCRIPTION:

LOT 158, SEA GATE HARBOR, ACCORDING TO THE PLAT THEREOF FILED MAY 20, 1963, AND RECORDED IN PLAT BOOK 4, PAGE 29, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

MAP OF ASBUILT SURVEY

SURVEY REPORT 1.) NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE. 2.) THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 3.) ONLY VISIBLE ENCROACHMENTS AND IMPROVEMENTS, IF ANY, ARE SHOWN HEREON UNLESS OTHERWISE NOTED. 4.) DESCRIPTION FURNISHED BY CLIENT. 5.) PARCEL SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS OF WAY. 6.) ALL LOT DIMENSIONS ARE PLAT AND MEASURED, UNLESS OTHERWISE NOTED. 7.) PROPOSED SITE PLAN SUBJECT TO APPROVAL BY GOVERNING AGENCIES. 8.) PARCEL CONTAINS: 7,888 SQUARE FEET OR 0.18 ACRES MORE OR LESS. 9.) STREET ADDRESS: 1659 SW ALBATROSS WAY		10.) PARCEL GRAPHICALLY LOCATED IN FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) ZONE X AND AE(EL7), COMMUNITY PANEL No. 12085C0134G. 11.) ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). 12.) THIS SURVEY FALLS WITHIN THE SUBURBAN CATEGORY AS CLASSIFIED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE. ALL FIELD MEASURED CONTROL MEASUREMENTS EXCEEDED THE ACCURACY REQUIREMENTS FOR THIS CLASSIFICATION. 13.) BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF 57°45'45"W ALONG THE CENTERLINE OF SW ALBATROSS WAY. 14.) THIS SURVEY REMAINS THE PROPERTY OF MIXON LAND SURVEYING, INC. 15.) WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS.		CERTIFIED TO: JEFFREY HUNTER & MARLENE ANN GRAHAM CHRISTOPHER J. TWOHEY, P.A. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY		REVISIONS: BY: REVISIONS: DATE BY: MIXON LAND SURVEYING, INC. REVISED PER MARTIN CO COMMENTS 5/13/22		LEGEND: UP = WOOD UTILITY POLE J = GUY ANCHOR -#- = OVERHEAD UTILITY X = FENCELINE TV = CABLE RISER FH = FIRE HYDRANT PH = PHONE SS = SEWER SERVICE WM = WATER METER WV = WATER VALVE (PR) = PRO-RATED (D) = DEED (P) = PLAT (M) = MEASURED (C) = CALCULATED ELEV. = ELEVATION POB = POINT OF BEGINNING POC = POINT OF COMMENCEMENT ORB = OFFICIAL RECORD BOOK R = RADIUS L = ARC LENGTH Δ = DELTA ANGLE C/L = CENTERLINE R/W = RIGHT OF WAY D.E. = DRAINAGE EASEMENT U.E. = UTILITY EASEMENT E.E. = EXISTING ELEVATION P.E. = PROPOSED ELEVATION TOB = TOP OF BANK EOW = EDGE OF WATER CB = CATCH BASIN MES = MITERED END SECTION CMP = CORRUGATED METAL PIPE RCP = REINFORCED CONCRETE PIPE = SEWER MANHOLE DMH = DRAINAGE MANHOLE		STATE OF FLORIDA RICHARD A. MIXON PROFESSIONAL SURVEYOR AND MAPPER STATE OF FLORIDA CERTIFICATE NO. "L.S. 3335" 12450 NE 26TH AVENUE OKEECHOBEE, FLORIDA 34872 772 260 5302 RAMIXON@GMAIL.COM STATE OF FLORIDA CERTIFICATE NO. "L.B. 4199" RICHARD A. MIXON PROFESSIONAL SURVEYOR AND MAPPER STATE OF FLORIDA CERTIFICATE NO. "L.S. 3335" 1312-43-04107 JOB NO. 18-051 CADD FILE: BY: SURVEY DATE: 8/19/19 SHEET 1 OF 1	
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**BEFORE THE BOARD OF ZONING ADJUSTMENT
MARTIN COUNTY, FLORIDA**

