



AGENDA

**BOARD OF ADJUSTMENT
AUGUST 25, 2022
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

BOARD MEMBERS

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

ADMINISTRATIVE

**Acting Development Director – Erin Wohlitka
Board Secretary - Jordan Pinkston**

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

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

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

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

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.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. APPROVAL OF FEBRUARY 24, 2022 BOA MINUTES

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

2. Final Order of Variance Approval: Z22050008; Bruner Family, LLC requesting approval to allow the future construction of a single family house on an existing nonconforming lot and permitting a reduction in the minimum lot size and lot width requirements for parcels of land within the R-1A zoning district.

STAFF UPDATE

ADJOURNMENT

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

Meeting Date: 8/25/2022

Prepared by: Jordan Pinkston

Title of Item:

APPROVAL OF FEBRUARY 24, 2022 BOA MINUTES

Summary Explanation/Background Information on Agenda Request:

N/A.

Funding Source:

N/A.

Recommended Action:

Approve.

ATTACHMENTS:

1. BOA_02242022



MINUTES

**BOARD OF ADJUSTMENT MEETING
FEBRUARY 24, 2022 AT 5:30 PM
CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

**BOARD OF ADJUSTMENT MEMBERS
Chair – Kristin Stanley
Board Member – Werner Bols
Board Member – Claire Nash
Board Member – Amelia Fry
Board Member – Christina Vogl**

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

CALL TO ORDER

 5:31 PM

ROLL CALL

Present: Claire Nash, Christina Vogl, Werner Bols, Amelia Fry

Absent: Kristin Stanley

PLEDGE

 5:33 PM

ANNUAL BOARD REORGANIZATION

 5:33 PM

1. Oath of office for newly appointed Board of Adjustment Member, Amelia Fry 
5:34 PM
2. Oath of office for newly appointed Board of Adjustment Member, Werner Bols 
5:35 PM
3. Annual Board of Adjustment Reorganization

Motion: Appoint Christina Vogl to Chair.

Action: Approve.

Moved by: Werner Bols
Seconded by: Claire Nash
Motion passed unanimously.

Motion: Appoint Claire Nash to Vice Chair.
Action: Approve.
Moved by: Werner Bols
Seconded by: Amelia Fry
Motion passed unanimously.

APPROVAL OF MINUTES

Motion: Approval of March 25, 2021 Minutes
Action: Approve.
Moved by: Claire Nash
Seconded by: Werner Bols
Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS (3-minute max): None.

COMMENTS FROM THE BOARD MEMBERS ON NON-AGENDA ITEMS (3-minute max): None.

OTHER MATTERS BEFORE THE BOARD

5. Variance - Blauvelt - 542 SW Halpatiokee Street

PRESENTATION: Tom Reetz, Senior Planner
Tyson Waters, Fox McCluskey

COMMENTS FROM BOARD MEMBERS (3 MIN. MAX):

Werner Bols asked questions about the accessory structure on the property.

Mike Mortell clarified the current situation.

Tyson Waters said they are only seeking a setback for the existing structure.

Christina Vogl asked about the shed being a fire hazard and adding a condition for removing the shed. She asked if the lot could be divided legally without coming before the board.

Mike Mortell and Kev Freeman explained that suggestion would be possible, but staff supports the idea of keeping the lot lines in the natural rhythm of the street fronts.

Amelia Fry asked for the length of the shed.

Tyson Waters confirmed that the length of the shed is 12 feet by 45 feet.

The applicant provided a photo of the structure to the board.

Tyson Waters clarified each lot and the request for exceptions.

Christina Vogl asked about parking availability.

Tyson Waters confirmed where parking will be for lot 14.

Claire Nash asked for confirmation of the exact parking spaces provided for lot 14.

Christina Vogl asked for clarification of the lot 15 site proposal.

Werner Bols asked if the accessory structure was inhabitable.

Tyson Waters clarified the parking questions and provided photos.

COMMENTS FROM THE PUBLIC (3 MIN. MAX):

1. Jeff Sill (Halpatiokee Street) – In favor of the project but was concerned about setbacks. He requested the structures and street view maintain the look of the current neighborhood.

COMMENTS FROM BOARD MEMBERS (3 MIN. MAX):

A member of the audience asked what “Cottage Lot” meant.

Tom Reetz described the background of creating cottage lots.

Tyson Waters explained the location of the lots.

Christina Vogl questioned if the existing structure on lot 15 will be granted the same setback exceptions.

