



MARTIN COUNTY, FLORIDA  
DEVELOPMENT REVIEW DIVISION  
GROWTH MANAGEMENT DEPARTMENT

# VARIANCE APPLICATION STAFF REPORT

**SUBJECT:** Request for a variance by 2<sup>nd</sup> Generation Building Corp., a Florida Corporation, to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the HR-1, Single-family Residential District to permit the construction of a swimming pool and deck. The subject property is located at 8500 SE Sabal Street, Hobe Sound, Florida.

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## A. APPLICATION PROCESSING INFORMATION

*Applicant and property owner:* 2<sup>nd</sup> Generation Building Corp, Joe Basso  
*Agent for applicant:* Same as above  
*Date application submitted:* September 23, 2019  
*Staff report date:* October 17, 2019  
*Date of Board of Zoning Adjustment hearing:* October 24, 2019  
*Project coordinator for County:* Peter Walden, Principal Planner  
*Growth Management Director:* Nicki van Vonno, AICP  
*Report number:* 2019\_1017\_2<sup>nd</sup> Generation\_Variance\_Staff\_Final

## B. APPLICATION TYPE AND DESCRIPTION OF REQUEST

The subject property is zoned HR-1, Single-family Residential District, Article 3, Zoning District, Land Development Regulations, Martin County Code. The structural setback requirements in this zoning district are as follows:

Side: 15 ft. from the lot line

Front: 25 ft., or 50 ft. from the centerline of the adjacent road right-of-way, whichever is greater.

Rear: 35 ft. from the mean high water line  
25 ft. from the face of seawall (MHWL) – SPZ

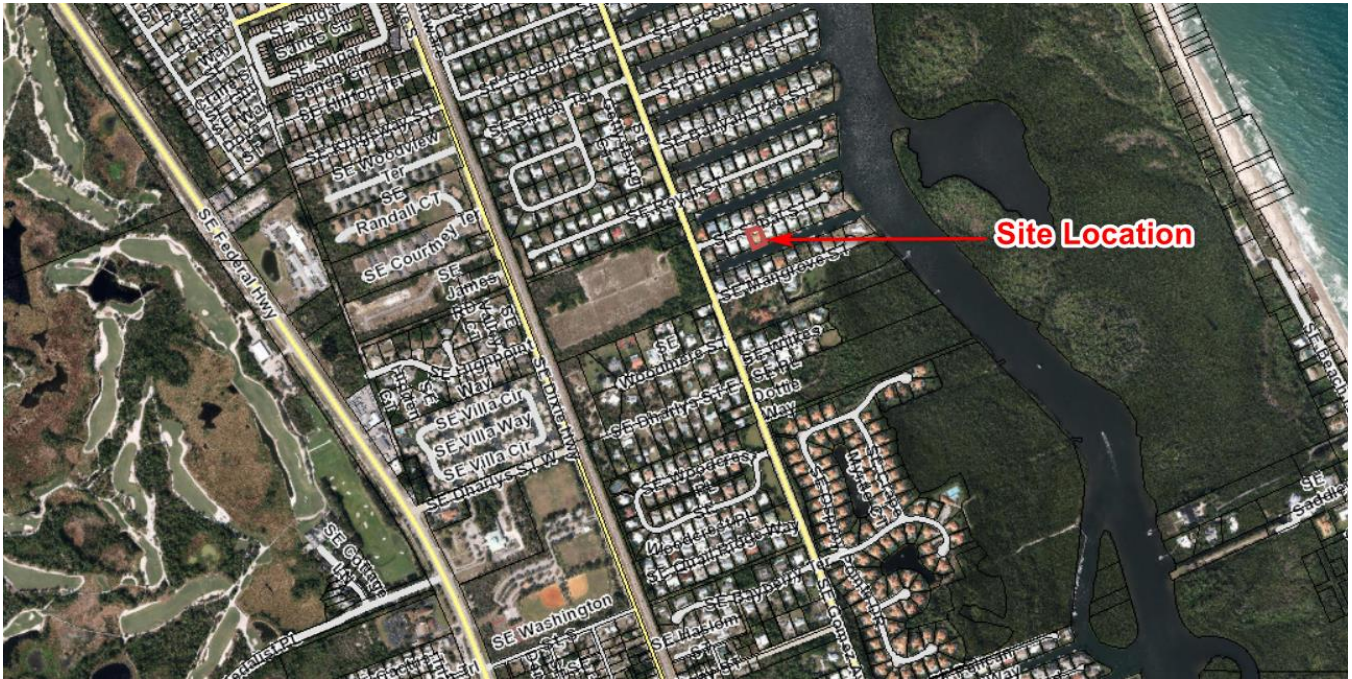
The applicant is requesting a variance to reduce the rear yard setback requirement from 35 ft. to 25 ft. to permit the construction of a swimming pool and patio. The applicant is also requesting a variance for the west side yard setback by 3 ft. reducing the setback to 12 ft. to accommodate the pool deck.

