



AGENDA

**BOARD OF ADJUSTMENT
JANUARY 25, 2024
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

BOARD MEMBERS

**Chair - Christina Vogl
Vice Chair - Werner Bols
Board Member - Claire Y. Nash
Board Member - Sean Reed
Board Member - Kristin Stanley**

ADMINISTRATIVE

**Development Director - Jodi Nentwick-Kugler
Board Secretary - Susej T. Meleqi**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

1. ADVISORY BOARD MEMBERS OATH
2. ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

APPROVAL OF AGENDA

APPROVAL OF MINUTES

3. APPROVAL OF 08/24/2023 BOA MINUTES

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

4. FINAL ORDER OF VARIANCE APPROVAL - PETITION NUMBER: Z23100002

LANCE VOGL WITH VOGL ARCHITECTS REPRESENTING THE PROPERTY OWNER ALAN HAMMERSLEY IS REQUESTING A VARIANCE FROM SECTION 6.09.02.C.3. OF THE CITY OF STUART LAND DEVELOPMENT CODE TO ALLOW AN ACCESSORY STRUCTURE TO EXCEED 50% OF THE FOOTPRINT OF THE PRINCIPAL STRUCTURE BY 23.9%.

STAFF UPDATE

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Board of Adjustment**

Meeting Date: 1/25/2024

Prepared by: Susej Meleqi

Title of Item:

ADVISORY BOARD MEMBERS OATH

Summary Explanation/Background Information on Agenda Request:

Advisory Board Members serving the City of Stuart will take an Oath before the City Clerk/City Attorney for public record.

Funding Source:

N/A

Recommended Action:

Board members take the Oath.

ATTACHMENTS:

1. Board Member OATH_BOA



CITY OF STUART

Oath of Office

I, _____, am qualified under the Constitution, Laws of Florida, and the Code of Ordinances for the City of Stuart, Florida to serve as a member of the BOARD OF ADJUSTMENT; and that I will well and faithfully perform the duties of an advisory board member on which I am about to enter, so help me God.

Name

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of physical presence _____ or online notarization _____, this 25th day of January 2024, _____, who is personally known to me or who has produced Florida driver license as identification.

Deputy City Clerk

(Notary Seal)

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Board of Adjustment**

Meeting Date: 1/25/2024

Prepared by: Susej Meleqi

Title of Item:

ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

Summary Explanation/Background Information on Agenda Request:

Per the BOA By-Laws (attached) adopted by the Stuart City Commission in 2020, a Chair and Vice Chair shall be appointed according to Article 2, Election of Officers.

Funding Source:

N/A

Recommended Action:

Make a motion for a Chair and Vice Chair (2 motions).

ATTACHMENTS:

1. BOA By-Laws



**BY-LAWS
BOARD OF ADJUSTMENT
(BOA)**

These By-Laws constitute the rules adopted by the City Commission and shall apply to the Board of Adjustment (hereinafter the "Board" or "BOA") for the regulation and management of its affairs.

ARTICLE 1
GENERAL

- 1.1 **Establishment and Name.** The Board is established as provided in Chapter VIII, Sec. 8.00.02 of the Land Development Code of the City of Stuart. The name shall be designated as the Board of Adjustment.
- 1.2 **Purpose and Objectives.** The Board shall be an advisory board to the City Commission and to the City administration in performing the duties and responsibilities described in this code. The Board has been granted the authority from the City Commission to grant variances, as well as authorize lot splits in compliance with the City Rules and Regulations.

ARTICLE 2
MEMBERSHIP

- 2.1 **Qualifications.** Members shall be over the age of 18 years of age. Members must also be current residents of the City of Stuart or be property owners of real estate within the geographic limits of the City.
- 2.2 **Number.** The Board shall consist of five (5) members. Each City Commissioner shall appoint a single member to the Board.
- 2.3 **Term.** The Board members shall serve annual terms. The Commissioners shall ratify the membership of the Board at the annual reorganization meeting of the City Commission.
- 2.4 **Staff Liaison.** The Development Director shall serve as the senior staff person to the Board.

- 2.5 **Secretary.** The Development Director shall appoint a Secretary of the Board, and as such shall prepare Board agendas, be the custodian of all books and records of the Board, keep the minutes and a recording of all votes of all Board meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the Board. In the absence of the Secretary at a meeting, the Development Director shall designate an employee to act as Secretary.
- 2.6 **City Attorney.** The City Attorney shall serve as the legal advisor to the Board and attend meetings when necessary.

ARTICLE 3
ELECTION OF OFFICERS

- 3.1 Nomination and election of officers shall occur at the annual organizational meeting of the Board. The organizational meeting shall occur at the first BOA meeting after the annual reorganizational meeting of the City Commission.
- 3.2 **Officers.** Regular officers of the Board shall be a Chair and a Vice-Chair who shall be appointed by the Board at its annual reorganizational meeting.
- 3.3 **Chair.** The Chair shall preside at all meetings of the Board and shall execute instruments in the name of the Board as may be required.
- 3.4 **Vice-Chair.** The Vice-Chair shall, in the absence, disqualification, resignation or death or disability of the Chair or at the Chair's direction, shall exercise the functions of the Chair.
- 3.5 **Vacancy.** Upon a vacancy in the office of Chair or Vice-Chair, the Board members shall select one of them to fill the position at the next regular meeting following the creation of the vacancy.

ARTICLE 4
DUTIES AND RESPONSIBILITIES

- 4.1 The Board shall hear and consider applications for variances as provided at Section 8.04.00 of this Code;
- 4.2 Hear and decide appeals of an alleged error in a decision of the City Development Director made in the enforcement of the provisions of subsection 8.04.01A;
- 4.3 Interpret the provisions of this Code so as to accomplish the intent and purpose of the City Comprehensive Plan; and
- 4.4 Conduct such hearings as may be necessary to perform the foregoing duties and responsibilities.

ARTICLE 5
MEETINGS

- 5.1 **Regular Meetings.** Regular meetings shall be held on the third Thursday of each month at 5:30 p.m. in the City Commission Chambers at the Stuart City Hall. No meeting will be convened in the event there is no matter to be considered by the Board.
- 5.2 **Special Meetings.** Special meetings may be held at the discretion of the Board as necessary. Special meetings may be called by the Chairperson; any two (2) members of the Board or by the Development Director by requesting the Development Director to arrange for and give notice of such special meeting.
- 5.3 **Notice.** The Secretary shall give notice of all meetings, both regular and special to all Board members at least twenty-four (24) hours in advance of the meeting, when possible. The Secretary shall determine if a quorum will be present.
- 5.4 **Attendance.** A member who misses three (3) consecutive meetings of the Board shall be deemed to have resigned and the vacancy shall be filled.
- 5.5 **Quorum.** A quorum of the Board shall be three (3) members and an affirmative vote of a majority of those present shall be necessary to conduct business. If any meeting cannot be conducted because a quorum is not present, the Members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each Member.
- 5.6 **Adjourned and Continued Meetings.** Where a meeting having been set and noticed under the provisions of these By-Laws and during the course of said meeting is adjourned to a future time and place certain, there shall be no requirements for giving of notice of the time and place of continuation of said meeting other than the announcement thereof at said meeting.
- 5.7 **Rules of Order.** All meetings shall be conducted informally. If a dispute arises regarding the proper procedure to be followed, Robert's Rules of Order shall take precedence.
- 5.8 **Ethics, Public Meetings and Public Records.** Board Members shall conduct themselves in accordance with the provisions of Chapter 112, Florida Statutes regarding ethics for public officials. Board meetings shall be held in accordance with the requirements of Section 286.011, Florida Statutes (Government in the Sunshine). All Board records shall be maintained in accordance with Chapter 119, Florida Statutes (Public Records Law).

ARTICLE 6
VOTING

- 6.1 Voting shall be by voice vote and shall be recorded by individual "aye" or "nay".

- 6.2 Each member present must cast a vote on each question before the Board. Any member who has a personal interest in a matter may abstain from participating as a member of the Board in that matter. A member who abstains in any matter in which the member has a personal interest must file a Memorandum of Voting Conflict with the Secretary of the Board within fifteen (15) days after such vote.
- 6.3 No member of the Board shall represent a client before the Board in any matter that will be considered by the Board. This prohibition does not preclude Board members from representing clients before other City Boards or City Administrative Staff.
- 6.4 **Order of Business.** The Board shall follow the Order of Business as set forth in the agenda prepared by the Secretary for each meeting. The order of business may be suspended by a vote of the majority of the members present.

ARTICLE 7
AMENDMENTS

- 7.1 **Amendments.** The By-Laws of the Board may be amended at any regular or special City Commission meeting by three (3) affirmative votes.
- 7.2 The BOA shall make recommendations to the City Commission at any time that the By-Laws need amending.

ARTICLE 8
MISCELLANEOUS

- 8.1 In addition to those public hearings required by law, BOA may, at its discretion, hold such public hearings or conferences as it decides will be in the public interest.
- 8.2 The following procedures will be observed in meetings of the BOA for the hearing of cases:
- 8.2.1 The Secretary or Planner shall provide the Board with proof of publication of the case.
- 8.2.2 The City Planner shall present a brief report. Any correspondence in favor of or against the project shall be read into the record or summarized by the Planner during the presentation.
- 8.2.3 The applicant shall make such presentation or comments as deemed necessary.
- 8.2.4 Upon completion of all testimony, the Chairperson shall announce that no further evidence may be offered.
- 8.2.5 Discussion shall be conducted by the Board regarding the issue presented.
- 8.2.6 Final Action shall be taken by the Board after an appropriate motion and public hearing.

- 8.3 If the Board has denied a petition or request, the Board shall not consider any further application for the same relief for a period of six (6) months following the date of denial.
- 8.4 If the Board approves a petition, with or without conditions, the petitioner must secure the required permits and commence action on the approval within six (6) months following the date of approval.

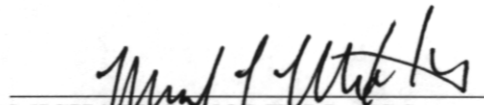
CITY OF STUART:


MICHAEL J. MEIER
MAYOR




MARY R. KANDEL
CITY CLERK

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Board of Adjustment**

Meeting Date: 1/25/2024

Prepared by: Susej Meleqi

Title of Item:

APPROVAL OF 08/24/2023 BOA MINUTES

Summary Explanation/Background Information on Agenda Request:

APPROVAL OF 08/24/2023 BOA MINUTES

Funding Source:

N/A

Recommended Action:

Approve minutes.

ATTACHMENTS:

1. 08242023 BOA Minutes

MINUTES
BOARD OF ADJUSTMENT OF THE CITY OF STUART
AUGUST 24, 2023
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

BOARD MEMBERS

Chair - Christina Vogl
Vice Chair - Werner Bols
Board Member - Claire Y. Nash
Board Member - Sean Reed
Board Member - Kristin Stanley

ADMINISTRATIVE

Development Director - Jodi Nentwick-Kugler
Board Secretary - Susej T. Meleqi

CALL TO ORDER

5:31 PM

ROLL CALL

PRESENT: Chair Vogel, Vice Chair Bols, Board Member Nash , Board Member Reed, Board Member Stanley

PLEDGE OF ALLEGIANCE

1. OATHS OF OFFICE FOR TWO (2) ADVISORY BOARD MEMBERS

Interim City Attorney Paul Nicolleti swore in Board Member Kristin Stanley and Board Member Claire Nash.

APPROVAL OF AGENDA

5:34 PM MOTION: Approve with the correction of Vice Chair on the cover of the agenda.

MOVED BY: Claire Nash

SECONDED BY: Werner Bols

Motion approved unanimously.

APPROVAL OF MINUTES

2. APPROVAL OF 07/27/2023 BOA MINUTES

5:34 PM MOTION: Approve.