Kev Freeman explained the situation that could happen if setbacks are granted.

Amelia Fry asked what is out of cottage lot standards on lot 14.

Kev Freeman said the only issue is the carport.

Claire Nash asked for confirmation that lot 14 and 15 will both be cottage lots.

Motion with a second was made.

Motion passed unanimously.

COMMENTS FROM THE PUBLIC (3 MIN. MAX):

2. Jeff Sill (Halpatiokee Street) – requested confirmation of the floor elevations.

COMMENTS FROM BOARD MEMBERS (3 MIN. MAX):

Kev Freeman confirmed that staff has to meet standards regulated by state regulations.

MOTION

Motion: Approve with the following conditions:

1. Granting cottage lot split status to lots 14 and 15.
2. Grant setback variance to accessory structure of 1.1 feet on lot 14, so long as it is not replaced. If it is replaced it will have to meet cottage lot standards.

3. Both lots will be continued to be restricted to the architectural character as set forth in the agenda item.

Action: Approve.

Moved by: Werner Bols

Seconded by: Claire Nash

Motion passed unanimously.

STAFF UPDATE

ADJOURN

Christina Vogl , Chair

Jordan Pinkston, Board Secretary

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

Meeting Date: 8/25/2022

Prepared by:

Title of Item:

Final Order of Variance Approval: Z22050008; Bruner Family, LLC requesting approval to allow the future construction of a single family house on an existing nonconforming lot and permitting a reduction in the minimum lot size and lot width requirements for parcels of land within the R-1A zoning district.

Summary Explanation/Background Information on Agenda Request:

Zoning variance request to allow the future construction of a single-family home on an existing, nonconforming lot of record. Lot width and lot size requirements do not meet the minimum set forth for R1-A zoning district. Lot was originally platted on November 5th, 1952 as a lot of record in its current configuration.

Funding Source:

N/A

Recommended Action:

Motion to Approve The 'Final Order of Variance Approval' for Petition #Z22050008.

ATTACHMENTS:

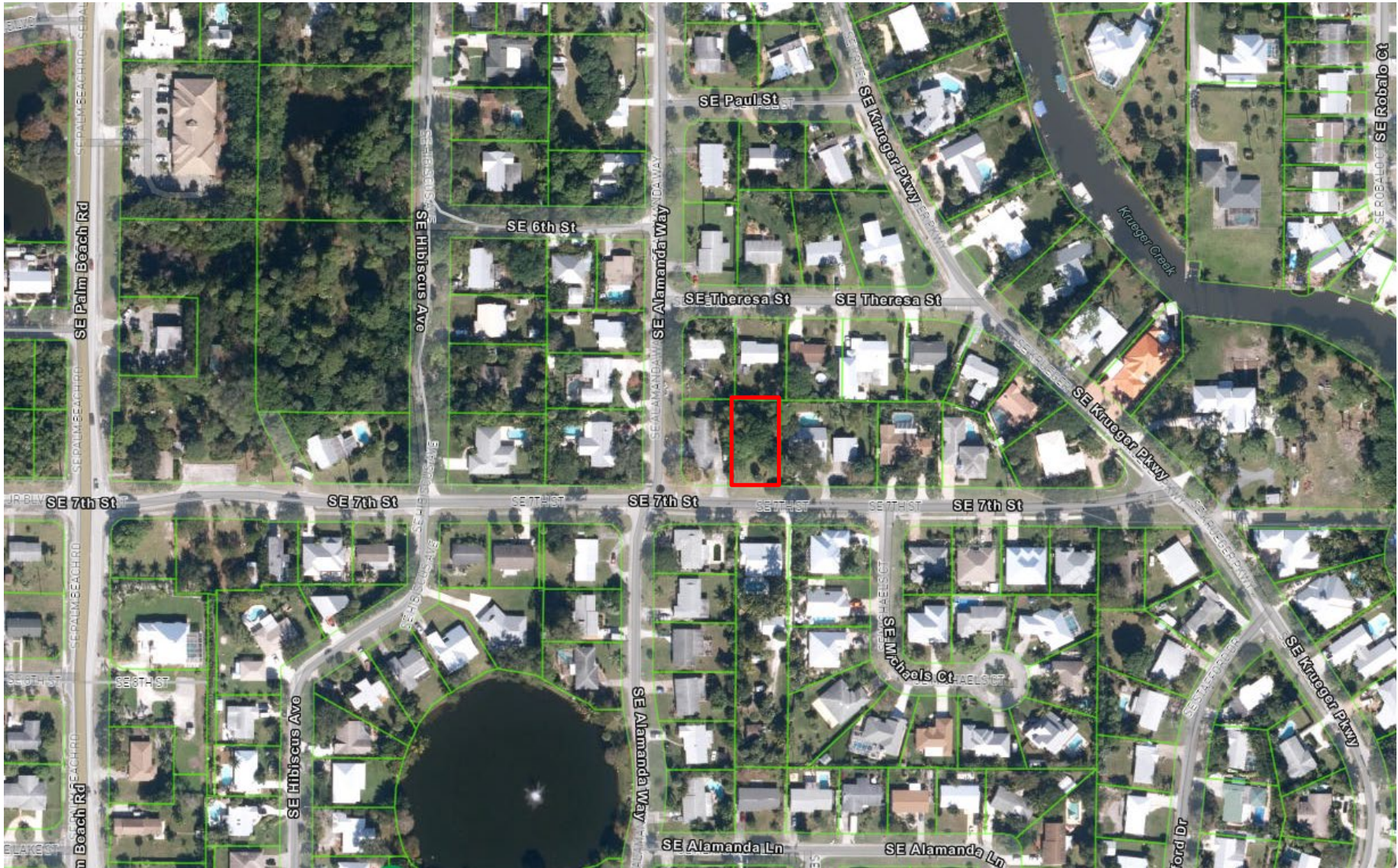
1. B1. Staff Report
2. A. Variance Order