## C. VICINITY AND SITE INFORMATION

8500 SE Sabal Street, Hobe Sound

Lot 55 Treasure Cove, according to the plat thereof as recorded in Plat Book 5, Page 8, of the Public Records of Martin County, Florida.

## LOCATION MAP

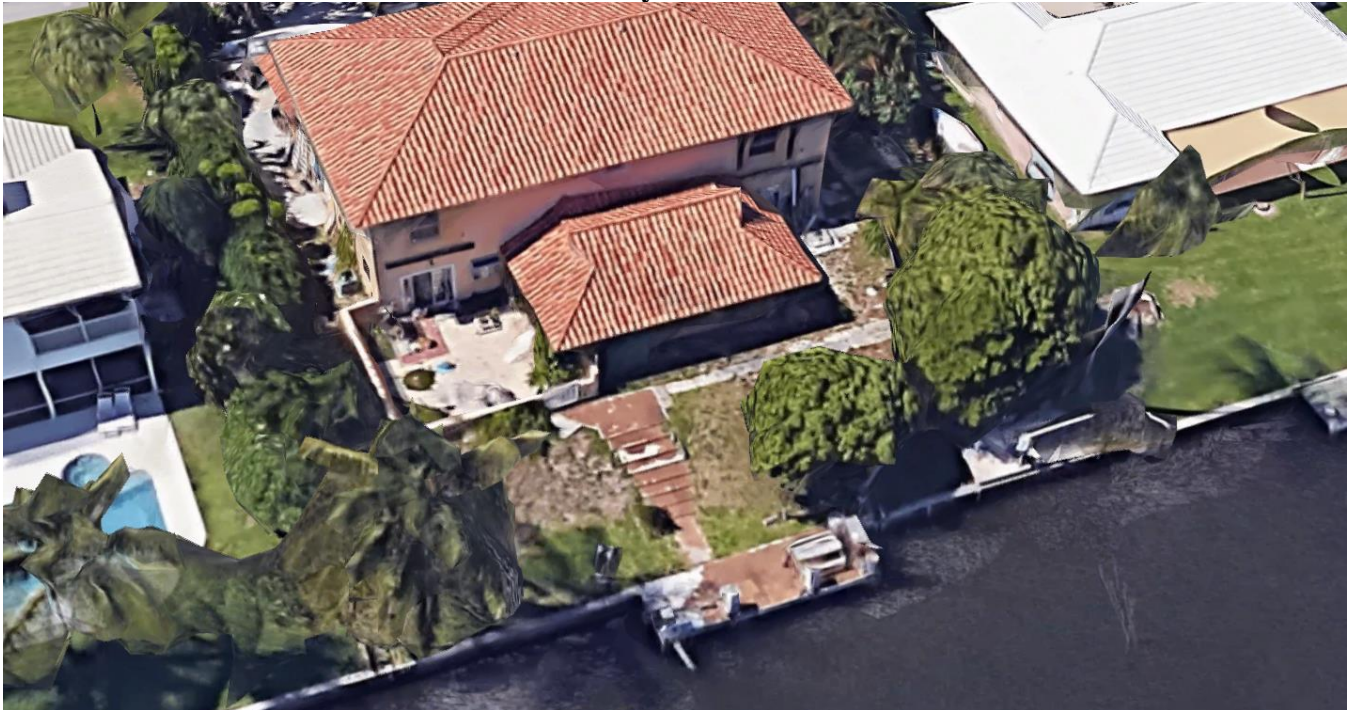


## PROPOSED VARIANCE SITE





Backyard view



#### D. APPLICANT INFORMATION

*Applicant and property owner:* 2<sup>nd</sup> Generation Building Corp, Joe Basso  
*Address:* 8500 SE Sabal Street  
Hobe Sound, FL 33455  
*Phone:* 772-201-0280

*Agent for applicant:* Same as above  
*Address:*  
*Phone:*

#### E. 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 is a platted lot of record that was created in 1971 with the recording of the plat for Treasure Cove.
2. The property is a waterfront lot adjacent to