



**AGENDA**

**BOARD OF ADJUSTMENT  
FEBRUARY 22, 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](mailto: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 MEMBER OATH

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

2. APPROVAL OF 01/25/2024 BOA MINUTES

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

**COMMENTS BY BOARD MEMBERS (Non-Agenda Items)**

**ACTION ITEMS**

3. FINAL ORDER OF VARIANCE APPROVAL - 203 SE SAILFISH LANE - PETITION NUMBER Z23110002:

VARIANCE PETITION FROM SECTION 2.04.01.OF THE CITY OF STUART LAND DEVELOPMENT CODE TO ALLOW AN ATTACHED CARPORT TO BE CONSTRUCTED WITHIN THE MINIMUM REQUIRED 10FT SIDE YARD SETBACK, PROVIDING FOR A TOTAL SIDE YARD SETBACK OF 0.5 FEET.

**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:** 2/22/2024

**Prepared by:** Susej Meleqi

**Title of Item:**

ADVISORY BOARD MEMBER 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 22<sup>nd</sup> day of February 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:** 2/22/2024

**Prepared by:** Susej Meleqi

**Title of Item:**

APPROVAL OF 01/25/2024 BOA MINUTES

**Summary Explanation/Background Information on Agenda Request:**

APPROVAL OF 01/25/2024 BOA MINUTES

**Funding Source:**

N/A

**Recommended Action:**

Approve Minutes.

**ATTACHMENTS:**

1. 01252024 BOA Minutes

**MINUTES**  
**BOARD OF ADJUSTMENT OF THE CITY OF STUART**  
**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**

**CALL TO ORDER**

5:30 PM

**ROLL CALL**

PRESENT: Vice Chair Bols, Board Member Nash, Board Member Reed, Board Member Stanley  
ABSENT: Chair Vogl

**PLEDGE OF ALLEGIANCE**

**1. ADVISORY BOARD MEMBERS OATH**

City Attorney Lee Baggett swore in all present Board Members.

**2. ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR**

**5:34 PM MOTION: Nominate Christina Vogl as chair.**

**MOVED BY: Kristin Stanley**

**SECONDED BY: Claire Nash**

**Motion approved unanimously.**

**5:35 PM MOTION: Nominate Werner Bols as Vice Chair.**

**MOVED BY: Claire Nash**

**SECONDED BY: Kristin Stanley**

**Motion approved unanimously.**

**APPROVAL OF AGENDA**

**5:35 PM MOTION: Approve.**  
**MOVED BY: Kristin Stanley**  
**SECONDED BY: Sean Reed**  
**Motion approved unanimously.**

**APPROVAL OF MINUTES**

3. APPROVAL OF 08/24/2023 BOA MINUTES

**5:36 PM MOTION: Approve.**  
**MOVED BY: Claire Nash**  
**SECONDED BY: Kristin Stanley**  
**Motion approved unanimously.**

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

None.

**COMMENTS BY BOARD MEMBERS (Non-Agenda Items)**

None.

**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%.

Board Members provided ex-parte communications.

City Attorney Baggett swore in (3) people - Mechelle Arbusow, City Planner, Lance Vogl, applicant representative, and Lisa Hannersley, applicant.

Ms. Arbusow presented the public notice, location, zoning, future land use, land development, lot survey, mailer map, and staff's recommendation.

Mr. Vogl presented the history on the property, pictures of the property, proposed lanai, and stated he was available to answer any questions.

Board Members asked staff and applicants representative questions.

**5:59 PM MOTION: Approve variance as presented, but if the applicant decides at a future date to enclose the lanai and make it a living space under air conditioning, they must come back to the BOA board for another variance.**  
**MOVED BY: Claire Nash**  
**SECONDED BY: Sean Reed**  
**Motion approved unanimously.**

**STAFF UPDATE**

None.

**ADJOURNMENT**

6:02 PM

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**Susej T. Meleqi, Board Secretary**

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**Christina Vogl, Chair**

**Minutes to be approved at the BOA  
Meeting this \_\_\_\_ day of \_\_\_\_\_, 2024.**

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

**Meeting Date:** 2/22/2024

**Prepared by:** Mechelle Arbuzow

**Title of Item:**

FINAL ORDER OF VARIANCE APPROVAL - 203 SE SAILFISH LANE - PETITION NUMBER Z23110002:

VARIANCE PETITION FROM SECTION 2.04.01.OF THE CITY OF STUART LAND DEVELOPMENT CODE TO ALLOW AN ATTACHED CARPORT TO BE CONSTRUCTED WITHIN THE MINIMUM REQUIRED 10FT SIDE YARD SETBACK, PROVIDING FOR A TOTAL SIDE YARD SETBACK OF 0.5 FEET.

**Summary Explanation/Background Information on Agenda Request:**

The property located at 203 SE Sailfish Lane covers an area of 0.077 acres and consists of the southern half (1/2) of Lot 7 of the unrecorded plat of Fisherman's Paradise. At present, the property has a single-unit duplex along with a shed. The petitioner is requesting a variance from the Board of Adjustment to construct a carport within the required minimum 10-foot side yard setback, and which would result in a total side yard setback of 0.5 feet.

As per the submitted Supplemental Variance Application, the property was built in 1969 with a minimum setback of 8.6 feet, and there is not enough space for a carport. The petitioner had an awning earlier, but it was difficult for her to roll back by herself, so it was removed. The requested variance from the Board of Adjustment to allow the construction of a carport within the required minimum 10-foot side yard setback, resulting in a total side yard setback of 0.5 feet.

**Funding Source:**

N/A

**Recommended Action:**

The City of Stuart Development Department has reviewed the submitted Variance petition and is recommending denial of the request to allow a carport to encroach into the minimum required 10-foot side yard setback, by 9.5 feet, providing a total side yard setback of 0.5-foot.

**ATTACHMENTS:**

1. Variance Staff Report
2. BOA Public Notice
3. Draft Variance Final Order
4. Variance Application
5. Survey
6. Pictures from the Petitioner
7. Maps
8. Land Development Code Section



**TO:** Board of Adjustment (BOA)

**FROM:** Mechelle Arbuzow, Planner I

**MEETING DATE:** Thursday, February 22, 2024

**PROJECT #:** Z23110002

**SUBJECT:** Variance Petition from Section 2.04.01. of the City of Stuart Land Development Code to allow an attached carport to be constructed within the minimum required 10ft side yard setback, providing for a total side yard setback of 0.5 feet.

**GENERAL INFORMATION:**

**Property Owner/Applicant:** Sally Sloane  
203 SE Sailfish Lane  
Stuart, FL 34996

**Location:** 203 SE Sailfish Lane, Stuart, FL 34996

**Parcel ID#:** 03-38-41-002-000-00071-0

**Parcel Size:** +/-0.077-acres (*appx.3,354sq*)

**Future Land Use:** Low-Density Residential

**Zoning District:** Residential - Duplex (R-2)

**Existing Use:** Single Unit Duplex

**Surrounding Zoning:** Residential - Duplex (R-2)  
Residential – Multi-Family/Office (R-3)

**I. BACKGROUND**

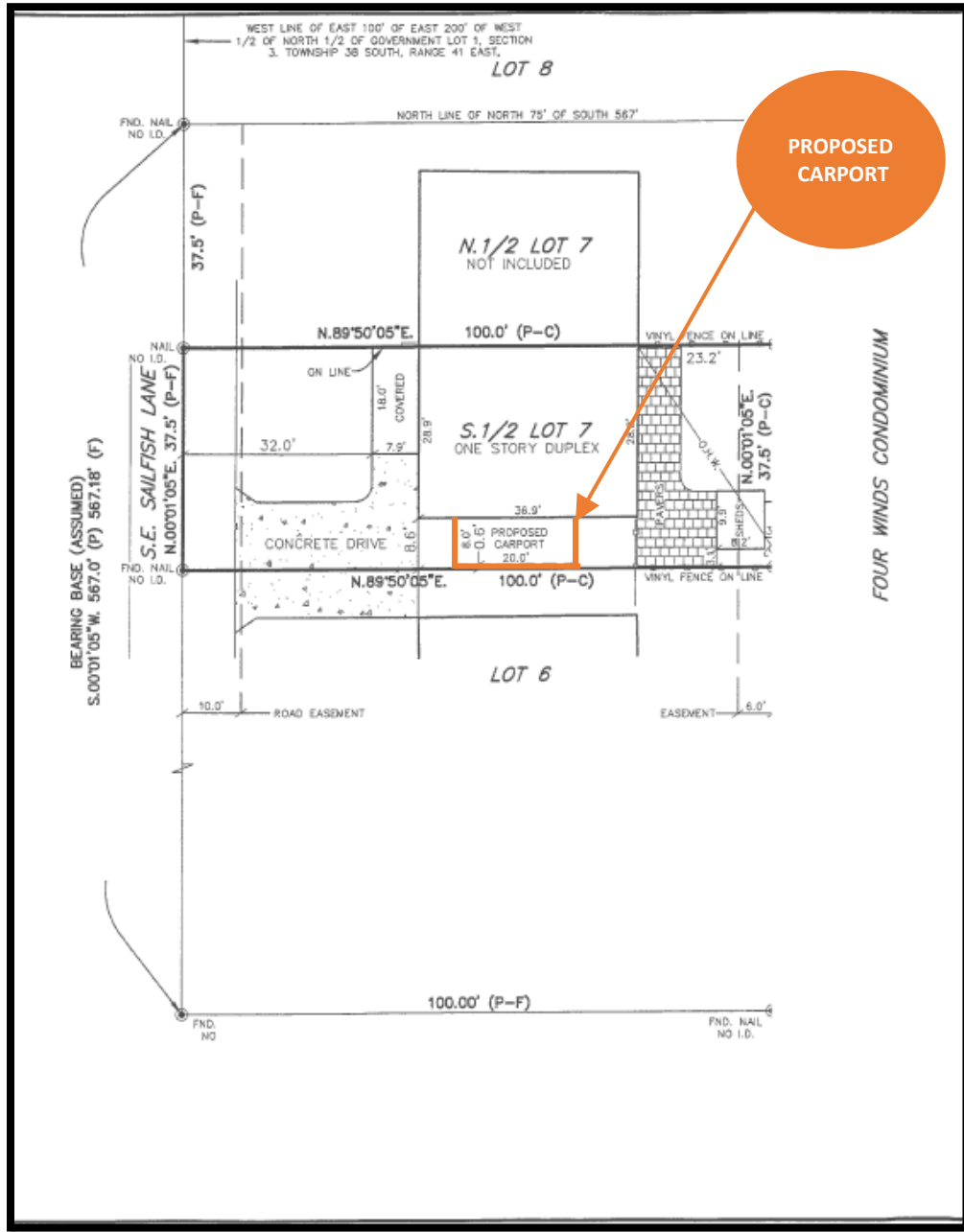
The 0.077-acre subject property is located at 203 SE Sailfish Lane and encompasses the south one-half (1/2) of Lot 7 of the unrecorded plat of Fisherman’s Paradise. There is currently a single-unit duplex on the parcel with a shed. The petitioner is requesting a Variance from the Board of Adjustment to allow a carport to be permitted and constructed within the minimum required 10ft side yard setback, providing for a total side yard setback of 0.5 feet.

According to the submitted Supplemental Variance Application, the property was developed in 1969 with a minimum setback of 8.6 feet, and there is not enough space for a carport. The petitioner had an awning; however, it was difficult for her to roll back by herself, so it was removed.

***Site Characteristics:***

The subject property is 0.07 acres and was constructed in 1968. The single-unit-duplex lot has 3,354.12 square feet. The applicant did not provide calculations for the existing and proposed on-site impervious areas; however,

should the Board of Adjustment approve this Variance petition, a condition of approval would require the applicant, property owner, or successor to submit the existing/proposed impervious calculation to ensure stormwater requirements are met. The subject site is within the area of minimal flood hazard FEMA Flood Zone "X".



## 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 reviewing 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 the 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 Residential-Duplex (R-2) zoning designation. In accordance with Section 2.04.01., the minimum side setback of 10' is required.

Although carports are allowed within the R-2 zoning district as permitted use, these accessory structures are subject to the minimum required side and rear yard setbacks, as per Section 6.09.02(C)(1) of the Land Development Code.

*C. Location.*

*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. 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 will be maximized by encroaching into the required minimum 10-foot side yard setback.

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

The proposed Variance petition is not anticipated to affect the property values of 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**

Pursuant to Land Development Code (LDC) Section 2.04.01, the maximum allowable impervious surface coverage within the R-2 zoning district is 50%.

The applicant did not provide calculations for the existing and proposed on-site impervious areas; however, should the Board of Adjustment approve this Variance petition, a condition of approval would require the applicant, property owner, or successor to submit the existing/proposed impervious calculation to ensure stormwater requirements are met.

Prior to the issuance of Building Permit for the installation of a carport, all development would be required to meet the minimum requirements for stormwater management, as per LDC Section 6.03.00 entitled.

According to data obtained from the Martin County Property Appraiser, the parcel meets the 50% maximum impervious surface coverage by 97.06 square feet. Upon approval of the Variance petition, and prior to the issuance of a building permit, the applicant, property owner, or successor will be required to submit a drainage calculation/statement and site data regarding impervious/pervious surface coverage for staff review.

**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**

Increase in traffic impacts are not anticipated with the proposed Variance petition.

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

Not applicable to the requested Variance petition.

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

Not applicable to the requested Variance petition.

**PUBLIC NOTIFICATION**

On February 5, 2024, the applicant mailed notices to 322 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 subject parcel. The Board of Adjustment Public Hearing meeting is not applicable to advertise in the local newspaper.

**STAFF RECOMMENDATION**

The City of Stuart Development Department has reviewed the submitted Variance petition is recommending denial for the request to allow a carport to encroach into the minimum required 10-foot side yard setback, by 9.5-feet, providing a total side yard setback of 0.5-foot.



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

**AFFIDAVIT ATTESTING  
TO NOTIFICATION**

Sally A Sloane, 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: Z23110002  
203 SE Sailfish Lane, Stuart, Florida 34996**

That a copy of the notice was sent by regular U.S. Mail on 2-5-2024 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.

Sally A Sloane  
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

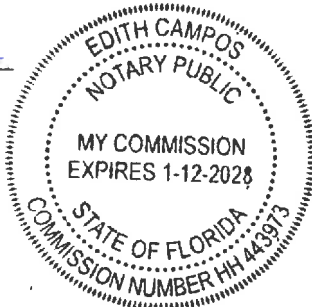
STATE OF FLORIDA, COUNTY OF Martin  
Sworn and subscribed before me by means of  physical presence or \_\_\_  
online notarization, this 6<sup>th</sup> day of February, 2024 By  
Sally Ann Sloane.

Personally Known OR Produced Identification

FL DL # S450-781-42-526-0

Type of Identification Produced:

Notary Public, State of FL  
(Notary Seal)



My Commission expires:

1-12-24.  
Edith Campos

## **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, February 6, 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](mailto:marbuzow@ci.stuart.fl.us).

**Sign Specifications**

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

**NOTICE OF PUBLIC HEARING  
VARIANCE REQUEST**

PETITION NUMBER: Z23110002  
ADDRESS LOCATION: 203 SE Sailfish Ln

**Purpose:** Petition to request a Variance from Land Development Code Section 2.04.01., to allow an attached carport to be constructed within the minimum required 10ft side setback, providing for a total setback of a 0.5 feet.