CITY OF STUART BOARD OF ADJUSTMENT August 25, 2022

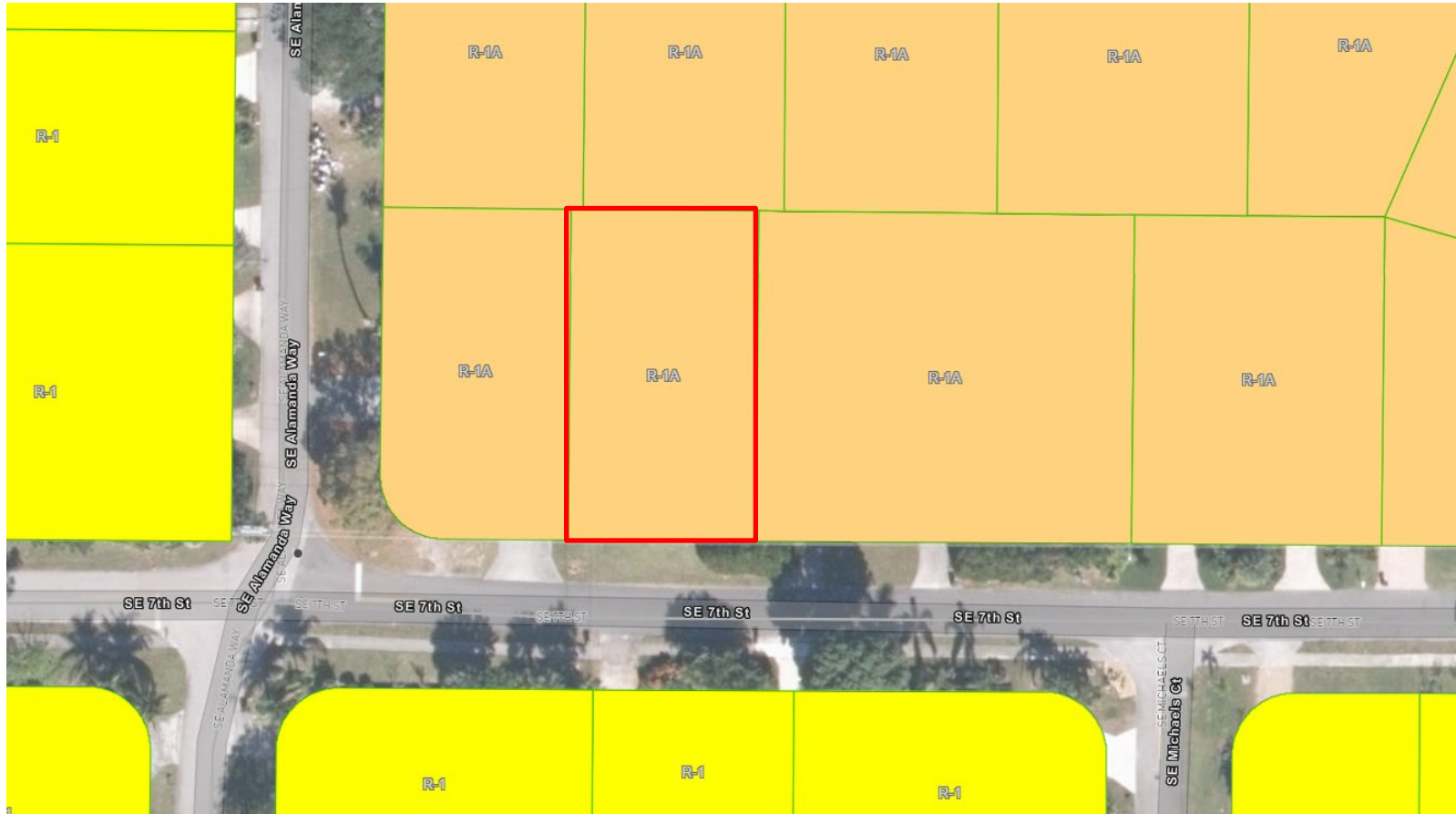
Zoning variance request to allow the future construction of a single-family home on an existing, nonconforming lot of record.



