



AGENDA

**BOARD OF ADJUSTMENT
AUGUST 24, 2023
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 - Sean Reed
Board Member - Kristin Stanley**

ADMINISTRATIVE

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

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.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

1. OATHS OF OFFICE FOR TWO (2) ADVISORY BOARD MEMBERS

APPROVAL OF AGENDA

APPROVAL OF MINUTES

2. APPROVAL OF 07/27/2023 BOA MINUTES

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

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

3. FINAL ORDER OF VARIANCE APPROVAL - PETITION NUMBER: Z23050002

TIMOTHY AUSTIN ANDERSON AND JENNIFER REBECCA HAUSER REQUESTING A VARIANCE FROM LAND DEVELOPMENT CODE SECTION 2.04.04(A)(6)(a), TO ALLOW A SCREEN ENCLOSURE TO BE CONSTRUCTED WITHIN THE MINIMUM REQUIRED 15-FOOT REAR YARD SETBACK BY NO MORE THAN 11.5 FEET, FOR A TOTAL REAR YARD SETBACK OF 3.5 FEET; AND TO ALLOW THE ENCLOSURE TO ENCROACH INTO THE MINIMUM REQUIRED 10-FOOT SIDE YARD SETBACK, BY NO MORE THAN 4.8 FEET, FOR A TOTAL SIDE YARD SETBACK OF 5.1 FEET.

STAFF UPDATE

ADJOURNMENT

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.

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

Meeting Date: 8/24/2023

Prepared by: Susej Meleqi

Title of Item:

OATHS OF OFFICE FOR TWO (2) ADVISORY BOARD MEMBERS

Summary Explanation/Background Information on Agenda Request:

Oath of office for Claire Nash and Kristin Stanley.

Funding Source:

N/A

Recommended Action:

Board Members to take the Oath.

ATTACHMENTS:

1. Board Member OATH_BOA



CITY OF STUART

Oath of Office

I, _____, am qualified under the Constitution, Laws of Florida, and the Code of Ordinances for the City of Stuart, Florida to serve as a member of the BOARD OF ADJUSTMENT; and that I will well and faithfully perform the duties of an advisory board member on which I am about to enter, so help me God.

Name

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of physical presence _____ or online notarization _____, this _____ day of August 2023, _____, who is personally known to me or who has produced Florida driver license as identification.

City Clerk

(Notary Seal)

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

Meeting Date: 8/24/2023

Prepared by: Susej Meleqi

Title of Item:

APPROVAL OF 07/27/2023 BOA MINUTES

Summary Explanation/Background Information on Agenda Request:

APPROVAL OF 07/27/2023 BOA MINUTES

Funding Source:

N/A

Recommended Action:

Approve minutes.

ATTACHMENTS:

1. 07272023 BOA Minutes

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.**

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

Board of Adjustment

Meeting Date: 8/24/2023

Prepared by: Jodi Nentwick

Title of Item:

FINAL ORDER OF VARIANCE APPROVAL - PETITION NUMBER: Z23050002

TIMOTHY AUSTIN ANDERSON AND JENNIFER REBECCA HAUSER REQUESTING A VARIANCE FROM LAND DEVELOPMENT CODE SECTION 2.04.04(A)(6)(a), TO ALLOW A SCREEN ENCLOSURE TO BE CONSTRUCTED WITHIN THE MINIMUM REQUIRED 15-FOOT REAR YARD SETBACK BY NO MORE THAN 11.5 FEET, FOR A TOTAL REAR YARD SETBACK OF 3.5 FEET; AND TO ALLOW THE ENCLOSURE TO ENCROACH INTO THE MINIMUM REQUIRED 10-FOOT SIDE YARD SETBACK, BY NO MORE THAN 4.8 FEET, FOR A TOTAL SIDE YARD SETBACK OF 5.1 FEET.

Summary Explanation/Background Information on Agenda Request:

The 0.28-acre subject property is located at 320 SE Pelican Drive and encompasses Lot 16 of the Saint Lucie Estate #3 Subdivision. There is currently a single-family home on the property. A building permit was issued on May 16, 2023, for a proposed pool and deck. Timothy Anderson and Jennifer Hauser are requesting a Variance from the Board of Adjustment to permit a 12-foot-high screen enclosure to allow for the pool and deck to be enclosed.

The owners are requesting the Board of Adjustment to grant a variance to allow for a 3.5 feet separation between the proposed screen enclosure and the property to the rear (327 SE Cardinal Way). The petition also requests the Board to grant a variance to allow for a 5.1 feet side yard separation between the proposed screen enclosure and the neighboring property to the west. On the Variance Application and Variance Application Supplement form, the applicant requested a two (2) feet rear setback; however, the latest survey depicts a 3.5 feet rear setback. The owners of the property stated that the proposed enclosure will not create a visual nuisance for adjacent properties because of the already established walls, fences, and dense landscaping visual barriers in place.

Funding Source:

N/A

Recommended Action:

The City of Stuart Planning staff does not support the requested 3.5 feet rear yard setback and 5.1 feet side yard setback request due to the proximity to the property line and inconvenience to the adjacent properties to the rear (north) and side (west); therefore, the staff is recommending the Board of Adjustment deny the proposed Variance petition.

ATTACHMENTS:

1. BOA Variance Staff Report
2. Variance Application
3. Boundary Survey
4. Maps
5. Public Notice Packet
6. Saint Lucie Estates Plat
7. Ordinance 1084-86
8. R44-1986 Menninger Park Dedication

9. R45-1986 Menniger Park ROW Abandonment



TO: Board of Adjustment (BOA)

FROM: Mechelle Arbuzow, Planner I

MEETING DATE: Thursday, August 24, 2023

SUBJECT: **PETITION NUMBER - Z23050002**

Timothy Anderson and Jennifer Hauser, petitioners requesting a variance from Section 2.04.04.A.6.a of the City of Stuart Land Development Code to allow a screen enclosure to be constructed within the minimum 15-foot rear setback by no more than 11.5 feet, for a total rear yard setback of 3.5 feet; and to allow the enclosure to encroach into the minimum required 10-foot side yard setback, by no more than 4.8 feet, for a total side yard setback of 5.1 feet.

GENERAL INFORMATION:

Property Owner/Applicant: Timothy Austin Anderson and Jennifer Rebecca Hauser
320 SE Pelican Drive
Stuart, FL 34996

Location: 320 SE Pelican Drive, Stuart, FL 34996

Parcel ID#: 03-38-41-011-011-00160-8

Parcel Size: +/-0.28-acres (*12,318 square feet*)

Future Land Use: Low-Density Residential and Public

Zoning District: Single Family Estate (R-1A) and Public (P)

Existing Use: Single-Family Residence

Surrounding Zoning: Single Family Estate (R-1A), Residential-Duplex, and Public

I. BACKGROUND

The 0.28-acre subject property is located at 320 SE Pelican Drive and encompasses Lot 16 of the Saint Lucie Estate #3 Subdivision. There is currently a single-family home on the property. A building permit was issued on May 16, 2023, for a proposed pool and deck. The property owners Timothy Anderson and Jennifer Hauser are requesting a Variance from the Board of Adjustment to permit a 12-foot-high screen enclosure to allow for the pool and deck to be enclosed.

The owners are requesting the Board of Adjustment to grant a variance to allow for a 3.5 feet separation between the proposed screen enclosure and the property to the rear (327 SE Cardinal Way). The petition also requests the Board to grant a variance to allow for a 5.1 feet side yard separation between the proposed screen enclosure and the neighboring property to the west. On the Variance Application and Variance Application Supplement form, the applicant requested a two (2) feet rear setback; however, the latest survey depicts a 3.5 feet rear setback. The

owners of the property stated that the proposed enclosure will not create a visual nuisance for adjacent properties because of the already established walls, fences, and dense landscaping visual barriers in place.

Site Characteristics:

The subject property is on 0.28 acres and was constructed in 2005. The single-family home currently has 3,264 square feet of impervious area, after the pool and deck are built, it will bring the impervious surface coverage to 4,659 square feet. The property is below its allowable 50% maximum impervious surface coverage by 1,500.38 square feet. The subject site is not in any subdistricts.