**STUART CITY BOARD OF ADJUSTMENT**

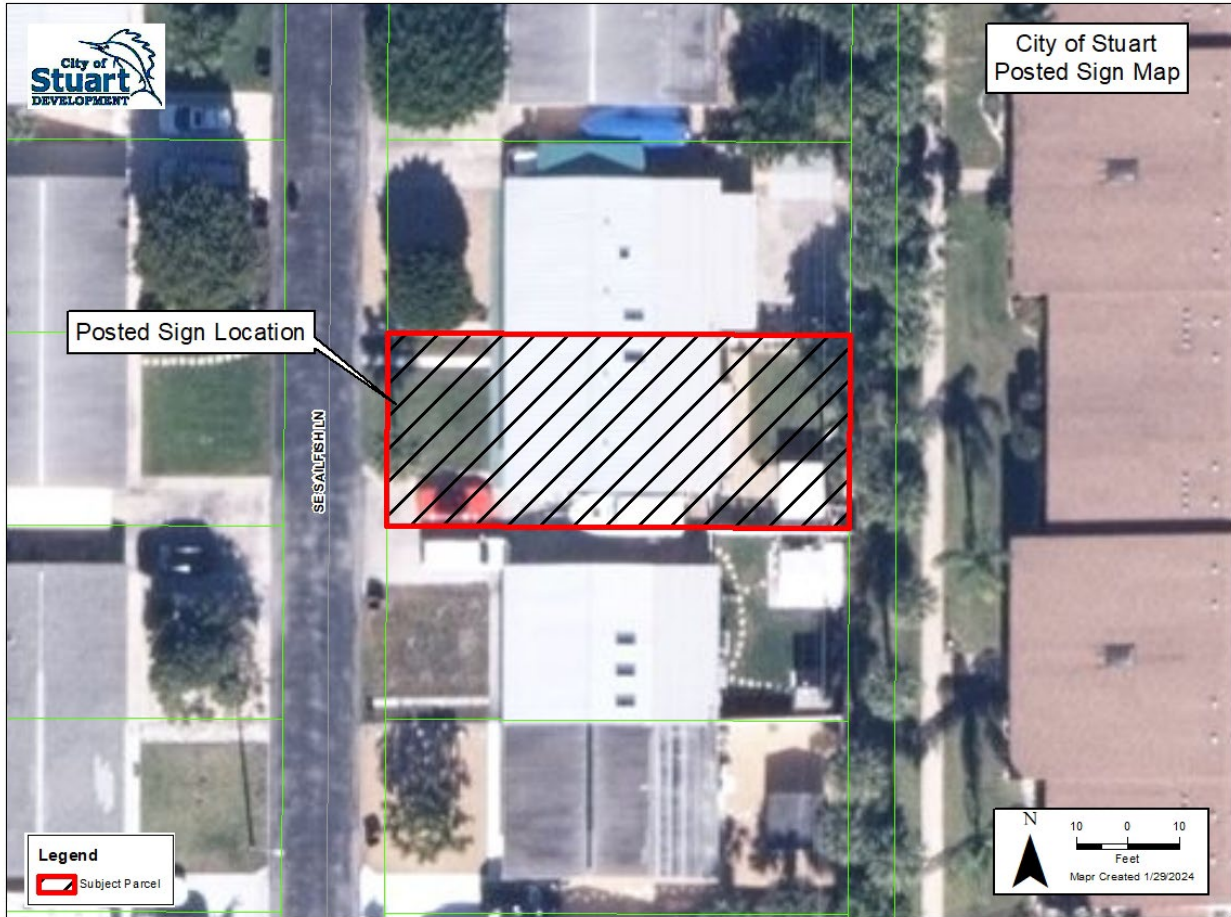
THURSDAY, FEBRUARY 22, 2024 AT 5:30P.M.

STUART CITY HALL 121 SW FLAGLER AVE  
(772) 288-5326 8:30AM - 4:00PM

VISIT [WWW.CITYOFSTUART.US](http://WWW.CITYOFSTUART.US) FOR MORE INFORMATION

36" Arterial Road  
(24" Non-Arterial)

## Sign Location



**NOTICE OF PUBLIC HEARING  
VARIANCE REQUEST**

PETITION NUMBER: 2024030002  
ADDRESS LOCATION: 201 SE Harbor

Petition to request a variance from the  
Development Code Section 2.02(c) to allow an  
attached canopy to be constructed within the  
minimum required side-set setback amount for a  
total setback of 0.3 feet.

**STUART CITY BOARD OF ADJUSTMENT**  
THURSDAY, FEBRUARY 22, 2024 AT 5:00PM

STUART CITY Hall, 100 SE Ocean Blvd  
1720 SE 15th St • Stuart, FL 34984  
VISIT: [www.stuartfl.gov](http://www.stuartfl.gov) or call 888-800-8000

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.: Z23110002**

In reference to a Variance Petition from Land Development Code Section 2.04.01, for **Sally Sloane, for the property located at 203 SE Sailfish Lane, Stuart, Florida 34996.**

**PCN: 03-38-41-002-000-00071-0**

**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 February 22, 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 being represented by herself, Sally Sloane.
3. Mechelle Arbuzow, of the City of Stuart Development Department is testifying on behalf of the City of Stuart that Sally Sloane is the entity owning the real property located at 203 SE Sailfish Lane (Parcel I.D.: 03-38-41-002-000-00071-0), 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 **Residential-Duplex (R-2)** 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. Sally Sloane, presented on behalf of herself, explaining the variance request to allow a carport to be constructed and encroach within the minimum required 10-foot side yard setback, providing for a total setback of 0.5 feet.
6. Sally Sloane, have signed the application for a variance requesting approval of the following:
  - a. To allow an attached carport to be constructed within the minimum required 10 foot side yard setback, providing a total side yard setback of 0.5 feet.
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 2.04.01 of the Land Development Code, which states the minimum side setback shall be 10 feet.
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)

Board Member \_\_\_\_\_ offered a motion to approve the variance with the condition(s) outlined in “Exhibit B”. The motion was seconded by Board Member \_\_\_\_\_ and upon being put to a roll call, 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

The motion to **approve/denied** the variance was \_\_\_\_\_.

ADOPTED this 22<sup>nd</sup> day of February 2024.

ATTEST:

By: \_\_\_\_\_  
 SUSEJ T. MELEQI  
 DEPUTY CITY CLERK

\_\_\_\_\_  
 CHRISTINA VOGL  
 CHAIR

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
 LEE J. BAGGETT  
 CITY ATTORNEY

**EXHIBIT 'A'**

Address: 203 SE Sailfish Lane, Stuart, FL 34996

Parcel Number: 03-38-41-002-000-00071-0

LEGAL DESCRIPTION:

THE SOUTH ONE-HALF (1/2) OF LOT 7, ACCORDING TO THE UNRECORDED PLAT OF FISHERMAN'S PARADISE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH ONE-HALF (1/2) OF THE NORTH 75 FEET OF THE SOUTH 567 FEET OF THE EAST 100 FEET OF THE EAST 200 FEET OF THE EAST HALF (E 1/2) OF THE WEST HALF (W 1/2) OF THE NORTH HALF (N 1/2) OF GOVERNMENT LOT 1, SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT OVER THE WEST 10 FEET FOR ROAD PURPOSES AND ALSO SUBJECT TO AN EASEMENT OVER THE EAST 6 FEET FOR PUBLIC UTILITIES.

**EXHIBIT “B”**

Conditions of Approval

1. The property owner shall submit a building permit no later than two (2) years from the variance approval with site data to include the total impervious lot coverage, and drainage calculation and or drainage statement.



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

Received by: KM  
 Reviewed by: \_\_\_\_\_

11/13/2023



**Variance Application**

Project ID# 223110002  
 (Staff Entry)

Pre-App Conference Date:	Application Date:
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SITE INFORMATION

Project Name: <u>SLOANE - CARPORT</u>	Parcel ID#: <u>03-38-41-002-000-00091-0</u>
Site Address: <u>203 SE SAILFISH LANE</u>	<u>STUART-FL</u>
Subdivision: <u>FISHERMAN'S PARADISE</u>	Lot(s):
Site Acreage: <u>3750 Sq. Ft.</u>	Flood Zone/Base Flood Elevation:
Existing Zoning District / CRA Subdistrict (if applicable): <u>R2</u>	
Proposed Zoning District / CRA Subdistrict (if applicable): <u>N/A</u>	
Current Comprehensive Plan Future Land Use Designation: <u>LD-RES</u>	
Proposed Comprehensive Plan Future Land Use Designation (if applicable): <u>N/A</u>	
Existing Land Use: <u>RESIDENTIAL DUPLEX</u>	Proposed Land Use: <u>N/A</u>
Proposed Square Footage (if applicable): <u>N/A</u>	Proposed Density (if applicable): <u>N/A</u>
<b>Variance Request (check the box below that applies):</b>	
<input checked="" type="checkbox"/> Board of Adjustment Variance	<input type="checkbox"/> Administrative Variance

PETITIONER INFORMATION

Property Owner: <u>SALLY SLOANE</u>	Phone Number / Email Address: <u>401-368-7034</u>
Property Owner's Mailing Address: <u>SASLOANE203@AOL.COM</u>	
Applicant (if not Owner): <u>203 SE SAILFISH LANE</u>	Phone Number / Email Address:
Applicant's Mailing Address:	
Agent/Contact Person:	Phone Number / Email Address:
Agent's Mailing Address:	
Architect:	Engineer:
Planner:	Landscape Architect:

City of Stuart Development Department, 121 SW Flagler Ave. Stuart, FL 34994 Phone: (772) 288-5326 Fax: (772) 288-5388

FDP

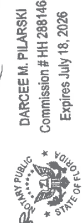
**Statement of Ownership and Designation of Authorized Agent**  
*(Please Print or Type)*

