



ITEM

**PORT SALERNO NAC**

**OCTOBER 24, 2019**

- I. TITLE:** Request for alternative compliance at 4832 SE Flounder Street in Port Salerno, by Eloy Valencia, the property owner, represented by the building contractor, Daniel Marin.
- II. THE APPLICANT REQUESTS ALTERNATIVE COMPLIANCE TO:** Construct a single family residence that is 27 feet wide whereas the minimum house width for a Rear Yard House in Port Salerno is 30 feet, Section 3.262.F.2.b., LDR.

**III. BACKGROUND:** Art. 3, Div. 6 of the LDRs, at §3.260.D, provides:

An applicant for development approval may submit a site, landscape, or architectural plan which varies from the requirements of the CRA code in order to accommodate unique circumstances of the proposed development site. Such alternative plan may include offers by the applicant to mitigate or offset the impacts of the alternative design. Such alternative plan may be approved only after having been reviewed by the appropriate Neighborhood Advisory Committee and upon a finding by the Growth Management Director that the alternative plan fulfills the purpose and intent of the CRA code as well as or more effectively than adherence to the strict requirements and would help carry out specific goals or objectives outlined in the particular CRA plan. Appropriate justifications for approving alternative plans include but are not limited to:

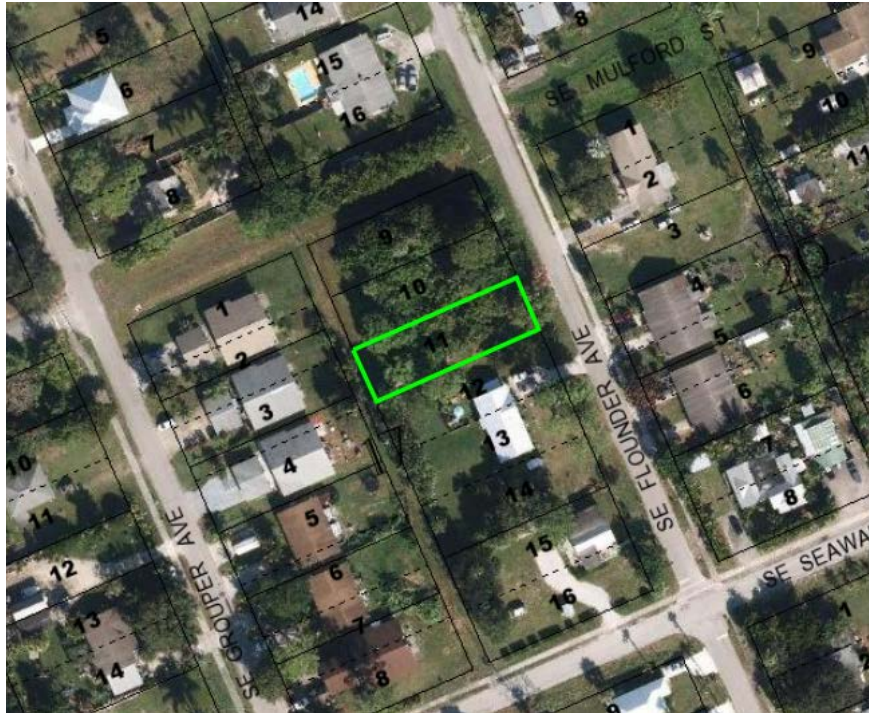
1. The resolution of site constraints associated with the incorporation of new buildings and structures on sites developed prior to the adoption of Redevelopment Overlay Districts.
2. The utilization of existing site characteristics, such as historical or archaeological features, topography, scenic views or native vegetation.
3. Improve or provide integration of proposed development with the surrounding off-site development.
4. The preservation of the historical or archaeological features of the area.

**IV. ANALYSIS**

The subject lot is 47.5 feet wide (Lot 11, Block 17, Port Salerno). In order to comply with the maximum grade of 4 feet horizontal to 1 foot vertical, the side setbacks must

be increased from the minimum 5-foot side setback required by the zoning ordinance to 10.25 feet. On a 47.5-foot wide lots, it is not possible to construct a house that is 30 feet wide and provide 10.25-ft. side setbacks.

