



MARTIN COUNTY, FLORIDA
DEVELOPMENT REVIEW DIVISION
GROWTH MANAGEMENT DEPARTMENT

VARIANCE APPLICATION STAFF REPORT

SUBJECT: Request for a variance by Spencer Groth to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the HR-1, Single Family District and to reduce the centerline setback requirements pursuant to Section 3.16.C., Land Development Regulations (LDR) Martin County Code to permit the construction of a single-family home. The subject property is to be located at 279 SW Harbor Street in Stuart, Florida.

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A. APPLICATION PROCESSING INFORMATION

Applicant and property owner: Spencer Groth
Agent for applicant: Same as owner
Date application submitted: December 28, 2020
Staff report date: January 08, 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_GMD2020120351

B. APPLICATION TYPE AND DESCRIPTION OF REQUEST

The subject property is zoned HR-1 Single family residential 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:* 35 ft. from the lot line.

Rear: 25 ft. from the lot line.

* Sec. 3.16.C. Centerline Setbacks, Generally, all structures, except those listed as exempt pursuant to subsection 3.16.B. above, shall be setback from the centerlines of public and private streets as follows:

a. Local streets: 50 feet

b. Collector or arterial street: 65 feet

The applicant is requesting a variance to reduce the centerline setback from 65 ft. to 61 ft. from the centerline of SW Gaines Avenue and reduce the front yard zoning setback from 35 ft. to 25 ft. to permit the proposed single-family home.

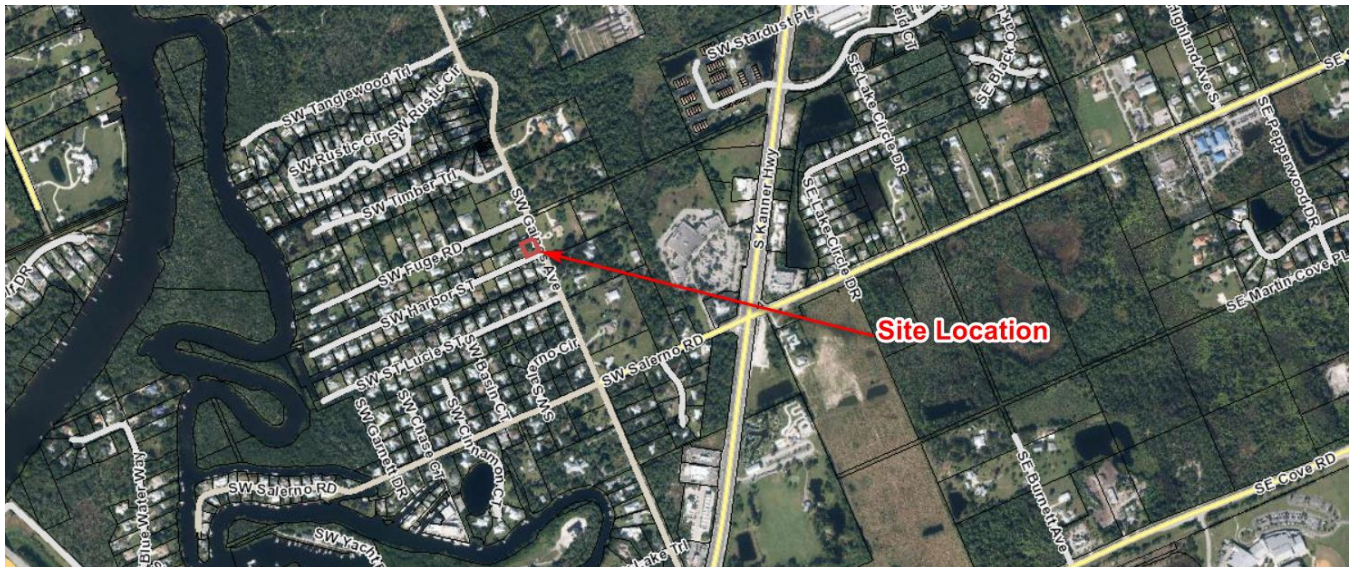
C. VICINITY AND SITE INFORMATION

279 SW Harbor Street

Parcel 55-38-41-007-000-00250-8

Legal Description: The east 100 feet of lot 25, Harbor Estates, according to the Plat thereof, as recorded in Plat Book 3, Page 65, of the Public Records of Martin County, Florida.

LOCATION MAP



PROPOSED VARIANCE SITE



D. APPLICANT INFORMATION

Applicant and property owner: Spencer Groth
Address: 16125 105th Drive North
Jupiter, FL 33478
Phone: 561-339-3549

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 1957 with the recording of the Harbor Estates plat
2. No construction has occurred on the lot.
3. The subject property is approximately .23 acres (approximately 10,000 sq. ft.). The property width is approximately 100 ft. along the road frontage adjacent to SW Gaines Avenue and approximately 100 ft. along the road frontage adjacent to SW Harbor Street.
4. The setback requirements for the subject lot are as follows:

Side: 15 ft. from the lot line.

Front:* 35 ft. from the lot line.

