# MINUTES

## BOARD OF ADJUSTMENT OF THE CITY OF STUART
**AUGUST 24, 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

5:31 PM

### ROLL CALL

PRESENT: Chair Vogel, Vice Chair Bols, Board Member Nash , Board Member Reed, Board Member Stanley

### PLEDGE OF ALLEGIANCE

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

Interim City Attorney Paul Nicolleti swore in Board Member Kristin Stanley and Board Member Claire Nash.

### APPROVAL OF AGENDA

**5:34 PM MOTION: Approve with the correction of Vice Chair on the cover of the agenda.**
**MOVED BY: Claire Nash**
**SECONDED BY: Werner Bols**
**Motion approved unanimously.**

## APPROVAL OF MINUTES

**2.** APPROVAL OF 07/27/2023 BOA MINUTES

**5:34 PM 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)

None.

## 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.

Interim City Attorney Nicoletti swore in Mechelle Arburzow, City Planner and Jodi Nentwick-Kugler, Development Director.

Mechelle Arbuzow presented the location, zoning, land development code, lot survey, mailer map, and staff recommendation.

Interim City Attorney Nicoletti swore in Timothy Anderson, the applicant.

Mr. Anderson thanked the Board and staff for the time they have taken to see this matter and stated he was there for any questions.

Board Members and applicant had questions and answers on permits, surrounding zoning, set backs, fences, pool, screen enclosure, why the staff did not recommend approval.

6:05 PM

PUBLIC COMMENT:

1. Ryan Strom - SE Cardinal Way; Provided a brief history on the surrounding properties, he also stated he does not have any objection to the screen enclosure for the applicant.

2. Sheryl Crescini - SE Cardinal Way; Stated she had talked to staff and that the only concern she had with the application was a chain-linked fence between the two properties and stated she did not want the applicant to get rid of it. The applicant confirmed to her prior to the meeting that he would not be getting rid of it and she stated she had no objection to the screen enclosure being done.

Mr. Anderson stated the hardships he is having and why the screen enclosure is needed.

Chair Vogl questioned how the LDC can be changed to set screen enclosures to the least amount of set back.

**6:20 PM MOTION: Approve subject to the fence remaining if on petitioner's property.**
**MOVED BY: Kristin Stanley**
**SECONDED BY: Claire Nash**
**Motion approved unanimously.**

**STAFF UPDATE**

**ADJOURNMENT**

6:23 PM

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**Susej T. Meleqi, Board Secretary** **Christina Vogl, Chair**

**Minutes to be approved at the BOA**
**Meeting this __ day of __________, 2023.**