Before me, the undersigned authority, personally appeared Sally Ann Sloane  
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 \_\_\_\_\_ to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: SALLY A. SLOANE  
Signature of Owner: Sally A. Sloane By: Name/Title \_\_\_\_\_  
203 St Salford Lane City, State, Zip Code Stuart FL 34996  
Street Address \_\_\_\_\_  
P.O. Box \_\_\_\_\_ City, State, Zip Code \_\_\_\_\_  
772-2867831 C 401-368-0274 Telephone Number \_\_\_\_\_  
Fax Number \_\_\_\_\_  
SASLOANE203@AOL.COM Email Address: \_\_\_\_\_

STATE OF FLORIDA, COUNTY OF Martin  
Sworn and subscribed before me by means of  physical presence or  online notarization, this  
13<sup>th</sup> day of November, 2023 By: Sally Ann Sloane

Personally Known OR Produced Identification \_\_\_\_\_  
Type of Identification Produced: \_\_\_\_\_ Notary Public  
  
DARCEE M. PILARSKI  
Commission # HH 288146  
Expires July 18, 2026  
My Commission expires: 07/18/2026

## 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: <u>Sally A Sloane</u>	
Title:	
Company:	
Company Address:	

City/State/Zip Code: <u>Stuart Fl. 34996</u>	
Telephone Number: <u>772-286-1831 - C 401-368-1024</u>	
Facsimile Number:	
Email Address (optional): <u>SASLOANE203C@AOL.COM</u>	

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

I. Signed this 13 day of November, 2023

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

## Application Requirements

<p>Fee: \$104.00 Administrative Variance Approval; or          \$852.00 Board of Adjustment Approval  <i>(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)</i></p>	<p>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:</p> <ul style="list-style-type: none"> <li>➤ 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:</li> <li>➤ 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.)</li> <li>➤ Fences, walls and hedges. Any variance request for a fence, wall or hedge height or location, or other buffer screening matter.</li> <li>➤ 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.</li> </ul> <p>A minor code variance or site plan revision is one in which the requested change:</p> <ul style="list-style-type: none"> <li>➤ Does not increase or enlarge the density, intensity of use, footprint, or any dimension of the overall plan by more than five percent; and</li> <li>➤ 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</li> <li>➤ 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; and</li> </ul> <p>Where 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.</p>
	<p><b>Submittal Requirements:</b> 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.</p> <p><b>Approving Authority:</b> The Development Director is required to prepare a staff report and recommendation concerning this application for the Board of Adjustment (BOA) public hearing.</p>

# Variance Application Supplement

Site Address: 203 SE SAILFISH LANE - STUART FL

Parcel ID#: 03-38-41-002-000-00071-0

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.)

*Requesting variance to allow a carport to be installed with in side yard.*

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

*to install a carport for my vehicle*

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

*Because these duplexes were constructed in 1969 - and there is not enough room with the 8 foot setback to construct an access structure*

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

*I know all of these duplexes on Sailfish Lane all have the same 8ft setback with a 16' foot structure to structure*

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.

*I have spoken to my neighbors who I share a common property line with and they have ~~no~~ no objection to constructing the carport <sup>on property line</sup>*

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

*if granted this variance the building permit for the said carport will be required to have the fire detriact sign off.*

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

*So I can park my car under the carport.*

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

*the proposed structure does not meet current setbacks - however this development was constructed in 1969*

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, Sally A. Sloane (Applicant Name) swear (or affirm) that the information and facts stated therein on the application is true and correct.  
Applicant Signature Sally A. Sloane Date: Nov -13-2023

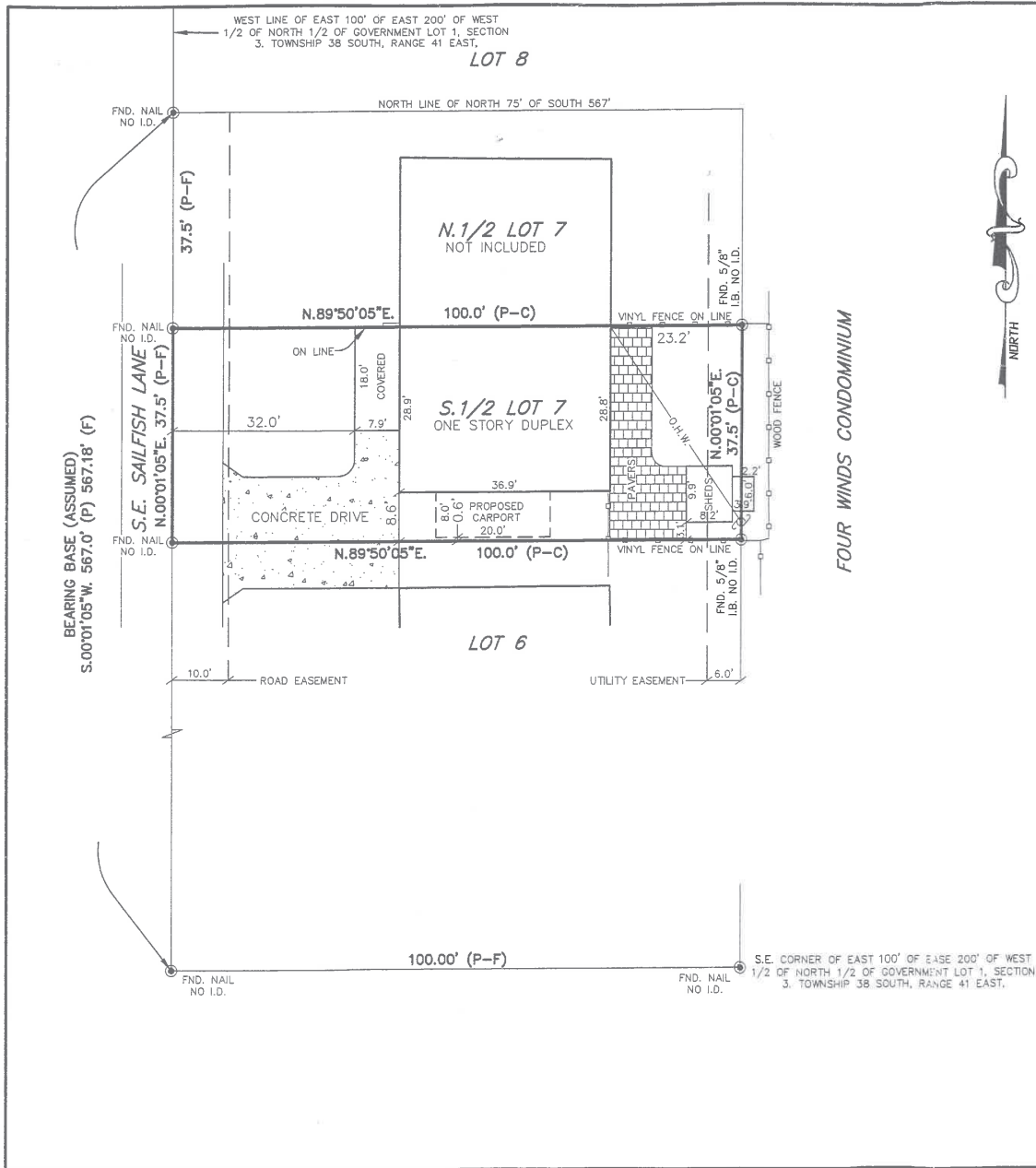
STATE OF Florida  
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of November, 2023  
by Sally Ann Sloane whom is personally known to me or who has produced Florida driver license as identification.

Darcee M. Pilarski  
Signature of Notary Darcee M. Pilarski  
Type or Print Name of Notary



Commission Number (Seal)



FOUR WINDS CONDOMINIUM



**SURVEYOR'S NOTES**

1. SURVEY OF DESCRIPTION AS FURNISHED BY CLIENT, UNLESS OTHERWISE NOTED.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, BUILDING SETBACKS, AND/OR RIGHTS-OF-WAY OF RECORD BY ACCURIGHT LAND SURVEYING, INC.
3. ELEVATIONS SHOWN HEREON ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM OF 1988, SEE SURVEY FOR REFERENCE BENCH MARK, UNLESS OTHERWISE NOTED.
4. THERE ARE NO ABOVE GROUND ENCROACHMENTS, UNLESS OTHERWISE NOTED.
5. 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.

