



City of Stuart

A G E N D A
STUART BOARD OF ADJUSTMENT
TO BE HELD FEBRUARY 25, 2021
AT 5:30 PM
121 SW FLAGLER AVENUE, STUART FL 34994
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

BOARD MEMBERS

CHAIR - KRISTIN STANLEY
VICE CHAIR - ANTONE FREITAS
BOARD MEMBER - ALEX GILLEN
BOARD MEMBER - CLAIRE Y. NASH
BOARD MEMBER - CHRISTINA VOGL

ADMINISTRATIVE

DEVELOPMENT DIRECTOR, KEV FREEMAN
BOARD SECRETARY, JORDAN PINKSTON

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 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.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Approval of January 28, 2021 Minutes

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS

OTHER MATTERS BEFORE THE BOARD

2. Final Order of Variance Approval, requested by Dale Alexander for real property at 823 SE St. Lucie Crescent, PCN #05-38-41-001-000-00791-5, granting approval of a request to split the lot into two single family lots, with a lot width of 50 feet, lot area of 6,160 square feet and 10,172 square feet and minimum side setbacks of 5 feet.

STAFF UPDATE

ADJOURNMENT

UPCOMING MEETINGS and EVENTS

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

Meeting Date:2/25/2021

Prepared by:Jordan Pinkston

Title of Item:

Approval of January 28, 2021 Minutes

Summary Explanation/Background Information on Agenda Request:

N/A.

Funding Source:

N/A.

Recommended Action:

Approve.

ATTACHMENTS:

Description	Upload Date	Type
BOA Minutes_1.28.2021	2/16/2021	Cover Memo



MINUTES

**BOARD OF ADJUSTMENT MEETING
JANUARY 28, 2021 AT 5:30 PM
CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

**BOARD OF ADJUSTMENT MEMBERS
Chair – Kristin Stanley
Vice Chair – Antone (TJ) Freitas
Board Member – Claire Nash
Board Member – Alex Gillen
Board Member – Christina Vogl**

**ADMINISTRATIVE
Development Director, Kev Freeman
Board Secretary, Jordan Pinkston**

CALL TO ORDER

ROLL CALL  5:29 PM

Present: Antone Freitas, Kristin Stanley, Alex Gillen, Claire Nash, Christina Vogl
Absent: None.

PLEDGE  5:29 PM

The City Attorney swore in Claire Nash to the Board of Adjustment.

APPROVAL OF MINUTES

Motion: Approval of February 27, 2020 Amended Minutes

Action: Approve.

Moved by: Alex Gillen

Seconded by: TJ Freitas

Motion passed unanimously.

Motion: Approval of May 28, 2020 Minutes

Action: Approve.

Moved by: Alex Gillen

Seconded by: TJ Freitas

Motion passed unanimously.

ANNUAL BOARD REORGANIZATION

Motion: Appoint Kristen Stanley as Chair

Action: Approve.

Moved by: Claire Nash

Seconded by: Alex Gillen

Motion passed unanimously.

Motion: Appoint TJ Freitas as Vice Chair

Action: Approve.

Moved by: Claire Nash

Seconded by: Christina Vogl

Motion passed unanimously.

COMMENTS FROM THE PUBLIC (NON-AGENDA ITEMS): None.

COMMENTS FROM THE BOARD MEMBERS (NON-AGENDA ITEMS): None.

Mike Mortell explained the new system that all meetings will be using and informed the board that meetings will now be recorded.

Mike Mortell let the board know that item number 3, Final Order of Variance Approval, requested by Dale Alexander for real property at 823 SE St. Lucie Crescent, PCN #05-38-41-001-000-00791-5 will need a motion to continue to next meeting.

OTHER MATTERS BEFORE THE BOARD

1. MEETING DECORUM PRESENTATION

PRESENTATION: Mary Kindel, City Clerk

BOARD COMMENT:

Alex Gillen asked about public comment restrictions.

Mike Mortell requested that the Chair and himself meet at 5PM prior to each meeting.

2. Final Order of Variance Approval, requested by Jeffrey Guertin for real property at 1473 SE Andrews Street, PCN #10-38-41-005-059-00320-7, granting approval of a request to place an enclosed pool in the rear yard, with a setback relief from the 15 feet to 6 feet.

PRESENTATION: Stephen Mayer, Senior Planner
Jeffery Guertin, Applicant

BOARD COMMENT:

Alex Gillen asked the applicant if any of the neighbors have had input.

The applicant said none of his neighbors had showed interest.

Alex Gillen asked for confirmation that the pool would meet code if it was not for the sewer line.

The board and the applicant discussed neighboring parcels.

PUBLIC COMMENT: None.

Motion: Action: Approve.

Moved by: TJ Freitas

Seconded by: Christina Vogl

Motion passed unanimously.

Stephen Mayer was made aware that there was an address missing from advertising. Staff has requested the following item be brought back before the board on February 25th, 2021.

3. Final Order of Variance Approval, requested by Dale Alexander for real property at 823 SE St. Lucie Crescent, PCN #05-38-41-001-000-00791-5, granting approval of a request to split the lot into two single family lots, with a lot width of 50 feet, lot area of 6,160 square feet and 10,172 square feet and minimum side setbacks of 5 feet.

PRESENTATION: None.

BOARD COMMENT: None.

PUBLIC COMMENT: None.

Motion: Motion to continue the item at the next Board of Adjustment meeting on February 25,2021.

Action: Approve.

Moved by: TJ Frietas

Seconded by: Claire Nash

Motion passed unanimously.

STAFF UPDATE: None.

Adjourned.

Kristin Stanley, Chair

Jordan Pinkston, Board Secretary

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Board of Adjustment

Meeting Date: 2/25/2021

Prepared by: Stephen Mayer

Title of Item:

Final Order of Variance Approval, requested by Dale Alexander for real property at 823 SE St. Lucie Crescent, PCN #05-38-41-001-000-00791-5, granting approval of a request to split the lot into two single family lots, with a lot width of 50 feet, lot area of 6,160 square feet and 10,172 square feet and minimum side setbacks of 5 feet.