Figure 1. Location Map



It is possible to construct a house with 5-foot side setbacks, achieve the minimum floor elevation, and adhere to the required maximum graded slope by using a stem wall, extended footers or thickened monolithic foundation with fill, rather than conventional fill. See Figures 2 and 3. However, until this method of construction is required for all house plans, staff does not recommend that it be required of any individual applicant.

Figure 2. Illustration from Article 12, Redevelopment Code, Division 1, General (not yet effective)

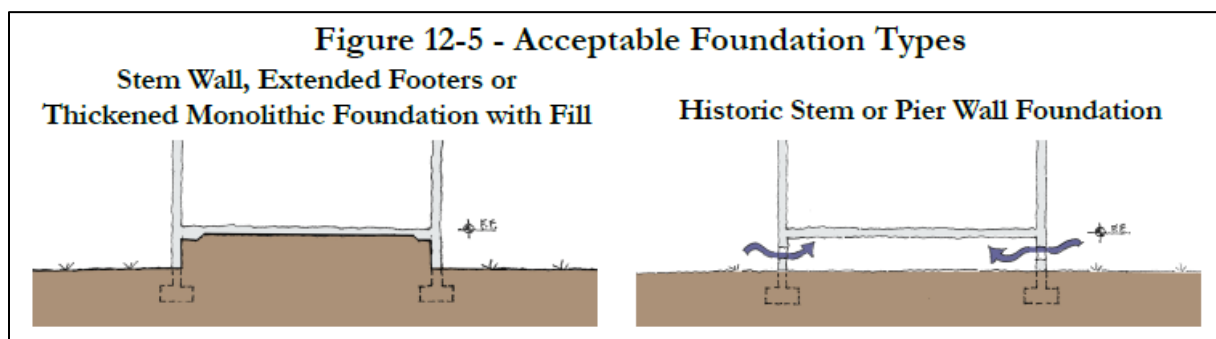
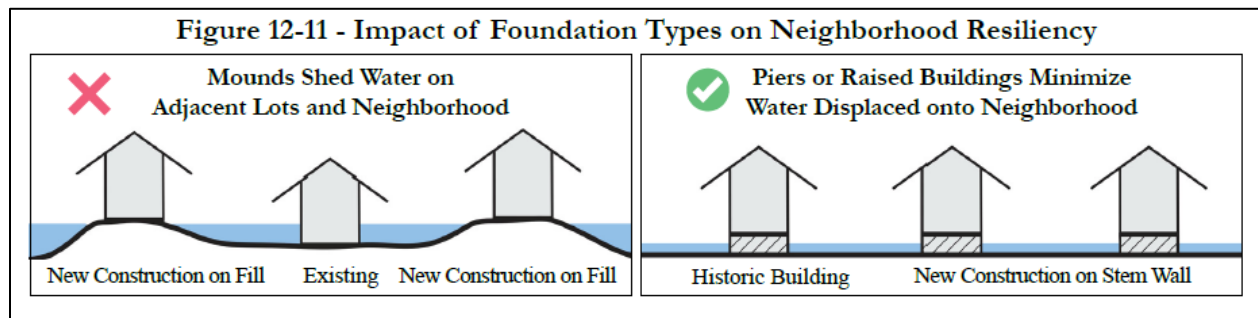


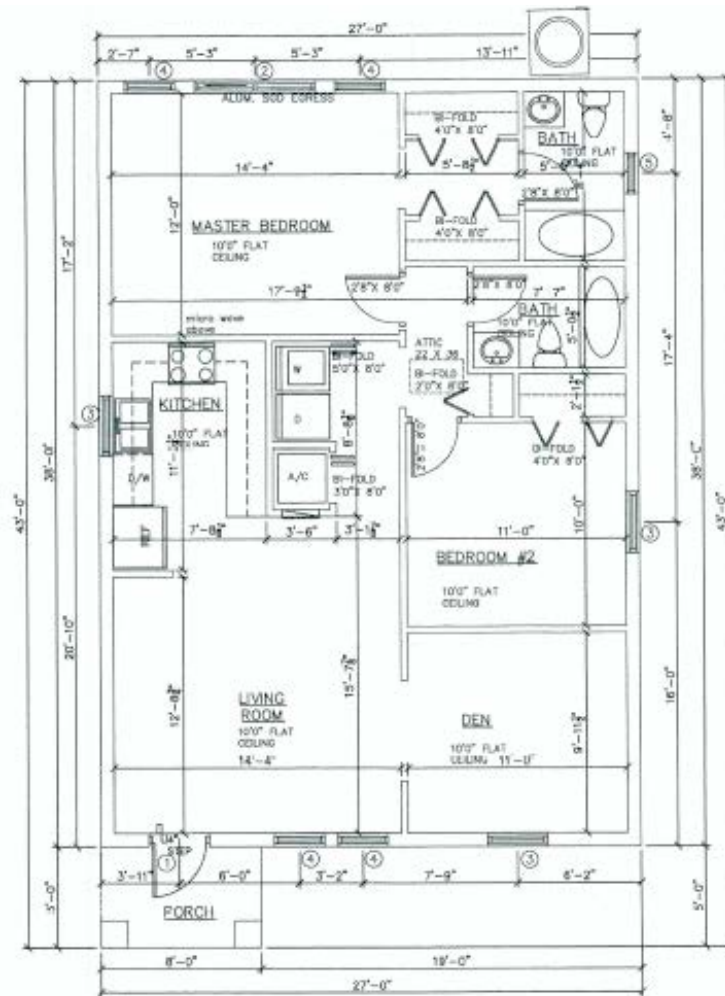
Figure 3. Illustration from Article 12, Redevelopment Code, Division 1, General  
(not yet effective)



**V. RECOMMENDED ACTION:**

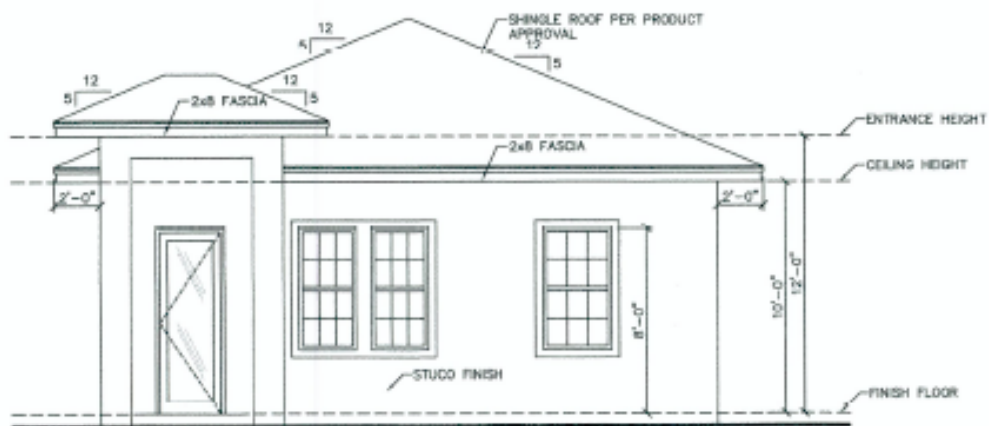
Staff recommends approval of the request to construct a 27-foot wide house at 4832 SE Flounder Street.

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



FLOOR PLAN

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

**Martin County, Florida  
Growth Management Department  
DEVELOPMENT REVIEW DIVISION**

**ALTERNATIVE COMPLIANCE REQUEST  
COMMUNITY REDEVELOPMENT AREA (CRA)**

**A. Project information:**

**Property owner-applicant:....** \_\_\_\_\_

**Address: .....** \_\_\_\_\_

**.....** \_\_\_\_\_

**Telephone and fax: .....** \_\_\_\_\_

**E-mail address: .....** \_\_\_\_\_

**Agent for owner-applicant:...** Daniel Marin

**Address: .....** 3673 SW Sabana Blvd.

**.....** Port St. Lucie, FL 34953

**Telephone and fax: .....** 772-446-5329

**E-mail address: .....** nicomarin@hotmail.com

**Project name: .....** Port Salerno House

**Project professional's name and telephone number:**

**Land planner .....** \_\_\_\_\_

**Landscape architect .....** \_\_\_\_\_

**Property address: .....** 4832 SE Flounder Ave, Stuart FL 34997

**Legal description:.....** Lot 11 Block 17 Port Salerno

**Parcel control number(s): .....** 51-38-41-001-017-001100

**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.

**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.

*[Signature]*  
Applicant's or Agent's signature

09/20/2019  
Date

Daniel Marin  
Printed name

**NOTARY ACKNOWLEDGMENT**

STATE OF Florida

COUNTY OF Martin

I hereby certify that the foregoing instrument was acknowledged before me this 20th day of September, 2019, by Daniel Marin. He or she ☐ is personally known to me or ☒ has produced Drivers License as identification.

*[Signature]*  
Notary public signature  
Margherita Manganiello  
Printed name



MARGHERITA MANGANIELLO  
Commission # GG 302354  
Expires February 14, 2023  
Bonded Thru Budget Notary Services

State of \_\_\_\_\_ at-large

## **DURABLE POWER OF ATTORNEY OF PROPERTY**

BY THIS DURABLE POWER OF ATTORNEY, I ELOY VALENCIA, make, constitute, and appoint, DANIEL MARIN, who is my CONTRACTOR, and who I will refer to as my "Attorney", as my true and lawful attorney to act for me and my name, place and stead. I intend this instrument to be exercisable until revoked. My Attorney's powers are limited to the following,

**REAL PROPERTY:** The power of Attorney include but not limited to, get the permits, all documents and other formalities necessities to build a residential house on my following described property:

- Street Address of property: 4832 SE FLOUNDER AVE,  
STUART FL 34997.

- Legal Description of property, if know: LOT 11 BLOCK 17  
PORT SALERNO ACCORDING TO THE PLAT THEREOF RECORDED IN  
PLAT BOOK 1 PAGE 75 PUBLIC RECORDS MARTIN COUNTY FLORIDA  
ALSO RECORDED IN PLAT BOOK 1 PAGE 132 PUBLIC RECORDS PALM  
BEACH NOW MARTIN COUNTY FLORIDA

**INDEMNITY THIRD PARTIES:** I hereby indemnity and hold harmless any and all third parties who rely on this Durable Power Attorney and who have knowledge of its revocation or its having been amended.

This is intended as a "Durable Power of Attorney" within the meaning of Section 709.08, Florida Statutes. This Durable Power Attorney shall not affected by my disability, incapacity, or incompetence, except as provide by statute.

**IN WITNESS WHEREOF,** I have executed this power attorney on 09-16-2019

Signed, sealed and delivered

In presence of: JEANETTE A. BRIONES

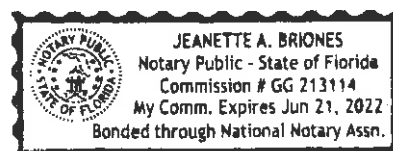
[Signature]

[Signature]

Signed

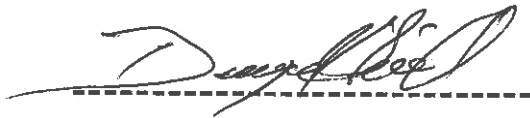
Address 4239 Empire way  
Greenacres FL 33463

STATE OF FLORIDA  
MARTIN COUNTY



I am submitting the following application because according to Section 3.262 F.L and Table 3.262.5: The minimum dwelling width shall be 30 ft. MARTIN CO., FL, LDR. The proposed single family home does not meet the requirements because the engineering standards require a maximum slope of 4 ft. High = 1 V requires larger side setbacks.

Kind regards,

A handwritten signature in black ink, appearing to read "Daniel Marin", is written over a horizontal dashed line.

Daniel Marin (Agent)