**LEGEND**

A/C - AIR CONDITIONER FND. - FOUND  
 CONC. - CONCRETE COVD - COVERED  
 I.P. - IRON PIPE I.D. - IDENTIFICATION  
 I.B. - IRON BAR E.O.P. - EDGE OF PAVEMENT  
 D.H.W. - OVERHEAD WIRE LB - LICENSED BUSINESS  
 R/W - RIGHT-OF-WAY N. & W. - NAIL & WASHER  
 C.M. - CONCRETE MONUMENT P.B. - PLAT BOOK PG. - PAGE  
 N - NORTH E - EAST W - WEST S - SOUTH  
 N.A.V.D. 88 - NORTH AMERICAN VERTICAL DATUM 1988  
 N.G.V.D. 29 - NATIONAL GEODETIC VERTICAL DATUM 1929  
 SET I.B. - SET 5/8" IRON BAR CAP #4459  
 (P) - DENOTES DISTANCE, ANGLE OR BEARING BY FURNISHED DESCRIPTION  
 (M) - DENOTES MEASURED DISTANCE, ANGLE OR BEARING  
 (C) - DENOTES CALCULATED DISTANCE, ANGLE OR BEARING  
 (P) - POWER POLE

**LEGAL DESCRIPTION**

THE SOUTH ONE-HALF (1/2) OF LOT 7, ACCORDING TO THE UNRECORDED PLAT OF FISHERMAN'S PARADISE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH ONE-HALF (1/2) OF THE NORTH 75 FEET OF THE SOUTH 567 FEET OF THE EAST 100 FEET OF THE EAST 200 FEET OF THE EAST HALF (E 1/2) OF THE WEST HALF (W 1/2) OF THE NORTH HALF (N 1/2) OF GOVERNMENT LOT 1, SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT OVER THE WEST 10 FEET FOR ROAD PURPOSES AND ALSO SUBJECT TO AN EASEMENT OVER THE EAST 6 FEET FOR PUBLIC UTILITIES.

PROPERTY LOCATED IN FLOOD ZONE: "X"  
 BASE ELEVATION: N/A  
 COMMUNITY PANEL NO: 120165-0153-H  
 DATED: 02/19/2020

PROPERTY STREET ADDRESS:  
 203 S.E. SAILFISH LANE  
 STUART, FL, 34994

PREPARED FOR: SLOANE

**BOUNDARY SURVEY**  
**ACCURIGHT LAND SURVEYING, INC.**  
**LICENSED BUSINESS NO. #6607**

**EARLE R. STARKEY - PROFESSIONAL LAND SURVEYOR**  
 REGISTRATION NO. 4459 - STATE OF FLORIDA

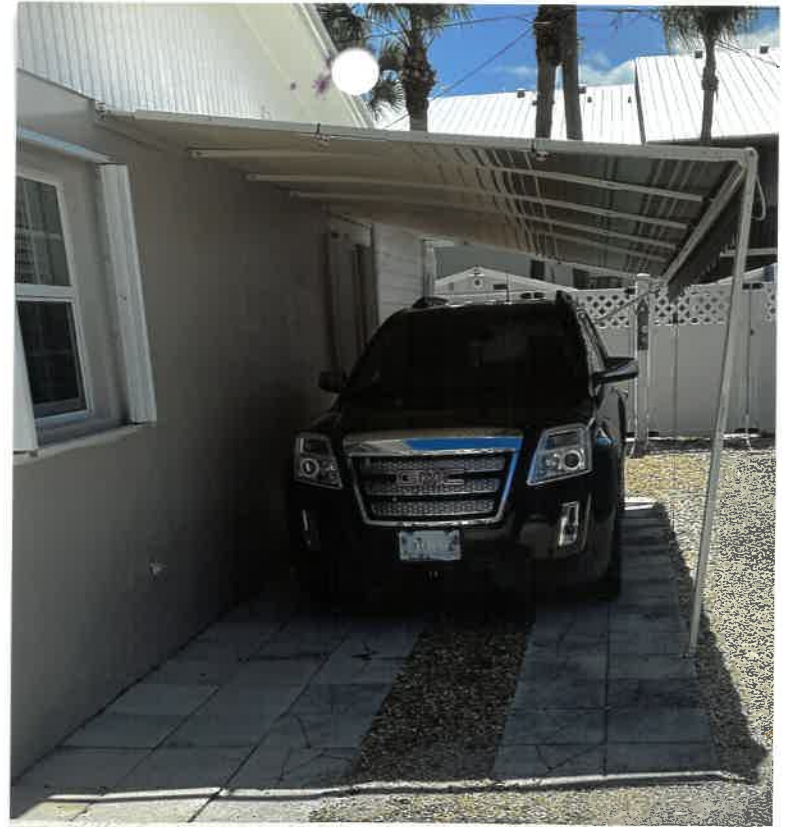
SURVEY NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED LAND SURVEYOR AND MAPPER

PROJECT: 3736-01-01	REVISIONS:
FIELD DATE: 11/02/2023	
DRAWN BY: E.R.S.	
CHECKED BY: E.R.S.	
SCALE: 1" = 20'	

**ACCURIGHT LAND SURVEYING, INC.**  
**SURVEYORS DESIGNERS LAND PLANNERS CONSULTANTS**

OFFICE PHONE: (772) 885-7694  
 FAX: (772) 820-7993

1501 DECKER AVENUE, SUITE 419-D  
 STUART, FLORIDA 34994



my HOME  
203 SE Sailfish  
- SEE OVER -

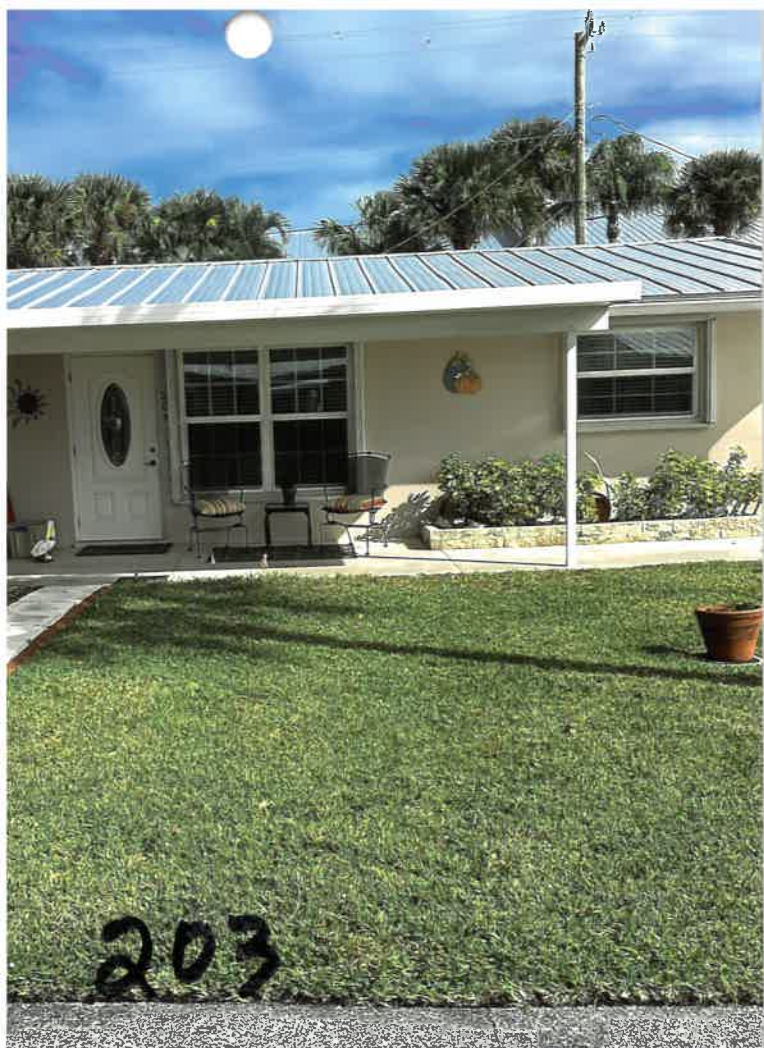
I originally had this  
Sunsetter canvas awning  
attached to my house in  
2011. Since my  
husbands death I can  
no longer manage to  
roll it back against  
my home by myself.  
It is off my home now.

