



**BOARD OF ZONING ADJUSTMENT
MINUTES
Martin County Administrative Center
2401 SE Monterey Road, Stuart, FL 34996
January 28, 2021
Travis Waddell, Chairman
Rodney Sturm, Vice Chair
Cabell McVeigh
Michael Dooley
John Honan
Scott Rodriguez
Mac Ross**

CALL TO ORDER

Chairman Travis Waddell called the meeting to order at 7:00 pm. A quorum was present.

Present: Chairman Travis Waddell
Scott Rodriguez
Michael Dooley
John Honan
Mac Ross

Not present: Vice Chair Rodney Sturm and Cabell McVeigh

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

MINU-1 BOARD APPROVAL OF MINUTES – August 27, 2020

The Board of Zoning Adjustment was asked to approve the minutes of the August 27, 2020 Meeting.

Agenda Item: 21-0374

A MOTION was made by Mr. Honan to approve the minutes of the Board of Zoning Adjustment Meeting of August 27, 2020. SECONDED by Mr. Dooley. The motion CARRIED Unanimously 5-0.

MINU-2 BOARD APPROVAL OF MINUTES – September 24, 2020

The Board of Zoning Adjustment was asked to approve the minutes of the September 24, 2020 Meeting.

Agenda Item: 21-0228

A MOTION was made by Mr. Honan to approve the minutes of the Board of Zoning Adjustment Meeting of September 24, 2020. SECONDED by Mr. Dooley. 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: 19-1014

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

DEPT DEPARTMENTAL **DEPT-1 ANNUAL ELECTION OF NEW OFFICERS**

**** Note: Chairman moved this item to end of the agenda ****

The board is asked to elect a new Chairman and new Vice Chairman at the first meeting of each calendar year.

Requested by: Krista A. Story, Sr. Assistant County Attorney

Presented by: Krista A. Story, Sr. Assistant County Attorney

Agenda Item: 21-0229

Mr. Rodriguez called on Mr. Waddell to continue to serve as Chairman. Mr. Waddell agreed.
Mr. Rodriguez agreed to serve as Vice Chair.

MOTION: Mr. Honan moved that Mr. Waddell will serve as Chairman and Mr. Rodriguez will serve as Vice Chairman for 2021. SECONDED By Mr. Ross. The Motion CARRIED 5-0.

NEW BUSINESS

NPH - 1 MICHAEL AND DIANNA BACH VARIANCE REQUEST

Request for a variance by Michael and Dianna Bach 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 exiting encroachment of the residence. The subject property is located at 8959 SE Hawksbill Way, Hobe Sound, Florida.

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

Agent for Applicant: Jared Gaylord, Esq., Marc R. Gaylord, P.A.

Agenda Item: 20-0230

*** 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. Gaylord, Esq, with Marc R. Gaylord, PA, representing the applicant submitted required notices and complete list of surrounding homeowners notified as NPH-1 Exhibit -2.

Mr. Gaylord noted that this request is very similar to other properties in the Soundings. The existing screen porch, and a portion of the living room are encroaching by 4.1 ft. and with this application the applicant wishes to legitimize those exiting encroachments. The application does not propose to enclose the pool and is willing to make it a condition of approval.

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 setback variance of 10 ft. to reduce the setback requirement from 35 ft. to 25 ft. to permit the proposed swimming pool and deck and to permit the existing 4.1 ft. rear yard encroachment of the dwelling as set forth on the survey.

Board of Zoning Adjustment Comments:

Mr. Dooley and Mr. Honan: Had a brief discussion regarding screen enclosures.

APPLICANT: Mr. Gaylord noted that the applicant agreed to having no screen enclosure.

PUBLIC: No comments.

MOTION: Mr. Honan MOVED to approve staff's recommendation for a variance to allow a rear yard setback variance of 10 ft. to reduce the setback requirement from 35 ft. to 25 ft. to permit the construction of a swimming pool and deck and to permit the existing 4.1 ft. rear yard encroachment of the dwelling as set forth in the survey. With the condition that the site plan, be tied to the resolution and no pool and deck screen enclosure. 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 deck.

