



City of Stuart

A G E N D A
STUART BOARD OF ADJUSTMENT
TO BE HELD MAY 28, 2020
AT 5:30 PM
COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

BOARD MEMBERS

CHAIR - KRISTIN STANLEY
VICE CHAIR - ANTONE FREITAS
BOARD MEMBER - CHRISTINA VOGL
BOARD MEMBER - ALEX GILLEN
BOARD MEMBER - HELEN MCBRIDE

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

1. THIS MEETING WILL BE A HYBRID IN PERSON/REMOTE MEETING.

In Person: City Hall can accommodate a small number of citizen participants. Overflow citizens will be directed to Flagler Place (201 Flagler Ave., Stuart) where larger rooms can accommodate social distancing. Public comment will be taken live via audio/video conference with commissioners.

Teleconference: Citizens can attend from the comfort of their home via telephone, computer, laptop, tablet or smartphone. Click the below link or call the below phone number to attend.

The city reserves the right to revoke anyone's virtual attendance for cause, just as the sergeant at arms would at

an in person meeting.

JOIN MEETING:

<https://us02web.zoom.us/j/86250096118>

If you wish to speak during public comment, click participants then click raise hand at bottom of window. Your microphone will be unmuted when you are called to speak and you will be invited to activate your camera if you wish. Both will be deactivated once you have completed your comment.

Meeting ID: 862 5009 6118

Dial In numbers:

+1 312 626 6799 US

+1 646 558 8656 US

+1 253 215 8782 US

+1 301 715 8592 US

If you wish to speak during public comment press *9 to raise your hand. You will be called by your partially displayed phone number so please listen for that number. The host will lower your hand and mute your line after speaking.

APPROVAL OF MINUTES

2. Approval of Minutes

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS

OTHER MATTERS BEFORE THE BOARD

3. VARIANCE TO REDUCE MINIMUM LOT AREA AND LOT WIDTH. (RC)

REQUEST FOR A VARIANCE TO THE CITY'S LAND DEVELOPMENT CODE FOR A REDUCED LOT AREA OF 9,375 SQ.FT (10,000 FT REQUIRED) AND REDUCED LOT FRONTAGE OF 75 FT (100 FT REQUIRED) SITE LOCATED AT 1436 SE LARK BLVD IN THE R-1A ZONING DISTRICT IN ORDER TO ACCOMMODATE A SINGLE FAMILY DWELLING.

STAFF UPDATE

ADJOURNMENT

UPCOMING MEETINGS and EVENTS

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

Meeting Date:5/28/2020

Prepared by:David Dyess, City Manager

Title of Item:

THIS MEETING WILL BE A HYBRID IN PERSON/REMOTE MEETING.

In Person: City Hall can accommodate a small number of citizen participants. Overflow citizens will be directed to Flagler Place (201 Flagler Ave., Stuart) where larger rooms can accommodate social distancing. Public comment will be taken live via audio/video conference with commissioners.

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Summary Explanation/Background Information on Agenda Request:

Funding Source:

Recommended Action:

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

Meeting Date:5/28/2020

Prepared by:Jordan Pinkston

Title of Item:

Approval of February 27, 2020 BOA Minutes.

Summary Explanation/Background Information on Agenda Request:

N/A.

Funding Source:

N/A.

Recommended Action:

Approve.

ATTACHMENTS:

Description	Upload Date	Type
□ BOA Minutes 2.27.2020	5/20/2020	Cover Memo



MINUTES

**BOARD OF ADJUSTMENT MEETING
FEBRUARY 27, 2020 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 – Helen McBride
Board Member – Alex Gillen
Board Member – Christina Vogl**

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

CALL TO ORDER

ROLL CALL

Present: Helen McBride, Christina Vogl, Antone Freitas, Kristin Stanley, Alex Gillen

Absent: None.

Alex Gillen sworn in.

ANNUAL BOARD REORGANIZATION

Motion: Reappoint Kristin Stanley as Chair.

Moved by: Helen McBride

Seconded by: TJ Freitas

Motion passed unanimously.

Motion: Reappointed TJ Freitas as Vice Chair

Moved by: Christina Vogl

Seconded by: Helen McBride

Motion passed unanimously.

APPROVAL OF MINUTES

Motion: Action: Approve.

Moved by: Helen McBride

Seconded by: TJ Frietas

Motion passed unanimously.

COMMENTS FROM THE PUBLIC: None.

COMMENTS FROM THE BOARD MEMBERS: None.

OTHER MATTERS BEFORE THE BOARD

1. The applicant is requesting variances to initiate the relocation of the historic Whitegate house. The front of the structure will face the existing Owl house and a variance is necessary to allow a 5.2-foot setback from the newly created property line between the Whitegate house and the Owl House. A variance is also necessary to deviate from the requirement to provide balconies that are required on the waterfront side of a building for a minimum fenestration of 50 percent in the Urban Waterfront zoning district in the City's Community Redevelopment Area. (CRA)

PRESENTATION: Tom Reetz, Senior Planner  5:39 PM

BOARD COMMENT:

Alex Gillen asked if all the considerations have been met.