Summary Explanation/Background Information on Agenda Request:

The vacant lot at 823 St. Lucie Crescent obtained a Final Order approval on May 28, 2015, to allow a variance to lot width and setbacks. Because the previous petitioner did not obtain a Parcel Control number by November 28, 2015, the previous Final Order for the variance was void. The previous Final Order is attached as Exhibit 5.

The new petitioner, Dale Alexander, requests a partially different variance request, with a modified lot line and area dimensions. A warrantee deed and legal description of the property is attached as Exhibit 1. The owner, Dale Alexander, is requesting relief from the minimum lot width, lot area and minimum side setbacks, in order to split the single conforming lot into two non-conforming sized lots.

A survey showing the proposed lot split is attached as Exhibit 2. The survey also shows a potential building footprint for Lot 1. Lot 2 remains vacant and does not have a specific commitment for building location, size, or style. The applicant will provide testimony that indicates the requested lot width, area dimension and setback relief is the minimum relief necessary to split the lot into two buildable single family lots. The applicant has provided a justification statement which summarizes the request and the hardship, and is attached as Exhibit 4.

Funding Source:

N/A.

Recommended Action:

Consider approval of the Final Order to grant relief from the minimum lot width from 75 to 50 feet, minimum lot area from 7,500 square feet to at least 6,160 square feet and side setback from 7.5 feet to 5 feet in order to split the single lot into two single family lots conditioned upon the restrictions herein.

ATTACHMENTS:

Description	Upload Date	Type
❑ A1. Final Order	1/15/2021	Exhibit
❑ A2. Exhibit 1 - Warrantee Deed	1/15/2021	Exhibit
❑ A3. Exhibit 2. Proposed Plans	1/15/2021	Exhibit
❑ A4. Exhibit 3 - Proposed survey with lot split	1/15/2021	Exhibit

- ▣ A5. Exhibit 4 - Justification Statement 1/15/2021
- ▣ B1. Exhibit 5 - Mike Braid Final Order May 2015 1/15/2021
- ▣ D1. Extract from LDC - Variances 1/15/2021

Exhibit

Backup Material

Backup Material

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

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

Case #Z21010002

In re: The Code Variance Application of
Dale E. Alexander
823 SW St. Lucie Crescent
05-38-41-001-000-00791-5

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 28, 2021**, 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 the hearing was provided as required by the Stuart Land Development Code (LDC). Notice was not challenged by any party at the hearing, and the Board of Adjustment has jurisdiction over this case as provided in the Sec. 8.05.01, LDC.

2. The City was represented by **Stephen Mayer**, Senior Planner, and the applicant was represented by **Dale Alexander**, Petitioner, all in attendance.

3. **Stephen Mayer**, of the City Development Department, testified on behalf of the City that the Petitioner, Dale Alexander, the title owner of the real property having **PCN #05-38-41-001-000-00791-5**, (hereinafter the "Subject Property"), who has provided a warrantee deed and legal description as found within and attached as '**Exhibit 1**', in order to split the lot into two non-conforming lots and request setback relief.

4. **Stephen Mayer** indicated the Subject Property is located at **823 SW St. Lucie Crescent, Stuart, Florida**, and is zoned **R-1 (Residential, Single Family)**, with a Future Land Use designation of Residential Low Density. The Future Land Use and Zoning categories were not challenged by any party at the hearing.

5. The existing residence is currently vacant. The Petitioner desires to develop the Subject Property by splitting it into two single family lots, both of which are non-conforming in size, and apply smaller minimum side setbacks, as demonstrated in the proposed survey and attached as "**Exhibit 2**" of this document.

6. The Petitioner gave verbal testimony indicating a desire to request the

FINAL ORDER OF VARIANCE APPROVAL – Dale Alexander lot – 823 SW St. Lucie Crescent

minimum variance required to split the lot into two buildable lots. The proposed lots would require the following relief from code: both lots are proposed with a lot width of 50 feet, when 75 feet is the code minimum; one lot is proposed to be 6,160 square feet, when 7,500 square feet is the code minimum, and both lots are proposed to maintain a minimum side setback for all structures of 5 feet, when 7.5 feet is the code minimum. The proposed floor plan and front elevation sketch of the Dale Alexander residence on the larger lot is attached as **“Exhibit 3”**.

7. The Petitioners requested in writing the following reductions to the minimum code requirements at the hearing to allow for the:

1. The minimum lot width shall be reduced from required 75 feet to 50 feet for Lot 1 and 2;
2. The minimum lot area shall be reduced from the required 7,500 square feet to 6,160 square feet for Lot 1; and
3. The minimum side setback for all structures from the required 7.5 feet to 5 feet for Lot 1 and 2.

8. **Stephen Mayer** gave testimony and analyzed the case, and indicated the petition is consistent with the City's Comprehensive Plan, meets the procedural requirements of the law. The testimony concluded by recommending that the board of adjustments consider the Final Order to allow for the variance, subject to the following conditions:

- a. The new lots will conform to the Proposed Survey, as depicted in **“Exhibit 2”**.
- b. The Subject Property is granted a relief from the Land Development Code as demonstrated in the table below:

Land Development Regulations vs Variance Request	
R-1 Requirements	Proposed Development Standards
Minimum Lot Width – 75'	Minimum Lot Width – 50'
Minimum Lot Area – 7,500 square feet	Minimum Lot Area – 6,160 square feet
Side Setback – 7.5'	Side Setback – 5'

9. Construction of Lot 1 shall be in substantial conformance with the Proposed Plans, attached as **“Exhibit 3”** of this document, along with all other required documents for permitting, shall be submitted for Building Permit review. The building permit documents shall ensure there is no storm water run-off on adjacent properties.

10. Parcel control numbers shall be assigned to each lot by the Martin County's property appraiser by January 1, 2022, otherwise the variance relief granted in this Final Order shall be void.

FINAL ORDER OF VARIANCE APPROVAL – Dale Alexander lot – 823 SW St. Lucie Crescent

11. All applicable state or federal permits must be obtained before the commencement any development activities. Issuance of this development order/permit/approval by the City of Stuart does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Stuart for the issuance of this order/permit/approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

12. 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.

15. At the conclusion of the evidence and any follow up questioning by the Board Members, brief summaries were made by the Petitioner. The Board then entered into deliberation, and discussed the following:

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

KRISTIN STANLEY, CHAIR
ANTONE (TJ) FREITAS, VICE CHAIR
ALEX GILLEN, MEMBER
CHRISTINA VOGL, MEMBER
CLAIRE Y NASH, MEMBER

YES	NO	ABSENT

ADOPTED this ____ day of _____, 2021.

ATTEST:

By: _____
JORDAN PINKSTON, BOARD SECRETARY

KRISTIN STANLEY, CHAIR

APPROVED AS TO FORM AND CORRECTNESS:

MIKE MORTELL
CITY ATTORNEY

FINAL ORDER OF VARIANCE APPROVAL – Dale Alexander lot – 823 SW St. Lucie Crescent

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING FINAL ORDER, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING FINAL ORDER. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Witness #1:

Print Name: _____

DALE ALEXANDER,

Owner

Signature: _____

Signature: _____

Witness #2:

Print Name: _____

Signature: _____

OWNERS ACKNOWLEDGMENT

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 20____ by _____

Personally Known OR Produced Identification

Type of Identification Produced _____

Signature of Notary Public: _____

Commission Expires:

Notary Seal:

FINAL ORDER OF VARIANCE APPROVAL – Dale Alexander lot – 823 SW St. Lucie Crescent

'Exhibit 1' Warrantee Deed with Legal



Carolyn Timmann, Clerk of the Circuit Court & Comptroller
 Rec Fees: \$18.50 Deed Tax: \$1,750.00
 CFN#2847459 BK 3170 PG 665 PAGE 1 of 2

Prepared by and return to:

Robert A. Burson
 Attorney at Law
 Robert A. Burson, P.A.
 Post Office Box 1620
 Stuart, FL 34995
 772-286-1616
 File Number: 20-101
 Will Call No.: CH Box #39

Parcel Identification No. 05-38-41-001-000-00791.50000

\$850,000.00

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 2nd day of November, 2020 between Michael Braid whose post office address is 45 SW Seminole Street, Office, Stuart, FL 34994 of the County of Martin, State of Florida, grantor*, and Dale E. Alexander, a single man whose post office address is P.O. Box 292, Stuart, FL 34995 of the County of Martin, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Martin County, Florida, to-wit:

PARCEL NO. 1: That part of the Lot 133, H. W. Bessey Addition to the Town of Stuart, Florida according to plat thereof recorded in Plat Book 2, page 14, public records of Palm Beach (now Martin) County, Florida, described as follows: 'Being sixty five feet of land taken from the rear of said lot number 133, commencing at the corner of lots numbered 133, 134, 80 and 81 in said H. W. Bessey Addition and running along the division line between lots numbers 133 and 81 to the line between lots numbered 133 and 132, thence running southerly along the line between lots number 133 and 132 sixty five feet, thence across lot number 133 in a line parallel with the line between lots number 133 and 81 and sixty five feet distant therefrom to lot number 134, thence northerly along the line between lots 133 and 134 to the place of beginning, and being a piece of land sixty five feet long and the width of the rear of lot number 133, and all being in lot number 133 and the rear or northerly end of said lot.

PARCEL NO. 2: That parcel of land in the H. W. Bessey Addition to the Town of Stuart, Florida, according to plat thereof recorded in Plat Book 2, page 14, public records of Palm Beach (now Martin) County, Florida, described as follows: - Commencing at a point on the lot line between lots number 80 and 81, one hundred feet distant from the northeast corner of lot number 80, thence running southeasterly along said lot line between lots number 80 and 81 and lots number 133 and 134, fifty feet, thence southwesterly and on a line parallel with Cleveland Avenue and one hundred and fifty feet, therefrom to St. Lucie Crescent; thence northwesterly along St. Lucie Crescent fifty feet; thence northeasterly on a line parallel with Cleveland Avenue and one hundred feet therefrom to the place of beginning and being a strip of land fifty feet wide extending from St. Lucie Crescent to the boundary lines between lots number 80, 134 and 81, 133, fifteen feet of said strip of land being taken from lots number 134 and 135 and thirty five feet from lots number 79 and 80.

PARCEL NO. 3: That part of the H. W. Bessey Addition to the Town of Stuart, Florida, according to plat thereof recorded in Plat Book 2, page 14, public records of Palm Beach (now Martin) County,

EXHIBIT 1
 PAGE 1 OF 2 PAGES DoubleTime®

FINAL ORDER OF VARIANCE APPROVAL – Dale Alexander lot – 823 SW St. Lucie Crescent

Florida, commencing at a point in St Lucie Crescent fifteen feet southerly from the southwest corner of lot 79; thence running easterly parallel with the southerly line of lots 79 and 80 and fifteen feet distant therefrom to the easterly line of lot 134; thence southerly on the line between lots 134 and 133 fifty feet; thence westerly parallel with the southerly line of lots 79 and 80, and sixty five feet distant from said lots 79 and 80 to St. Lucie Crescent; thence northerly along St. Lucie Crescent to the place of beginning; being a strip of land fifty feet wide extending across lots 134 and 135 from St. Lucie Crescent to the boundary line between lots 133 and 134.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is 84 North Sewall's Point Road, Stuart, FL 34996

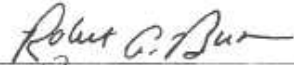
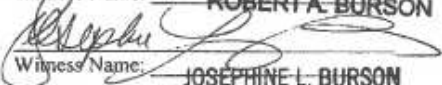
Subject to taxes for 2020 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

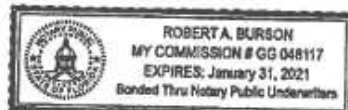

 Witness Name: ROBERT A. BURSON

 Witness Name: JOSEPHINE L. BURSON

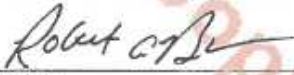
 (Seal)
 Michael Braid

State of Florida
 County of Martin

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 2nd day of November, 2020 by Michael Braid, who ☒ is personally known or ☐ has produced a driver's license as identification.

