



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.

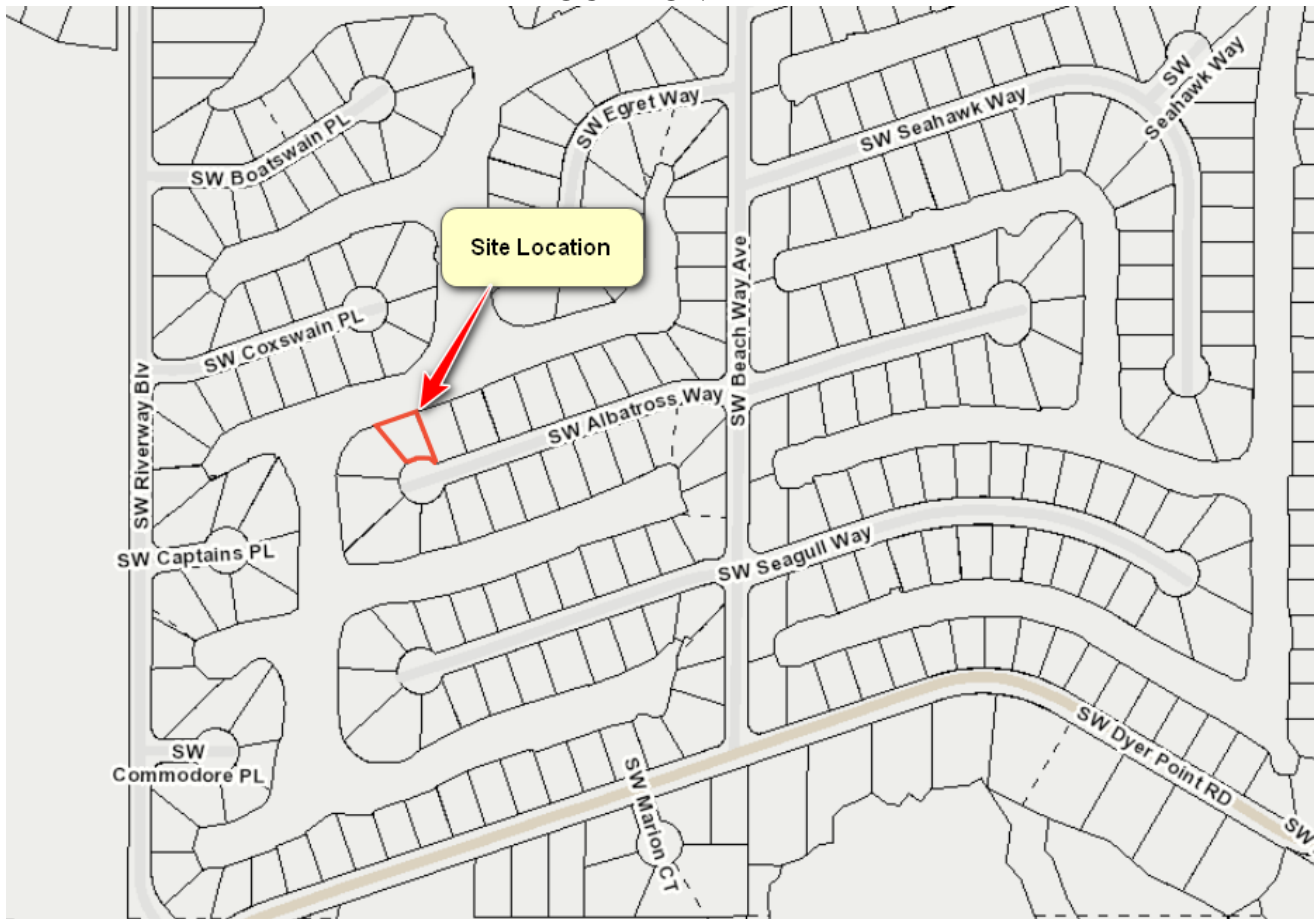
### **C. VICINITY AND SITE INFORMATION**

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.

