



MARTIN COUNTY, FLORIDA
DEVELOPMENT REVIEW DIVISION
GROWTH MANAGEMENT DEPARTMENT

VARIANCE APPLICATION STAFF REPORT

SUBJECT: Request for a variance by Elizabeth Manchester to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the R-2A, Two Family Residential District and to reduce the centerline setback requirements pursuant to Section 3.16.C., Land Development Regulations (LDR) to permit the construction of a pool and pool deck. The subject property is located at 3282 NE Skyline Drive Jensen Beach, Florida.

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A. APPLICATION PROCESSING INFORMATION

Applicant and property owner: Elizabeth Manchester
Agent for applicant: Robert Warren Sigman Jr., Florida Lifestyle Pools
Date application submitted: August 24, 2021
Staff report date: September 14, 2021
Date of Board of Zoning Adjustment hearing: October 28, 2021
Project coordinator for County: Matt Stahley, Principal Planner
Growth Management Director: Paul Schilling
Report number: 2020_1018_GMD2021080420

B. APPLICATION TYPE AND DESCRIPTION OF REQUEST

The subject property is zoned R-2A Two-Family Residential District, Land Development Regulations, Martin County Code. The structural setback requirements in this zoning district are as follows:

Side: 6 ft. from the lot line.
Front:* 20 ft. from the lot line.
Rear: 6 ft. from the lot line.

* Sec. 3.16.C. Centerline Setbacks, Generally, all structures, except those listed as exempt pursuant to subsection 3.16.B. above, shall be setback from the centerlines of public and private streets as follows:

- a. Local streets: 50 feet
- b. Collector or arterial street: 65 feet

The applicant is requesting a variance of 20.4 feet to reduce the setback from 65 ft. to 44.6 ft. from the

centerline of NE Skyline Drive and a variance of 29.7 feet to reduce the setback from 65 ft. to 35.3 ft. from the centerline of NE Sunview Terrace and reduce the front yard zoning setback along NE Skyline Drive 0.4 feet from 20 ft. to 19.6 ft. and reduce the front yard zoning setback along NE Sunview Terrace 9.7 feet from 20 feet to 10.3 feet to permit the construction of a proposed pool and deck.

C. VICINITY AND SITE INFORMATION

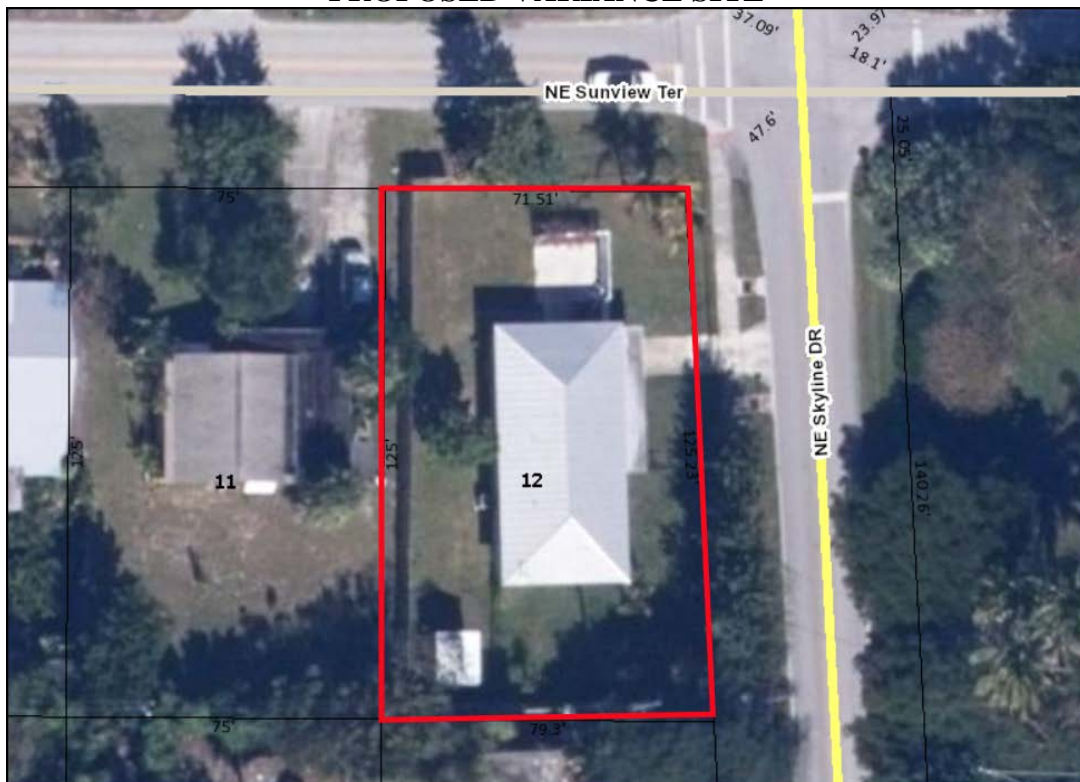
3282 NE Skyline Drive
Parcel 22-37-41-009-000-00120-6

