



A G E N D A
STUART BOARD OF ADJUSTMENT
TO BE HELD APRIL 27, 2017
AT 5:30 PM
COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

Chair - Bonnie Landry
Vice Chair - Dr E. E. Griffith
Board Member - Helen McBride
Board Member - Mark Mathes
Board Member - Donna Rollins

ADMINISTRATIVE

Development Director, Terry O'Neil
Board Secretary, Michelle Vicat

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

ANNUAL BOARD REORGANIZATION

1. Annual Board Reorganization

APPROVAL OF MINUTES

2. Approval of BOA Minutes

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS

OTHER MATTERS BEFORE THE BOARD

3. Variance to permit a 5 foot construction setback from the east side property line when 10 feet is required by code to allow an expansion and renovation to an existing residential structure at 901 NW New Providence Road in Stuart, FL. 34994
4. Request to approve a variance reducing the upland buffer requirement from 75 feet to 0 feet and a variance reducing the construction setback (from the upland buffer boundary) from 10 feet to 0 feet to allow for a 1350 square foot addition to the existing structure, expansion of existing asphalt parking and a surface water management system. (dry retention)

STAFF UPDATE

ADJOURNMENT

UPCOMING MEETINGS and EVENTS

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

Meeting Date: 4/27/2017

Prepared by: Michelle Vicat

Title of Item:

Annual Board Reorganization

Summary Explanation/Background Information on Agenda Request:

Annual Board of Adjustment Reorganization

Funding Source:

N/A

Recommended Action:

Elect Chair and Vice Chair

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

Meeting Date: 4/27/2017

Prepared by: Michelle Vicat

Title of Item:

Approval of BOA Minutes

Summary Explanation/Background Information on Agenda Request:

Approval of December 1, 2016 BOA Minutes

Funding Source:

N/A

Recommended Action:

Approve

ATTACHMENTS:

Description	Upload Date	Type
BOA Minutes	4/19/2017	Cover Memo

MINUTES

**BOARD OF ADJUSTMENT MEETING
DECEMBER 1, 2016 AT 5:30 PM
CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

**BOARD OF ADJUSTMENT MEMBERS
Chair – Bonnie Landry
Vice Chair – Dr. E.E. Griffith
Board Member – Mark Mathes
Board Member – Donna Rollins
Board Member – Helen McBride**

**ADMINISTRATIVE
Development Director, Terry O'Neil
Board Secretary, Michelle Vicat**

 **5:36 PM CALL TO ORDER**

ROLL CALL  **5:36 PM**

Present: Bonnie Landry, Mark Mathes, Helen McBride.

Absent: E. E. Griffith, Donna Rollins.

APPROVAL OF MINUTES

Approval of Minutes  **5:37 PM Motion:** , **Action:** Adjourn, **Moved by** Helen McBride, **Seconded by** Mark Mathes. Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max): None

COMMENTS FROM THE BOARD MEMBERS: None

OTHER MATTERS BEFORE THE BOARD

1. Fischer Garage Addition to an existing residence with reduced side and rear setbacks.

PRESENTATION: Tom Reetz, Senior Planner

PUBLIC COMMENT:

BOARD COMMENT:

Mark Mathes asked if the last condition is a standard one.

Tom Reetz said they typically give 6 months to call for inspection.

Mark Mathes asked if they could change it to as long as they stay compliant with the building code.

Terry O'Neil, Development Director said it has become common to have timetables of development so neighbors have an indication of the completion date and suggested they hear from the applicant.

Bonnie Landry said she would support staff in the limitation because she has been in situations in her neighborhood where projects are drawn out for years.

Peter Fischer, property owner said he has classic cars and his insurance company mandates that they be enclosed would like to have it done in a year.

Mark Mathes asked what would happen if they didn't have it completed in time.

Terry O'Neil said they would have to come back to the board and suggested 24 months.

Mark Mathes asked if they could waive them coming back to the board and grant an extension by the Development Department and asked about the height of the building.

Peter Fischer said 20 feet.

Mark Mathes asked about the windows facing the neighbor's yard and asked if he is going to put a fence up.

Peter Fischer said yes.


Mark Mathes wanted to add the condition that he had to maintain the fence.

Helen McBride asked about the boats on his property.

Peter Fischer said they will be going soon.


Helen McBride asked what the people on the west side thought of it.

Peter Fischer said they are renters.

 5:59 PM **Motion:** Approve with the additional conditions that they maintain the six foot privacy fence on the property and add an amendment that would allow staff an opportunity to grant a six month extension if 75% of the work is completed by December 1, 2017 **Moved by** Mark Mathes, **Seconded by** Helen McBride. Motion passed unanimously.

STAFF UPDATE

ADJOURNMENT

 **6:02 PM Motion: Action: Adjourn, Moved by Helen McBride, Seconded by Mark Mathes.
Motion passed unanimously.**

Bonnie Landry, Chairman

Michelle Vicat, Secretary

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Board of Adjustment

Meeting Date: 4/27/2017

Prepared by: Stephen Mayer

Title of Item:

Variance to permit a 5 foot construction setback from the east side property line when 10 feet is required by code to allow an expansion and renovation to an existing residential structure at 901 NW New Providence Road in Stuart, FL. 34994

Summary Explanation/Background Information on Agenda Request:

The existing property is located at 901 NW New Providence Road, Stuart the Bahama Terrace community, an area which consists of single family residential uses. Across NW North River Drive is Terrace Gardens, a RPUD development which consists of single-family houses along and facing NW North River Drive. The property is bounded on all sides by existing residential uses. The zoning on the property is R-1A Single-Family Estate Residential and a Future Land Use designation of Low Density Residential. The properties surrounding the proposal site are designated with R-1A and Low Density Residential adjacent and to the north, south and west. There is existing residential property zoned RPUD to the west across NW North River Drive.

The applicant was encouraged to provide detailed site and architectural design, which has been incorporated and attached to the Final Order, and a condition of approval states the development shall be in substantial conformance with the proposed site, floor and elevation plans provided by the applicant. Based on these proposed plans the scale and architecture of the single family residence renovation is considered to be in keeping with the surrounding area and will not detract from the single family character of the neighborhood. The applicant demonstrates that the proposed 3,055 square foot single family residence may be reasonably built should the requested variance be granted. It is important to note that the 5 foot setback relief is to a partially enclosed carport, which will include a 290 square foot office and 62 square foot enclosed patio. The rest of the setback variance requested will be for 725 square foot carport, which will not be enclosed. Although the carport is considered a structure that requires setbacks, the majority of the variance requested is for a structure that is open air and will therefore not have considerable mass and scale. Also, the setback variance is requested on the eastern side lot line, abutting NW North River Drive. There currently exists a large (approximately 45 foot) right of way between the eastern side property line and the edge of the pavement. Even with the 5 foot variance request, the proposed carport will be 50' away from the road.

Finally, the applicant is proposing to plant landscaping along the eastern property line to beautify the elevation and soften the encroachment of structure into the setback of a side corner lot. Staff does not anticipate the nature and vista of the NW North River Road, nor any view triangles at the intersection of NW North River Road and NW New Providence Road to be impacted in any significant way by the proposed carport.

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 development of the site as a single family residence.

Funding Source:

N/A

Recommended Action:

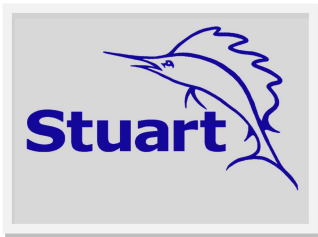
Staff recommends consideration of approval of the attached draft Final Order in light of the following:

1. Criteria for reviewing a variance (section 8.04.02);

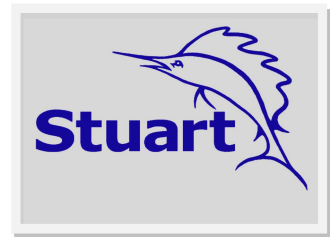
2. Testimony from the Applicants;
3. Receipt of public comment; and
4. Suggested conditions of approval.

ATTACHMENTS:

Description	Upload Date	Type
▣ Staff Report - Spitzmiller	4/20/2017	Staff Report
▣ Final Order - Spitzmiller	4/20/2017	Exhibit
▣ Proposed Site Plan	4/19/2017	Exhibit
▣ Proposed Floor Plan	4/19/2017	Exhibit
▣ Proposed Partial Elevation	4/19/2017	Exhibit
▣ Survey	4/20/2017	Exhibit

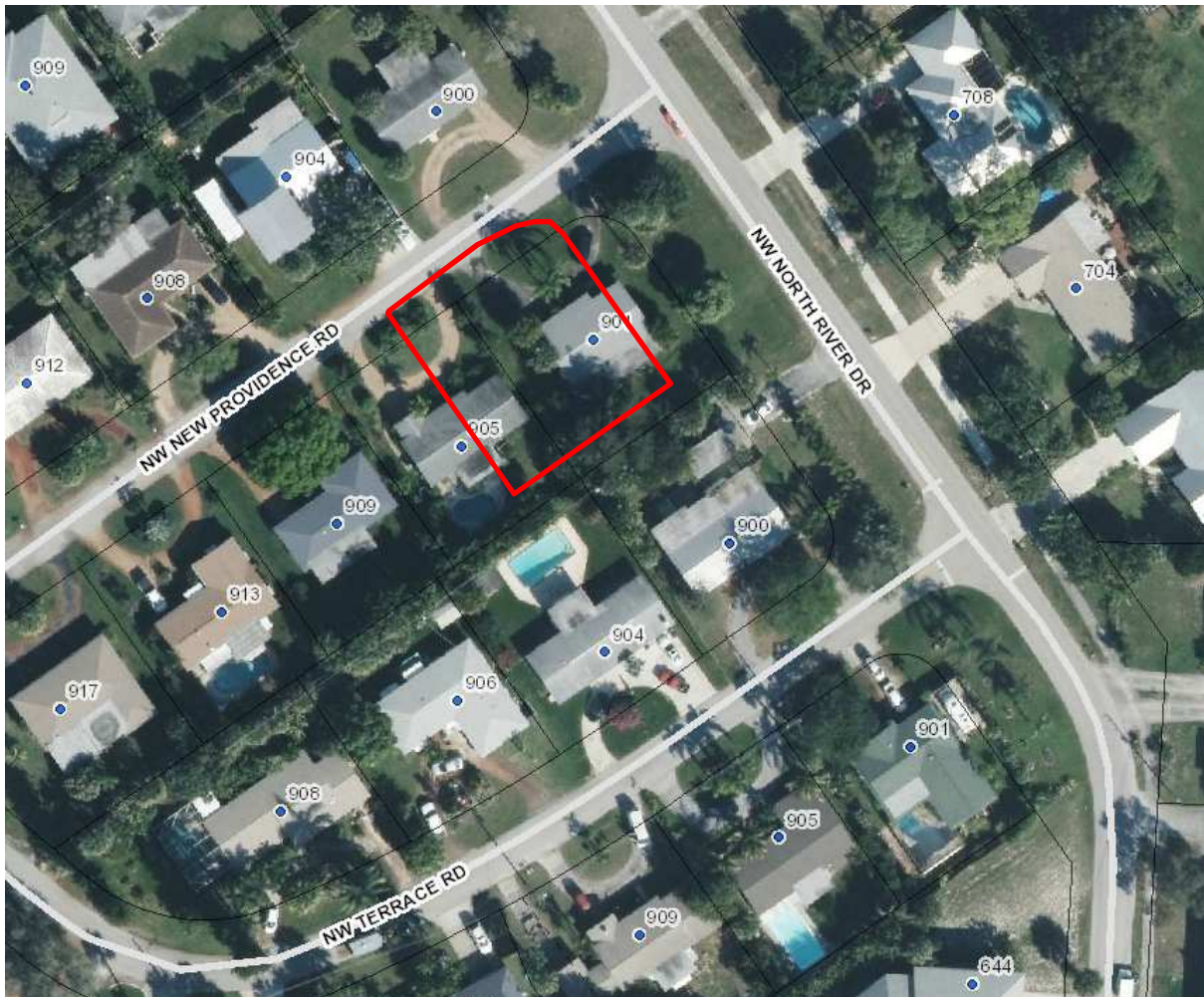


**CITY OF STUART
BOARD OF ADJUSTMENT
April 27, 2017**



Request: Variance to permit a 5 foot construction setback from the east side property line when 10 feet is required by code to allow an expansion and renovation to an existing residential structure at 901 NW New Providence Road in Stuart, FL. 34994	Property Owner: John W. Spitzmiller and John E. Spitzmiller
Project No.: Z17040001	Applicant/Petitioners: John W. Spitzmiller and John E. Spitzmiller
Location : 901 NW New Providence Road	Agent/Representative: none

The parcel is located on the south west corner of NW New Providence Road and NW North River Drive within Section 1 of the Bahama Terrace Plat. The property is owned by John W. and John E. Spitzmiller and is currently used as a single-family residence. See the aerial illustrating the subject property (bounded in red) and surroundings below:



Detail view of the property in relation to immediate surroundings



Zoning – R-1A Single-Family Estate

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: April 12, 2017

C. Mail Notice Postmark: April 12, 2017 to owners within 300 feet.

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

II. PROPOSED FINAL ORDER DATED April 27, 2017 (Attachment A)

III. APPLICATION DATED April 6, 2017 (Attachment B)

Variance to permit a 5 foot construction setback from the east side property line when 10 feet is required by code to allow an expansion and renovation to an existing residential structure at 901 NW New Providence Road to allow for 1,315 square feet of additions to the existing residential structure, which includes a proposed car port/storage (725 square feet), home office (290 square feet) and a rear covered patio addition (62 square feet) on the east side of the house along NW North River Drive. The following relief from the side setback distance for the parcel is highlighted in the table below:

Land Development Regulations vs Variance Request	
R-1A Zoning Requirements	R-1A Zoning Requirements
Minimum zoning lot = 10,000 square feet	Minimum zoning lot = 10,000 square feet
Minimum lot width = 100 feet	Minimum lot width = 100 feet
Maximum impervious surface coverage = 50%	Maximum impervious surface coverage = 50%
Front setback = 25 feet	Front setback = 25 feet
Side setback (west side) = 10 feet	Side setback (west side) = 10 feet
Side setback (east side) = 10 feet	Side setback (east side) = 10 feet
Rear setback = 15 feet	Rear setback = 15 feet
Maximum height = 35 feet	Maximum height = 35 feet

IV. CRITERIA FOR REVIEWING VARIANCE

In accordance with Section 8.04.02. (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 existing property is located at 901 NW New Providence Road, Stuart the Bahama Terrace community, an area which consists of single family residential uses. Across NW North River Drive is Terrace Gardens, a RPUD development which consists of single-family houses along and facing NW North River Drive. The property is bounded on all sides by existing residential uses. The zoning on the property is R-1A Single-Family Estate Residential and a Future Land Use designation of Low Density Residential. The properties surrounding the proposal site are designated with R-1A and Low Density Residential adjacent and to the north, south and west. There is existing residential property zoned RPUD to the west across NW North River Drive.

The applicant was encouraged to provide detailed site and architectural design, which has been incorporated and attached to the Final Order, and a condition of approval states the development shall be in substantial conformance with the proposed site, floor and elevation plans provided by the applicant. Based on these proposed plans the scale and architecture of the single family residence renovation is considered to be in keeping with the surrounding area and will not detract from the single family character of the neighborhood. The applicant demonstrates that the proposed 3,055 square foot single family residence may be reasonably built should the requested variance be granted. It is important to note that the 5 foot setback relief is to a partially enclosed carport, which will include a 290 square foot office and 62 square foot enclosed patio. The rest of the setback variance requested will be for 725 square foot carport, which will not be enclosed. Although the carport is considered a structure that requires setbacks, the majority of the variance requested is for a structure that is open air and will therefore not have considerable mass and scale. Also, the setback variance is requested on the eastern side lot line, abutting NW North River Drive. There currently exists a large (approximately 45 foot) right of way between the eastern side property line and the edge of the pavement. Please see the detailed picture below illustrating the large tract of land that buffers the variance request of 5 feet with the right of way. Even with the 5 foot variance request, the proposed carport will be 50' away from the road.



Finally, the applicant is proposing to plant landscaping along the eastern property line to beautify the elevation and soften the encroachment of structure into the setback of a side corner lot. Staff does not anticipate the nature and vista of the NW North River Road, nor any view triangles at the intersection of NW North River Road and NW New Providence Road to be impacted in any significant way by the proposed carport.

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 development of the site as a single family residence.

VI. STAFF RECOMMENDATION

The Applicant is requesting a variance to permit a 5 foot construction setback from the east side property line when 10 feet is required by code to allow an expansion and renovation to an existing residential structure at 901 NW New Providence Road to allow renovation and expansion of a single family residence. To ensure the proposed improvement will not change the existing residential character and to minimize impacts to the adjacent property, the attached draft order requires the addition to match the size and scale of existing residence, as shown on the proposed site, floor and elevation plans, and ensure there is no storm water run-off on adjacent properties during the permit phase of development.

Consider approval of the attached draft Final Order in light of the following:

1. Criteria for reviewing a variance (section 8.04.02);
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 April 27, 2017

- Exhibit 1: Boundary Survey and Legal Description
- Exhibit 2: Conceptual Plan
- Exhibit 3: Application and supporting information

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

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

Case #Z17040001

In re: The Code Variance Application of
John E. Spitzmiller
John W. Spitzmiller
901 NW New Providence Road
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 April 27, 2017**, 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. 8.04.01, LDC.

2. The parties were represented by **Stephen Mayer**, Senior Planner, and **John W. Spitzmiller and John E. Spitzmiller**, co-owners, all in attendance.

3. **Stephen Mayer**, of the City Development Department, testified on behalf of the City that the Petitioners are **John W. Spitzmiller and John E. Spitzmiller**, the title co-owners of the real property at **901 NW New Providence Road, Stuart, Florida**, (hereinafter the "Subject Property"), having a PCN #32374100200000420, and having a legal description as found within the Boundary Survey attached '**Exhibit A**'.

4. **Stephen Mayer** indicated the Subject Property is located at **901 NW New Providence Road, Stuart, Florida**, and is zoned **R-1A Single Family Estate**, with a Future Land Use designation of **Residential Low Density**. The Future Land Use and Zoning categories were not challenged by any party at the hearing.

5. The residence of **John E. Spitzmiller and John W. Spitzmiller** is located at **901 NW New Providence Road**. The Subject Property shall be developed in substantial conformance with the Proposed Site Plan, Proposed Floor Plan and Proposed Partial Elevations, all prepared by Lance Vogl, certified architect, and attached as "**Exhibit B**" of this document.

FINAL ORDER OF VARIANCE APPROVAL – Spitzmiller & Spitzmiller Residence - 901 NW New Providence Road

6. The Petitioners gave verbal testimony indicating a desire for his client to build 1,315 square feet of additions to the existing structure on the property, which will require a variance from the east side setback distance, and through demonstrative evidence shown in the **Proposed Site Plan**, as depicted in “**Exhibit 2**”.

