



MARTIN COUNTY, FLORIDA  
DEVELOPMENT REVIEW DIVISION  
GROWTH MANAGEMENT DEPARTMENT

# VARIANCE APPLICATION STAFF REPORT

**SUBJECT:** Request for a variance by Frank Scavone 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 decks and to address the existing encroachment of the residence. The subject property is located at 9187 SE Star Island Way, Hobe Sound, Florida

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## A. APPLICATION PROCESSING INFORMATION

*Applicant and property owner:* Frank Scavone  
*Agent for applicant:* Same as above  
*Date application submitted:* March 16, 2021  
*Staff report date:* April 13, 2021  
*Date of Board of Zoning Adjustment hearing:* April 22, 2021  
*Project coordinator for County:* Peter Walden, AICP, Principal Planner  
*Growth Management Director:* Paul Schilling  
*Report number:* 2021\_0413\_GMD2021030366

## 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. Structures on lots abutting private streets platted prior to April 29, 1986 are exempt from the centerline setback requirements. The subject lot was platted in 1971 and is therefore exempt, but does meet the requirement.

Rear: 35 ft. from the mean high water line  
25 ft. from the face of seawall (MHWL) – SPZ

The applicant is requesting a variance to reduce the rear yard setback requirement for the rear lot line from 35 ft. to 25 ft. to permit the construction of a swimming pool and patios. The applicant is also requesting the variance permit the existing encroachment of the residence into the side yard setback by

.3 ft.

## C. VICINITY AND SITE INFORMATION

9187 SE Star Island Way, Hobe Sound

Lot 16, Block 6, Replat of Block 6, "The Soundings", according to the plat thereof on file in the Office of the Clerk of the Circuit Court in Plat Book 5, Page 7, of the Public Records of Martin County, Florida.

**LOCATION MAP**



## PROPOSED VARIANCE SITE



**Backyard view**





## **D. APPLICANT INFORMATION**

*Applicant and property owner:* Frank Scavone  
*Address:* 9187 SE Star Island Way  
Hobe Sound, FL  
*Phone:* 631-897-4174

*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 1971 with the recording of the plat for the "The Soundings".
2. The property is a waterfront lot adjacent to a man-made canal and the intercoastal waterway and is hardened with a vertical seawall. The property is currently occupied by a one story single-family dwelling which was constructed in 1974.
3. The subject property has an area of approximately 0.42 acres (approximately 18,295 sq. ft.). The property width is approximately 98 ft. along the road frontage adjacent to SE Star Island Way and approximately 151 ft. of frontage on the canal and 127 ft. of frontage on the intercoastal waterway. The depth of the property is approximately 120 ft. on the south property line.
4. The setback requirements for the subject lot are as follows:

Side: 15 ft. from the lot line

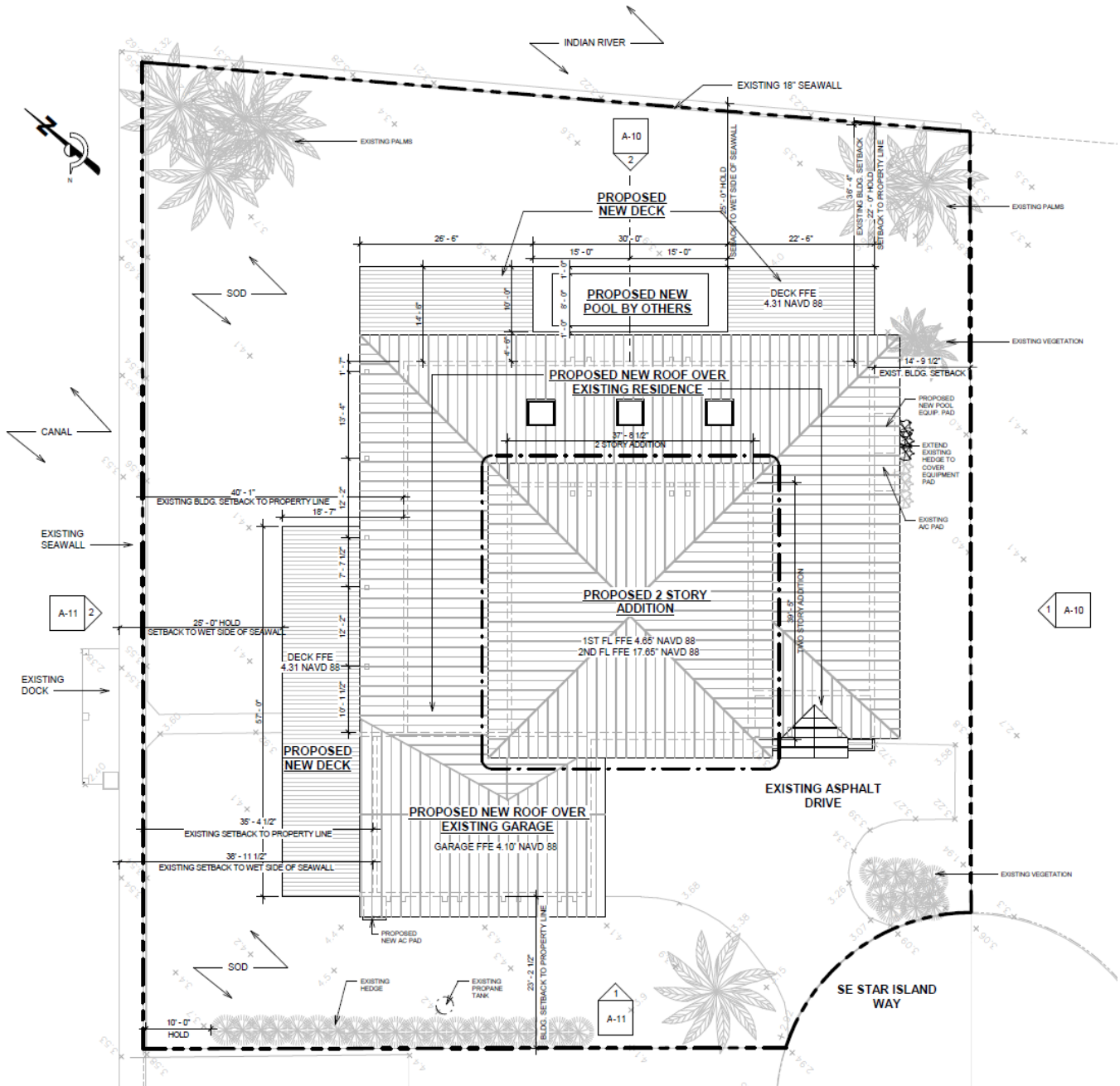
Front: 50 ft. from the centerline of the adjacent road right-of-way. Structures on lots abutting private streets platted prior to April 29, 1986 are exempt from the centerline setback requirements. The subject lot was platted in 1971 and is therefore exempt. However the dwelling does meet the 25' from centerline setback.

Rear: 35 ft. from the mean high water line (MHWL)  
25 ft. from the face of seawall (MHWL) – SPZ

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 and north side yard setback requirement from 35 ft. to 25 ft. to permit the construction of a swimming pool and decks and a .3 ft. variance to the south yard setback to address the existing .3 ft encroachment of the existing dwelling.

### 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 0.41 acres (approximately 18,295 sq. ft.). The property width is approximately 98 ft. along the road frontage adjacent to SE Star Island Way and approximately 151 ft. of frontage on the canal and 127 ft. of frontage on the intercoastal waterway. The depth of the property is approximately 120 ft. on the southern property line. The existing one story dwelling, size and configuration of the lot, the current setbacks and shoreline protection zone requirements for the lot significantly reduces the design flexibility for the proposed swimming pool and deck 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 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 1971 with the recording of the plat for The Soundings. The property is currently occupied by a one story single-family dwelling which was constructed in 1974. The applicant purchased the property in 2021.
  - 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 decks.
  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 and north side yard setback variance of 10 ft. to reduce the setback requirement from 35 ft. to 25 ft. to permit the proposed swimming pool and decks, and a .3 ft. variance to reduce the side setback from 15 ft. to 14.7 ft. to address the existing encroachment of the dwelling on the south property line. 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 May 27, 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)