History

- On September 22nd, 1986, Resolution Number 45-86 was approved to vacate and abandon the Right of Way
- Ordinance Number 1084 approved on October 27th, 1986 assigned parts of the Public Right-of-Way or easement to the subject property.
- In March of 2005, permit #05030143 was issued for and issued to build a single-family residential home.
- In May of 2023, permit #23050039 was issued to build a pool and deck.
- In May of 2023, a Variance application was submitted to install a screen enclosure around the parameters of the deck.



II. BOARD OF ADJUSTMENT STANDARDS OF REVIEW

STANDARDS OF REVIEW AS SET FORTH IN SECTION 8.05.02. CITY OF STUART LAND DEVELOPMENT CODE

In review of this application for a variance from the City of Stuart Land Development Code (LDC), the Board of Adjustment (BOA) shall have the power to authorize in specific cases such variances which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of certain parts of this code will, in an individual case, result in unnecessary hardship, so that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such case of unnecessary hardship upon the following findings by the Board of Adjustment.

The need for the proposed variance is attributable to unique characteristics of the property either as to the land or as to any improvements thereon, or both, and the proposed variance, **if granted, will not:**

- 1. Authorize any use of the property that is not allowed as a permitted use, or a use allowed by conditional use in the district in which the property is located; and**

In accordance with Section 8.05.01. A - 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 regarding lot area requirements and minimum yard setbacks, building separation and heights for accessory structures, finished floor elevation, fences, walls, hedges and enclosures, setback requirements for the location of swimming pools.

Single Family Estate (R-1A) zoning designation requires a minimum side yard setback of ten (10) feet and a minimum rear yard setback of fifteen (15) feet.

In accordance with the Land Development Code Section 6.09.04.B.3., a swimming pool or spa and appurtenant screen enclosure, of which 90 percent shall be screen material, shall be permitted in a rear yard, provided that it complies with the minimum setback requirements for buildings as required for the lot's zoning classification.

The applicant is requesting relief from the rear and side setback requirements.

LOCATION	REQUIRED	RELIEF REQUEST	SET BACK FROM NEIGHBORS
REAR	15'	11.5'	3.5'
SIDE	10'	4.9'	5.1'

4. Cause a detrimental effect in the supply of light and air to adjacent properties; and

The effect on the supply of light and air to adjacent properties is not detrimental; however, the reduction of setbacks may cause an inconvenience to the adjacent neighbors. The rear setback will be 3.5 feet and 5.1 feet from the neighbor to the west side.

5. Cause a detrimental effect with respect to drainage of the subject property as well as adjacent properties; and

Per LDC Section 2.04.00., the maximum impervious surface coverage within the R-1A zoning district shall be 50%. The property complies with the impervious surface coverage; however, all development must meet the requirements of LDC Section 6.03.00 entitled "Stormwater Management".

If the requested Variance petition is granted, the applicant will be required to demonstrate compliance with the stormwater management requirements by the LDC Section 6.03.00.

The property is below its 50% maximum impervious surface coverage by 1,500.38 square feet.

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

Traffic impacts do not apply to the requested variance petition.

7. Cause any threat to public safety in any manner whatsoever; and

Not applicable to the requested variance.

8. Cause any threat to the health and general welfare of the inhabitants of the city.

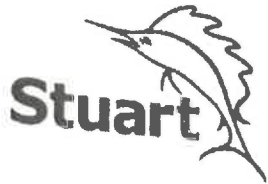
Not applicable to the requested variance.

PUBLIC NOTIFICATION

On August 9, 2023, mail notices were sent to 42 adjacent property owners located within 300 feet of the subject property. One (1) public notification sign detailing the Board of Adjustment Public Hearing was posted on the premises. The Board of Adjustment Public Hearing meeting is not applicable to advertise within the local newspaper.

STAFF RECOMMENDATION

The City of Stuart Planning staff does not support the requested 3.5 feet rear yard setback and 5.1 feet side yard setback request due to the proximity to the property line and inconvenience to the adjacent properties to the rear (north) and side (west); therefore, the staff is recommending the Board of Adjustment deny the proposed Variance petition.



City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994
development@ci.stuart.fl.us
(772) 288-5326

Received by: [Signature]
Reviewed by: _____



Variance Application

Project ID# 223050002
(Staff Entry)

Pre-App Conference Date:	Application Date: <u>5/9/23</u>
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SITE INFORMATION

Project Name: <u>ANDERSON POOL</u>	Parcel ID#: <u>03-38-41-011-011-00</u>
Site Address: <u>320 SE Pelican Dr. Stuart, FL 34996</u>	
Subdivision: <u>St Lucie Estates</u>	Lot(s): <u>16</u>
Site Acreage: <u>.2828</u>	Flood Zone/Base Flood Elevation:
Existing Zoning District / CRA Subdistrict (if applicable): <u>STUART</u>	
Proposed Zoning District / CRA Subdistrict (if applicable):	
Current Comprehensive Plan Future Land Use Designation:	
Proposed Comprehensive Plan Future Land Use Designation (if applicable):	
Existing Land Use: <u>Residential</u>	Proposed Land Use: <u>Residential</u>
Proposed Square Footage (if applicable):	Proposed Density (if applicable):
Variance Request (check the box below that applies):	
☐ Board of Adjustment Variance	☐ Administrative Variance

PETITIONER INFORMATION

Property Owner: <u>Timothy Anderson</u>	Phone Number / Email Address: <u>619-274-3559 timothy.anderson@gmail.com</u>
Property Owner's Mailing Address: <u>320 SE Pelican Dr. Stuart, FL 34996</u>	
Applicant (if not Owner):	Phone Number / Email Address:
Applicant's Mailing Address:	
Agent/Contact Person:	Phone Number / Email Address:
Agent's Mailing Address:	
Architect:	Engineer:
Planner:	Landscape Architect:

City of Stuart Development Department, 121 SW Flagler Ave. Stuart, FL 34994 Phone: (772) 288-5326 Fax: (772) 288-5388

Statement of Ownership and Designation of Authorized Agent

(Please Print or Type)

Before me, the undersigned authority, personally appeared _____

Who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting approval of a Pool enclosure variance in the City of Stuart, FL.
3. That he/she has appointed _____ to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Jennifer Hauser

X [Signature]
Signature of Owner: Jennifer Hauser / Owner

320 SE Pelican Dr
Street Address Stuart, FL 34996

City, State, Zip Code

City, State, Zip Code

619-245-9603
P.O. Box Telephone Number

City, State, Zip Code

jrhauser2003@yahoo.com
Email Address: Fax Number

STATE OF FLORIDA, COUNTY OF Martin

Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this

8th day of May, 2023 By Jennifer Hauser

Personally Known OR Produced Identification

Type of Identification Produced: Drivers License

My Commission expires:

07/29/2025



Notary Public
PATTI A. MARKSTALLER
Notary Public
State of Florida
Comm# HH158828
Expires 7/29/2025

Financial Responsibility Form

(Please Print or Type)

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.

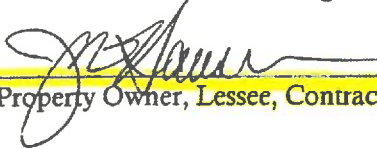
Name:	Jennifer Hauser
Title:	Owner
Company:	
Company Address:	

City/State/Zip Code:	Stuart FL 34994
Telephone Number:	619-245-9603
Facsimile Number:	
Email Address (optional):	

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

1. Signed this 8 day of May, 2023.

X



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

Variance Application Supplement

Site Address: 320 Southeast Pelican Drive

Parcel ID#: 03-38-41-011-011-00

Refer to City of Stuart Land Development Code (LDC) Section 8.05.00 for details

1. I (we) do hereby petition the City of Stuart Board of Adjustment for the following Variance from the LDC. (State the variance sought and the section from the LDC from which the variance is requested.)

We petition to receive relief from the setback requirements for a screen enclosure surrounding a pool in a residential property. Per Sec 6.09.04, the screen enclosure ""shall be permitted in a rear yard, provided that it complies with the setback requirements for buildings as required for the lot's zoning classification." Per the current R-1 zoning for the property, rear setback is 15' for buildings. We request relief from the setback for reduced setback ranging from 10' to 2' for the screen enclosure

2. What is the purpose of the proposed variance and the intended development of the subject property if the variance is granted:

The purpose of the variance is to accomodate the construction of a screen enclosure surrounding a pool and deck area. Pool and deck permit is approved per Permit # 23050039/320 SE Pelican Dr.