[Notary Seal]




 Notary Public

ROBERT A. BURSON

Printed Name:

My Commission Expires:

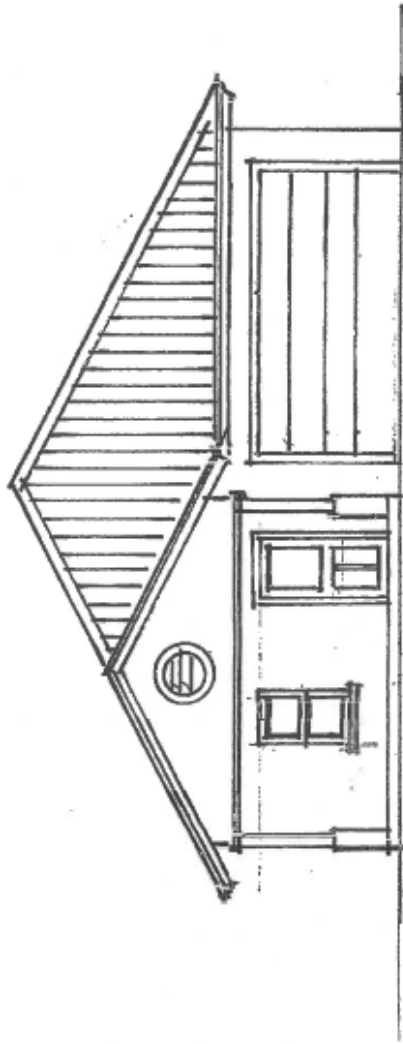
1-31-2021

FINAL ORDER OF VARIANCE APPROVAL – Dale Alexander lot – 823 SW St. Lucie Crescent

‘Exhibit 2’ Proposed Survey



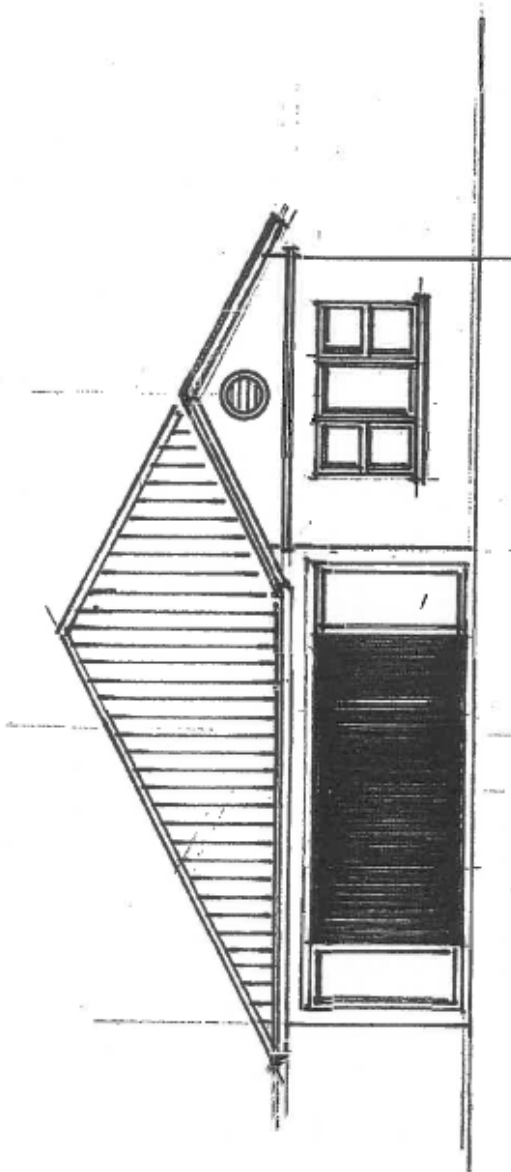
FINAL ORDER OF VARIANCE APPROVAL – Dale Alexander lot – 823 SW St. Lucie Crescent



DALE ALEXANDER
FRONT ELEVATION 12/9/2020

EXHIBIT 3
PAGE 2 OF 3 PAGES

FINAL ORDER OF VARIANCE APPROVAL – Dale Alexander lot – 823 SW St. Lucie Crescent



DALE ALEXANDER
RE-ELEVATION 12/29/2020

EXHIBIT 3
PAGE 3 OF 3 PAGES



Prepared by and return to:

Robert A. Burson
Attorney at Law
Robert A. Burson, P.A.
Post Office Box 1620
Stuart, FL 34995
772-286-1616
File Number: 20-101
Will Call No.: CH Box #39

Parcel Identification No. 05-38-41-001-000-00791.50000

\$950,000.00

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 2nd day of November, 2020 between Michael Braid whose post office address is 45 SW Seminole Street, Office, Stuart, FL 34994 of the County of Martin, State of Florida, grantor*, and Dale E. Alexander, a single man whose post office address is P.O. Box 292, Stuart, FL 34995 of the County of Martin, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Martin County, Florida, to-wit:

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PARCEL NO. 2: That parcel of land in the H. W. Bessey Addition to the Town of Stuart, Florida, according to plat thereof recorded in Plat Book 2, page 14, public records of Palm Beach (now Martin) County, Florida, described as follows: - Commencing at a point on the lot line between lots number 80 and 81, one hundred feet distant from the northeast corner of lot number 80, thence running southeasterly along said lot line between lots number 80 and 81 and lots number 133 and 134, fifty feet, thence southwesterly and on a line parallel with Cleveland Avenue and one hundred and fifty feet, therefrom to St. Lucie Crescent; thence northwesterly along St Lucie Crescent fifty feet; thence northeasterly on a line parallel with Cleveland Avenue and one hundred feet therefrom to the place of beginning and being a strip of land fifty feet wide extending from St. Lucie Crescent to the boundary lines between lots number 80, 134 and 81, 133, fifteen feet of said strip of land being taken from lots number 134 and 135 and thirty five feet from lots number 79 and 80.

PARCEL NO. 3: That part of the H. W. Bessey Addition to the Town of Stuart, Florida, according to plat thereof recorded in Plat Book 2, page 14, public records of Palm Beach (now Martin) County,

Florida, commencing at a point in St Lucie Crescent fifteen feet southerly from the southwest corner of lot 79; thence running easterly parallel with the southerly line of lots 79 and 80 and fifteen feet distant therefrom to the easterly line of lot 134; thence southerly on the line between lots 134 and 133 fifty feet; thence westerly parallel with the southerly line of lots 79 and 80, and sixty five feet distant from said lots 79 and 80 to St. Lucie Crescent; thence northerly along St. Lucie Crescent to the place of beginning; being a strip of land fifty feet wide extending across lots 134 and 135 from St. Lucie Crescent to the boundary line between lots 133 and 134.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is 84 North Sewall's Point Road, Stuart, FL 34996

Subject to taxes for 2020 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Robert A. Burson

Witness Name: **ROBERT A. BURSON**

Josephine L. Burson

Witness Name: **JOSEPHINE L. BURSON**

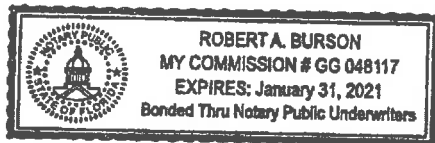
X Michael Braid (Seal)

Michael Braid

State of Florida
County of Martin

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 2nd day of November, 2020 by Michael Braid, who ☒ is personally known or ☐ has produced a driver's license as identification.

[Notary Seal]



Robert A. Burson

Notary Public

ROBERT A. BURSON

Printed Name:

My Commission Expires:

1-31-2021

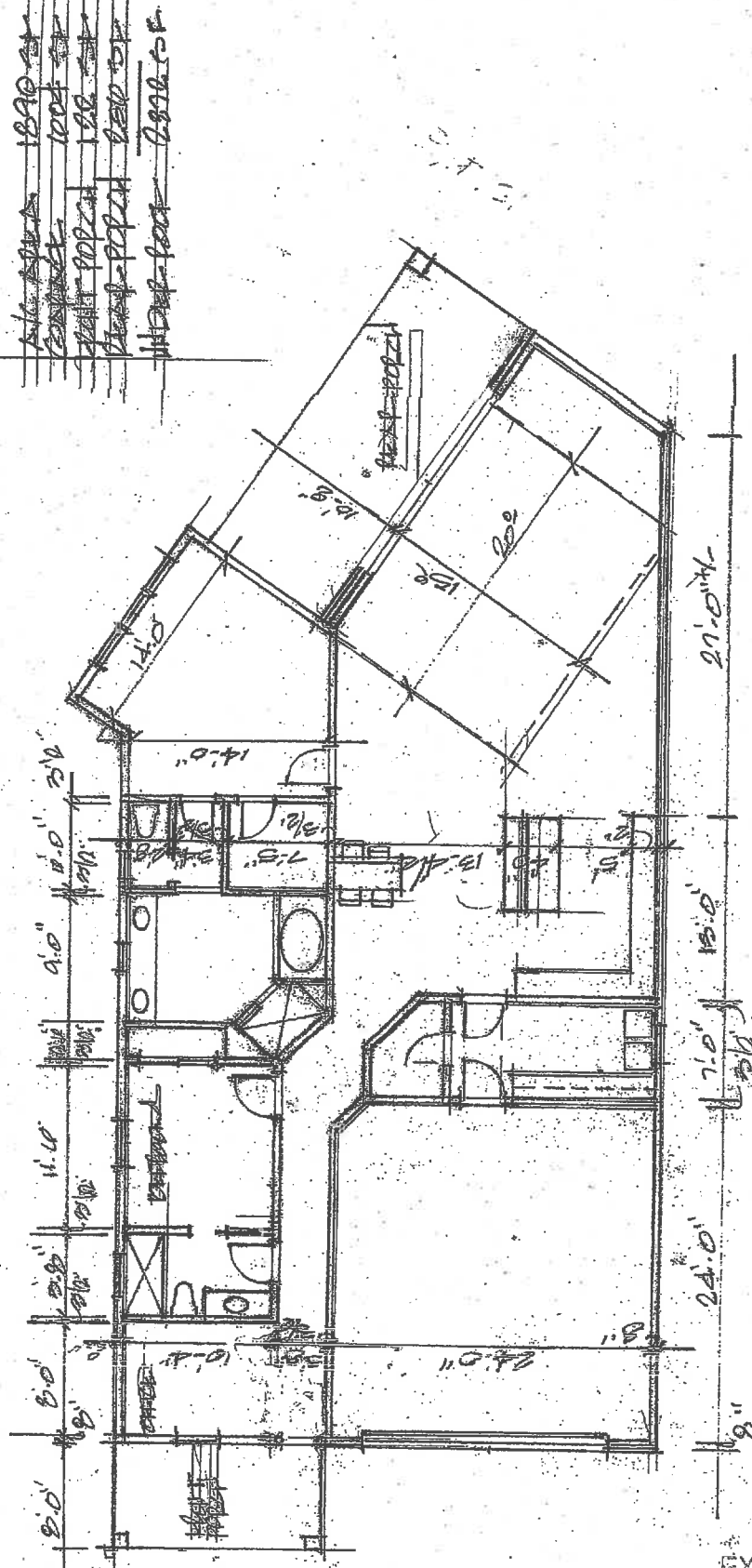
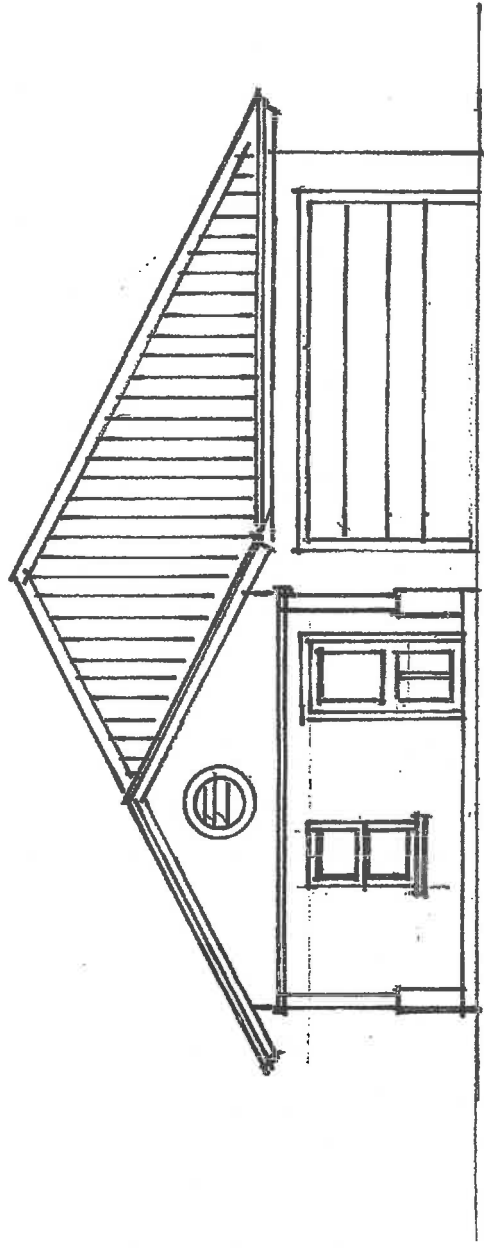
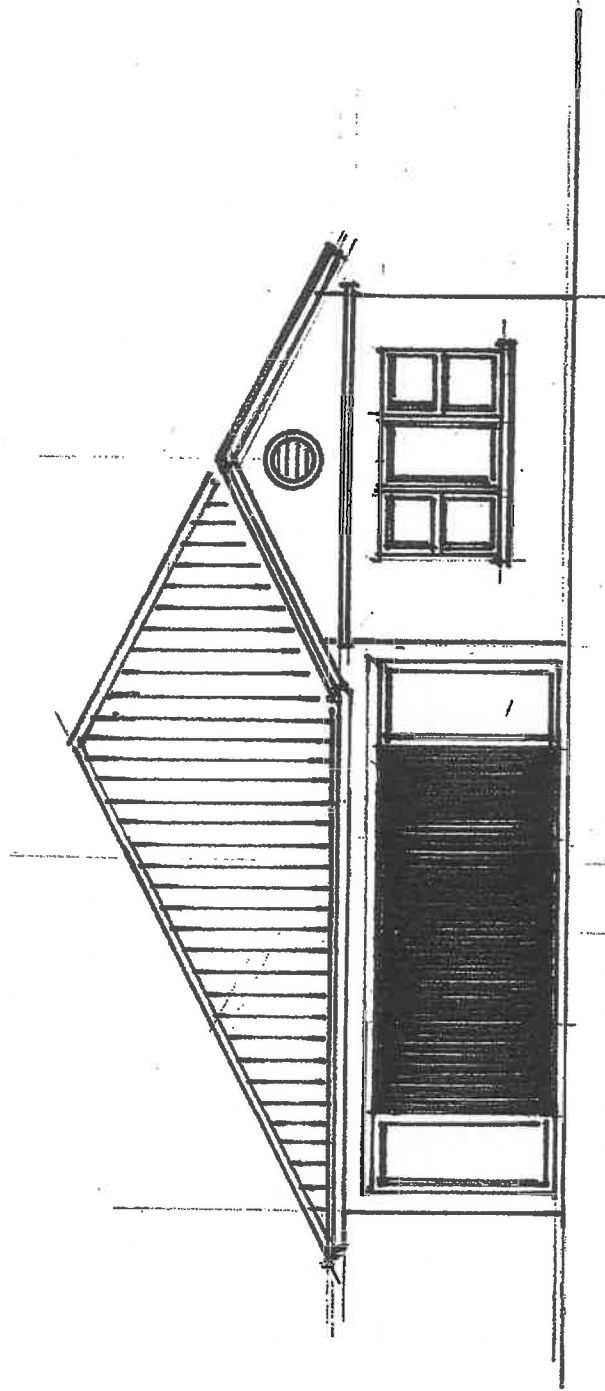