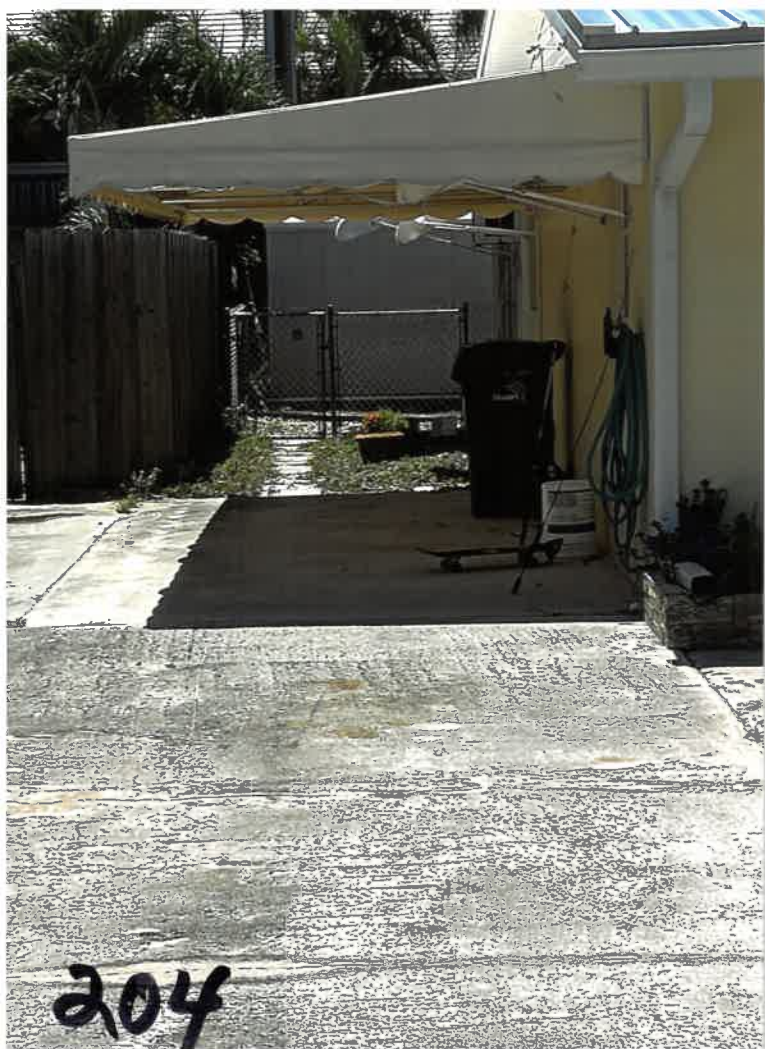
I need & want to  
install a metal carport  
that will be very  
sturdy - nice looking -  
and I don't have to  
worry about it at  
hurricane season.

