



City of Stuart

A G E N D A
STUART BOARD OF ADJUSTMENT
TO BE HELD NOVEMBER 21, 2019
AT 5:30 PM
COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

Chair - Kristin Stanley
Vice Chair - Antone Freitas
Board Member - Christina Vogl
Board Member - Donna Rollins
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

APPROVAL OF MINUTES

1. Approval of BOA Minutes

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS

OTHER MATTERS BEFORE THE BOARD

2. The applicant is requesting variance to permit a rear principal building setback of 15.23 feet, where 20 feet is required and a side setback of 8.54 feet, where 10 feet is required by code to allow

construction of a Florida Room addition with porch on a parcel on the north 1/2 of lot 27 located at 404 SE Parkway Drive, Stuart, Fl.

STAFF UPDATE

ADJOURNMENT

UPCOMING MEETINGS and EVENTS

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

Meeting Date: 11/21/2019

Prepared by: Jordan Pinkston

Title of Item:

Approval of BOA Minutes

Summary Explanation/Background Information on Agenda Request:

Funding Source:

N/A

Recommended Action:

Approve.

ATTACHMENTS:

Description	Upload Date	Type
BOA Minutes 7.16.19	11/12/2019	Cover Memo



City of Stuart

MINUTES

BOARD OF ADJUSTMENT MEETING
July 16, 2019 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 – Donna Rollins
Board Member – Christina Vogl

ADMINISTRATIVE
Development Director, Kev Freeman
Board Secretary, Jordan Pinkston

CALL TO ORDER  **5:35 PM**

ROLL CALL  **5:36 PM**

Present: Helen McBride, Kristin Stanley, Christina Vogl, Antone Freitas.

Absent: Donna Rollins

APPROVAL OF MINUTES

Motion: Action: Approve.

Moved by: Helen McBride

Seconded by: Christina Vogl

Motion passed unanimously.

COMMENTS FROM THE PUBLIC: None.

COMMENTS FROM THE BOARD MEMBERS: None.

OTHER MATTERS BEFORE THE BOARD  **5:36 PM**

1. Discussion and deliberation regarding a review of the limitations on granting variances.

PRESENTATION: Kev Freeman, Development Director

PUBLIC COMMENT: None.

BOARD COMMENT:

Kev Freeman asked the board if we should look at the code (particularly under BOA) unnecessary hardship definition and beef it up with more requirements and architectural details to allow the board to make a better decision on the quality of things coming forward. He warned that there was a danger of going too far and opening the door to things that are not acceptable, and that this is just the initial step for staff to have a better understanding if we should move forward or not.

Kristin Stanley said the hardship rule has no boundaries and she feels like we are too hard and do not allow change in the City of Stuart. She wants response from the neighborhoods and considers boundaries instrumental in everything that is done and we only have one that is - what is a hardship.

Mike Mortell confirmed what it meant for the board to deliberate.

Kev Freeman confirmed that she was requesting a range of defined requirements that people would have to meet.

Christina Vogl asked Kristin Stanley for an example of what she would write for that hardship requirement.

Kristin Stanley said there is only one boundary, hardship or no hardship, and she is not comfortable with that.

Christina Vogl said that she agreed there was no consistency and did not allow the city to evolve. She does not want to comment on art or architecture of a design.

Kev Freeman discussed the urban code and confirmed that the CRB reviews the restrictions of art and architecture.

Christina Vogl asked about architectural standards and what the board is currently allowed to comment on.

Kev Freeman confirmed that the board is allowed to comment on architectural standards and went on to describe examples of how it would not be a negative approach on the design. He gave examples of the type of things staff can come back to the board with in order to be more specific. A possible option would be a catalog of design examples, which the CRA is doing. It is an intensive process where staff, the board and citizens are all understanding and going in the same direction on what they are reading.

Kristin Stanley said her concerns are the boundaries and standards for each project. She thinks that the current process is showing favoritism and we need to stick to strict parameters. She recommended having eight hardships instead of just one.

Christina Vogl said that she is afraid that we will not allow diversity by restricting projects with a "book of design approach." She advises encouraging diversity.

Kristin Stanley asked if we could take feedback from the community.

Kev Freeman confirmed that the board could take feedback and agreed that the community should be involved; not only in meetings but as the application is being processed, we need to insure the community has a say and view on where it is going. His goal is to provide comfort to the board that there is a whole range of things that have to be complied with prior to accepting a request.

TJ Frietas asked for confirmation of the current criteria.

Kev Freeman confirmed the current criteria. Citizens are coming into the department asking to add something on their property and they are leaving after we ask them if it is a hardship.

Kristin Stanley used an example of strict criteria that made her feel uncomfortable.

Helen McBride discussed the tiny cottage proposal in the 10th Street Community and fencing as an example of hardship.

Kristin Stanley said that it is essential that we involve the community in the decision process.