SECONDED by Mr. Rodriguez. The Motion CARRIED Unanimously 5-0.

NPH - 2 EDWARD AND STEPHANIE PEARSON VARIANCE REQUEST

Request for a variance by Edward and Stephanie Pearson 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. The subject property is located at 8551 SE Driftwood Street, Hobe Sound, Florida.

Presented by: Peter Walden, AICP, Principal Planner, Growth Management Department
Agent for Applicant: Tyson Waters, Esq. Fox McCluskey Bush Robinson, PLLC

Agenda Item: 21-0317

*** 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.

Mr. Walden noted that he had received an email from neighbor that lives across the street they viewed the full site plan and had no issues with the pool and deck. He also received a phone call from the neighbor to the east and they had no objections to the pool and deck.

BOARD MEMBER: Mr. Waddell asked about the driveway improvement.

Mr. Walden noted that the driveway permit has nothing to do with the variance application.

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.

APPLICANT: Mr. Tyson Waters, Esq. with Fox McCluskey Bush Robinson, PLLC, representing the applicant submitted required notices and complete list of surrounding homeowners notified as NPH-2 Exhibit -2.

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 setback variance of 10 ft. to reduce the setback requirement from 35 ft. to 25 ft. and an east side yard variance of 4 ft. to reduce to the setback requirement from 15 ft. to 11 ft. to permit the proposed swimming pool and deck. The applicant is not requesting a screen enclosure with this request.

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 setback requirement from 35 ft. to 25 ft. and east side yard variance of 4 ft. to reduce the setback requirement from 15 ft. to 11 ft. to permit the proposed swimming pool and deck. With the condition that the, site plan be tied to the resolution and the pool and deck shall not be screened or enclosed. 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 deck.

SECONDED by Mr. Ross. The motion CARRIED Unanimously 5-0.

NPH - 3 GREGG AND TINAMARIE CONZONE VARIANCE REQUEST

Request for a variance by Gregg and Tinamarie Conzone to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code, for the RM-5, Low Density Residential District to permit the construction of a paver deck and pergola. The subject property is located at 18172 SE Wood Haven Lane, Tequesta, Florida.

Presented by: Peter Walden, AICP, Principal Planner, Growth Management Department
Agent for Applicant: Gregg and Tinamarie Conzone

Agenda Item: 21-0314

*** 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-3 Exhibit -1 and provided the staff's presentation of NPH-3.

APPLICANT: Mr. Gregg and Tinamarie Conzone submitted required notices and complete list of surrounding homeowners notified as NPH-3 Exhibit -2. Mr. Conzone stated that they have talked to the neighbors and gotten positive feedback.

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 setback variance of 2.1 ft. to reduce the setback requirement from 10 ft. to 7.9 ft. to permit the proposed paver deck and pergola.

BOARD MEMBER: Mr. Waddell asked there were any response from any of the neighbors.

COUNTY: Mr. Walden stated the only correspondence received was a letter from the Homeowners Association approving of the paver deck and pergola.

PUBLIC: No comments.

MOTION: Mr. Ross MOVED to approve Staff's recommendation of approval for a rear yard setback variance of 2.1 ft. to reduce the setback requirement from 10 ft. to 7.9 ft. to permit the proposed paver deck and pergola. 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 paver deck and pergola. The variance is tied to the Site Plan given to the Board.

SECONDED by Mr. Rodriguez. The motion CARRIED Unanimously 5-0.

NPH - 4 MARK GALLAGHER VARIANCE REQUEST

Request for a variance by Mark Gallagher to reduce the centerline setback requirements pursuant to Section 3.407 R-3A Liberal Multi-family District, Land Development Regulations, (LDR) to permit the construction of a single-family home, garage and pool. The subject property is located at 1353 NE Skyline Drive in Jensen Beach, Florida.