723110002

Sally Sloane  
2037 SE Sawfish Ln  
Stuart





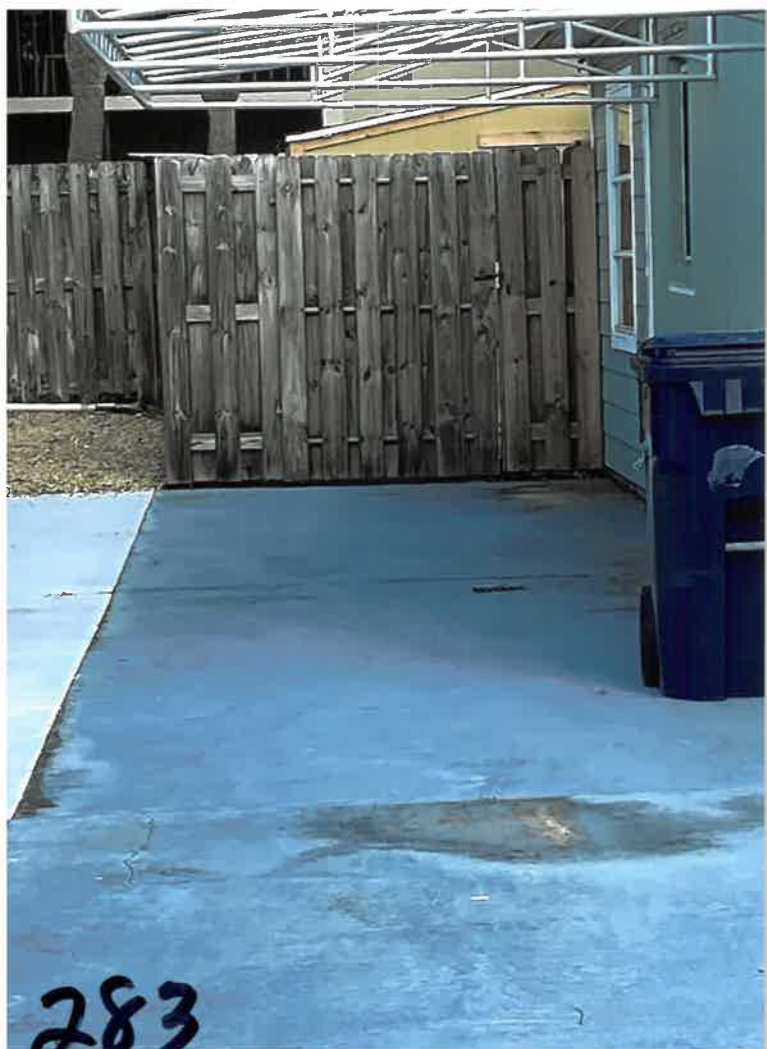


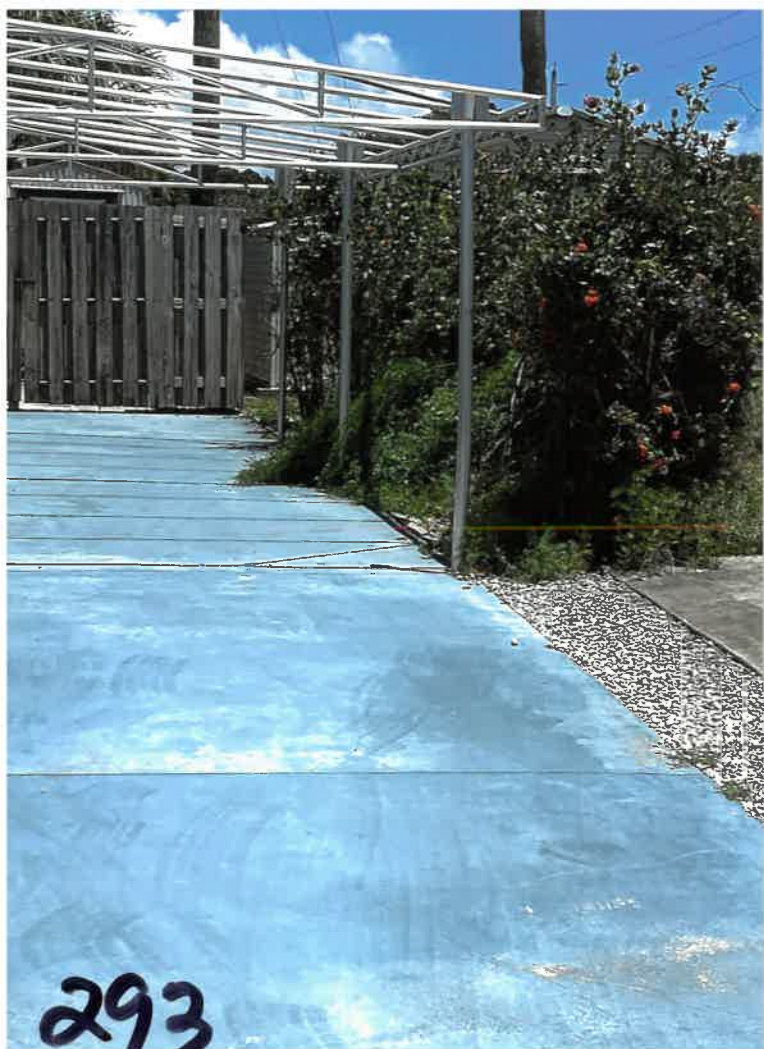


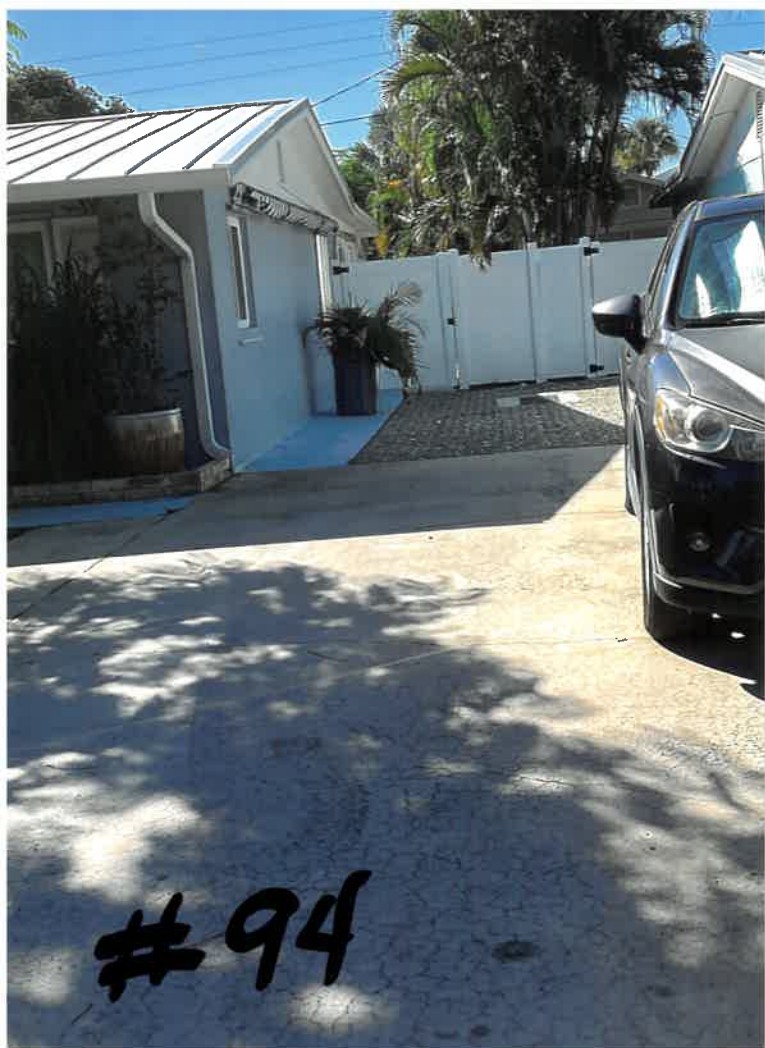






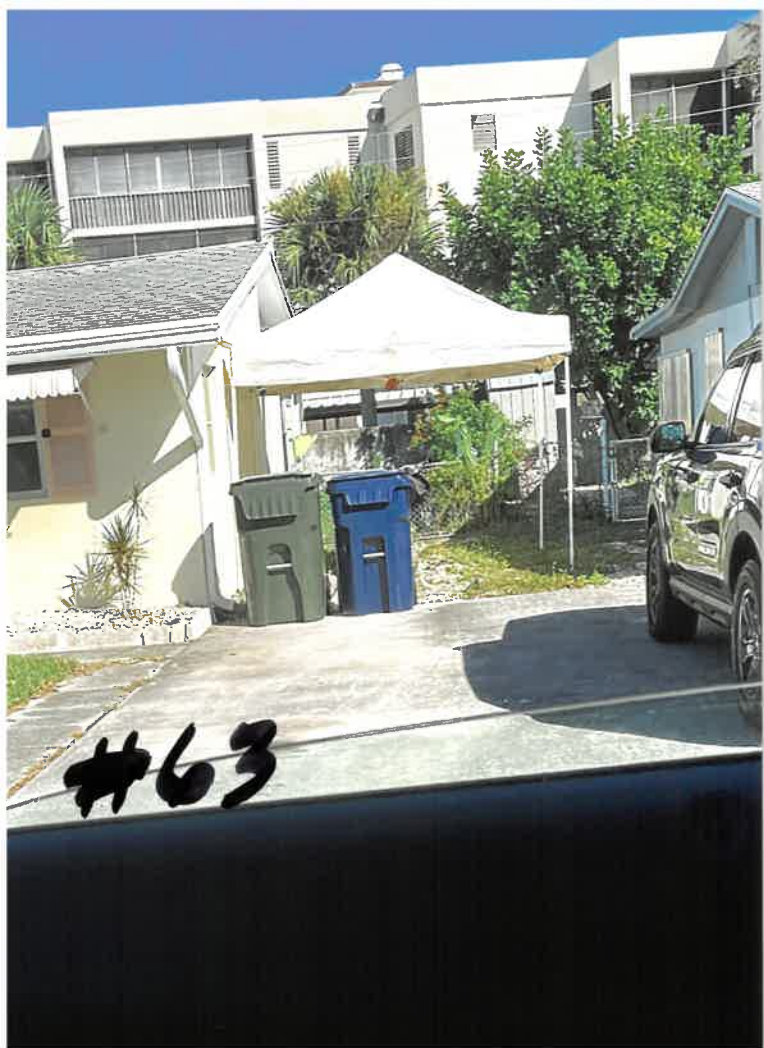




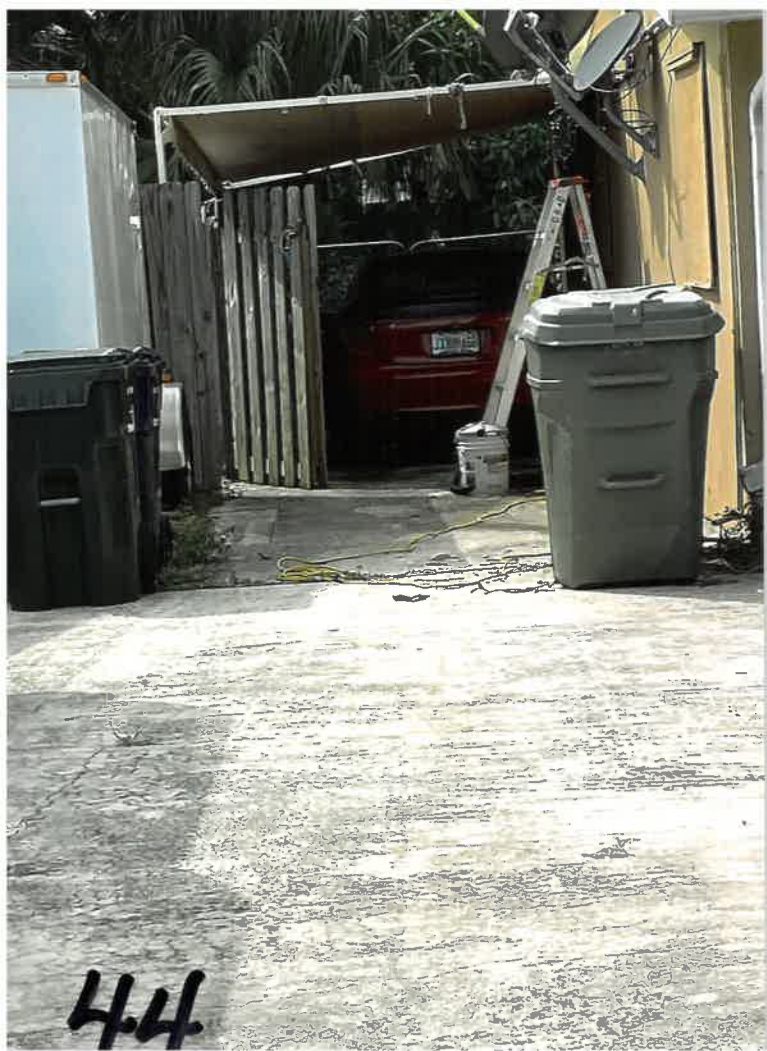








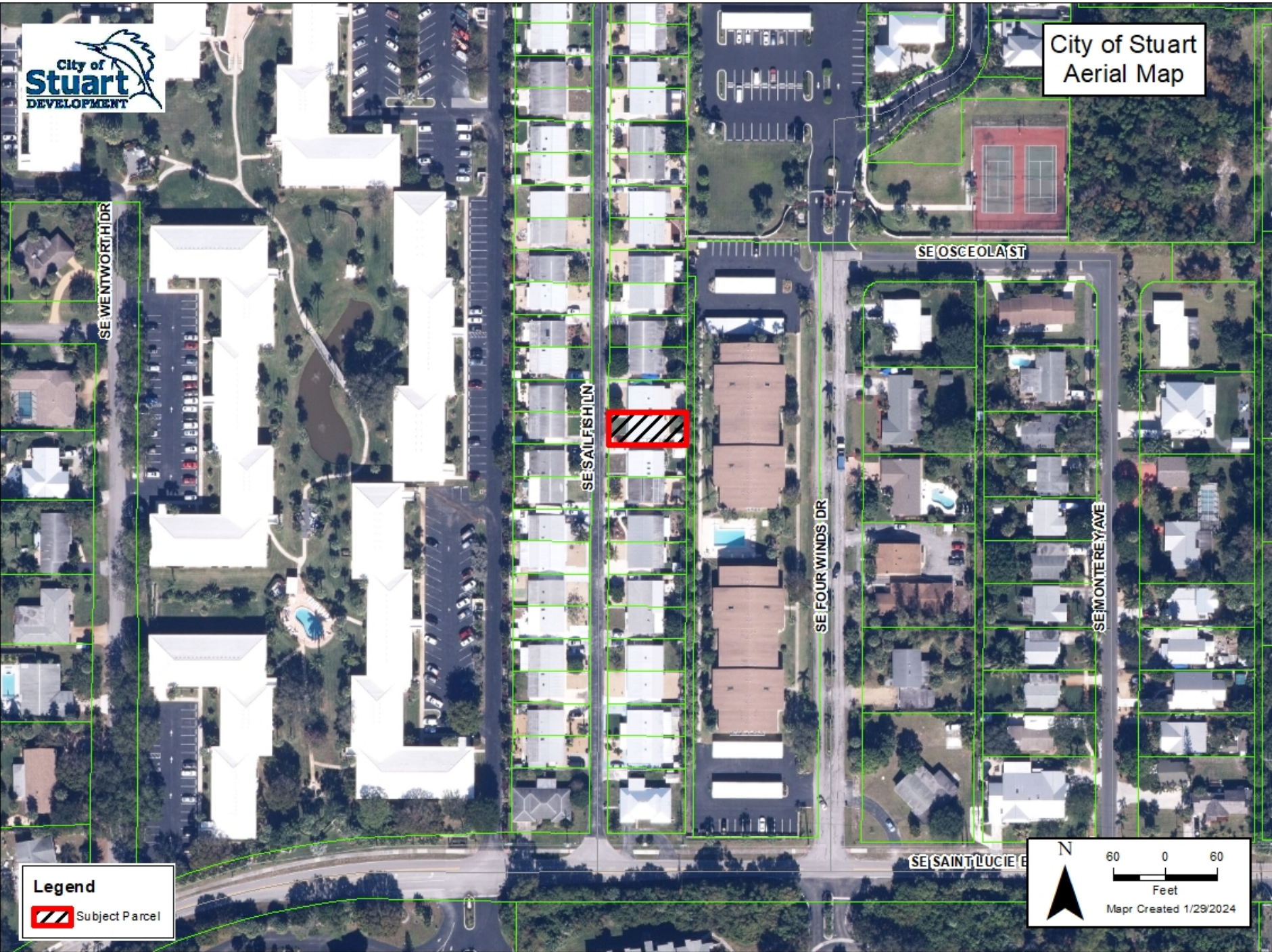




44



City of Stuart  
Aerial Map



SE WENTWORTH DR

SE SAILFISH LN


SE OSCEOLA ST

SE FOUR WINDS DR

SE MONTE REY AVE

SE SAINT LUCIE BLVD

**Legend**  
 Subject Parcel

N  
  
60 0 60  
Feet  
Mapr Created 1/29/2024



# City of Stuart Zoning Map

R-3

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

R-2

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R-3

SE RIVER LIGHTS CT

R-3

SE OSCEOLA ST

SE SAILFISH LN

SE FOUR WINDS DR



R-1

R-3

R-1

R-1

R-1

R-1

R-1

R-1A






R-1

R-1

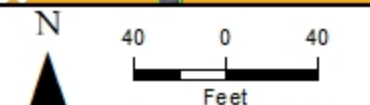
R-3

R-1

### Legend

-  Subject Parcel