Mike Mortell said that the state law requires that you can't adjourn during a meeting. If there is an applicant in front of you they are entitled to an answer and you cannot put them off. The issue has to be addressed at that moment on the dais. He confirmed Kev's goal this meeting is regarding the hardship issue right now. Kev wants to know if the board wants more flexibility and if so do you want it defined into a list where it is black and white. We want to know if you are happy with the hardship rule or do you want another procedure.

Kristin Stanley asked if they could soften the rule and gave examples of past cases.

Christina Vogl said it goes back to if the applicant will actually do what they say.

Mike Mortell said that we can't change the past, but we need to discuss moving forward.

Helen McBride spoke about how many people know about Stuart and it is important to think about the future.

Kev Freeman said that he wants to know the general feeling on what the staff should bring back to the BOA.

Christina Vogl reiterated the definition of hardship. She went on to say that if we want to improve the character of the neighborhood then we should push through the hardship aspect.

Helen McBride talked about the septic tanks in the city.

Christina Vogl asked if staff would suggest options for diversity and architectural character to the applicant.

Kev Freeman said that he wants to have clear parameters about diversity and clarity of what that diversity is during the application process. He wants to have a range of components that keeps the character of the street, which can be subjective.

Christina Vogl recommended having better presentations by the applicant when trying to have a project passed. She said that it is hard to see the applicant's vision when there is poor presentation.

Kristin Stanley asked if the board has to change the requirements on a hardship. She recommended staff provide a checklist of what the staff recommendations were.

Kev Freeman said that staff always makes recommendations, but if it does not meet the requirement of a hardship staff has to notate that as well, which is part of the problem.

Christina Vogl asked about setback requirements.

Mike Mortell said your zoning is your zoning. Currently, staff does not have the discretion to change regulations per case, but this is what Kev is talking about changing. He gave examples of zoning changes in the community.

Kristin Stanley asked for Mike Mortell's feelings on the matter.

Mike Mortell said that in order to remain sustainable moving forward the City of Stuart needs to have a new game plan of how it provides services and cohabitating in a n environment together. The truth is we are not a sustainable model going forward, but it is not up to me to decide what the community wants. He can't think of a lot split that hasn't worked and discussed other lot split examples.

Kev Freeman gave an example of a lot split that could not get a variance so they decided to split it another way and had negative feedback.

Mike Mortell discussed the applicant's presentation.

Christina Vogl said that when applicants show up with two different plans it gets very confusing. She asked for staff to be more restrictive on what comes before the board.

Kev Freeman said that he wants to be able to do all of that prior to coming to the board, but in order to do so they need to look at the code and make minor changes. He would like to come back to the board with some ideas based on your comments and see how that fits in with examples of lot splits, variances and having parameters more set to allow board and staff to make a decision.

Christina Vogl asked a question about setback minimums.

Mike Mortell confirmed that all deliberations will need to be done publically due to Sunshine Law. The value is in the diversity of the board and what their input is on a subject.

Helen McBride asked about a house being remodeled in east Stuart.

Kev Freeman said that as we move forward with these changes it will not be isolated to one decision maker. Staff wants to approve things if they meet the code, but if there is any variance from that then staff should not have the sole responsibility of having judgement over that.

Mike Mortell said the problem is the fluctuation, when one size doesn't fit all. This is why the board is called board of "adjustment". Builders are not coming forward on lot splits because they know they are not a hardship and have found a new angle to submit an application.

Helen McBride discussed alley ways in the city.

Kev confirmed the City of Stuart right-of-ways are alley ways and the city considers leasing them if they are not taken care of. It is a case by case basis.

Christina Vogl said that if we want things to move forward we need the community involvement to deliberate, but would like to tone it back and find a compromise.

Kev Freeman said that staff is trying to allow that opportunity to happen, but it can't with the current way the code is written.

TJ Frietas asked about staff providing conditions to the board for discussion.

Kristin Stanley reinforced that staff recommendation is essential.

Mike Mortell said that as the code stands today, staff recommendation would be that the application does not meet a hardship. He asked to confirm if the board wants to soften the description of a hardship.

Helen McBride asked for confirmation on the definition of a hardship and how it related to different communities.

Kev Freeman said that the definition is clear, but then unnecessary hardship covers everything off.

Mike Mortell asked if different neighborhoods need different criteria for hardship requirements.

Kristin Stanley said the hardship is more from the people around the applicant, not the applicant. She asked if the board could introduce themselves and their qualifications.

Mike Mortell gave them the go ahead to do that, but did not think it would make a difference. In the last 30 years you can see that the City has only done 20 lot splits, because land was available. Intensity for land has met its cap and lot splits have been coming to us in a row. During that time this board told all applicants that unless it is a true hardship then no lot split will pass, leading to no applicants coming forward to file for a lot split.

Kristin Stanley said that she would like boundaries to be in place – a, b and c. In order to facilitate change we will have to create a different term other than hardship.

TJ Frietas asked Kristin Stanley for confirmation of what she wanted to move forward with.