3. State the specific hardship imposed on the owner by the LDC?

The current setback established by the LDC effectively prohibits enclosing the pool area due to limited area between the property boundary and the constructed residence. The combined requirements for pool setback from the residence and screen enclosure setback create a total setback requirement between the residence and property boundary exceeds available property dimensions.

4. State reasons why this hardship is unique to the owner and why other property similarly situated does not suffer from the same hardship.

The hardship is due to the property boundary and residence orientation, with limited area between the property boundary and the residence. Adjacent property includes buildings located within 15' of the property boundary.

5. State reasons why this variance will not be injurious to other property and/or improvements in the neighborhood in which the subject property is located.

The location of the proposed screen enclosure is at the rear of the property; this location includes established walls, fences, and dense landscaping (hedges/trees) that create and already established visual barrier between the adjacent properties and the proposed locaiton for the screen enclosure. The proposed enclosure will not create a visual nuisance with any of the adjacent properties or publically acessable areas as proposed.

6. State reasons why this variance will not increase traffic, the danger of fire, or impair property values in the neighborhood in which the subject property is located.

The screen enclosure proposed is for a private residence; all access to the area will be managed by the owner specifically for private use. Approved construction design for the permitted pool and deck includes designed adherence to required safety requirements per Permit # 23050039.

7. State why this variance is the minimum variance that will make possible a reasonable use of the land, building and structures.

The requested variance allows for construction of a screen enclosure to protect the approved pool and deck area and persons using the pool during use. The proposed screen enclosure is limited to the permitted pool/deck area to allow for unimpeded use of the pool area.

8. Explain how this proposed variance is consistent with the general spirit of the LDC and the City of Stuart Comprehensive Plan.

Upon review of Sec. 1.01.01 of the LDC, The proposed variance aligns with the stated General Intent of the LDC; the proposed screen enclosure provides for safety and welfare of the residents of the property using the area, and does not impede or conflict with the health, safety, or welfare of the public. The minimal impact on the public and adjacent properties as described above is far outweighed by the positive benefits of the property improvement supporting para 6. of Sec 1.01.01.

9. Is this variance request located within a Homeowners or Property Owners Association?

☐ YES

☒ NO

If yes, then letter is required

For any variance request within an area that has a Homeowners or Property Owners Association, a letter from that Association is required stating their position regarding the variance request. Name of Association:

Is there a letter from that association attached?

☐ YES

☒ NO

Please attach a diagram of the property showing the dimensions of the lot and all other dimensions necessary to understand this application.

I (we) have reviewed LDC Section 8.05.00, including the questions to be answered by the applicant for a variance and will be prepared to answer these questions at the public hearing.

I, _____ (Applicant Name) swear (or affirm) that the information and facts stated therein on the application is true and correct.

Applicant Signature _____ Date: _____

STATE OF _____,

COUNTY OF _____,

The foregoing instrument was acknowledged before me this ____ day of _____, 20____

by _____ whom is personally known to me or who has produced _____ as identification.

Signature of Notary

Type or Print Name of Notary

Commission Number (Seal)

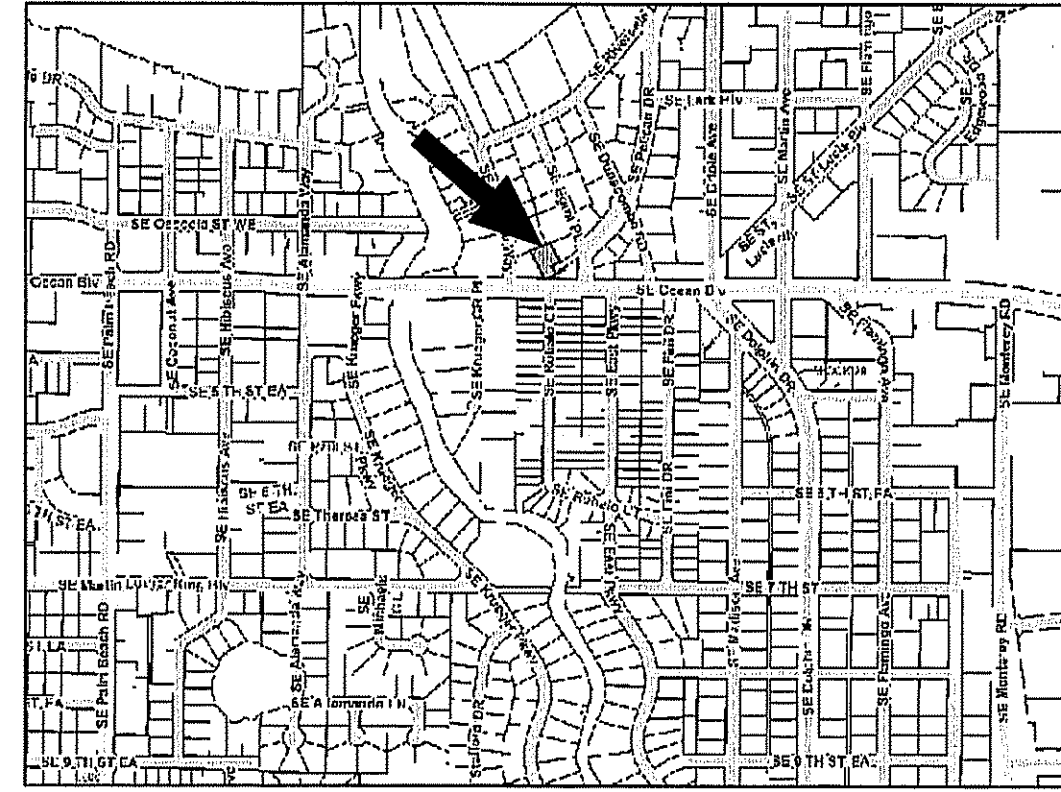
AC A/C ALUM ALUM ANCH APPROX AVE BRG BLK BLVD BLDG BN CATV C CB CHD CONC CDS CNR CPP COR COV CUP CVD D D/F DE ESMT EOC EOP EOW EM ELEV ENCL X 17.00 FT F FNC FFE FH FPL FND GOVT HSE I & E INV IP IRB IRP IRP & C IRP & C L LE LB LP M & W ME MH MHWL N & TT N & W NGVD NO ID NTS NAD ORB O/S OH OHW PQ PK PK & TT PK & W PVM PRM P PLAT PB PCC PC PI POB

PP POWER POLE PUE PRIVATE UTILITY EASEMENT PLS PROFESSIONAL LAND SURVEYOR PROP PROPOSED PROPOSED ELEVATION PROPRATED RADIUS RAD RAILROAD SPIKE RLS REGISTERED LAND SURVEYOR RCP REINFORCED CONCRETE PIPE R/W RIGHT OF WAY SS SANITARY SEWER SET LB SET PK SET T S/T S/W SBT S/F T TOE TOB TOE TWP TRANS TYP UDE UE U/G WF WM WVP WPP POC POE PRC PT

ACRE AIR CONDITIONER ALUMINUM ANCHOR APPROXIMATE AVENUE BEARING BLOCK BOULEVARD BUILDING BENCHMARK CABLE TELEVISION BOX CALCULATED CATCH BASIN CENTRAL ANGLE CHAINLINK FENCE CHORD CONCRETE CONC. BLOCK STRUCTURE CONCRETE MONUMENT COULD NOT READ CONCRETE POWER POLE CORNER COVERED CORRUGATED METAL PIPE CONCRETE VALLEY GUTTER DEED DRAINAGE DRAINAGE EASEMENT DRAINAGE FLOW EASEMENT EDGE OF CONCRETE EDGE OF PAVEMENT EDGE OF WATER ELECTRIC METER ELECTRIC SERVICE ELEVATION ENCLOSURE EXISTING ELEVATION FEET FIELD MEASUREMENT FENCE FINISHED FLOOR ELEVATION FIRE HYDRANT FLORIDA POWER & LIGHT FOUND GOVERNMENT HOUSE INGRESS & EGRESS EASEMENT INVERT IRON BAR IRON PIPE IRON PIPE & CAP IRON PIPE & CAP ARC LENGTH LANDSCAPE EASEMENT LICENSED BUSINESS NUMBER LIGHT POLE MAG NAIL & WASHER MAG NAIL MAINTENANCE EASEMENT MANHOLE MEAN HIGH WATER LINE NAIL NAIL & TIN TAB NAIL & WASHER NATIONAL GEODETIC VERTICAL DATUM NO IDENTIFICATION NOT TO SCALE NORTH AMERICAN DATUM OFFICIAL RECORD BOOK OFFSET OVERHANG OVERHEAD WIRE PAGE PARKER-KALON NAIL PARKER-KALON NAIL & TIN TAB PARKER-KALON NAIL & WASHER PAVEMENT PERMANENT REFERENCE MONUMENT PLAT PLATBOOK POINT OF COMPOUND CURVATURE POINT OF CURVATURE POINT OF INTERSECTION POINT OF BEGINNING

