



Martin County, Florida
Growth Management Department
DEVELOPMENT REVIEW DIVISION
2401 SE Monterey Road, Stuart, FL 34996 772-288-5495 www.martin.fl.us

DEVELOPMENT REVIEW APPLICATION

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback

A. GENERAL INFORMATION

Type of Application: Variance

Name or Title of Proposed Project: 1225 NE Dubloon Drive, Stuart, FL Variance Application

Brief Project Description:

Side Setback Variance Application

Was a Pre-Application Held? ☒ YES/NO ☒ Pre-Application Meeting Date: _____

Is there Previous Project Information? ☒ YES/NO ☒

Previous Project Number if applicable: _____

Previous Project Name if applicable: _____

Parcel Control Number(s)

30-37-42-015-000-00030-8

_____	_____
_____	_____
_____	_____
_____	_____

B. PROPERTY OWNER INFORMATION

Owner (Name or Company): Daniel Husted and Marlena Husted

Company Representative: _____

Address: 1969 SW Panther Trace, Stuart, FL 34997

City: Stuart, State: FL Zip: 34996

Phone: _____ Email: _____

C. PROJECT PROFESSIONALS

Applicant (Name or Company): _____

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Agent (Name or Company): McCarthy Summers Wood Norman Bass & Melby, P.A.

Company Representative: Christen L. Spake, Esquire

Address: 2400 SE Federal Highway - 4th Floor

City: Stuart, State: FL Zip: 34994

Phone: (772) 286-1700 Email: cls@mccarthysummers.com

Contract Purchaser (Name or Company): _____

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Land Planner (Name or Company): _____

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Landscape Architect (Name or Company): _____

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Surveyor (Name or Company): Craig Watson

Company Representative: Craig Watson and Associates LLC

Address: 3372 NE Candace Avenue

City: Jensen Beach, State: FL 34957 Zip: _____

Phone: (772) 334-0868 Email: madison.surveying@gmail.com

Civil Engineer (Name or Company): _____

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

PROJECT PROFESSIONALS CONTINUED

Traffic Engineer (Name or Company): _____

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Architect (Name or Company): Patrick Ryan O'Connell Architect, LLC

Company Representative: Patrick O'Connell / Hung Huynh

Address: 400 Royal Palm Way - Suite 206

City: Palm Beach, State: FL Zip: 33480

Phone: (561) 331-2048 Email: hung@proarchitect.com

Attorney (Name or Company): See Agent Above

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Environmental Planner (Name or Company): _____

Company Representative: _____

Address: _____

City: _____, State: _____ Zip: _____

Phone: _____ Email: _____

Other Professional (Name or Company): First Florida Inc., Builder

Company Representative: Paul L. Klenfeld, President

Address: 200 NE Dixie Highway

City: Stuart, State: FL Zip: 34994

Phone: (772) 260-8833 Email: plk@firstfloridainc.com

D. Certification by Professionals

Section 10.5.F.6.h., Article 10, Development Review Procedures, Land Development Regulations (LDR), Martin County Code (MCC) provides the following:

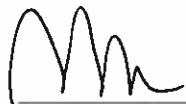
When reviewing a development application that has been certified by a professional listed in F.S. § 403.0877, F.S., the County shall not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. If the applicant states in writing that the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the County, at the applicant's request, shall proceed to process the application for approval or denial. (125.022(1), Fla. Stat.)



This box must be checked if the applicant waives the limitations.

E. APPLICANT or AGENT CERTIFICATION

I have read this application, and to the extent that I participated in the application, I have answered each item fully and accurately.



Marlena Husted

9/30/2021

Date

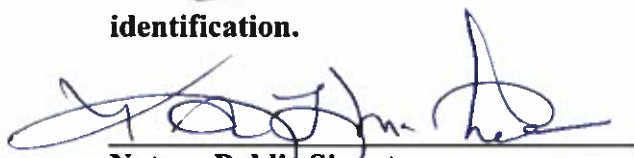
NOTARY ACKNOWLEDGMENT

STATE OF: Florida

COUNTY OF: Martin

I hereby certify that the foregoing instrument was acknowledged before me this 30th day of September, 2021, by Marlena Husted.

He or She is personally known to me or ✓ has produced Drivers License as identification.

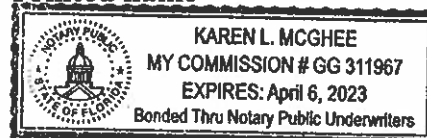


Notary Public Signature

STATE OF: Florida

at-large

Printed name





**Martin County County Florida Growth Management Department
DEVELOPMENT REVIEW DIVISION
2401 SE Monterey Road, Stuart, FL 34996
772-288-5495 www.martin.fl.us**

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Digital Submittal Affidavit

I, RONI R. WELTON, attest that the electronic version included for the project Variance 1225 NE Dubloon Drive, Stuart FL is an exact copy of the documents that were submitted for sufficiency, excluding any requested modifications made by the sufficiency review team. All requested modifications, if any, have been completed and are included with the packet.

Roni R. Welton

Applicant Signature

10/4/2021

Date

NOTARY ACKNOWLEDGMENT

STATE OF: Florida COUNTY OF: Martin

I hereby certify that the foregoing instrument was acknowledged before me this 4th day of October, 2021, by Roni R. Welton.

He or She ☒ is personally known to me or has produced as identification.



[Signature]

Notary Public Signature

Printed name

STATE OF: _____ at-large

October 4, 2021

Paul Schilling, Growth Management Director
Martin County Growth Management Department
2401 SE Monterey Rd.
Stuart, FL 34996

RE: Narrative: Variance Application – Reduction of Side Setbacks
Site: 1225 NE Dubloon Dr., Stuart, FL 34996 ("Property")
PCN: 30-37-42-015-000-00030-8
Owner/Applicant: Daniel and Marlena Husted

Dear Paul:

This firm represents Dr. and Mrs. Husted in connection with their application for a variance of the side setbacks applicable to their Property. The Property is located in Galleon Bay on the ocean-side of Hutchinson Island, and is lot number 3 in the development.

According to the Property Appraiser's data, the Property is .9700 legal acres. However, because of the various local, state, and federal regulations applicable to development at this site, the building space available on this oceanfront Property is very limited. Dr. and Mrs. Husted have created a proposed plan for their residence that would leave almost 75% of the lot open, with their home and attendant improvements covering just a fraction over one quarter of the lot. They have taken care to respect the dune preservation zone and to ensure the structure complies with applicable federal, state, and local limitations and compliments the beauty and environmental sensitivity of the area.

In order to construct a residence consistent with the character of the community and make the highest and best use of their desirable lot, Dr. and Mrs. Husted request a variance reducing the side-setbacks applicable to this site from 30 feet to 20 feet. Like the majority (possibly all) of the structures in Galleon Bay, Dr. and Mrs. Husted's proposed residence exceeds two stories: theirs is three stories. The HB-1AA zoning district applicable to all but two of the lots in Galleon Bay requires twenty-foot side setbacks and increases that setback by ten feet for every story over the second. While all of the residences in Galleon Bay appear to exceed two stories, most of them do not appear to observe a thirty-foot side setback. Evidently, evolving interpretation of the applicable Land Development Regulations has resulted in the imposition of more stringent building limitations in this area at present, and so without the requested variance, Dr. and Mrs. Husted's proposed residence would be substantially more limited than their neighbors' before them. Requiring Dr. and Mrs. Husted to observe 30-foot side setbacks effectively limits

Terence P. McCarthy *
Robert P. Summers *
Steven J. Wood **
Kenneth A. Norman
Nicola J. Boone Melby ***
Owen Schultz
Margaret E. Wood

Donna R. McMillan
Jessica M. VanValkenburgh
Christen Spake
Kimberly A. Ryan

**Board Certified
Real Estate Lawyer*

***Board Certified Wills,
Trusts & Estates Lawyer*

****Board Certified
Elder Law Lawyer*

McCARTHY, SUMMERS, WOOD,
NORMAN, MELBY & SCHULTZ, P.A.

NARRATIVE

October 4, 2021

Page 2

the buildable area on their 105-foot-wide lot to approximately forty-five feet, while the existing residences in the neighborhood all appear to measure closer to sixty feet in width. Dr. and Mrs. Husted's lot is wider than eight of the fifteen platted lots in the development, but would have the narrowest building area of any improved lot to date without the requested variance.

The requested variance will allow Dr. and Mrs. Husted reasonable use of this lot, consistent with the existing improvements in Galleon Bay. Dr. and Mrs. Husted respectfully request that the Board of Zoning Adjustment grant their request and reduce the side-setbacks applicable to their lot to twenty feet, as set forth on the enclosed Setback Chart.

Should you need any additional information or documentation, please do not hesitate to call or write.

Very truly yours,



Christen Spake, Esquire

cls@mccarthysummers.com

cc: Client

McCARTHY, SUMMERS, WOOD,
NORMAN, MELBY & SCHULTZ, P.A.

NARRATIVE
October 4, 2021
Page 3

SETBACK CHART

1225 NE Dubloon Dr., Stuart, FL 34996

LOCATION	SETBACKS		
	Required	Proposed	Variance
North and South Sides	30'	20'	10'

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Daniel Husted and Marlena Husted ("Owner") is the owner of certain real property lying and being in Stuart, Martin County, Florida, more particularly described on **Exhibit "A"** attached hereto.

WHEREAS, the Owner wishes to appoint the individual hereinafter named as their Attorney-In-Fact, for the purposes hereinafter set forth:

Development Review Application for variance before Martin County and all matters related thereto (the "Governmental Approvals Process").

NOW, THEREFORE, the Owner hereby appoints **Terence P. McCarthy, Esquire,** as its Attorney-In-Fact (the "Attorney"), to act, manage, conduct, do and perform any and all acts and deeds of whatsoever nature which shall or may be, in the reasonable judgment of the Attorney, proper and expedient in connection with the Governmental Approvals Process. This Power of Attorney shall extend to and include, but not be limited to, the execution by the Attorney of all other acts necessary for Governmental Approvals Process

The Attorney shall have full power to accomplish the purposes of this Power of attorney as fully and effectually in all respects as the Owner could do if personally present. The Attorney shall not be required to post bond of any nature in connection with this Power of Attorney.

No action by the Owner subsequent to the making of this instrument shall be considered or treated as a revocation of the actions taken by the Attorney pursuant hereto. The exercise by the Attorney at any time, for from time to time, of any of the rights or powers hereunder shall not exhaust the capacity and power of the Attorney thereafter from time to time to exercise such rights and powers, or any of them, but such capacity and power shall continue at all times so long as this instrument shall be in effect.

The Owner hereby ratifies and confirms, and agrees at all times to ratify and confirm, all that the Attorney shall lawfully do or cause to be done in and about the Property by virtue of this instrument.

The address of the Attorney is: in care of Christen L. Spake, Esquire, McCarthy, Summers, Wood, Norman, Melby & Schultz, P.A., 2400 SE Federal Highway, 4th Floor, Stuart, FL 34994.

This Limited Power of Attorney shall terminate upon the earlier of (a) sixty (60) days after the approval or disapproval of the Governmental Approvals process or (b) written notice from the Owner to the Attorney.

IN WITNESS WHEREOF, the parties hereto have signed and sealed these presents the 30th day of September, 2021.

Witnesses:

[Signature]

[Signature]

Marlena Husted

Christen Spake

Printed Name of Witness

Donna Dempsey

DONNA DEMPSEY

Printed Name of Witness

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 30 day of September, 2021, by Marlena Husted, who is ☐ personally known or ☒ produced Drivers License as identification.

(Notary Seal)

[Signature]
Notary Public



EXHIBIT “A”

Legal Description

**1225 NE Doubloon Drive
Hutchinson Island, FL**

Lot 3, GALLEON BAY, according to the Plat thereof, recorded in Plat Book 10, Page 5, of the Public Records of Martin County, Florida.

Parcel Identification Number: 30-37-42-015-000-00030-80000

.9700 Legal Acres



Recorded in Martin County, FL 2/17/2020 1:59 PM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: \$27.00 Deed Tax: \$10,500.00
CFN#2800374 BK 3111 PG 2725 PAGE 1 of 3

Prepared by and return to:

Richard D. Percic, Esquire
Jeck, Harris, Raynor & Jones, P.A.
790 Juno Ocean Walk, Suite 600
Juno Beach, FL 33408-1121

Telephone: (561) 713-2094

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed is made this 11th day of February, 2020, between Bastiaan A. Smallegange and Marie Johanna Partouns-Smallegange, husband and wife, whose post office address is 117 San Marco Drive, Palm Beach Gardens, FL 33418, collectively, "Grantors", and Daniel Husted and Marlena Husted, husband and wife, whose post office address is 1345 SE St. Lucie Blvd. Stuart, FL 34996, collectively, "Grantees":

(Whenever used herein the terms "Grantors" and "Grantees" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, limited liability companies, trusts and trustees)

Witnesseth, that Grantors, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantors in hand paid by Grantees, the receipt whereof is hereby acknowledged, have granted, bargained, and sold to Grantees, and Grantees' heirs and assigns forever, the following described land, situate, lying and being in Martin County, Florida, to-wit (the "Property");

Lot 3, GALLEON BAY, according to the Plat thereof, recorded in Plat Book 10, Page 5, of the Public Records of Martin County, Florida.

Tax Parcel ID Number: 30-37-42-015-000-00030-80000.

Subject to: (a) property taxes for the year of closing; (b) covenants, restrictions and public utility easements of record; and (c) existing zoning and governmental regulations.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And Grantors hereby covenant with Grantees that: (a) Grantors are lawfully seized of the Property in fee simple; (b) Grantors have good right and lawful authority to sell and convey the Property; and (c) Grantors hereby fully warrant the title to the Property and will defend the Property against the lawful claims of all persons whomsoever; and (d) the Property is free of all encumbrances, except taxes accruing subsequent to December 31, 2019.

In Witness Whereof, Grantors have hereunto set Grantors' hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

Kathy Cullum
Signature of Witness #1

Kathy Cullum
Printed Name of Witness #1

Bastiaan A. Smallegange
Signature of Grantor

Address: 117 San Marco Drive
Palm Beach Gardens, FL 33418

Lorraine M. Quarles
Signature of Witness #2

LORRAINE M. QUARLES
Printed Name of Witness #2

Marie Johanna Partouns-Smallegange
Signature of Grantor

Address: 117 San Marco Drive
Palm Beach Gardens, FL 33418

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing Warranty Deed was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11th day of February, 2020, by Bastiaan A. Smallegange and Marie Johanna Partouns-Smallegange, husband and wife, who ☐ are personally known to me or ☐ produced driver's licenses as identification.