Mike Mortell said that if we want to have a variety of people in the community then we need to adjust. Most people cannot afford to live here anymore, that is why people wanted lot splits. It is a capitalistic society and applicants are going to sell property for what the value of the property is, regardless of what they say to the board. Supply is over, unless you want to create new market with lot splits and creating the supply.

The board discussed lot splits and setbacks.

Kev Freeman said the application would have a list of requirements that they would have to submit to staff, so in combination with any amendments to the code about how they would be viewed would be specific. It would be things more in line for bigger projects, such as architectural renderings, communication with neighbors, notice to neighborhood, etc. Although, he did not recommended going to lot splits for the sake of lot splits to insure the character of the city. He would like to come back on a later date with better proposals to bring forward the board's suggestions and then form the code. It will be a long process, but it deserves some thought.

Christina Vogle confirmed that we are going to rewrite the definition of hardship.

Mike Mortell said the only definition that matters is this boards.

UPCOMING MEETINGS AND EVENTS:

Motion:  **7:01 PM**

Action: Adjourn.

Moved by: Helen McBride

Seconded by: Christina Vogl

Motion passed unanimously.

Kristin Stanley, Chair

Jordan Pinkston, Board Secretary

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Board of Adjustment

Meeting Date: 11/21/2019

Prepared by: Tom Reetz

Title of Item:

The applicant is requesting variance to permit a rear principal building setback of 15.23 feet, where 20 feet is required and a side setback of 8.54 feet, where 10 feet is required by code to allow construction of a Florida Room addition with porch on a parcel on the north 1/2 of lot 27 located at 404 SE Parkway Drive, Stuart, FL.

Summary Explanation/Background Information on Agenda Request:

The property is located at 404 SE Parkway Drive, Stuart in the Fisherman's Village community, an area which consists of Duplex homes. The property is bounded on all sides by existing residential uses. The zoning on the subject property is R-2 (Duplex) and has a Future Land Use designation of Low Density Residential. The properties surrounding the subject property have a zoning of R-1 (Single-Family - general) to the east and the west and R-1 (Single-family Estate) to the south and north. The properties surrounding the subject property have a future land use designation of Low Density Residential.

The applicant was encouraged to provide detailed site and architectural design, which has been incorporated and attached to the Final Order. Based on these proposed plans the addition is considered to be in keeping with the surrounding area and will not detract from the two-family character of the neighborhood. The proposed Florida Room addition with porch brings the lot coverage to 46.6% below the 50% maximum. The applicant is requested relief from Section 2.04.01 of the City of Stuart Land Development Code pertaining to building setbacks. The request is to permit a rear building setback of 15.23 feet, where 20 feet is required and an 8.54 foot side setback where 10 feet is required. It should be noted that the addition will line up with the existing legal nonconforming side setback of 8.54 feet.

The Public Works Department will require details of the construction 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 for the Florida Room with porch addition.

Funding Source:

N/A

Recommended Action:

Consider approval of the Final Order to allow a 15.23 foot rear principal building setback, where 20 feet rear yard setback is required by code and to allow an 8.54 foot side setback, where 10 feet is required to allow construction of a new Florida Room with porch on the north 1/2 of Lot 27 located at 404 SE Parkway Drive.

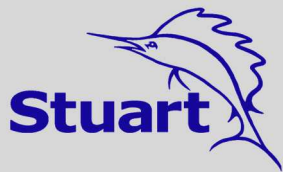
ATTACHMENTS:

Description	Upload Date	Type
❑ Staff Report - By Tom Reetz	11/11/2019	Staff Report
❑ Final Order	11/13/2019	Exhibit
❑ Application	11/11/2019	Backup Material