MOVED BY: Werner Bols

SECONDED BY: Sean Reed

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

None.

ACTION ITEMS

3. FINAL ORDER OF VARIANCE APPROVAL - PETITION NUMBER: Z23050002

TIMOTHY AUSTIN ANDERSON AND JENNIFER REBECCA HAUSER REQUESTING A VARIANCE FROM LAND DEVELOPMENT CODE SECTION 2.04.04(A)(6)(a), TO ALLOW A SCREEN ENCLOSURE TO BE CONSTRUCTED WITHIN THE MINIMUM REQUIRED 15-FOOT REAR YARD SETBACK BY NO MORE THAN 11.5 FEET, FOR A TOTAL REAR YARD SETBACK OF 3.5 FEET; AND TO ALLOW THE ENCLOSURE TO ENCROACH INTO THE MINIMUM REQUIRED 10-FOOT SIDE YARD SETBACK, BY NO MORE THAN 4.8 FEET, FOR A TOTAL SIDE YARD SETBACK OF 5.1 FEET.

Interim City Attorney Nicoletti swore in Mechelle Arburzow, City Planner and Jodi Nentwick-Kugler, Development Director.

Mechelle Arburzow presented the location, zoning, land development code, lot survey, mailer map, and staff recommendation.

Interim City Attorney Nicoletti swore in Timothy Anderson, the applicant.

Mr. Anderson thanked the Board and staff for the time they have taken to see this matter and stated he was there for any questions.

Board Members and applicant had questions and answers on permits, surrounding zoning, set backs, fences, pool, screen enclosure, why the staff did not recommend approval.

6:05 PM

PUBLIC COMMENT:

1. Ryan Strom - SE Cardinal Way; Provided a brief history on the surrounding properties, he also stated he does not have any objection to the screen enclosure for the applicant.

2. Sheryl Crescini - SE Cardinal Way; Stated she had talked to staff and that the only concern she had with the application was a chain-linked fence between the two properties and stated she did not want the applicant to get rid of it. The applicant confirmed to her prior to the meeting that he would not be getting rid of it and she stated she had no objection to the screen enclosure being done.

Mr. Anderson stated the hardships he is having and why the screen enclosure is needed.

Chair Vogl questioned how the LDC can be changed to set screen enclosures to the least amount of set back.

6:20 PM MOTION: Approve subject to the fence remaining if on petitioner's property.

MOVED BY: Kristin Stanley

SECONDED BY: Claire Nash

Motion approved unanimously.

STAFF UPDATE

ADJOURNMENT

6:23 PM

Susej T. Meleqi, Board Secretary

Christina Vogl, Chair

**Minutes to be approved at the BOA
Meeting this 25th day of January, 2024.**

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Board of Adjustment**

Meeting Date: 1/25/2024

Prepared by: Mechelle Arbuzow

Title of Item:

FINAL ORDER OF VARIANCE APPROVAL - PETITION NUMBER: Z23100002

LANCE VOGL WITH VOGL ARCHITECTS REPRESENTING THE PROPERTY OWNER ALAN HAMMERSLEY IS REQUESTING A VARIANCE FROM SECTION 6.09.02.C.3. OF THE CITY OF STUART LAND DEVELOPMENT CODE TO ALLOW AN ACCESSORY STRUCTURE TO EXCEED 50% OF THE FOOTPRINT OF THE PRINCIPAL STRUCTURE BY 23.9%.

Summary Explanation/Background Information on Agenda Request:

The Petitioner(s) are requesting the Board of Adjustment to grant a variance to allow for an increase of 23.9% square feet of an accessory structure from the 50% allowance per the zoning allocation in the Land Development Code. On the Variance Application and Supplemental form, the petitioner explained that the owner would like to build 308 square feet covered and screened lanai addition connecting the guest house to the pool area.

Funding Source:

N/A

Recommended Action:

The Planning Staff does not support the requested variance and recommends the Board of Adjustment denial in accordance with Land Development Code, Section 6.09.02.C.3.

ATTACHMENTS:

- 1. 1. Drafted Variance Final Order
- 2. 2. BOA Staff Report
- 3. 3. BOA Variance Application
- 4. 4. BOA Public Notice
- 5. 5. Site Plan
- 6. 6. Survey
- 7. 7. Drainage Statement
- 8. 8. Maps
- 9. 8. Land Development Code Sections

Return to:
City Attorney
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

**BEFORE THE BOARD OF ADJUSTMENT
CITY OF STUART, FLORIDA**

Case No.: Z23100002

In reference to a Variance Petition from Land Development Code Section 6.09.02.C.3, for **Alan and Lisa Hammersley, represented by Lance Vogl, Vogl Architects, for the property located at 813 SE Weir Street, Stuart, Florida 34994.**

PCN: 04-38-41-007-004-00120-6

FINAL ORDER OF VARIANCE APPROVAL

THIS CAUSE came for hearing before the Board of Adjustment for the City of Stuart, Florida, at a regular set hearing at 5:30 PM on January 25, 2024, at the City Commission Chambers, 121 S.W. Flagler Avenue, Stuart, Florida; and the Board, having considered the sworn testimony and other evidence presented by the city staff, the Petitioner, and any Interveners, finds as follows:

1. Notice of this public hearing was provided in accordance with the City of Stuart Land Development Code (LDC) Section 11.02.00. Notice was not challenged by any party at the hearing, and the Board of Adjustment has jurisdiction over this case as provided in LDC Section 8.05.01, *et seq.*
2. The City of Stuart is being represented by Mechelle Arbuzow, Planner I, and Jodi Nentwick-Kugler, Development Director, and the applicant is represented by Lance Vogl, Vogl Architects.
3. Mechelle Arbuzow, of the City of Stuart Development Department testifies on behalf of the City of Stuart that Alan and Lisa Hammersley are the entity owning the real property

FINAL ORDER OF VARIANCE APPROVAL – LANCE VOGL WITH VOGL ARCHITECTS AGENT FOR HOMEOWNER ALAN AND LISA HAMMERSLEY – PETITION NUMBER: Z23100002

located at 813 SE Weir Street (Parcel I.D.: 04-38-41-007-004-00120-6), being legally description and attached hereto as **‘Exhibit A’**; and with conditions of approval for this Variance petition attached hereto as **‘Exhibit B’**.

4. Mechelle Arbuzow verified the subject parcel is zoned **Single Family - General (R-1)** with a Future Land Use designation of **Low Density Residential (LD-RES)**. The Future Land Use and Zoning categories were not challenged by any party at the hearing.
5. Lance Vogl, of Vogl Architects, presented on behalf of the applicant, explaining the variance request to allow an accessory structure to exceed 50% of the footprint of the principal structure by 23.9%.
6. Lance Vogl agent representing the homeowner Alan Hammersley, have signed the application for a variance requesting approval of the following:
 - a. To allow an accessory structure footprint to increase beyond the allowable 50% by 23.9%.
7. Mechelle Arbuzow, Planner I, gave testimony and analyzed the case, and indicated the petition is not consistent with the City’s Land Development Code. The testimony concluded by recommending that the Board of Adjustment deny the proposed variance due to the non-compliance of section 6.09.02.C.3. that states an accessory structure shall not exceed 50% of the footprint of the principal structure.
8. All subsequent Lessees and Owners shall be bound to the terms of this Variance, and this Variance shall carry forward and “run with the land” unless later released by the City Development Director, or as otherwise provided by law.

(The remainder of this page was intentionally left blank.)

FINAL ORDER OF VARIANCE APPROVAL – LANCE VOGL WITH VOGL ARCHITECTS AGENT FOR HOMEOWNER ALAN AND LISA HAMMERSLEY – PETITION NUMBER: Z23100002

Board Member _____ offered a motion to approve the variance with the condition(s)_____. The motion was seconded by Board Member _____ and upon being put to a roll call vote, the vote was as follows:

CHRISTINA VOGL, CHAIR
 WERNER BOLS, VICE-CHAIR
 CLAIRE Y. NASH, MEMBER
 SEAN REED, MEMBER
 KRISTIN STANLEY, MEMBER

| YES | NO | ABSENT | ABSTAIN |
|-----|----|--------|---------|
| | | | X |
| | | | |
| | | | |
| | | | |
| | | | |

The motion to **approve/denied** the variance was _____.

ADOPTED this 25th day of January 2024.

ATTEST:

By: _____
 SUSEJ T. MELEQI
 DEPUTY CITY CLERK

 WERNER BOLS
 VICE CHAIR

APPROVED AS TO FORM AND CORRECTNESS:

 LEE J. BAGGETT
 CITY ATTORNEY

EXHIBIT 'A'

Address: 813 SW Weir Street, Stuart, FL 34994

Parcel Number: 04-38-41-007-004-00120-6

LEGAL DESCRIPTION:

THE EAST 14 FEET OF LOT 12 AND ALL OF LOT 13, BLOCK 4, OF HILDABRAD PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 64, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

EXHIBIT “B”

Conditions of Approval

Accessory Structures

1. As per Land Development Code Section 6.09.02, not more than three (3) accessory structures (excluding satellite television antenna systems, swimming pools, fences, walls, hedges, enclosures, and awnings), including a detached accessory dwelling unit, may be located on a parcel.
2. Upon approval of the Variance petition, the property owner shall submit a building permit for the relocation of the existing “Tiki-Hut”. All accessory structures shall be required to meet the minimum requirements for building setbacks, height, impervious coverage, and height, as per Land Development Code Section 2.04.01.

City of Stuart, Building Department

3. Provide plans in compliance with the Florida Building Code 2023.
4. Signed and sealed drawings are required for the permit.



TO: Board of Adjustment (BOA)

FROM: Mechelle Arbuzow, Planner I

MEETING DATE: Thursday, January 25, 2024

SUBJECT: **PETITION NUMBER - Z23100002**
 Lance Vogl of Vogl Architects, agent for the homeowner Alan Hammersley, are the petitioners requesting a variance from Section 6.09.02.C.3. of the City of Stuart Land Development Code to allow an accessory structure to exceed 50% of the footprint of the principal structure by 23.9%.

GENERAL INFORMATION:

Property Owner/Applicant: Alan & Lisa Hammersley
 324 Main Street
 Lynnfield, MA 01940

Location: 813 SE Weir Street, Stuart, FL 34994

Parcel ID#: 04-38-41-007-004-00120-6

Parcel Size: +/-0.27-acres (*appx. 11,891sq*)

Future Land Use: Low-Density Residential

Zoning District: Single Family - General (R-1)

Existing Use: Single-Family Residence

Surrounding Zoning: Single Family - General (R-1)

I. BACKGROUND

The 0.27-acre subject property is located at 813 SE Weir Street and encompasses Lot 13, and fourteen feet (14') of Lot 12 of the Hildabrad Park Subdivision. There is currently a two-story single-family home on the property with a one-story guest house, an in-ground pool, tiki hut and shed. The petitioners are requesting a Variance from the Board of Adjustment to permit an accessory structure to exceed the 50% principal structure by 23.9%.

The owners are requesting the Board of Adjustment to grant a variance to allow for an increase of 23.9% square feet of an accessory structure from the 50% allowance per the zoning allocation in the Land Development Code. On the Variance Application and Supplemental form, the applicant explained that the owner would like to build 308 square feet covered and screened lanai addition connecting the guest house to the pool area.

Site Characteristics:

The subject property is 0.27 acres and was constructed in 1913. The single-family home currently has 4,781 square feet of impervious area. After the proposed lanai is built, it will bring the impervious surface coverage to 5,089

square feet. The property is below its allowable 50% maximum impervious surface coverage by 860.5 square feet. The subject site is within the area of minimal flood hazard FEMA Flood Zone “X”.

Lot size 11,899sq.

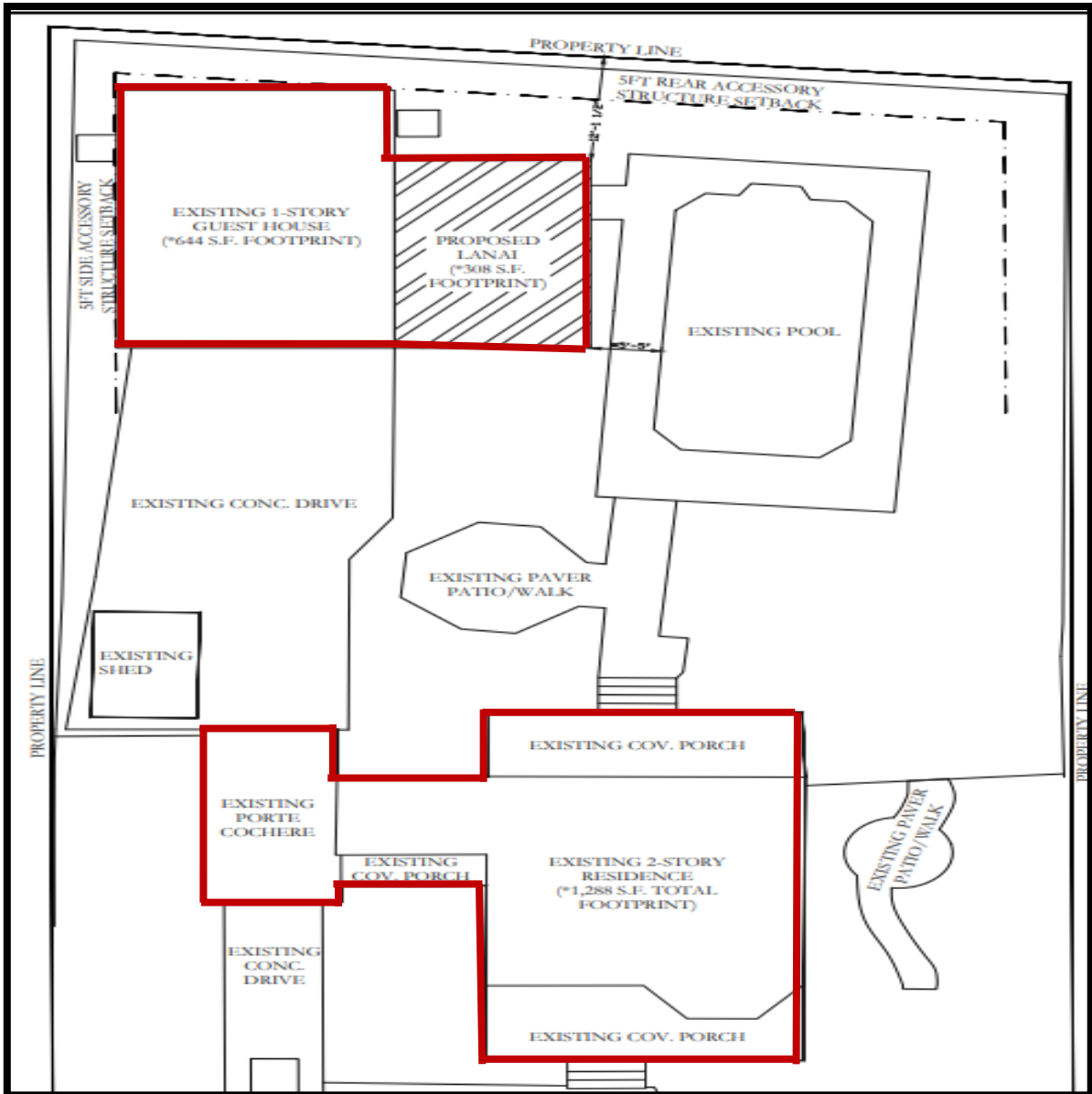
Primary Dwelling 1288sq.

50% of the primary dwelling footprint is 644sq.

Requested accessory dwelling footprint is 952sq. (23.9% over the allowable 50%)

The applicant is requesting 73.9% building footprint of the primary dwelling building covering.

Building footprint means the area of land covered by the building foundation, including the area contained within a line three feet from the foundation around the entire perimeter of the building.



History

- Property is considered a historic property per the 2002 updated (from “1991 Historic Properties Survey”) survey done by Historic Property Associates, Inc.

In accordance with Section 5.07.07.D. - Historic buildings of the Land Development Code -

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, chapter 11, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

After staff review, the existing accessory dwelling unit does not appear on the City of Stuart’s 1991 Historic Survey. The accessory dwelling is in line with the historic character of the primary dwelling which was constructed in 1913 according to the historic survey.



II. BOARD OF ADJUSTMENT STANDARDS OF REVIEW

**STANDARDS OF REVIEW AS SET FORTH IN SECTION 8.05.02.
CITY OF STUART LAND DEVELOPMENT CODE**

In review of this application for a variance from the City of Stuart Land Development Code (LDC), the Board of Adjustment (BOA) shall have the power to authorize in specific cases such variances which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of certain parts of this code will, in an individual case, result in unnecessary hardship, so that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such case of unnecessary hardship upon the following findings by the Board of Adjustment.

The need for the proposed variance is attributable to unique characteristics of the property either as to the land or as to any improvements thereon, or both, and the proposed variance, **if granted, will not:**

- 1. Authorize any use of the property that is not allowed as a permitted use, or a use allowed by conditional use in the district in which the property is located; and**

In accordance with Section 8.05.01. A - The board of adjustment may grant a variance from the strict application of the following dimensional requirements of the City Land Development regulations and the City Code of Ordinances regarding lot area requirements and minimum yard setbacks, building separation and heights for accessory structures, finished floor elevation, fences, walls, hedges and enclosures, setback requirements for the location of swimming pools.

The subject property has a Single-Family Estate (R-1A) zoning designation. In accordance with Section 6.09.02.C.3. regarding size - In a residential district the footprint of an accessory structure shall not exceed 50 percent of the footprint of the principal structure. The proposed lanai addition will go over the 50% threshold by 23.9%.

- 2. Allow density or intensity of use that exceeds the maximum density or intensity that is permitted in the district in which the property is located.**

The density does not apply to the requested variance. The intensity of the lot usage.

- 3. Result in a verifiable reduction of the property values of any adjacent properties; and**

The proposed lanai will not cause inconvenience to the adjacent properties.

- 4. Cause a detrimental effect in the supply of light and air to adjacent properties; and**

The effect on the supply of light and air to adjacent properties is not detrimental.

- 5. Cause a detrimental effect with respect to drainage of the subject property as well as adjacent properties; and**

Per Land Development Code (LDC) Section 2.04.00., the maximum impervious surface coverage within the R-1A zoning district shall be 50%. The property complies with the impervious surface coverage; however, all development must meet the requirements of LDC Section 6.03.00 entitled "Stormwater Management".

If the requested Variance petition is granted, the applicant will be required to demonstrate compliance with the stormwater management requirements by the LDC Section 6.03.00.

The property is below its 50% maximum impervious surface coverage by 860.5 square feet. Vogl Architects submitted a drainage statement that states the proposed lanai addition will not increase the

impervious surface coverage beyond the 50% allowed and will adhere to the City of Stuart Land Development Code drainage requirements.

6. Cause an increase of traffic on adjacent or nearby roads to levels that are not usual for the types of uses in the neighborhood; and

Traffic impacts do not apply to the requested variance petition.

7. Cause any threat to public safety in any manner whatsoever; and

Not applicable to the requested variance.

8. Cause any threat to the health and general welfare of the inhabitants of the city.

Not applicable to the requested variance.

PUBLIC NOTIFICATION

On January 5, 2024, mail notices were sent to 34 adjacent property owners located within 300 feet of the subject property. One (1) public notification sign detailing the Board of Adjustment Public Hearing was posted on the premises. The Board of Adjustment Public Hearing meeting is not applicable to advertise within the local newspaper.

STAFF RECOMMENDATION

The City of Stuart Planning staff does not support the requested lanai addition due to non-compliance of section 6.09.02.C.3. that states an accessory structure shall not exceed 50% of the footprint of the principal structure; therefore, the staff is recommending the Board of Adjustment deny the proposed Variance petition.



City of Stuart
 121 SW Flagler Ave.
 Stuart, FL 34994
 development@ci.stuart.fl.us
 (772) 288-5326

Received by: [Signature]
 Reviewed by: _____

Variance Application

Project ID# 223100002
 (Staff Entry)

| | |
|--------------------------|-----------------------------|
| Pre-App Conference Date: | Application Date: 10/9/2023 |
|--------------------------|-----------------------------|

SITE INFORMATION

| | |
|--|--|
| Project Name: HAMMERSLEY LANAI ADDITION | Parcel ID#: 04-38-41-007-004-00120-6 |
| Site Address: 813 SE WEIR ST | |
| Subdivision: | Lot(s): E 14' OF 12 & ALL OF 13 |
| Site Acreage: .273 | Flood Zone/Base Flood Elevation: X |
| Existing Zoning District / CRA Subdistrict (if applicable): R-1 | |
| Proposed Zoning District / CRA Subdistrict (if applicable): | |
| Current Comprehensive Plan Future Land Use Designation: | |
| Proposed Comprehensive Plan Future Land Use Designation (if applicable): | |
| Existing Land Use: | Proposed Land Use: |
| Proposed Square Footage (if applicable): | Proposed Density (if applicable): |
| Variance Request (check the box below that applies): | |
| <input checked="" type="checkbox"/> Board of Adjustment Variance | <input type="checkbox"/> Administrative Variance |

PETITIONER INFORMATION

| | |
|--|--|
| Property Owner: ALAN HAMMERSLEY | Phone Number / Email Address: 978-580-1904 |
| Property Owner's Mailing Address: 813 SE WEIR ST | alan.hammersley@altg.com |
| Applicant (if not Owner): | Phone Number / Email Address: |
| Applicant's Mailing Address: | |
| Agent/Contact Person: LANCE VOGL | Phone Number / Email Address: 772-284-5327 |
| Agent's Mailing Address: 201 SE HIBISCUS AVE | LANCE@VOGLARCHITECTS.COM |
| Architect: VOGL ARCHITECTS | Engineer: |
| Planner: | Landscape Architect: |

Statement of Ownership and Designation of Authorized Agent

(Please Print or Type)

Before me, the undersigned authority, personally appeared ALAN HAMMERSLEY

Who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting approval of a VARIANCE in the City of Stuart, FL.
3. That he/she has appointed LANCE VOGL to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Alan Hammersley

Signature of Owner: [Handwritten Signature]

By: Name/Title

Street Address: 813 SE Weir ST

City, State, Zip Code

P.O. Box: 978 580 1904

City, State, Zip Code

Telephone Number

Fax Number

Email Address: alan.hammersley@a179.com

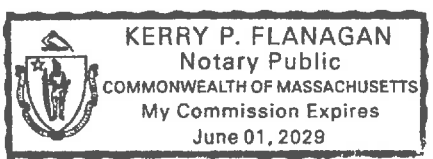
STATE OF FLORIDA, COUNTY OF MARTIN

Sworn and subscribed before me by means of physical presence or online notarization, this

9th day of OCTOBER, 2023 By _____

Personally Known OR Produced Identification [Handwritten Signature]
Type of Identification Produced: DRIVERS LICENSE Notary Public

My Commission expires: 1ST JUNE 2029



Financial Responsibility Form

(Please Print or Type)

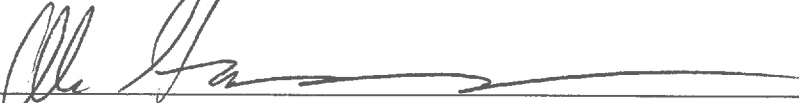
The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all City expenses associated with the referenced application (s) including time spent by the City's consultants and further acknowledges that payment of consultant fees will be made prior to the receipt of the consultant comments.

| |
|---------------------------------|
| Name: <i>Alan Hammersley</i> |
| Title: |
| Company: |
| Company Address: |

| |
|---|
| City/State/Zip Code: <i>813 SE Weir ST STUART FL 34994</i> |
| Telephone Number: |
| Facsimile Number: |
| Email Address (optional): |

I hereby certify that all information contained herein is true and correct.

1. Signed this 9th day of OCTOBER, 20 23



Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

Application Requirements

Fee:

\$104.00 Administrative Variance Approval; or

\$852.00 Board of Adjustment Approval

(This does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees)

The Board of Adjustment may grant a variance from the strict application of the following dimensional requirements of the city land development regulations and the city Code of Ordinances:

- Lot area requirements; minimum yard setbacks; setbacks, building separation and heights for accessory structures; finished floor elevation; satellite television antenna systems; fences, walls, hedges and enclosures; and setback requirements for location of swimming pools. The City's Development Director may grant an administrative variance for the following standards of the land development code:
- Yard setbacks. Any yard setback variance request which does not exceed 110 percent of the code requirement. (For example: where a rear yard setback is 15 feet, and the variance request doesn't exceed 1.5 feet of relief or a reduction to a 13.5-foot setback.)
- Fences, walls and hedges. Any variance request for a fence, wall or hedge height or location, or other buffer screening matter.
- Other minor code variances and minor site plan amendments. Any other minor technical or land use code variance (but not including setback variances covered above) or any minor site plan revision or amendment for items including, but not limited to, those affecting drainage, easements, bulkheads, docks, flood elevation, curbing and curb-cuts, medians, solid waste collection, principal or accessory structures or lots, signage, landscape, lighting, parking, driveways, or utilities; and including a change of use from one permitted use to another permitted use.
A minor code variance or site plan revision is one in which the requested change:
 - Does not increase or enlarge the density, intensity of use, footprint, or any dimension of the overall plan by more than five percent; and
 - Does not increase or enlarge the exterior "footprint" of commercial, industrial or multi-family residential buildings by more than 1,000 square feet of building, or more than 1,000 square feet of additional impervious area; or
 - Does not increase or enlarge the "footprint" of single family or small multi-family (four or fewer dwelling units) buildings by more than 360 square feet of building, or no more than 360 square feet of additional impervious area is requested; andWhere the scope and intent of any variance approved by the board of adjustment, or scope and intent of any site plan previously approved by the city commission is not violated.

Submittal Requirements: A completed application form, the payment of fees, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, a site plan, and any other information as may be required by the City Development Director in order to do a thorough review of the request. The data requirements for a site plan are available at the Development Department.

Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application for the Board of Adjustment (BOA) public hearing.

Variance Application Supplement

Site Address: 813 SE Weir Street

Parcel ID#: 04-38-41-007-004-00120-6

Refer to City of Stuart Land Development Code (LDC) Section 8.05.00 for details

1. I (we) do hereby petition the City of Stuart Board of Adjustment for the following Variance from the LDC. (State the variance sought and the section from the LDC from which the variance is requested.)

The owner would like to build a 308 square foot covered and screened lanai addition connecting the guest house to the pool area. This would increase the footprint beyond the allowable guest house footprint of 50% of the main house by 308 square feet.

2. What is the purpose of the proposed variance and the intended development of the subject property if the variance is granted:

The owner would like to build a 308 square foot covered and screened lanai addition connecting the guest house to the pool area. This would increase the footprint beyond the allowable guest house footprint of 50% of the main house.

3. State the specific hardship imposed on the owner by the LDC?

The owners are currently renovating the main house and have worked hard to maintain the historic character of the home. Connecting a covered/screen porch to the existing main house is feasible - however the owners would prefer not to change the historic character of the home.

4. State reasons why this hardship is unique to the owner and why other property similarly situated does not suffer from the same hardship.

The owners are currently renovating the main house and have worked hard to maintain the historic character of the home. Connecting a covered/screen porch to the existing main house is feasible - however the owners would prefer not to change the historic character of the home, if possible.

5. State reasons why this variance will not be injurious to other property and/or improvements in the neighborhood in which the subject property is located.

The proposed lanai would not encroach on any setbacks or increase the allowable impervious lot coverage.

6. State reasons why this variance will not increase traffic, the danger of fire, or impair property values in the neighborhood in which the subject property is located.

This proposed lanai would not add any additional occupants or guests to the home, and is an allowable use on the property.

7. State why this variance is the minimum variance that will make possible a reasonable use of the land, building and structures.

The proposed lanai is a minimum footprint centrally located in the rear yard.

8. Explain how this proposed variance is consistent with the general spirit of the LDC and the City of Stuart Comprehensive Plan.

The proposed lanai is an allowable use and does not encroach on any setbacks or increase the allowable impervious lot coverage.

9. Is this variance request located within a Homeowners or Property Owners Association?

YES NO

If yes, then letter is required

For any variance request within an area that has a Homeowners or Property Owners Association, a letter from that Association is required stating their position regarding the variance request. Name of Association:

Is there a letter from that association attached?

YES NO

Please attach a diagram of the property showing the dimensions of the lot and all other dimensions necessary to understand this application.

I (we) have reviewed LDC Section 8.05.00, including the questions to be answered by the applicant for a variance and will be prepared to answer these questions at the public hearing.

I, LANCE VOLL (Applicant Name) swear (or affirm) that the information and facts stated therein on the application is true and correct.

Applicant Signature [Signature] Date: 10/10/23

STATE OF Florida

COUNTY OF Martin

The foregoing instrument was acknowledged before me this 10th day of Oct, 20 23

by Lance Voll whom is personally known to me or who has produced State License as identification.

[Signature]
Signature of Notary

G Alvarado
Type or Print Name of Notary

Commission Number (Seal)



City of Stuart
Development Department
121 SW Flagler Avenue
Stuart, FL 34994
Ph. 772-288-5300
Fax 772-288-5388

**AFFIDAVIT ATTESTING
TO NOTIFICATION**

_____, being first duly sworn, depose(s) and say(s):

That (I am / we are) the owner(s) or petitioner(s) of the following described property which constitutes the location for which notification is required:

**Petition Number: Z23100002
813 SE Weir Street, Stuart, Florida 34996**

That a copy of the notice was sent by regular U.S. Mail on (1/5/24) to the property owners within 300 feet of the subject property; and

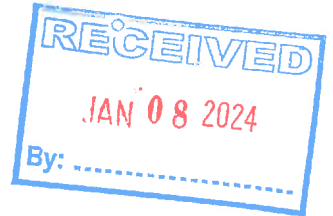
That a list of the property owners and their addresses is on file with the City of Stuart; and

That a photograph showing the placement of the notification sign be made a part of this Affidavit; and

That notice was sent, and the property was posted 15+ days prior to the scheduled public hearing(s) for this item.

[Signature]
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)



STATE OF FLORIDA, COUNTY OF Martin
Sworn and subscribed before me by means of — physical presence or —
online notarization, this 8th day of January, 2024 By Lance Vogl

Personally Known OR Produced Identification

[Signature]
Type of Identification Produced: FL id

Notary Public, State of _____
(Notary Seal)

My Commission expires:



ALICIA KING
Commission # HH 415665
Expires June 28, 2027

Sign Specifications

Pursuant to Ordinance 2266-2013

Sections 11.01.08.6.A.2, 11.01.08.9.A.3, 11.01.09.6.B, 11.01.09.9.B, and 11.02.02

The City of Stuart requires a notification by posting for the public hearing required for your application. The following is a representation of the sign that is required for proper notification.

Please have a sign created and installed to the following specifications:

- The sign shall be installed perpendicular to, and clearly visible from, the nearest public street in a location approved by the Development Department in advance of installation.
- The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and **not less than 24 by 36 inches in dimension when adjacent to non-arterial** roads.
- The sign shall have a uniform "City blue" background.
- The sign shall have white lettering of a font size that is legible.
- The sign shall be double-sided and waterproof.

The sign is required to be installed at least 15 days prior to the public hearing, or before Wednesday, January 10, 2024. After installation of the signs, please complete the included *Affidavit Attesting to Notification by Posting* form and return it to the City of Stuart Development Department. Please include a photo of the sign after it has been installed.

Failure to provide posted notice continuously from the time posted notice is to commence until the Public Hearing or the hearing which is the subject of the notice shall not be deemed as failure to give notice required by this code and action taken by the City subsequent to such notice shall not be deemed void for lack of posted notice. Lost signs or signs which become illegible for any reason shall be replaced by the applicant or petitioner as reasonably soon as possible upon notification to do so by the City. Signs shall be removed within five days of the conclusion of the noticed public hearing or hearing.

Should you have any questions regarding the sign posting, please contact me at (772) 600-1255, or by email at marbuzow@ci.stuart.fl.us.

Sign Specifications

48" Arterial Road
(36" Non-Arterial Road)

NOTICE OF PUBLIC HEARING

VARIANCE REQUEST

PETITION NUMBER: Z23100002

ADDRESS LOCATION: 813 SE Weir St

Purpose: Petitioners requesting a Variance from Land Development Code Section 6.09.02.C.3., to allow an accessory structure to exceed 50% of the footprint of the principal structure by 23.9%.

STUART CITY BOARD OF ADJUSTMENT

THURSDAY, JANUARY 25, 2024 AT 5:30P.M.

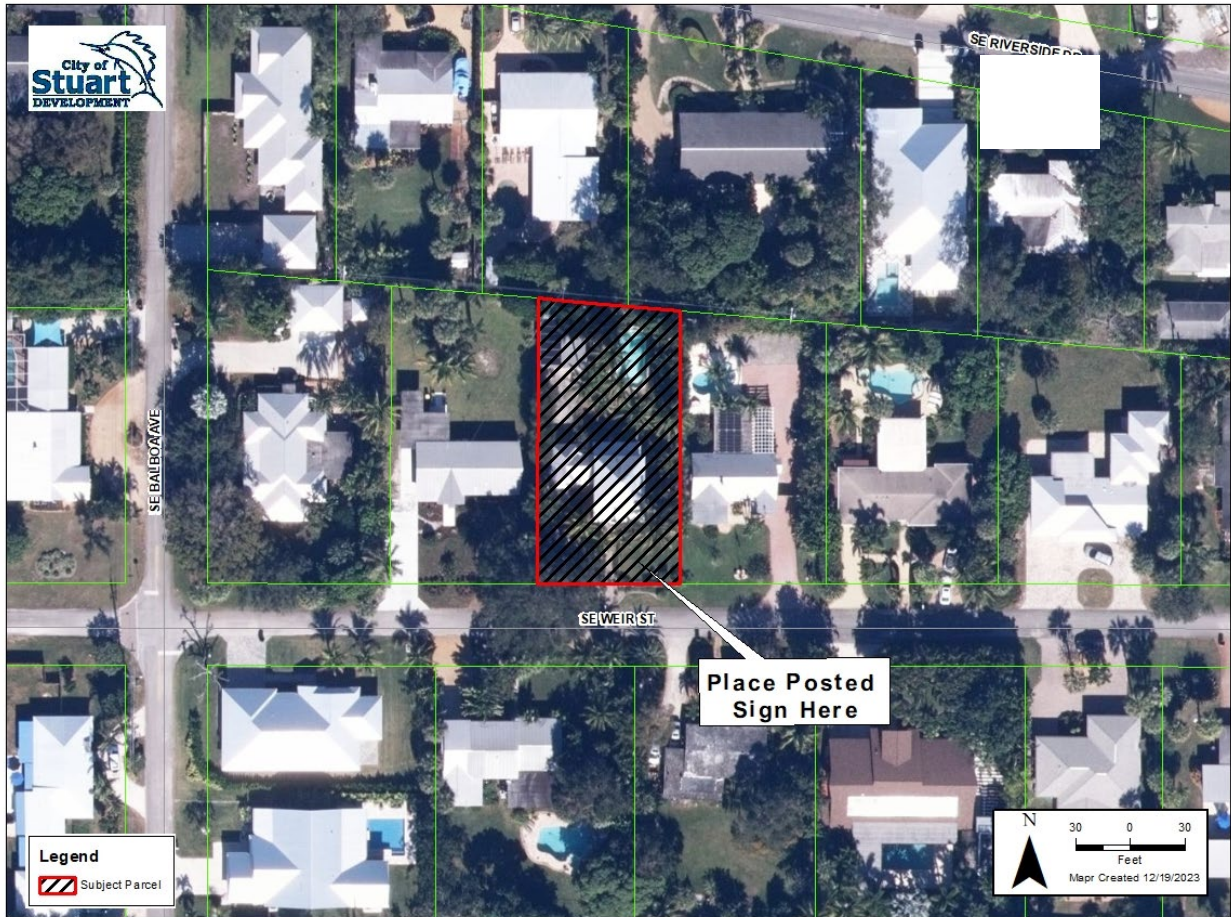
STUART CITY HALL 121 SW FLAGLER AVE

(772) 288-5326 8:30AM - 4:00PM

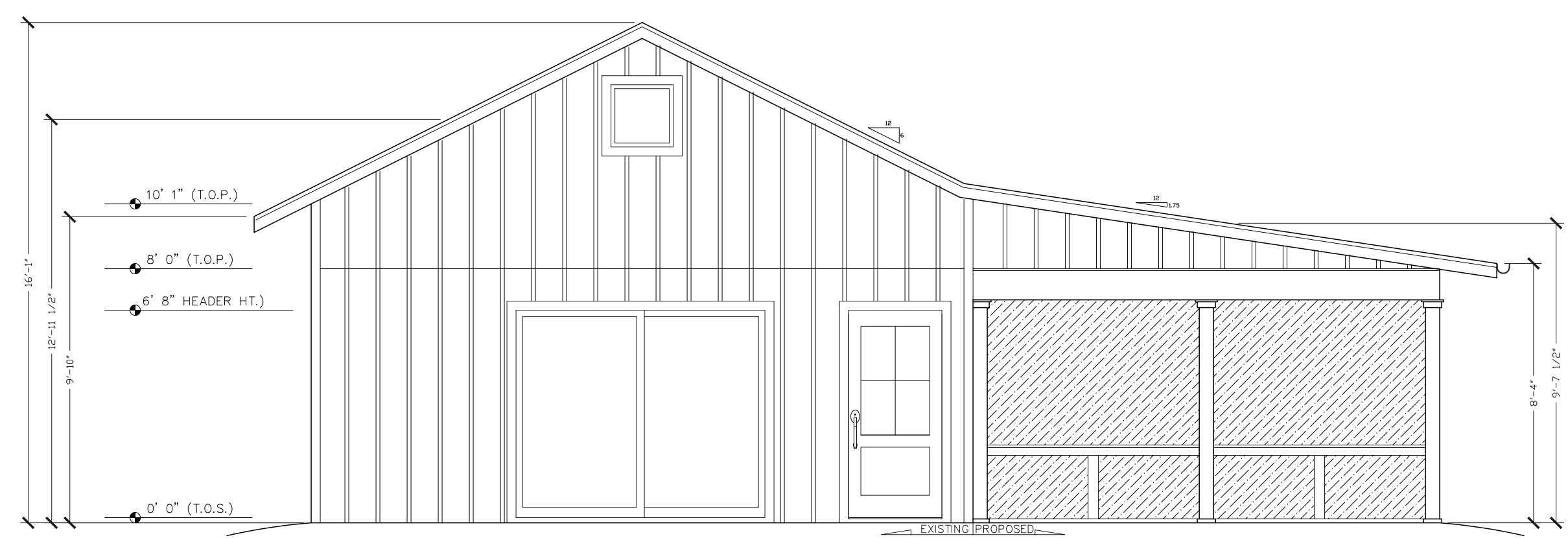
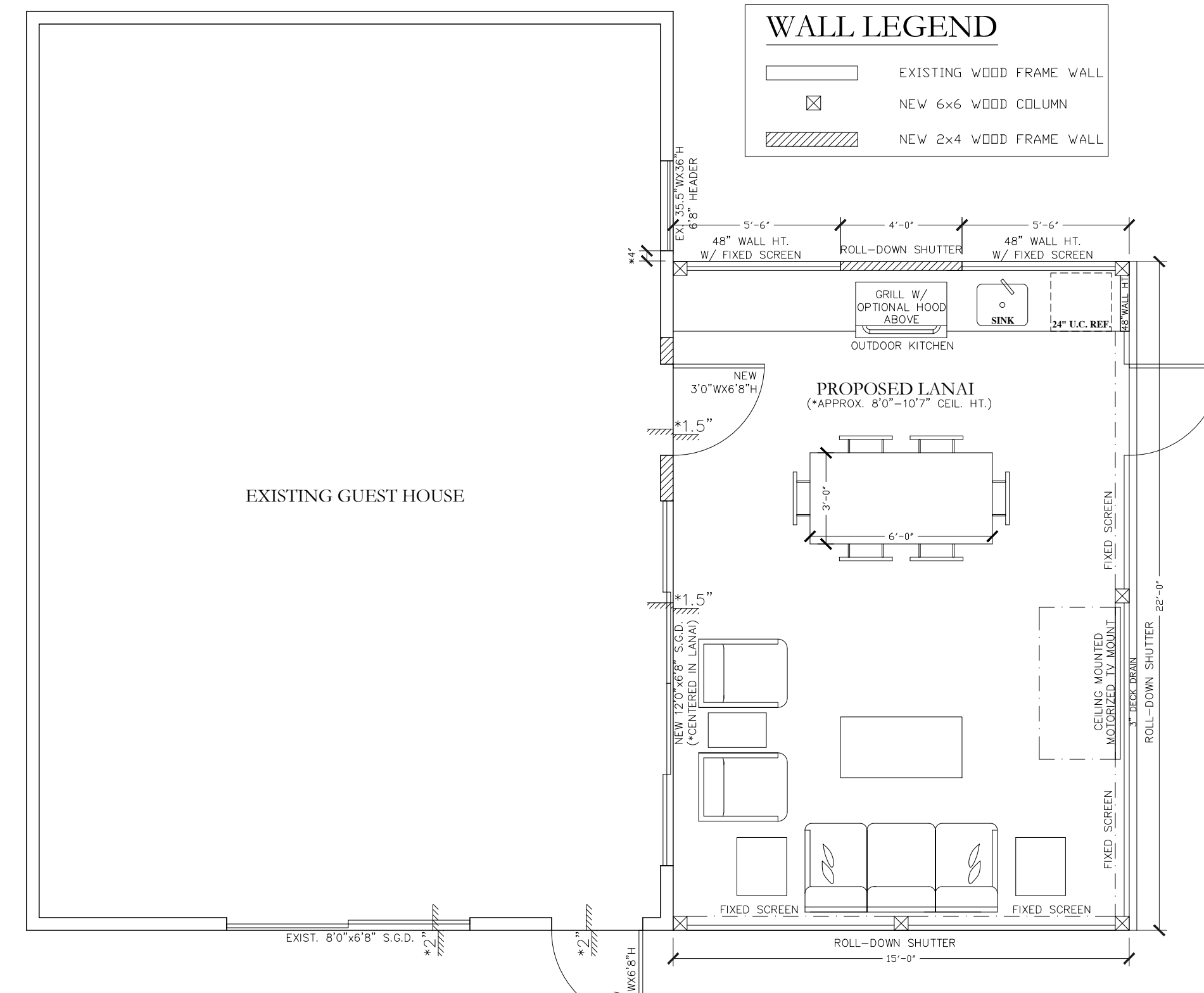
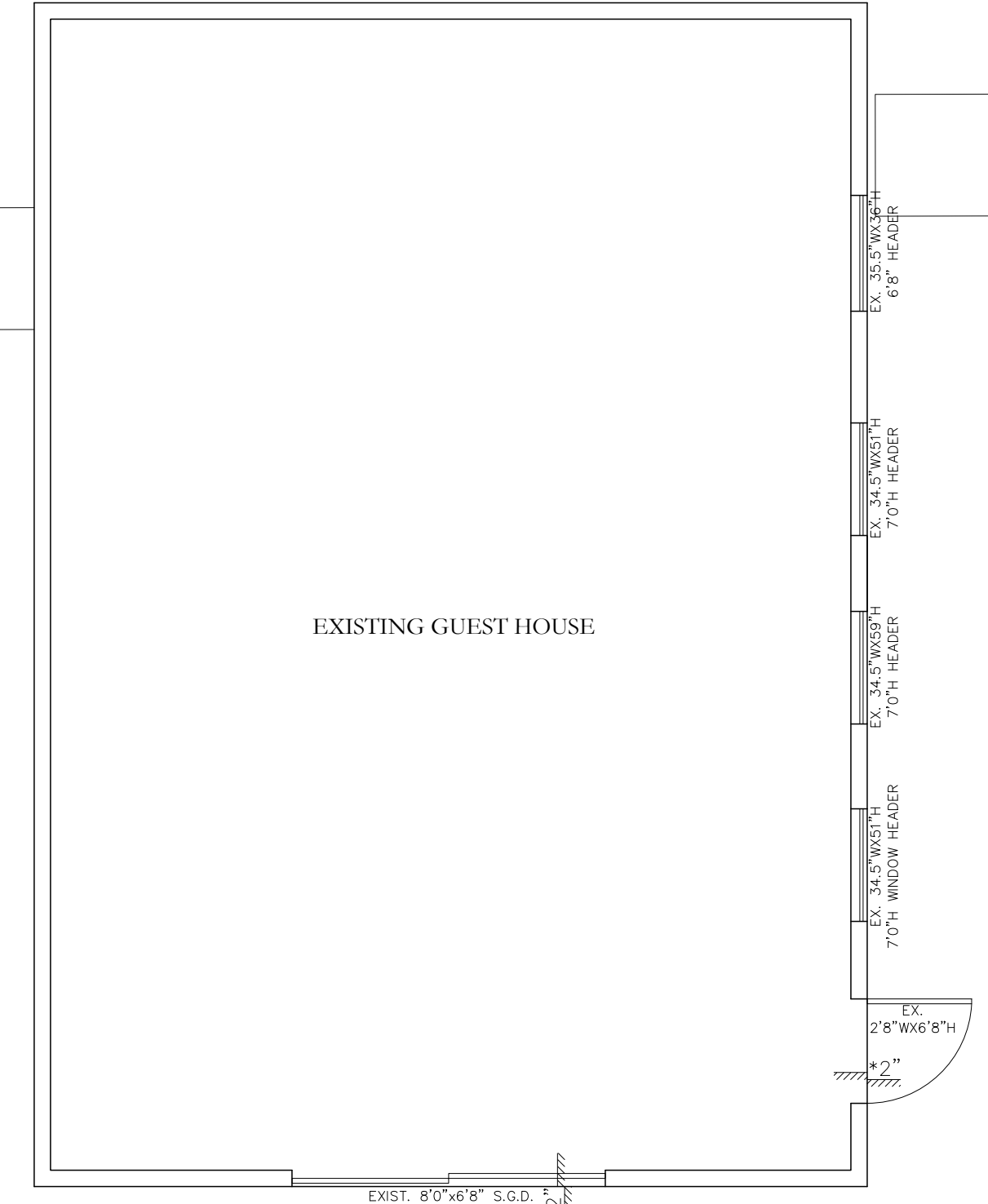
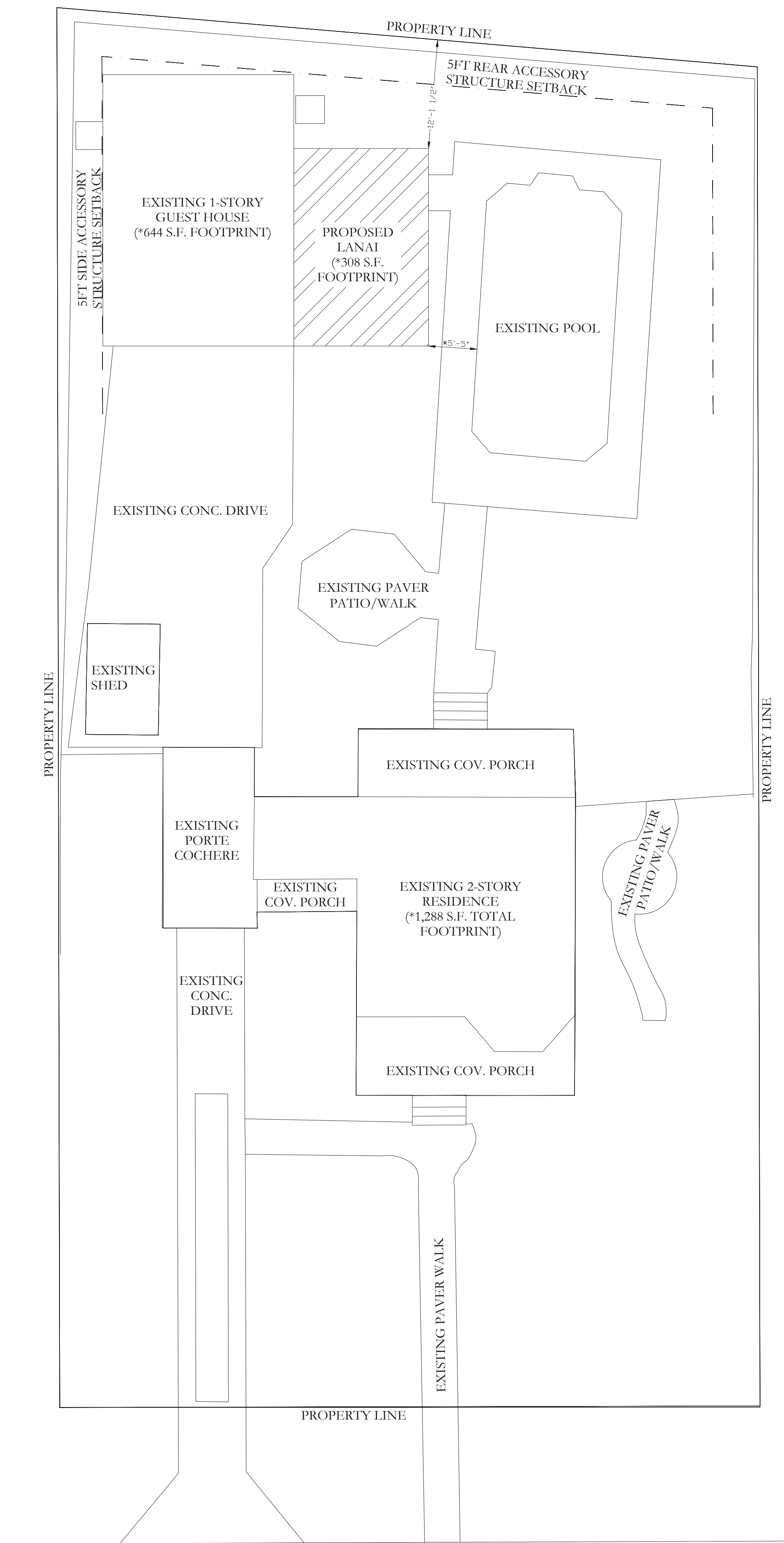
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

36" Arterial Road
(24" Non-Arterial)

Sign Location







| INDEX OF DRAWINGS | |
|---|--|
| A1 | PROPOSED SITE PLAN, FLOOR PLANS & PROJECT DATA |
| SCOPE OF WORK | |
| PROPOSED NEW COVERED LANAI ADDITION ATTACHED TO THE EXISTING GUEST HOUSE. | |
| AREA CALCULATIONS | |
| PROPOSED COVERED LANAI ADDITION..... | 308 S.F. |
| ZONING..... | R-1 |
| LOT SIZE..... | 11,899 S.F. |
| EXISTING MAIN HOUSE FOOTPRINT (W/ PORCHES/PORTE-COCHERE)..... | 1,288 S.F. |
| EXISTING GUEST HOUSE FOOTPRINT..... | 644 S.F. |
| PROPOSED GUEST HOUSE LANAI..... | 308 S.F. |
| EXISTING SHED..... | 100 S.F. |
| EXISTING POOL/POOL DECK..... | 932 S.F. |
| EXIST. CONCRETE DRIVEWAY..... | 1,113 S.F. |
| EXISTING PORCH STEPS..... | 44 S.F. |
| EQUIPMENT PADS..... | 50 S.F. |
| EXIST. PAVER PATIO/WALKS..... | 610 S.F. |
| PROPOSED TOTAL IMPERVIOUS SURFACE COVERAGE..... | 5,089 S.F. (43%) |

*ALL AREAS CALCULATED TO OUTSIDE DIMENSIONS FROM FIELD MEASUREMENTS AND/OR SURVEY BY STEPHEN J. BROWN INC.

| WALL LEGEND | |
|-------------|--------------------------|
| [Symbol] | EXISTING WOOD FRAME WALL |
| [Symbol] | NEW 6x6 WOOD COLUMN |
| [Symbol] | NEW 2x4 WOOD FRAME WALL |

VOGL ARCHITECTS
 201 SE Hibiscus Ave Stuart, FL
 772.284.5327
 voglarchitects.com :: lance@voglarchitects.com
 FLORIDA REGISTRATION # 96414

HAMMERSLEY LANAI
 ADDITION
 813 SE WEIR STREET
 STUART, FL 34994

SCHEMATIC
 SITE PLAN &
 PROJECT DATA

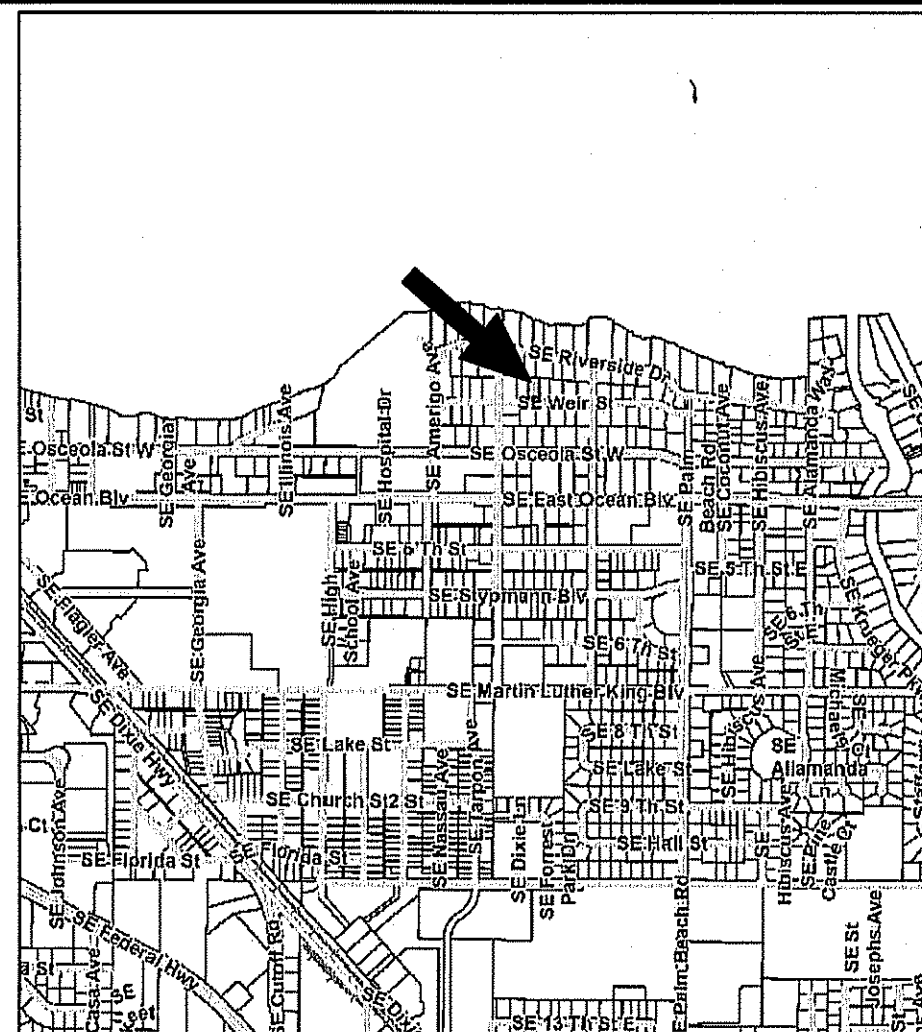
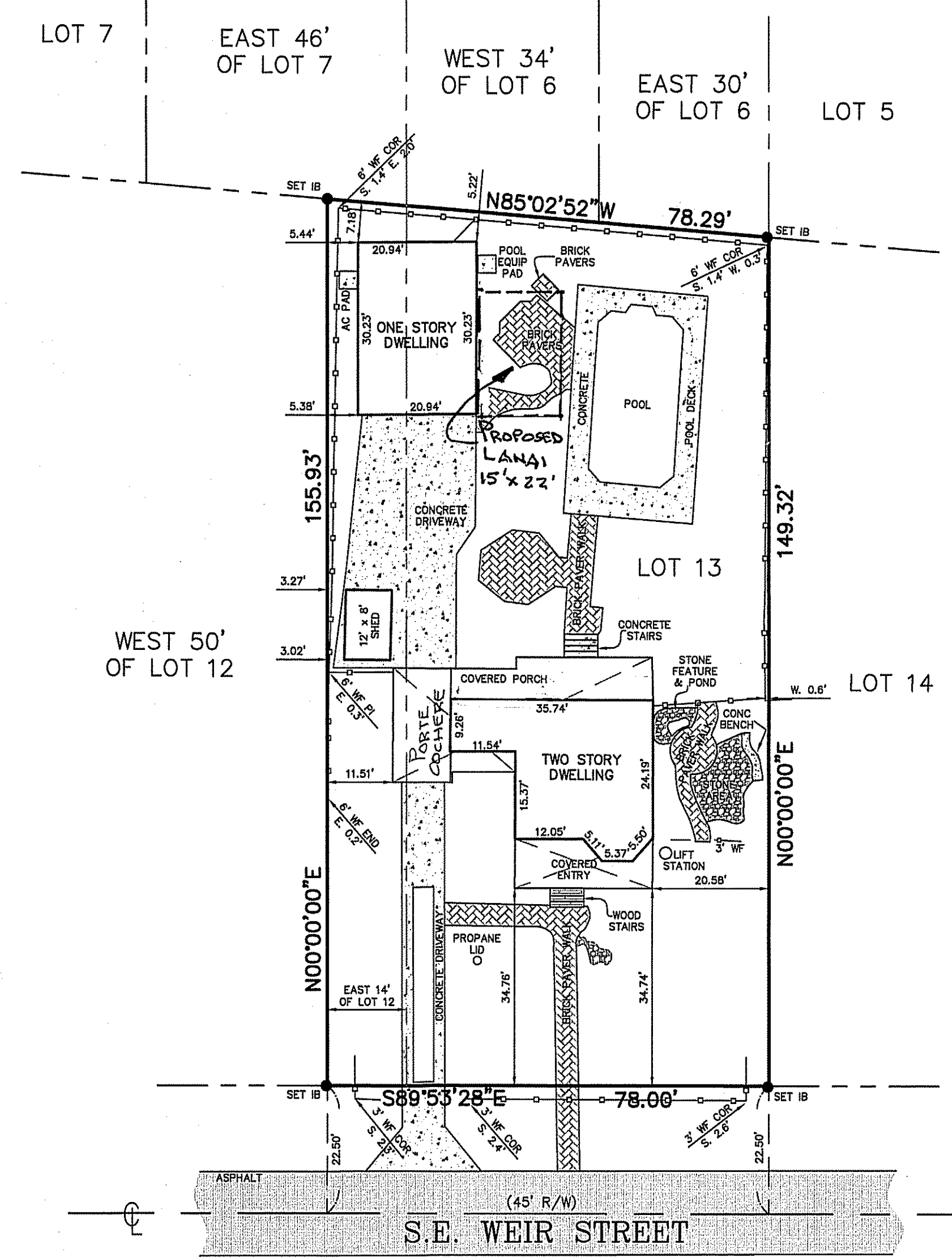
PROJECT NO.: HAMMERSLEY 2
 DATE: 12.11.2023
 REVISIONS:

SHEET NO.
A1
 (*24in. x 36in. Only)

*VARIANCE DRAWING: NOT FOR CONSTRUCTION

ALL DESIGNS & SPECIFICATIONS DEPICTED ON THIS SHEET ARE THE PROPERTY OF VOGL ARCHITECTS. ANY UNAUTHORIZED USE, OR REPRODUCTION IS SUBJECT TO LEGAL ACTION. POSSESSION IN ANY FORM CONSTITUTES ACCEPTANCE OF THESE CONDITIONS.

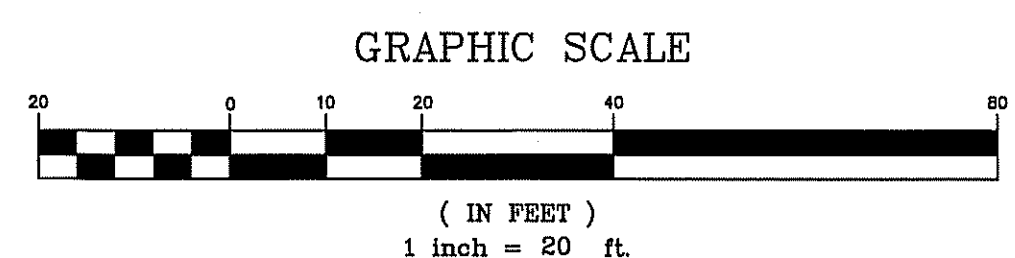
AC ACRE
A/C AIR CONDITIONER
ALUM ALUMINUM
ANC ANCHOR
APPROX APPROXIMATE
AVE AVENUE
BRG BEARING
BLK BLOCK
BLVD BOULEVARD
BLDG BUILDING
BM BENCHMARK
CATV CABLE TELEVISION BOX
CALCULATED
CB CATCH BASIN
CA CENTRAL ANGLE
CLF CHAINLINK FENCE
CHD CHORD
CONC CONCRETE
CBS CONC. BLOCK STRUCTURE
CM CONCRETE MONUMENT
CNR COULD NOT READ
CPP CONCRETE POWER POLE
COR CORNER
COV COVERED
CMP CORRUGATED METAL PIPE
CVG CONCRETE VALLEY GUTTER
D DEAD
D/F DRAINFIELD
DE DRAINAGE EASEMENT
ESMT DRAINAGE FLOW
EAS EASEMENT
ECC EDGE OF CONCRETE
EOP EDGE OF PAVEMENT
EOW EDGE OF WATER
EM ELECTRIC METER
ES ELECTRIC SERVICE
ELEV ELEVATION
ENCL ENCLOSURE
X 17.00 EXISTING ELEVATION
FT FEET
F FIELD MEASUREMENT
FNC FENCE
FFE FINISHED FLOOR ELEVATION
FH FIRE HYDRANT
FPL FLORIDA POWER & LIGHT
FND FOUND
GOVT GOVERNMENT
HSE HOUSE
I & E INGRESS & EGRESS EASEMENT
INV INVERT
IB IRON BAR
IP IRON PIPE
IB & C IRON BAR & CAP
IP & C IRON PIPE & CAP
L ARC LENGTH
LE LANDSCAPE EASEMENT
LB LICENSED BUSINESS NUMBER
LP LIGHT POLE
M & W MAG NAIL & WASHER
MAG MAG NAIL
ME MAINTENANCE EASEMENT
MH MANHOLE
MHWL MEAN HIGH WATER LINE
NAIL NAIL
N & TT NAIL & TIN TAB
N & W NAIL & WASHER
NGVD NATIONAL GEODETIC VERTICAL DATUM
NO ID NO IDENTIFICATION
NTS NOT TO SCALE
NAD NORTH AMERICAN DATUM
ORB OFFICIAL RECORD BOOK
O/S OFFSET
OH OVERHANG
OHW OVERHEAD WIRE
PG PAGE
PK & TT PARKER-KALON NAIL & TIN TAB
PK & W PARKER-KALON NAIL & WASHER
PVMT PAVEMENT
PRM PERMANENT REFERENCE MONUMENT
P PLAT
PB PLATBOOK
PCC POINT OF COMPOUND CURVATURE
PC POINT OF CURVATURE
PI POINT OF INTERSECTION
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
POE POINT OF ENCROACHMENT
PRC POINT OF REVERSE CURVATURE
PT POINT OF TANGENCY
PP POWER POLE
PUE PRIVATE UTILITY EASEMENT
PLS PROFESSIONAL LAND SURVEYOR
E PROPERTY LINE
PROP PROPOSED
o 17.00 PROPOSED ELEVATION
PRO PRORATED
R RADIUS
RAD RADIAL
RRS RAILROAD SPIKE
RNG RANGE
RLS REGISTERED LAND SURVEYOR
RCP REINFORCED CONCRETE PIPE
R/W RIGHT OF WAY
SS SANITARY SEWER
SECT SECTION
SET I.B. SET 5/8 IRON BAR & CAP #4049
SET PK SET PK NAIL & WASHER #4049
S/T SEPTIC TANK
S/W SIDEWALK
SBT SOUTHERN BELL TELEPHONE BOX
S/F SQUARE FEET
S/D SUBDIVISION
T TANGENT
TCE TEMPORARY CONSTRUCTION EASEMENT
TOB TOP OF BANK
TOE TOE OF SLOPE
TWP TOWNSHIP
TRANS TRANSFORMER
TYP TYPICAL
UDE UTILITY & DRAINAGE EASEMENT
UE UTILITY EASEMENT
U/G UNDERGROUND
WF WOOD FENCE
WM WATER METER
WV WATER VALVE
WPP WOOD POWER POLE
ø DIAMETER



LOCATION MAP

LEGAL DESCRIPTION

THE EAST 14 FEET OF LOT 12 AND ALL OF LOT 13, BLOCK 4, OF HILDABRAD PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 64, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.



- PROPERTY ADDRESS: 813 S.E. WEIR STREET
- CERTIFIED TO:
- ALAN & LISA HAMMERSLEY

Date of field survey:
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

- NOTES:
- Survey of description as furnished by Client.
 - Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
 - All bearings are referenced to the North line of subject property, assumed as North 85°02'52" West, with all others being relative thereto.
 - Elevations shown hereon are relative to North American Vertical Datum of 1988, and are based on bench mark.
 - There are no above ground encroachments, unless otherwise shown.
 - The National Flood Insurance Program designation as indicated on the F.E.M.A. Map Panel No. 12085C0153H, dated 02/19/2020, locates the parcel in Zones X, base flood elevation N/A feet; subject to any scaling and interpolation factors associated with mapping of this accuracy. This data is an interpretation by the surveyor and is provided as a courtesy. The flood zone(s) should be verified by a determination agency.
 - Underground foundations & utilities not located unless shown.
 - The expected use of the survey and map is for Residential Purposes.
 - All measurements are in accordance with the United States standard, in feet.
 10. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

| REVISIONS | BY |
|-----------------------|-----|
| PROPOSED LANA 12/8/23 | SJB |
| | |
| | |
| | |
| | |

BOUNDARY SURVEY PREPARED FOR: HAMMERSLEY

STEPHEN J. BROWN, INC
LICENSED BUSINESS NUMBER: 6484
SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS

619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: STEVE@SUBSTUART.COM PHONE: (772)-288-7176

| | |
|---------|------------|
| DRAWN | S.J.B. |
| CHECKED | S.J.B. |
| DATE | 09/11/2023 |
| SCALE | 1" = 20' |
| JOB NO. | 7849-01-01 |
| SHEET | ONE |
| OF ONE | SHEETS |

Vogl Architects

201 SE Hibiscus Ave
Stuart, FL 34996

772-284-5327

lance@voglarchitects.com

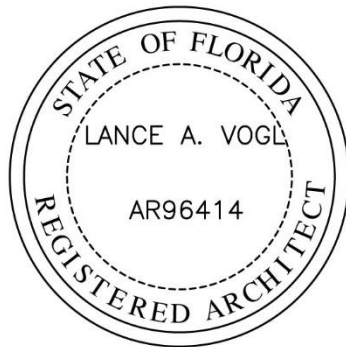
Drainage Statement

Hammersley Lanai Addition
813 SE Wier Street
Stuart, FL 34994
December 11, 2023

The proposed lanai addition does not increase the impervious surface coverage beyond the 50% allowed within the R-1 zoning district. The proposed lanai addition does not encroach on any setbacks, and does not change the existing drainage conditions on the project site. The proposed lanai will adhere to the City of Stuart Land Development Code drainage requirements.

Thank You,

Lance A. Vogl



813 SE Weir Street

January 2023 Imagery Map
Google Earth

Legend
📍 813 SE Weir St



📍 813 SE Weir St



ArcGIS Web Map



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City of Stuart Parcels

City of Stuart

Stuart City Limits

City of Stuart Zoning

R-1: Single Family - General

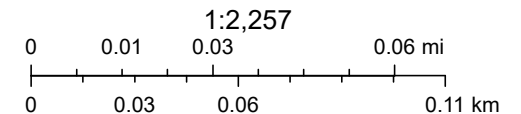
R-1A: Single Family - Estate

R-3: Residential - Multi-family/Duplex

P: Public

H: Hospital

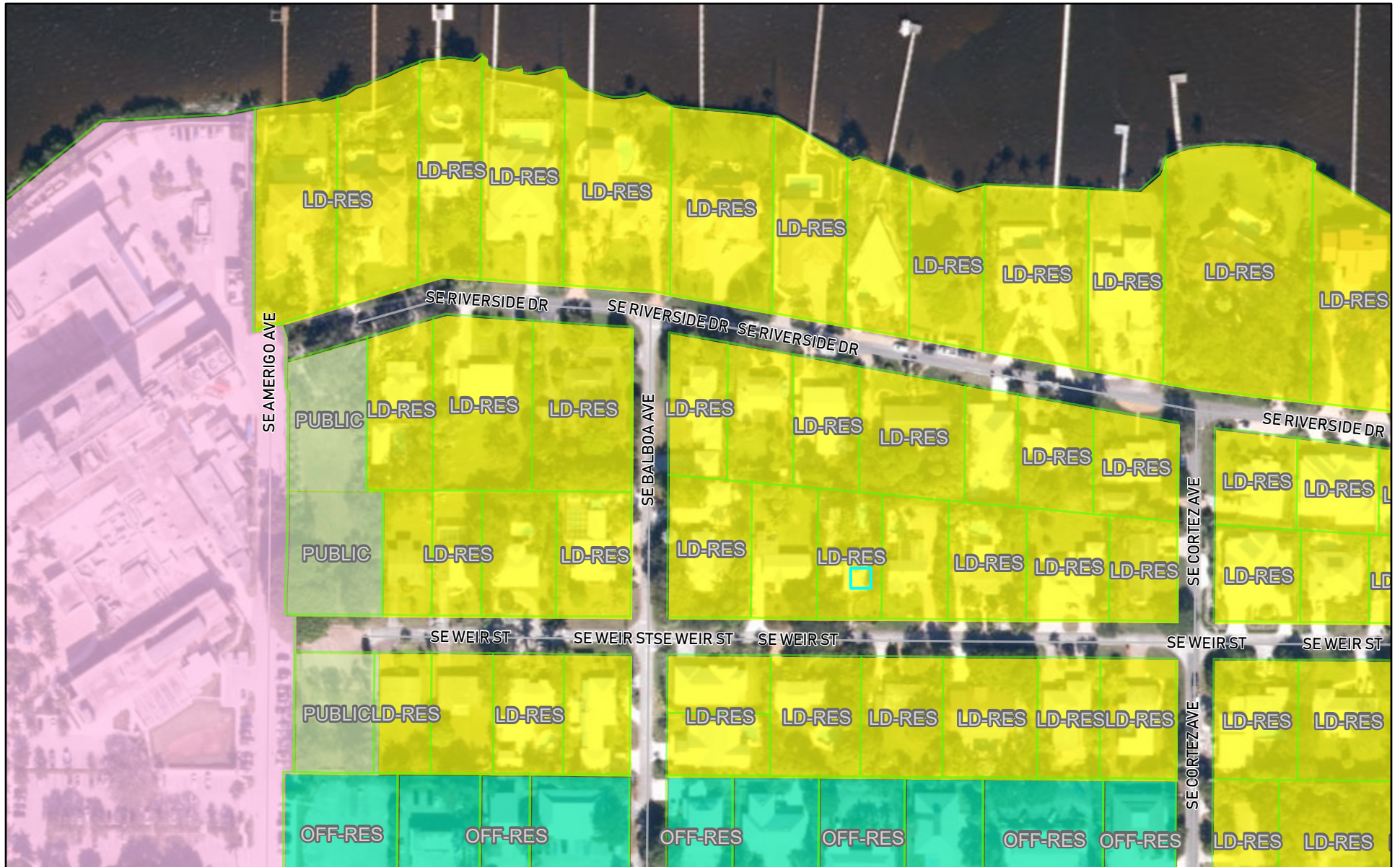
Roads










State of Florida, Maxar, Microsoft

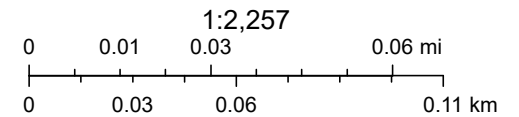
ArcGIS Web AppBuilder

ArcGIS Web Map



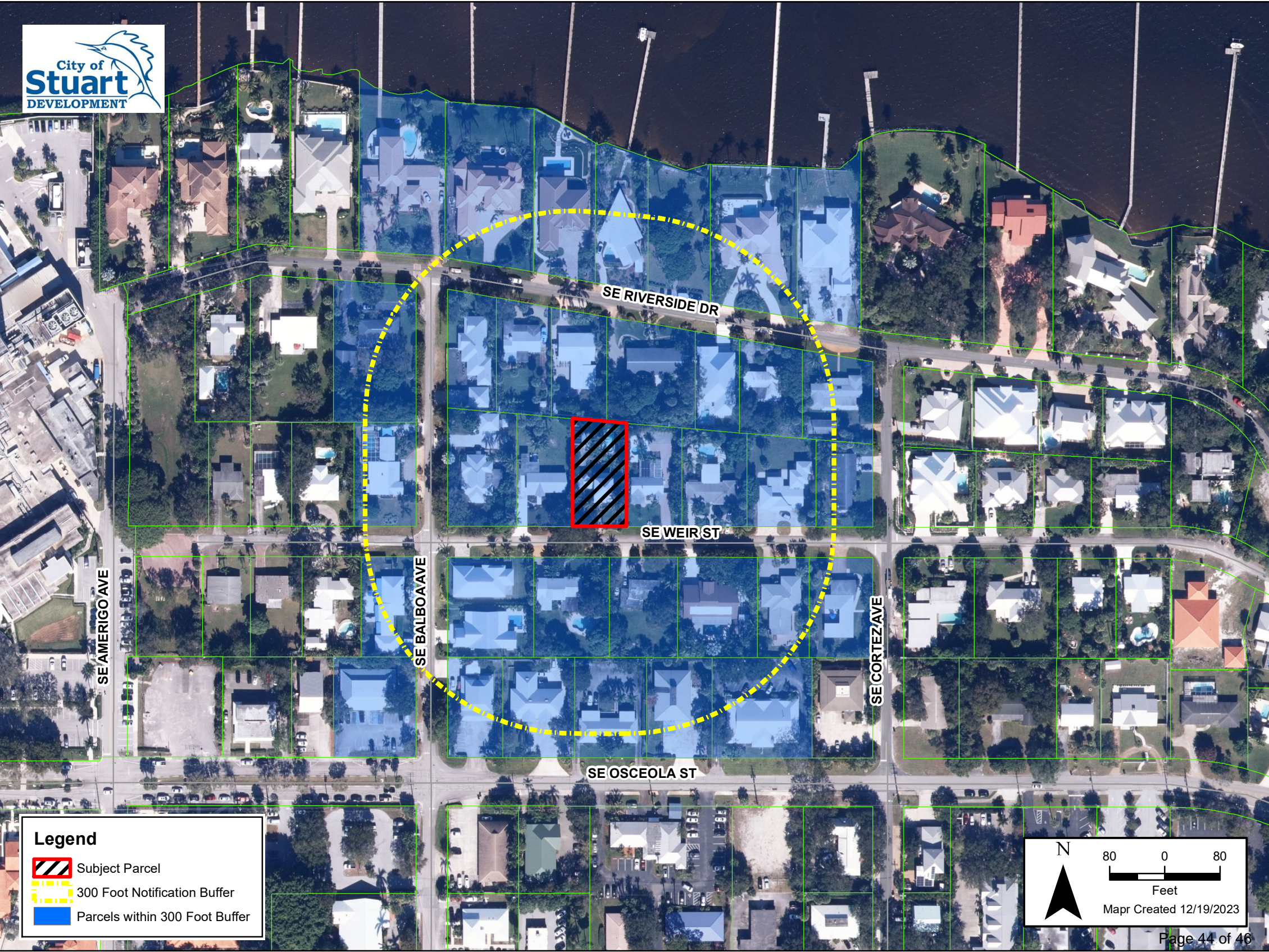
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| | | |
|---|---|---|
| City of Stuart Parcels | Future Land Use |  Institutional |
|  City of Stuart |  Low Denisty Residential |  Public |
|  Stuart City Limits |  Office- Residential |  Roads |






State of Florida, Maxar, Microsoft


ArcGIS Web AppBuilder



Legend

-  Subject Parcel
-  300 Foot Notification Buffer
-  Parcels within 300 Foot Buffer

N



80 0 80

Feet

Mapr Created 12/19/2023

Sec. 2.04.01. Generally.

The following Tables 5, 6, and 7 reflect lot area, impervious surface coverage, setback and height requirements.

TABLE 5 - RESIDENTIAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACK AND HEIGHT REQUIREMENTS

| Standard | R-1A | R-1 | R-2 (Single-family) | R-2 (Two-Family) | R-3 (Single-family) | R-3 (Two-family) | R-3 (Multi-family) | R-3 (Professional Bldg.) | R-3 (Residential units with business) |
|---|--------|-------|--|---------------------|--|---------------------|-----------------------|-----------------------------|--|
| Minimum zoning lot size: | | | | | | | | | |
| Minimum lot area (sq. feet) | 10,000 | 7,500 | 5,000 | 7,500 | 4,356 | 7,500 | 10,000 | 10,000 | 10,000 |
| Minimum lot width (feet) | 100' | 75' | 50' | 75'* | 50' | 75'* | 100' | 100' | 100' |
| Maximum Impervious Surface Coverage | 50% | 50% | 50% | 50% | 50% | 50% | 40% | 40% | 40% |
| Building Setback (Minimum Yards): | | | | | | | | | |
| Minimum front | 25' | 25' | 25' | 30' | 20' | 30' | 25' | 25' | 25' |
| Minimum side | 10' | 7.5' | 5' for one and two story 7.5' for three story | 10'** | 5' for one and two story 8' for three story | 10'** | 15'** | 15' | 25' |
| Minimum rear | 15' | 15' | 15' | 20' | 15' | 20' | 20' | 20' | 20' |
| Maximum Building Height | 35' | 35' | 35' | 35' | 35' | 35' | 35' | 45' | 45' |
| Maximum Number of Stories | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 4 | 4 |
| <p>Note: The above table does not apply to the CRA except for footnotes 1 and 2 noted below. Refer to chapter III, Special Zoning Codes for the development standards for the CRA.</p> <p>* Total width for both duplex units.</p> <p>** A zero-foot setback allowed for common wall of duplex dwelling units and fee-simple townhome devising walls.</p> | | | | | | | | | |

Sec. 6.09.02. General standards and requirements.

Not more than three accessory structures (excluding satellite television antenna systems, swimming pools, fences, walls, hedges, enclosures, and awnings), including a detached accessory dwelling unit, may be located on a parcel, provided that the following requirements are met:

- A. *Principal structure required.* No accessory structure shall be constructed unless there exists a permitted principal structure on the parcel, located in full compliance with all standards and requirements of this Code.
- B. *Compliance with requirements for principal structure required.* All accessory structures, including a detached accessory dwelling unit, shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- C. *Location.*
 - 1. *Setbacks.* Accessory structures shall not be located between the front facade of the principal building and the front property line and shall only be permitted in side and rear yards, subject to minimum five-foot side and rear setbacks from the property line. On corner lots the side setback shall be ten feet.
 - 2. *Separation.* There shall not be less than five feet separation between an accessory structure and the principal building.
 - 3. *Size.* In a residential district the height of an accessory structure shall not exceed the height of the principal structure and the footprint of an accessory structure shall not exceed 50 percent of the footprint of the principal structure. The interior ceiling of the first floor of an accessory structure shall not exceed ten feet above the finished floor elevation.
 - 4. *Design.* The architectural design and materials shall be consistent with the principal structure, neighborhood and use conventional residential windows and doors.
- D. *Drainage calculations.* Accessory structures and detached accessory dwelling units shall be included in all calculations of impervious surface and stormwater runoff.
- E. *Detached accessory dwelling unit.* In addition to the general standards and requirements set forth above for accessory structures, a single detached accessory dwelling unit may be located on the same lot as a single-family detached home provided that the following requirements are met:
 - 1. A detached accessory dwelling unit shall not exceed one story in height. The unit may be located on a second story if the first story is utilized as a garage or storage facility.
 - 2. A detached accessory dwelling unit shall be set back from the side and rear property lines not less than five feet. On corner lots the side setback shall be ten feet. An accessory dwelling unit to be located on the second story of a detached garage or storage facility shall meet the side and rear yard setbacks required of the principal structure.
 - 3. A detached accessory unit shall be separated from the principal building and other accessory structures a distance not less than five feet.
 - 4. The accessory dwelling unit shall contain one full bath and kitchen facilities.
 - 5. An accessory dwelling unit and the primary dwelling unit shall be occupied by members of a single family as that term is defined in this Code. The accessory dwelling unit shall use the same street address as the primary dwelling unit.

(Ord. No. 1453-96, 6-1-96; Ord. No. 1720-00, 3-27-00; Ord. No. 1827-02, § 2, 1-28-02; Ord. No. 1860-02 § 1, 5-20-02)

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(Supp. No. 15)