7. The Petitioners requested in writing to allow for 1,315 square feet of additions to the existing residential structure, which includes a proposed car port/storage (725 square feet), home office (290 square feet) and a rear covered patio addition (62 square feet) on the east side of the house along NW North River Drive. The aforementioned additions will require the following a 5 foot construction setback from the east side lot line when 10 feet is required by code.

8. **Stephen Mayer** gave testimony and analyzed the case, and indicated the petition is consistent with the City's Comprehensive Plan, and meets the procedural requirements of the law. The testimony concluded by recommending that the board of adjustments consider the Final Order to allow for the variance, subject to the following conditions:

- a. The addition to the existing structure and site development shall conform with the Proposed Site Plan, Proposed Floor Plan and Proposed Partial Elevations by Lance Vogl, certified architect as depicted in “**Exhibit B**”
- 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-1A Zoning Requirements	Proposed Development Standards
Minimum zoning lot = 10,000 square feet	Minimum zoning lot (existing) = 9,322 square feet
Minimum lot width = 100 feet	Minimum lot width (existing) = 90 feet
Maximum impervious surface coverage = 50%	Maximum impervious surface coverage = 48%
Front setback = 25 feet	Front setback (existing)= 25 feet
Side setback (west side) = 10 feet Side setback (east side) = 10 feet	Side setback (west Side) = 10 feet Side setback (east Side) = 5 feet
Rear setback = 15 feet	Rear setback (existing) = 15 feet
Maximum height = 35 feet	Maximum height (proposed) = 11 feet

9. Construction in substantial conformance with the Proposed Site Plan, Proposed Floor Plan, and Proposed Partial Elevations by Lance Vogl, certified architect and attached as “**Exhibit B**” 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 performed by **November 27, 2018**, the variance relief granted in this Final Order shall be void.

FINAL ORDER OF VARIANCE APPROVAL – Spitzmiller & Spitzmiller Residence - 901 NW New Providence Road

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:

BONNIE LANDRY, CHAIR
DR. E.E. GRIFFITH, VICE-CHAIR
DONNA M. ROLLINS, MEMBER
MARK MATHES, MEMBER
HELEN MCBRIDE, MEMBER

YES	NO	ABSENT

ADOPTED this 24th day of April, 2017.

ATTEST:

By: _____
MICHELLE VICAT, BOARD SECRETARY

BONNIE LANDRY, CHAIR

APPROVED AS TO FORM AND CORRECTNESS:

MIKE MORTELL
CITY ATTORNEY

FINAL ORDER OF VARIANCE APPROVAL – Spitzmiller & Spitzmiller Residence - 901 NW New Providence Road

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: _____

JOHN E. SPITZMILLER,

Owner

Signature: _____

Signature: _____

Witness #2:

JOHN W. SPITZMILLER,

Owner

Print Name: _____

Signature: _____

Signature: _____

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement was acknowledged before me this _____ day of _____, 2017, by _____, _____, Petitioner(s).

Notary Public, State of Florida

My Commission Expires:

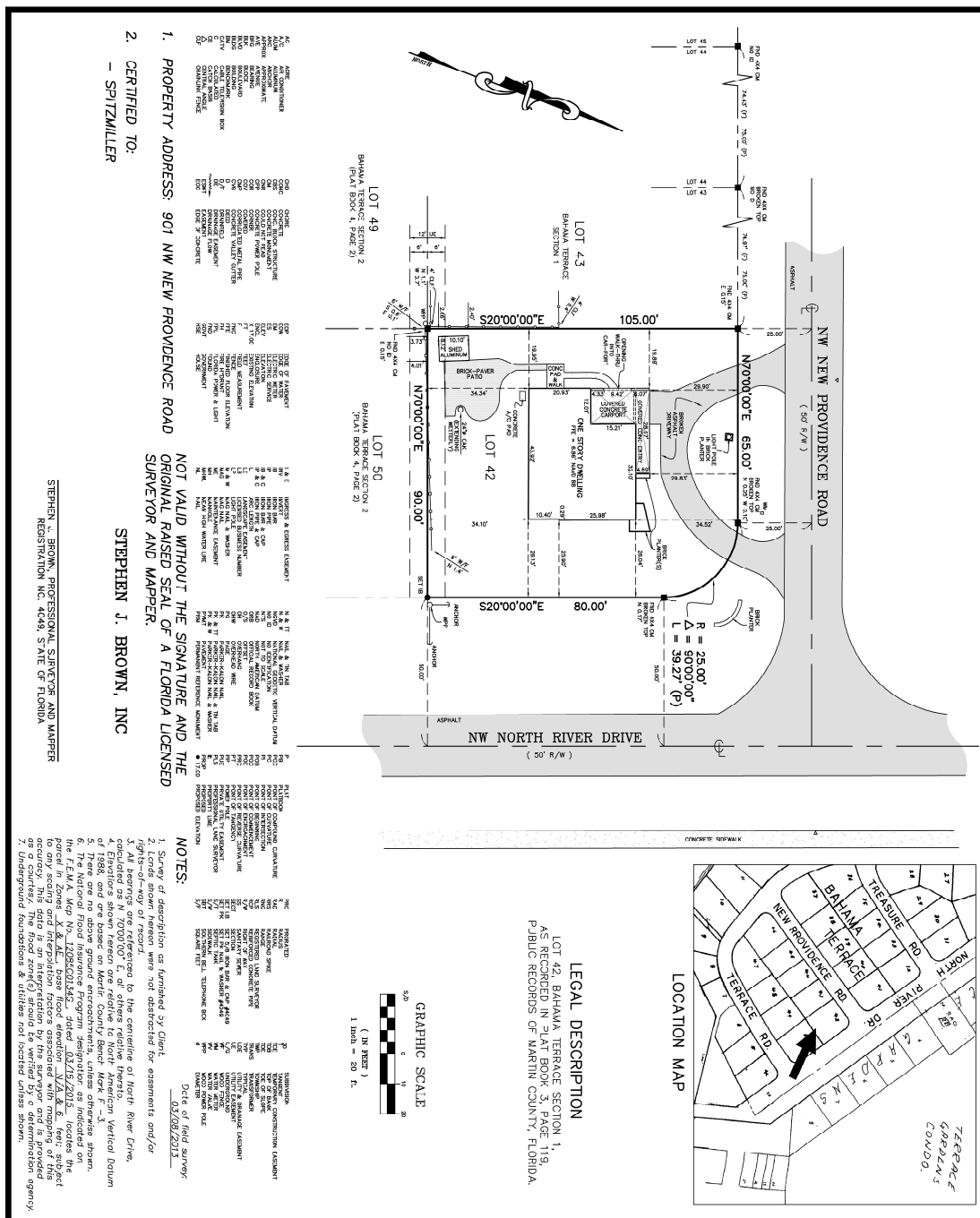
Notary Seal

Personally Known _____ OR Produced Identification _____ Type of ID _____

FINAL ORDER OF VARIANCE APPROVAL – Spitzmiller & Spitzmiller Residence - 901 NW New Providence Road

'Exhibit A' Boundary Survey

FINAL ORDER OF VARIANCE APPROVAL – Spitzmiller & Spitzmiller Residence - 901 NW New Providence Road



FRANK	S.J.B.
CHICAGO	S.J.B.
DATE	03/09/2017
SCALE	1" = 20'
JOB NO.	7015-01-01
SHEET	ONE
OF ONE	SHEETS

BOUNDARY SURVEY PREPARED FOR: SPITZMILLER

STEPHEN J. BROWN, INC. LICENSED BUSINESS NUMBER: 6484

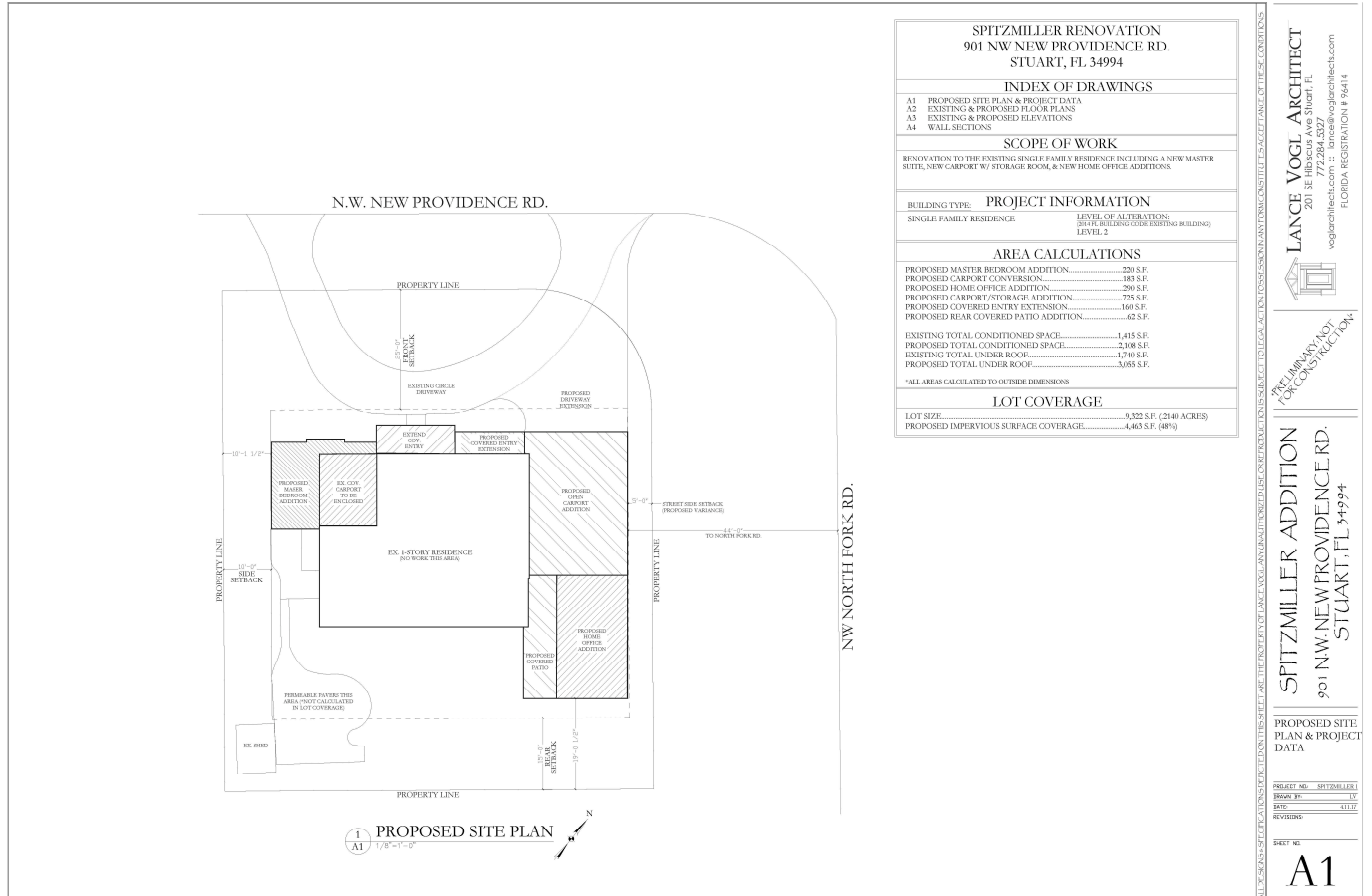
SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS

619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: sjbinc@bellsouth.net PHONE: (772)-288-7176

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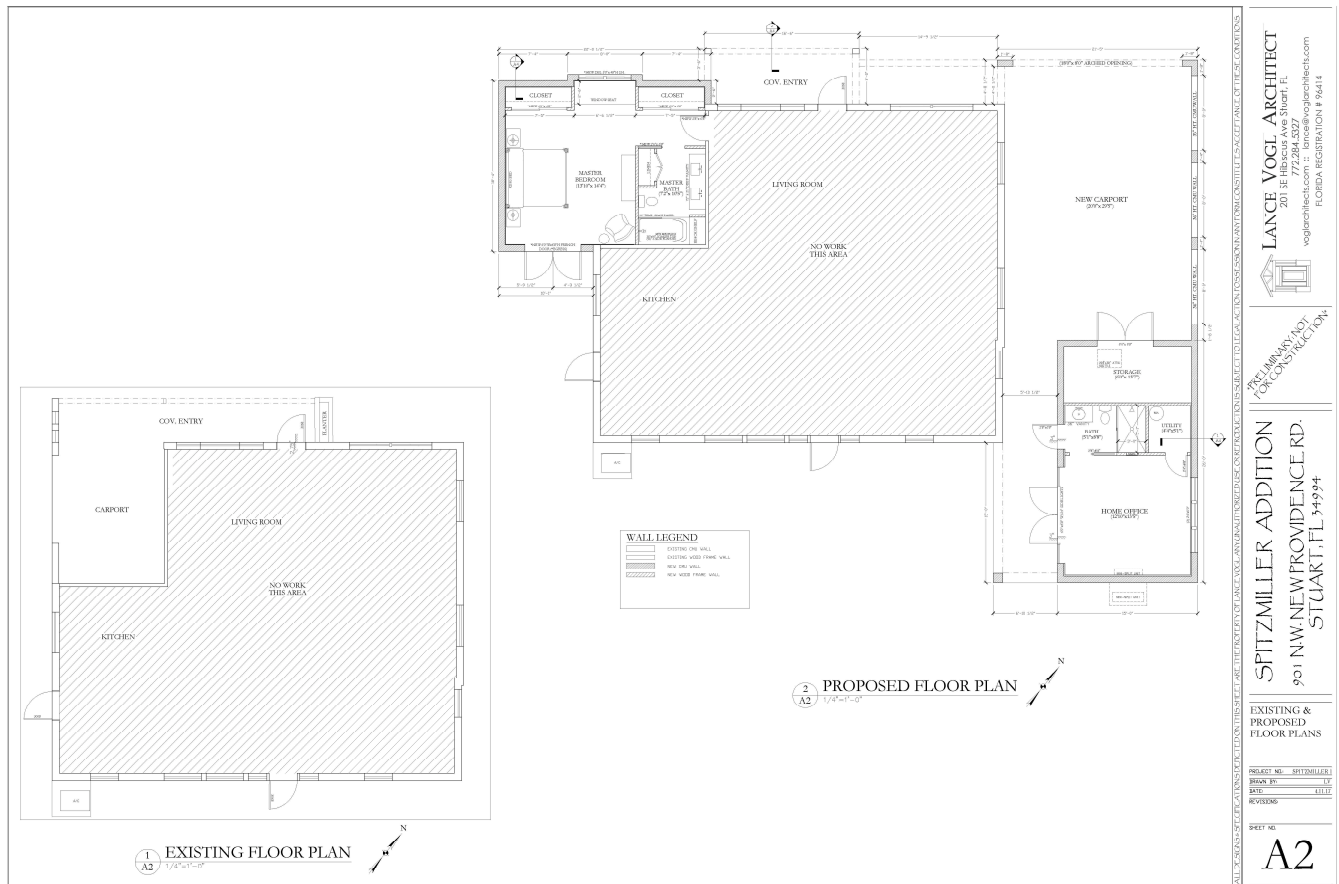
FINAL ORDER OF VARIANCE APPROVAL – Spitzmiller & Spitzmiller Residence - 901 NW New Providence Road

‘Exhibit B’ Proposed Site Plan



‘Exhibit B’ Proposed Floor Plan

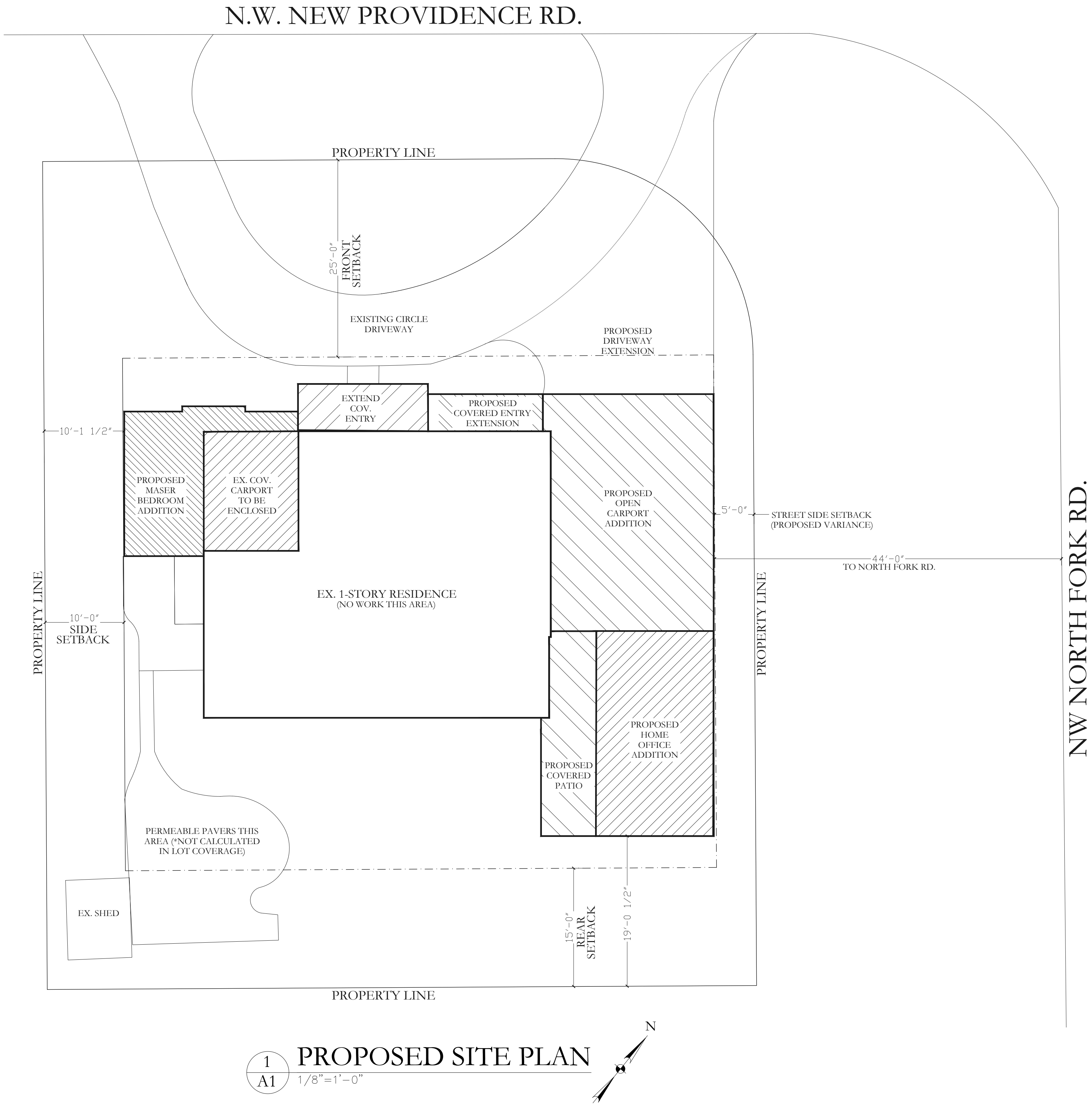
FINAL ORDER OF VARIANCE APPROVAL – Spitzmiller & Spitzmiller Residence - 901 NW New Providence Road



‘Exhibit B’ Proposed Partial Elevations

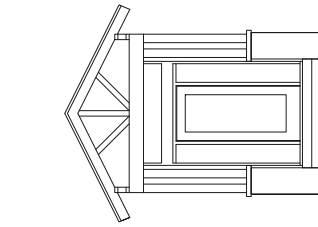
FINAL ORDER OF VARIANCE APPROVAL – Spitzmiller & Spitzmiller Residence - 901 NW New Providence Road





SPITZMILLER RENOVATION 901 NW NEW PROVIDENCE RD. STUART, FL 34994	
INDEX OF DRAWINGS	
A1	PROPOSED SITE PLAN & PROJECT DATA
A2	EXISTING & PROPOSED FLOOR PLANS
A3	EXISTING & PROPOSED ELEVATIONS
A4	WALL SECTIONS
SCOPE OF WORK	
RENOVATION TO THE EXISTING SINGLE FAMILY RESIDENCE INCLUDING A NEW MASTER SUITE, NEW CARPORT W/ STORAGE ROOM, & NEW HOME OFFICE ADDITIONS.	
PROJECT INFORMATION	
BUILDING TYPE:	SINGLE FAMILY RESIDENCE
	LEVEL OF ALTERATION: (2014 FL BUILDING CODE EXISTING BUILDING) LEVEL 2
AREA CALCULATIONS	
PROPOSED MASTER BEDROOM ADDITION.....220 S.F. PROPOSED CARPORT CONVERSION.....183 S.F. PROPOSED HOME OFFICE ADDITION.....290 S.F. PROPOSED CARPORT/STORAGE ADDITION.....725 S.F. PROPOSED COVERED ENTRY EXTENSION.....160 S.F. PROPOSED REAR COVERED PATIO ADDITION.....62 S.F. EXISTING TOTAL CONDITIONED SPACE.....1,415 S.F. PROPOSED TOTAL CONDITIONED SPACE.....2,108 S.F. EXISTING TOTAL UNDER ROOF.....1,740 S.F. PROPOSED TOTAL UNDER ROOF.....3,055 S.F.	
*ALL AREAS CALCULATED TO OUTSIDE DIMENSIONS	
LOT COVERAGE	
LOT SIZE.....9,322 S.F. (.2140 ACRES) PROPOSED IMPERVIOUS SURFACE COVERAGE.....4,463 S.F. (48%)	

ALL DESIGNS & SPECIFICATIONS DEPICTED ON THIS SHEET ARE THE PROPERTY OF LANCE VOGL. ANY UNAUTHORIZED USE OR REPRODUCTION IS SUBJECT TO LEGAL ACTION. POSSIBLE VIOLATION IN ANY FORM CONSTITUTES ACCEPTANCE OF THESE CONDITIONS.