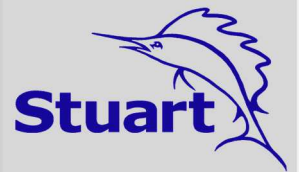
▣ No objection letter from neighbor

11/11/2019

Backup
Material

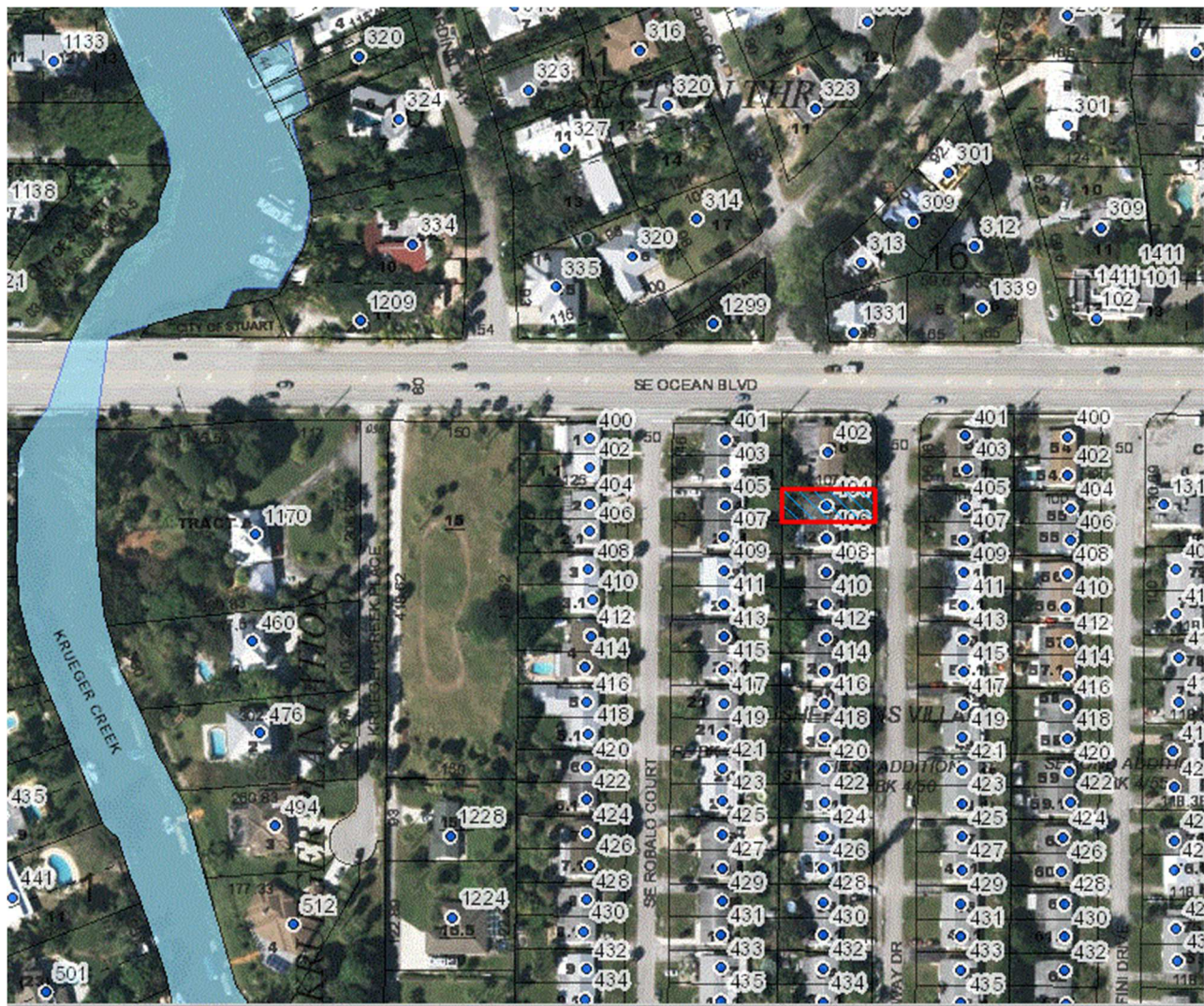


**CITY OF STUART
BOARD OF ADJUSTMENT
November 21, 2019**

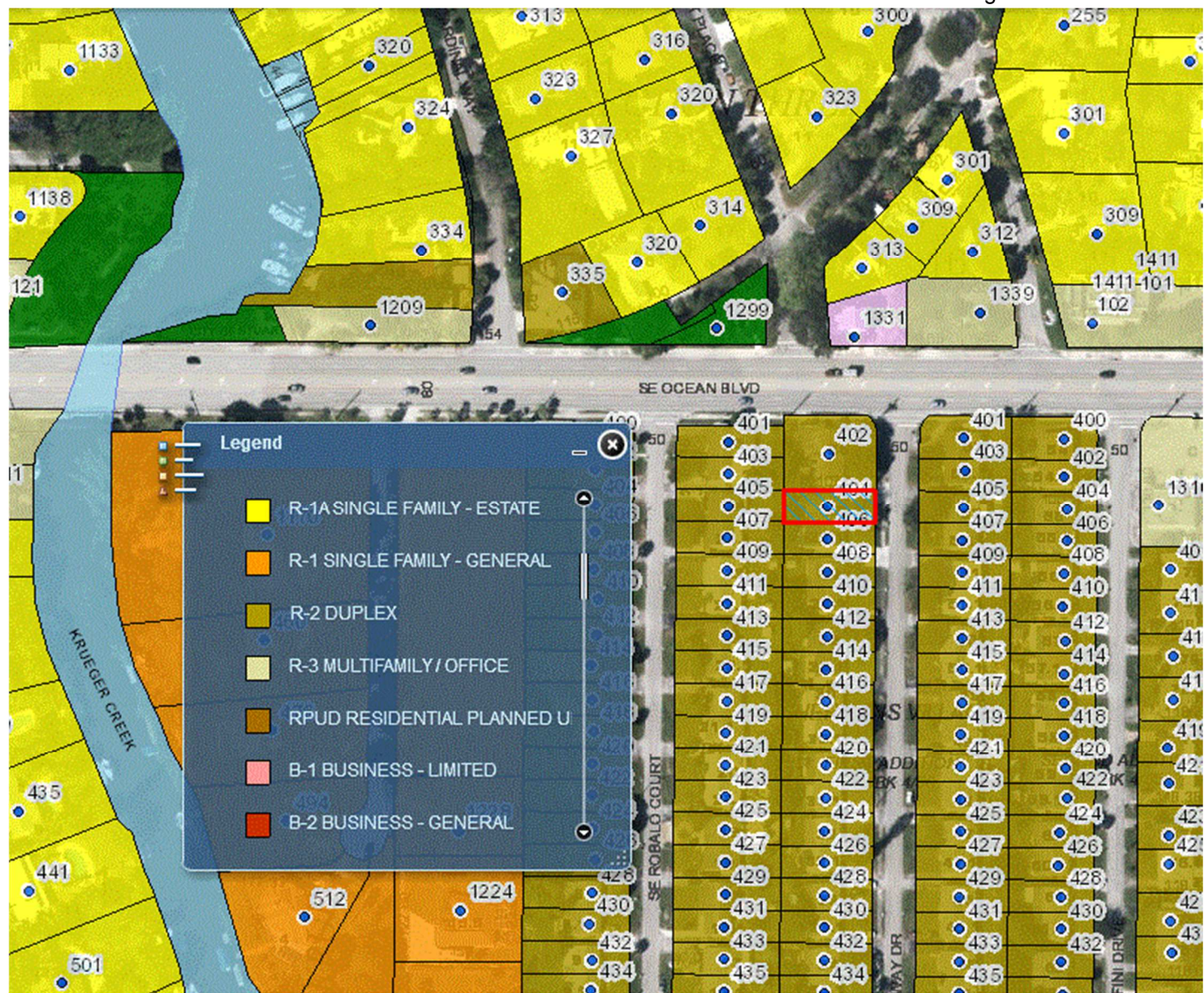


Request: Variance from minimum rear and side building setbacks standards to allow construction of a Florida Room with porch at 404 SE Parkway Drive in Stuart, FL. 34994	Property Owner: Elaine Dillard
Project No.: Z19110004	Applicant/Petitioners: Ellaine Dillard
Location : 404 SE Parkway Drive	Agent/Representative: Joe McCarty, Architect

The parcel is located on the west side of SE Parkway Drive in the Fisherman's Village community. The property is owned by Elaine Dillard. Ms. Dillard owns both sides of the Duplex building. The proposed addition and request for variance from the rear and side setbacks applies to the north half of her property only where she resides, see the aerial illustrating the subject property (bounded in red) and surroundings below.



Detail view of the property in relation to immediate surroundings



Zoning – R2 Duplex



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: November 6, 2019

C. Mail Notice Postmark: November 6, 2019 to owners within 300 feet.

D. Publication Date: N/A for a Variance application.

II. PROPOSED FINAL ORDER DATED November 21, 2019 (Attachment A)

III. APPLICATION DATED October 15, 2019 (Attachment B)

Variance to permit a rear principal building setback of 15.23 feet, where 20 feet is required and side setback of 8.54 feet where 10 feet is required by code to allow construction of a new Florida Room with porch. The following relief from the rear setback distance for the parcel is highlighted in the table below:

Land Development Regulations vs Variance Request	
R-2 (Duplex) Zoning Requirements	Proposed Development Standards
Minimum zoning lot = 7,500 square feet	Zoning lot = 7,500 square feet
Minimum lot width = 75 feet	Lot width = 75 feet