a man-made canal and is hardened with a vertical seawall. The property is currently occupied by a two story single-family dwelling which was constructed in 1981.

3. The subject property has an area of approximately 0.30 acres (approximately 13,244 sq. ft.). The property width is approximately 100 ft. along the road frontage adjacent to SE Sabal Street and approximately 100 ft. of frontage on the canal. The depth of the property is approximately 132 ft.

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

Side: 15 ft. from the lot line

Front: 25 ft., or 50 ft. from the centerline of the adjacent road right-of-way, whichever is greater.

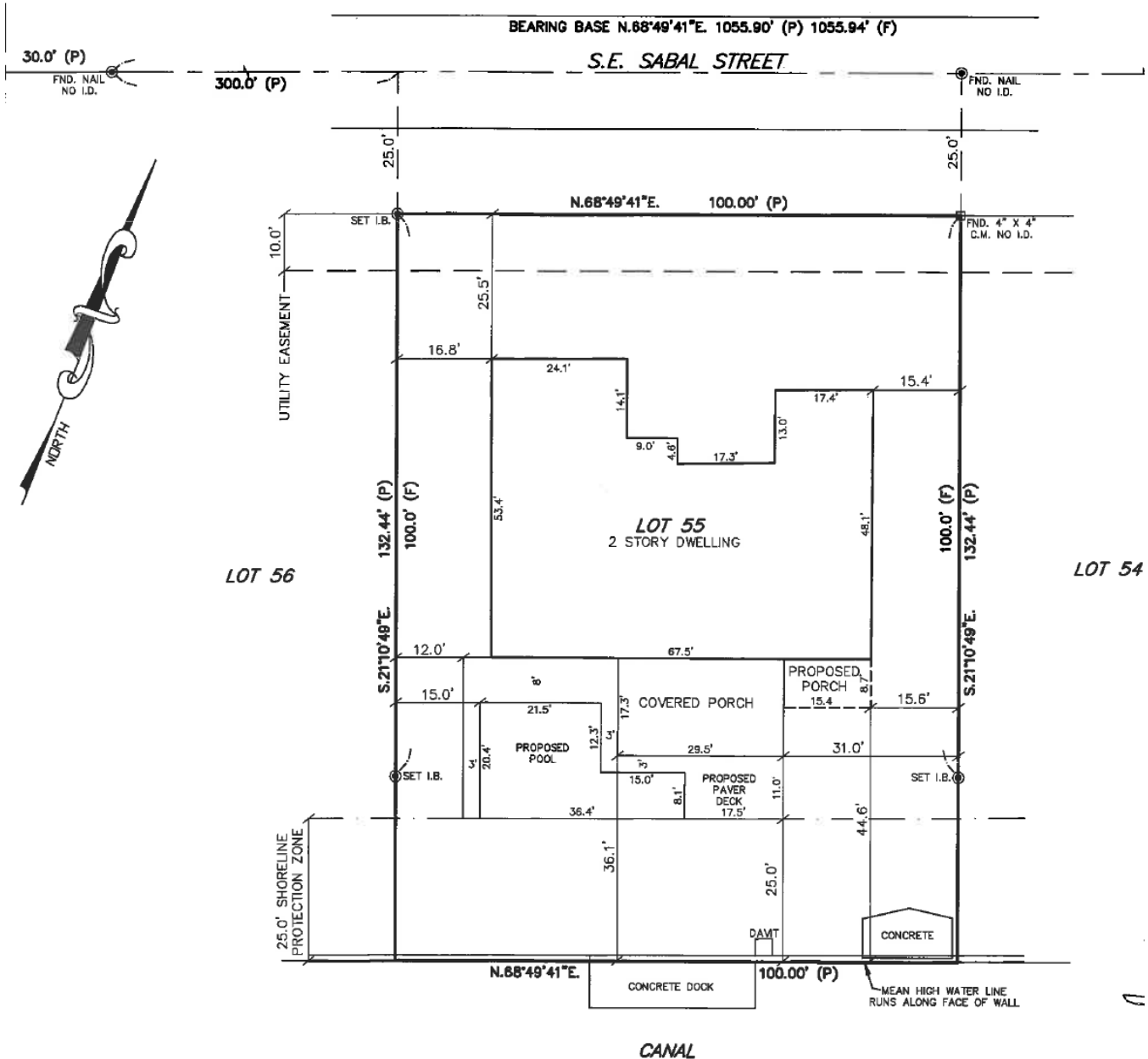
Rear: 35 ft. from the mean high water line (MHWL)  
25 ft. from the face of seawall (MHWL) – SPZ