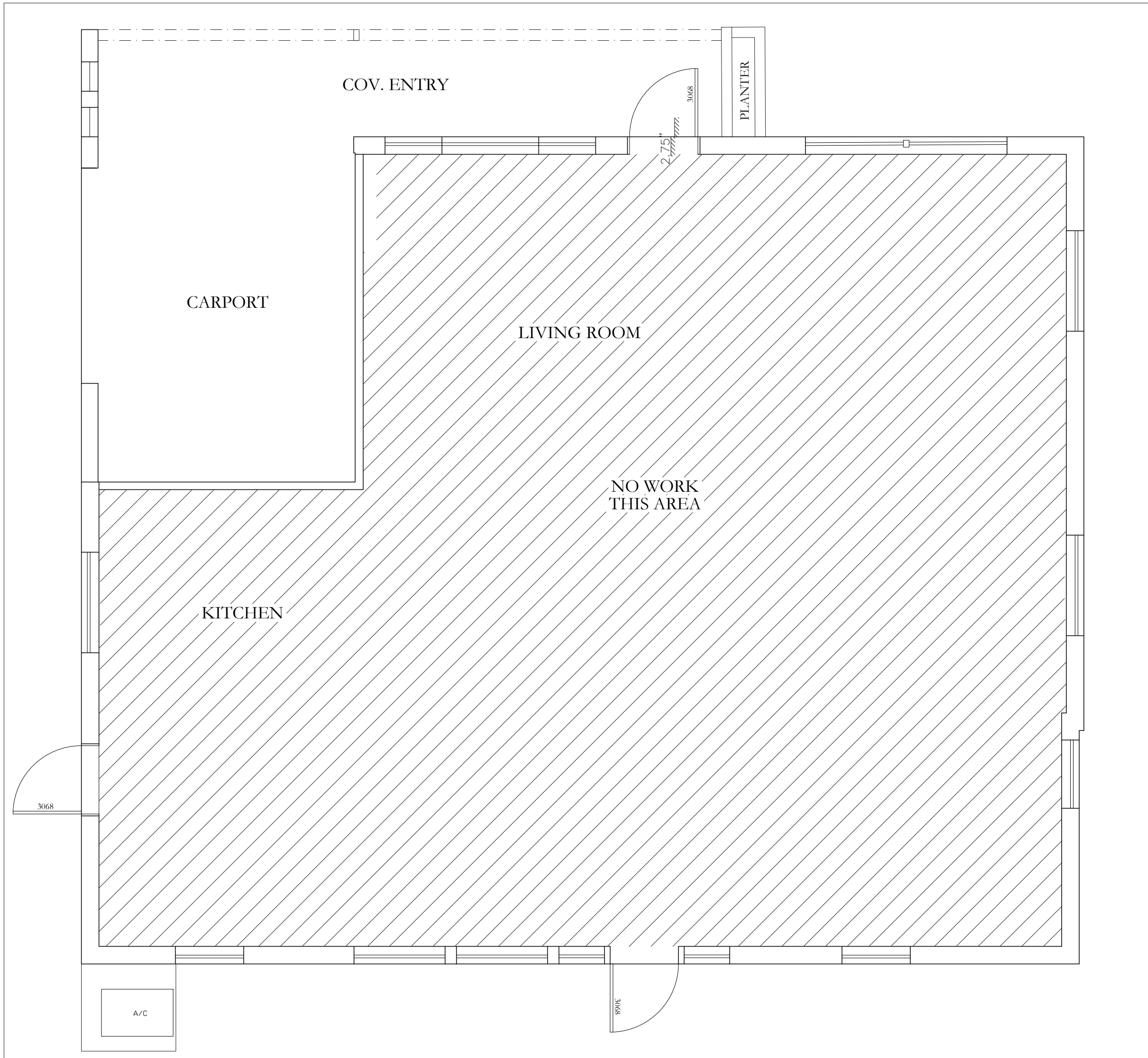
PRELIMINARY, NOT FOR CONSTRUCTION

SPITZMILLER ADDITION
901 N.W. NEW PROVIDENCE RD.
STUART, FL 34994

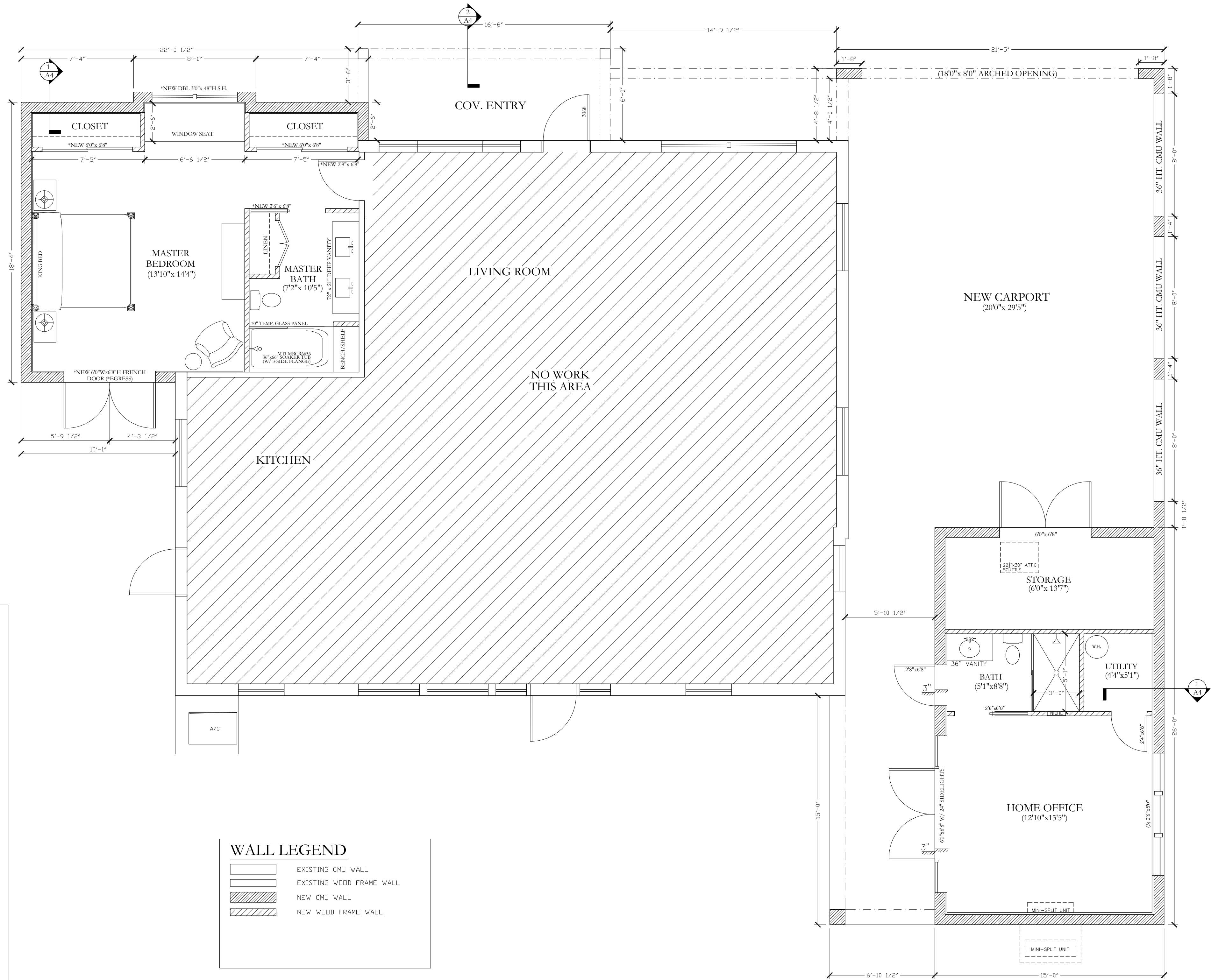
PROPOSED SITE
PLAN & PROJECT
DATA

PROJECT NO.:	SPITZMILLER I
DRAWN BY:	LV
DATE:	4.11.17
REVISIONS:	

SHEET NO.
A1

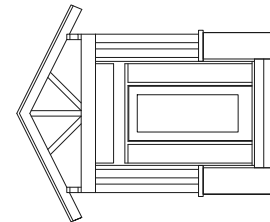


1
A2
EXISTING FLOOR PLAN
1/4"=1'-0"



2
A2
PROPOSED FLOOR PLAN
1/4"=1'-0"

ALL DESIGNS & SPECIFICATIONS DEPICTED ON THIS SHEET ARE THE PROPERTY OF LANCE VOGL ARCHITECT. ANY UNAUTHORIZED USE OR REPRODUCTION IS SUBJECT TO LEGAL ACTION. POSSIBLE VIOLATION IN ANY FORM CONSTITUTES ACCEPTANCE OF THESE CONDITIONS.



LANCE VOGL ARCHITECT
201 SE Hibiscus Ave Stuart, FL
772.284.5327
voglarchitects.com :: lance@voglarchitects.com
FLORIDA REGISTRATION # 96414

PRELIMINARY, NOT
FOR CONSTRUCTION

SPITZMILLER ADDITION
901 N.W. NEW PROVIDENCE RD.
STUART, FL 34994

EXISTING &
PROPOSED
FLOOR PLANS

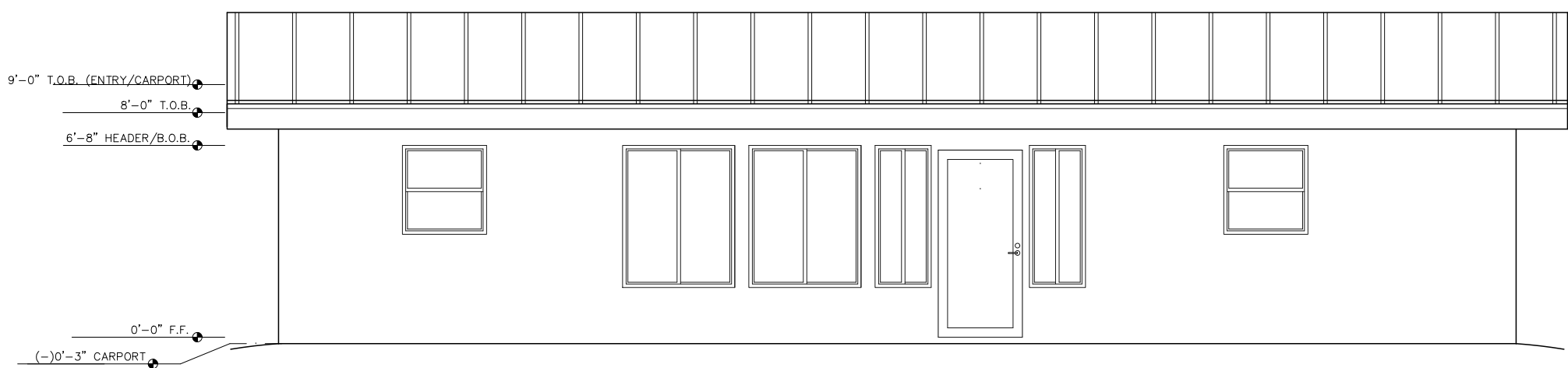
PROJECT NO.:	SPITZMILLER 1
DRAWN BY:	LV
DATE:	4.11.17
REVISIONS:	

SHEET NO.

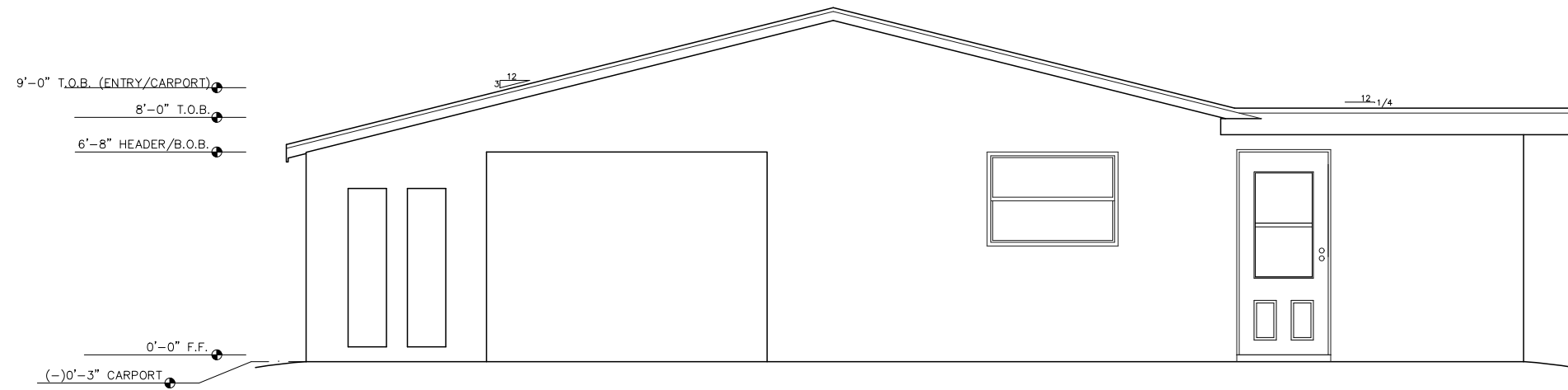
A2



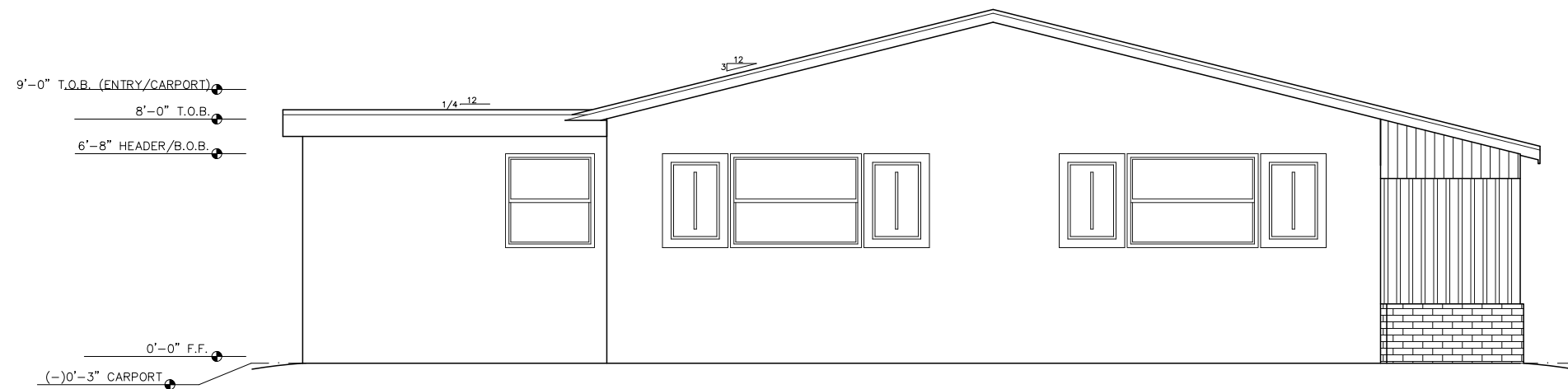
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A3 3/16"=1'-0"



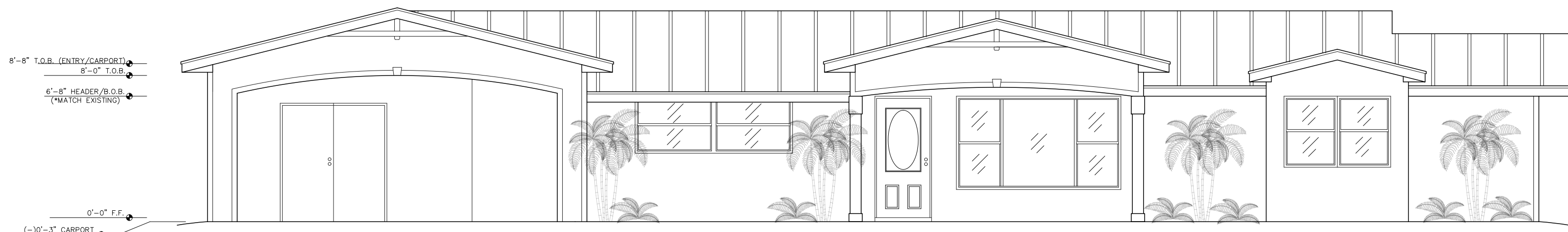
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A3 3/16"=1'-0"