Maximum impervious surface coverage = 50%	Maximum impervious surface coverage = 46.6%
Front setback = 30 feet (front setback can be lessened to 15 feet with construction of a porch at min. 50% of first floor street façade)	Front setback = 40 feet
Side setback = 10 feet	Side setback = 8.54 feet
Rear setback = 20 feet	Rear setback = 15.23 feet
Maximum height = 35 feet	Maximum height = 11.4 feet

IV. CRITERIA FOR REVIEWING VARIANCE

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:

1. 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
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.

V. STAFF ANALYSIS

A. Site and Area Characteristics

The property is located at 404 SE Parkway Drive, Stuart in the Fisherman's Village community, an area which consists of Duplex homes. The property is bounded on all sides by existing residential uses. The zoning on the subject property is R-2 (Duplex) and has a Future Land Use designation of Low Density Residential. The properties surrounding the subject property have a zoning of R-1 (Single-Family - general) to the east and the west and R-1 (Single-family Estate) to the south and north. The properties surrounding the subject property have a future land use designation of Low Density Residential.

The applicant was encouraged to provide detailed site and architectural design, which has been incorporated and attached to the Final Order. Based on these proposed plans the addition is considered to be in keeping with the surrounding area and will not detract from the two-family character of the neighborhood. The proposed Florida Room addition brings the lot coverage to 46.6% below the 50% maximum. The applicant is requested a relief from Section 2.04.01 of the City of Stuart Land Development Code pertaining to building setbacks. The request is to permit a rear building setback of 15.23 feet, where 20 feet is required and an 8.54 foot side setback where 10 feet is required. It should be noted that the addition will line up with the existing legal nonconforming side setback of 8.54 feet.