Mike Mortell said it is the board's responsibility to determine if they have met the criteria.

Alex Gillen asked if there are other areas where the ten-foot setback has been waived.

Tom Reetz gave an example.

Steven Vitale presented the board with historic photos and gave a background of the house and property. He explained why he is restoring it and his restoration plan.

Christina Vogl asked about design layout and location of the restaurant.

Steven Vitale explained the floor plan and design of the home.

Christina asked for confirmation on amount of stories.

Steven Vitale said that it is two stories.

Kristin Stanley asked for confirmation of the placement of the home on the property.

Steven Vitale confirmed the direction of the house.

Christina Vogl asked about a stem wall and sea wall.

Stephen Vitale said that the company he hired is handling the stem wall and the sea wall will stay how it is right now.

Kristin Vogl asked for verification of what would happen to what is currently on the property.

Stephen Vitale explained what he plans on keeping.

Christina Vogl asked about parking.

Stephen Vitale explained where parking would be located.

Christina Vogl asked for confirmation that today all they are all doing is approving the setback request.

Stephen Vitale said that if he cannot do the project then he will be losing money. He discussed the project timeline and would like to close on the building by the end of March, the lot would be prepped in April.

TJ Frietas said that now he split the lot he can sell it and someone can put a brand new building there without historic appeal.

Steven Vitale said the split will probably go away after it is tied into one PUD.

Kev Freeman said that there is a time constraint, and this is the most appropriate way to secure the property.

Alex Gillen asked if he could build anything on the property as it is.

Kev Freeman said that you could if you met the setbacks, but it would be difficult.

Mike Mortell said that the urban district does not have a minimum lot size.

Kev Freeman said we are not approving the use until the UPUD comes online.

Alex Gillen questioned the authorized use and the boards authority to approve it.

Kev Freeman said that we are not authorizing any use, it needs to come in as a UPUD which will need to comply with those uses.

Alex Gillen confirmed that the board is not being asked to authorize the use.

Kristin Stanley asked if we did not approve the variance, would the project still be able to move forward.

Kev Freeman said not under this timeline.

Alex Gillen said that he is not sure how he is supposed to determine certain aspects.

Kev Freeman said that it gives you a foundation for moving forward.

Steven Vitale said that everyone has been noticed of the property change.

Helen McBride congratulated the applicant for attempting to save historical homes.

Steven Vitale explained why he thinks it is best to move the home.

Alex Gillen asked about the hardship. He said that he is concerned that they are not operating within the ordinance. He asked if the applicant has access to the city boardwalk.

Steven Vitale said that he believes that each of the property owners gave an easement to the city and they all tapped into the boardwalk. He said that he hasn't given it much thought as to connecting to it.

Alex Gillen asked about drainage on the property and during the move.

Steven Vitale said that during the move there will be no runoff and thinks the property will handle runoff normally.

Tom Reetz said that we will require a drainage plan as part of the application.

Christina Vogl asked about what would happen to the house in the future, such as making it a historic landmark.

Steven Vitale said that he has to do further research about making it a designated historic landmark.

Kristin Vogl said that the lot will remain one lot and will not be able to be sold in separate pieces.

PUBLIC COMMENT:

1. Armond Pasqual (Seminole Street) – Does not support the project due to the variance request. He objected turning the property into a restaurant or bar.

BOARD COMMENT:

Kristin Stanley confirmed that they are not approving the variance from the river, only from the street.

Armond Pasqual apologized for the misunderstanding.

Alex Gillen asked about the procedure if the project was not approved.

Tom Reetz said that you would have a building that was not usable. The CRB would then make their recommendation to city commission.

Kev Freeman said that staff is bringing it forward in this way based on what they have heard from the commission with their interest in maintaining historic buildings and creating a viable downtown. He said as a reassurance to the board we have had a lot of discussion about policy and economic impacts of timelines being met. He said that it is a complex process and has been pushed to the BOA to meet deadlines.

Alex Gillen confirmed that it could become a single family house if the project is not approved.

Motion: Action: Approve.

Moved by: Helen McBride

Seconded by: Alex Gillen

Motion passed unanimously.

STAFF UPDATE: None.

Motion: Action: Adjourn.

Moved by: Christina Vogl

Seconded by: TJ Frietas

Motion passed unanimously.

Kristin Stanley, Chair

Jordan Pinkston, Board Secretary

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Board of Adjustment

Meeting Date: 5/28/2020

Prepared by: Kev Freeman

Title of Item:

VARIANCE TO REDUCE MINIMUM LOT AREA AND LOT WIDTH. (RC)

REQUEST FOR A VARIANCE TO THE CITY'S LAND DEVELOPMENT CODE FOR A REDUCED LOT AREA OF 9,375 SQ.FT (10,000 FT REQUIRED) AND REDUCED LOT FRONTAGE OF 75 FT (100 FT REQUIRED) SITE LOCATED AT 1436 SE LARK BLVD IN THE R-1A ZONING DISTRICT IN ORDER TO ACCOMMODATE A SINGLE FAMILY DWELLING.