**[REGARDING THE APPLICATION OF
JEFFREY AND MARLENE GRAHAM
FOR A ZONING SETBACK VARIANCE ON PROPERTY LOCATED AT 1659 SW A
LBATROSS WAY WITHIN THE R1-B, SINGLE-FAMILY RESIDENTIAL DISTRICT]**

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

1. Jeffrey and Marlene Graham have submitted a variance application to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code for the R1-B, Single-family Residential District to reduce the setback requirements to permit the construction of a single-family home on Lot 159, Sea Gate Harbor, according to the plat thereof, as recorded in Plat Book 4, Page 29, of the Public Records of Martin County, Florida. The subject property is located at 1659 SW Albatross Way, Palm City, Florida.
2. This Board considered this application to reduce the setback requirements at a public hearing on June 23, 2022.
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 front setback variance of 17 ft. on SW Albatross Way is approved to reduce the setback requirement from 20 ft. to 3 ft. to permit the construction of a single-family home 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 23TH DAY OF JUNE, 2022.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

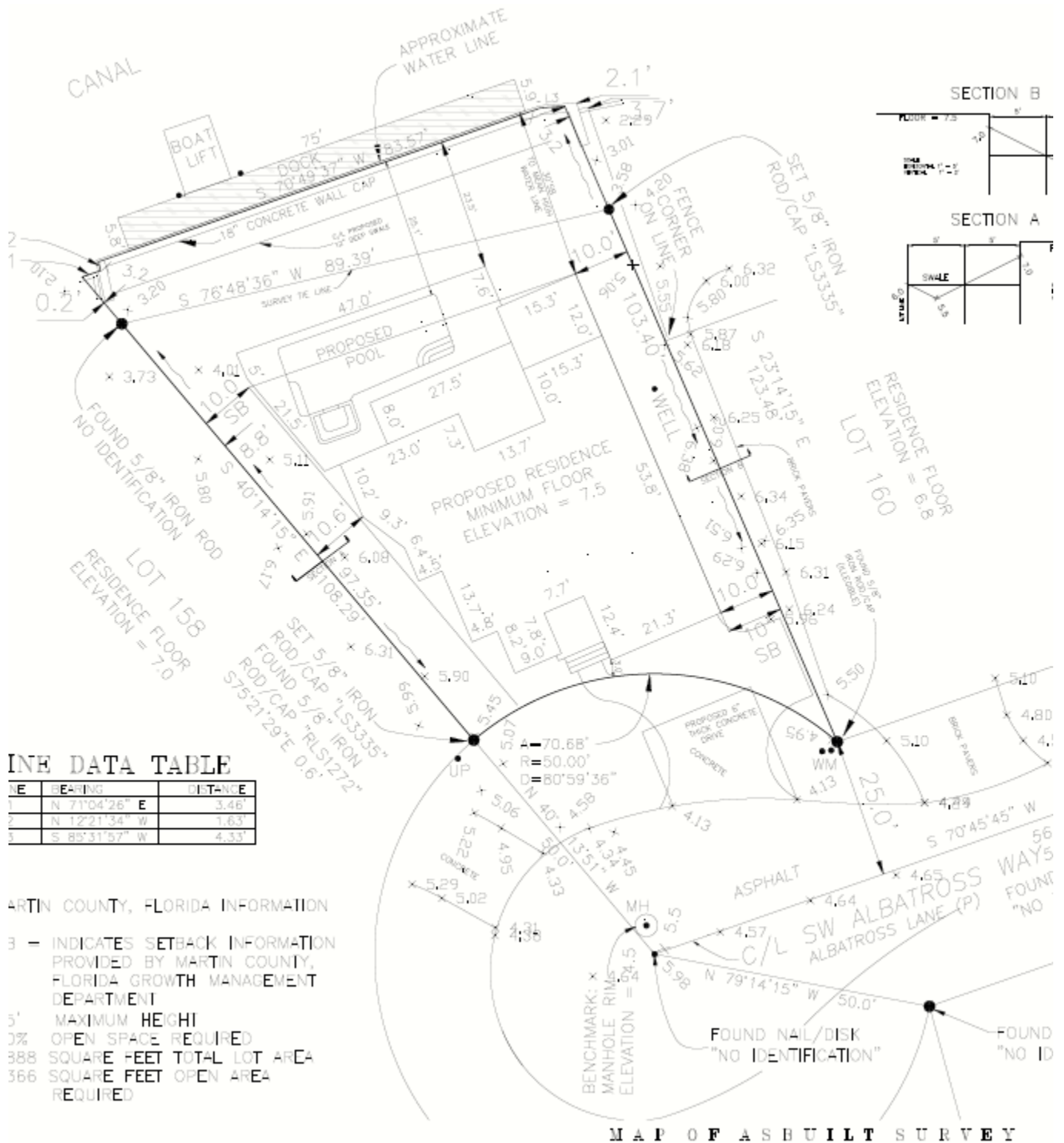
**DENISE JOHNSTON,
SECRETARY**

BY:_____
TRAVIS WADDELL, CHAIRMAN

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY:_____
**KRISTA A. STOREY,
SENIOR ASSISTANT COUNTY ATTORNEY**

Exhibit A



June 8th, 2022

Dear Property Owner/Resident

Subject: Request for a variance by Jeffrey and Marlene Graham to reduce the front property line setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the R1-B, Single Family Residential District to permit the construction of a single-family home. The subject property is to be located at 1659 SW Albatross Way in Palm City, Florida

Location: Lot 159, of SEA GATE HARBOR, according to plat thereof as recorded in Plat Book 4, Page 29, 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, June 23, 2022
Time: 7:00 P.M. or as soon 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 meeting 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

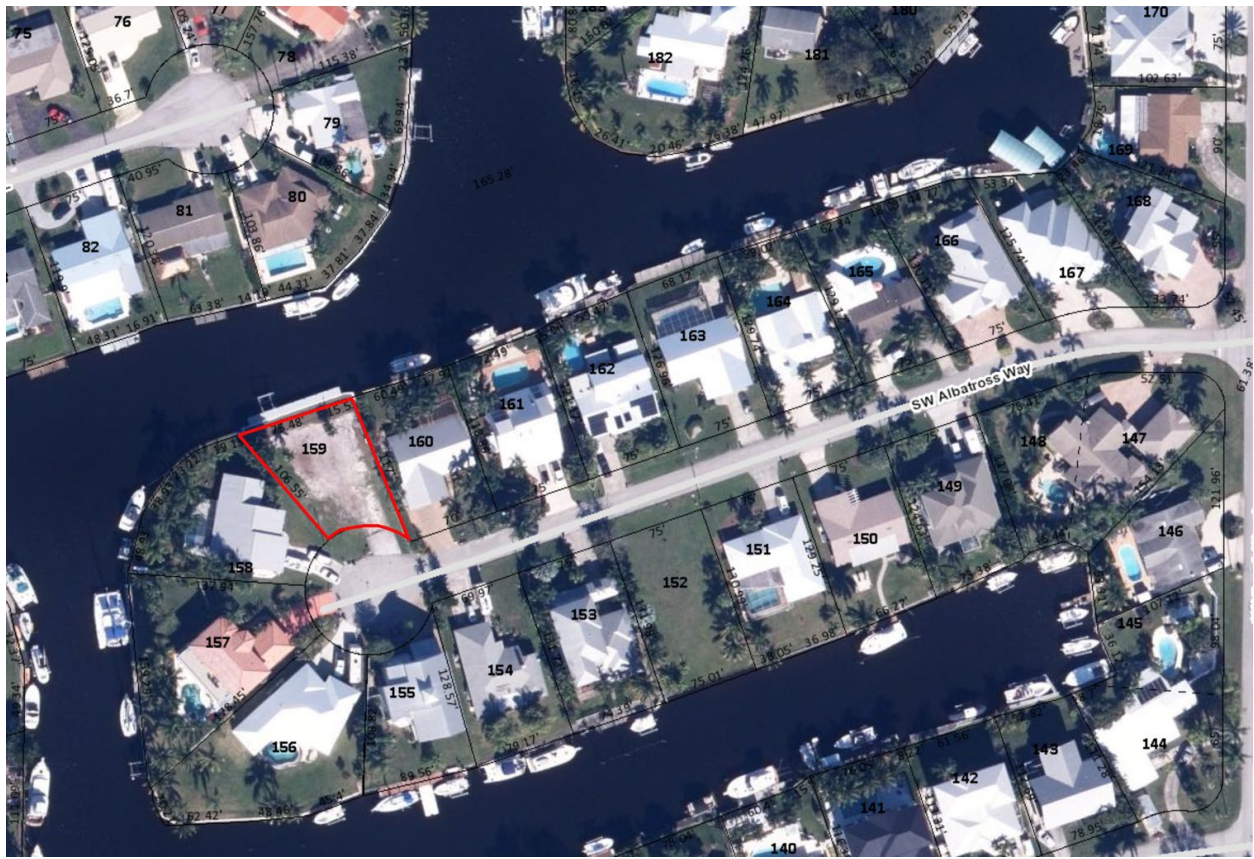
letter on official letterhead signed by an authorized representative of the group/association, stating the he/she is authorized to speak for the group. Forms are available on the Martin County website www.martin.fl.us. Any documentation, including all dvd, cd or video cassette tapes, intended to be proffered 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 Peter Walden, AICP, Deputy Growth Management Director, (e-mail: pwalden@martin.fl.us) or 2401 SE Monterey Road, Stuart, FL 34996. Copies of the item will be available from the Growth Management Department.

Sincerely,

Jeffrey and Marlene Graham
Attachments: Location Map





Recorded in Martin County, FL 7/15/2020 11:07 AM
 Carolyn Timmann, Clerk of the Circuit Court & Comptroller
 Rec Fees: \$10.00 Deed Tax: \$2,660.00
 CFN#2825842 BK 3143 PG 590 PAGE 1 of 1

This Document Prepared By and Return to:
 Christopher J. Twohey, PA
 844 SE Ocean Blvd. Suite A
 Stuart, Florida 34994

Parcel ID Number: 06-38-41-001-000-01590.40000

Warranty Deed

This Indenture, Made this 9th day of July, 2020 A.D., Between
 Christopher J. Rastrelli and Patricia L. Rastrelli, husband and wife
 of the County of Martin, State of Florida, grantors, and
 Jeffrey Hunter Graham and Marlene Ann Graham, husband and wife
 whose address is: 99 Pointe Trinity Dr., Strafford, NH 03884
 of the County of Strafford, State of New Hampshire, grantees.

Witnesseth that the GRANTORS, for and in consideration of the sum of
 TEN DOLLARS (\$10)

and other good and valuable consideration to GRANTORS in hand paid by GRANTEES, the receipt whereof is hereby
 acknowledged, have granted, bargained and sold to the said GRANTEES and GRANTEES' heirs, successors and assigns
 forever, the following described land, situate, lying and being in the County of Martin
 State of Florida to wit:

Lot 159, SEA GATE HARBOR, according to the Plat thereof, as recorded in Plat Book 4, Page 29, Public
 Records of Martin County, Florida.

SUBJECT TO:

1. Taxes for the year 2020, and all subsequent years;
2. Zoning restrictions, prohibitions and other requirements imposed by governmental authority;
3. Restrictions and matters appearing on the Plat or otherwise common to the subdivision; and
4. Public utility easements of record, if any.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons
 whomsoever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

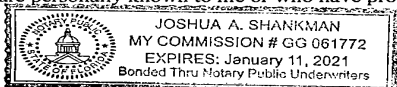
Signed, sealed and delivered in our presence:

Printed Name:
 Witness

Printed Name:
 Witness

State of Florida
 County of Martin

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online
 notarization, this 9th day of July, 2020, by
 Christopher J. Rastrelli and Patricia L. Rastrelli, husband and wife
 who are personally known to me or who have produced their Florida driver's license as identification.



graham3

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Printed Name:
 Notary Public

My Commission Expires:

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tickets • antiques
motorcycles
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auctions
collectibles • jobs
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the undersigned intends to sell
ed below to enforce a lien im-
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