These setbacks are some of the most stringent setbacks required in the County for single family uses. The HR-1 district is a carryover zoning category from the County's original zoning regulations which were adopted in 1967.

5. The applicant is requesting a variance to reduce the rear yard setback requirement of the rear from 35 ft. to 25 ft. to permit the construction of a swimming pool and patio. The applicant is also requesting a variance for the west side yard of 3 ft. reducing the setback to 12' to accommodate the pool deck.

6. Note: the survey depicting the proposed pool has been revised since the original application to more accurately portray the pool and deck

PROPOSED SETBACKS  
NOT TO SCALE



7. 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 and circumstances exist which are peculiar to the subject property. The subject property has an area of approximately 0.3 acres (approximately 13,244 sq. ft.). The property width is approximately 100 ft. along the road frontage adjacent to SE Sabal Street and approximately 100 ft. of frontage on the canal. The depth of the property is approximately 132 ft. The existing two story dwelling, size and configuration of the lot, the current setbacks and shoreline protection zone requirements for the lot significantly reduces the design flexibility for the proposed swimming pool and patio addition.

- 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 rear yard setback requirements for this lot the proposed swimming pool and patio would not be permitted.
  - 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 1971 with the recording of the plat for Treasure Cove. The property is currently occupied by a two-story single-family dwelling which was originally constructed in 1981 with substantial additions added in 2010. The applicant purchased the property in 2019.
  - 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.
8. 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 swimming pool and patio.
9. Research of the public records indicates that there have been setback variances granted for this subdivision.

## **F. RECOMMENDATION**

The Board is advised that this application for a setback variance is in order and qualifies for an action of approval for a rear yard setback variance of 10 ft. to reduce the setback requirement from 35 ft. to 25 ft. to permit the proposed swimming pool and patio, and a setback variance of 3 ft. to reduce the west side yard setback requirement from 15 ft. to 12 ft. to accommodate the pool deck. 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.

## **G. 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>	\$237.69	\$0.00	\$237.69

## **H. ATTACHMENTS**

1. Sample letter notice.
2. Newspaper ad for October 24, 2018 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)
4. Neighbors correspondence