Summary Explanation/Background Information on Agenda Request:

The property is located at 1436 SE Lark Blvd, an area which consists of single-family homes. The property is bounded on all sides by existing residential uses. The zoning on the subject property is R-1A (Single-Family Estate)) and has a Future Land Use designation of Low Density Residential, which are both inline with the adjacent properties and the neighborhood as a whole.

The applicants (contract purchasers) provided a concept site and architectural design, which has been incorporated and attached to the Final Order. Based on these proposed plans the proposal is considered to be in keeping with the surrounding area and will not detract from the single-family character of the neighborhood.

It is important to note that the setbacks for any resultant construction will comply with zoning code and that the resultant density is in compliance with the low density residential future land use.

Funding Source:

N/A

Recommended Action:

Approve.

ATTACHMENTS:

Description	Upload Date	Type
☐ Staff Report	5/20/2020	Staff Report
☐ Application	5/19/2020	Backup Material
☐ Applicant Letter	5/19/2020	Backup Material
☐ Objection Letter	5/19/2020	Backup Material
☐ Affidavit	5/20/2020	Attachment
☐ Final Order	5/20/2020	Attachment
☐ Exhibit 1	5/20/2020	Exhibit



BOARD OF ADJUSTMENT MAY 28th, 2020

Request: Request for a variance to the City's Land Development Code for a reduced lot area of 9,375 sq.ft (10,000 ft required) and reduced lot frontage of 75 ft (100 ft required)	Property Owner: Donald Deremo and James V Jkunal, 2336 Broadwing CT, Naples, FL
Project No.: Z20010013	Applicant/Petitioners: Jeffery and Nannette Walsh
Location : 1436 SE Lark Blvd	Agent/Representative: N/A

The parcel is located to the south of SE Lark Blv, see the aerial illustrating the subject property (in red) and surroundings below.



Site Location



Zoning – R1-A Single Family



Land Use – Low Density Residential

STAFF REPORT

I. LEGAL NOTICE REQUIREMENTS

A. Requirements for Application – The applicants have complied with all legal notification requirements. (See attached documentation)

B. Site Posting Date: 8th March, 2020 and 11th, May, 2020 (updated)

C. Mail Notice Postmark: 8th March, 2020 and 11th, May, 2020 - owners within 300 feet (re-notified)

II. PROPOSED FINAL ORDER DATED: May 28th, 2020 (Attachment A)

III. APPLICATION DATED: February 11th, 2020 (Attachment B)

Variance to permit a reduced lot area of 9,375 sq.ft (10,000 ft required) and reduced lot frontage of 75 ft (100 ft required):

Land Development Regulations vs Variance Request	
R-1A (Single Family) Zoning Requirements	Proposed Development Standards
Minimum zoning lot = 7,500 square feet	Zoning lot = 9,375 square feet
Minimum lot width = 100 feet	Lot width = 75 feet
Maximum impervious surface coverage = 50%	Code requirement – no variance
Front setback = 25 feet (front setback can be lessened to 15 feet with construction of a porch at min. 50% of first floor street façade)	Code requirement – no variance
Side setback = 10 feet	Code requirement – no variance
Rear setback = 15 feet	Code requirement – no variance
Maximum height = 35 feet	Code requirement – no variance

IV. CRITERIA FOR REVIEWING VARIANCE

1. In accordance with Section 8.05.02. (A) and (B), “Limitations on Granting Variances”, Variances may be granted in such cases of unnecessary hardship, upon a finding by the Board of Adjustment that grant of a minimum variance to alleviate the unnecessary hardship, due to existing unique characteristics and conditions of the property, will not:
2. Authorize any use of the property that is not allowed as a permitted use or a use allowed by special exception in the district in which the property is located; and
3. 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

4. Result in a verifiable reduction of the property values of any adjacent or nearby properties; and
5. Cause a detrimental effect in the supply of light and air to adjacent properties; and
6. Cause a detrimental effect with respect to drainage of the subject property as well as adjacent properties; and
7. 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
8. Cause any threat to public safety in any manner whatsoever; and
9. Cause any threat to the health or general welfare of the inhabitants of the City.

V. STAFF ANALYSIS

A. Site and Area Characteristics

The property is located at 1436 SE Lark Blvd, an area which consists of single-family homes. The property is bounded on all sides by existing residential uses. The zoning on the subject property is R-1A (Single-Family Estate)) and has a Future Land Use designation of Low Density Residential, which are both inline with the adjacent properties and the neighborhood as a whole.

The applicants (contract purchasers) provided a concept site and architectural design, which has been incorporated and attached to the Final Order. Based on these proposed plans the proposal is considered to be in keeping with the surrounding area and will not detract from the single-family character of the neighborhood. It is important to note that the setbacks for any resultant construction will comply with zoning code and that the resultant density is in compliance with the low density residential future land use.

The Public Works Department will require details of the construction at building permit stage to ensure there are no issues of storm water run-off in relation to the property and its surroundings at the Building Permit stage in the process. The applicant will be subject to a detailed plan review at the time when a site and construction permit is submitted to the Building Department.