Presented by: Peter Walden, AICP, Principal Planner, Growth Management Department
Agent for Applicant: Mark Gallagher

Agenda Item: 21-0315

*** For the Record:**

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

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

STAFF: Mr. Walden, Principal Planner submitted a copy of the full agenda item, Staff report and his work history/resume as NPH-4 Exhibit -1 and provided the staff's presentation of NPH-4.

APPLICANT: Mr. Mark Gallagher submitted required notices and complete list of surrounding homeowners notified as NPH-4 Exhibit -2.

COUNTY: Mr. Walden advised the Board that the application for setback variance is in order and qualifies for an action of approval for a centerline setback variance of 15 ft. to reduce the setback requirement from 65 ft. to 50 ft. from the centerline of NE Skyline Drive to permit the proposed single-family home, garage and pool.

PUBLIC: No comments.

MOTION: Mr. Rodriguez MOVED to approve Staff's recommendation for a variance to allow approval for a centerline setback variance of 15 ft. to reduce the setback requirement

from 65 ft. to 50 ft. from the center line of NE Skyline Drive to permit the proposed single-family home, garage and pool. Special conditions and circumstances exist which are peculiar to the subject property. Literal interpretation of the provisions of Article 3 would deprive the applicant the rights commonly enjoyed by other properties in the same zoning district. The special conditions and circumstance for this request is not the 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, garage and pool. The variance is tied to the Site Plan given to the Board.

The MOTION was SECONDED by Mr. Honan. The motion CARRIED Unanimously 5-0.

NPH - 5 SPENCER GROTH VARIANCE REQUEST

Request for a variance by Spencer Groth to reduce the setback requirements of Article 3 Zoning Districts, Land Development Regulations, Martin County Code, for the HR-1, Single 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 Single-family home. The subject property is located at 279 SW Harbor Street in Stuart, Florida.

Presented by: Peter Walden, AICP, Principal Planner, Growth Management Department
Agent for Applicant: Spencer Groth

Agenda Item: 21-0316

*** For the Record:**

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

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

STAFF: Mr. Walden, Principal Planner submitted a copy of the full agenda item, Staff report and his work history/resume as NPH-5 Exhibit -1 and provided the staff's presentation of NPH-5.

APPLICANT: Ms. Spencer Groth submitted required notices and complete list of surrounding homeowners notified as NPH-5 Exhibit -2. Ms. Groth noted see agreed with staff's recommendation.

PUBLIC: No comments.

COUNTY: Mr. Walden advised the Board that the application for setback variance is in order and qualifies for an action of approval for a centerline setback variance of 4 ft. to reduce the

setback requirements from 65 ft. to 61 ft. from the centerline of SW Gaines Avenue and to reduce the front yard setback requirement 10 ft. from 35 ft to 25 ft. to permit the proposed single-family home.

MOTION: Mr. Honan MOVED to approve Staff's recommendation for a variance to allow approval for a centerline setback variance of 4 ft. on SW Gaines Avenue to reduce the setback requirement from 65 ft. to 61 ft. and a variance to the front yard setback of 10 ft. to reduce the setback requirement from 35 ft. to 25 ft. to permit the proposed construction of a single-family home. Special conditions and circumstances exist which are peculiar to the subject property. Literal interpretation of the provisions of Article 3 would deprive the applicant the rights commonly enjoyed by other properties in the same zoning district. The special conditions and circumstance for this request is not the 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. The variance is tied to the Site Plan given to the Board.

SECONDED by Mr. Ross. The motion CARRIED Unanimously 5-0.

COMMENTS

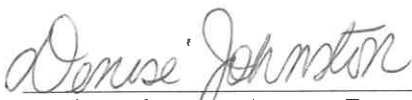
1. **PUBLIC** - None
2. **BOARD** – Had a discussion regarding screen enclosures.
3. **STAFF:** Mr. Walden noted that there will be items for the February 25, 201 meeting.

ADJOURN

The Board of Zoning Adjustment meeting of January 28, 2021 adjourned at 8:16 pm.

Respectfully Submitted:

Approved by:



Denise Johnston, Agency Recorder/Notary



Travis Waddell, Chairman

3-26-2021

Date Signed: