



**OLD PALM CITY NAC**  
**AUGUST 29, 2019**

- I. TITLE:** Request for alternative compliance at 895 SW 34<sup>th</sup> Terrace.
- II. THE APPLICANT REQUESTS ALTERNATIVE COMPLIANCE TO:** Construct a detached single-family dwelling which does not strictly comply with the requirements of Section 3.265, Old Palm City Community Redevelopment Area, Land Development Regulations, regarding the front porch and the two-car garage.
- III. BACKGROUND:** The zoning regulations applicable within the Old Palm City CRA, Section 3.265.M., provides:

An applicant for development approval may submit a site, landscape, or architectural plan which varies from the requirements of this ordinance in order to accommodate unique site features or utilize innovative design. An alternative compliance site, landscape or architectural plan shall be approved only by a recommendation of the Growth Management Department that the alternative fulfills the purpose and intent of the LDR, as well as or more efficiently than adherence to the strict requirements of this ordinance. In evaluating proposed alternative compliance for site, landscape or architectural plans, consideration shall be given to proposals which:

1. Improve pedestrian connectivity.
2. Minimize conflict between pedestrian and vehicle.
3. Are consistent with the adopted design regulations.
4. Preserve native vegetation and use xeriscape and other low water use landscape design principles.
5. Utilize existing site characteristics of topography, existing vegetative communities, and any unique environmental feature in the design of structures and other improvements.
6. Comply to the maximum extent practicable relative to the configuration of the development that existed prior to the effective date of the Commercial Design Regulations, July 9, 2002.
7. Improve or provide integration of proposed development into the surrounding off-site development.
8. Provide additional desirable features that mitigate the removal of the items required.

Regarding garages, there is an inconsistency in the code. One section provides that recessing the garage behind the front façade is just one way to ensure the garage does not dominate the front façade of the house. See, Section 3.265.F.4. Another section requires that the garage be recessed no less than five feet behind the front façade. See, Section 3.265.F.4. Section 1.8 of the land development Regulations provides that if there is an inconsistency in the code, the stricter provision applies.

Section 3.265.F.4., *Single-family and duplex residential, Parking*

Garages for detached single-family or duplex residences shall not dominate the front elevation of the house. Garages shall be subordinate to the main living area of the dwelling in terms of area, height, width and/or location. Options to achieve this include the following:

- (1) Garages shall be recessed at least five feet behind the front façade of the house.
- (2) When an improved alley is present, garages shall be located in the rear of the property and accessed from the alley.

Section 3.265.D.10.a. Single family houses and duplexes, Rear Yard House.

- (1) The main building shall be located at the front of the lot, with the yard in the rear.
- (2) Garages shall be recessed no less than five feet behind the front façade.
- (3) Porches are required and shall have a minimum width equivalent to 40 percent of the front building façade, including the garage.
- (4) Balconies shall have railings and balustrades to match the building style.

Regarding front porches, the Old Palm Beach code requires every house to have a porch and for the porch to be equivalent to at least 40% of the front façade.

Section § 3.265.F.3., *Residential porches, stoop and balconies*, provides:

- a. All single-family dwellings shall have a porch. Rear yard houses must have a front porch. Side yard houses must have a side porch.
- b. All porches shall cover at least 40 percent of the width of the façade the porch enfolds, including any garage.
- c. Front porches and side porches may cover up to 100 percent of the length of the respective building façade.
- d. Front porches and side porches may have multi-story verandas, terraces, and balconies above.
- e. Front porches may be screened.
- f. Stoops shall provide sufficient space to comfortably and safely pause before entering the dwelling, taking into account the swing of the door. Minimum dimensions shall be five feet deep by four feet wide.

#### IV. ANALYSIS

As initially submitted, the building permit application proposed (a) a front-facing garage, (b) a front set-back of 35 feet, and (c) a six-foot by 8-foot covered entry (48 square feet). The floor plan as originally proposed is provided as Figure 1. The original front elevation is provided as Figure 2.

The house plans were revised to bring them into closer compliance with the Old Palm City requirements, while seeking to avoid a complete re-design that would cause delay and expense. The revised floor plan is provided as Figure 3.