1101 SE 7th Street – BRUNER FAMILY, LLC



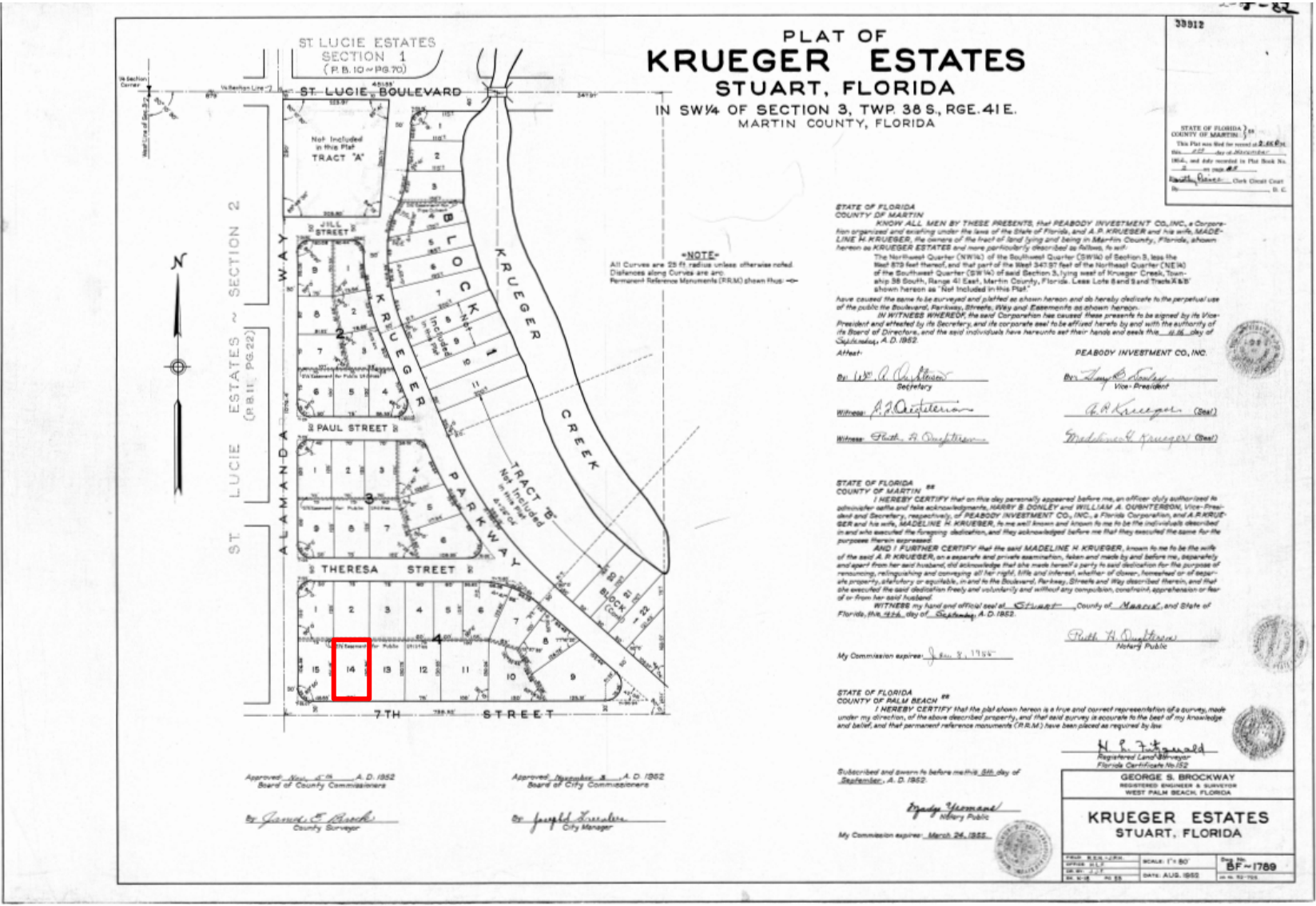
ZONING



Zoning District

-  R-1A Residential Single Family/Estate
-  R-1 Residential Single Family

Historical Plat



LAND DEVELOPMENT REGULATIONS

Land Development Regulations vs Variance Request	
R-1A (Residential - Single-Family Estate) Zoning Requirements	Proposed Allowable Regulations for a Future Single-Family Residence
Minimum Zoning Lot = 10,000 Square Feet	Minimum Zoning Lot = 9,822 Square Feet
Minimum lot width = 100'	Minimum lot width = 75'
Maximum Impervious Surface Coverage = 50%	Maximum Impervious Surface Coverage = 50%
Front Setback = 25 feet	Front setback = 25 feet
Side Setbacks = 10 feet	Side setback = 10 feet
Rear Setback = 15 feet	Rear setback = 15 feet
Maximum Height = 35 feet	Maximum Height = 35 feet

Lot 14 will be developed consistent with the development standards for R1-A zoning. The only variance requested is to allow the existing site to be developable as R1-A minimum lot width and lot area exceeds existing lot width and area on subject site.

ANALYSIS

Sec. 8.05.02 – Limitations on Granting Variances

A. Initial Determination

B. Required Findings (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

ANALYSIS

Sec. 8.05.02 – Limitations on Granting Variances

B. Required Findings

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.

Recommendation

Consider the Final Order in light of the following:

1. Criteria for reviewing the variance
2. Public comment
3. Determination by the board

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

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

Case #Z22050008

In re: The Code Variance Application of
BRUNER FAMILY LLC
1101 SE 7th Street
PCN: 03-38-41-017-004-00140-2

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 August 25, 2022**, 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, *et seq.*
2. The city was represented by **Erin Wohlitka**, Acting Development Director for the City of Stuart, and the applicant was represented by **Terrance P. McCarthy**.