[Notary Seal]



Lorraine M. Quarles
Notary Public - State of Florida

Printed Name: LORRAINE M. QUARLES

Serial Number, if any: _____

GALLEON BAY OWNERS ASSOCIATION, INC.
C/O COASTAL PROPERTY MANAGEMENT
10 SE CENTRAL PARKWAY, #400
STUART, FLORIDA 34994

CERTIFICATE OF APPROVAL FOR SALE

GALLEON BAY OWNERS ASSOCIATION, INC., according to the Declaration of Covenants, Conditions, and Restrictions, and as recorded in the Public Records of Martin County, Florida, hereby approves the sale of the following residence:

ADDRESS: 1225 NE DOUBLOON DR, STUART, FL 34996
OWNER: EDWARD A. SMALLEGANGE & MARIE JOH PARTOONS-SMALLEGANGE
BUYER: DANIEL & MARLENA HUSTED
CLOSING DATE: ON OR BEFORE FEBRUARY 28, 2020

GALLEON BAY OWNERS ASSOCIATION, INC.

Diane P. Mundt

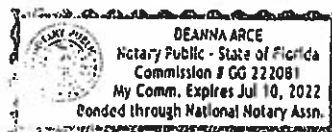
For and on behalf of the Board of Directors

STATE OF FLORIDA
COUNTY OF MARTIN COUNTY

The foregoing Certification of Approval was acknowledged before me by DIANE MUNDT of
COASTAL PROPERTY MANAGEMENT on the 6 day of JANUARY, 2020.

Notary Public


My Commission Expires:



CERTIFICATION OF PROPERTY TRANSFER

The undersigned, Christen L. Spake, Esquire, hereby certifies that, since the date of the deed attached hereto as **Exhibit "A,"** (the "Deed"), the Official Records of Martin County, Florida reflect no transfer of the property described in said Deed, and the Owners confirm no transfer has occurred.

Dated this 30th day of September, 2021.



Christen L. Spake
Florida Bar # 072857

Address: McCarthy, Summers, Wood,
Norman, Melby & Schultz, P.A.
2400 SE Federal Highway - 4th Floor
Stuart, FL 34994

EXHIBIT “A”

Deed



Recorded in Martin County, FL 2/17/2020 1:59 PM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: \$27.00 Deed Tax: \$10,500.00
CFN#2800374 BK 3111 PG 2725 PAGE 1 of 3

Prepared by and return to:

Richard D. Percic, Esquire
Jeck, Harris, Raynor & Jones, P.A.
790 Juno Ocean Walk, Suite 600
Juno Beach, FL 33408-1121

Telephone: (561) 713-2094

[Space Above This Line For Recording Data]

Warranty Deed

This *Warranty Deed* is made this 14th day of February, 2020, between Bastiaan A. Smallegange and Marie Johanna Partouns-Smallegange, husband and wife, whose post office address is 117 San Marco Drive, Palm Beach Gardens, FL 33418, collectively, "Grantors", and Daniel Husted and Marlena Husted, husband and wife, whose post office address is 1345 SE St Lucie Blvd. Stuart, FL 34996, collectively, "Grantees":

(Whenever used herein the terms "Grantors" and "Grantees" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, limited liability companies, trusts and trustees)

Witnesseth, that Grantors, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantors in hand paid by Grantees, the receipt whereof is hereby acknowledged, have granted, bargained, and sold to Grantees, and Grantees' heirs and assigns forever, the following described land, situate, lying and being in Martin County, Florida, to-wit (the "Property"):

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Tax Parcel ID Number: 30-37-42-015-000-00030-80000.

Subject to: (a) property taxes for the year of closing; (b) covenants, restrictions and public utility easements of record; and (c) existing zoning and governmental regulations.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And Grantors hereby covenant with Grantees that: (a) Grantors are lawfully seized of the Property in fee simple; (b) Grantors have good right and lawful authority to sell and convey the Property; and (c) Grantors hereby fully warrant the title to the Property and will defend the Property against the lawful claims of all persons whomsoever; and (d) the Property is free of all encumbrances, except taxes accruing subsequent to December 31, 2019.

In Witness Whereof, Grantors have hereunto set Grantors' hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

Kathy Cullum
Signature of Witness #1

Kathy Cullum
Printed Name of Witness #1

Bastiaan A. Smallegange
Bastiaan A. Smallegange

Address: 117 San Marco Drive
Palm Beach Gardens, FL 33418

Lorraine M. Quarles
Signature of Witness #2

LORRAINE M. QUARLES
Printed Name of Witness #2

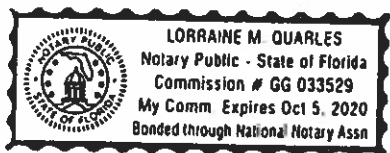
Marie Johanna Partouns-Smallegange
Marie Johanna Partouns-Smallegange

Address: 117 San Marco Drive
Palm Beach Gardens, FL 33418

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing Warranty Deed was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11th day of February, 2020, by Bastiaan A. Smallegange and Marie Johanna Partouns-Smallegange, husband and wife, who ☐ are personally known to me or ☐ produced driver's licenses as identification.

[Notary Seal]



Lorraine M. Quarles
Notary Public - State of Florida

Printed Name: LORRAINE M. QUARLES

Serial Number, if any: _____

GALLEON BAY OWNERS ASSOCIATION, INC.
C/O COASTAL PROPERTY MANAGEMENT
10 SE CENTRAL PARKWAY, #400
STUART, FLORIDA 34994

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ADDRESS: 1225 NE DOUBLOON DR, STUART, FL 34996
OWNER: BASTIAAN A. SMALLEGANGE & MARIE JOH PARTOUNS-SMALLEGANGE
BUYER: DANIEL & MARLENA HUSTED
CLOSING DATE: ON OR BEFORE FEBRUARY 28, 2020

GALLEON BAY OWNERS ASSOCIATION, INC.

Diane P. Mundt

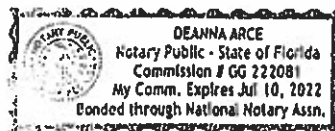
For and on behalf of the Board of Directors

STATE OF FLORIDA
COUNTY OF MARTIN COUNTY

The foregoing Certification of Approval was acknowledged before me by DIANE MUNDT of
COASTAL PROPERTY MANAGEMENT on the 6 day of JANUARY, 2020.

Notary Public

My Commission Expires:



JUSTIFICATION STATEMENT

- 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.**

The subject property is an undeveloped oceanfront lot located in Galleon Bay on Hutchinson Island. According to the Property Appraiser's data, the Property is .9700 legal acres. The applicants, Dr. and Mrs. Husted, have created a proposed plan for their residence that would leave almost 75% of the lot open, with their single-family residence and attendant improvements covering just a fraction more than one quarter of the lot. They have taken care to respect the dune preservation zone and to ensure the structure complies with applicable limitations and compliments the beauty and environmental sensitivity of the area. However, evolving interpretation of the applicable Land Development Regulations has resulted in more stringent building limitations in this area now than were imposed in the past. Due to the configuration of the property and those regulations, without a variance, the buildable space on this property would be so limited as to be unable to accommodate a residence appropriate to this oceanfront lot and aligned with the character of the community. Thus, special conditions and circumstances exist with respect to this land which are not applicable to other lands in the same district.

- 2. Literal interpretation of the provisions of Article 3 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.**

Like the majority (possibly all) of the structures in Galleon Bay, Dr. and Mrs. Husted's proposed residence exceeds two stories: theirs is three stories. The HB-1AA zoning district applicable to all but two of the lots in Galleon Bay requires twenty-foot side setbacks and increases that setback by ten feet for every story over the second. While all of the residences in Galleon Bay appear to exceed two stories, most of them do not appear to observe a thirty-foot side setback. Evidently, evolving interpretation of the requirements of this rare zoning district has resulted in the imposition of more stringent building limitations in this area at present, and so without the requested variance, Dr. and Mrs. Husted's proposed residence would be substantially more limited than their neighbors' before them. Requiring Dr. and Mrs. Husted to observe 30-foot side setbacks effectively limits the buildable area on their 105-foot-wide lot to approximately forty-five feet, while the existing residences in the neighborhood all appear to measure closer to sixty feet in width. Dr. and Mrs. Husted's lot is wider than eight of the fifteen platted lots in the development, but would have the narrowest building area of any improved lot to date without the requested variance. A literal interpretation of the provisions of Article 3 would prevent the construction of a single-family residence on this property commensurate with the character of this oceanfront community, and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

- 3. The special conditions and circumstances do not result from the actions or inactions of the applicant.**

The limits on the width of development on the lot are caused by the current interpretation of this uncommon zoning district's regulations and are not a result of the actions of the applicant.

4. Granting the variance requested will not confer on the applicant any special privilege that is denied to owners of other lands, structures, or buildings in the same district.

The applicant is not seeking a special privilege and is merely requesting authorization to build a house that conforms to the same building site area restrictions as are observed by the other homes in the same district. Granting the variance will allow a reasonable use of this property, consistent with the character of all the other homes in the development, and will not confer on the applicant a special privilege denied to owners of other lands in the same district.

5. The variance is the minimum variance that will make possible the reasonable use of land, building or structure.

Allowing the construction of an oceanfront single family residence that observes side setbacks of 20 feet is the minimum variance that will make possible the reasonable use of this land, considering its desirable location and the size and quality of the other residences around it.



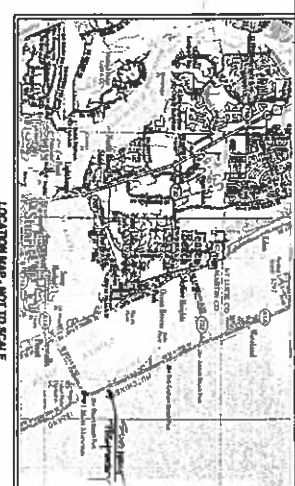
Parcel Sales

Martin County Board of County Commissioners



100ft

27°13'15"N 80°10'30"W



GRAPHIC SCALE
(IN FEET)

A circular diagram consisting of three concentric circles. The region between the innermost and middle circles is shaded with a grid pattern. A sector of this shaded region is highlighted with a diagonal line pattern, extending from the center to the outermost circle.

On FY	REFERENCE	SPR	CHP
4-25-20	TOPSOIL / ERM / SDMS	SPK	CDMP
6-20-20	ADD GRAPHIC FLOOD ZONES	SPK	CDMP
6-20-20	ADD 9872 COLLEGE BACK LANE	SPK	CDMP
6-22-21	ADD STATE PLANS TO SW PWD & COASTAL STRAND	TDMP	CDMP



736 colorado avenue, suite a, stuart, florida 34994 - phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

September 30, 2021

Ownership Search

Prepared For: MCCARTHY SUMMERS, WOOD, NORMAN, MELBY & SCHULTZ P.A.

We hereby certify that a search has been made of the Martin County Property Appraiser's records regarding a 300 - foot area surrounding the following described parcel of land:

See Exhibit "A" attached hereto & made a part hereof.

TAX ID: See Exhibit "B" attached hereto
OWNER: & made a part hereof.
ADDRESS:

The apparent property owners of land surrounding the above referenced property are as follows: The list does not include any owners who qualify for confidentiality (See attached).


Iris M. Crews



736 colorado avenue, suite a, stuart, florida 34994 · phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

OWNERSHIP REPORT
SEARCH NO. P21-11691/IC

THE ATTACHED REPORT IS ISSUED TO MCCARTHY SUMMERS, WOOD, NORMAN, MELBY & SHULTZ P.A. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE AMOUNT PAID FOR THE REPORT.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of a 300 – foot area surrounding subject property. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity or sufficiency of any document attached nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership Report and the documents attached hereto.

The land referred to herein is described as follows:

See Exhibit "A" attached hereto & made a part hereof.

PRESTIGE TITLE AGENCY, INC.

736 Colorado Ave. Ste. A

Stuart FL 34994

By: _____

Iris M. Crews

A handwritten signature in blue ink, appearing to read 'Iris M. Crews', is written over a horizontal line. The signature is stylized and cursive.



Carolyn Timmann, Clerk of the Circuit Court & Comptroller

Rec Fees: \$27.00 Deed Tax: \$10,500.00

CFN#2800374 BK 3111 PG 2725 PAGE 1 of 3

Prepared by and return to:

Richard D. Percic, Esquire
Jeck, Harris, Raynor & Jones, P.A.
790 Juno Ocean Walk, Suite 600
Juno Beach, FL 33408-1121

Telephone: (561) 713-2094

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed is made this 14th day of February, 2020, between Bastiaan A. Smallegange and Marie Johanna Partouns-Smallegange, husband and wife, whose post office address is 117 San Marco Drive, Palm Beach Gardens, FL 33418, collectively, "Grantors", and Daniel Husted and Marlena Husted, husband and wife, whose post office address is 1345 SE St. Lucie Blvd. Stuart, FL 34996, collectively, "Grantees":

(Whenever used herein the terms "Grantors" and "Grantees" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, limited liability companies, trusts and trustees)

Witnesseth, that Grantors, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantors in hand paid by Grantees, the receipt whereof is hereby acknowledged, have granted, bargained, and sold to Grantees, and Grantees' heirs and assigns forever, the following described land, situate, lying and being in Martin County, Florida, to-wit (the "Property"):

Lot 3, GALLEON BAY, according to the Plat thereof, recorded in Plat Book 10, Page 5, of the Public Records of Martin County, Florida.

Tax Parcel ID Number: 30-37-42-015-000-00030-80000.

Subject to: (a) property taxes for the year of closing; (b) covenants, restrictions and public utility easements of record; and (c) existing zoning and governmental regulations.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And Grantors hereby covenant with Grantees that: (a) Grantors are lawfully seized of the Property in fee simple; (b) Grantors have good right and lawful authority to sell and convey the Property; and (c) Grantors hereby fully warrant the title to the Property and will defend the Property against the lawful claims of all persons whomsoever; and (d) the Property is free of all encumbrances, except taxes accruing subsequent to December 31, 2019.

