



**BOARD OF ZONING ADJUSTMENT
MINUTES
Martin County Administrative Center
2401 SE Monterey Road, Stuart, FL 34996
March 25, 2021
Travis Waddell, Chairman
Scott Rodriguez, Vice Chair
Cabell McVeigh
Michael Dooley
John Honan
Rodney Sturm
Mac Ross**

CALL TO ORDER

Chairman Travis Waddell called the meeting to order at 7:01 pm. A quorum was present.

Present: Chairman Travis Waddell
Vice Chair Scott Rodriguez
Rodney Sturm
Michael Dooley (Arrived at 7:12 pm)
John Honan
Cabell McVeigh

Not present: Mac Ross

Staff Present:
Senior Assistant County Attorney Krista Storey
Principal Planner Peter Walden
Agency Recorder/Notary Denise Johnston

MINU-1 BOARD APPROVAL OF MINUTES – January 28, 2021

The Board of Zoning Adjustment was asked to approve the minutes of the January 28, 2021 Meeting.

Agenda Item: 21-0462

A MOTION was made by Mr. Honan to approve the minutes of the Board of Zoning Adjustment Meeting of January 28, 2021. SECONDED by Mr. Rodriguez. The motion CARRIED Unanimously 5-0.

QJP-1 QUASI JUDICIAL PROCEDURES

Quasi-Judicial Procedures apply when a request involves the application of a policy to a specific application and site. It is a quasi-judicial decision. Quasi-Judicial proceedings must be conducted with more formality than a legislative Proceeding. In quasi-judicial

proceedings, parties are entitled – as a matter of Due process – to cross examine witnesses, present evidence, demand that the Witnesses testify under oath, and demand a decision that is based on a correct application of the law and competent substantial evidence in the record.

Agenda Item: 21-0461

All persons wishing to speak on a Quasi-Judicial agenda item will be sworn in.

NEW BUSINESS

NPH - 1 TUCKER, CHRISTINA & O'GRADY, JOSEPH P. VARIANCE REQUEST

Request for a variance by Christina Tucker and Joseph P. O'Grady to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the R-1B, Single-family Residential District and to reduce the centerline setback requirements pursuant to Section 3.16.C.1.a., Land Development Regulations (LDR) to permit the construction of a single-family home and pool. The subject property is located at 48 SW Riverway Boulevard Palm City, Florida.

Presented by: Peter Walden, AICP, Principal Planner, Growth Management Department

Applicant: Christina Tucker & Joseph P. O'Grady

Agenda Item: 21-0460

*** For the Record:**

BOARD MEMBERS: There were no ex parte communication disclosures. No interveners were present.

COUNTY: All staff and individuals speaking on this matter were sworn in.

COUNTY: Mr. Walden, Principal Planner submitted a copy of the full agenda item, Staff report and his work history/resume as NPH-1 Exhibit -1 and provided the staff's presentation of NPH-1.

APPLICANT: Ms. Tucker submitted required mailing notices of surrounding homeowners notified, provided as NPH-1 Exhibit -2.

STAFF: Mr. Walden advised the Board that the application for a setback variance is in order and qualifies for an action of approval for a centerline setback variance of 2 ft. to reduce the setback requirement from 50 ft. to 48 ft. from the centerline of SW Riverway Boulevard and to reduce the rear yard zoning setback requirement of 30 ft. to 25 ft. to permit the proposed single-family home and pool.

Board of Zoning Adjustment Comments:

Mr. Waddell: Inquired about the house to the right and wanted to know if they met setbacks.

Staff: Mr. Walden addressed his questions regarding setbacks.

Mr. Sturm: Asked the applicant if there was a screen enclosure on the pool.

APPLICANT: Ms. Tucker stated there is no screen enclosure on the pool. She said she had met with the neighbors and explained what they were proposing, and there were no objections.

PUBLIC: No comments.