3. **Erin Wohlitka**, of the City Development Department, testified on behalf of the City that, **BRUNER FAMILY, LLC**, is the entity owning the real property at **03-38-41-017-004-00140-2**, having a legal description attached as '**Exhibit 1**'.
4. **Erin Wohlitka** verified the Subject is zoned **Residential – Single Family Estate (R-1A)**, 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. **Terrance P. McCarthy**, authorized agent for the owners gave verbal testimony indicating that the subject parcel was platted in 1952. Subsequent to the plat recordation, the R-1A zoning district was applied to this undeveloped lot, thus requiring minimum lot width and lot size requirements that exceed the lot size and width of the subject parcel. Mr. McCarthy indicated that the property owners desire to construct a single-family residential house on the undeveloped lot; however, the minimum lot size and width requirements pursuant to the City's Land Development Code do not permit the lot to be developed as is.

6. **James K. Bruner, Manager for Bruner Family, LLC**, has signed the application for a variance requesting approval of the following:

- 75-foot-wide lot in lieu of the minimum 100-foot-wide lot as required by City code.
- 9,822-square-foot lot in lieu of the minimum 10,000-square-foot lot as required by City code.

7. **Erin Wohlitka** 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 as requested by the applicant.

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.

9. 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:

(The remainder of this page intentionally left blank.)

FINAL ORDER OF VARIANCE APPROVAL – BRUNER FAMILY, LLC REDUCTION OF LOT

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:

**CHRISTINA VOGL, CHAIR
CLAIRE Y. NASH, VICE CHAIR
AMELIA (MIMI) FRY, MEMBER
KRISTIN STANLEY MEMBER
WERNOR BOLS, MEMBER**

YES	NO	ABSENT

ADOPTED this 24th day of August 2022.

ATTEST:

By: _____
JORDAN PINKSTON
BOARD SECRETARY

CHRISTINA VOGL, CHAIR

APPROVED AS TO FORM AND CORRECTNESS:

MICHEAL MORTELL
CITY ATTORNEY

EXHIBIT 'A'

KRUEGER ESTATES, LOT 14 BLK 4