Exhibit A
page 1 of 2

In Witness Whereof, Grantors have hereunto set Grantors' hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

Kathy Cullen
Signature of Witness #1

Kathy Cullen
Printed Name of Witness #1

Bastiaan A. Smallegange
Bastiaan A. Smallegange

Address: 117 San Marco Drive
Palm Beach Gardens, FL 33418

Lorraine M. Quarles
Signature of Witness #2

LORRAINE M. QUARLES
Printed Name of Witness #2

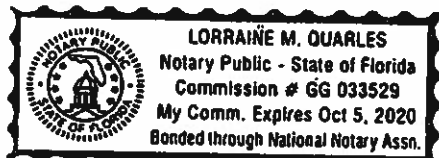
Marie Johanna Partouns-Smallegange
Marie Johanna Partouns-Smallegange

Address: 117 San Marco Drive
Palm Beach Gardens, FL 33418

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing Warranty Deed was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11th day of February, 2020, by Bastiaan A. Smallegange and Marie Johanna Partouns-Smallegange, husband and wife, who ☐ are personally known to me or ☐ produced driver's licenses as identification.

[Notary Seal]



Lorraine M. Quarles
Notary Public - State of Florida

Printed Name: LORRAINE M. QUARLES

Serial Number, if any: _____

Exhibit 'A'



MARTIN COUNTY
PROPERTY APPRAISER
Jenny Fields, CFA

Basic Info

PIN
30-37-42-015-000-00030-8

AIN
10263

Situs Address
1225 NE DOUBLOON DR HUTCHINSON ISLAND FL

Website Updated
8/24/21

General Information

Property Owners
HUSTED DANIEL
HUSTED MARLENA

Parcel ID
30-37-42-015-000-00030-8

Use Code/Property Class
0000 - 0000 Vacant Residential

Mailing Address
1345 SE ST LUCIE BLVD
STUART FL 34996

Account Number
10263

Neighborhood
190105 HI Oceanfront, Galleon Bay

Tax District
DISTRICT ONE (H I) SPEC

Property Address
1225 NE DOUBLOON DR HUTCHINSON ISLAND FL

Legal Acres
.9700

Legal Description
LOT 3 GALLEON BAY ACCORDING TO THE PLAT ...

Ag Use Acres
N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2021	\$ 1,200,000	\$ 0	\$ 1,200,000	\$ 0	\$ 1,200,000	\$ 0	\$ 1,200,000

Current Sale

Sale Date
2/11/20

Grantor (Seller)
SMALLEGANGE BASTIAAN A

Doc Num
2800374

Sale Price
\$ 1,500,000

Deed Type
Wd Full Covenant and Warranty Deed

Book & Page
3111 2725

Exhibit TB
page 1 of 2

Legal Description

LOT 3 GALLEON BAY ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10 PAGE 5 PUBLIC RECORDS MARTIN COUNTY FLORIDA

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

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Exhibit 'B'
page 2 of 2



Parcel Sales

Martin County Board of County Commissioners



600ft

27°13'31"N 80°09'27"W

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned person on the date set forth below, who, first being duly sworn, deposes and says under penalties of perjury:

1. That the record property owner(s) of the Real Property described in **Exhibit "A"** to this Affidavit is (are) as follows:

Name	Address
Daniel Husted	1969 SW Panther Trace, Stuart, FL 34997
Marlena Husted	1969 SW Panther Trace, Stuart, FL 34997

(If more space is needed attach separate sheet)

2. That the following is a list of every natural person and entity with any legal or equitable interest in the property (as defined in Section 10.2.B.3. Land Development Regulations, Martin County Code):

Name	Address	Interest
None.		

(If more space is needed attach separate sheet)

DISCLOSURE OF INTEREST AFFIDAVIT

3. That the following is a list of those, who have any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property:

Name	Address	Interest
None.		

(If more space is needed attach separate sheet)

4. That the following is a list of all other applications for which the applicant has an interest as defined in subsection b. and c. of Section 10.2.B.3. Land Development Regulations, Martin County Code currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.

Application Name and/or Project Number	Names & Addresses of Parties involved	Date	Type of Application	Status of Application ^{1*}
Not Applicable	Applicants are not pursuing previously submitted application for zoning change.			

(If more space is needed attach separate sheet)

¹ Status defined as: A = Approved P = Pending D = Denied W = Withdrawn

P = Pending
D = Denied
W = Withdrawn

This Affidavit is given for the purpose of establishing compliance with the provisions of Section 10.2.B.3 Land Development Regulations; Martin County Code.

FURTHER AFFIANT SAYETH NOT.

AFFIANT



Marlena Husted

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 30th day of September, 2021, by Marlena Husted, who is ☐ personally known or ☒ produced Driver's license as identification.

(Notary Seal)

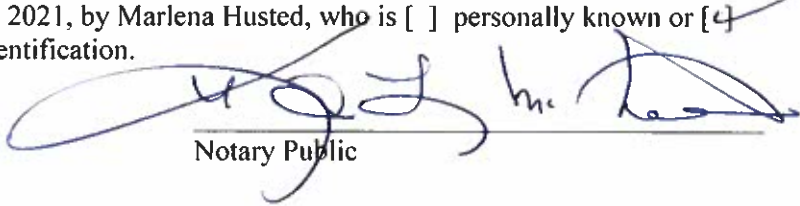

Notary Public

Exhibit "A"
(Disclosure of Interest and Affidavit)
(Legal Description)

EXHIBIT "A"

Legal Description

**1225 NE Doubloon Drive
Hutchinson Island, FL**

Lot 3, GALLEON BAY, according to the Plat thereof, recorded in Plat Book 10, Page 5, of the Public Records of Martin County, Florida.

