



# 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

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Thursday, October 28, 2021	7:00 PM	Commission Chambers
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#### CALL TO ORDER

Mr. Waddell, Chairman called the meeting to order at 7:01 pm. a quorum was present.

#### ROLL CALL

Present: Rodney Sturm  
Michael Dooley  
Mac Ross  
Travis Waddell  
John Honan

Not present: Cabell McVeigh and Scott Rodriguez, Vice Chair

#### Staff Present:

Senior Assistant County Attorney .....Krista A. Storey  
Principal Planner .....Peter Walden  
Principal Planner .....Matthew Stahley  
Agency Recorder/Notary .....Denise Johnston

#### MINU APPROVAL OF MINUTES

##### MINU-1 APRIL 22, 2021

The Board is being asked to approve the minutes from the May 27, 2021 Board of Zoning Adjustment meeting.

Agenda Item: 22-0115

**MOTION:** Mr. Honan voted to approve the minutes of the Board of Zoning Adjustment Meeting of May 27, 2021; **SECONDED** by Mr. Sturm. The motion **CARRIED 5-0**.

## **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: 22-0116

## **NEW      NEW BUSINESS**

### **NPH-1      MANCHESTER, ELIZABETH VARIANCE REQUEST**

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 to permit the construction of a pool. The subject property is located at 3282 NE Skyline Dr., Jensen Beach, Florida.

Presented by: Matthew Stahley, Principal Planner, Growth Management Department

Agent for Applicant: Warren Robert Sigman, Jr. Florida Lifestyle Pools.

Agenda Item: 22-0117

### **\* 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.

STAFF: Mr. Walden submitted a copy of the full agenda item, and his work history, NPH-1 Exhibit-1. Mr. Walden also introduced Matt Stahley, Principal Planner with the Growth Management Department to the BOARD members and acknowledged his work on this application and stated that he would be bringing future variance applications to the Board.

STAFF: Mr. Walden provided the staff's presentation of NPH-1. He noted that the applicant is requesting a variance of 20.4 ft. to reduce the setback from 65 ft. to 44.6 ft. from the centerline of NE Skyline Drive and a variance of 29.7 ft. 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 ft. from 20 ft. to 19.6 ft. and reduce the front yard zoning setback along NE Sunview Terrace 9.7 ft. from 20 ft. to 10.3 ft to permit the construction of a proposed pool and deck.

STAFF: Mr. Walden advised the Board that the application for a setback variance was in order and qualifies for action of approval of a variance and has prepared a variance resolution with attached survey that provides an illustration of the proposed improvements and reduced setback.

BOARD: Mr. Strum asked staff if they had received any comments from the neighbors and if the pool was going to be enclosed.

STAFF: Mr. Stahley stated that he had only received one call for information regarding the notification. Mr. Walden stated he had no calls or emails from any neighbors.

APPLICANT: Mr. Robert Sigman with Florida Lifestyle Pools representing the applicant turned in the surrounding property owner notices, NPH-1 Exhibit-2. Mr. Sigman stated that the applicant would be enclosing the pool.

BOARD and STAFF had a brief discussion regarding the front yard setbacks.

PUBLIC: None.

**MOTION:** Mr. Ross made a motion to approve staff's recommendation of approval based the special conditions and circumstances which exist that are peculiar to the property. Literal interpretation of the provisions of Article 3 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. The special conditions and circumstances are not the result of the applicant's action. The granting of the variance requested will not confer a special privilege that is denied to owners of the lands in the same district.

The MOTION was SECONDED by Mr. Dooley. The Motion CARRIED 5-0.

## **NPH-2 HUSTED, DANIEL AND MARLENA VARIANCE REQUEST**

Request for a variance by Daniel and Marlena Husted to reduce the setback requirements of Article 3, Zoning Districts, Land Development Regulations, Martin County Code., for the HB-1AA, Hotel Motel District to permit the construction of a single family residential dwelling and appropriate accessory structures on Lot 3, Galleon Bay, Hutchinson Island, between SR A1A and the Atlantic Ocean, Stuart, Florida.

Presented by: Peter Walden, Principal Planner assisted by Matthew Stahley, Principal Planner, Growth Management Department

Agent for Applicant: Christen L. Spake, Esq., McCarthy Summers Wood Norman Bass & Melby, P.A.

Agenda Item: 22-0154

### **\* 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-2 Exhibit -1 and provided the staff's presentation of NPH-2.

APPLICANT: Mr. McCarthy, Esq., representing the applicant submitted the surrounding property owner notices, NPH-2 Exhibit 2.

APPLICANT: Ms. Husted spoke regarding the need for the variance for the proposed family home.

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 side yard setback variance of 10 ft. for the third story of a proposed single family residence to reduce the setback requirement from 30 ft. to 20 ft. along both the north and south property lines. The variance shall be subject to the receipt of the Florida Department of Environmental Protection (DEP) authorization for the proposed construction.

BOARD: The members had questions for staff regarding definition of a story and if the parking level can ever be changed to be living area.

STAFF: Mr. Walden answered their questions and stated that if the floor is unfinished it would not count as a story and no living space would be allowed in the parking area.

BOARD: Mr. Dooley had questions regarding the coastal construction line and the dune preservation area.

STAFF: Mr. Walden stated that they would have to go through the Florida Department of Environmental Protection (DEP) authorization for construction.

PUBLIC: Mike Provenzano a neighbor that lives three lots down on Doubloon Dr. stated that he agreed with the proposed variance as long they do not do anything to the dunes, and that it is consistent with the neighborhood.

**MOTION:** Mr. Dooley MOVED to approve staff's recommendation for approval for side yard setback variance of 10 ft. for the third story of a proposed single-family residence to reduce the setback requirement from 30 ft. to 20 ft. along the both the north and south property lines. Subject to the Florida Environmental Protection (DEP) authorization for the proposed construction. Special zoning conditions exist, Literal interpretation of the provisions of Article 3 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. The special conditions and circumstances are not the result of the applicant's action. The granting of the variance requested will not confer a special privilege that is denied to owners of the lands in the same district.

SECONDED by Mr. Honan. The Motion CARRIED 5-0.

## **COMMENTS**

1. PUBLIC – None
2. MEMBERS – There was no further business.
3. STAFF – Mr. Walden stated that there are no applications until January 2022.

## ADJOURN

The Board of Zoning Adjustment meeting of October 28, 2021 adjourned at 7:47 pm.

Respectfully Submitted:

  
Denise Johnston, Agency Recorder/Notary

Approved by:

  
Travis Waddell, Chairman

4/28/2022  
Date Signed:

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