-  R-1: SINGLE FAMILY - GENERAL
-  R-1A: SINGLE-FAMILY ESTATE
-  R-2: RESIDENTIAL - DUPLEX
-  R-3: RESIDENTIAL - MULTI-FAMILY/DUPLEX

N



40 0 40  
Feet  
Mapr Created 1/29/2024



# City of Stuart Future Land Use Map



MF-RES

LD-RES

LD-RES

LD-RES

LD-RES

LD-RES

LD-RES

LD-RES

LD-RES

LD-RES

LD-RES

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SE RIVER LIGHTS CT

SE OSCEOLA ST

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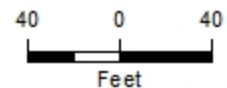
LD-RES

SE FOUR WINDS DR

### Legend

- Subject Parcel
- LOW-DENSITY RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL

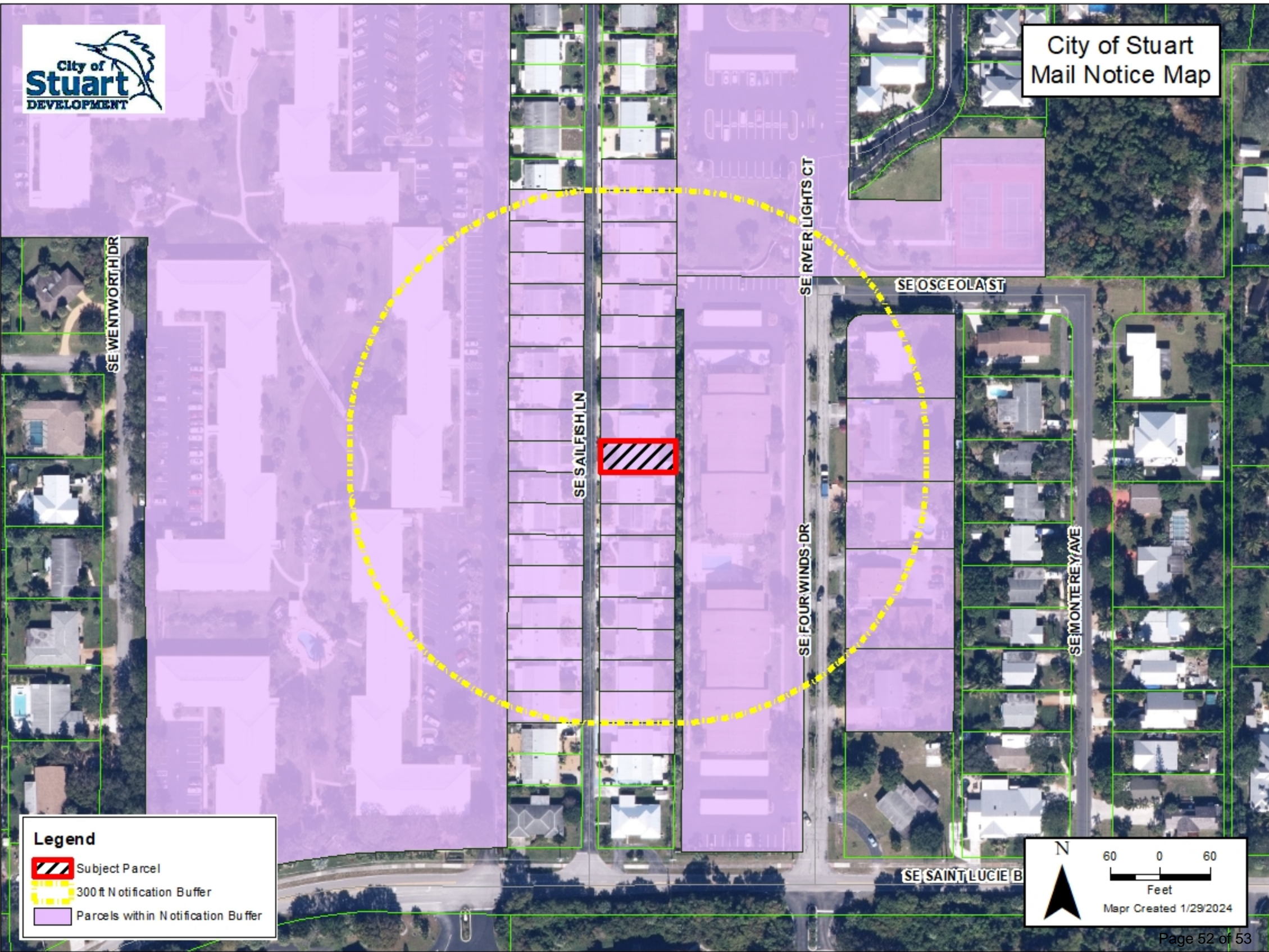
N



Mapr Created 1/29/2024



# City of Stuart Mail Notice Map



**Legend**

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

N

60 0 60  
Feet  
Mapr Created 1/29/2024

**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>									