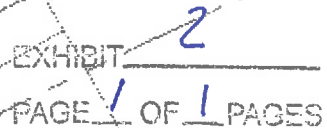
EXHIBIT 3
PAGE 1 OF 3 PAGES



PAULE ALEXANDER
FRONT ELEVATION 12/9/2020



PALE ALEXANDER
REAL ESTATE 12/9/2020



Variance Application - Justification

RE: Dale Alexander (the "*Applicant*")
 Portions of Lots 79, 80, 133, 134, and 135, H. W. Bessey Addition to the Town of Stuart, FL as described in deed recorded in OR Book 3170, page 665, public records of Martin County, FL (Copy of deed attached as **Exhibit 1**) (the "*Property*")

Applicant, as owner of the Property which is located at 823 S.W. St. Lucie Crescent, Stuart, FL, provides the following information and respectfully requests that the Stuart Florida Board of Adjustments grant the variances as described below as to the Property.

01. **Lot Split.** Applicant requests that the Property be permitted to be split into 2 buildable lots (Lots 1 and 2) as shown on the site plan attached as **Exhibit 2** generally as follows (more exact dimensions and areas are as shown on the site plan):
 Lot 1 will be 50' wide, 121' deep, and contain 6,160 square feet.
 Lot 2 will be 50' minimum in width, 192' deep and contain 10,172 square feet.
02. **Lot Size Variance.** R-1 zoning requires buildable lots to have a minimum of 7,500 square feet and 75' width. Lots with widths of less than 75' and lots smaller than 7,500 square feet are neither unusual nor inappropriate for this area of the City.
03. **Setback Variance.** The proposed Lots will require a variance of the side setback requirements from 7.5 feet to 5 feet. This allows a more reasonable 40' of lot width to be used for residences rather than the 35' required under the zoning requirements.
04. **Applicant's Planned Use of the Property.**

Lot 2. Applicant will build his primary residence on Lot 2 generally in accordance with the plans attached as **Exhibit 3**. He will begin the permitting and construction process soon after the approval of the variances requested in this application.

Lot 1. Applicant plans on incorporating Lot 1 into his yard for the foreseeable future. At some time Applicant may elect to sell Lot 1 to a third party, build a second home on Lot 1, or otherwise use Lot 1 as permitted by the City of Stuart.
05. **Prior Variances on the Property.** In 2015, the City Adjustment Board previously provided variances on the Property to create 2 equal sized lots and to allow 5' side setbacks. The difference in this application is that the 2 lots will not be of equal size. The then existing improvements to the Property have been removed so that the Property is now vacant land.