Rear: 25 ft. from the lot line.

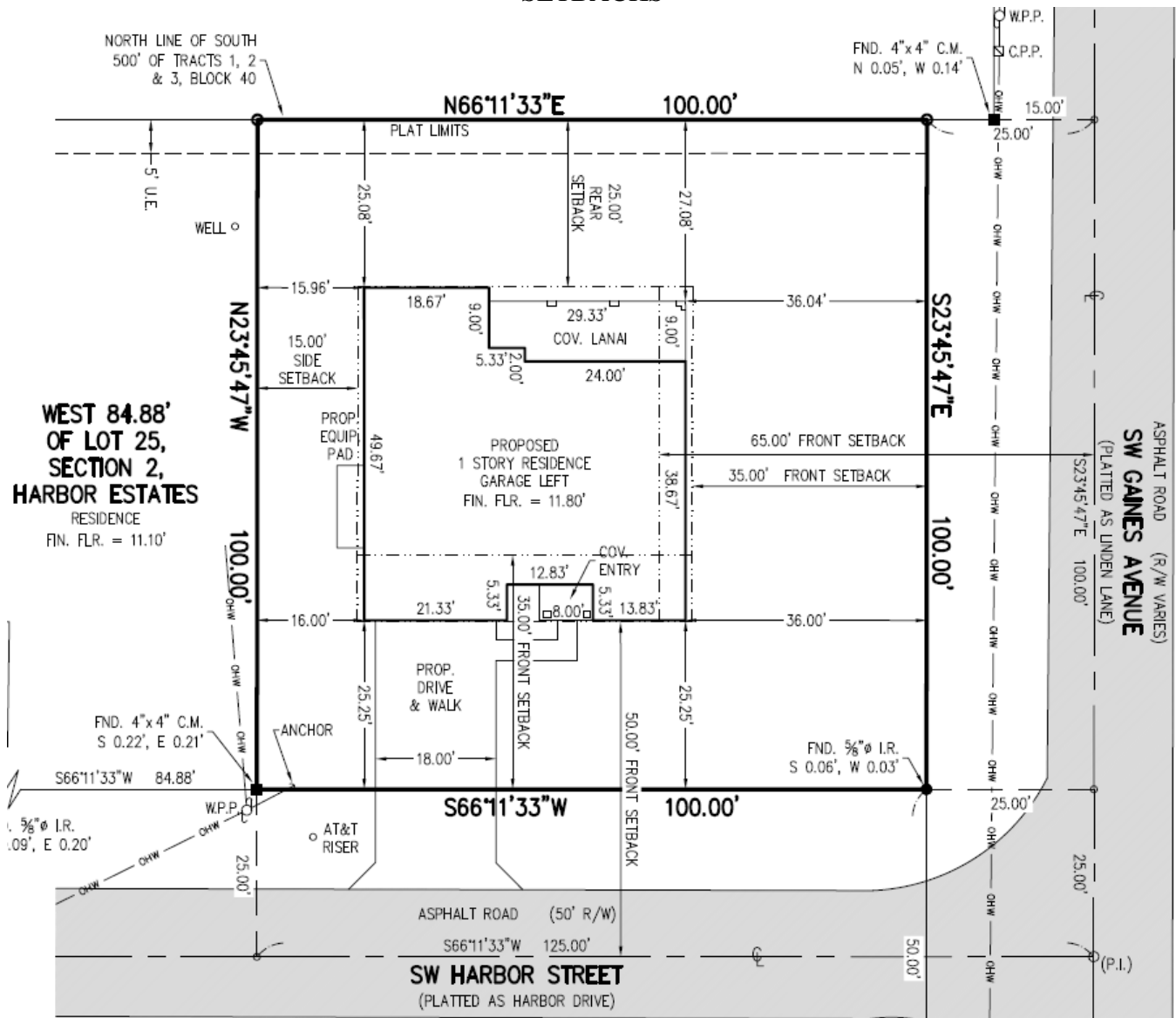
* Sec. 3.16.C.1.a. Generally, all structures, except those listed as exempt pursuant to subsection 3.16.B. above, shall be setback from the centerlines of public and private streets as follows:

a. Local streets: 50 feet

b. Collector or arterial street: 65 feet

5. The applicant is requesting a variance to reduce the centerline setback from 65 ft. to 61 ft. from the centerline of SW Gaines Avenue and reduce the front yard zoning setback from 35 ft. to 25 ft. 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:
- Special conditions and circumstances exist which are peculiar to the subject property. The subject property has an area of approximately 0.23 acres (approximately 10,000 sq. ft.). It is 100ft. along the road frontage adjacent to SW Gaines Avenue and approximately 100 ft. along the road frontage adjacent to SW Harbor Street.

- 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 1957 with the recording of the plat for Harbor Estates. The property could not have been sited to permit the single-family home 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.
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 4 ft. to reduce the setback requirement from 65 ft. to 61 ft. from the centerline of SW Gaines Avenue and to reduce the front yard setback requirement 10 ft. from 35 ft. to 25 ft. 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.

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)