



MARTIN COUNTY, FLORIDA
DEVELOPMENT REVIEW DIVISION
GROWTH MANAGEMENT DEPARTMENT

VARIANCE APPLICATION STAFF REPORT

SUBJECT: Request for a variance by Mark Gallagher to reduce the centerline setback requirements pursuant to Section 3.407. R-3A Liberal Multiple-family District., Land Development Regulations (LDR) to permit the construction of a single-family home, garage and pool. The subject property is to be located at 1353 NE Skyline Drive in Jensen Beach, Florida.

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A. APPLICATION PROCESSING INFORMATION

Applicant and property owner: Mark Gallagher
Agent for applicant: Same as owner
Date application submitted: December 23, 2020
Staff report date: January 04, 2021
Date of Board of Zoning Adjustment hearing: January 28, 2021
Project coordinator for County: Peter Walden, AICP, Principal Planner
Growth Management Director: Paul Schilling
Report number: 2020_0104_GMD2020120330

B. APPLICATION TYPE AND DESCRIPTION OF REQUEST

The subject property is zoned R-3A Liberal Multiple-family District, Zoning District, Land Development Regulations, Martin County Code. The structural setback requirements in this zoning district are as follows:

Side: 6 ft. from the lot line for a one story, 10 ft. from lot line for a two story.

Front:* 20 ft. from the lot line for a one story, 25 ft. from the lot line for a two story.

Rear: 6 ft. from the lot line for a one story, 10 ft. from lot line for a two story.

* Sec. 3.407.C 4. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.

Sec. 3.407.C 5. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.

The applicant is requesting a variance to reduce the centerline setback from 65 ft. to 50 ft. from the centerline of NE Skyline Drive to permit the proposed single-family home, garage and pool.

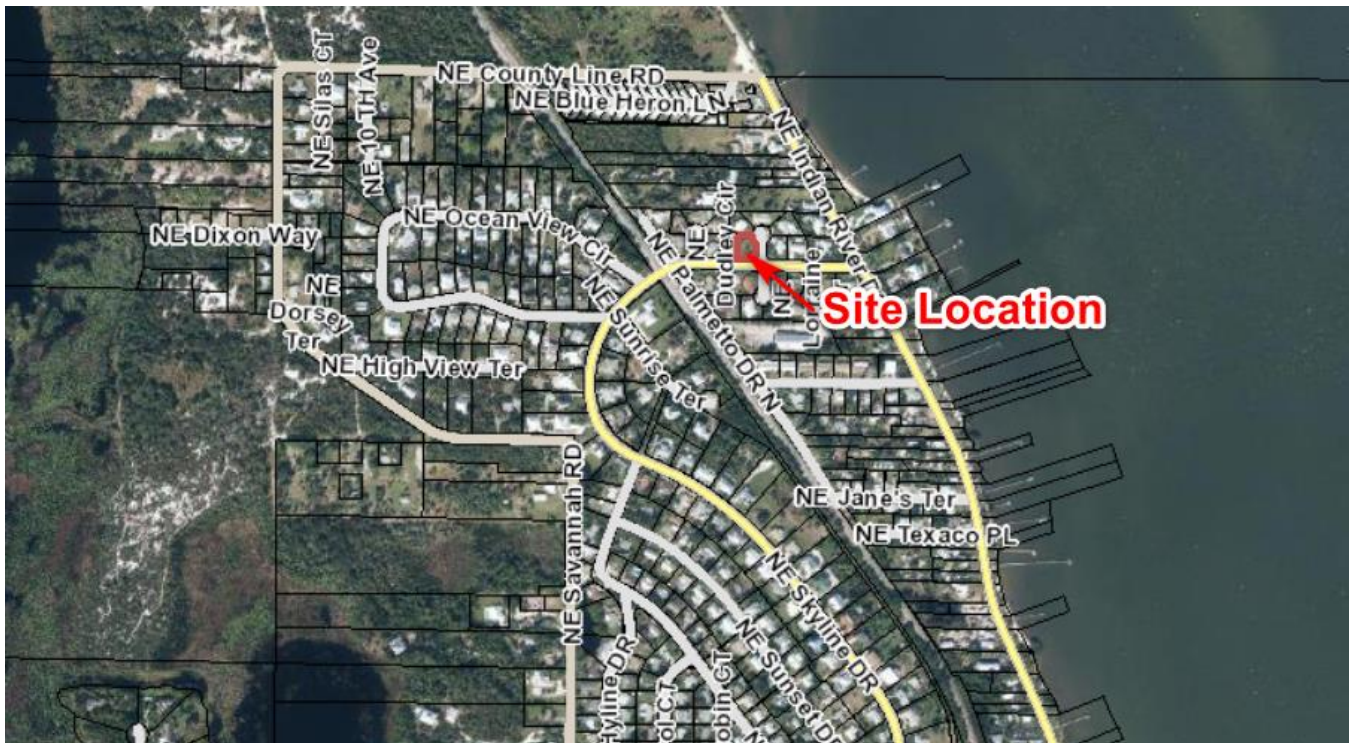
C. VICINITY AND SITE INFORMATION

1353 NE Skyline Drive

Parcel 15-37-41-005-000-00210-0

Lot 21, Indian River Gardens according to the plat thereof, as recorded in Plat Book 4, Page 70, Public Records of Martin County, Florida.

LOCATION MAP



D. APPLICANT INFORMATION

Applicant and property owner: Mark Gallagher
Address: 1353 NE Skyline Drive
 Jensen Beach, FL 34957
Phone: 772-333-1441

Agent for applicant: Same as above
Address:

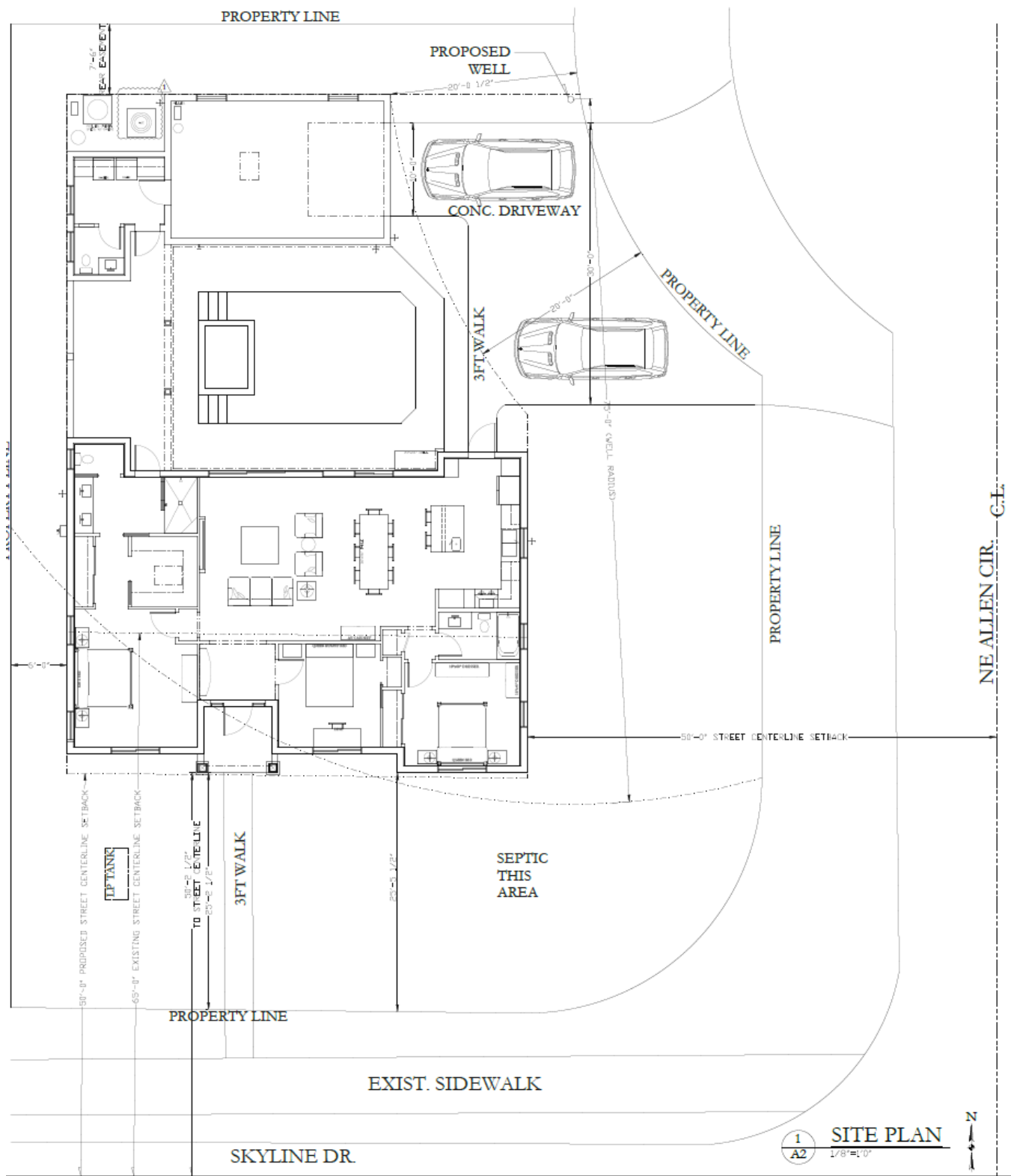
Phone:

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 appears to be a platted lot of record that was created in 1968 with the recording of the Indian River Gardens plat
2. No construction has occurred on the lot.
3. The subject property is approximately 0.18 acres (approximately 7,841 sq. ft.). The property width is approximately 55 ft. along the road frontage adjacent to NE Skyline Drive and approximately 100 ft. along the road frontage adjacent to NE Allen Circle.
4. The setback requirements for the subject lot are as follows:
 - Side: 6 ft. from the lot line for a one story, 10 ft. from lot line for a two story.
 - Front:* 20 ft. from the lot line for a one story, 25 ft. from the lot line for a two story. Sec. 3.16.C.a.
 - Rear: 6 ft. from the lot line for a one story, 10 ft. from lot line for a two story.
 - * Sec. 3.407.C 4. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.
 - Sec. 3.407.C 5. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.
5. The applicant is requesting a centerline setback variance of 15 ft. to reduce the setback requirement from 65 ft. to 50 ft. from the centerline of NE Skyline Drive to permit the proposed Single-family home, garage and pool.

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 and circumstances exist which are peculiar to the subject property. The subject property has an area of approximately 0.18 acres (approximately 7,841sq. ft.). It is 55ft. along the road frontage adjacent to NE Skyline Avenue and approximately 100 ft. along the road frontage adjacent to NE Allen Circle.
 - 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 centerline requirements for this lot, the proposed single-family home, garage and pool 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 1968 with the recording of the plat for Indian River Gardens. The property could not have been sited to permit the single-family home, garage and pool area without variance relief.
 - 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, garage and pool.
8. Research of the area shows there are non-conformities as to zoning setbacks and requirements in the neighborhood.

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 centerline setback variance of 15 ft. to reduce the setback requirement from 65 ft. to 50 ft. from the centerline of NE Skyline Drive to permit the proposed single-family home, garage and pool. 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>	TBD	\$0.00	\$

H. ATTACHMENTS

1. Sample letter notice.
2. Newspaper ad for January 28, 2021 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)