POWER POLE PRIVATE UTILITY EASEMENT PROFESSIONAL LAND SURVEYOR PROPERTY LINE PROPOSED PROPOSED ELEVATION PROPRATED RADIUS RAD RAILROAD SPIKE REGISTERED LAND SURVEYOR REINFORCED CONCRETE PIPE RIGHT OF WAY SANITARY SEWER SECTION SET LB SET PK SET T S/T S/W SBT S/F SUBDIVISION TANGENT TEMPORARY CONSTRUCTION EASEMENT TOP OF BANK TOP OF SLOPE TOWNSHIP TRANSFORMER TYPICAL UTILITY & DRAINAGE EASEMENT UTILITY EASEMENT UNDERGROUND WOOD FENCE WATER METER WATER VALVE WOOD POWER POLE DIAMETER POINT OF COMMENCEMENT POINT OF ENCROACHMENT POINT OF REVERSE CURVATURE POINT OF TANGENCY

CURVE TABLE			
CURVE #	RADIUS	CENTRAL ANGLE	ARC LENGTH
C-1	600.00' (D) (C)	4°23'24" (D) 4°16'57" (C)	46.00' (D) 44.85' (C)
C-2	600.00' (D) (C)	16°09'14" (D)(C)	169.16' (D)(C)
C-3	640.00' (D) (C)	09°02'38" (C)	101.02' (C)
C-4	640.00' (D) (C)	7°42'46" (D) 9°53'28" (C)	86.15' (D) 110.48' (C)



LOCATION MAP

LEGAL DESCRIPTION

LOT 16, BLOCK 11, OF SECTION THREE ST. LUCIE ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:

A PORTION OF PELICAN DRIVE, AS SHOWN ON THE PLAT OF SECTION THREE ST. LUCIE ESTATES SUBDIVISION, AS RECORDED IN PLAT BOOK 11, AT PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST SOUTHERLY CORNER OF LOT 16, BLOCK 11 SAID PLAT OF ST LUCIE ESTATES SUBDIVISION- SECTION THREE, SAID CORNER BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PELICAN DRIVE, ALSO BEING A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 600.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTHERLY RIGHT-OF-WAY LINE OF PELICAN DRIVE, 46.00 FEET, THROUGH A CENTRAL ANGLE OF 04 DEGREES 23'34" FOR THE POINT OF BEGINNING;

THENCE CONTINUE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND THE NORTHERLY RIGHT-OF-WAY LINE OF PELICAN DRIVE, 169.16 FEET, THROUGH A CENTRAL ANGLE OF 16 DEGREES 09'14" TO THE POINT OF COMPOUND CURVATURE, OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5.00 FEET; THENCE SOUTH 00 DEGREES 00'00" EAST, 0.97 FEET, TO THE POINT OF INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF EAST OCEAN BOULEVARD, (FORMERLY ST. LUCIE BOULEVARD), AS SHOWN ON SAID PLAT OF ST LUCIE ESTATES SUBDIVISION-SECTION THREE; THENCE NORTH 90 DEGREES 00'00" EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST OCEAN BOULEVARD, 144.17 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTHWESTERLY EXTENTION OF THE CENTERLINE OF SAID PELICAN DRIVE, ALSO BEING A CURVE CONCAVE TO THE NORTHWEST, AND HAVING A RADIUS OF 640.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE AND THE CENTERLINE OF SAID PELICAN DRIVE, 86.15 FEET, THROUGH A CENTRAL ANGLE OF 7 DEGREES 42'46", TO THE POINT OF INTERSECTION WITH A RADIAL LINE WHICH BEARS SOUTH 29 DEGREES 45'00" EAST FROM THE POINT OF BEGINNING; THENCE NORTH 29 DEGREES 45'00" WEST, 11.05 FEET, TO THE POINT OF INTERSECTION WITH A LINE WHICH BEARS SOUTH 54 DEGREES 00'00 WEST, AS DESCRIBED IN OFFICIAL RECORDS BOOK 696, PAGE 1084, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE SOUTH 54 DEGREES 00'00" WEST, ALONG SAID LINE, 43.38 FEET, TO THE POINT OF INTERSECTION WITH A LINE WHICH BEARS NORTH 33 DEGREES 00'00" WEST, AS DESCRIBED IN OFFICIAL RECORDS BOOK 696, PAGE 1084, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE NORTH 34 DEGREES 19'12" WEST, 35.53 FEET, TO THE POINT OF BEGINNING.

ALL OF THE ABOVE CONTAINING 4315 SQUARE FEET, MORE OR LESS.

LESS AND EXCEPT PROPERTY CONVEYED IN QUIT CLAIM DEED RECORDED IN O.R. BOOK 1990, PAGE 213, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

Date of field survey: 07/28/2021

NOTES:

- Survey of description as furnished by Client.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
- All bearings are referenced to the Easterly line of subject property, calculated as North 77°30'55" East, with all others being relative thereto.
- Elevations shown hereon are relative to North American Vertical Datum of 1988, and are based on a bench mark.
- There are no above ground encroachments, unless otherwise shown.
- The National Flood Insurance Program designation as indicated on the F.E.M.A. Map No. 12085C0153H, dated 08/02/2020, locates the parcel in Zone X, base flood elevation N/A feet; subject to any scaling and interpolation factors associated with mapping of this accuracy. This data is an interpretation by the surveyor and is provided as a courtesy. The flood zone(s) should be verified by a determination agency.
- Underground foundations & utilities not located unless shown.
- The expected use of the survey and map is for Residential Purposes.
- All measurements are in accordance with the United States standard, in feet.
- Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

LOT 15 (BLOCK 11)

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

S00°00'00"E
0.97' (D)(C)

N90°00'00"E (D) 144.17' (D) 120.41' (C)

EAST OCEAN BOULEVARD
(AKA ST. LUCIE BOULEVARD)

- PROPERTY ADDRESS: 320 PELICAN DRIVE
- CERTIFIED TO:
- TIMOTHY AUSTIN ANDERSON & JENNIFER REBECCA HAUSER

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

REVISIONS	BY
FORM BOARD TIE-IN (POOL) 07/13/2023	SJB
REISSUE SURVEY 07/17/2023	SJB

BOUNDARY SURVEY PREPARED FOR: ANDERSON & HAUSER

STEPHEN J. BROWN, INC
LICENSED BUSINESS NUMBER: 6484
SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: STEVE@SUBSTUART.COM PHONE: (772)-288-7176

DRAWN S.J.B.
CHECKED S.J.B.
DATE 08/02/2021
SCALE 1" = 20'
JOB NO. 3275-2001-01
SHEET ONE
OF ONE SHEETS



LOT 13
(BLOCK 11)



LOT 16, BLOCK 11, OF SECTION THREE ST. LUCIE ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:

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ALL OF THE ABOVE CONTAINING 4315 SQUARE FEET, MORE OR LESS.