Parcel Identification Number: 30-37-42-015-000-00030-80000

.9700 Legal Acres

DISCLOSURE OF INTEREST AFFIDAVIT

Appendix

Article 10.2.B.3. Article 10, Development Review Procedures; Land Development Regulations; Martin County Code

10.2.B. Application submittal for development approval. Applications for development approval shall comply with the following described procedures:

1. Initiation. A development application shall be filed with the County Administrator by the owner or other person having a power of attorney from the owner to make the application.
2. Acceptance of the application. A development application will be received for processing on any working day.
3. Verification of property ownership. The documents required below are required prior to an application being determined complete. After the application is determined to be complete, the applicant has a continuing obligation to provide revised documents to reflect any changes to the information provided that may occur before and as of the date of the final public hearing or final action on the application.
 - a. Proof of ownership must be provided for any application for any type of development order. The applicant shall provide a copy of the recorded deed for the subject property, and shall certify any subsequent transfers of interests in the property. If the applicant is not the owner of record, the applicant is required to report its interest in the subject property.
 - b. The applicant must disclose the names and addresses of each and every natural person or entity with any legal or equitable interest in the property of the proposed development, including all individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, limited liability company, professional associations and all other groups or combinations.
 - c. For those entities that are a firm, association, joint adventure, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, limited liability company, professional associations and all other groups or combinations thereof, every natural person or entity that enjoys a legal or equitable interest in property of the proposed development shall be disclosed including but not limited to any partners, members, shareholders, trustees, and stockholders.
 - d. The disclosure required in b. and c. above shall not apply to companies that are publicly traded and to consultants and contractors who may perform professional services or work related to the property.
 - e. In addition, the disclosure must include those having any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property.
 - f. The applicant must list all other applications for which they have an interest as defined in subsection b. and c. above that is currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.
 - g. Any development order, including applications for Planned Unit Developments which was granted or approved based on false or incomplete disclosure will be presumed to have been fraudulently induced and will be deemed by the Martin County Board of County Commissioners to be void ab initio and set aside, repealed, or vacated.



Martin County, Florida Growth Management Department
DEVELOPMENT REVIEW DIVISION
2401 SE Monterey Road, Stuart, FL 34996
772-288-5495 www.martin.fl.us

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Variance Non-Administrative

Applicant shall submit the following items in the order shown below as one complete set in hard copy (paper) format (see exceptions below) and one complete set electronically either on a disc or flash drive. In addition, if any item is not included, please identify the item and the reason for its exclusion in the narrative.

- ☒ 1. APPLICATION: Please use the new application form. [Application](#)
- ☒ 2. AFFIDAVIT: Complete the affidavit for digital submission. [Affidavit for digital submission](#)
- ☒ 3. NARRATIVE: A complete project narrative including what is being requested, the location and size of the subject property.
- ☒ 4. A check made payable to the Martin County Board of County Commissioners per the Development Review Fees. [Development review fee schedule](#)
- ☒ 5. POWER OF ATTORNEY: A notarized power of attorney authorizing an agent to act on the owner's behalf.
- ☒ 6. RECORDED DEED: A copy of the recorded deed(s) for the subject property and any contract for purchase of the property.
- ☒ 7. PROPERTY TRANSFER: A certification of any property transfer since the property was deeded to the current property owner. If there has not been a property title transfer since the recorded deed, provide a certified statement that no title transfer has occurred.
- ☒ 8. VARIANCE JUSTIFICATION: Justification statement for variance.
- ☒ 9. LOCATION MAP: A location map (8 1/2 x 11) showing the property and all major and minor roadways in and adjacent to the property with the property clearly outlined.
- ☒ 10. BOUNDARY SURVEY: A boundary survey (24 x 36) of the entire site including the legal description, parcel control number(s) and acreage, certified within 180 days of the date of this application, signed and sealed by a licensed Florida professional surveyor and mapper. **Hard copy exception: 9 additional sets**
- ☒ 11. SITE PLAN: A site plan (11 x 17 or larger) illustrating what is being requested. **Hard copy exception: 9 additional sets**

- ☒ 12. CERTIFIED LIST OF PROPERTY OWNERS: A certified list of surrounding property owners; within 300 feet if site is inside the urban service district, or 600 feet if site is outside the urban service district, to be notified by letter of the public hearings.
- ☒ 13. AERIAL PHOTO: Recent aerial photograph of the site with the property clearly outlined.
- ☒ 14. DISCLOSURE of INTEREST AFFIDAVIT: Please submit a completed financial disclosure affidavit form. [Section 10.5.D.1., LDR] [Disclosure of Interest Affidavit](#)

RESOURCES: [Martin County Development Review Webpage](#)