



**A G E N D A**  
**STUART BOARD OF ADJUSTMENT**  
**TO BE HELD JULY 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**

**APPROVAL OF MINUTES**

1. Approval of BOA Minutes

**COMMENTS FROM THE PUBLIC (5 min. max)**

**COMMENTS FROM THE BOARD MEMBERS**

### **OTHER MATTERS BEFORE THE BOARD**

2. Variance to permit a rear principal building setback of 6 feet 10 inches, where 20 feet is required by code to allow construction of a new two-story single family residence on a parcel located at 90 SE River Lights Court, Stuart, FL.

### **STAFF UPDATE**

### **ADJOURNMENT**

### **UPCOMING MEETINGS and EVENTS**

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

**Meeting Date:** 7/27/2017

**Prepared by:** Michelle Vicat

**Title of Item:**

Approval of BOA Minutes

**Summary Explanation/Background Information on Agenda Request:**

Approval of 4/27/17 BOA Minutes

**Funding Source:**

N/A

**Recommended Action:**

Approve

**ATTACHMENTS:**

Description	Upload Date	Type
□ BOA Minutes	7/19/2017	Cover Memo

## MINUTES

**BOARD OF ADJUSTMENT MEETING  
APRIL 27, 2017 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**

**CALL TO ORDER**  **5:30 PM**

**ROLL CALL**  **5:31 PM Roll Call.**

**Present:** Bonnie Landry, E. E. Griffith, Mark Mathes, Helen McBride.

**Absent:** Donna Rollins.

### **ANNUAL BOARD REORGANIZATION**

**Motion:** Helen McBride nominated Bonnie Landry as Chair, Seconded by E.E. Griffith. Motion passed unanimously.

**Motion:** Helen McBride nominated Dr. Griffith as Vice Chair, Seconded by Bonnie Landry. Motion passed unanimously.

### **APPROVAL OF MINUTES**

 **5:35 PM Motion: Action:** Approve, **Moved by** Helen McBride, **Seconded by** E. E. Griffith. Motion passed unanimously.


**COMMENTS FROM THE PUBLIC (5 min. max)**



## COMMENTS FROM THE BOARD MEMBERS

### OTHER MATTERS BEFORE THE BOARD

1. 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

**PRESENTATION:** Stephen Mayer, Senior Planner  5:35 PM  
John Spitzmiller, Applicant

**PUBLIC COMMENT:** None

#### BOARD COMMENT:

Mark Mathes asked if palm trees were a requirement or an offering.

Stephen Mayer said it is something on the elevation that is being offered to tone down the elevation.

Mark Mathes said if they were being offered...if they died they wouldn't have to be replaced?


Stephen Mayer said he believed they code enforce that if it was in the final order. He said the elevation shows what they would expect to see.

Mark Mathes asked if the applicant was aware that he had to maintain the trees.

John Spitzmiller, Applicant said he was not.

Chair Landry thought there was a copy and paste error.

Stephen Mayer said it had been addressed.

 **5:49 PM Motion: Action: Approve less the landscape depictions on the proposed elevations. Moved by Mark Mathes, Seconded by Helen McBride. Motion passed unanimously.**

2. 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).

**PRESENTATION:** Tom Reetz, Senior Planner  
Mike McCarty, Agent for the owner

**PUBLIC COMMENT:** None

#### BOARD COMMENT:

Mark Mathes said he was missing pages 3-7 of the order and asked how a non-residential project relates to a variance application versus a land development application.

Tom Reetz said he didn't understand the question.

Mark Mathes said normally for a non-residential project you need site plan approval and when you need a variance as part of that, you are required to get them through a development rezoning.

Mike Mortell, City Attorney said he didn't know why it was reversed but in the Development Department as it relates to this matter there isn't a PUD regulating this property because it's zoned B2 and as a result would require a complete zoning change to PUD and an amendment of the PUD in order to get a variance but since it's B2 and it's there they are looking for a setback variance.

Mark Mathes asked if there were any other deficiencies in the landscaping that should be addressed at this time.

Tom Reetz said the hedge is being removed because it is in the city right of way.

Mark Mathes asked if the landscaping on the property is in compliance with the city's code for a business such as this and if not is there a condition in the order that requires the landscape be brought up to code to the extent feasible.

Mike Mortell said he agreed with Mark Mathes and didn't think the applicant would have an objection to them adding that as a condition.

Mark Mathes said the upland buffer is not native and asked if the applicant can modify that without coming back to the board.

Tom Reetz said they will be held to what is on the plan.

Helen McBride asked about the parking lot that faces Kanner Hwy.

Mike McCarty said if there is any non-compliance with landscaping, they would be happy to bring it up to code.

Chair Landry asked if they put landscaping in the city ROW would the city need to maintain it?

Tom Reetz said they prefer to defer the maintenance to the property owner.

Chair Landry asked if the applicant would maintain it.

Mike McCarty said they would.



6:20 PM **Motion: Action:** Approve with the two adjustments being that they are required to amend the planting plan prior to execution of the final order to reflect compliance to the extent feasible with the City of Stuart Landscape Code and that the final order acknowledge the septic will be converted to sewer within the timeline indicated. **Moved by** Mark Mathes, **Seconded by** E. E. Griffith. Motion passed unanimously.

**STAFF UPDATE:** None

Mark Mathes mentioned the city workshop on density and asked the board members if they had any concerns with the level of variances that they granted and asked if it should be looked at by the commission instead of the Board of Adjustment.

Chair Landry said as long as staff does a thorough analysis, she's comfortable with hearing them.

Tom Reetz said there have been approximately 8 since 2002.

Karen Sayer reiterated her comments on density.

Paul Nicoletti, City Manager said if someone wants to seek a variance and pays their fee and files, it is up to the board to hear the application, so they are attempting to ask the city commission at the density workshop how they would like to handle it.

#### **ADJOURNMENT**



**6:26 PM Motion: Action: Adjourn, Moved by E. E. Griffith, Seconded by Helen McBride. Motion passed unanimously.**

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Bonnie Landry, Chair

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Michelle Vicat, Secretary

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

**Meeting Date:** 7/27/2017

**Prepared by:** Pinal Gandhi-Savdas

**Title of Item:**

Variance to permit a rear principal building setback of 6 feet 10 inches, where 20 feet is required by code to allow construction of a new two-story single family residence on a parcel located at 90 SE River Lights Court, Stuart, FL.

**Summary Explanation/Background Information on Agenda Request:**

The property is located at 90 SE River Lights Court, Stuart in the Sung Harbor West community, an area which consists of single family residential uses. The property is bounded on all sides by existing residential uses. In the rear of the subject property is the parking lot for the Four Winds on the River condominiums. The zoning on the subject property is R-3 (Single-Family) and has a Future Land Use designation of Low Density Residential. The properties surrounding the subject property has a zoning of R-3 (Single-Family) to the north and east and R-3 (Multi-family) to the south and west. The properties surrounding the subject property has a future land use designation of Low Density Residential to the north and east and Multi-family Residential to the south and west.

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 new single family residence 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 3,052 square foot single family residence may be reasonably built should the requested variance be granted. The unique configuration of the lot creates a challenge to meet the rear principal building setback. Therefore, the applicant is requested a relief from Section 2.04.01 of the City of Stuart Land Development Code pertaining to building setbacks. The request is to permit a rear building setbacks of 6 feet 10 inches, where 20 feet is required in order to construct a two-story single family residence.

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

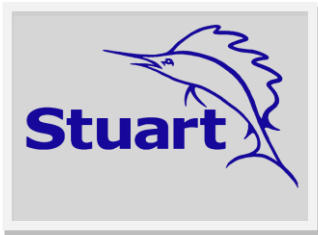
**Recommended Action:**

Consider approval of the Final Order to allow a 6 feet 10 inches rear principal building setback, where 20 feet rear yard setback is required by code to allow construction of a new two-story single family residence on a parcel located at 90 SE River Lights Court.

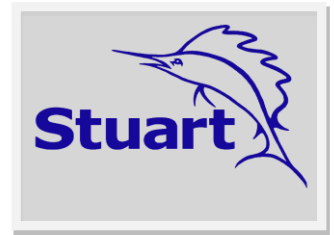
**ATTACHMENTS:**

Description	Upload Date	Type
☐ Staff Report	7/11/2017	Staff Report
☐ Attachment A - Final Order of Variance Approval	7/11/2017	Attachment

▢ Application Material	7/11/2017	Backup Material
▢ Location Maps	7/11/2017	Backup Material

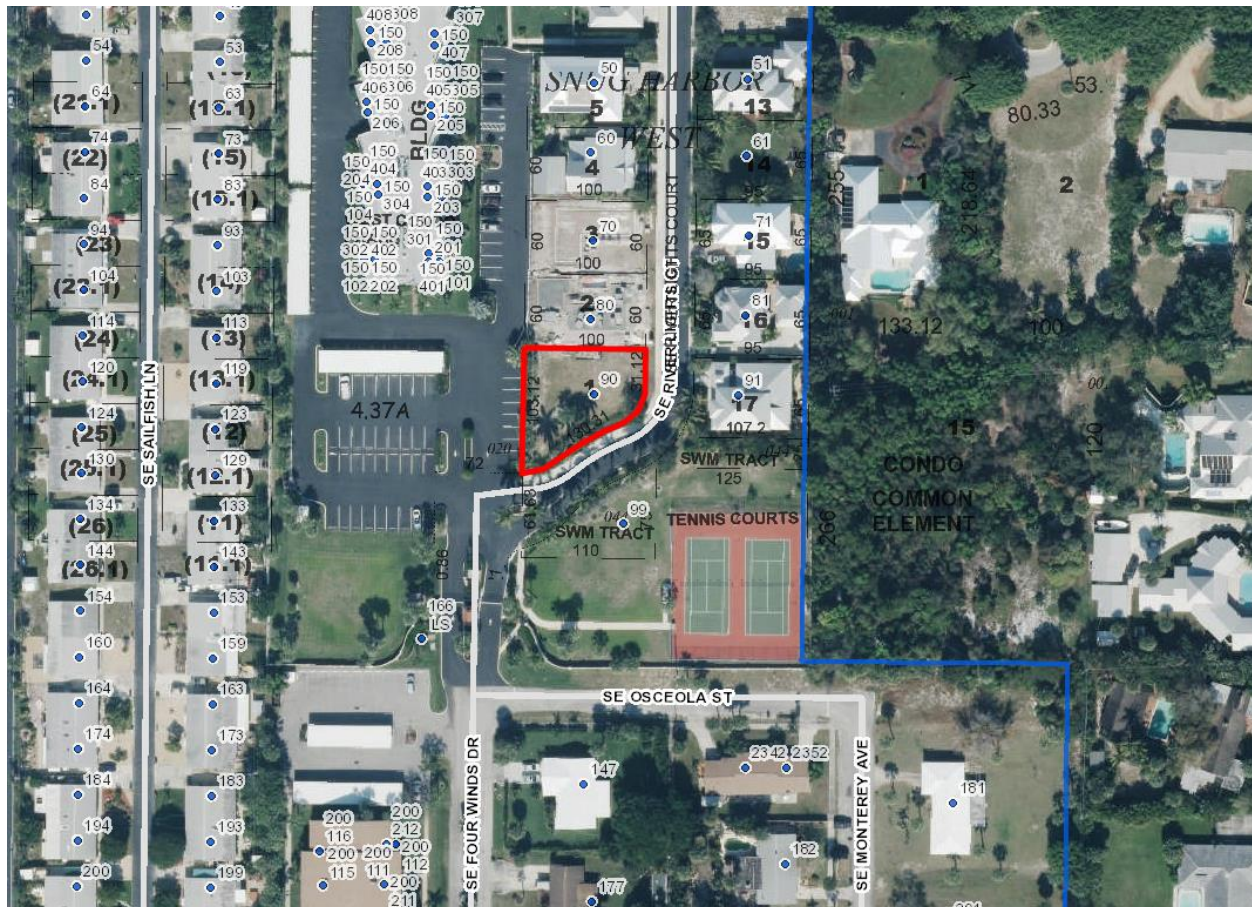


**CITY OF STUART  
BOARD OF ADJUSTMENT  
July 27, 2017**



<b>Request:</b> Variance from minimum rear building setback standards to allow construction of a single-family residence at 90 SE River Lights Court in Stuart, FL. 34994	<b>Property Owner:</b> Thomas E. O'Brien and Theresa O'Brien
<b>Project No.:</b> Z17060004	<b>Applicant/Petitioners:</b> Thomas E. O'Brien and Theresa O'Brien
<b>Location :</b> 90 SE River Lights Court	<b>Agent/Representative:</b> Terence P. McCarthy, Attorney at Law

The parcel is located on the west corner of SE River Lights Court in the Snug Harbor West community. The property is owned by Thomas and Theresa O'Brien and is currently vacant. See the aerial illustrating the subject property (bounded in red) and surroundings below:



**Detail view of the property in relation to immediate surroundings**





# 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:** July 10, 2017

**C. Mail Notice Postmark:** July 10, 2017 to owners within 300 feet.

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

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

**III. APPLICATION DATED** June 23, 2017 (Attachment B)

Variance to permit a rear principal building setback of 6 feet 10 inches, where 20 feet is required by code to allow construction of a new two-story single family residence at 90 SE River Lights Court. The following relief from the rear setback distance for the parcel is highlighted in the table below:

Land Development Regulations vs Variance Request	
R-3 (Single-Family) Zoning Requirements	Proposed Development Standards
Minimum zoning lot = 6,000 square feet	Minimum zoning lot = 7,836 square feet
Minimum lot width = 60 feet	Minimum lot width = 130.31 feet
Maximum impervious surface coverage = 50%	Maximum impervious surface coverage = 50.98%
Front setback = 25 feet (front setback can be lessened to 15 feet with construction of a porch at min. 50% of first floor street façade)	Front setback = 17 feet 10 inches (with porch)
Side setback = 8 feet	Side setback (north side) = 8 feet Side setback (south side) = 15 feet 5 inches
Rear setback = 20 feet	Rear setback = 6 feet 10 inches
Maximum height = 35 feet	Maximum height = 30 feet 6 inches

## IV. CRITERIA FOR REVIEWING VARIANCE

In accordance with Section 8.05.02. (A) and (B), “Limitations on Granting Variances”, Variances may be granted in such cases of unnecessary hardship, upon a finding by the Board of Adjustment that grant of a minimum variance to alleviate the unnecessary hardship, due to existing unique characteristics and conditions of the property, will not:

1. Authorize any use of the property that is not allowed as a permitted use or a use allowed by special exception in the district in which the property is located; and
2. Allow a density or intensity of use that exceeds the maximum density or intensity that is permitted in the district in which the property is located; and
3. Result in a verifiable reduction of the property values of any adjacent or nearby properties; and
4. Cause a detrimental effect in the supply of light and air to adjacent properties; and



5. Cause a detrimental effect with respect to drainage of the subject property as well as adjacent properties; and
6. Cause an increase of traffic on adjacent or nearby roads to levels that are not usual for the types of uses in the neighborhood; and
7. Cause any threat to public safety in any manner whatsoever; and
8. Cause any threat to the health or general welfare of the inhabitants of the City.

## **V. STAFF ANALYSIS**

### **A. Site and Area Characteristics**

The property is located at 90 SE River Lights Court, Stuart in the Sung Harbor West community, an area which consists of single family residential uses. The property is bounded on all sides by existing residential uses. In the rear of the subject property is the parking lot for the Four Winds on the River condominiums. The zoning on the subject property is R-3 (Single-Family) and has a Future Land Use designation of Low Density Residential. The properties surrounding the subject property has a zoning of R-3 (Single-Family) to the north and east and R-3 (Multi-family) to the south and west. The properties surrounding the subject property has a future land use designation of Low Density Residential to the north and east and Multi-family Residential to the south and west.

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 new single family residence 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 3,052 square foot single family residence may be reasonably built should the requested variance be granted. The unique configuration of the lot creates a challenge to meet the rear principal building setback. Therefore, the applicant is requested a relief from Section 2.04.01 of the City of Stuart Land Development Code pertaining to building setbacks. The request is to permit a rear building setbacks of 6 feet 10 inches, where 20 feet is required in order to construct a two-story single family residence.

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 allow a 6 feet 10 inches rear principal building setback, where 20 feet rear yard setback is required by code to allow construction of a new single-family residence at 90 SE River Lights Court. To ensure the proposed development will not change the existing residential character and to minimize impacts to the adjacent property, the attached final order requires the construction of a single family residence to match the size and scale 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 Final Order in light of the following:

1. Criteria for reviewing a variance (section 8.05.02);
2. Testimony from the Applicants;
3. Receipt of public comment; and
4. Suggested conditions of approval.

## **VII. ATTACHMENTS**

### **Attachment A: Final Order of Variance Approval dated July 27, 2017**

Exhibit 1: Boundary Survey and Legal Description

Exhibit 2: Development Plans

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

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

Case #Z17060004

In re: The Code Variance Application of  
**Thomas and Theresa O'Brien**  
**90 SE River Lights Court**  
**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 July 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. 8.05.01, LDC.

2. The parties were represented by **Pinal Gandhi-Savdas**, Senior Planner, and **Thomas and Theresa O'Brien**, owners, all in attendance.

3. **Pinal Gandhi-Savdas**, of the City Development Department, testified on behalf of the City that the Petitioners are **Thomas and Theresa O'Brien**, the title owners of the real property at **90 SE River Lights Court, Stuart, Florida**, (hereinafter the "Subject Property"), having a PCN #033841044000000100, and having a legal description as found within the Boundary Survey attached '**Exhibit 1**'.