LESS AND EXCEPT PROPERTY CONVEYED IN QUIT CLAIM DEED RECORDED IN O.R.
BOOK 1990, PAGE 213, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

Date of field survey:
07/28/2021

1. Survey of description as furnished by Client.
2. Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
3. All bearings are referenced to the Easterly line of subject property, calculated as North 77°30'55" East, with all others being relative thereto.
4. Elevations shown hereon are relative to North American Vertical Datum of 1988, and are based on a bench mark.
5. There are no above ground encroachments, unless otherwise shown.
6. The National Flood Insurance Program designation as indicated on the F.E.M.A. Map No. 12085C0153H, dated 08/02/2020, locates the parcel in Zone X, base flood elevation N/A feet; subject to any scaling and interpolation factors associated with mapping of this accuracy. This data is an interpretation by the surveyor and is provided as a courtesy. The flood zone(s) should be verified by a determination agency.
7. Underground foundations & utilities not located unless shown.
8. The expected use of the survey and map is for Residential Purposes.
9. All measurements are in accordance with the United States standard, in feet.
10. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

1. PROPERTY ADDRESS: 320 PELICAN DRIVE
2. CERTIFIED TO:
- TIMOTHY AUSTIN ANDERSON & JENNIFER REBECCA HAUSER

NOT VALID WITHOUT THE SIGNATURE AND THE
ORIGINAL RAISED SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPER.

STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

BOUNDARY SURVEY PREPARED FOR: ANDERSON & HAUSER

STEPHEN J. BROWN, INC LICENSED BUSINESS NUMBER: 6484
SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
6619 EAST 5TH STREET; STUART, FLORIDA 34994 EMAIL: STEVE@SUBSTUART.COM PHONE: (772)-288-7111

OF ONE SHEETS

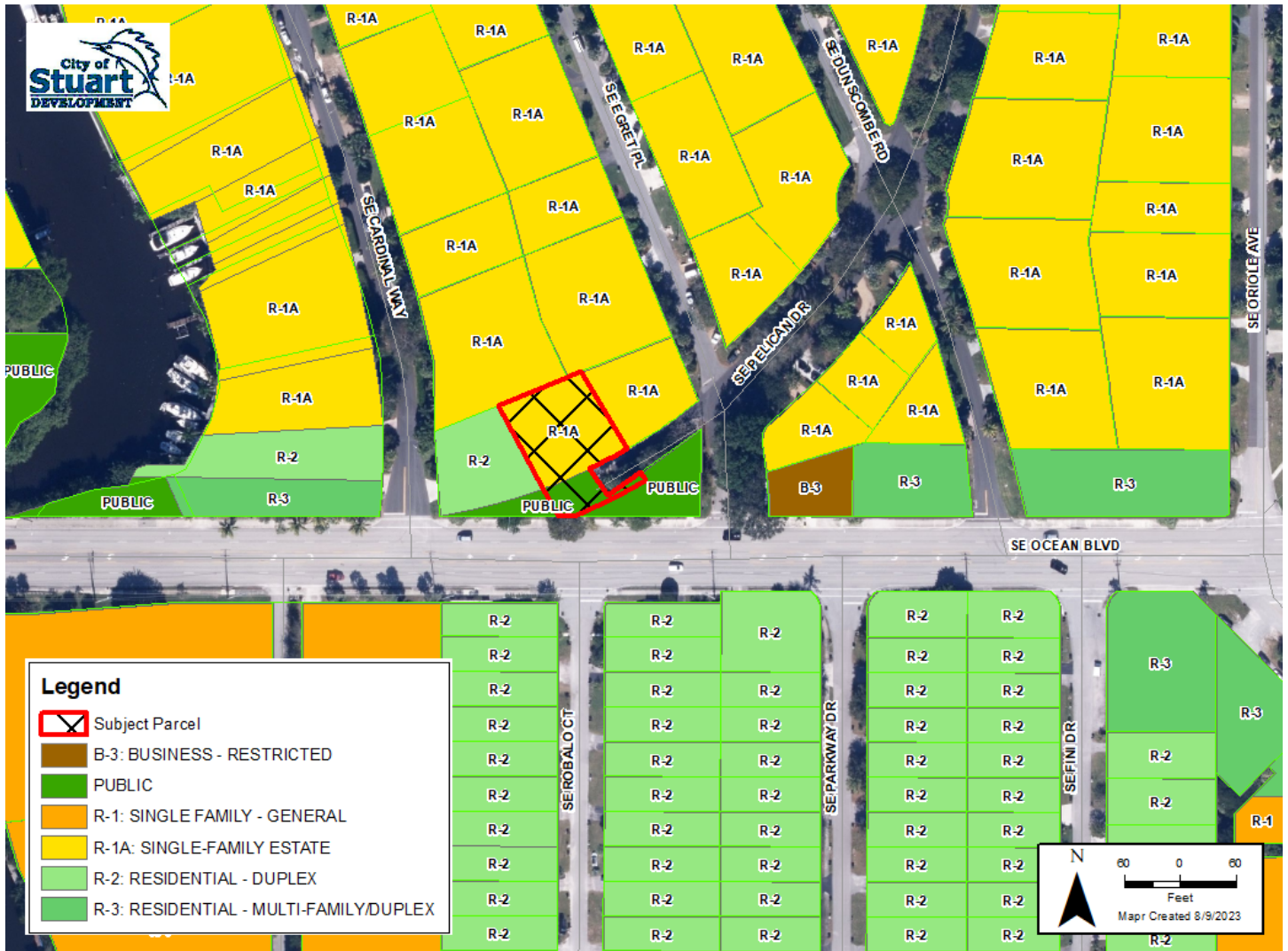
Anderson Pool Enclosure Variance

Project #: Z23050002

Location Aerial Map



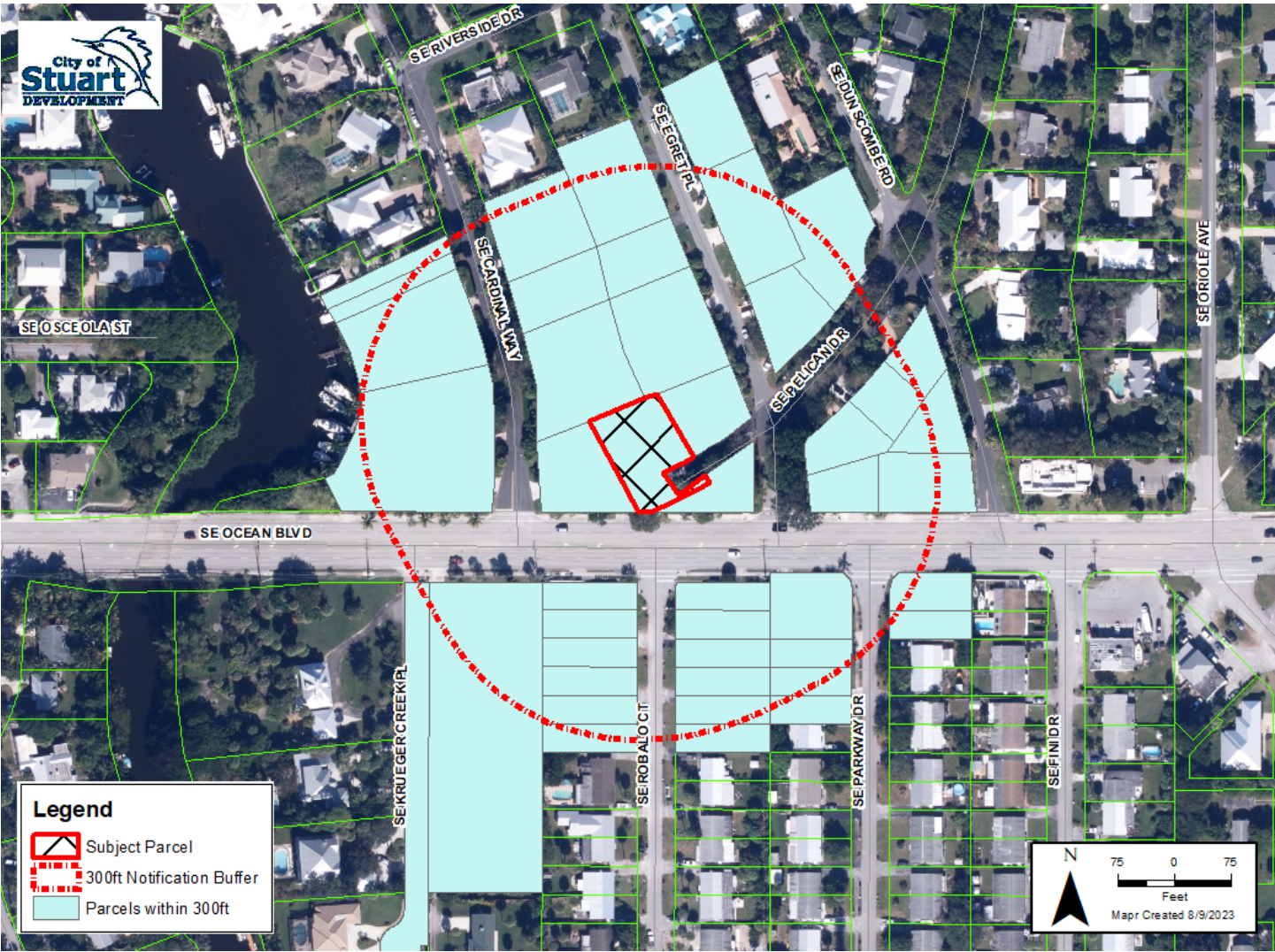
Zoning Map



Future Land Use Map



Mailer Map



Notice to Surrounding Property Owners
within 300 Linear Feet of the Subject Property