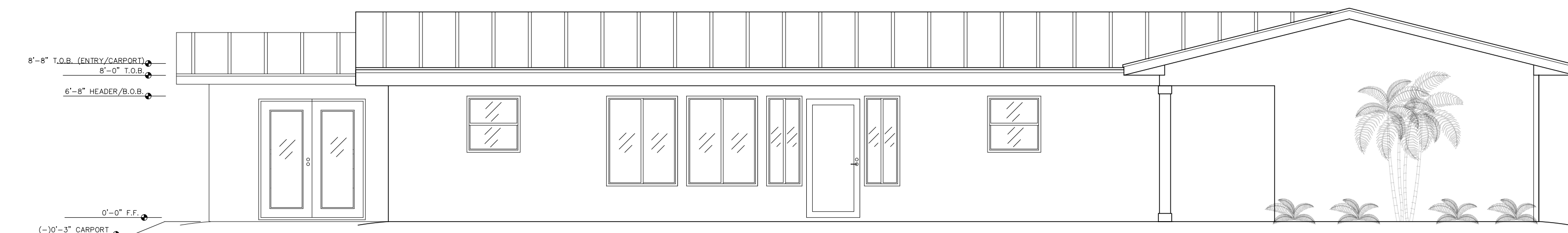
2 EXISTING SIDE (SW) ELEVATION
A3 3/16"=1'-0"



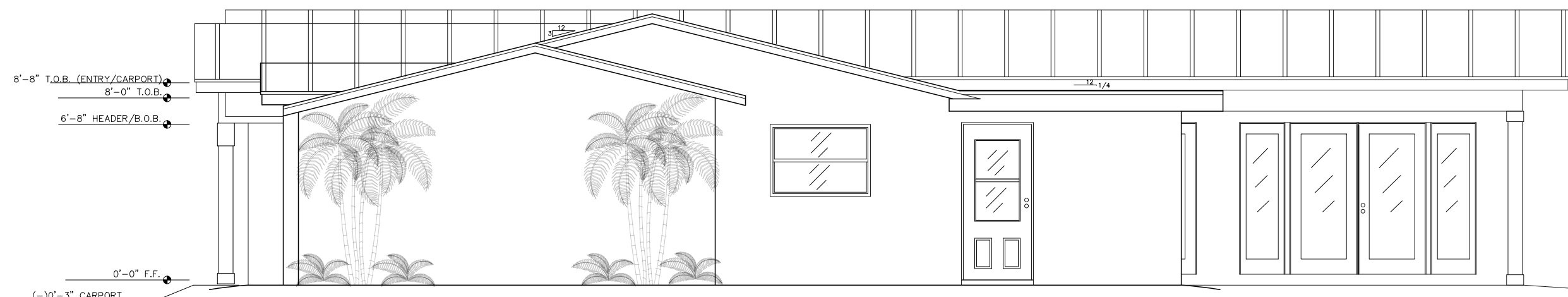
4 EXISTING SIDE (NE) ELEVATION
A3 3/16"=1'-0"



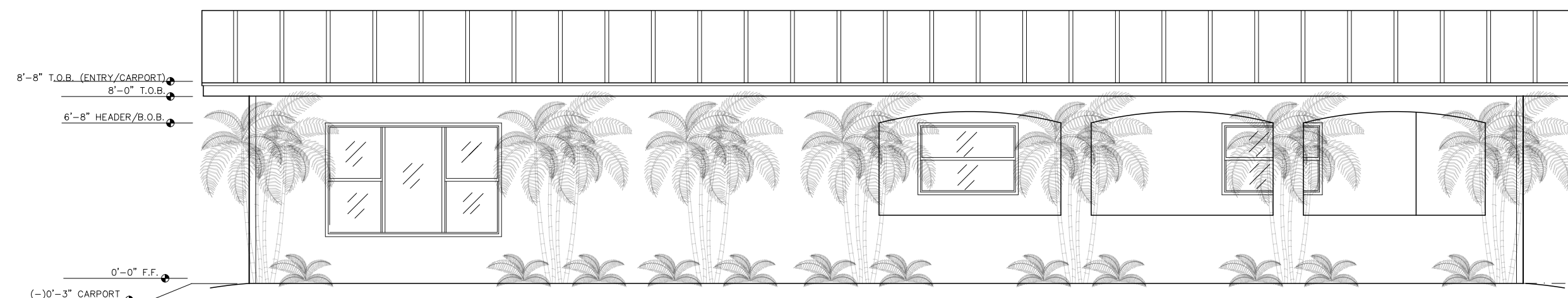
5 PROPOSED FRONT (NW) ELEVATION
A3 3/16"=1'-0"



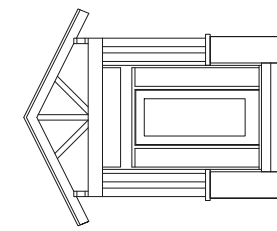
7 PROPOSED REAR (SE) ELEVATION
A3 3/16"=1'-0"



6 PROPOSED SIDE (SW) ELEVATION
A3 3/16"=1'-0"



8 PROPOSED SIDE (NE) ELEVATION
A3 3/16"=1'-0"



PRELIMINARY, NOT
FOR CONSTRUCTION

SPITZMILLER ADDITION
901 N.W. NEW PROVIDENCE RD.
STUART, FL 34994

EXISTING &
PROPOSED
PARTIAL
ELEVATIONS

PROJECT NO.:	SPITZMILLER 1
DRAWN BY:	LV
DATE:	4.11.17
REVISIONS:	

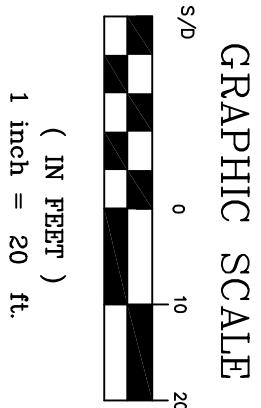
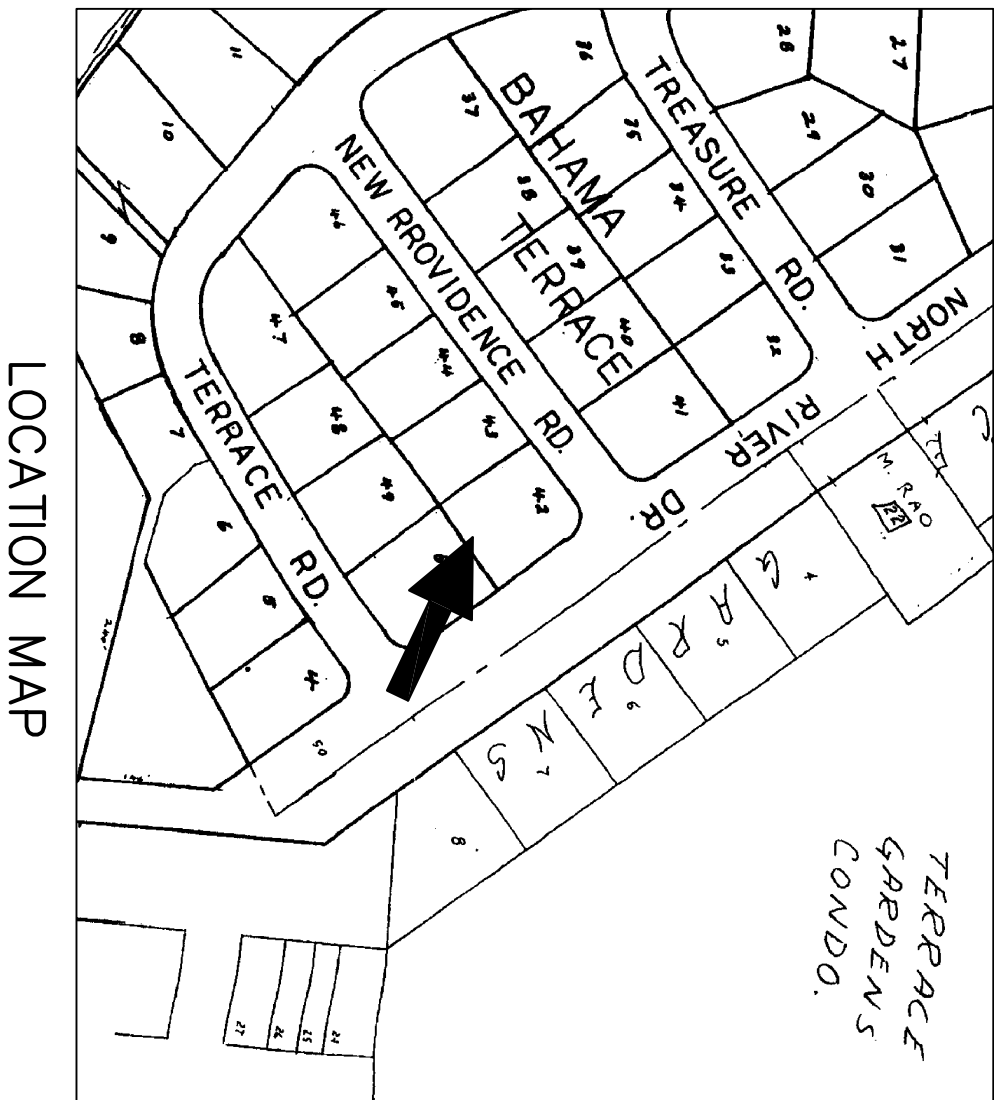
SHEET NO.

A3

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[illegible][illegible]

LEGAL DESCRIPTION
LOT 42, BAHAMA TERRACE SECTION 1,
AS RECORDED IN PLAT BOOK 3, PAGE 119,
PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.



1. PROPERTY ADDRESS: 901 NW NEW PROVIDENCE ROAD
2. CERTIFIED TO:
– SPITZMILLER

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**

NOTES:

Date of field survey: 03/08/2013

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 centerline of North River Drive, calculated as N 70°00'00" E, all others relative thereto.
4. Elevations shown hereon are relative to North American Vertical Datum of 1988, and are based on Martin County Bench Mark F -3.
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. 12085C0134G, dated 03/16/2015, locates the parcel in Zones X & AE, base flood elevation N/A & 6 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.

DRAWN	S.J.B.
CHECKED	S.J.B.
DATE	03/09/2017
SCALE	1" = 20'
JOB NO.	7015-01-01
SHEET	ONE
OF ONE	SHEETS

BOUNDARY SURVEY PREPARED FOR: SPITZMILLER

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

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Board of Adjustment

Meeting Date: 4/27/2017

Prepared by: Tom Reetz

Title of Item:

Request to approve a variance reducing the upland buffer requirement from 75 feet to 0 feet and a variance reducing the construction setback (from the upland buffer boundary) from 10 feet to 0 feet to allow for a 1350 square foot addition to the existing structure, expansion of existing asphalt parking and a surface water management system. (dry retention)

Summary Explanation/Background Information on Agenda Request:

The Applicant is requesting a variance reducing the upland buffer requirement from 75 feet to 0 feet and a variance reducing the construction setback (from the upland buffer boundary) from 10 feet to 0 feet to allow for a 1350 square foot addition to the existing structure, expansion of existing asphalt parking and a surface water management system. (dry retention) **See Attachment: Final Order of Variance Approval**

In lieu of providing an upland buffer, the applicant is proposing a surface water management system that replaces ornamental grassed areas with native vegetation including Fakahatchee grass, Chord grass, Stokes Dwarf, Wax Myrtle and Coco Plum. The proposed detention will prevent direct sheet flow of untreated storm water into Poppleton Creek, vastly improving existing conditions. The applicant's latest revisions including a reduction of the proposed size and relocation of the dry retention area further away from the wetland boundary in conjunction with allowing existing vegetation in the wetland to remain provide assurance that no direct impacts to Poppleton Creek are proposed. **See Attachment - EW's comments with applicant's response**

Funding Source:

N/A

Recommended Action:

Consider approval of the attached Final Order in light of the following:

1. Criteria for reviewing a variance (section 8.04.02);
2. Testimony from the Applicants;
3. Receipt of public comment; and
4. Suggested conditions of approval

ATTACHMENTS:

Description	Upload Date	Type
❑ Final Order of Variance Approval	4/19/2017	Attachment
❑ BOA Staff Report	4/19/2017	Staff Report
❑ Ew's comments w applicant's response	4/19/2017	Backup Material
❑ Application with supporting documents	4/19/2017	Backup Material

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

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

Case #Z16090003

In re: The Code Variance Application of
Charlie Simpson
104 SE Lonita Street
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 April 27, 2017**, 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. 8.04.01, LDC.

2. The parties were represented by **Tom Reetz**, Senior Planner, and **Michael McCarty**, agent for the Petitioner, **Charlie Simpson**, all in attendance.

3. **Tom Reetz**, of the City Development Department, testified on behalf of the City that the Petitioner is **Charlie Simpson**, the title owner of the real property at **104 SE Lonita Street, Stuart, Florida**, (hereinafter the "Subject Property"), having a PCN # 0938410010020001080000, and having a legal description as found within the Boundary Survey attached '**Exhibit A**'.

4. **Tom Reetz** indicated the Subject Property is located at **104 SE Lonita Street, Stuart, Florida**, and is zoned **B-2 Business-General**, with a Future Land Use designation of **Commercial**. The Future Land Use and Zoning categories were not challenged by any party at the hearing.

5. The commercial business (Chiropractor) of **Charlie Simpson** is located at 104 SE Lonita Street. The Subject Property shall be developed in substantial conformance with the Preliminary Site Plan, Sheet 1, and Planting Plan Sheet 2 by McCarty and Associates Land Planning and Design with Sean P Leddy, registered landscape architect and attached as "**Exhibit B**" of this document.

6. The Petitioners agent, **Michael McCarty**, who gave verbal testimony

FINAL ORDER OF VARIANCE APPROVAL - Simpson Chiropractic - 104 SE Lonita Street

indicating a desire for his client to build a 1350 square foot addition to the existing structure on the property, which will require a variance from the inland buffer, and through demonstrative evidence shown in the preliminary **Site Plan**, as depicted in **“Exhibit 2”**.

7. The Petitioners agent, **Michael McCarty** requested in writing the following reductions to the minimum code requirements at the hearing to allow for a 1350 square foot addition to the existing structure, expansion of existing asphalt parking and a surface water management system (dry retention):

- a. No upland buffer from a wetland when 75 feet is required; and
- b. A 0 foot construction setback from the upland buffer boundary when 10 feet is required by code.

8. **Tom Reetz** gave testimony and analyzed the case, and indicated the petition is consistent with the City's Comprehensive Plan, and meets the procedural requirements of the law. The testimony concluded by recommending that the board of adjustments consider the Final Order to allow for the variance, subject to the following conditions:

- a. The addition to the existing structure and site development shall conform with the Preliminary Site Plan, Sheet 1, and Planting Plan Sheet 2 by McCarty and Associates Land Planning and Design with Sean P Leddy, registered landscape architect as depicted in **“Exhibit B”**
- 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	
B-2 Zoning Requirements	Proposed Development Standards
Minimum zoning lot = 10,000 square feet	Minimum zoning lot (existing) = 26,998 square feet
Minimum lot width = 100 feet	Minimum lot width (existing) = 200 feet
Maximum impervious surface coverage = 65%	Maximum impervious surface coverage = 53%
Front setback = 30 feet	Front setback (existing)= 41 feet
Side setbacks = 5 feet	Side setbacks (existing)= 61 feet West, 8 feet East
Rear setback = 20 feet	Rear setback = 48 feet
Maximum height = 45 feet	Maximum height (existing) = 25 feet
Upland buffer distance = 75 feet average 50 feet minimum	Upland buffer distance = 0 feet average 0 feet minimum
Upland buffer construction setback = 10 feet	Upland buffer construction setback = 0 feet
Shoreline protection setback = 25 feet	Shoreline protection setback = 48 feet

9. Construction in substantial conformance with the Preliminary Site Plan, Sheet 1, and Planting Plan Sheet 2 by McCarty and Associates Land Planning and Design, dated 09.20.16 and last revised with MHWL on 1.24.17 with Sean P Leddy, registered landscape architect, and attached as **“Exhibit B”** of this document, along with all other required documents for permitting, shall be submitted for Building Permit review.

10. If construction is not permitted, built and final inspection performed by

FINAL ORDER OF VARIANCE APPROVAL - Simpson Chiropractic - 104 SE Lonita Street

November 27, 2018, the variance relief granted in this Final Order shall be void.

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 vegetation including hedge currently located within the Public Rights-of-Way are to be removed prior to Certificate of Occupancy being issued for the addition. The intersection of Lonita St. and Villas St. must comply with the FDOT Design Standards Index #546 (Site Distance at Intersections)

13. 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.

14. 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:

BONNIE LANDRY, CHAIR
DR. E.E. GRIFFITH, VICE-CHAIR
DONNA M. ROLLINS, MEMBER
MARK MATHES, MEMBER
HELEN MCBRIDE, MEMBER

YES	NO	ABSENT

ADOPTED this 24th day of April, 2017.

ATTEST:

By: _____
MICHELLE VICAT, BOARD SECRETARY

BONNIE LANDRY, CHAIR

APPROVED AS TO FORM AND CORRECTNESS:

MIKE MORTELL
CITY ATTORNEY

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: _____

CHARLIE SIMPSON,
CAS REAL ESTATE HOLDINGS

Signature: _____

Signature: _____

Witness #2:

Print Name: _____

Signature: _____

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement was acknowledged before me this _____ day of _____, 2017, by _____, _____, Petitioner(s).