VI. STAFF RECOMMENDATION

Consider approval of the Final Order to allow a reduction in required lot area and required lot frontage for the property at 1436 SE Lark Blvd.

Consider approval of the attached Final Order in light of the following:

1. Criteria for reviewing a variance (section 8.05.02);
2. Testimony from the applicants.
3. Receipt of public comment; and
4. Suggested conditions of approval.

VII. ATTACHMENTS

Attachment A: Final Order of Variance Approval dated May 28th, 2020

Exhibit 1: Boundary Survey and Legal Description

Exhibit 2: Proposed site layout and elevations

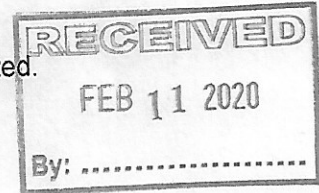


CITY OF STUART, FLORIDA
DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION

Page 16 of 31
Reviewed By: KF

Application must be legible with all relevant fields completed.

Project ID# 720010013
(Staff Entry)



Pre-App Conference Date:	Application Date:
Project Name: <u>SE LARK BLVD</u>	
Parcel ID# <u>0338410120240000300</u>	Project Address: <u>1436 (K2) XX SE LARK BLVD</u>
Zoning/CRA Sub-district:	
Subdivision: <u>ST L</u>	Lot(s):
Fee: \$102.00/Administrative Variance Approval or \$839.00 /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; and ➤ 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.	
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.	

1. Property Owner, Lessee, Contract Purchaser, or Applicant (circle one):

Name:	JEFFREY S NANNETT WALSH
Title:	
Company:	
Company Address:	

City/State/Zip Code:	4305 SW Bimini Cir S
Telephone Number:	Palm City FL
Facsimile Number:	Cell 772-626-3179
Email Address (optional):	Jeff@libertybuildergroup.com

2. Agent of Record (if any): The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review.

Name:	
Title:	
Company:	
Company Address:	

City/State/Zip Code:	
Telephone Number:	
Facsimile Number:	
Email Address (optional):	

3. 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:	SAME AS ABOVE
Title:	
Company:	
Company Address:	

City/State/Zip Code:	
Telephone Number:	
Facsimile Number:	
Email Address (optional):	

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

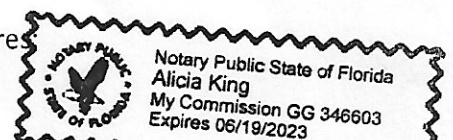
4. Signed this 11 day of Feb, 2020

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

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 11th day of February by Jeffery Walsh who is personally known to me, or who has produced FL ID as identification and who did/did not take an oath.

[Signature]
Notary Signature

Commission expire



Thank you for taking your time to read this.

Our name is Jeff & Nannette Walsh. We have been residents of Palm City since 2004, and have enjoyed raising our 3 boys here. The quality of life here in Martin County is like nowhere else in South Florida. Our sons have since all graduated from Jensen Beach High School. Jeff and I are both small business owners in Stuart and love the small town feel Stuart exudes. Jeff & I can't think of anywhere else we would want to call home.

We are currently under contract to purchase a lot on the corner of Lark & Oriole, in hopes to build our new home. Living in Stuart would allow us both to be near our businesses. We also enjoy riding bikes and walking our dog.

In order to build our home, we need to apply for a variance as the lots zoning need to have 100 ft frontage and 10,000 sq ft area. Our variance request would be for a reduction in lot area. The house we have plans for would sit on the lot and meet all setback requirements.

We are reaching out to let you know this home would be built for our family, and not an outside investor coming in to simply build and flip the house. Jeff & are both involved in the community and would love nothing more than to call Stuart home.

Jeff & I would be happy to speak or meet with you if you have any questions in regards to this. Please feel free to call me Nannette 772-497-6486 or Jeff 772-626-3179.

Your support would mean the world to us. We look forward to the opportunity to be your neighbor.

Kindest regards,

Nannette & Jeff Walsh

Mr. Freeman; We are homeowners in the St. Lucie Estates Subdivision in near proximity to the above captioned property, 1436 SE Lark. As a neighboring property owner we are opposed to the variance as requested as it will adversely effect the character of the neighborhood by reducing setbacks and increasing density without justification as defined in the City of Stuart Land Development Code.

Since we have all been impacted by the national pandemic, and are unaware as to when the 3/26 hearing date will be rescheduled,. Please consider this letter our formal objection to the requested variances.

It is our understanding that an applicant must demonstrate contrary to the public interest and that due to special conditions, enforcement of City ordinances will result in unnecessary hardship. No unnecessary hardship has been set forth by the applicant in this case. The subject property is a standard rectangular lot that simply does not fit into the current City of Stuart Code for the owner's plans. A property owner's desire to accommodate his needs which are not suitable to the property is not an unnecessary hardship that is addressed by the variance process. It is somewhat puzzling as to why a variance would be considered.

As property owners, we are very concerned that this variance may be considered which will result in increased density and verifiable reduction of the property values of nearby properties. Surrounding property owners have a right to rely on the R1-A zoning requirements to protect and preserve the character of their neighborhood. Variances from those requirements should be granted ONLY when proof of unnecessary hardship is required.