Subject:

Public Hearing Before:
Board of Adjustment

Petitioners:

Petition Number: Z23050002
Timothy Anderson and Jennifer Hauser

Parcel ID #:

03-38-41-011-011-00160-8

Address of Property:

320 SE Pelican Drive

Proposed Request:

The petitioners are requesting a variance from Section 2.04.04.A.6.a. of the City of Stuart Land Development Code to allow a pool screen enclosure to encroach into the minimum required 15-foot rear yard setback, by no more than 11.5 feet, for a total rear yard setback of 3.5 feet; and to allow the enclosure to encroach into the minimum required 10-foot side yard setback, by no more than 4.9 feet, for a total side yard setback of 5.1 feet.

Dear Property Owner:

Please be advised that the City of Stuart will conduct a Public Hearing before the Board of Adjustment on **Thursday, August 24, 2023, at 5:30 P.M.** to consider the above request.

The public hearing(s) will take place in the Stuart City Hall Commission Chambers, located at 121 S. W. Flagler Avenue in Stuart.

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Office of the City Development Department located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please feel free to call the Development Department at (772) 600-1255, Monday thru Friday from 8:30 A.M. – 5:00 P.M.

Sincerely,

Mechelle Arbuzow

Mechelle Arbuzow
Planner I
Development Department
City of Stuart
marbuzow@ci.stuart.fl.us

Location Map



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

AFFIDAVIT ATTESTING TO NOTIFICATION

Timothy Anderson and Jennifer Hauser, being first duly sworn,
depose(s) and say(s):

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

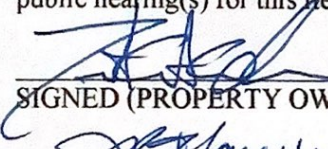
Petition Number: Z23050002
320 SE Pelican Drive, Stuart, Florida 34996

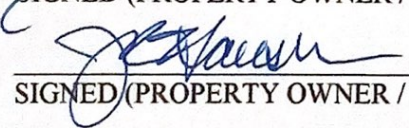
That a copy of the notice was sent by regular U.S. Mail on (August 9, 2023) to the
property owners within 300 feet of the subject property; and

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; and

That notice was sent, and the property was posted 15+ days prior to the scheduled
public hearing(s) for this item.


SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)


SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

STATE OF FLORIDA, COUNTY OF St Lucie

Sworn and subscribed before me by means of ☒ physical presence or
online notarization, this 6th day of August, 2023 By

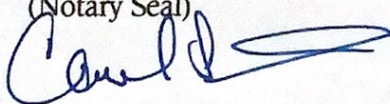
Timothy Anderson and Jennifer Hauser
Personally Known OR Produced Identification

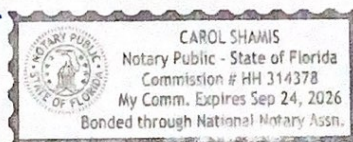
Driver's license
Type of Identification Produced:

Notary Public, State of FL
(Notary Seal)

My Commission expires:

24, 2026





NOTICE OF PUBLIC HEARING

VARIANCE REQUEST

ADDRESS LOCATION: 320 SE Pelican Dr.
PETITION NUMBER: Z23050002

Purpose:

Petitioners requesting a Variance from Land Development Code Section 2.04.04.A.6.a., to allow a pool screen enclosure to encroach into the minimum required 15 foot rear yard setback and to allow the enclosure to encroach into the minimum required 10-foot side yard setback.

STUART CITY BOARD OF ADJUSTMENT

THURSDAY, AUGUST 24, 2023 AT 5:30P.M.

STUART CITY HALL 121 SW FLAGLER AVE
(772) 288-5326 8:30AM - 4:00PM

VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

SECTION THREE
OF
ST LUCIE ESTATES SUBDIVISION
PART OF GOVT LOTS 2 AND 3 IN SEC. 3, TWP 38S, R.1E.
PALM BEACH COUNTY, FLORIDA.

SCALE 60' = 1"

23

STATE OF FLORIDA
County of Palm Beach

This Instrument was filed for record at
4 P.M. this 12 day of February
1925 and duly recorded on the 12 day of
February 1925 in Book 11
at Page 23. Record Verified
Not 6 P.M. Clerk Circuit Court
By

State of Florida, ss. I, Notary Public, do hereby certify that the foregoing instrument was duly executed and acknowledged before me by the parties thereto, and that the same is a true and correct copy of the original as the same appears from the records of the County of Palm Beach, Florida.

Notary Public
J. A. [Signature]

State of Florida, ss. I, Notary Public, do hereby certify that the foregoing instrument was duly executed and acknowledged before me by the parties thereto, and that the same is a true and correct copy of the original as the same appears from the records of the County of Palm Beach, Florida.

Notary Public
J. A. [Signature]

State of Florida, ss. I, Notary Public, do hereby certify that the foregoing instrument was duly executed and acknowledged before me by the parties thereto, and that the same is a true and correct copy of the original as the same appears from the records of the County of Palm Beach, Florida.

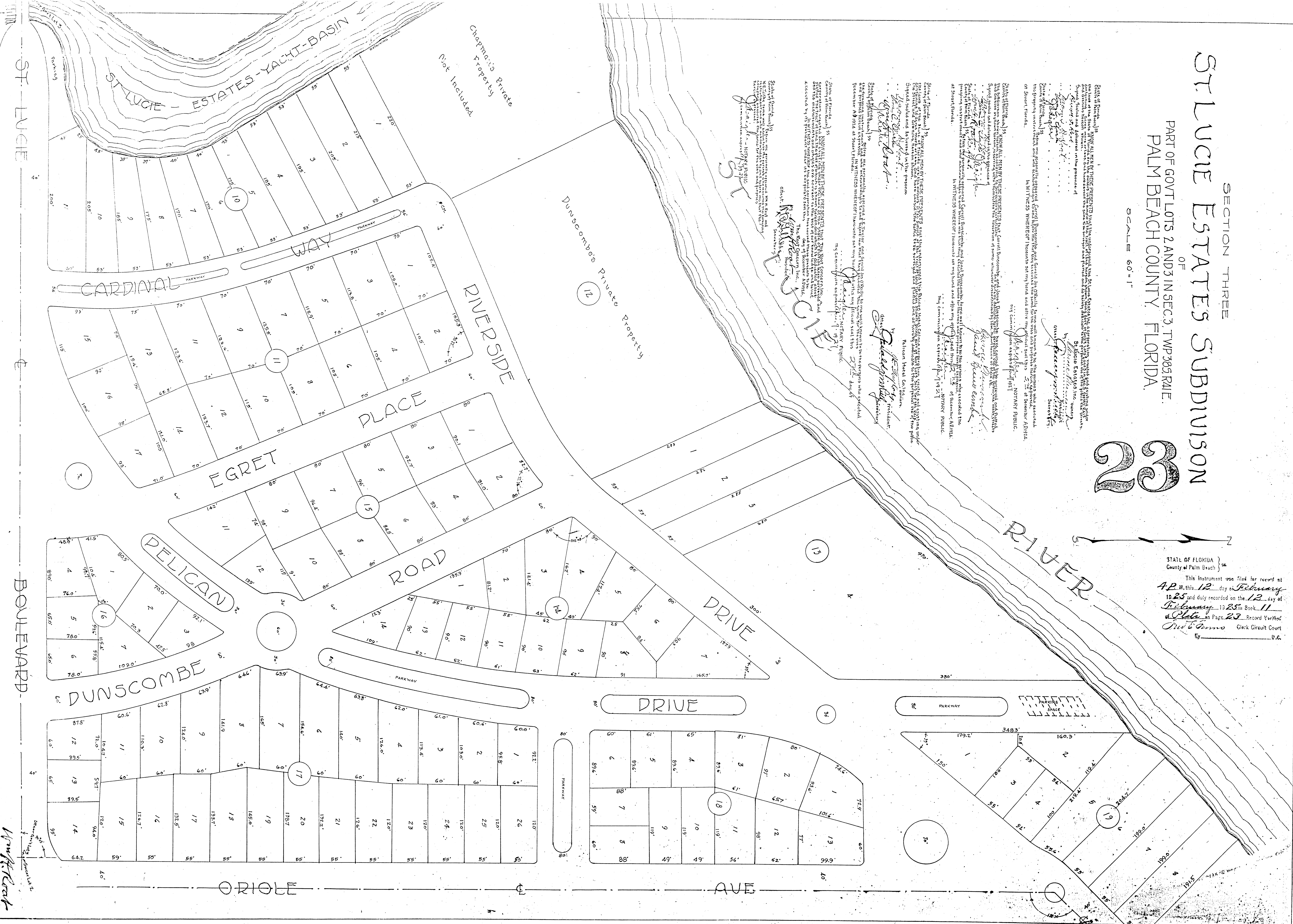
Notary Public
J. A. [Signature]