- (a) The front-facing garage was redesigned to become a side entry garage and the front-facing wall was redesigned to look like a part of the living space, including a window. The revised front elevation is provided as Figure 4.
- (b) The site plan was revised to provide a 20-foot front setback.
- (c) The 6 ft. by 8 ft. porch was enlarged to occupy the entire space between the garage and the front room. The porch now measures 18.5 feet by 8 feet or 148 square feet.

#### V. RECOMMENDED ACTION:

Staff recommends approval. The Applicants have made a good faith effort to bring their house plans into compliance with the applicable LDRs and the home will be an attractive addition to the street. The proposed house design “fulfills the purpose and intent of the LDR, as well as or more efficiently than adherence to the strict requirements” of the Old Palm City code.

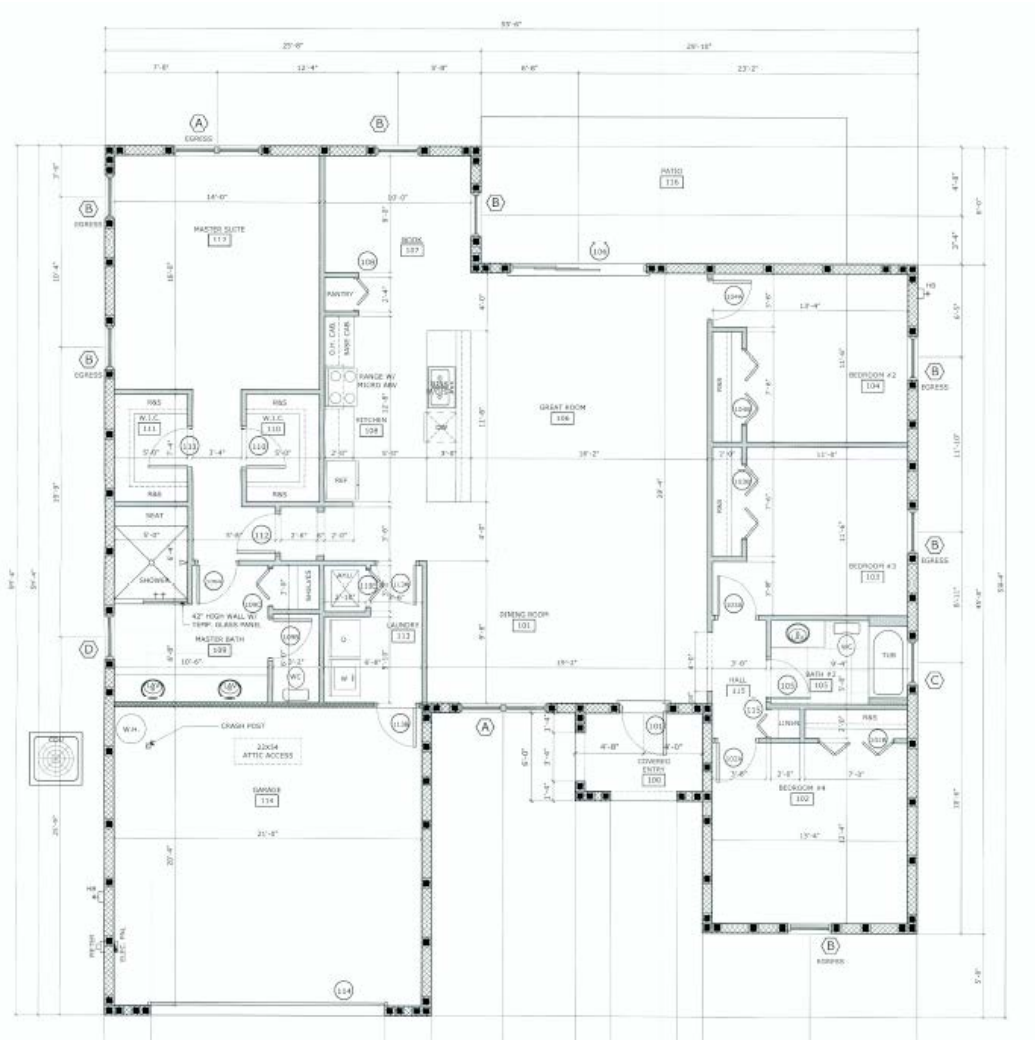
Additionally, if the draft Article 12, Division 1 and Division 4, LDR, for Old Palm City CRA were in effect, this house would likely not require alternative compliance because the proposed code recognizes side-loading garages as one way to reduce the negative impact of a forward projecting garage on the front elevation and the public realm.