Legal Description: Lot 12, Jensen Highlands, a subdivision, according to the Map or Plat thereof, as recorded in Plat Book 3, Page 44, of the Public Records of Martin County, Florida.

LOCATION MAP



PROPOSED VARIANCE SITE



D. APPLICANT INFORMATION

Applicant and property owner: Elizabeth Manchester
Address: 3282 NE Skyline Dr.
Jensen Beach, FL 34957
Phone: 703-303-3382

Agent for applicant: Warren Robert Sigman Jr.
Address: 1469 SW Balmoral Trace Ct
Stuart, FL 34997
Phone: 772-985 1489

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 appears to be a platted lot of record that was created in 1956 with the recording of the Jensen Highlands plat
2. A Single Family Home was constructed on the lot in 1959.
3. The subject property is approximately .21 acres (approximately 9,500 sq. ft.). The property width is approximately 71.51 ft. along the road frontage adjacent to NE Sunview Terrace and approximately 125.23 ft. along the road frontage adjacent to NE Skyline Drive.
4. The setback requirements for the subject lot are as follows:

Side: 6 ft. from the lot line for 1 story.

Front:** 20 ft. from the lot line.

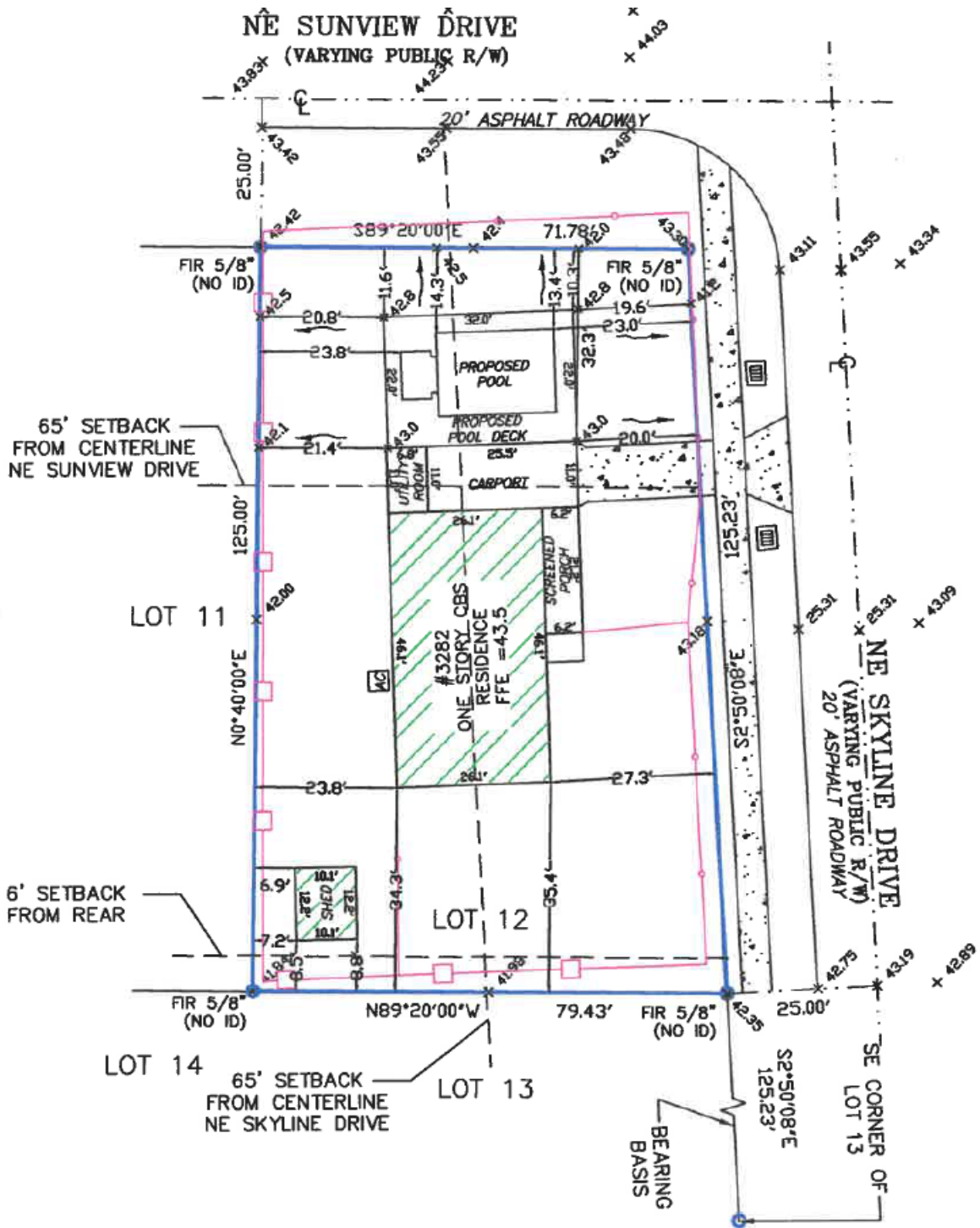
Rear: 6 ft. from the lot line for 1 story.