Notary Public, State of Florida

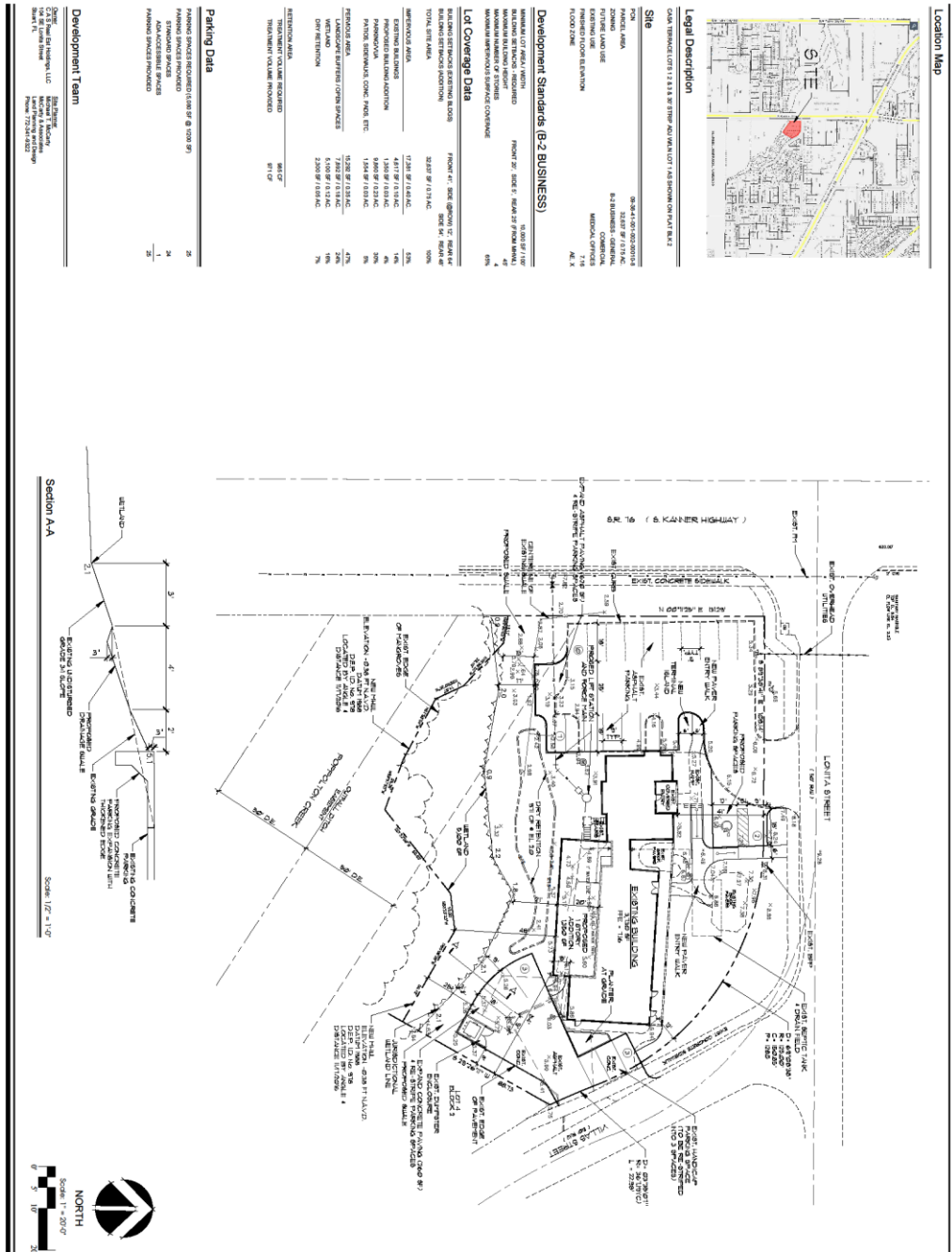
My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____ Type of ID _____



‘Exhibit B’ Site Plan



McCarty & Associates
LAND PLANNING
AND DESIGN

STUART, FLORIDA

772.338.8818
www.McCartyAndAssociates.com
McCartyCampbellAssociates.com

Simpson Chiropactic

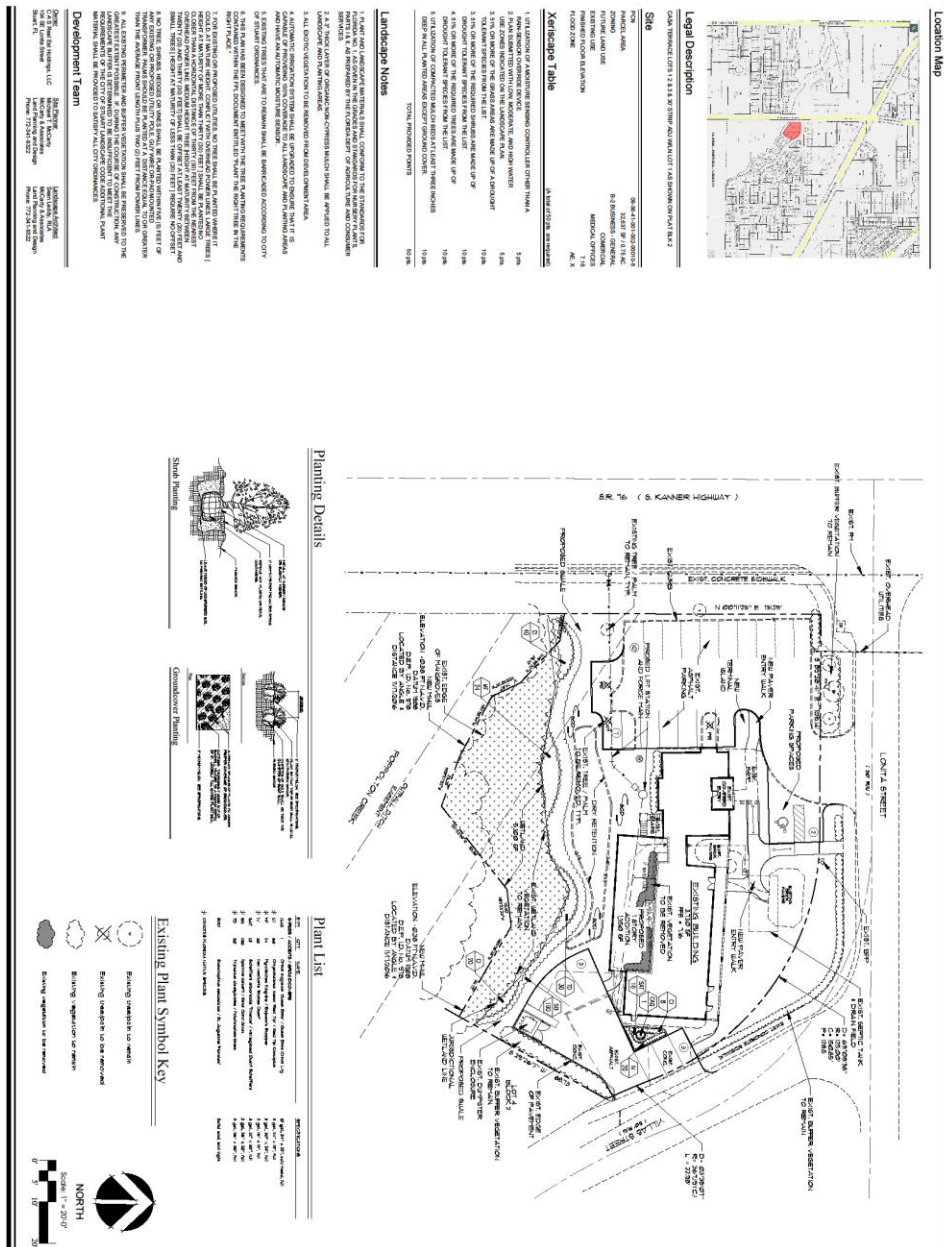
City of Stuart, Florida

Preliminary Site Plan

Drawn By _____ Checked By _____ Drawing Date _____ Scale _____ Staff comments 1/22/21/7/16 mhal 1/20/21/16 (tel 888) 307/7171	<div style="border: 1px solid black; height: 100px; width: 100%;"></div>
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1

'Exhibit B' Planting Plan



Simpson Chiropractic
City of Stuart, Florida
Planting Plan

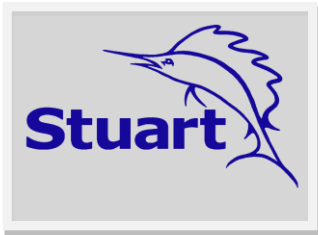


McCarty & Associates
LAND PLANNING
AND DESIGN

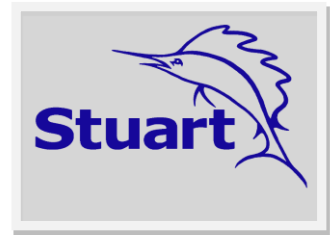
STUART • FT. PIERCE
774-441-1111

www.mccartyandassociates.com
McCarty & Associates, Inc. is an Equal Opportunity Employer

Drawn By _____ SL
 Checked By _____ M. McCarthy
 Scale _____ 1" = 20'-0"
 Drawing Date _____ 9/05/16
 _____ 9/29/16
 staff comments 10/27/16
 mfwl 12/01/16
 ret area 3/07/17



**CITY OF STUART
BOARD OF ADJUSTMENT
April 27, 2017**



Request: Variance to permit no upland buffer when a 75 foot average and 50 foot minimum from a wetland is required and a variance to permit a 0 foot construction setback from the upland buffer boundary when 10 feet is required by code to allow a 1350 square foot addition to the existing structure, expansion of existing asphalt parking and a dry detention at 104 SE Lonita Street in Stuart, FL. 34994	Property Owner: Charlie Simpson
Project No.: Z16090003	Applicant/Petitioners: Charlie Simpson
Location : 104 SE Lonita Street, Stuart, FL	Agent/Representative: Mike McCarty, McCarty & Associates

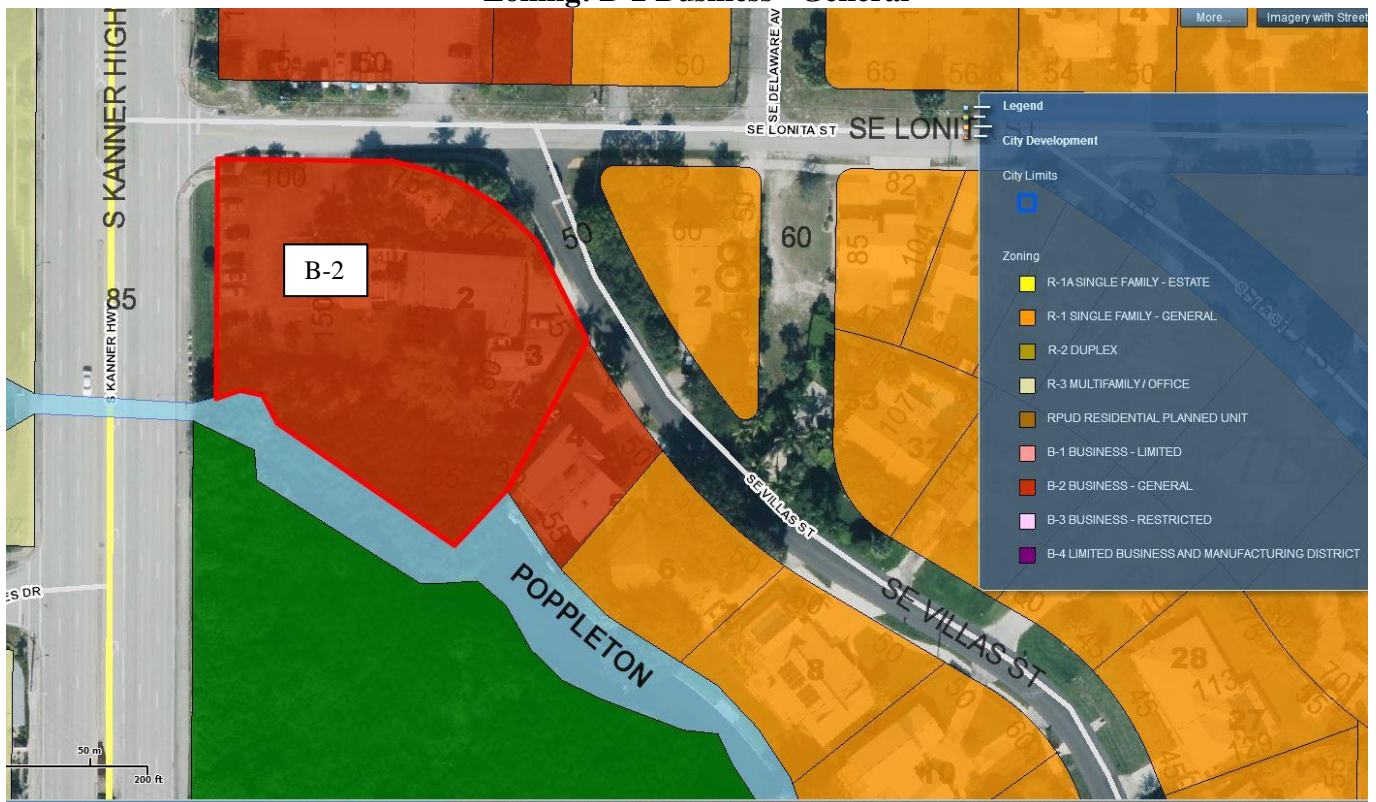
The parcel is located on the south east corner of S Kanner Hwy and SE Lonita Street abutting Poppleton Creek and north of Fernhill Memorial Gardens cemetery. The property is owned by CAS Real Estate Holdings (Charlie Simpson) Simpson Chiropractic and is currently used as a medical office. See the aerial illustrating the subject property (bounded in red) and surroundings below:





Detail view of the property in relation to immediate surroundings

Zoning: B-2 Business - General



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: April 06, 2017

C. Mail Notice Postmark: April 06, 2017 to owners within 300 feet.

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

II. PROPOSED FINAL ORDER DATED April 27, 2017 (Attachment A)

III. APPLICATION DATED September 16, 2016 (Attachment B)

Request to allow for a variance to permit a front setback of 15 foot where a 25 foot setback is required to allow for a variance to permit no upland buffer from a wetland where 75 feet average and 50 foot minimum is required

And for a variance to permit a 0 foot construction setback where a 10 foot setback is required to allow a 1350 square foot addition to an existing building, expansion of existing asphalt parking and dry retention. The following relief from the upland buffer distance and construction setback for the parcel is highlighted in the table below:

Land Development Regulations vs Variance Request	
B-2 Zoning Requirements	Proposed Development Standards
Minimum zoning lot = 10,000 square feet	Minimum zoning lot (existing) = 26,998 square feet
Minimum lot width = 100 feet	Minimum lot width (existing) = 200 feet
Maximum impervious surface coverage = 65%	Maximum impervious surface coverage = 53%
Front setback = 30 feet	Front setback (existing)= 41 feet
Side setbacks = 5 feet	Side setbacks (existing)= 61 feet West, 8 feet East
Rear setback = 20 feet	Rear setback = 48 feet
Maximum height = 45 feet	Maximum height (existing) = 25 feet
Upland buffer distance = 75 feet average 50 feet minimum	Upland buffer distance = 0 feet average 0 feet minimum
Upland buffer construction setback = 10 feet	Upland buffer construction setback = 0 feet
Shoreline protection setback = 25 feet	Shoreline protection setback = 48 feet

IV. CRITERIA FOR REVIEWING VARIANCE

In accordance with Section 8.04.02. (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 existing property is located at 104 SE Lonita Street, Stuart in an area consisting of commercial buildings to the north, multifamily across Kanner Highway to the west and single family residential directly east of the medical building. The zoning on the property is B-2 General Commercial with a Future Land Use designation of Commercial. An updated boundary survey and a detailed site plan has been submitted depicting the proposed addition in proximity to Poppleton Creek, the jurisdictional wetland area, existing mangroves, proposed native wetlands, retention area and landscaping.

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 development of the site as a single family residence.

VI. STAFF RECOMMENDATION

The Applicant is requesting a variance to permit no minimum upland buffer distance where 75 feet average and 50 foot minimum is required and no construction setback where 10 feet is required to allow a 1350 square foot addition to an existing building, expansion of existing asphalt parking and dry retention at the rear of the existing building. The dry retention proposed is in lieu of existing ornamental grassed areas and will be planted with native vegetation including Fakahatchee and Chord grasses, Stokes Dwarf, Wax Myrtle and Coco Plum. The proposed detention will prevent direct sheet flow of untreated storm water into Poppleton Creek, acting as a Bioswale vastly improving existing conditions. The applicant's latest revisions including a reduction of the proposed size and relocation of the dry retention area further away from the wetland boundary in conjunction with all existing vegetation in the wetland to remain and landscaping notes provide further assurance that no direct impacts to the wetland/Poppleton Creek are proposed.

Consider approval of the attached draft Final Order in light of the following:

1. Criteria for reviewing a variance (section 8.04.02);
2. Testimony from the Applicants;
3. Receipt of public comment; and
4. Suggested conditions of approval



MEMORANDUM

TO: Tom Reetz

FROM: Arnaud Roux



DATE: October 11, 2016

RE: SIMPSON VARIANCE REQUEST

The City has received a request for a variance to the required wetland buffer of 75 feet and the construction setback of 10 feet from the upland buffer for the property referred to as Simpson Chiropractic. According to the information provided, the property currently does not provide the 75 foot minimum upland buffer between the wetland and any developed portion of property. The proposed site plan and variance propose to further reduce this buffer.

Per your request dated September 27, 2016 we have reviewed the materials provided relating to the above referenced project variance request, and request provision of the following additional information in order to complete our evaluation.

Comment 1:

The review of Section 2.04.04 "Supplemental Building Setback Requirements" for waterfront lots indicates that the code defaults to Section 5.03.03 for all waterfront properties, in all instances.

Pursuant to Section 2.04.01, the setback typically imposed on commercial developments is as follows: "*All waterfront properties shall conform to comprehensive plan mandated waterside setbacks of 25 feet citywide and ten feet CRA, measured from the waterside lot line or perpendicular to the mean high water line, whichever is nearer to the principal structure on the same lot, or perpendicular to the centerline of a seawall. (Ord. No. 1720-00, 3-27-00)*". A 25 foot-setback would apply to the property, originating from and perpendicular to the mean high water line (MHWL).

While the survey indicates that the boundary was updated on 8-27-16, it is unclear whether the MHWL depicted on the survey was recently updated as well. A current mean high water line survey is necessary in order to evaluate this setback requirement.

Comment 2:

The variance request proposes to impact vegetated upland areas adjacent to a wetland (Poppleton Creek), however, no environmental information was provided for the property. Please provide a current site specific evaluation and description of the vegetation and habitat characteristics of the existing uplands for which the variance is requested.

Comment 3:

The survey indicates that the jurisdictional (wetland) line was obtained in July 2000. Please provide a current wetland determination from the South Florida Water Management District (SFWMD) confirming the wetland boundary on the entire property.

Comment 4:

According to the City of Stuart LDR Section 5.03.02.C, a 75 foot-average upland buffer (minimum 50 feet at any point) shall be provided and preserved around the portion of the on-site wetland (Poppleton Creek – Outstanding Resource Wetland), and the upland buffer shall be protected by a construction setback of ten feet from upland buffer.

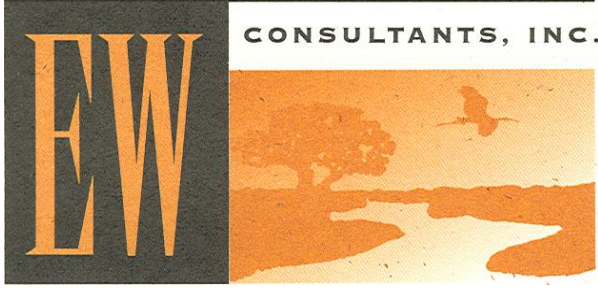
As impacts to the 75-foot upland buffer are proposed, please provide a description of the environmental impact avoidance and minimization techniques that have been employed in the preparation of the proposed site plan and request for upland buffer variance.

Comment 5:

No information was provided justify the proposed surface water management system (dry detention) and its extent. Please provide supporting information demonstrating that the proposed surface water management system is adequate, and that no further impacts to the upland buffer would be required.

Comment 6:

At its most narrow dimension, the proposed eastern parking area is nine feet from the wetland line (as shown from July 2000). Please provide cross section information that demonstrates how the proposed improvements will meet existing grades without encroaching into the wetland.



MEMORANDUM

TO: Tom Reetz

FROM: Arnaud Roux



DATE: February 20, 2017

RE: SIMPSON VARIANCE REQUEST

Per your request dated February 1, 2017, we have reviewed the additional materials provided by the applicant relating to the above referenced project variance request, and offer the following comments in light of the City's Land Development Regulations (LDR) - Resource Protection Standards, and the Comprehensive Plan:

Comment 1:

The revised survey provides the requested updated information regarding the location of the mean high water line. As indicated by the data provided by the survey, the primary structure will be setback 48 feet from the mean high water line, thus exceeding the 25 feet mean high water line setback mandated by the LDR. We have no further comments on this issue.

Comment 2:

The Environmental Assessment provides an evaluation and descriptions that are consistent with current onsite conditions. We have no further comments on this issue.

Comment 3:

The Informal Wetland Determination (No. 43-00056-IF) satisfies the request for a current valid verified wetland delineation. We have no further comments on this issue.

Comment 4:

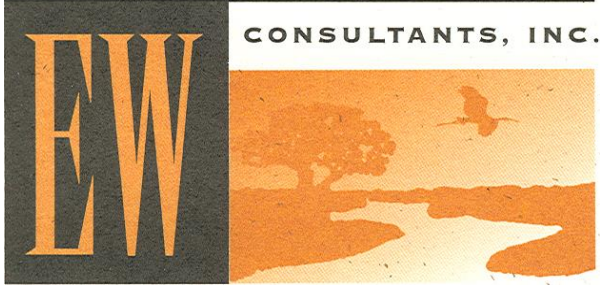
The review of the site, environmental assessment, and the proposed site plan indicates that planted native vegetation is present in the upland buffer, including native trees that would have to be removed to construct the dry retention. The applicant should be advised that at the time of site plan review tree mitigation may be necessary to account for impacts to native trees that occur on site.

Comment 5:

We concur that the proposed surface water management system would provide additional pre-treatment over the current site conditions that result in direct discharge of untreated stormwater runoff to the wetland/Poppelton Creek. We have no further comments on this issue.

Comment 6:

The cross section presented on the proposed site plan provides the information requested. We have no further comments on this issue.



MEMORANDUM

TO: Tom Reetz

FROM: Arnaud Roux



DATE: March 6, 2017

RE: SIMPSON VARIANCE REQUEST

Per your request dated March 3, 2017, we have reviewed the additional materials provided by the applicant relating to the above referenced project variance request, and offer the following comments in light of the City's Land Development Regulations (LDR) - Resource Protection Standards, and the Comprehensive Plan:

The revisions made to the proposed site plan (reduction in size and relocation of the dry retention area further away from the wetland boundary) in conjunction with the annotation on the site plan that "EXIST. VEGETATION WETLAND TO REMAIN" and Landscape Notes provide further assurance that no direct impacts to the wetland/Poppleton Creek are proposed. We have no further comments on this issue.

Please note that the originally proposed swale design outline is still depicted on the second sheet "Planting Plan" along with the new proposed dry retention swale and should be removed from the plan.



**McCarty & Associates
Land Planning and Design LLC
www.McCartyLandPlanning.com
73 SW Flagler Ave
Stuart FL 34994
772/341-9322**

January 24, 2016

VIA HAND DELIVERY

City of Stuart Development Department
Attn: Tom Reetz, Arnaud Roux-EW Consultants
121 S.W. Flagler Ave
Stuart, FL 34994

RE: - Simpson Variance Request-Response to staff comments

Dear Mr. Reetz and Mr. Roux:

The applicant received the staff comments from the City of Stuart's environmental consultant dated October 11, 2016 for the above referenced project. Please accept this letter as our formal response to the staff comments. The responses will be in **bold** text following the comments for each section.

Comment:

1. The review of Section 2.04.04 "Supplemental Building Setback Requirements" for waterfront lots indicates that the code defaults to Section 5.03.03 for all waterfront properties, in all instances.

Pursuant to Section 2.04.01, the setback typically imposed on commercial developments is as follows: "*All waterfront properties shall conform to comprehensive plan mandated waterside setbacks of 25 feet citywide and ten feet CRA, measured from the waterside lot line or perpendicular to the mean high water line, whichever is nearer to the principal structure on the same lot, or perpendicular to the centerline of a seawall. (Ord. No. 1720-00, 3-27-00)*". A 25 foot-setback would apply to the property, originating from and perpendicular to the mean high water line (MHWL).

While the survey indicates that the boundary was updated on 8-27-16, it is unclear whether the MHWL depicted on the survey was recently updated as well. A current mean high water line survey is necessary in order to evaluate this setback requirement.

Response: Please find attached the revised survey with the MHWL updated. The primary structure proposes a setback of 48ft. from MHWL.

Comment:

2. The variance request proposes to impact vegetated upland areas adjacent to a wetland (Poppleton Creek), however, no environmental information was provided for the property. Please provide a current site specific evaluation and description of the vegetation and habitat characteristics of the existing uplands for which the variance is requested.

Response: Please see the enclosed environmental assessment as prepared by Aspen Environmental Consulting, LLC. As described in the enclosed environmental assessment the only native areas on the parcel consist of a section of forested floodplain wetland and upland buffer area located along portions of the southern property boundary. No impacts are proposed to these native upland or wetland areas on or adjacent to the parcel. Immediately adjacent to these native areas are landscaped/green areas followed by developed lands such as parking, buildings and site infrastructure. The area in which the variance is being proposed is currently non-native landscaped/green areas directly adjacent to the upland wetland buffer. Vegetation within this area currently consists mainly of ornamental landscape grasses with scattered planted trees, providing mainly aesthetic value with insignificant ecological function. In lieu of ornamental grassed areas, the applicant is proposing redevelopment to a dry retention area. As part of the creation of the retention area, the applicant is proposing to plant the toe of the berm with native vegetation. This will provide enhancements beyond what currently exists on the property. The addition of native planted areas in close proximity to the existing wetland buffer area will provide additional native vegetation beyond what currently exists on the property as well as create an expanded area for wildlife forage and habitat.

Comment:

3. The survey indicates that the jurisdictional (wetland) line was obtained in July 2000. Please provide a current wetland determination from the South Florida Water Management District (SFWMD) confirming the wetland boundary on the entire property.

Response: Please refer the attached Environmental Assessment prepared by Aspen Environmental and the revised survey. The wetland jurisdictional line and MHWL have been confirmed by state agencies.

Comment:

4. According to the City of Stuart LDR Section 5.03.02.C, a 75 foot-average upland buffer (minimum 50 feet at any point) shall be provided and preserved around the portion of the on-site wetland (Poppleton Creek – Outstanding Resource Wetland), and the upland buffer shall be protected by a construction setback of ten feet from upland buffer. As impacts to the 75-foot upland buffer are proposed, please provide a description of the environmental impact avoidance and minimization techniques that have been employed in the preparation of the proposed site plan and request for upland buffer variance.

Response: The applicant is practicing avoidance and minimization to wetland buffer impacts via the avoidance of impacts to the current wetland buffer, as well as the enhancement of adjacent “undeveloped” lands via re-vegetation of presently ornamental grassed areas with native shrubs and ground cover along the toe of the proposed dry

retention area. Additionally, as discussed in comment 2 and outlined in the enclosed environmental assessment, the existing natural buffering areas around the onsite and adjacent offsite wetland are not being impacted. Alterations are being proposed to the ornamental grassed/greenspace area adjacent to the wetland buffer. These alterations will results in enhancement of the area by providing adjacent native plantings beyond what currently exists on the site. The addition of these plantings will provide a larger contiguous vegetated area adjacent to the onsite and offsite wetland system thereby creating additional ecological benefits as part of the sites proposed alterations.

Comment:

5. No information was provided justify the proposed surface water management system (dry detention) and its extent. Please provide supporting information demonstrating that the proposed surface water management system is adequate, and that no further impacts to the upland buffer would be required.

Response: The proposed dry retention swale system is intended to prevent direct sheet flow of untreated stormwater into the wetland and Poppleton Creek system. The proposed system improves pre-treatment through retention in conjunction with the planting of native vegetation consisting of *Sand Cordgrass*, *Fakahatchee Grass*, *Cocoplum*, and *Simpsons Stopper*, within the swale to improve water quality and mimic natural ecological systems. The existing system provides little to no pre-treatment and directly discharges into the Poppleton Creek. The proposed dry retention as proposed meets the requirements of the City and SFWMD.

Comment:

6. At its most narrow dimension, the proposed eastern parking area is nine feet from the wetland line (as shown from July 2000). Please provide cross section information that demonstrates how the proposed improvements will meet existing grades without encroaching into the wetland.

Response: Please refer to the attached cross section added to the site plan.

If you have any questions or require any additional materials please do not hesitate to call. We thank you for your review on this project and look forward to working with you.

Very truly yours,

McCarty & Associates

Michael T. McCarty

Principal

Mike@McCartyLandPlanning.com



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

Received by: _____
Reviewed by: _____
Approved by: _____

Variance Application

Project ID# _____

(Staff Entry)

Pre-App Conference Date:	Application Date: 9-16-16
Project Name: Simpson Chiropractic	
Parcel ID# 09-38-41-001-002-00010-8	Project Address: 104 SE Lonita St. Stuart FL 34994
Zoning/CRA Sub-district: B-2	
Subdivision: CASA TERRACE LOTS 1 2 & 3 & 30' STRIP ADJ	Lot(s): W/LN LOT 1 AS SHOWN ON PLAT BLK 2
Fee: \$204.80/Administrative Variance Approval or \$819.20/Board of Adjustment Approval (This does not include fees that may be charged as a result of application review by the City's consultants)	
<p>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:</p> <p>(1) 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.</p> <p>The City's Development Director may grant an administrative variance for the following standards of the land development code:</p> <p>(1) 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.)</p> <p>(2) Fences, walls and hedges. Any variance request for a fence, wall or hedge height or location, or other buffer screening matter.</p> <p>(3) 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.</p> <p>A minor code variance or site plan revision is one in which the requested change:</p> <ol style="list-style-type: none">Does not increase or enlarge the density, intensity of use, footprint, or any dimension of the overall plan by more than five percent; andDoes 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; orDoes 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; andWhere 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.	
Justification: Please provide justification supporting the request for a variance (include additional pages if needed).	

(over)



**McCarty & Associates
Land Planning and Design LLC
www.McCartyLandPlanning.com
73 SW Flagler Ave
Stuart FL 34994
772/341-9322**

Simpson Chiropractic – BOA Variance Request

The subject property is 0.74 acres located at 104 SE Lonita Ave (which is on the SE corner of SE Lonita & Kanner Highway). Property is currently used as medical office and has a Zoning designation of B-2 (Business – General) with a Future Land Use designation of Commercial. There is already an existing structure and parking on the subject property. The applicant is proposing a 1350-square foot addition to the existing structure on the property. This application is to request a variance to the required wetland buffer of 75 feet and the construction setback of 10 feet from the upland buffer boundary.

The approval of these variances would not in any way authorize use of the property that is not already allowed as a permitted use on the subject property. It would not allow a density or intensity use that exceeds the maximum density or intensity permitted under the existing B-2 (Business – General) Zoning designation. This variance would not result in a verifiable reduction of the property values of any adjacent or nearby properties. This would not cause a detrimental effect with respect to drainage of the subject property as well as surrounding properties. This variance will not cause any increase of traffic on adjacent or nearby roads to levels that are not unusual for the types of uses in the neighborhood. This variance approval would not cause any threat to public safety in any manner whatsoever and would not cause any threat to the health or general welfare of the inhabitants of the City.

The applicant proposes to remove the existing septic systems on the subject property and tie-in the facility to the municipal sewer system if the variance request is approved. This will provide a significant benefit in regard to the public healthy and safety not only to the community but also to the St. Lucie River and Estuary.

General Information

(Please Print or Type)

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

Name: Charlie Simpson
Title: Manager
Company: CAS Real Estate Holdings LLC
Company Address: 104 SE LONITA ST

City/State/Zip Code: Stuart FL 34994
Telephone Number: 772-463-2344
Facsimile Number:
Email Address (optional):

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: Michael McCarty
Title: Principal
Company: McCarty & Associates Land Planning and Design LLC
Company Address: 73 SW Flagler Ave

City/State/Zip Code: Stuart FL 34994
Telephone Number: 772-341-9322
Facsimile Number:
Email Address (optional): mike@mccartylandplanning.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: Charlie Simpson
Title: Manager
Company: CAS Real Estate Holdings LLC
Company Address: 104 SE LONITA ST

City/State/Zip Code: Stuart FL 34994
Telephone Number: 772-463-2344
Facsimile Number:
Email Address (optional):

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

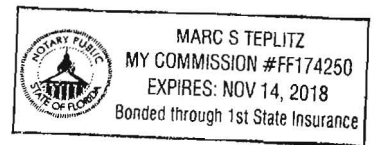
4. Signed this 16th day of September, 2016.

[Signature]
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 16th day of September, 2016, Charles Simpson who is personally known to me, or who has produced Fla Driver's License as identification and who did/did not take an oath.

[Signature]
Notary Signature

Commission expires:



Summary

Parcel ID	Account #	Unit Address	Market Total Value	Website Updated
09-38-41-001-002-00010-8	25898	104 SE LONITA ST, STUART	\$642,200	9/10/2016

Owner Information

Owner(Current)	C A S REAL ESTATE HOLDINGS LLC
Owner/Mail Address	104 SE LONITA ST STUART FL 34994
Sale Date	9/30/2014
Document Book/Page	2743 1394
Document No.	2478580
Sale Price	100

Location/Description

Account #	25898	Map Page No.	O-9A
Tax District	3100	Legal Description	CASA TERRACE LOTS 1 2 & 3 & 30' STRIP ADJ W/LN LOT 1 AS SHOWN ON PLAT BLK 2
Parcel Address	104 SE LONITA ST, STUART		
Acres	.6198		

Parcel Type

Use Code	1900 Prof serv/Medical offices
Neighborhood	31300

Assessment Information

Market Land Value	\$204,530
Market Improvement Value	\$437,670
Market Total Value	\$642,200

Simpson Chiropractic

09-38-41-001-002-00010-8

Stuart, Florida

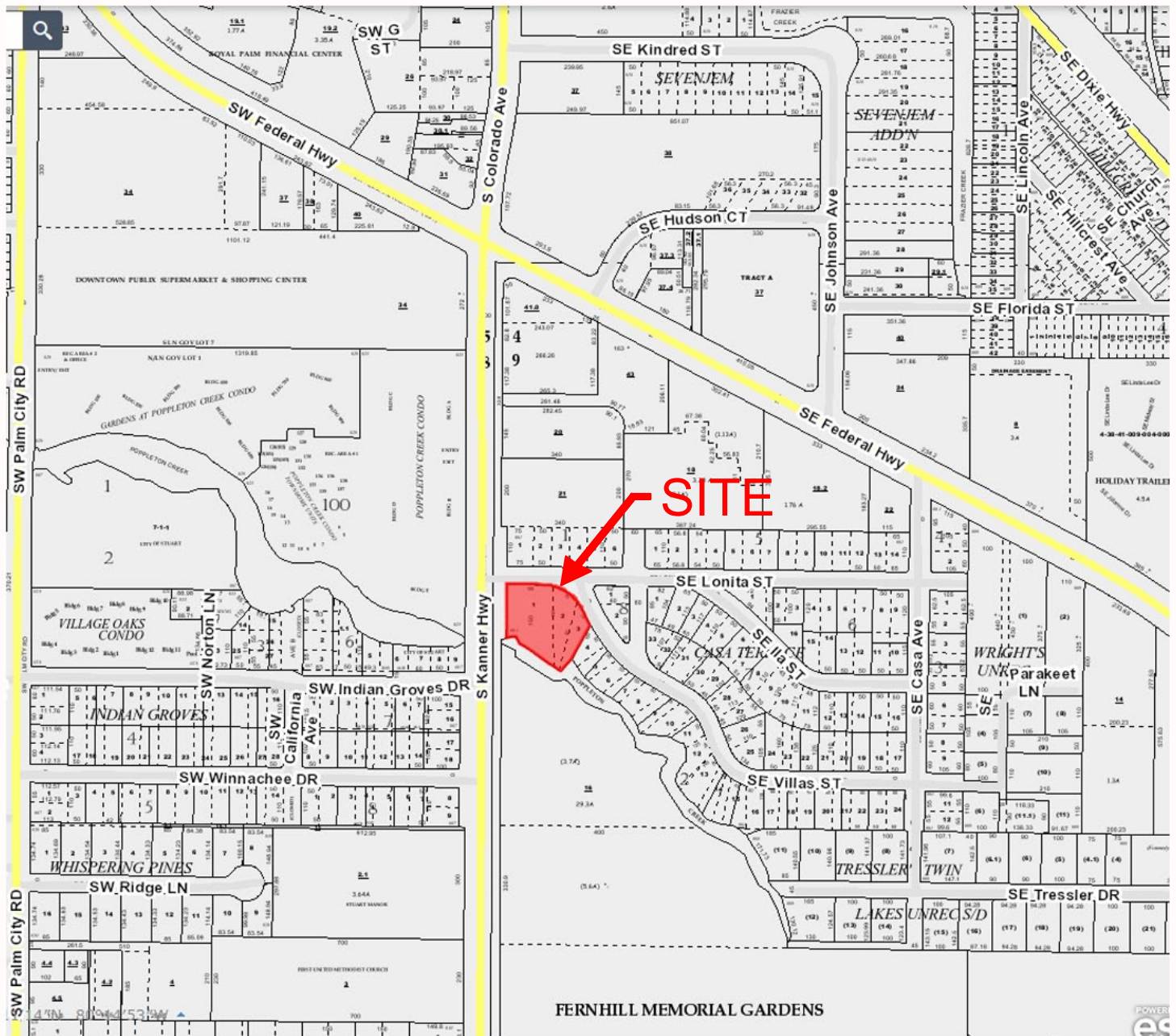
Location Map

McCARTY & ASSOCIATES

LAND PLANNING
AND DESIGN

STUART • FT. PIERCE

772.341.9322
www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com



7/17/2016

Stuart, Florida

McCARTY & ASSOCIATES

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AND DESIGN

STUART • FT. PIERCE

772.341.9322
www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com



Aerial Photograph



Simpson Chiropractic

09-38-41-001-002-00010-8

Stuart, Florida

Legal Description

McCARTY & ASSOCIATES

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AND DESIGN

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CASA TERRACE LOTS 1 2 & 3 & 30' STRIP ADJ W/LN LOT 1 AS
SHOWN ON PLAT BLK 2