Thank you for your attention to this matter, and we hope that as concerned neighbors we can rely on preserving the character of this wonderful neighborhood.

Sincerely,

Bonnie and Wayne Barski, 1417 SE Riverside Dr. , Stuart, Fl.

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

AFFIDAVIT ATTESTING TO NOTIFICATION

(JEFFREY WALSH and NANNETTE WALSH), being first duly sworn, depose(s)
and say(s):

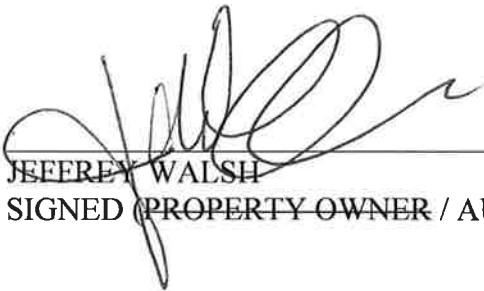
That (we are) the ~~owner~~(s) or petitioner(s) of the following described property
which constitutes the location for which notification is required:

1436 SE Lark Blvd, Stuart

That a copy of the notice was sent by regular U.S. Mail on May 11, 2020 to the
property owners within 300 feet of the subject property.

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.



JEFFREY WALSH

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)



NANNETTE WALSH

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

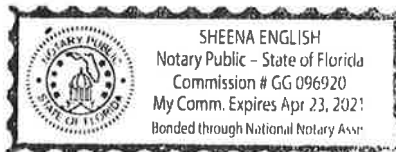
SWORN TO AND SUBSCRIBED before me this 19 day of May, 2020



NOTARY PUBLIC, STATE OF FLORIDA:

My Commission Expires:

April 23, 2021



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

Case #Z20010013

In re: The Code Variance Application of **Jeffery and Nannette Walsh (contract purchasers) of 1436 SE Lark Blvd, Stuart, FL 34994**

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, 2020** 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 parties were represented by Kev Freeman, **Development Director**, and the applicants Jeffery and Nannette Walsh (contract purchasers), all in attendance.

3. **Kev Freeman**, of the City Development Department, testified on behalf of the City that the Petitioners Jeffery and Nannette Walsh, the contract purchasers of the real property at **1436 SE Lark Blvd, Stuart, Florida**, (hereinafter the "Subject Property"), having a PCN #033841012024000300, and having a survey and legal description as found attached as '**Exhibit 1**'.

4. **Kev Freeman** indicated the Subject Property is located at **1436 SE Lark Ave, Stuart, Florida**, and is zoned **R-1 (Single-Family Estate)**, 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 subject property is located at **1436 SE Lark Blvd, Stuart, Florida**. The Subject Property shall be developed in substantial conformance with the Proposed Site Plan, Proposed Floor Plan, Proposed Elevations all submitted as part of this application and attached as "**Exhibit 2**" of this document.

FINAL ORDER OF VARIANCE APPROVAL – Elaine Dillard – 404 SE Parkway Drive

6. The Petitioners gave verbal testimony indicating a desire to construct a single-family home on the property, which will require a variance from the lot area and lot width requirements, and through demonstrative evidence shown in the **Proposed Site Plan, Floor plan and Elevation**, as depicted in “**Exhibit 2**”.

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

- a. The minimum lot width be reduced to 75ft.
- b. The minimum lot area be reduced to 9,375 sq.ft.

8. **Kev Freeman** 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 proposed single-family home shall substantially conform to the Proposed Site Plan, Proposed Floor Plan, and Proposed Elevations, 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-2 (Duplex) Zoning Requirements	Proposed Development Standards
Minimum zoning lot = 10,000 square feet	Zoning lot = 9,375 square feet
Minimum lot width = 100 feet	Lot width = 75 feet

9. Construction in substantial conformance with the Proposed Site Plan, Proposed Floor Plan, and Proposed Elevations attached as “**Exhibit 2**” 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. If construction is not permitted, built and final inspection is not performed by **December 31, 2023**, the variance relief granted in this Final Order shall be void.

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

FINAL ORDER OF VARIANCE APPROVAL – Elaine Dillard – 404 SE Parkway Drive

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.

13. 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
HELEN MCBRIDE, MEMBER

YES	NO	ABSENT

ADOPTED this 28th day of May, 2020.

ATTEST:

By: _____
 JORDAN PINKSTON, BOARD SECRETARY

 KRISTIN STANLEY, CHAIR

APPROVED AS TO FORM AND CORRECTNESS:

 MIKE MORTELL
 CITY ATTORNEY

FINAL ORDER OF VARIANCE APPROVAL – Elaine Dillard – 404 SE Parkway Drive

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 (in person ☐, electronically ☐):

Print Name: _____ the applicant _____,
Contract Purchaser

Signature: _____

Signature: _____

Witness #2 (in person ☐, electronically ☐):

Print Name: _____

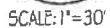
Signature: _____

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement was acknowledged before me this _____ day of _____, 2020, by _____, _____, (in person ☐, electronically ☐)
Owners.