Furthermore, revised as part of the “Glitch Bill” amendments to the LDRs, Section 3.265.F.4., was intended to increase flexibility regarding the design of garages for single-family dwellings. Unfortunately, staff overlooked that in the Old Palm City code, the rear yard house standards expressly require that the garage be recessed no less than 5 feet from the front façade. That requirement in Sec. 3.265.D.10.a.(2) defeats the flexibility sought to be achieved with Sec. 3.265.F.4.

Finally, while not directly relevant to the criteria set forth in Section 3.265.M., it is nonetheless important to note that the Hataways built their home on this lot in 1966. They have lived there more than 50 years. On April 10, 2019, there was a devastating house fire and they have been displaced since that date. In addition to the other types of losses caused by such a disaster, the displacement is causing Mr. and Mrs. Hataway financial hardship in that they must pay \$1,250/month for rent while out of their home.

**PREPARED BY:** Irene Szedlmayer, AICP, Senior Planner  
Martin County Growth Management Department

**Figure 1. Original Floor Plan**



**Figure 2. Original Front Elevation**



Figure 3. Revised Floor Plan

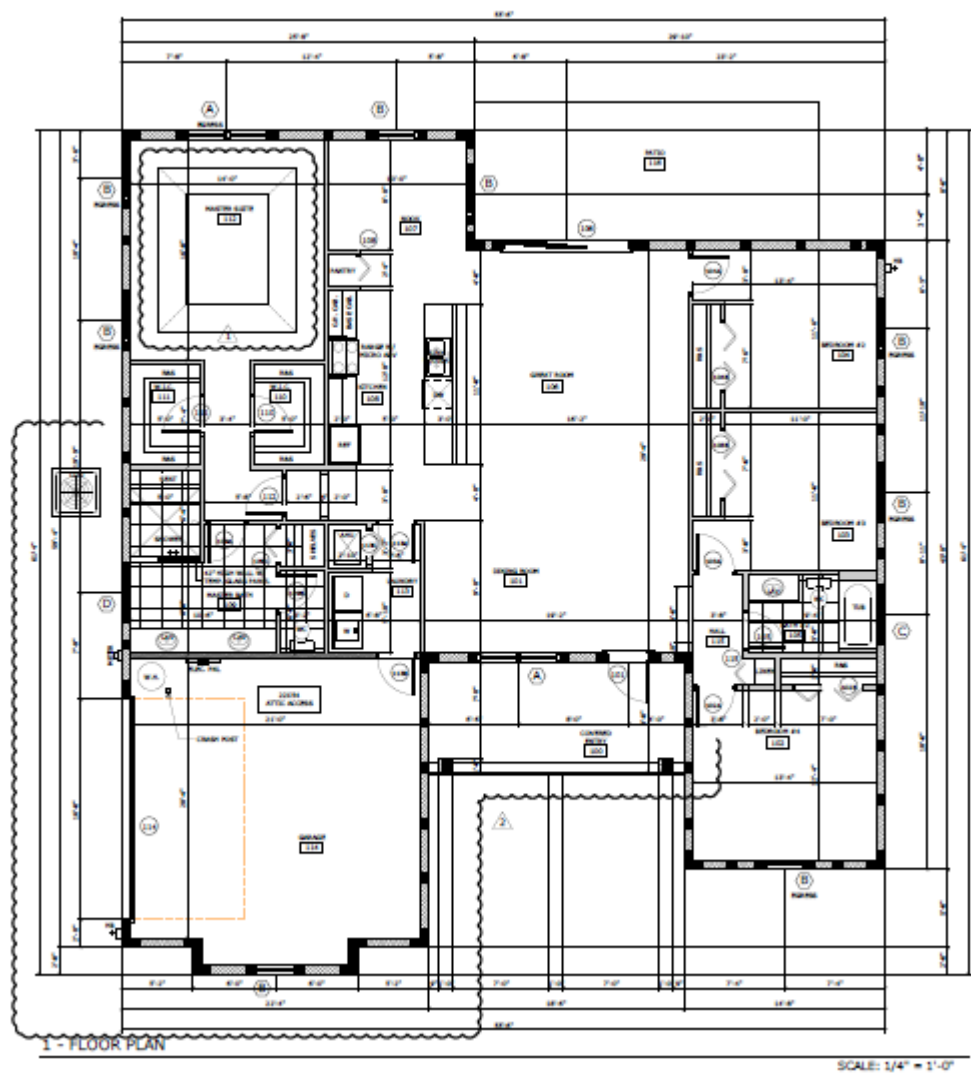


Figure 4. Revised Front Elevation



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August 29, 2019

Martin County Growth Management  
2401 SE Monterey Rd.  
Stuart, Fl.

