



MARTIN COUNTY, FLORIDA
DEVELOPMENT REVIEW DIVISION
GROWTH MANAGEMENT DEPARTMENT

VARIANCE APPLICATION STAFF REPORT

SUBJECT: Request for a variance by Edward and Stephanie Pearson 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 8551 SE Driftwood Street, Hobe Sound, Florida

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A. APPLICATION PROCESSING INFORMATION

Applicant and property owner: Edward and Stephanie Pearson
Agent for applicant: Tyson Waters, Esq., Fox McClusky
Date application submitted: December 23, 2020
Staff report date: January 15, 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_1230_GMD2020120334_

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:* 50 ft. from the centerline of the adjacent road right-of-way.
Rear: 35 ft. from the mean high water line
25 ft. from the face of seawall (MHWL) – SPZ

* (d)

In the HR-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 35-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.

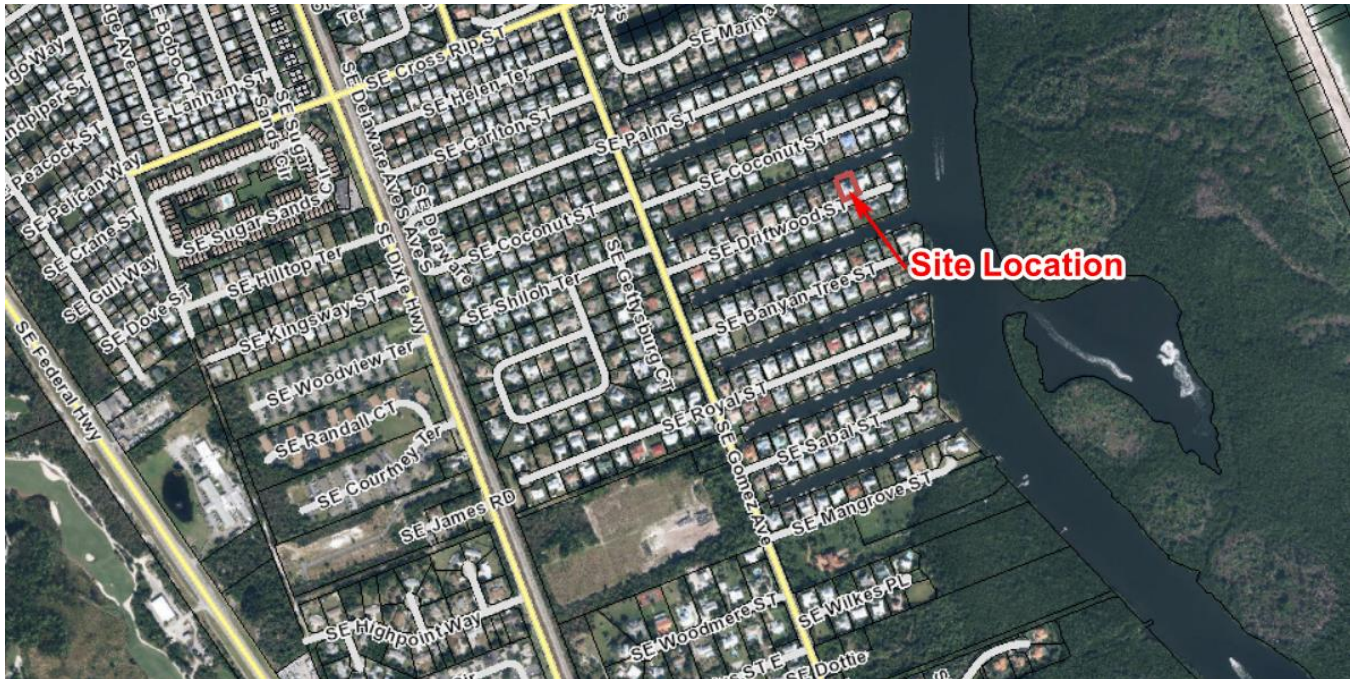
The applicant is requesting a variance to reduce the rear yard setback requirement of the rear from 35 ft. to 25 ft. and to reduce the east side yard setback from 15 ft. to 11 ft. to permit the construction of a swimming pool and deck.

C. VICINITY AND SITE INFORMATION

8551 SE Driftwood Street, Hobe Sound

Lot 33, of NORTH HOBE SOUND SHORES, according to the map or plat thereof as recorded in Plat Book 3, Page 49, of the Public Records of Martin County, Florida.