Notary Public, State of Florida
My Commission Expires:
Notary Seal

Personally Known _____ OR Produced Identification _____ Type of ID _____



FOUND 1/2"
IRON ROD
BLOCK CORNER
LOT 5

FOUND 1/2
IRON ROD
LB 4049

9171787
5335724

LARK BOULEVARD

FOUND 1/2'
IRON ROD
LB 4019

REMAINDER OF LOT 3 BLOCK
(NOT INCLUDED)

LOT 5

VACANT LOT

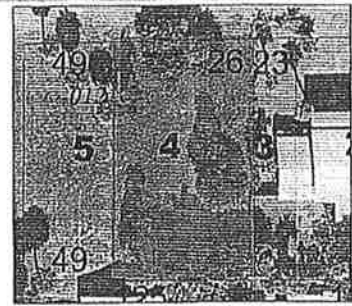
LOT 4
WEST 26' OF LOT 3

NO FENCES

FOUND 1/2"
IRON ROD
5' EAST OFFSET
LB 4049

LOT 6

FOUND 1/2"
IRON ROD
5' EAST OFFSET
LB 4049



AERIAL PHOTOGRAPH
(MAY NOT SHOW LATEST IMPROVEMENTS)
(NOT-TO-SCALE)

	BOUNDARY LINE
	BUILDING LINE
	CENTERLINE
	EASEMENT LINE
	CHAIN LINK FENCE
	WOODEN FENCE
	OVERHEAD CABLE

ENCROACHMENTS SHOWN IN RED LETTERING

CA DENOTES CENTRAL ANGLE
CATV DENOTES CABLE T.V. BOX
CH DENOTES CHORD DISTANCE
DE DENOTES DRAINAGE EASEMENT
FH DENOTES FOUND NAIL
M DENOTES MEASURED
OHC DENOTES OVERHEAD CABLE
P DENOTES PLAT
PP DENOTES POOL PUMP
R DENOTES RADIUS
TR DENOTES TELEPHONE RISER
UE DENOTES UTILITY EASEMENT
UP DENOTES UTILITY POLE
WM DENOTES WATER METER

PLEASE NOTE:

SUBJECT PROPERTY IS SERVICED BY PUBLIC UTILITIES.

Notable Conditions - Please note the following:
- NONE

Landtec Surveying offers services throughout the State of Florida. Please refer to our website at www.LandtecSurvey.com for up to date information about our locations and coverage area.

This survey has been issued by the following Landtec Surveying office:

600 Fairway Drive - Ste. 101
Deerfield Beach, FL. 33441

Office: (561) 367-3587 Fax: (561) 465-3145

www.LandtecSurvey.com

Invoice Number : 72264-SE

Drawn By: J.BAEZ

Date of Field Work : 03/09/2016

Revision:

Druckbogen:

Revision:



LAND SURVEYING - RESIDENTIAL SERVICES

Proudly Serving Florida's Land Title & Real Estate Industries

Sheet 3 of 3 (Survey Related Data) - See Sheet 2 of 3 for Sketch of Survey. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

LEGAL DESCRIPTION

Lot 4 AND THE WEST 26 FEET OF LOT 3, Block 24, SECTION FOUR, ST. LUCIE ESTATES, as recorded in Plat Book 12, Page(s) 58, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Martin County, Florida.

PROPERTY ADDRESS:

XXXX SE LARK BOULEVARD
STUART, FL 34996

INVOICE NUMBER: 72264-SE

DATE OF FIELD WORK: 03/09/2016

CERTIFIED TO:

SUN TITLE AGENCY, LLC
CHICAGO TITLE INSURANCE COMPANY
DONALD J. DEREMO & JAMES V. KUNSTEL

FLOOD ZONE: X

FLOOD MAP: 12085C

PANEL: 0153

SUFFIX: G

PANEL DATE: 03/16/2015

COMMUNITY NUMBER: 120165

General Notes:

1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2. IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM LANDTEC SURVEYING. LANDTEC SURVEYING ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3. ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE LINES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES. DETERMINATION OF FENCE POSITIONS SHOULD BE BASED SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4. GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
5. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1989) AS SHOWN ABOVE.
7. ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8. CORNERS SHOWN AS "SET" ARE IDENTIFIED WITH A CAP MARKED LS (LICENSED SURVEYOR) # 5639.

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS, AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER SJ-17.051 & SJ-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER SJ-17.052, PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

Digitally signed by

Andrew Snyder, P.S.M.

DN: cn=Andrew

Snyder, P.S.M.,

o=Landtech

Surveying, ou,

email=asnyder@msn.c

om, c=US

03/09/2016

Date: 20160309

FLORIDA REGISTRATION No. 5639 (NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

LENDER CERTIFICATION NOTE:

BY AUTHORITY GRANTED PER SJ-17.051(3)(b)(6) FLORIDA ADMINISTRATIVE CODE: FOR MORTGAGE TRANSACTIONS, LANDTEC HEREBY AUTHORIZES CERTIFIED TITLE AGENTS SHOWN HEREON TO EDIT ANY LENDER CERTIFICATIONS ALREADY SHOWN HEREON AS THEY DEEM NECESSARY TO COMPLETE SAID TRANSACTION. ANY OTHER ALTERATIONS SHALL VOID THIS SURVEY.