Dale Alexander
 December 22, 2020

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

Case #Z15050003

In re: The Code Variance Application of
Michael Braid
823 SW St. Lucie Crescent
Stuart, FL 34996

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 May 28, 2015**, 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 the hearing was provided as required by the Stuart Land Development Code (LDC). Notice was not challenged by any party at the hearing, and the Board of Adjustment has jurisdiction over this case as provided in the Sec. 8.04.01, LDC, *et seq.*

2. The parties were represented by **Thomas Reetz**, Senior Planner, **Michael Braid**, owner and **Don Cuozzo**, owner's representative, who made appearances.

3. **Thomas Reetz**, of the City Development Department, testified on behalf of the City that the Petitioner is **Michael Braid**, the title owner of the real property at **823 SW St. Lucie Crescent, Stuart, Florida**, and having a legal description as found within the Boundary Survey attached '**Exhibit A**'.

4. **Thomas Reetz** indicated the Subject Property is located at **823 SW St. Lucie Crescent, Stuart, Florida**, and is zoned **R-1 Residential – Single Family General**, with a Future Land Use designation of **Low Density Residential**. The Future Land Use and Zoning categories were not challenged by any party at the hearing.

5. The Petitioner's representative **Don Cuozzo**, gave testimony, and indicated a desire for the property to be developed as two individual lots with less than a

FINAL ORDER OF VARIANCE APPROVAL - 823 SW St. Lucie Crescent

minimum of 75 feet in lot width, as required by current code, in order to allow for **two separate buildable lots**, as depicted in **'Exhibit B'**. **Mr. Cuozzo** also indicated the residences will have a maximum of 2300 livable square feet with a Key West – Bermuda architectural style.

6. **Don Cuozzo** requested the following reductions to the minimum code requirements at the hearing to allow for two individual buildable lots.

- a. **The minimum R-1 lot width of 75 feet reduced to 50 feet for lot 1 and 50.33 feet for lot 2.**
- b. **The minimum side building setback of 7.5 feet reduced to 5 feet for lots 1 & 2.**

7. **Thomas Reetz** gave testimony and analyzed the case, and indicated the petition is consistent with the City's Comprehensive Plan, and meets the procedural requirements of the law. The testimony concluded by recommending that the board of adjustments consider the Final Order to allow for the variance, subject to the following conditions:

- a. The Subject Property is granted a relief from the Land Development Regulations as demonstrated in the table below:

Land Development Regulations vs Variance Request	
R-1 Zoning Requirements	Proposed Development Standards
Minimum Lot Area (sq. feet) = 7,500	Proposed Lot Area Lot 1 (sq. feet) = 7,988 Proposed Lot Area Lot 2 (sq. feet) = 8,344
Minimum Lot Width (feet) = 75'	Proposed lot width Lot 1 (feet) = 50' Proposed lot width Lot 2 (feet) = 50.3'
Maximum Impervious Surface Coverage = 50%	Proposed Impervious Surface Coverage Lot 1 = 28% Proposed Impervious Surface Coverage Lot 2 = 27%
Minimum Front Setback (feet) = 25'	Proposed Front setback = Not provided
Side Setbacks (feet) = 7.5'	Proposed Side setbacks Lot 1 (feet) = 5' Proposed Side setbacks Lot 2 (feet) = 5'
Rear Setback (feet) = 20'	Proposed Rear setback (feet) = Not provided
Maximum Height (feet) = 45'	Proposed Height (feet) = Not provided

- b. A survey of the subject property shall be submitted to the city's Development Department defining the two lots by November 28, 2015; otherwise the variance relief granted in this Final Order shall be void.

FINAL ORDER OF VARIANCE APPROVAL - 823 SW St. Lucie Crescent

- c. Parcel control numbers shall be assigned to each lot by the Martin County's property appraiser by November 28, 2015, otherwise the variance relief granted in this Final Order shall be void.

9. All subsequent Lessees and Owners shall be bound to the terms of this Administrative Variance, and this Administrative Variance shall carry forward and "run with the land" unless later released by the City Development Director, or as otherwise provided by law.

10. At the conclusion of the evidence and any follow up questioning by the Board Members, brief summaries were made by the Petitioner. The Board then entered into deliberation, and discussed the following:

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

BONNIE LANDRY, CHAIR
DR. E.E. GRIFFITH, VICE-CHAIR
DONNA M. ROLLINS, MEMBER
MARK MATHES, MEMBER
HOWARD GILMAN, MEMBER

YES	NO	ABSENT

ADOPTED this 28th day of May, 2015.

ATTEST:

By: _____
 MICHELLE VICAT
 BOARD SECRETARY

 CHAIR

APPROVED AS TO FORM AND CORRECTNESS:

 MIKE MORTELL
 CITY ATTORNEY

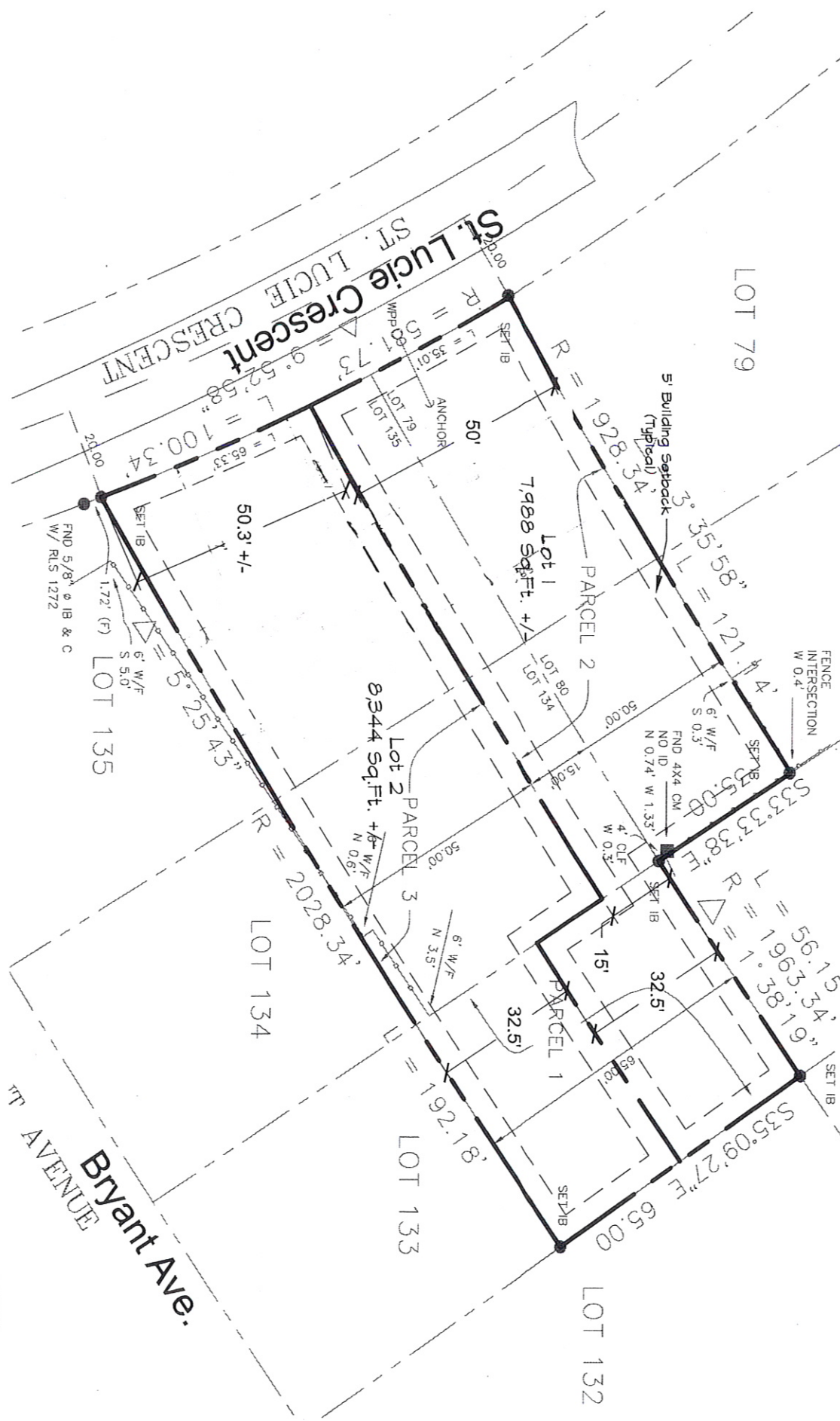
Exhibit A

James E. Catteron sale to Michael Braid

PARCEL NO. 1: That part of the Lot 133, H. W. Bessey Addition to the Town of Stuart, Florida according to plat thereof recorded in Plat Book 2, Page 14, public records of Palm Beach (now Martin) County, Florida, described as follows: Being sixty five feet of land taken from the rear of said lot number 133, commencing at the corner of lots numbered 133, 134, 80 and 81 in said H. W. Bessey Addition and running along the division line between lots numbers 133 and 81 to the line between lots numbered 133 and 132, thence running southerly along the line between lots number 133 and 132 sixty five feet, thence across lot number 133 in a line parallel with the line between lots number 133 and 81 and sixty five feet distant therefrom to lot number 134, thence northerly along the line between lots 133 and 134 to the place of beginning, and being a piece of land sixty five feet long and the width of the rear of lot number 133, and all being in lot number 133 and the rear or northerly end of said lot.

PARCEL NO. 2: That parcel of land in the H. W. Bessey Addition to the Town of Stuart, Florida, according to plat thereof recorded in Plat Book 2, Page 14, public records of Palm Beach (now Martin) County, Florida, described as follows: — Commencing at a point on the lot line between lots number 80 and 81, one hundred feet distant from the northeast corner of lot number 80, thence running southeasterly along said lot line between lots number 80 and 81 and lots number 133 and 134, fifty feet, thence southwesterly and on a line parallel with Cleveland Avenue and one hundred and fifty feet, therefrom to St. Lucie Crescent; thence northwesterly along St. Lucie Crescent fifty feet; thence northeasterly on a line parallel with Cleveland Avenue and one hundred feet therefrom to the place of beginning and being a strip of land fifty feet wide extending from St. Lucie Crescent to the boundary lines between lots number 80, 134 and 81, 133, fifteen feet of said strip of land being taken from lots number 134 and 135 and thirty five feet from lots number 79 and 80.

PARCEL NO. 3: That part of the H. W. Bessey Addition to the Town of Stuart, Florida, according to plat thereof recorded in Plat Book 2, Page 14, public records of Palm Beach (now Martin) County, Florida, commencing at a point in St. Lucie Crescent fifteen feet southerly from the southwest corner of lot 79; thence running easterly parallel with the southerly line of lots 79 and 80 and fifteen feet distant therefrom to the easterly line of lot 134; thence southerly on the line between lots 134 and 133 fifty feet; thence westerly parallel with the southerly line of lots 79 and 80, and sixty five feet distant from said lots 79 and 80 to St. Lucie Crescent; thence northerly along St. Lucie Crescent to the place of beginning; being a strip of land fifty feet wide extending across lots 134 and 135 from St. Lucie Crescent to the boundary line between lots 133 and 134.



Sec. 8.05.02. - Limitations on granting variances.

- A. *Initial determination.* The board of adjustment shall have the power to authorize in specific cases such variances from the provisions set forth in subsection 8.04.01.A., 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.
- B. *Required findings.* 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
 - 2. Allow a density or intensity of use that exceeds the maximum density or intensity that is permitted in the district in which the property is located; and
 - 3. Result in a verifiable reduction of the property values of any adjacent or nearby properties; and
 - 4. Cause a detrimental effect in the supply of light and air to adjacent properties; and
 - 5. Cause a detrimental effect with respect to drainage of the subject property as well as adjacent properties; and
 - 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
 - 7. Cause any threat to public safety in any manner whatsoever; and
 - 8. Cause any threat to the health or general welfare of the inhabitants of the city.
- C. A variance shall not be granted that exceeds the minimum variance to the strict application of the provisions of this Code necessary to alleviate the unnecessary hardship.