* Sec. 3.16.C.1.a. Generally, all structures, except those listed as exempt pursuant to subsection 3.16.B. above, shall be setback from the centerlines of public and private streets as follows:
a. Local streets: 50 feet
b. Collector or arterial street: 65 feet .

** *Yard, front:* A yard across the full width of the lot extending from the nearest part of the structure to the front line of the lot.
5. The applicant is requesting a variance of 20.4 feet to reduce the setback from 65 ft. to 44.6 ft. from the centerline of NE Skyline Drive and a variance of 29.7 feet to reduce the setback from 65 ft. to 35.3 ft. from the centerline of NE Sunview Terrace and reduce the front yard zoning

setback along NE Skyline Drive 0.4 feet from 20 ft. to 19.6 ft. and reduce the front yard zoning setback along NE Sunview Terrace 9.7 feet from 20 feet to 10.3 feet to permit the construction of a proposed pool and deck.

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 is approximately .21 acres (approximately 9,500 sq. ft.). The property width is approximately 71.51 ft. along the road frontage adjacent to NE Sunview Terrace and approximately 125.23 ft. along the road frontage adjacent to NE Skyline Drive.
 - 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 centerline requirements for this lot, the existing single-family home, carport and proposed pool would not be feasible.
 - 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 Jensen Highlands. The property could not have been sited to permit the existing single-family home or proposed pool without variance relief.
 - 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 pool.
8. Research of the area shows there are non-conformities as to zoning setbacks and requirements in the neighborhood.

F. RECOMMENDATION

The Board is advised that this application for a setback variance is in order and qualifies for an action of approval of a variance of 20.4 feet to reduce the setback from 65 ft. to 44.6 ft. from the centerline of NE Skyline Drive and a variance of 29.7 feet to reduce the setback from 65 ft. to 35.3 ft. from the centerline of NE Sunview Terrace and reduce the front yard zoning setback along NE Skyline Drive 0.4 feet from 20 ft. to 19.6 ft. and reduce the front yard zoning setback along NE Sunview Terrace 9.7 feet from 20 feet to 10.3 feet to permit the construction of a proposed 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>
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<i>Variance application fees:</i>	\$690.00	\$690.00	\$0.00
<i>Advertising fees:</i>	TBD	\$0.00	\$

H. ATTACHMENTS

1. Sample letter notice.
2. Newspaper ad for October 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)