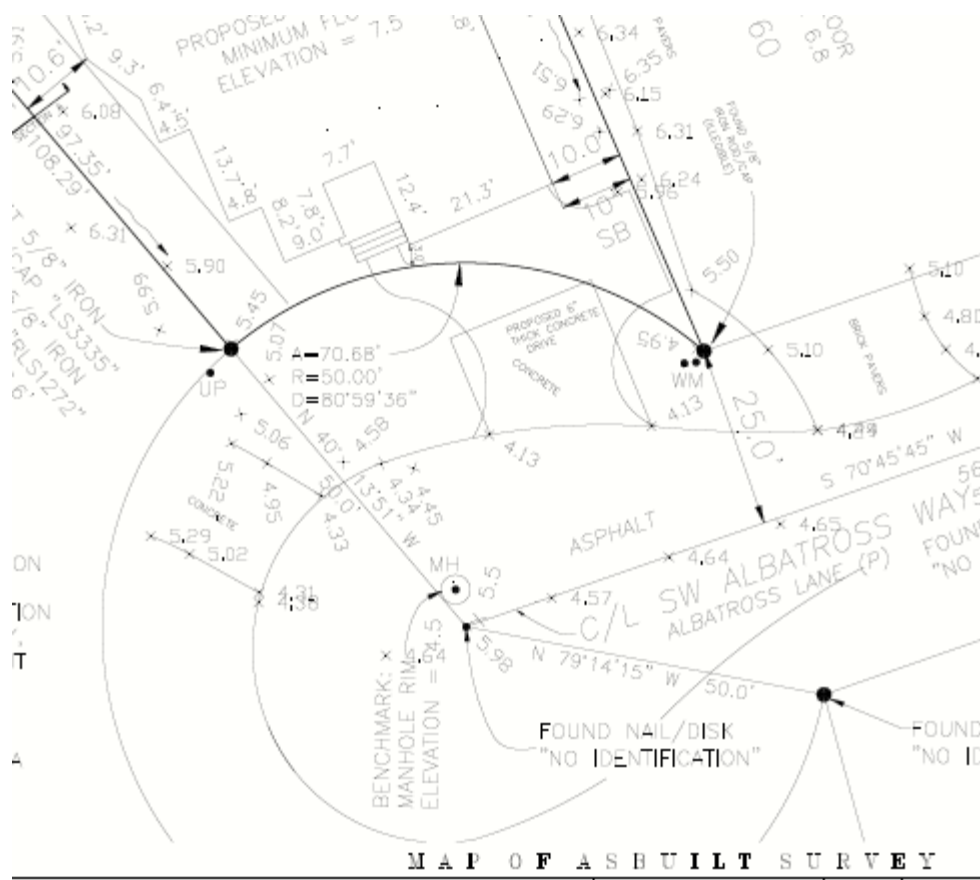
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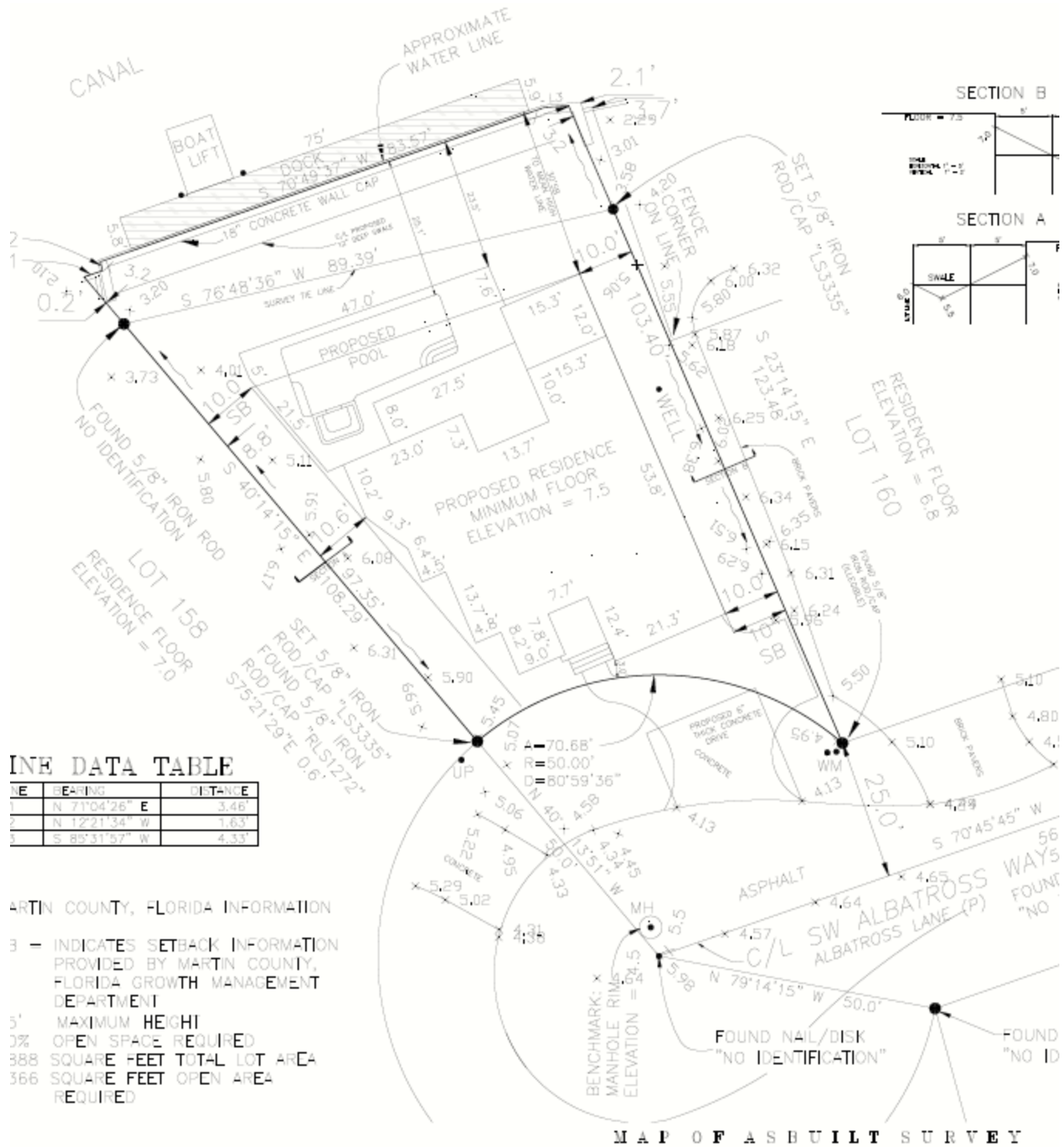
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In the R-1B district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 25-foot setback from the mean high-water line

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 27<sup>th</sup>, 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)