Attn: Irene Szedlmayer

Regarding; BLD2019070713

I would like to request Alternative Compliance for the home located at 895 SW 34<sup>th</sup> Terr, Palm City Fl. for Mr and Mrs. Hataway. There were 3 comments that have been addressed;

1. **The garage cannot dominate the front elevation (section 3265.F.10.4)**; The plans have been redesigned as a side load garage. You cannot see the face of the garage from the road. It has been incorporated into the front façade and blends in with the front elevation
2. **The front setback is 5' and the maximum is 25' (section 3.265.F.1LDR)**; The site plan has been corrected to show the front setback on this home to be 20' from the front property line. That is now within the CRA requirements
3. **Porches are required with a minimum width equivalent to 40% of the front of the building (section 3.265.D.10)**. The front of the home has been redesigned to now include a front porch that is 8' clear in height and extends 8' from the front of the home. The new front façade is only 3' short of meeting the CRA requirements and is currently only 33% of the overall front elevation. Adding the additional 3' would make the elevation out of scale with the home. The current configuration compliments the current front facade of the home.

I believe the current front elevation should be given an Alternative Compliance. The front of the home does not show the garage and if you look at the front elevation you could not tell if there was a garage. The setback has been corrected and the front porch is in scale with the rest of the home. We believe the new front elevation compliments the neighborhood.

Respectively



**Robert Cenk**  
**Vice President**  
**Homecrete Homes Inc.**  
**CGC062378**



# ALTERNATIVE COMPLIANCE APPLICATION COMMUNITY REDEVELOPMENT AREA (CRA)



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Martin County, Florida  
Growth Management Department  
DEVELOPMENT REVIEW DIVISION

## ALTERNATIVE COMPLIANCE REQUEST COMMUNITY REDEVELOPMENT AREA (CRA)

### A. Project information:

Property owner-applicant:.... Bill Hataway  
Address: ..... 895 SW 34th Ter, Palm City FL 34990  
.....  
Telephone and fax: ..... 772-260-0512  
E-mail address:.....  
Agent for owner-applicant: ... Robert Cent Hornmeltz Homes  
Address: ..... 2162 NW RESERVE PARK TRAIL  
..... PORT ST-LUCIE, FL 34986  
Telephone and fax: ..... 772-370-1202  
E-mail address:..... bcenck@hornmeltzhomes.com  
Project name: ..... Hataway Residence BLD2019070713  
Project professional's name and telephone number:  
Land planner ..... NA  
Landscape architect ..... NA  
Property address: ..... 895 SW 34th Ter, Palm City  
Legal description:..... Palm City Amnoco lots 6, 19 & 20 BLK 20  
Parcel control number(s): .... 17-38-41-001-020-00060-2

### B. General instructions:

This application form identifies the minimum documents and information required to initiate the review of a request for alternative compliance that varies from the strict application of the requirements of Article 3, Division 6, Land Development Regulations, Martin County Code (LDR). The applicant is cautioned to follow the instructions carefully.



The purpose of the application is to communicate to the reviewing staff, the decision-makers, and the public what is being proposed and how the request satisfies the purpose and intent of Division 6, LDR as well as or more effectively than would adhere to the strict code requirements.

Please organize and submit the application as a complete packet. The application materials shall be submitted to: **Martin County Growth Management Department, Development Review Division, 2401 SE Monterey Road, Stuart, Florida 34996.**

### C. Fee:

Provide a check payable to the *Martin County Board of County Commissioners* as noted below.