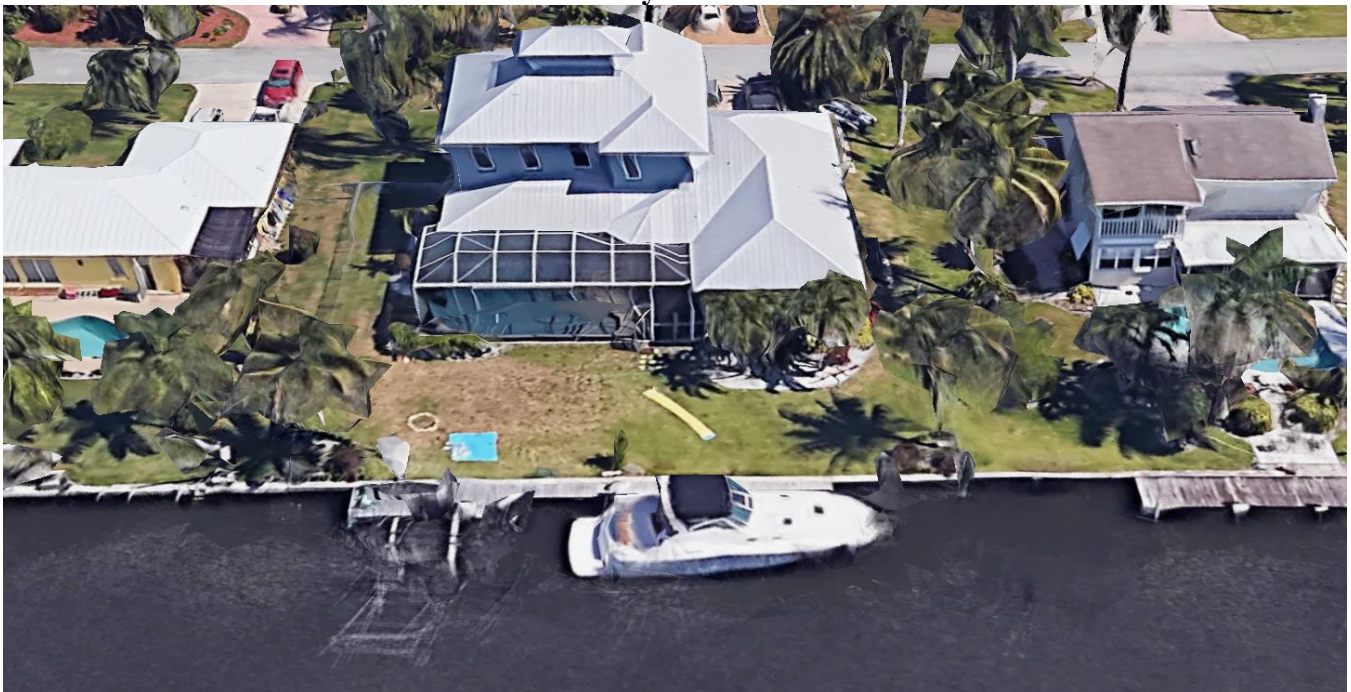
LOCATION MAP



PROPOSED VARIANCE SITE



Backyard view



D. APPLICANT INFORMATION

Applicant and property owner: Edward and Stephanie Pearson
Address: 8551 SE Driftwood Street
Hobe Sound, FL
Phone:

Agent for applicant: Tyson Waters, Esq.,
Fox McClusky
Address: 3461 SE Willoughby Boulevard
Stuart, FL 34994
Phone: 772-287-4444

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 1956 with the recording of the plat for the North Hobe Sound Shores.
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 2009.
3. The subject property has an area of approximately 0.3 acres (approximately 13,112 sq. ft.). The property width is approximately 100 ft. along the road frontage adjacent to SE Driftwood Street and approximately 100 ft. of frontage on the canal. The depth of the property is approximately 131 ft. on the west and east property line.
4. The setback requirements for the subject lot are as follows:

Side:	15 ft. from the lot line
Front:*	50 ft. from the centerline of the adjacent road right-of-way
Rear:	35 ft. from the mean high water line (MHWL) 25 ft. from the face of seawall (MHWL) – SPZ

* (d)

In the HR-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 35-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.

These setbacks are one 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 from 35 ft. to 25 ft. and to reduce the east side yard setback from 15 ft. to 11 ft. to permit the construction of a swimming pool and deck.

N68° 49' 41"E 100.00'

35' BLDG SETBACK

35.9' SETBACK

25' SHORELINE PROTECTION ZONE

LIMIT OF IMPERVIOUS AREA (POOL PATIO)

8' ACCESS WALK TO DOCK

PROPOSED EDGE OF PATIO

12'

47.2'

11.1'

EXISTING FENCE

SPA

PROPOSED POOL

RESIDENCE # 8551

S21° 10' 49"E 131.08'

S21° 10' 49"E 131.08'

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interpretation of the rear and side yard setback requirements for this lot the proposed and swimming pool and deck 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 1956 with the recording of the plat for North Hobe Sound Shores. The property is currently occupied by a two story single-family dwelling which was constructed in 2009. 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.
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 swimming pool and deck.
8. 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. and an east side yard setback variance of 4 ft. to reduce the setback requirement from 15 ft. to 11 ft. to permit the proposed swimming pool and 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>	\$TBD	\$0.00	\$TBD

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)