4. **Pinal Gandhi-Savdas** indicated the Subject Property is located at **90 SE River Lights Court, Stuart, Florida**, and is zoned **R-3 (Single-Family)**, 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 **Thomas and Theresa O'Brien** is located at **90 SE River Lights Court**. The Subject Property shall be developed in substantial conformance with the Proposed Site Plan, Proposed Floor Plan, Proposed Elevations and Proposed Landscape Plan all prepared by Doug Calo, Custom Builder, Inc., and attached as "**Exhibit 2**" of this document.

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

**FINAL ORDER OF VARIANCE APPROVAL – O’Brien Residence – 90 SE River Lights Court**

construct single-family residence on the property, which will require a variance from the rear setback distance, and through demonstrative evidence shown in the **Proposed Site Plan**, as depicted in “**Exhibit 2**”.

7. The Petitioners requested in writing the following reductions to the minimum code requirements at the hearing to allow for a single-family residence structure:

- a. The minimum rear setback shall be reduced to 6 feet 10 inches.

8. **Pinal Gandhi-Savdas** 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 to the Proposed Site Plan, Proposed Floor Plan, Proposed Elevations and Proposed Landscape Plan by Doug Calo, Custom Builder, Inc., as depicted in “**Exhibit 2**”.
- b. The Subject Property is granted a relief from the Land Development Code as demonstrated in the table below:

<b>Land Development Regulations vs Variance Request</b>	
<b>R-3 (Single-Family) Zoning Requirements</b>	<b>Proposed Development Standards</b>
Minimum zoning lot = 6,000 square feet	Minimum zoning lot = 7,836 square feet
Minimum lot width = 60 feet	Minimum lot width = 130.31 feet
Maximum impervious surface coverage = 50%	Maximum impervious surface coverage = 50.98%
Front setback = 25 feet (front setback can be lessened to 15 feet with construction of a porch at min. 50% of first floor street façade)	Front setback = 17 feet 10 inches (with porch)
Side setback = 8 feet	Side setback (north side) = 8 feet Side setback (south side) = 15 feet 5 inches
<b>Rear setback = 20 feet</b>	<b>Rear setback = 6 feet 10 inches</b>
Maximum height = 35 feet	Maximum height = 30 feet 6 inches

9. Construction in substantial conformance with the Proposed Site Plan, Proposed Floor Plan, Proposed Elevations and Proposed Landscape Plan by Doug Calo, Custom Builder, Inc., and attached as “**Exhibit 2**” of this document, along with all other required documents for permitting, shall be submitted for Building Permit review. The building permit documents shall ensure there is no storm water run-off on adjacent properties.

10. If construction is not permitted, built and final inspection performed by **July 27, 2018**, the variance relief granted in this Final Order shall be void.

**FINAL ORDER OF VARIANCE APPROVAL – O’Brien Residence – 90 SE River Lights Court**

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 July, 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 – O'Brien Residence – 90 SE River Lights Court**

**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: \_\_\_\_\_

THOMAS E. O'BRIEN,  
Owner

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness #2:

THERESA O'BRIEN,  
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

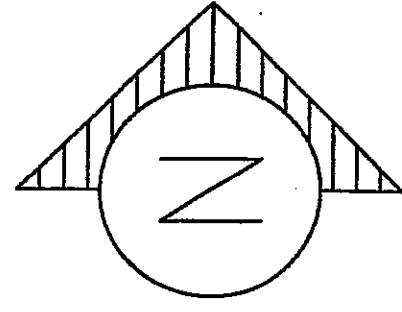
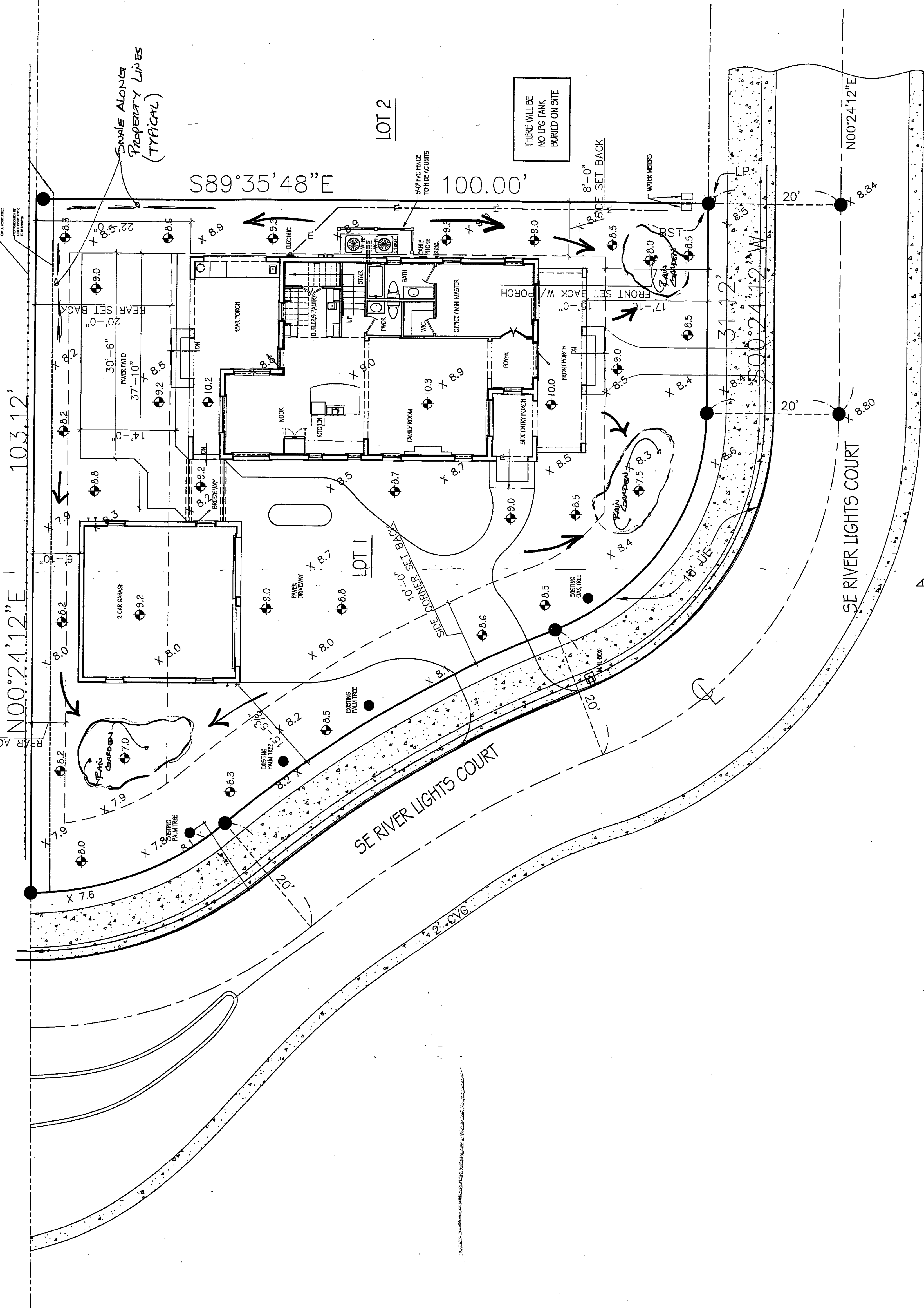
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_ Type of ID \_\_\_\_\_

## 'Exhibit 1' Boundary Survey

Page 5 of 6



CONDO PARKING LOT



SITE PLAN

SCALE: 1/8" = 1'-0"

PERVIOUS vs IMPERVIOUS	
TOTAL BUILDING AREA:	2386 sf
PAVER- DRIVE / PATIO / FRONT WALK (EST.)	1609 sf
TOTAL IMPERVIOUS AREA:	3995 sf
TOTAL LOT AREA (PERVIOUS):	7836 sf
PERCENT OF LOT COVERAGE:	50.98 %

AREA CALCULATION

FIRST FLOOR UNDER AIR:	1209 sf
SECOND FLOOR UNDER AIR (possible):	1267 sf
GUEST SUITE:	576 sf
TOTAL CONDITIONED LIVING AREA:	3052 sf
GARAGE:	
FRONT PORCH:	576 sf
FRONT BALCONY:	267 sf
REAR PORCH:	201 sf
REAR BALCONY:	334 sf
REAR PORCH:	349 sf
TOTAL UNCOND'D BUILDING AREA:	1727 sf
TOTAL BUILDING AREA:	4779 sf
FRONT WALK PAVERS W/ EASEMENT (EST.)	142 sf
DRIVEWAY PAVERS W/ EASEMENT (EST.)	1131 sf
PATIO PAVERS (ESTIMATED)	556 sf
TOTAL PAVERS W/ EASEMENT (EST.) AREA:	1869 sf

ISSUE:

08-12-17 INITIAL REVIEW

DOUG CALO  
CUSTOM BUILDER, INC.  
CNC 060206  
dougc@dougc.com  
cell 561-262-3800