ON ELECTRONICALLY DELIVERED SURVEYS, THE LENDER CERTIFICATION SHOWN ABOVE IS AN EDITABLE FIELD THAT MAY BE CHANGED AS NEEDED. UPON EDITING, THIS DOCUMENT WILL REMAIN SIGNED AND SEALED AND CAN BE "SAVED AS" ON YOUR LOCAL DRIVES, AS WELL AS ATTACHED TO FORWARDING EMAILS.



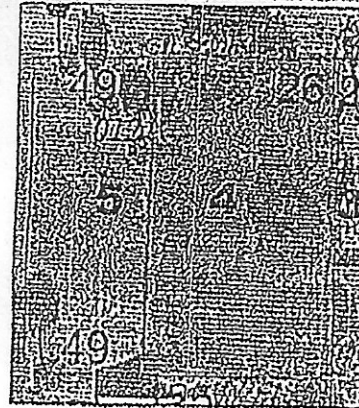
LANDTEC
SURVEYING

Helping Simplify Florida's Land Title & Real Estate Industries

... measurably better!

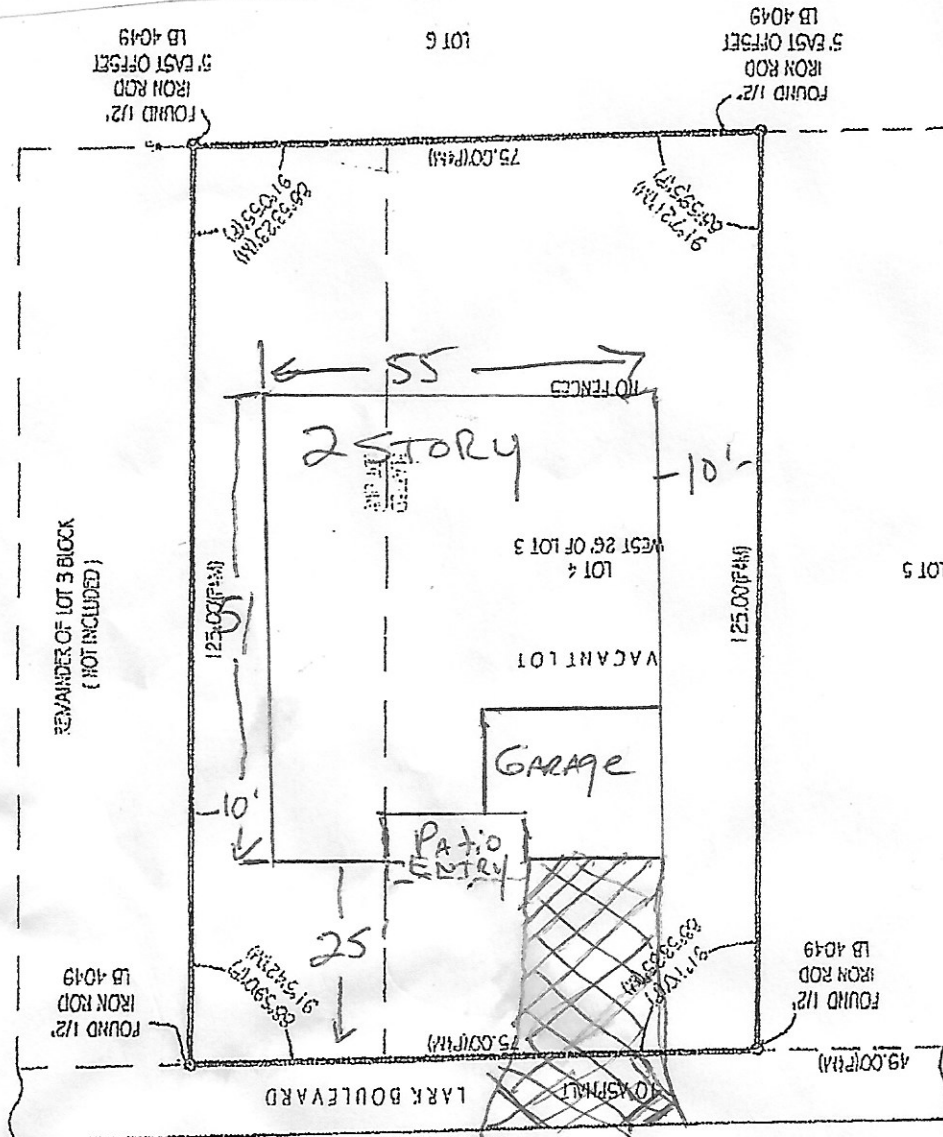
of 3 (Sketch of Survey) - See Sheet 3 of 3 for Legal Description, Certifications, Property and other Survey related data. SURVEY IS NOT COMPLETE WITHOUT ALL

I HEREBY ACKNOWLEDGE THAT I HAVE REVIEWED
AND RECEIVED A COPY OF THIS SURVEY AND
UNDERSTAND THAT THE ENCROACHMENTS AS
SHOWN WILL BE AN EXCEPTION TO TITLE.