Simpson Chiropractic

09-38-41-001-002-00010-8

Stuart, Florida

Zoning Map

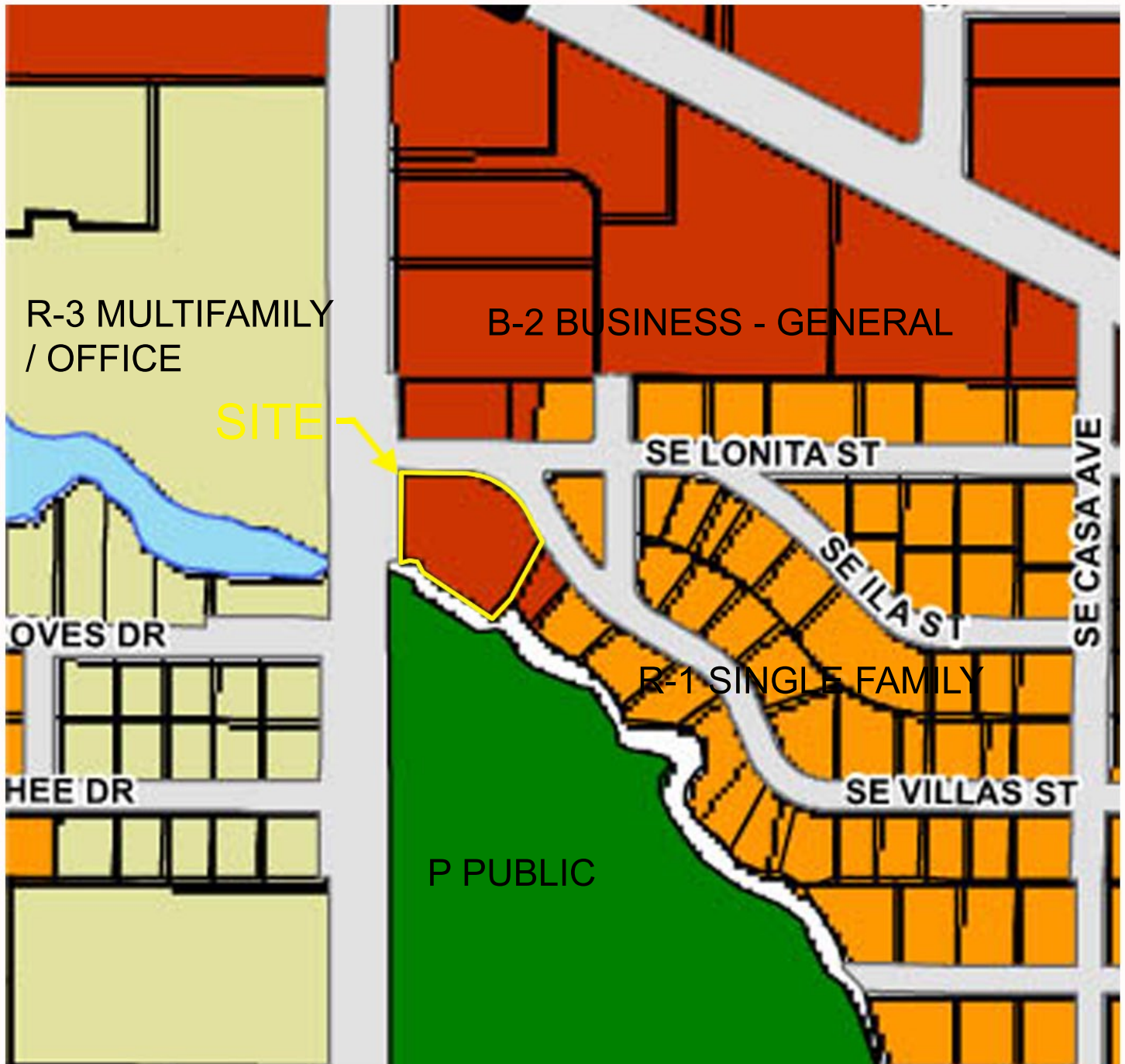
B-2 BUSINESS - GENERAL

McCARTY & ASSOCIATES

LAND PLANNING
AND DESIGN

STUART • FT. PIERCE

772.341.9322
www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com



7/17/2016

Simpson Chiropractic

09-38-41-001-002-00010-8

Stuart, Florida

Future Land Use Map

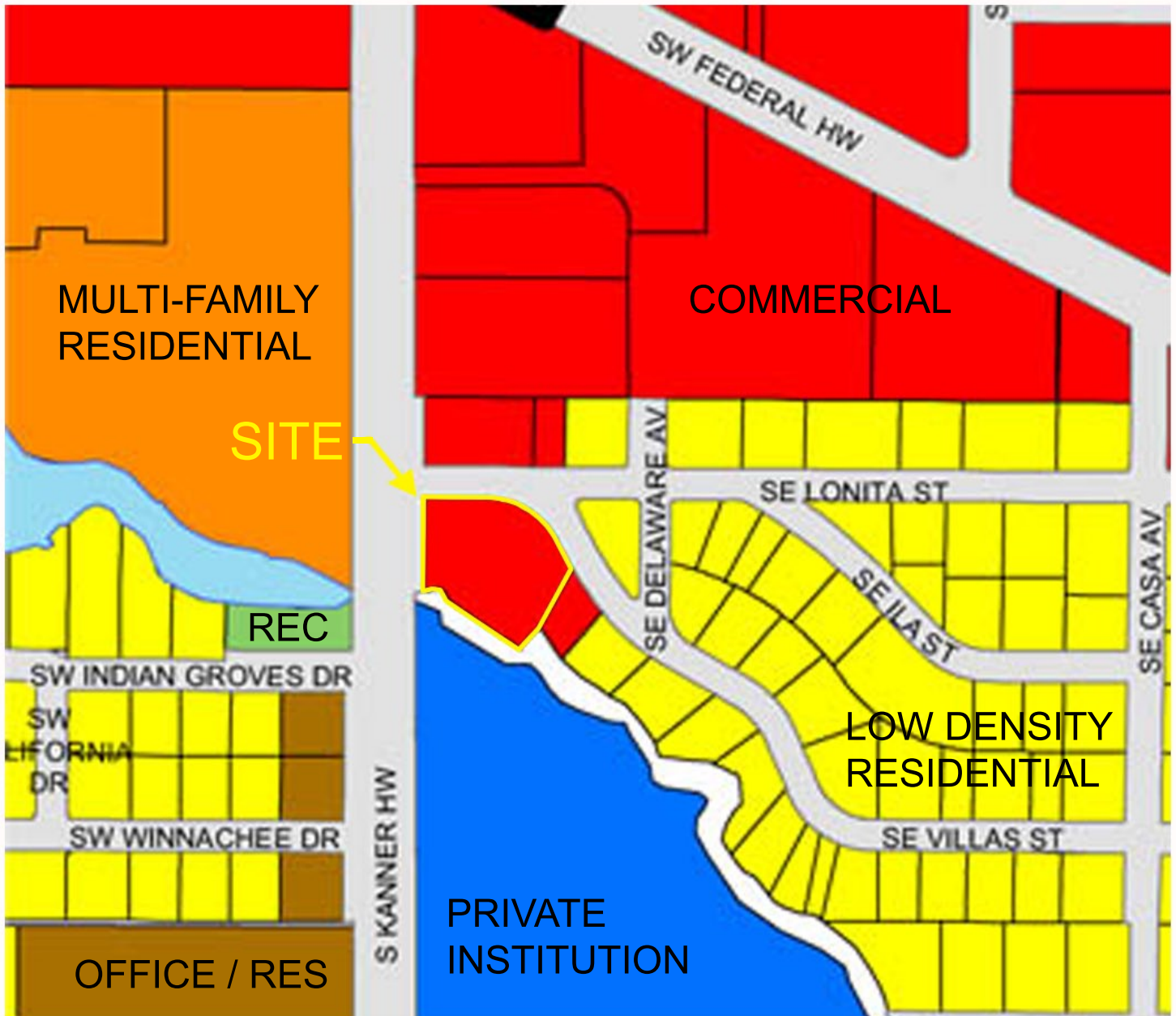
COMMERCIAL

McCARTY & ASSOCIATES

LAND PLANNING
AND DESIGN

STUART • FT. PIERCE

772.341.9322
www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com



Environmental Assessment Report

**104 SE Lonita Street
Parcel ID: 09-38-41-001-002-00010-8
± 0.62 Acre Property
City of Stuart, Martin County, Florida 34994**

Prepared For:

CAS Real Estate Holdings LLC
Charlie Simpson
104 SE Lonita Street
Stuart, FL 34994

Prepared By:



P.O. Box 2753
Stuart, FL 34995-2753

October 2016

Site Description:

The subject property is located at 104 SE Lonita Street, City of Stuart, Martin County, Florida. The parcel is ± 0.62 acres and is further located in Section 09, Township 38 S, Range 41 E. A jurisdictional forested/floodplain wetland falls onto a portion of the applicant's property along the southern boundary. See the enclosed approved wetland jurisdictional determination from the South Florida Water Management District (SFWMD). This floodplain wetland is part of the Poppleton Creek and extends off the applicants property. Adjacent to the jurisdictional wetland is a small wetland buffer consisting of a mixture of native and exotic vegetation. It would appear that some of the native vegetation within this buffer area was planted as it is also currently being maintained as a landscape buffer area separating the wetland from developed lands. The remaining "undeveloped" areas on the property consist of planted and maintained non-descript ornamental landscape grassed areas. The majority of the "undeveloped" areas falling on the applicants property consist of the previously described non-native habitat, representative of ornamental greenspace.

This site is current $\pm 70\%$ developed with a commercial building, parking, and associated infrastructure. The applicant is proposing to expand on the existing footprint as well as add a dry retention area improving on the sites storm water management. This expansion will not affect any onsite or adjacent offsite natural wetland or native upland areas. No impacts to jurisdictional wetland areas or existing buffers are proposed. Only vegetation impacts proposed are to the existing planted ornamental green space areas, of which are not representative of nor part of any native uplands, wetlands, or wetland buffer areas. Furthermore, based on this no SFWMD permits will be required as part of site development.

Vegetative Description:

Pedestrian surveys were completed throughout the subject property in June 2016, July 2016 and August 2016 by Aspen Environmental. Representative vegetation includes the following:

Brazilian pepper (*Schinus terebinthifolius*)
Snake plant (*Sansevieria* spp.)
Bamboo
Rubber tree (*Ficus* spp.)
Pothos (*Epipremnum* spp.)

Wax myrtle (*Mortella cerifera*)
Red maple (*Acer rubrum*)
Wild coffee (*Psychotria nervosa*)
Cypress (*Toxodium distichum*)
Lily (*Crinum americanum*)
Leather fern (*Acrostichum* spp.)

Upland Habitat:

The upland habitat on the property is representative of developed areas, disturbed lands or landscaped/ greenspace areas, and a vegetated upland wetland buffer along the southern property edge. The developed areas contain commercial buildings, parking and associated infrastructure. The disturbed or greenspace areas consist mainly of ornamental grasses with scattered planted trees. Wetland buffer areas contain a mixture of native and exotic vegetation providing a forested transitional area for the adjacent wetland floodplain. Vegetation in the wetland buffer typically consists of:

Brazilian pepper (*Schinus
terebinthifolius*)
Snake plant (*Sansevieria* spp.)
Bamboo
Rubber tree (*Ficus* spp.)

Pothos (*Epipremnum* spp.)
Wax myrtle (*Mortella cerifera*)
Red maple (*Acer rubrum*)
Wild coffee (*Psychotria nervosa*)
Cypress (*Toxodium distichum*)

While no typical native upland areas exist on the property, as mentioned above a native upland wetland buffer is present along the southern property boundary. The quality of this forested buffer is moderate with healthy native vegetation, quality of this area only being affected by the presence of invasive exotic vegetation, Brazilian pepper and bamboo, and the intrusion of various species of landscape plants such as snake plant and pothos.

No impacts to native upland areas/wetland buffer are proposed.

Wetland Habitat:

There is a jurisdictional non isolated floodplain wetland located partially along the southern boundary of this property. This wetland area has been delineated with a jurisdictional determination conducted and approved by the SFWMD in July 2016, later dated August 2016. Please see the enclosed SFWMD approval letter and associated exhibits for location and verified limits. This floodplain wetland is part of the Poppleton Creek and extends off the applicant's property. The quality of the wetland habitat on the applicant's property is low to moderate based on the heavy infestation of invasive exotic and landscape vegetation such as Brazilian pepper, bamboo, rubber tree, and snake plant. Typical wetland vegetation includes the following:

Wax myrtle (*Mortella cerifera*)
Red maple (*Acer rubrum*)
Wild coffee (*Psychotria nervosa*)
Cypress (*Toxodium distichum*)

Lily (*Crinum americanum*)
Leather fern (*Acrostichum* spp.)

No wetland impacts are proposed.

Wildlife Evaluation:

Pedestrian transects were made throughout the subject parcel to observe for the presence of wildlife in general as well as any state or Federal listed plant species, animal dens, burrows, rooting areas, or nests. The wildlife population was documented in the field by visual observation of plants and animals as well as, tracks, scat, dens, foraging and nesting. No listed state or Federal listed plant or animal species, nests, dens, or roosting areas were observed on the parcel.

Soils:

According the Florida Department of Environmental Protection's Water Data Central Online System the site consists entirely of 30- Bessie Muck and 41 – Jonathan Sand. As described in the Martin County Soil Survey, Bessie Muck is a nearly level poorly drained organic soil. It is commonly found in the mangrove swamps along coastal areas. The water table is tidally influenced. Jonathan Sand is a nearly level gently sloping soil that is moderately well drained. It is generally found on elevated knolls and ridges in the flatwoods in the eastern part of the county. The water table is at a depth of 40" – 60" for a period of 1-4 month during the wet season.

Summary:

An environmental assessment was conducted at 104 SE Lonita Street, City of Stuart, Martin County, Florida by Jennifer Acevedo, Senior Biologist, Aspen Environmental during the months of June, July, and August 2016. The assessment was conducted in accordance with City of Stuart regulations pertaining to environmental protection. The site is currently developed with a commercial building and associated infrastructure. Undeveloped portions consist of landscaped/greenspace areas, and a floodplain wetland with an upland wetland buffer along the southern portion of the property. All wetland areas on site have been delineated and an approved jurisdictional determination was completed in July 2016 by SFWMD (jurisdictional determination enclosed). As part of the expansion of the current development footprint no impacts to native uplands or jurisdictional wetlands are proposed. Additionally, wildlife transects were conducted throughout the property and no evidence of listed plant or animal species nests, dens, or roosting areas were observed.

Attachments:

Figure 1 Location Map

Figure 2 Aerial Map

Figure 3 Soils Map

SFWMD Jurisdictional Determination Letter

Respectfully Submitted;

Aspen Environmental Consulting, LLC

Jennifer Acevedo

Jennifer Acevedo, Senior Biologist

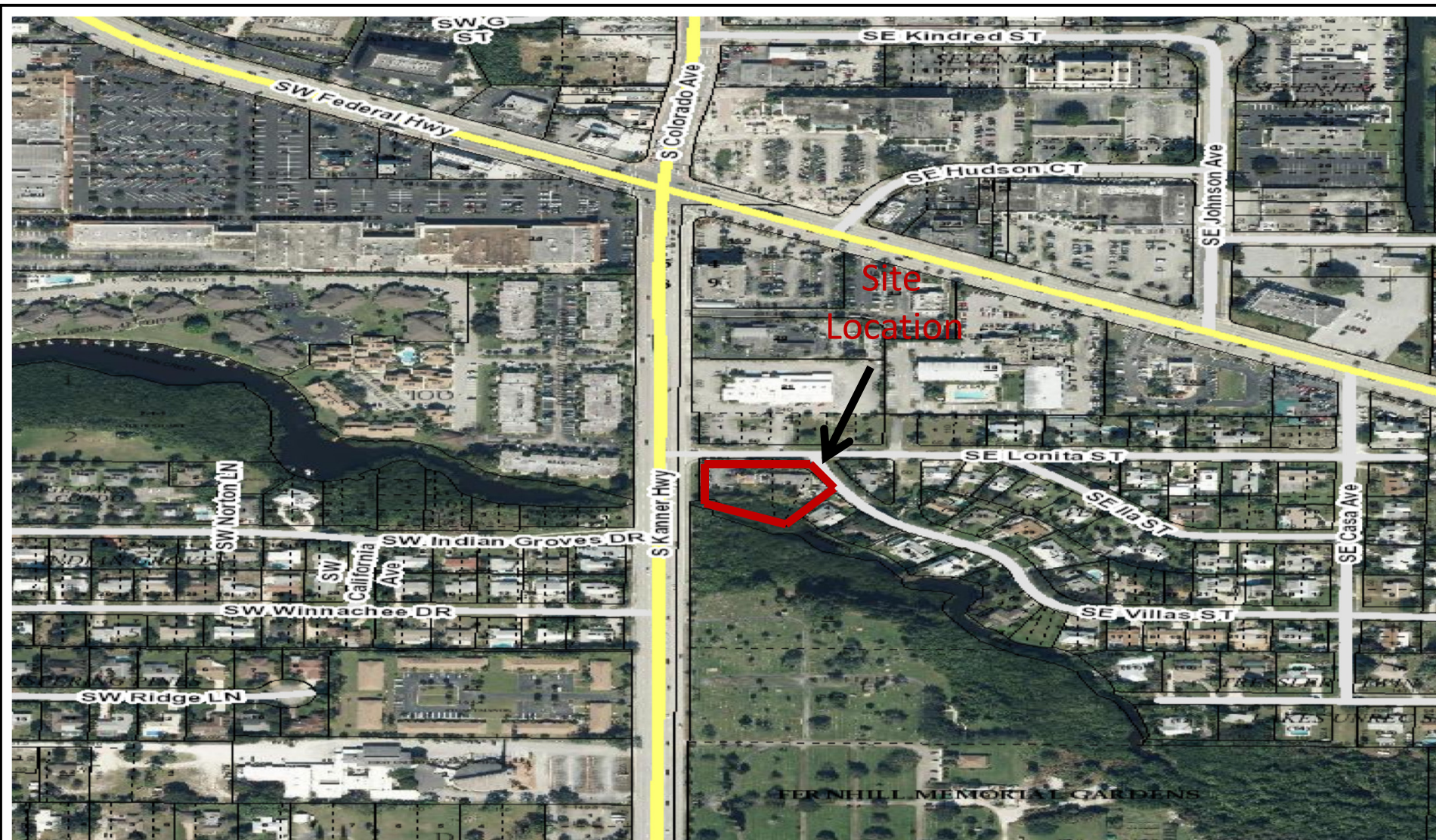
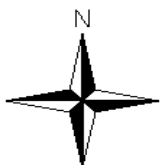