The Public Works Department will require details of the construction 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 for the Florida Room with porch addition.

VI. STAFF RECOMMENDATION

Consider approval of the Final Order to allow a 15.23 foot rear principal building setback, where 20 feet rear yard setback is required by code and to allow an 8.54 foot side setback, where 10 feet is required to allow construction of a new Florida Room with porch on the north 1/2 of Lot 27 located at 404 SE Parkway Drive.

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 November 21, 2019

Exhibit 1: Boundary Survey and Legal Description

Exhibit 2: Development Plans

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

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

Case #Z19110004

In re: The Code Variance Application of
Elaine Dillard
404 SE Parkway Drive
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 December 21, 2019**, 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 **Tom Reetz**, Senior Planner, and **Joseph P. McCarty Architect**, Petitioner's representative, all in attendance.

3. **Tom Reetz**, of the City Development Department, testified on behalf of the City that the Petitioner Elaine Dillard, the title owner of the real property at **404 SE Parkway Drive, Stuart, Florida**, (hereinafter the "Subject Property"), having a PCN #0338410040000027070000, and having a legal description as found within the Boundary Survey attached as '**Exhibit 1**'.

4. **Tom Reetz** indicated the Subject Property is located at **404 SE Parkway Drive, Stuart, Florida**, and is zoned **R-2 (Duplex)**, 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 residence of **Elaine Dillard** is located at **404 SE Parkway Drive, Stuart, Florida**. The Subject Property shall be developed in substantial conformance with the Proposed Site Plan, Proposed Floor Plan, Proposed Elevations all prepared by Joseph P. McCarty, Architect, and attached as "**Exhibit 2**" of this document.

6. The Petitioners gave verbal testimony indicating a desire for his client to

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

construct a Florida Room with porch on the property, which will require a variance from the rear and side setback distance, and through demonstrative evidence shown in the **Proposed Site Plan**, 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 rear setback shall be reduced to 15.23 feet. (Parcel 1 North one-half of Lot 27 only)
- b. The minimum of side setback shall be reduced to 8.54. (Parcel 1 North one-half of Lot 27 only)

8. **Tom Reetz** 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 addition to the existing structure shall conform to the Proposed Site Plan, Proposed Floor Plan, and Proposed Elevations by Joseph P. McCarty., 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 = 7,500 square feet	Zoning lot = 7,500 square feet
Minimum lot width = 75 feet	Lot width = 75 feet
Maximum impervious surface coverage = 50%	Maximum impervious surface coverage < 50%
Front setback = 30 feet (front setback can be lessened to 15 feet with construction of a porch at min. 50% of first floor street façade)	Front setback = 40 feet
Side setback = 10 feet	Side setback = 8.54 feet
Rear setback = 20 feet	Rear setback = 15.23 feet
Maximum height = 35 feet	Maximum height = 11.4 feet

9. Construction in substantial conformance with the Proposed Site Plan, Proposed Floor Plan, and Proposed Elevations by **Joseph P. McCarty, Architect**, and 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, 2021**, the variance relief granted in this Final Order shall be void.

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

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.

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
DONNA M. ROLLINS, MEMBER
CHRISTINA VOGL, MEMBER
HELEN MCBRIDE, MEMBER

YES	NO	ABSENT

ADOPTED this 21st day of November, 2019.

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:

Print Name: _____

ELAINE DILLARD,
Owner

Signature: _____

Signature: _____

Witness #2:

Print Name: _____

Signature: _____

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement was acknowledged before me this _____ day of _____, 2019, by _____, _____, Petitioner(s).

