

MINUTES
BOARD OF ADJUSTMENT OF THE CITY OF STUART
JULY 27, 2023
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

BOARD MEMBERS

Chair - Christina Vogl
Vice Chair - Werner Bols
Board Member – Claire Y. Nash
Board Member - Sean Reed
Board Member - Kristin Stanley

ADMINISTRATIVE

Development Director - Jodi Nentwick-Kugler
Board Secretary - Susej T. Meleqi

CALL TO ORDER

5:30 PM

ROLL CALL

PRESENT: Chair Vogel, Board Member Bols, and Board Member Reed

ABSENT: Vice Chair Nash, Board Member Stanley

PLEDGE OF ALLEGIANCE

1. OATHS OF OFFICE FOR ADVISORY COMMITTEE MEMBERS

Present Board Members Christina Vogl, Werner Bols, and Sean Reed took the Oath of Office, given by Interim City Attorney, Paul Nicoletti.

2. APPOINTMENT OF CHAIR

5:32 PM MOTION: Approval of Christina Vogl as Chair.

MOVED BY: Werner Bols

SECONDED BY: Sean Reed

Motion approved unanimously.

3. APPOINTMENT OF VICE CHAIR

5:35 PM MOTION: Motion to approve Werner Bols as Vice Chair.

MOVED BY: Christina Vogl

SECONDED BY: Sean Reed

Motion approved unanimously.

APPROVAL OF AGENDA

5:33 PM MOTION: Approve.

MOVED BY: Werner Bols

SECONDED BY: Sean Reed

Motion approved unanimously.

APPROVAL OF MINUTES

4. APPROVAL OF 08/25/2022 BOA MINUTES

MOTION: Approve.

MOVED BY: Werner Bols

SECONDED BY: Sean Reed

Motion approved unanimously.

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

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

Chair Vogl welcomed Sean Reed as a new board member.

ACTION ITEMS

5. FINAL ORDER OF VARIANCE APPROVAL - PETITION NUMBER Z23060001:

ANNA TROTTER, PETITIONER REQUESTING A VARIANCE FROM SECTION 3.01.03.A.6.A OF THE CITY OF STUART LAND DEVELOPMENT CODE TO ADD ADDITIONAL DRIVEWAY CURB CUT LOCATED AT 301 SE DETROIT AVENUE FOR ADDITIONAL ONSITE PARKING SPACE. THE PROPERTY IS ZONED URBAN CENTER AND LOCATED WITHIN THE COMMUNITY REDEVELOPMENT AREA (CRA).

Interim City Attorney, Paul Nicoletti announced that Item #5 is considered Quasi- Judicial. Chair Vogl reviewed the Quasi-Judicial process.

Four (4) people sworn in; Jodi Nentwick-Kugler, City Development Director, Milton Leggett, the Public Works Director, Mark Brechbill, representative of applicant, and Anna Trotter, property owner.

Jodi Nentwick-Kugler briefly presented a review of the case history and a description of the code concerning parking and allowing the curb cut. She noted the variance request and explained the City's recommendations for board action and the limitations on granting variances. Ms. Nentwick-Kugler responded to the Board's questions.

Applicant representative, Mark Brechbill presented on behalf of the applicant, explaining the dimensions of the driveway and garage, requested a minimal change to the property, explained that the property owner does not have appropriate parking and is often looking for a parking space on the street.

Milton Leggett, Public Works Director, sworn, came forward to discuss the F curb that is in the neighborhood, stated the E curb, as requested, is next to a handicap curb which would require to be designed by an engineer. Mr. Leggett noted that if the plan meets specifications and the City approves the plans, the applicant pays the cost of the curb changes. Mr. Leggett answered questions from the board.

Chair Vogl asked about other houses in the area and if the garage could be demolished and the driveway added in its place. Mr. Brechbill commented, noted there is no intention to tear the garage and apartment down as the property is in good condition and it has historic value. Mr. Brechbill clarified the request as simply a variance to change the curb from an F to an E curb.

Ms. Nentwick-Kugler read a public comment into the record from Mr. Raul Ocampo, from Architects Design Collaborative LLC, emailed his comment urging the request to be denied.

City Attorney Nicoletti commented on the number of parking spaces downtown, stating there is ample parking downtown, understanding that some streets may have tighter parking than others and events affect the situation.

Mr. Brechbill made a closing statement that they live there and deal with the problem daily he also responded to Chair Vogl suggestion of a garage remodel.

6:28 PM MOTION: Motion to approve request with conditions such as a traffic engineer report to specify how it could happen, with City approval.

MOVED BY: Werner Bols

SECONDED BY: Sean Reed

VOTE: Motion Passed 2/1 (City Attorney Nicoletti read Sec 2-86 (b) from City Code: Board action shall be taken by the majority of the quorum.)

YES: Werner Bols, Sean Reed

NO: Christina Vogl

The Variance was granted. City Attorney reported that there is an open code enforcement case on the matter, the destruction of City property for cutting the curb. The applicant needs to get an application in for the new curb that is approved.

Mr. Brechbill commented that it would be acted on immediately.

STAFF UPDATE

6. ADVISORY BOARD ORIENTATION REVIEW BY CITY CLERK

City Attorney Nicoletti presented the expectations of board members, including public records, public meetings, quasi-judicial proceedings, voting conflicts, and the Sunshine Law.

ADJOURNMENT

7:09 PM

Susej T. Meleqi, Deputy City Clerk

Christina Vogl, Chair

**Minutes to be approved at the BOA
Meeting this 24th day of August, 2023.**