Figure 1



Site Location Map

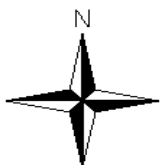
Simpson Chiropractic

104 SE Lonita Street, Stuart, FL34994





Figure 2

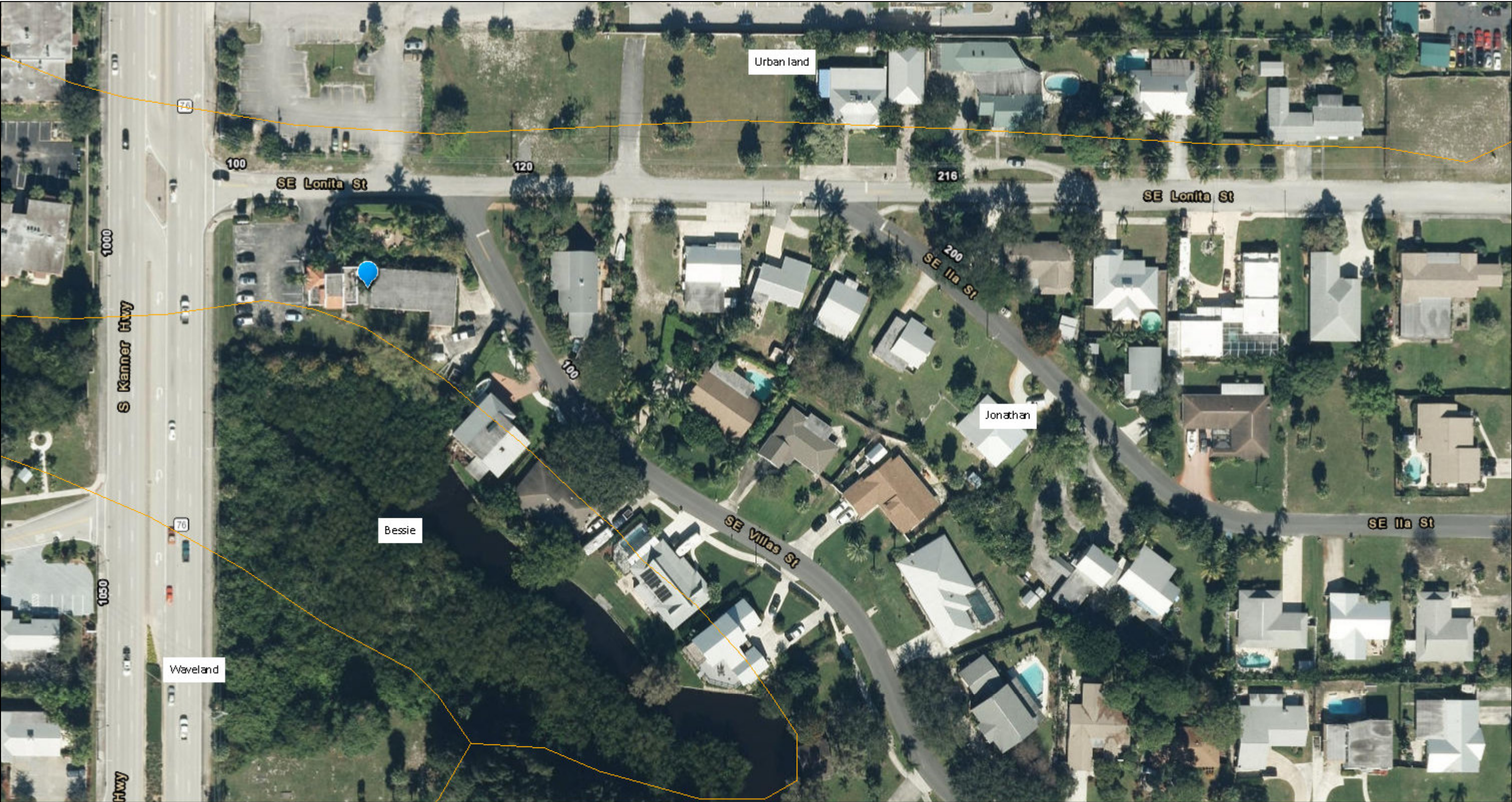


Aerial Map

Simpson Chiropractic
104 SE Lonita Street, Stuart, FL34994

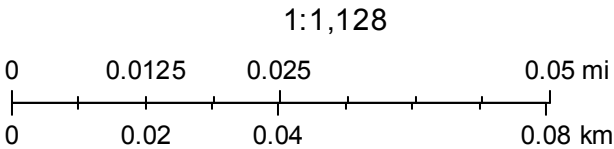
 Aspen
ENVIRONMENTAL
CONSULTING, LLC

Simpson Chiropractic Soils Map



June 16, 2016

 SSURGO Soils (SFWMD)



FDEP
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Delivered Via Email

Regulation Division

August 31, 2016

Charles Simpson
104 S.E. Lonita Street
Stuart, Florida 34994

**Subject: Simpson Chiropractic
Application No. 160622-1
Informal Wetland Determination No. 43-00056-IF
Martin County, S9/T38S/R41E**

Dear Mr. Simpson:

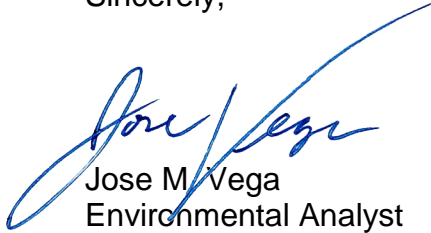
The District offers the following in response to your request for a determination of wetland boundaries located within the subject property. A site visit was conducted by District staff on July 6, 2016. Based on the site visit, and other site-specific information, this site contains wetlands as defined by Chapter 62-340 Florida Administrative Code (F.A.C). The approximate project boundaries are identified on the attached aerial photograph. The area considered wetland is identified on the attached wetland map survey.

This correspondence is an informal wetland determination pursuant to Chapter 373, Florida Statutes. It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal wetland determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules. A binding wetland determination may be obtained by petitioning the South Florida Water Management District for a wetland declaratory statement pursuant to F.A.C Rule 62-340 or by applying for an Environmental Resource permit.

The identified wetlands and, potentially other areas of the property not jurisdictional under State rules, may be wetlands and/or other waters of the United States under federal rules. Dredging or filling in such areas may require a Department of Army (DA) permit. Receipt of a state or local government permit does not obviate the need to obtain a DA permit prior to commencing work. For more information about the DA Regulatory Program, you may access the Corps' website at: www.saj.usace.army.mil/permit/index.html. You may also contact the local Corps regulatory office for additional information, at one of the following numbers: 561-472-3517, 561-472-3506, or 561-472-3514. If you have any further questions, please contact me at (863) 462-5260 x3011.

Mr. Simpson
August 31, 2016
Subject: Application No. 160622-1 Simpson Chiropractic
Page 2

Sincerely,



Jose M. Vega
Environmental Analyst
Martin/St. Lucie Regulatory Office
South Florida Water Management
District 863-462-5260 ext 3011
800-250-4200 ext 3011
3800 NW 16th Blvd. Suite A
Okeechobee, FL 34972

BC/jv- Attachments (Location Map, Soils Map, Wetland Map Survey)

Cc: Jennifer Acevedo – Aspen Environmental Consulting LLC
U.S. Army Corps of Engineers, Palm Beach Gardens

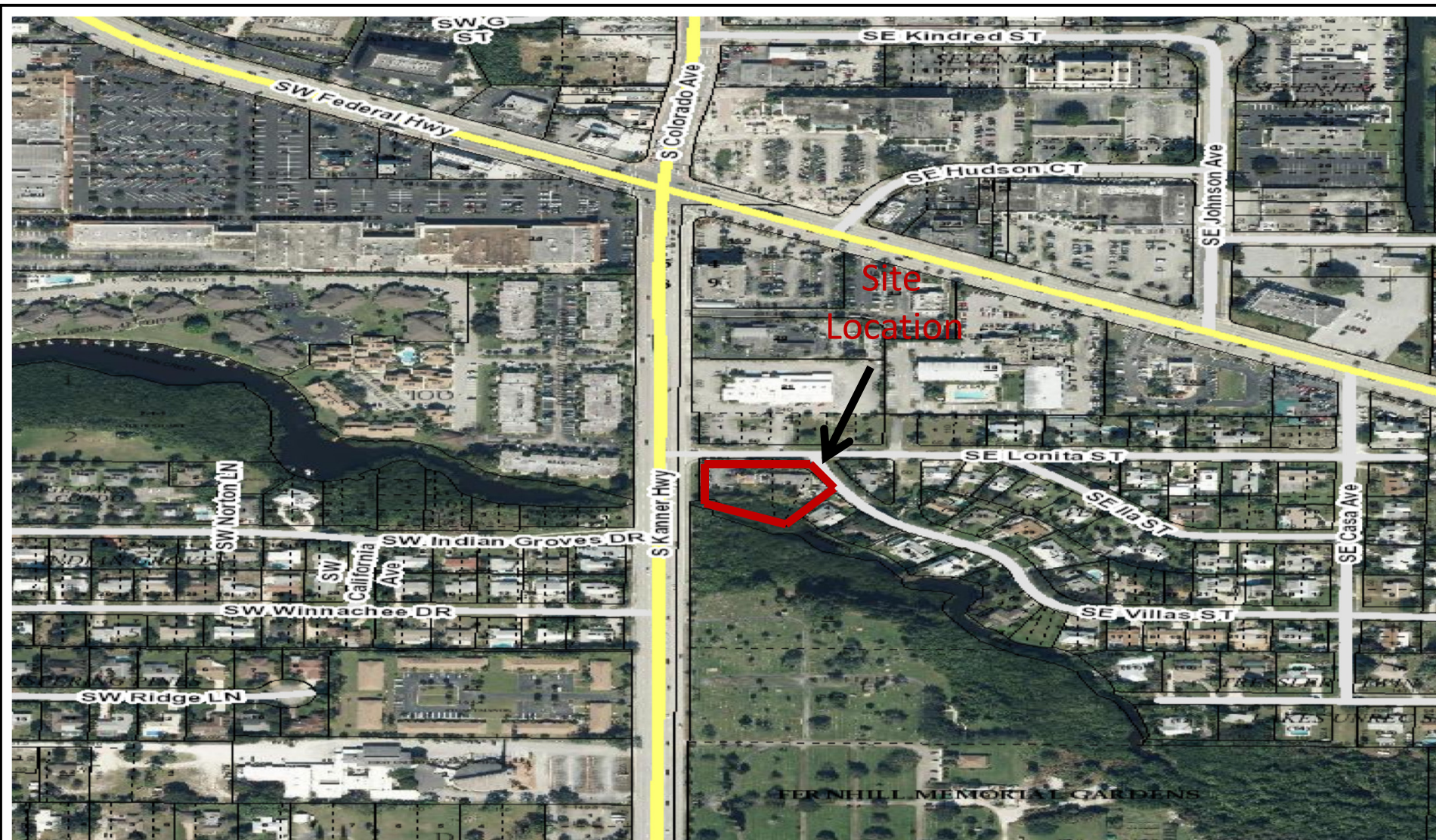
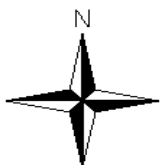


Figure 1



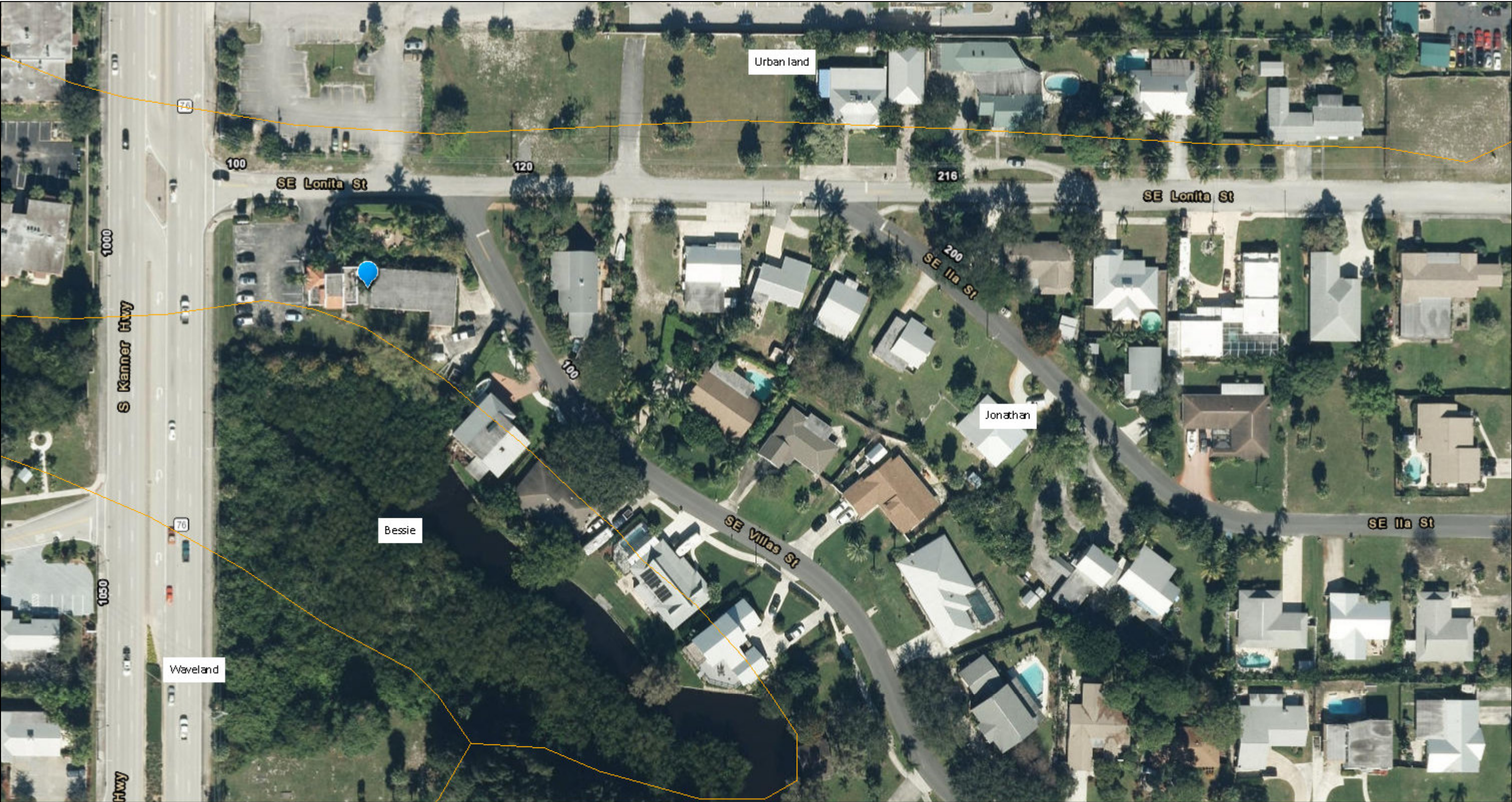
Site Location Map

Simpson Chiropractic

104 SE Lonita Street, Stuart, FL34994

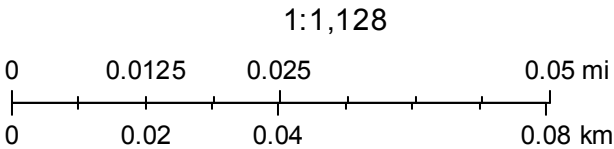


Simpson Chiropractic Soils Map



June 16, 2016

 SSURGO Soils (SFWMD)



FDEP
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

McCARTY & ASSOCIATES

LAND PLANNING
AND DESIGN

STUART • FT. PIERCE

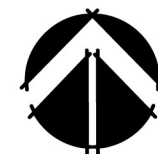
772.341.9.

772.341.9
www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com

Simpson Chiropractic

City of Stuart, Florida

Wetland Exhibit

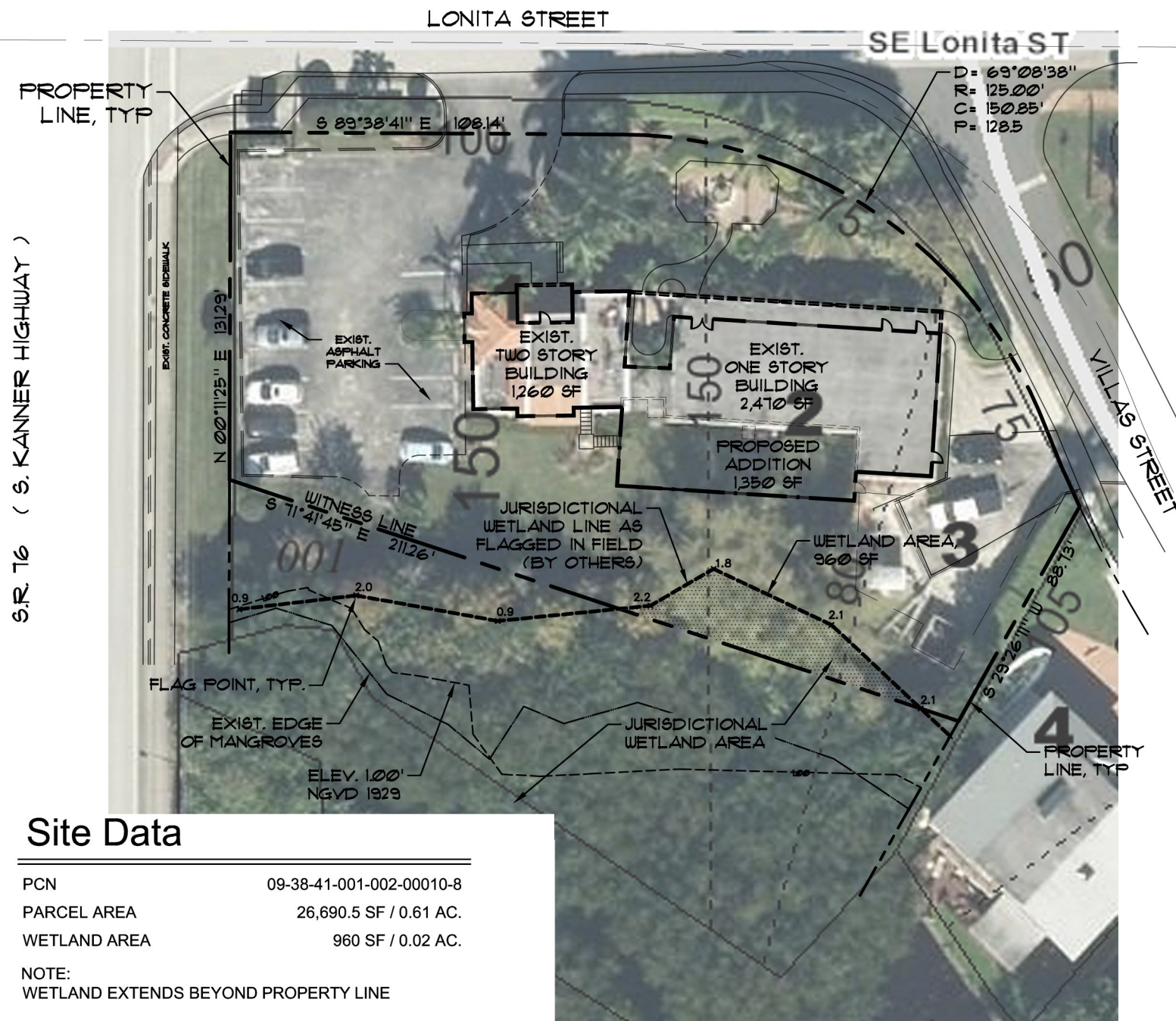


NORTH

Scale: 1" = 40'



8/19/2016



Site Data

PCN 09-38-41-001-002-00010-8

PARCEL AREA 26,690.5 SF / 0.61 AC.

WETLAND AREA 960 SF / 0.02 AC.

NOTE:
WETLAND EXTENDS BEYOND PROPERTY LINE