AERIAL PHOTOGRAPH

(MAY NOT SHOW LATEST IMPROVEMENTS
(NOT-TO-SCALE))



UNETYPE LEGEND:

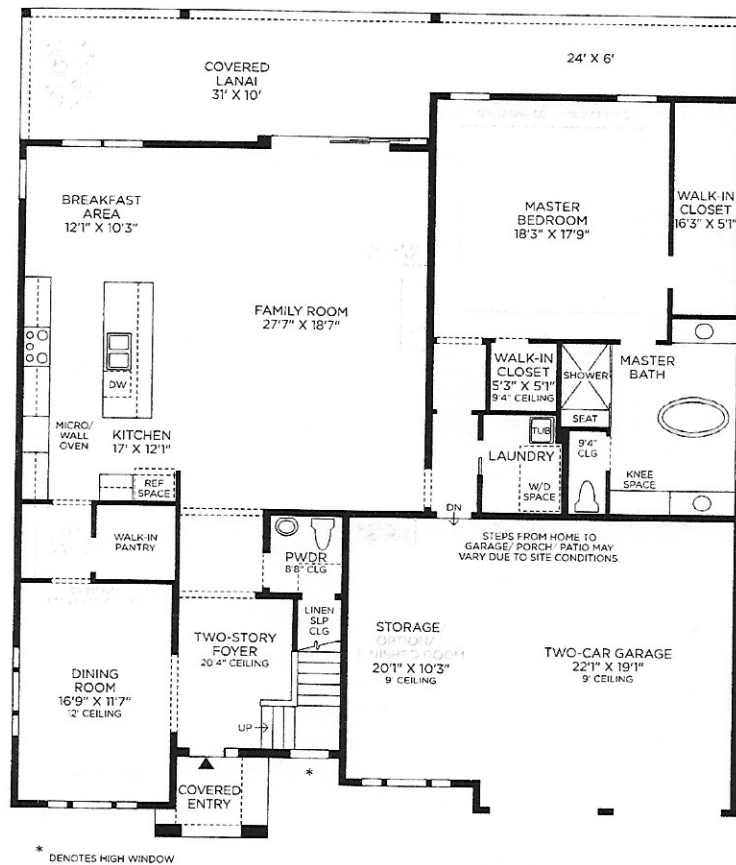
—	BOUNDARY
—	BUILDING
—	CENTERLINE
—	EASEMENT
—	CHAIN LINE
—	WOODEN
—	OVERHEAD
—	ENCROACHMENTS SHOWN IN RED

LEGEND:

CA	DENOTES CENTRAL ANGLE
CATV	DENOTES CABLE T.V. BOX
CH	DENOTES CHORD DISTANCE
DE	DENOTES DRAINAGE EASEMENT
FH	DENOTES FOUND NAIL
M	DENOTES MEASURED
OHC	DENOTES OVERHEAD CABLE
P	DENOTES PLAT
PP	DENOTES POOL PUMP
R	DENOTES RADIUS
TR	DENOTES TELEPHONE RISER
UE	DENOTES UTILITY EASEMENT
UP	DENOTES UTILITY POLE
WM	DENOTES WATER METER

BEARING REFERENCE: NONE. RECORD INFORMATION RELIANT UPON ANGULAR DATA ONLY. ALL ANGULAR DATA SHOWN HEREON REFERENCED THERETO

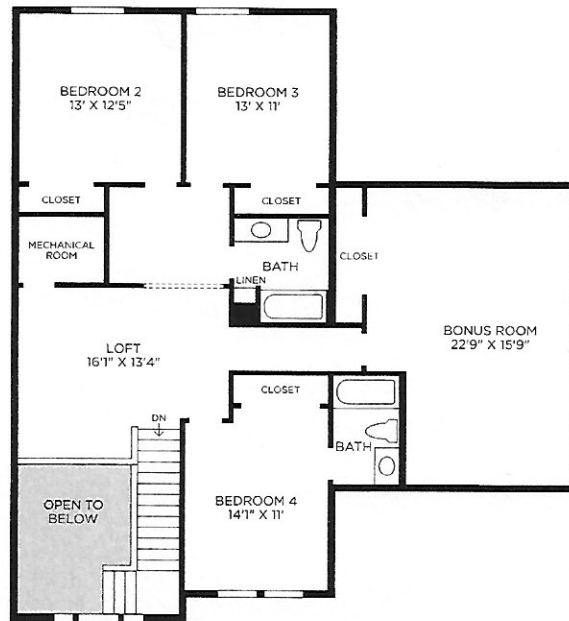
First Floor



Selected Options:

- Expanded Family Room
- Expanded Kitchen
- Pocketed Sliding Glass Doors
- Additional Covered Lanai
- Free-Standing Master Soaking Tub (Oval)
- Expanded Master Bedroom

Second Floor



Selected Options:

- Bonus Room