State of Florida, ss. I, Notary Public, do hereby certify that the foregoing instrument was duly executed and acknowledged before me by the parties thereto, and that the same is a true and correct copy of the original as the same appears from the records of the County of Palm Beach, Florida.

Notary Public
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Notary Public
J. A. [Signature]



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

628040

ORDINANCE NUMBER 1084

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, VACATING PUBLIC RIGHTS-OF-WAY OR EASEMENTS; PROVIDING FOR SEVERABILITY IN THE EVENT OF PARTIAL INVALIDITY; REPEALING CONFLICTING ORDINANCES OR PARTS THEREOF; AND PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Stuart, Florida, has determined that the following ordinance is necessary to preserve and promote the public health, safety and welfare of the residents of the City of Stuart, Florida; and

WHEREAS, the City Commission has previously adopted a Resolution announcing its intent to abandon the public right-of-way or easement described on Exhibit "A" attached hereto and in said Resolution set October 13, 1986 as the date on which the matter would be publicly heard,

NOW THEREFORE BE IT ENACTED by the people of the City of Stuart, Florida that:

PART ONE: INTENT

The City of Stuart does hereby vacate the following described public right-of-way or easement:

See attached Exhibit "A"

PART TWO: REPEAL

All ordinances or parts thereof in conflict with this ordinance be and hereby are repealed to the extent of such conflict.

PART THREE: SEVERABILITY

BOOK 696 PAGE 1082

If any section, sentence, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this ordinance, and it shall be construed to have been the intent of the City Commission to adopt this ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this ordinance after the exclusion of such part

or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

PART FOUR: CODIFICATION

Provisions of this ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "section," "article" or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention.

PART FIVE: EFFECTIVE DATE

This ordinance shall take effect 30 days from the date of final passage.

ADOPTED on first reading at a duly called meeting of the City Commission of the City of Stuart, Florida, held on the 13th day of October, 1986.

PASSED on second reading at a duly called meeting of the City Commission of the City of Stuart, Florida, held on the 27th day of October, 1986.

ATTEST:

Betty H. Kenney
CITY CLERK

James A. Chichester
MAYOR - COMMISSIONER

APPROVED AS TO FORM AND
CORRECTNESS:

Thomas E. Warner
CITY ATTORNEY

O R BOOK 696 PAGE 1083

EXHIBIT "A"

LEGAL DESCRIPTION

Being only that portion of Pelican Drive as shown on the Plat of "St. Lucie Estates Subdivision - Section Three" as recorded in Plat Book 11, Page 23, Public Records of Palm Beach, now Martin County, Florida and which is located within that parcel which is more particularly described as follows:

Commencing at a Point along the North Right-of-Way of Pelican Drive and the southeast corner of Lot 16, Block 11, "St. Lucie Estates"; thence, in a Southwesterly direction along the North Right-of-Way of Pelican Drive and Lot 16, a distance of 46.00 feet, to the Point & Place of Beginning; thence, continuing Southwesterly, along said North Line, a distance of 170+ feet to a Point, said Point being along a line running north and perpendicular to the North Right-of-Way of East Ocean Blvd.; thence, from said Point, run South 00°19'38" East, 2+ feet to a Point on the North Right-of-Way of East Ocean Blvd.; thence run South 89°40'22" East, along the North Right-of-Way of East Ocean Boulevard, a distance of 280+ feet to a Point; thence run North 00°19'38" East, a distance of 94+ feet to a Point; thence, South 54°00'00" West, a distance of 123.00+ feet to a Point; thence North 33°00'00" West, a distance of 40 feet to the Point and Place of Beginning.

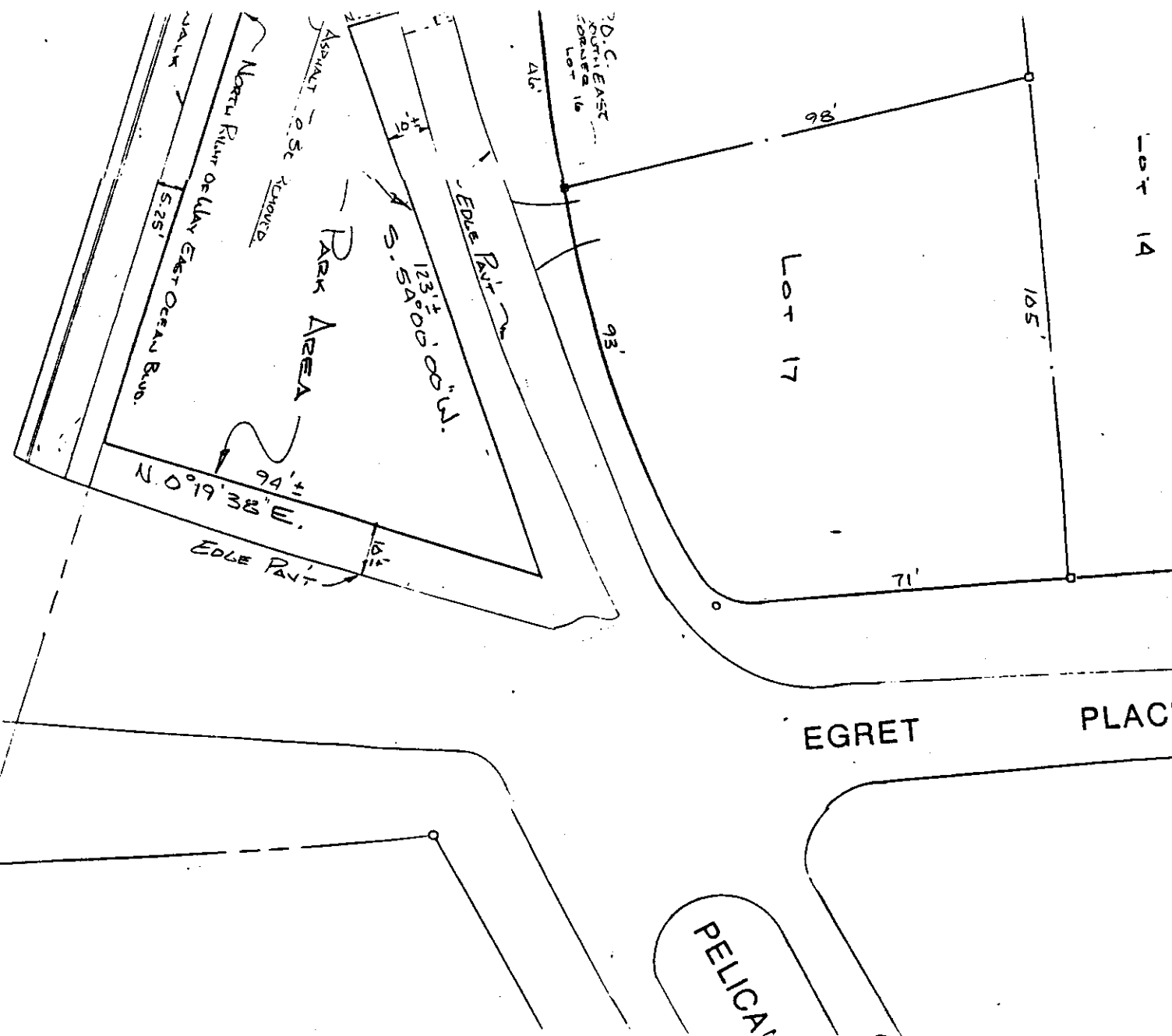
O R
BOOK 696 PAGE 1084

LOUISE V. ISAACS
CLERK
BY D.C.