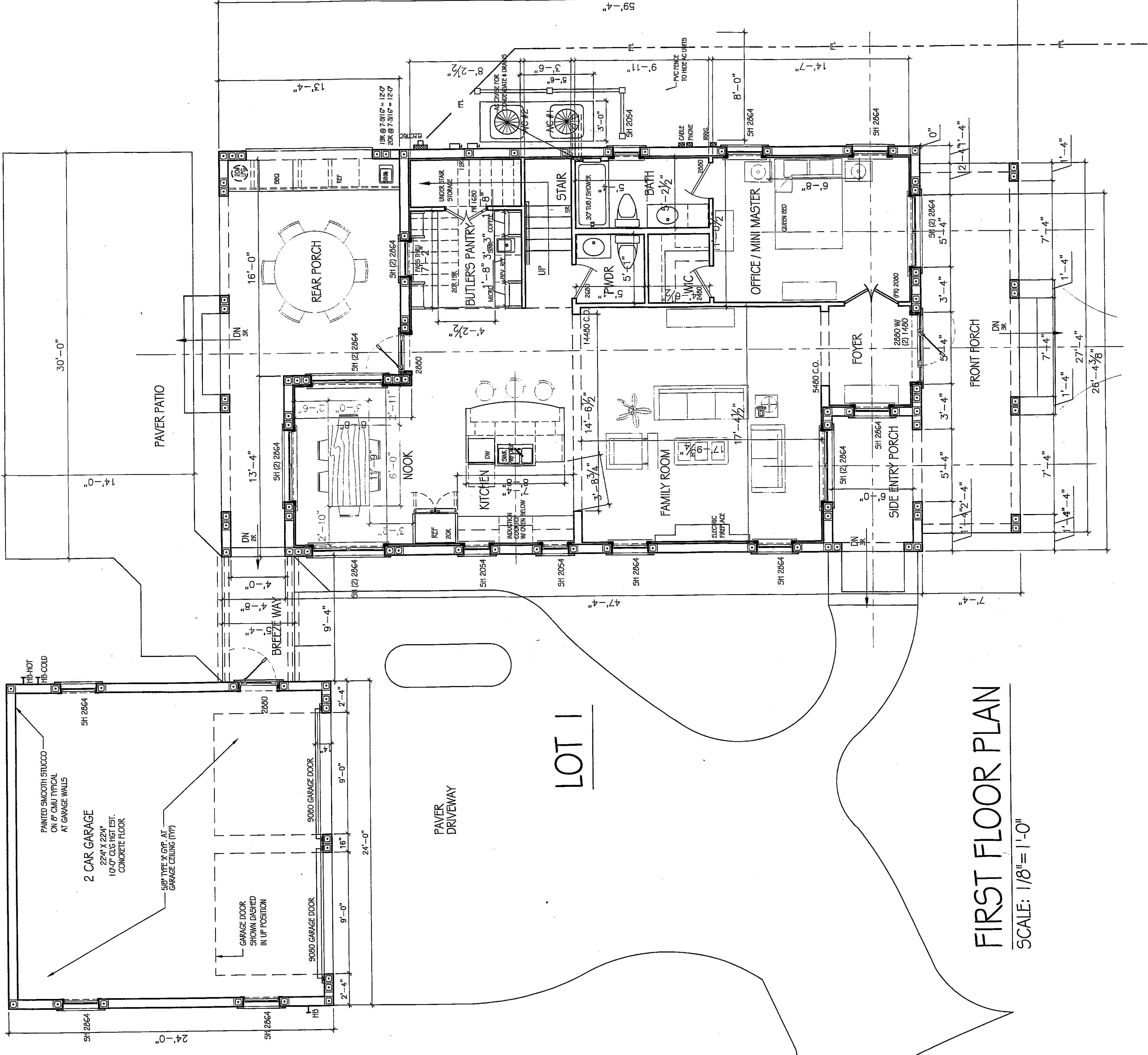
DRAINAGE  
SITE PLAN  
1/8" = 1'-0"