MOTION: Mr. McVeigh MOVED to approve staff's recommendation for a centerline setback variance of 2 ft. on SW Riverway Boulevard to reduce the setback requirement from 50 ft. to 48 ft. and a variance to the rear yard setback of 5 ft. to reduce the setback requirement from 30 ft. to 25 ft. to permit the construction of the proposed single-family home and pool as set forth in the site plan. With the condition that the site plan, be tied to the resolution and no screen enclosure in the future. Special conditions exist which are peculiar to the subject property. The applicant would be deprived of rights commonly enjoyed by others in the same zoning district. The special conditions and circumstances are not a result of the applicant's action. 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. It will not create a negative impact to the health, safety, and welfare of the surrounding neighborhood and is the minimum variance that is required to permit the proposed Single-family home and swimming pool.

SECONDED by Mr. Honan. Due to his late arrival Mr. Dooley abstained from the vote.
The Motion CARRIED Unanimously 5-0.

NPH - 2 FRONEMAN, NEAL J. & ROSALYN VARIANCE REQUEST

Request for a variance by Neal J. and Rosalyn Froneman to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the HR-1A, Single-family Residential District to permit the construction of a Single-family home. The subject property is located at 1809 SE McArthur Boulevard, Stuart, Florida.

Presented by: Peter Walden, AICP, Principal Planner, Growth Management Department
Agent for Applicant: Kelly Cranford, PE, with Culpepper & Terpening, Inc.

Agenda Item: 21-0459

*** For the Record:**

BOARD MEMBERS: There were no ex parte communication disclosures. No interveners were present.

COUNTY: All staff and individuals speaking on this matter were sworn in.

COUNTY: Mr. Walden, Principal Planner submitted a copy of the full agenda item, Staff report and his work history/resume as NPH-2 Exhibit -1 and provided the staff's presentation of NPH-2.

Mr. Walden advised the Board that the application for a setback variance is in order and qualifies for an action of approval for zoning setback variance of 10 ft. to reduce the front yard setback requirement from 35 ft. to 25 ft. to permit the proposed single-family home.

APPLICANT: Mr. Dennis Murphy, Principal Planner with Culpepper & Terpening representing the applicant submitted required mailing notices of surrounding homeowners as NPH-2 Exhibit -2.

Board of Zoning Adjustment Comments:

Mr. McVeigh asked how many feet the property is from the Coastal Control Line.

Mr. Walden addressed his questions.

Mr. Dooley asked the applicant if he had any discussions with the DEP.

Mr. Murphy stated that he has had a preliminary discussion with the DEP.

PUBLIC: No comments.

MOTION: Mr. Dooley MOVED to approve Staff's recommendation of approval for a rear yard setback variance of 10 ft. to reduce the front yard setback requirement from 35 ft. to 25 ft. to permit the proposed Single-family home. With the condition that the, site plan be tied to the resolution. Special conditions exist which are peculiar to the subject property. The applicant would be deprived of rights commonly enjoyed by others in the same zoning district. The special conditions and circumstances are not a result of the applicant's action. 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. It will not create a negative impact to the health, safety, and welfare of the surrounding neighborhood and is the minimum variance that is required to permit the proposed Single-family home.

SECONDED by Mr. Rodriguez. The motion CARRIED Unanimously 6-0.

COMMENTS

1. **PUBLIC** - None

2. **BOARD** – None

3. **STAFF:** Mr. Walden asked the Board Members for their input on slight LDR changes to the code regarding centerline setbacks that will be going to the BOCC in April. The changes are for structures on lots abutting private streets platted before prior to April 29, 1986. Will add changes to say structures on lots abutting public or private streets platted prior to April 29, 1986.

The Board members were in favor of the proposed changes and agreed it could be a benefit to property owners.

STAFF: Mr. Walden noted that there is one item for the April 22, 2021 meeting.

ADJOURN

The Board of Zoning Adjustment meeting of March 25, 2021 adjourned at 7:57 pm.

Respectfully Submitted:

Approved by:

Denise Johnston, Agency Recorder/Notary

Travis Waddell, Chairman

Date Signed:

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