Alternative Compliance Request (CRA Overlay District Requirements)  
.....\$ 240.00

### D. Application submittal and check list:

#### Review Check list

Provide the following list of items noted below with this application:

1. A notarized power of attorney is required from the owner-applicant to authorize an agent to act on the owner-applicant behalf.
2. Alternative Compliance Request application signed and notarized.
3. Location map of subject property.
4. Aerial photograph of the site.
5. Site plan, landscape and/or architectural plan that varies from requirements.
6. Justification statement (criteria for granting request), as noted below in Section E.

### E. Justification (criteria for granting request) statement:

Provide a written response and justification to each of the following questions noted below:

1. Identify the specific sections of the Land Development Regulations that will not be strictly followed. Please provide section references.
2. What are the reason(s) why the strict adherence or application of the requirement(s) are not feasible. Identify any site constraints.
3. Describe the distinctiveness of this request. How does this request accommodate unique site features (i.e. historical or archeological features, topography, scenic views or native vegetation) or utilize innovative design?
4. How does the proposed alternative means for compliance with the specific

requirements provide an equal or superior means of meeting the intent and purpose of the regulation?

5. Will the alternative compliance request, as proposed, create a nuisance or an adverse effect to any neighboring property? If so, how will this be mitigated.
6. How does the request improve or provide for the integration of proposed development with the surrounding off-site development.

Staff shall evaluate the alternative compliance request based on the above criteria. The request shall be presented to the Neighborhood Advisory Committee (NAC) whom will formulate a recommendation of approval or denial of the request. The Growth Management Director shall consider the recommendation from the NAC and make the final decision if the proposed alternative compliance either does or does not meet the requirements of the Land Development Regulations. The evaluation shall be based on the following.

1. That the strict adherence or application of the code requirement(s) is not feasible.
2. The request utilizes innovative design and/or accommodates unique site features.
3. The request provides an equal or superior means of meeting the intent and purpose of the regulation.
4. The request does not create a nuisance or an adverse impact to any surrounding property owner.
5. The request improves or provides for the integration of proposed development with the surrounding off-site development.

If the request lies within the Palm City or Indiantown Redevelopment Overlay Districts, the evaluation shall further consider the following: The request:

1. Improves pedestrian connectivity.
2. Minimizes conflict between pedestrian and vehicle.
3. Preserves native vegetation and utilizes xeriscape and other drought tolerant landscape design principles.
4. Is consistent with the adopted design regulations.
5. Utilizes existing site characteristics of topography, existing vegetative communities, and any unique environmental features in the design of structures and other improvements.
6. Complies to the maximum extent practical relative to the configuration of the development that existed prior to the effective date of the design regulations.
7. Improves or provides integration of proposed development into the surrounding off-site development.
8. Provides additional desirable features that mitigate the removal of the items required.
9. Adjusts parking through methods already described Section 3.265/3.266C.1.a. and b.; 3265/3.266C.4.a and 6.a, or alternatively, through the appropriately authorized method for a parking adjustment of 20 percent or more.

### F. Inquiries and comments:

If you have any question or comment regarding this application, please contact us at (772) 288-5495. We appreciate suggestions of how to improve our services.

### G. 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.

Bill Hataway  
Applicant's or Agent's signature

9/28/19  
Date

Bill Hataway  
Printed name

### NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA

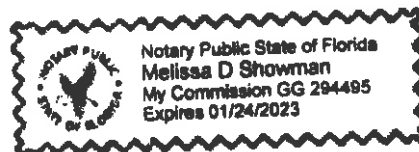
COUNTY OF ST LUCIE

I hereby certify that the foregoing instrument was acknowledged before me this 28th day of August, 2019, by Bill Hataway. He or she ☐ is personally known to me or ☒ has produced ID as identification.

Melissa D. Showman  
Notary public signature

Melissa D. Showman  
Printed name

State of FLORIDA at-large



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2162 NW Reserve Park Trace  
Port St Lucie, FL 34986  
772-873-6707

**CenterState Bank**  
1722 SW St Lucie West Blvd  
Port St Lucie, FL 34986  
772-807-7000

5087

PAY Martin County Commissioners

DATE 8/28/2019  
Reference:

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\$ **\*\*240.00**

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TO THE **Martin County Commissioners**  
ORDER 900 SE Ruhnke Street  
OF Stuart, FL 34994

Memo BD2019070713

*[Signature]*

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**Homecrete Homes, Inc**

Martin County Commissioners

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5087

8/28/2019

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HCH Operating 9085

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