86 NOV 17 P 2: 48

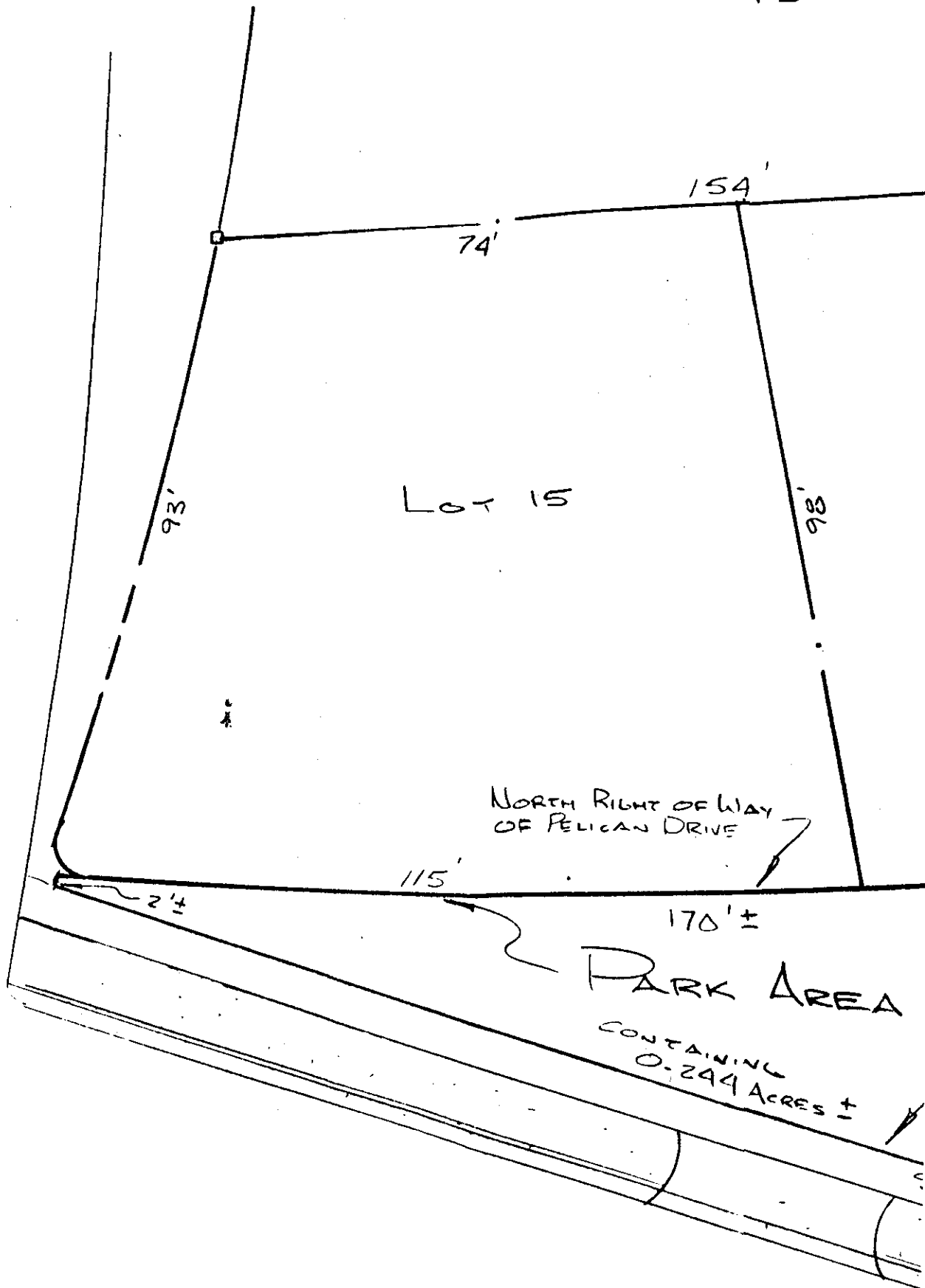
RECORDED
MARTIN COUNTY, FLA

Don
Chas.
City Cl.



CARDINAL WAY

LOT 13



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 44-86

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR OF THE CITY OF STUART TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECT THE DEDICATION OF MENNINGER PARK.

WHEREAS, the City Commission of the City of Stuart is considering the dedication of the municipal property described on Exhibit "A" attached hereto as Menninger Park, a municipal park.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Stuart that the Mayor of the City of Stuart is hereby authorized to execute all documents necessary to effect the dedication.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Stuart, Florida this 22nd day of September, 1986.

ATTEST:

Betty H. Berry
CITY CLERK

James A. Christie
MAYOR - COMMISSIONER

APPROVED AS TO FORM AND
CORRECTNESS:

Thomas Elamer
CITY ATTORNEY

MENNINGER PARK

LEGAL DESCRIPTION

Being a portion of Pelican Drive as shown on the Plat of "St. Lucie Estates Subdivision - Section Three" as recorded in Plat Book 11, Page 23, Public Records of Palm Beach, now Martin County, Florida.

Being more particularly described as follows:

Commencing at a Point along the North Right-of-Way of Pelican Drive and the southeast corner of Lot 16, Block 11, "St. Lucie Estates"; thence, in a Southwesterly direction along the North Right-of-Way of Pelican Drive and Lot 16, a distance of 46.00 feet, to the Point & Place of Beginning; thence, continuing Southwesterly, along said North Line, a distance of 170+ feet to a Point, said Point being along a line running north and perpendicular to the North Right-of-Way of East Ocean Blvd.; thence, from said Point, run South 00°19'38" East, 2+ feet to a Point on the North Right-of-Way of East Ocean Blvd.; thence run South 89°40'22" East, along the North Right-of-Way of East Ocean Boulevard, a distance of 280 + feet to a Point; thence run North 00°19'38" East, a distance of 94 feet + to a Point; thence, South 54°00'00" West, a distance of 123.00 + feet to a Point; thence North 33°00'00" West, a distance of 40 feet to the Point and Place of Beginning.

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 45-86

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GIVING NOTICE OF ITS INTENTION TO HOLD A PUBLIC HEARING ON THE ADOPTION OF AN ORDINANCE TO VACATE PUBLIC RIGHT-OF-WAY OR EASEMENT:

WHEREAS, the City Commission of the City of Stuart is considering the dedication of the municipal property described on Exhibit "A" attached hereto as a municipal park, and

WHEREAS, a portion of Pelican Drive is located on said property as indicated on the official survey thereof, and

WHEREAS, the City Commission of the City of Stuart desires to close, vacate and abandon said right-of-way:

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Stuart that:

1. A public hearing at which objections to both the proposed right-of-way abandonment and park dedication will be held as follows:

A. DATE: October 13, 1986

B. TIME: 7:00 P.M., or as soon thereafter as the matter may be heard.

C. PLACE: City Hall, 121 South Flagler, Stuart, Florida.

2. At the conclusion of said public hearing, this Commission intends to adopt on first reading an ordinance to implement the proposed vacation and to take all proper and necessary steps to effect the dedication of the park property.

3. The Clerk shall publish a copy of the resolution in the Stuart News at least seven days prior to said public hearing.

4. The City shall serve a copy of this resolution in the manner prescribed in Section 152 of the City Charter on all abutting property owners, if any, who have not joined in this petition.

DULY PASSED AND ADOPTED this 22nd day of September, 1986.

ATTEST:

Betty H. Kenney
CITY CLERK

James A. Christie
MAYOR - COMMISSIONER

APPROVED AS TO FORM AND CORRECTNESS:

Lawrence E. Warner
CITY ATTORNEY

MENNINGER PARK

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