O'BRIEN  
CUSTOM HOME  
90 SE RIVER LIGHTS COURT  
STUART, FL

SP1

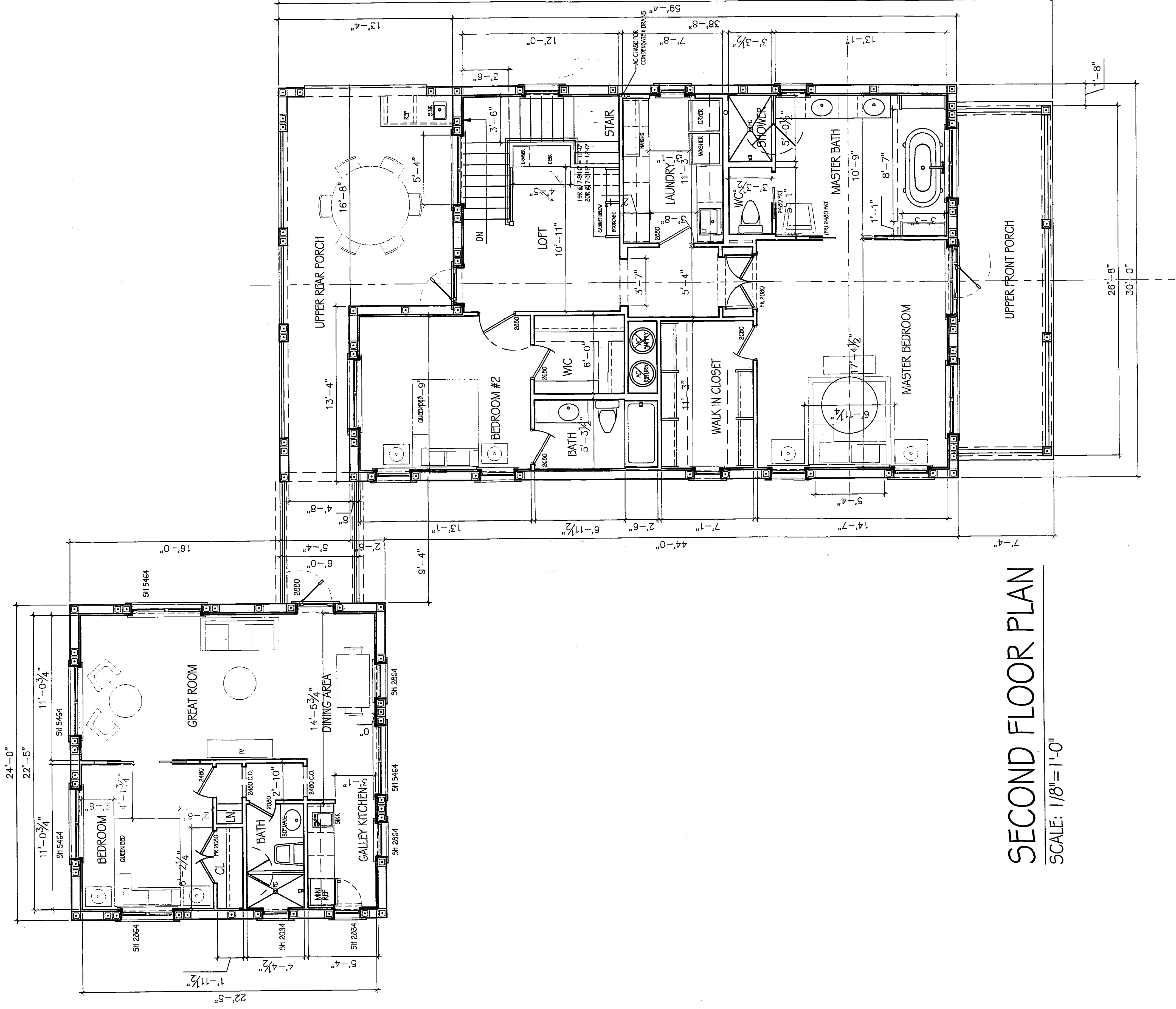
EXHIBIT 2





# FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



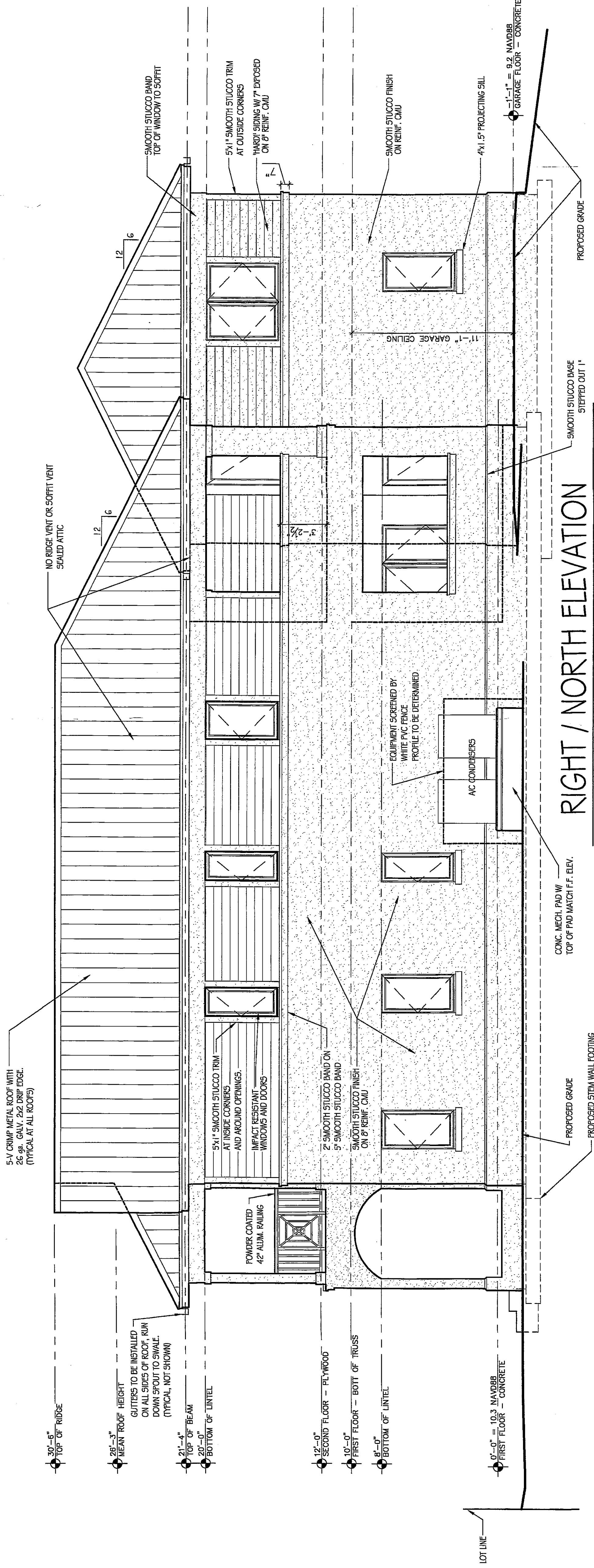
## SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



REAR / WEST ELEVATION

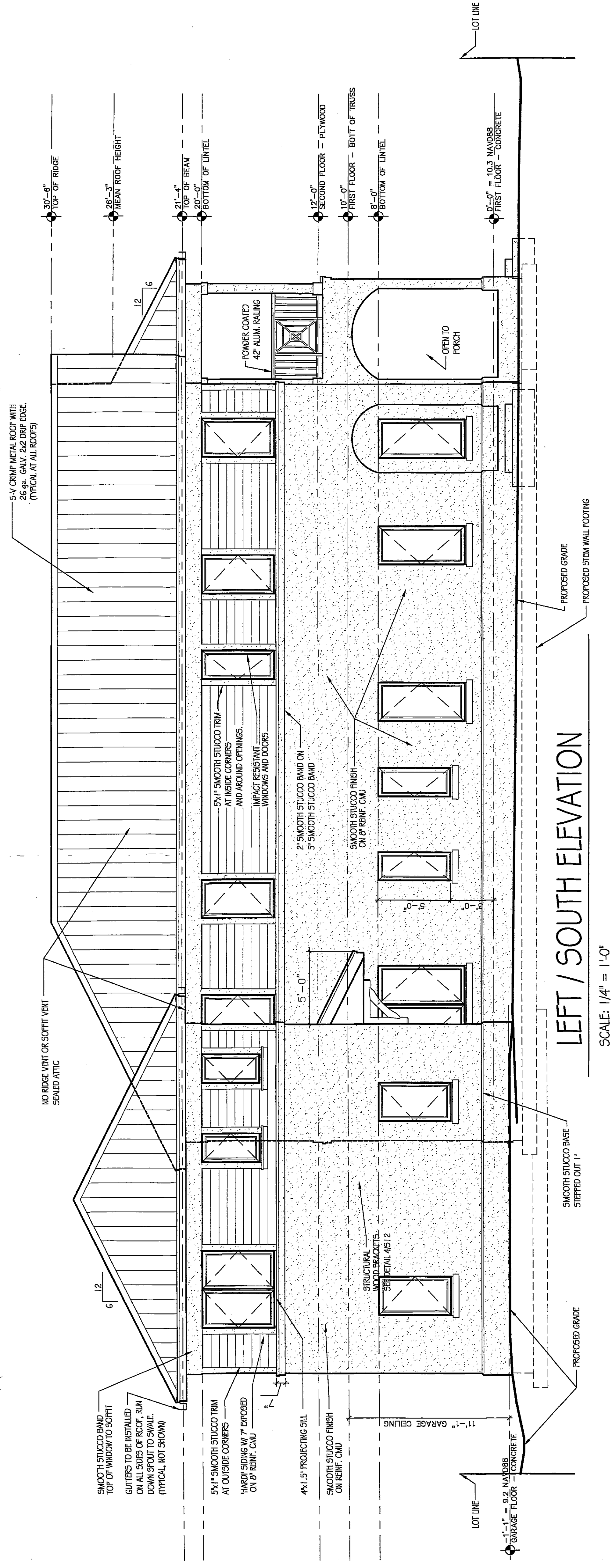
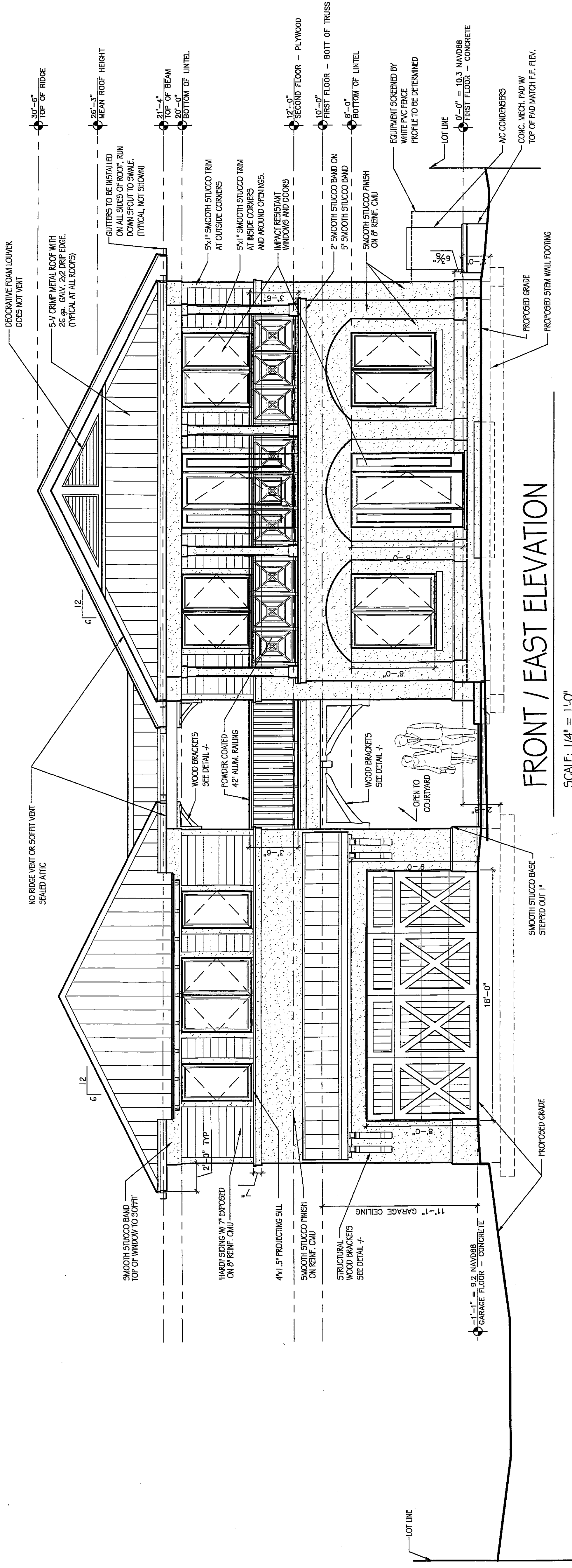
SCALE: 1/4" = 1'-0"



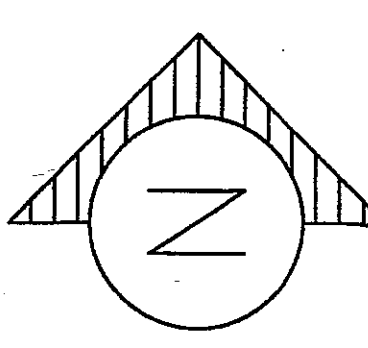
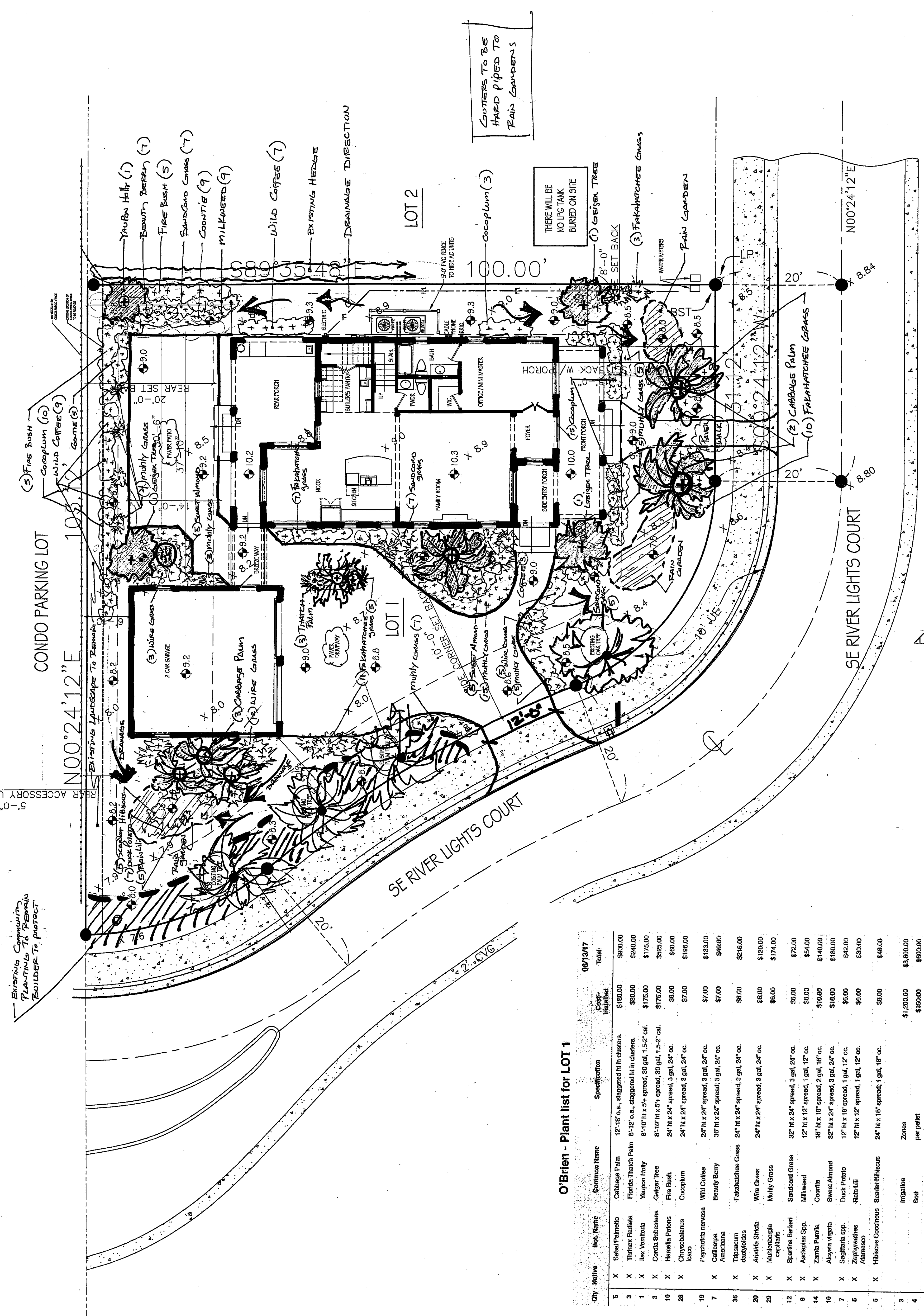
RIGHT / NORTH ELEVATION

SCALE: 1/4" = 1'-0"





KRUEGER PARK  
PLAT BOOK 1, PAGE 25



SITE PLAN  
SCALE: 1/8" = 1'-0"

O'Brien - Plant list for LOT 1

Qty	Native	Bot. Name	Common Name	Specification	Cost/Installed	Total
5	X	Sabal Palmetto	Cabbage Palm	12'-18" o.a., staggered in clusters.	\$180.00	\$900.00
3	X	Thrinax Parlati	Florida Thatch Palm	8'-12" o.a., staggered in clusters.	\$180.00	\$540.00
1	X	Illex Vomitoria	Yaupon Holly	8'-10" H x 5' spread, 30 gal, 1.5-2" cal.	\$300.00	\$300.00
3	X	Cordia Sebestena	Gedgar Tree	8'-10" H x 5' spread, 30 gal, 1.5-2" cal.	\$175.00	\$525.00
10	X	Hemelia Palms	Fire Bush	24" H x 24" spread, 3 gal, 24" oc.	\$3.00	\$30.00
28	X	Chrysobalanus	Cocoplum	24" H x 24" spread, 3 gal, 24" oc.	\$7.00	\$196.00
19		Psychotria nervosa	Wild Coffee	24" H x 24" spread, 3 gal, 24" oc.	\$7.00	\$133.00
7	X	Calliandra Americana	Beauty Berry	36" H x 24" spread, 3 gal, 24" oc.	\$7.00	\$49.00
38	X	Tillandsia dactyloides	Fakahatchee Grass	24" H x 24" spread, 3 gal, 24" oc.	\$5.00	\$190.00
20	X	Andropogon distachyoides	Wire Grass	24" H x 24" spread, 3 gal, 24" oc.	\$6.00	\$120.00
29	X	Muhlenbergia capillaris	Muhly Grass	24" H x 24" spread, 3 gal, 24" oc.	\$6.00	\$174.00
12	X	Spartina Barkeri	Sandcord Grass	32" H x 24" spread, 3 gal, 24" oc.	\$6.00	\$72.00
9	X	Asclepias Spp.	Milkwed	12" H x 12" spread, 1 gal, 12" oc.	\$5.00	\$45.00
14	X	Zamia Palm	Coontie	18" H x 18" spread, 2 gal, 18" oc.	\$10.00	\$140.00
10		Alyssa virgata	Sweet Almond	32" H x 24" spread, 3 gal, 24" oc.	\$18.00	\$180.00
7	X	Sagittaria spp.	Duck Potato	12" H x 18" spread, 1 gal, 12" oc.	\$6.00	\$42.00
5	X	Zephyranthes Adnascio	Rain Lill	12" H x 12" spread, 1 gal, 12" oc.	\$6.00	\$30.00
5	X	Hibiscus Coccineus	Scarlet Hibiscus	24" H x 18" spread, 1 gal, 18" oc.	\$8.00	\$40.00
3			Irrigation	Zones	\$1,200.00	\$3,600.00
4			Soil	per pallet	\$150.00	\$600.00
320			Earthwise Mulch		\$2.50	\$800.00
					Total Landscape Cost	\$9,546.00



June 27, 2017

**VIA HAND-DELIVERY**

City of Stuart  
121 SW Flagler Avenue  
Stuart, FL 34994

Attn: **Pinal Gandhi-Savdas**  
**Community Development Specialist**

Dear Pinal:

Enclosed please find the variance application for Mr. & Mrs. Thomas O'Brien regarding their property located in Snug Harbor West. I have also enclosed their check made payable to the city in the amount of \$819.20.

I have enclosed herewith a graphic depiction of the house and detached garage that Mr. & Mrs. O'Brien intend to build on their property. You will note from the aerial photograph that I have enclosed, that this vacant lot is surrounded on three sides by pavement. The unique configuration of the lot and the surrounding use creates a challenge for any home to be built on this property. Mr. & Mrs. O'Brien have located the main house and the two-story detached garage in the most appropriate location considering all of the unusual circumstances.

In order to accomplish this construction, Mr. & Mrs. O'Brien will need a variance from the requirements of Section 6.09.02.C.1 and E.2 and 3 of the City Land Development Code.

Mr. & Mrs. O'Brien would like to start on the construction of their home as soon as possible so anything you can do to expedite this matter would certainly be appreciated.

In addition, after your review of these materials, should you have any questions or concerns, please don't hesitate to call.

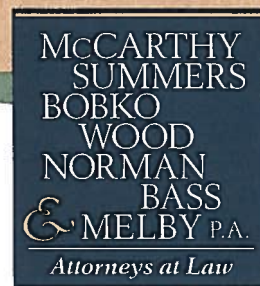
Very truly yours,

  
Terence P. McCarthy

TPM/rww

[tpm@mccarthysummers.com](mailto:tpm@mccarthysummers.com)

cc: Mr. & Mrs. Thomas O'Brien



Terence P. McCarthy \*

Robert P. Summers \*

Noel A. Bobko †

Steven J. Wood \*\*

Kenneth A. Norman

Kathryn C. Bass

Nicola J. Boone Melby \*\*\*

Owen Schultz

Margaret E. Wood

Donna R. McMillan

Jessica M. VanValkenburgh

\*Board Certified  
Real Estate Lawyer

\*\*Board Certified Wills,  
Trusts & Estates Lawyer

\*\*\*Board Certified  
Elder Law Lawyer

†Supreme Court  
Certified Circuit  
Family Mediator



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: June 23, 2017
Project Name: Mr. & Mrs. Thomas O'Brien	
Parcel ID#	Project Address: 90 SE River Lights Court
Zoning/CRA Sub-district: R3	Stuart, FL 34994
Subdivision: Snug Harbor West	Lot(s): 1
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"><li>1. Does not increase or enlarge the density, intensity of use, footprint, or any dimension of the overall plan by more than five percent; and</li><li>2. Does not increase or enlarge the exterior "footprint" of commercial, industrial or multi-family residential buildings by more than 1,000 square feet of building, or more than 1,000 square feet of additional impervious area; or</li><li>3. Does not increase or enlarge the "footprint" of single family or small multi-family (four or fewer dwelling units) buildings by more than 360 square feet of building, or no more than 360 square feet of additional impervious area is requested; and</li><li>4. Where the scope and intent of any variance approved by the board of adjustment, or scope and intent of any site plan previously approved by the city commission is not violated.</li></ol>	
<b>Submittal Requirements:</b> 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.	
<b>Approving Authority:</b> The Development Director is required to prepare a staff report and recommendation concerning this application for the Board of Adjustment (BOA) public hearing.	
<b>Justification:</b> Please provide justification supporting the request for a variance (include additional pages if needed).	

(over)

# General Information

(Please Print or Type)

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

Name:	Thomas & Theresa O'Brien
Title:	
Company:	
Company Address:	90 SE River Lights Court

City/State/Zip Code:	Stuart, FL 34994
Telephone Number:	
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:	Terence P. McCarthy, Esq.
Title:	Attorney at Law
Company:	McCarthy, Summers, Bobko, Wood, Norman, Bass & Melby, P.A.
Company Address:	2400 SE Federal Highway, 4th Floor

City/State/Zip Code:	Stuart, FL 34994
Telephone Number:	772-286-1700
Facsimile Number:	772-283-1803
Email Address (optional):	tpm@mccarthysummers.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:	Thomas & Theresa O'Brien
Title:	
Company:	
Company Address:	90 SE River Lights Court

City/State/Zip Code:	Stuart, FL 34994
Telephone Number:	
Facsimile Number:	
Email Address (optional):	

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

4. Signed this 23rd day of June, 2017

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

NS Odean  
State of Florida, Martin County The foregoing instrument was acknowledged before me on this 23rd day of June 2017 by Thomas O'Brien and Theresa O'Brien who are personally known to me, or who has produced

Barbara Golla as identification and who did/did not take an oath.

  
Notary Signature

Commission expires: 4/2022



A New Residence for

Mr. & Mrs. O'Brien  
90 SE River Lights Ct.  
Stuart, FL



DOUG CALO CUSTOM BUILDER

5646 SE Lamoy Drive  
Stuart, FL 34995

SCHEMATIC DESIGN  
SUBMITTAL

March 25, 2017

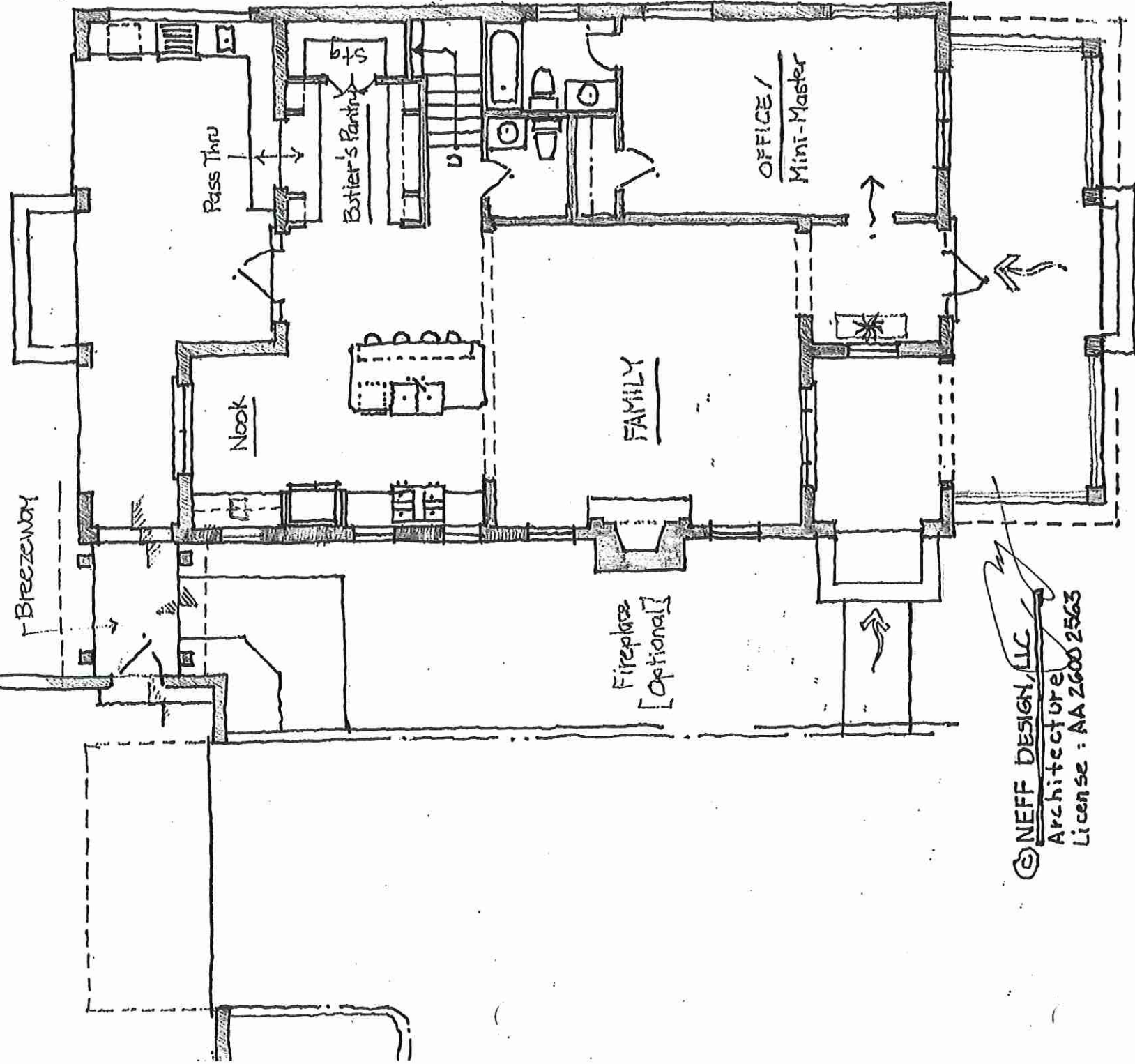
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1