Notary Public, State of Florida

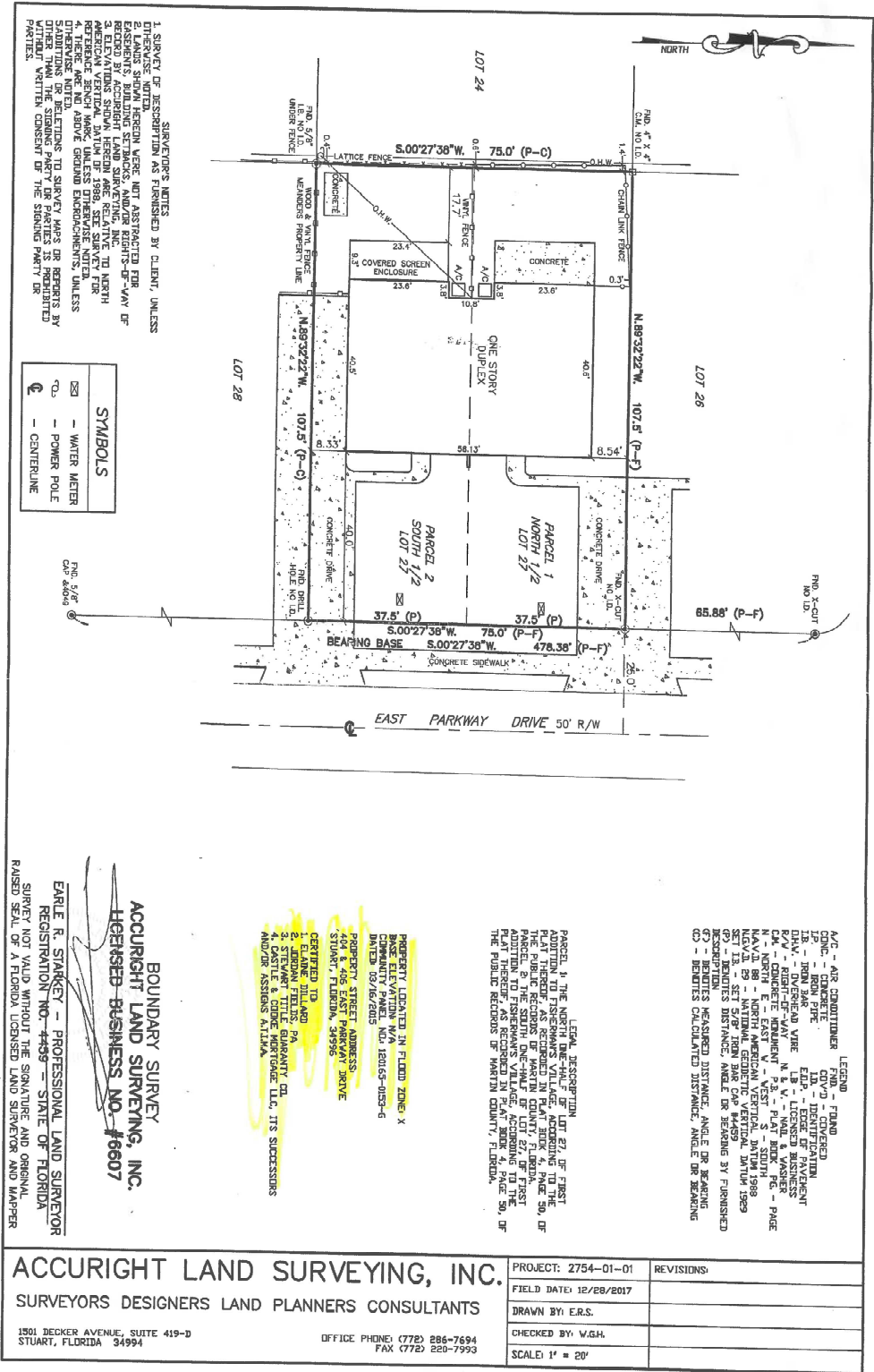
My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____ Type of ID _____

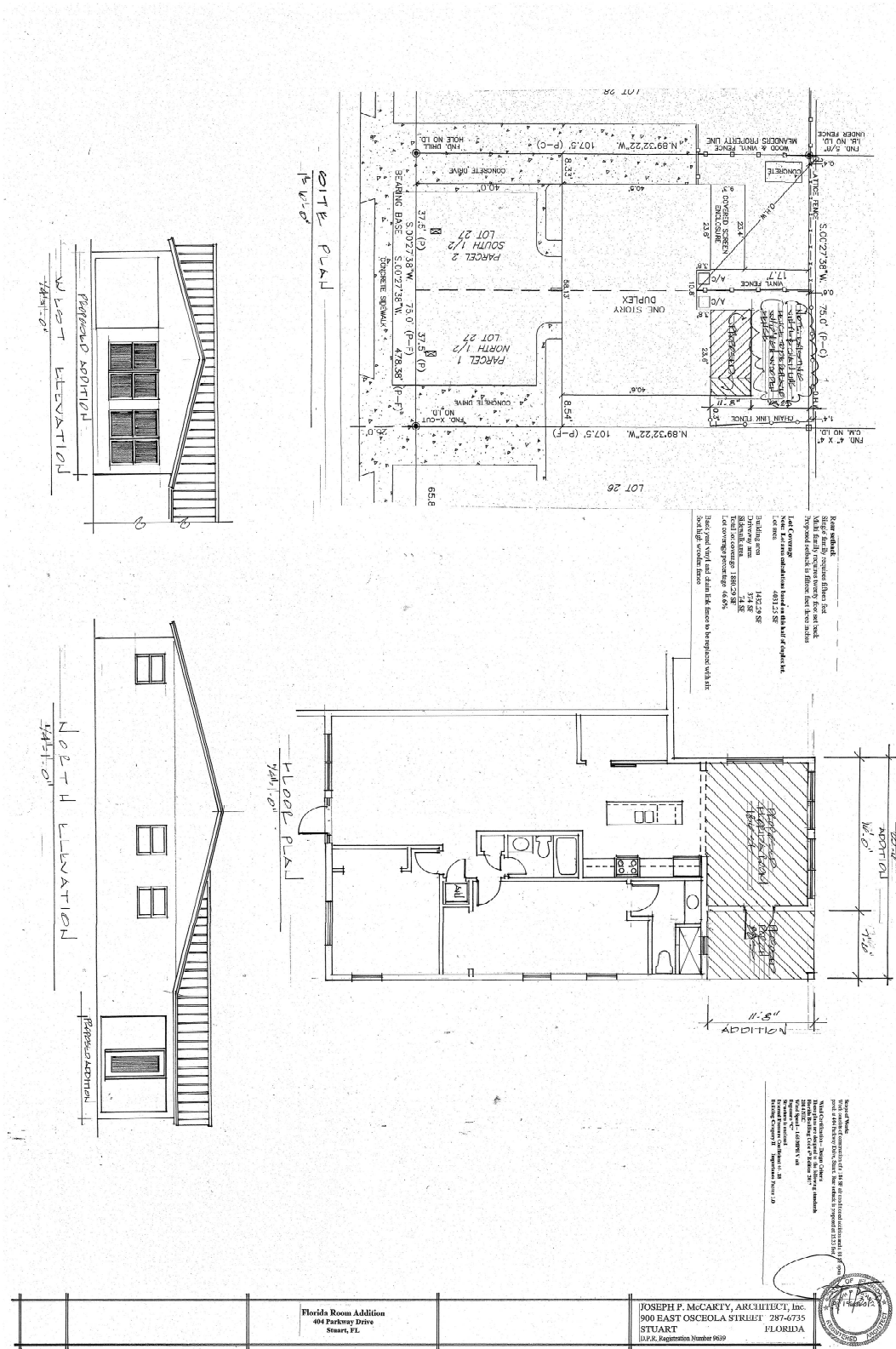
FINAL ORDER OF VARIANCE APPROVAL – Elaine Dillard – 404 SE Parkway Drive

‘Exhibit 1’ Boundary Survey



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

‘Exhibit 2’ Proposed Plans





**CITY OF STUART, FLORIDA
DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION**

Reviewed By: _____

Application must be legible with all relevant fields completed.

Project ID# _____
(Staff Entry)

Pre-App Conference Date:	Application Date: 10/15/2018
Project Name: Proposed Florida Room	
Parcel ID# 03 38 41 004 000 00210 7	Project Address: 404 SE Parkway Drive
Zoning/CRA Sub-district: E1	
Subdivision: Fishermans Village 90	Lot(s): N 1/2 Lot 27
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.	

General Information
(Please Print or Type)

Page 24 of 25

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

Name:	Elaine Dillard
Title:	Home Owner
Company:	—
Company Address:	404 SE Parkway Drive

City/State/Zip Code:	Stuart, FL 34996
Telephone Number:	772-486-6866
Facsimile Number:	
Email Address (optional):	dillardelaine@gmail.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:	Joseph P. McCerty
Title:	Architect
Company:	Joseph P. McCerty Architect Inc
Company Address:	900 E Osceola Street 34994

City/State/Zip Code:	Stuart FL 34994
Telephone Number:	772 287 6735
Facsimile Number:	772 287 4618
Email Address (optional):	mccerty-architect@hotmail.com

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:	Elaine Dillard
Title:	Home Owner
Company:	—
Company Address:	404 SE Parkway Drive

City/State/Zip Code:	Stuart, FL 34996
Telephone Number:	772-486-6866
Facsimile Number:	
Email Address (optional):	dillardelaine@gmail.com

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

4. Signed this 15 day of October, 2019.

Lee Elaine Dillard

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

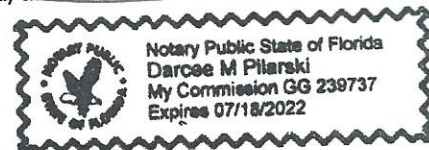
State of Florida, Martin County The foregoing instrument was acknowledged before me on this 15th day of

October 2019 by Lee Elaine Dillard who is personally known to me, or who has produced

Florida Driver License as identification and who did/did not take an oath.

Darcee M. Pilarski
Notary Signature

Commission expires:
07/18/2022



October 11, 2019
Page 25 of 25

Letter of Consent,

My neighbors have reviewed my architectural plans to add a Florida room to the back of my duplex at 404 SE Parkway Drive.

They have signed below an approval of these plans and for the improvement to our beautiful neighborhood.

With this letter we are also hoping the City will also approve of this variance.

— Thank you,
Elaine Dillard (Homeowner)
404 SE Parkway Drive
Stuart, FL 34996

Wendy Grenon
402 SE Parkway Dr
Stuart, FL 34996
John Ciambriello
406 SE Parkway Dr
Stuart FL 34996

Jean Haydu
403 SE Robalo Ct
Stuart FL 34996
561-389-7127

~~3400~~ Stuart
401 Babalo Ct.
286-2397
323-8793

Richard MORRY Richard O'Malley
405 SE Robalo Ct
Stuart, FL 34996

Shirley J Neff
411 Robalo Ct
Stuart, FL 34996

Beverly Reiland
407 SE Robalo Ct
Stuart, FL 34996