



Martin County

Administrative Center
2401 SE Monterey Road
Stuart, FL 34996

Meeting Minutes

Board of Zoning Adjustment

Travis Waddell, Chair
Rodney Sturm
Cabell McVeigh
Michael Dooley
John Honan
Scott Rodriguez, Vice Chair
Mac Ross

Thursday, April 22, 2021

7:00 PM

Commission Chambers

CALL TO ORDER

COUNTY: Ms. Elder, Senior Assistant County Attorney called for a motion to have a board member chair the meeting in the absence of Chairman Mr. Waddell.

MOTION: Mr. Ross made a motion to have Mr. McVeigh Chair the April 22, 2021 meeting, SECONDED by Mr. Dooley. The motion CARRIED 4-0.

Acting Chairman Cabell McVeigh called the meeting to order at 7:04 pm. A quorum was present.

ROLL CALL

Present: Rodney Sturm
Michael Dooley
Cabell McVeigh
Mac Ross

Not present: Travis Waddell, Chair, Scott Rodriguez, Vice Chair, and John Honan

Staff Present:

Senior Assistant County Attorney	Elysse Elder
Principal Planner	Peter Walden
Agency Recorder/Notary	Denise Johnston

MINU APPROVAL OF MINUTES

MINU-1 MARCH 25, 2021

The Board is being asked to approve the minutes from the March 25, 2021 meeting.
Agenda Item: 21-0651

MOTION: Mr. Sturm voted to approve the minutes of the Board of Zoning Adjustment Meeting of March 25, 2021. SECONDED by Mr. Ross. The motion CARRIED 4-0.

QJP 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: 21-0650

NEW NEW BUSINESS

NPH-1 SCAVONE, FRANK VARIANCE REQUEST

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 deck and to permit the existing encroachment of the residence. The subject property is located at 9187 SE Star Island Way, Hobe Sound, Florida.

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

Applicant: Frank Scavone

Agenda Item: 21-0634

*** 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: Mr. Scavone, 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 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 south side setback from 15 ft. to 14.7 ft. to address the existing encroachment of the dwelling on the south property line.

Board of Zoning Adjustment Comments:

BOZA: Mr. McVeigh asked if there were any complaints or comments from the neighbors.

STAFF: Mr. Walden stated that he did not receive any complaints or comments.

BOZA: Mr. McVeigh asked the applicant if they were going to have a screen enclosure.

APPLICANT: Mr. Scavone stated that he is not at this time but would like the option to have one in the future.

BOZA: Mr. Dooley noted that a screen enclosure would have zero effect on anyone, and he would be in favor of a screen enclosure if the applicant wants one.

STAFF: Mr. Walden noted that the resolution was prepared prohibiting a screen enclosure, he stated that he would revise the variance resolution to take out the restriction of a screen enclosure.

PUBLIC: No comments.

MOTION: Mr. Dooley MOVED to approve staff's recommendation for a rear yard and north side setback variance of 10 ft. to reduce the setback for 35 ft. to 25 ft. on the north side and east side of the property to permit the construction of a swimming pool and decks and a variance of .3 ft to reduce the south side yard setback to 14.7 ft. to permit the existing encroachment of the dwelling. 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 swimming pool and decks.

SECONDED by Mr. Strum. The Motion CARRIED Unanimously 4-0.

COMMENTS


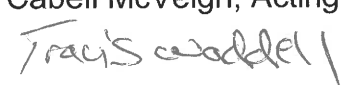
1. PUBLIC – None
2. MEMBERS – Asked if the Surveys in the future could be larger in size.
3. STAFF – Mr. Walden noted that there will be a couple variance applications for next month.

ADJOURN

The Board of Zoning Adjustment meeting of April 22, 2021 adjourned at 7:20 pm.

Respectfully Submitted: Approved by:


Denise Johnston, Agency Recorder/Notary


Cabell McVeigh, Acting Chairman



Date Signed: