



MARTIN COUNTY, FLORIDA
DEVELOPMENT REVIEW DIVISION
GROWTH MANAGEMENT DEPARTMENT

VARIANCE APPLICATION STAFF REPORT

SUBJECT: Request for a variance by Gregg and Tinamarie Conzone to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the RM-5, Low Density Residential District to permit the construction of a paver deck and pergola. The subject property is located at 18172 SE Wood Haven Lane, Tequesta, Florida.

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A. APPLICATION PROCESSING INFORMATION

Applicant and property owner: Gregg and Tinamarie Conzone
Agent for applicant: Same as above
Date application submitted: December 28, 2020
Staff report date: January 05, 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: 2021_0105_GMD2020120337

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: 10 ft. from the lot line
Front: 25 ft. from the lot line
Rear: 10 ft. from the lot line

The applicant is requesting a variance to reduce the rear yard setback requirement of the rear from 10 ft. to 7.9 ft. to permit the construction of a paver deck and pergola.

C. VICINITY AND SITE INFORMATION

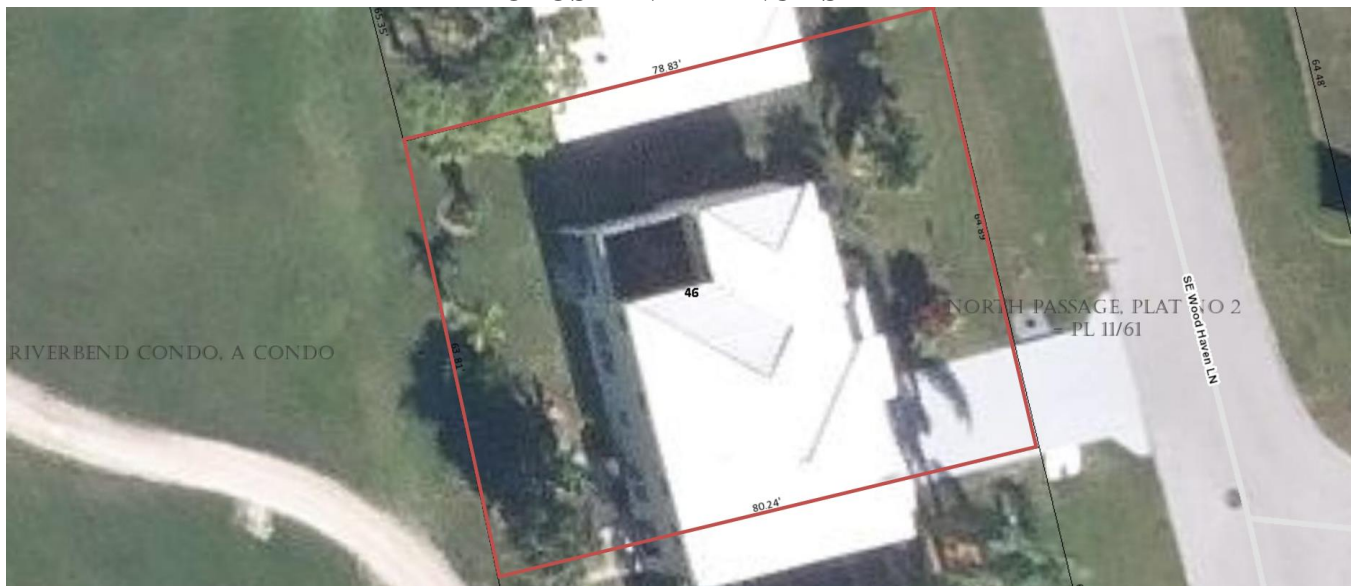
18172 SE Wood Haven Lane, Tequesta.

Lot 46, North Passage Plat No. 2, according to the map or plat thereof as recorded in Plat Book 11, Page 61, of the Public Records of Martin County, Florida.

LOCATION MAP



PROPOSED VARIANCE SITE



Backyard view



D. APPLICANT INFORMATION

Applicant and property owner: Gregg and Tinamarie Conzone
Address: 18172 SE Wood Haven Lane
Tequesta, FL
Phone: 631-365-2128

Agent for applicant: Same as above
Address:

Phone:

E. COMPLIANCE ASSESSMENT

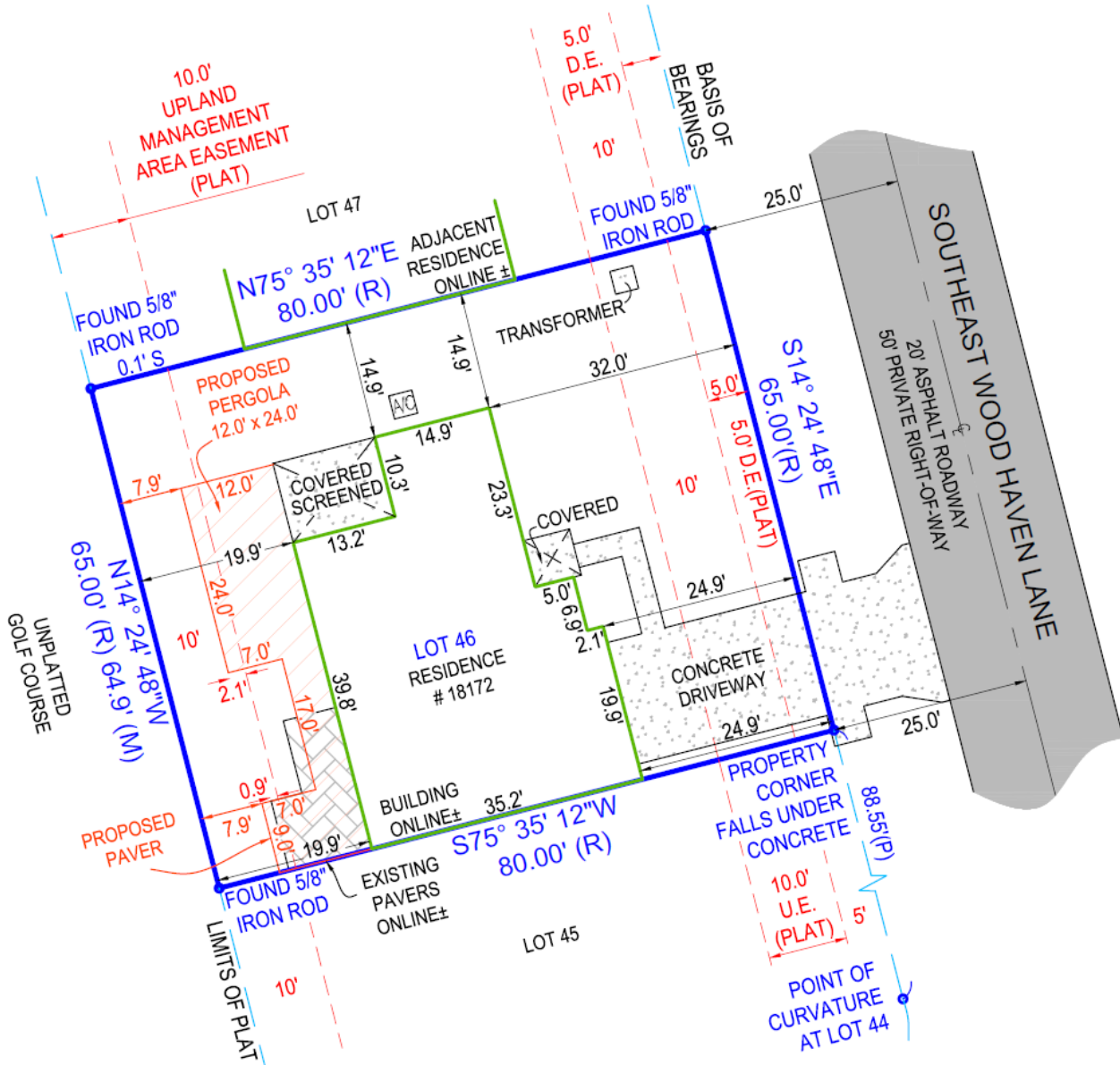
Article 9, Section 9.5, Land Development Regulations, Martin County Code provides the criteria for review and action by the Board of Zoning Adjustment. Based on the review of these criteria, the information provided by the applicant and other information reviewed by staff from the County's records, the Board is advised as follows:

1. The subject property is a platted lot of record that was created in 1988 with the recording of the plat for the North Passage Plat 2

2. The property back to a private golf course. The property is currently occupied by a two story single-family dwelling which was constructed in 1984.
3. The subject property has an area of approximately 0.12 acres (approximately 5,200 sq. ft.). The property width is approximately 65 ft. along the road frontage adjacent to SE Hawksbill Way and approximately 65 ft. of frontage on golf course. The depth of the property is approximately 80 ft. on the north and south property line.
4. The setback requirements for the subject lot are as follows:

Side:	10 ft. from the lot line
Front:	25 ft. from the lot line
Rear:	10 ft. from the lot line
5. The applicant is requesting a variance to reduce the rear yard setback requirement from 10 ft. to 7.9 ft. to permit the construction of a paver deck and pergola. The rear yard is only 20' deep, making practical use of the area within the setback difficult.

REQUIRED AND 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 0.12 acres (approximately 5,200 sq. ft.). The property width is approximately 65 ft. along the road frontage adjacent to SE Wood Haven and approximately 65 ft. of frontage on the golf course. The depth of the property is approximately 80 ft. on the north and south property line. The existing two story dwelling, size and configuration of the lot, the current setbacks requirements for the lot significantly reduces the design flexibility for the proposed paver deck and pergola 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 paver deck and pergola 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 1988 with the recording of the plat for North Passage Plat 2. The property is currently occupied by a two-story single-family dwelling which was constructed in 1989. 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 paver deck and Pergola.
 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 2.1 ft. to reduce the setback requirement from 10 ft. to 7.9 ft. to permit the proposed paver deck and pergola. 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)