M617-011 CURRENT 3-25-17

O'Brien Residence

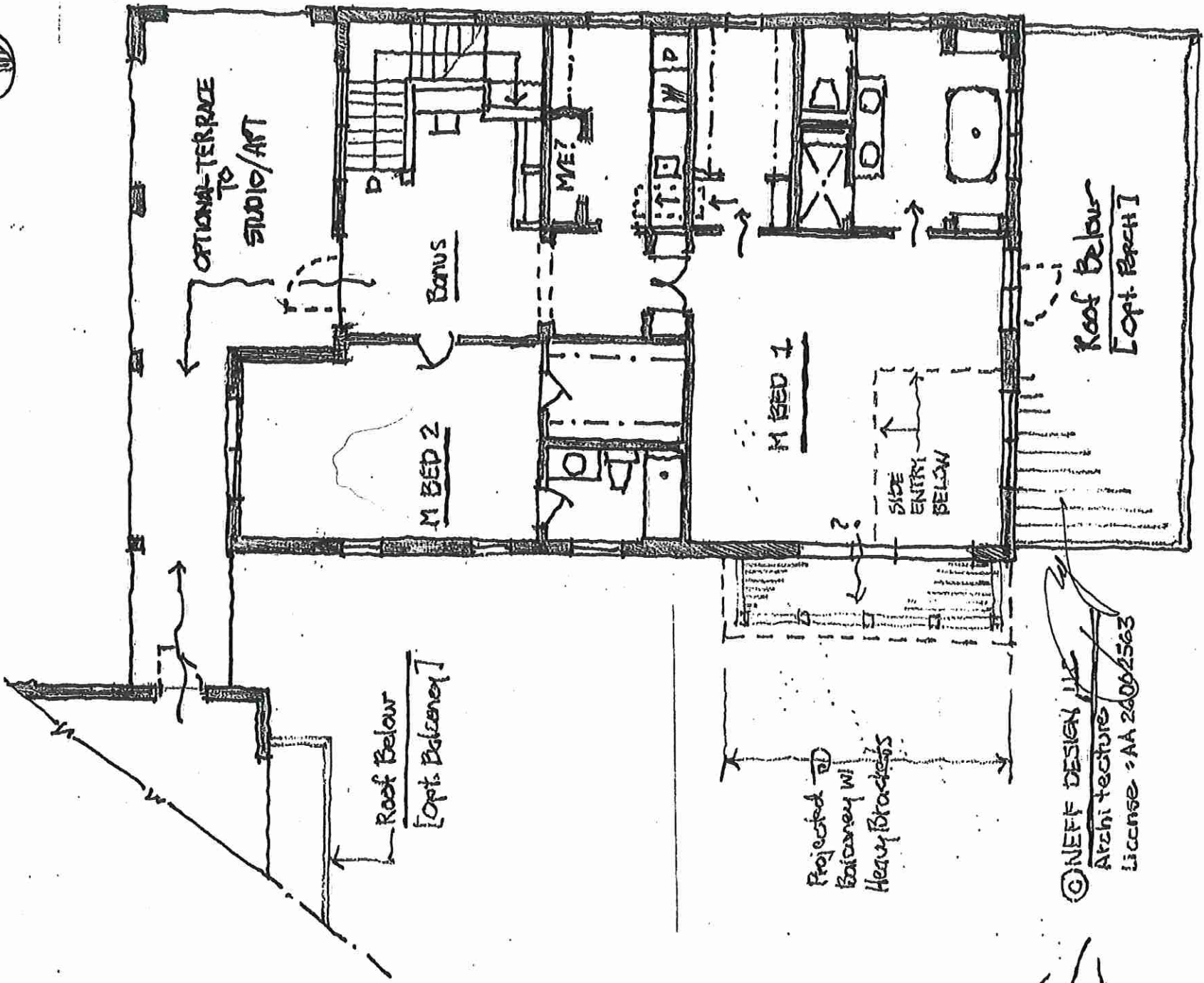


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Architecture  
License : AA 2600 2563



MGT. OIL CURRENT 3-25-17

O'Brien Residence



Roof Below  
[Opt. Balcony]

M BED 1

M BED 2

Bonus

OPTIONAL TERRACE  
TO  
STUDIO/ART

Roof Below  
[Opt. Porch]

Projected  
Balcony w/  
Heavy Brackets

SIDE  
ENTRY  
BELOW

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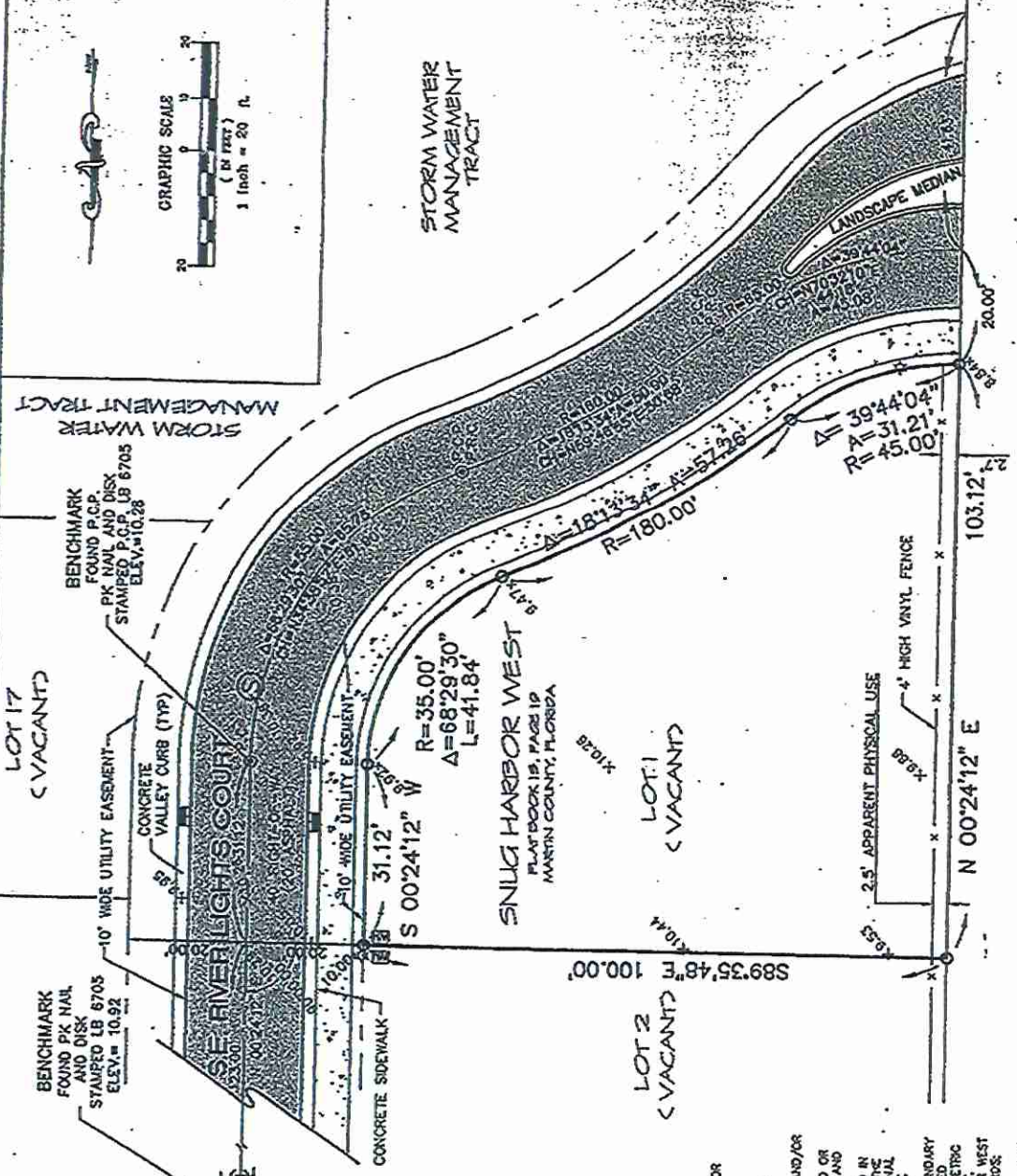
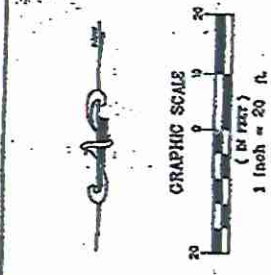


# LEGEND

- CENTER LINE
- △ EXISTING ELEVATION
- PERMANENT CONTROL POINT
- ⊕ LIGHT POLE
- ▬ CONCRETE
- ▬ ASPHALT
- ▬ WATER WETTER
- ▬ STORM INLET
- SANITARY SEWER MANHOLE
- SET 5/8" IRON REBAR & PLASTIC CAP STAMPED "LB 6703"
- FOUND PK NAIL AND DISK LABELED "LB 6703"
- POINT OF CURVATURE
- POINT OF REVERSE CURVATURE
- LAND SURVEYOR BUSINESS
- △ LS
- △ DELTA (CENTRAL ANGLE)
- △ ARC LENGTH
- △ RADIUS
- △ CHORD
- △ TYPICAL

LOT 17  
(VACANT)

STORM WATER  
MANAGEMENT TRACT



STORM WATER  
MANAGEMENT  
TRACT

SNUG HARBOR WEST  
PLAT BOOK 15, PAGE 19  
MARTIN COUNTY, FLORIDA

LOT 1  
(VACANT)

LOT 2  
(VACANT)

## SURVEYOR'S NOTES:

- THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY AS DEFINED IN CHAPTER 61017-6.002(6), FLORIDA ADMINISTRATIVE CODE.
- THIS SURVEY IS NOT INTENDED TO LOCATE ANY UNDERGROUND UTILITIES OR OTHER UNDERGROUND IMPROVEMENTS. HOWEVER, VISIBLE ABOVE GROUND EVIDENCE OF UNDERGROUND UTILITIES WERE LOCATED AND ARE SHOWN ON THIS SURVEY.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, TITLE CURATIVE ACT, RECORDS OF EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP THAT WERE FURNISHED TO THE SURVEYOR AND SHOWN.
- THE LAND BOUND BY THIS SURVEY MAY BE SUBJECT TO EASEMENTS, UNRECORDED EASEMENTS, RIGHTS-OF-WAY, CONVEYANCES, RESTRICTIONS AND RESERVATIONS OTHER THAN THOSE SHOWN HEREON.
- THE EXPECTED USE OF THE LAND BOUND BY THIS SURVEY, AS CLASSIFIED IN THE FLORIDA ADMINISTRATIVE CODE, CHAPTER 61017-6.002(6), FLORIDA ADMINISTRATIVE CODE, IS "LAND SURVEYING".
- THE SURVEY WAS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND LAND SURVEYORS, CHAPTER 61017-6.002(6), FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 61017-6.002(6), FLORIDA ADMINISTRATIVE CODE, WITH THE USUAL RELATIVE DISTANCE ALLOCATED TO THE BOUNDARY SURVEY TO BE 1 FOOT IN 2,500 FEET (1:2,500).
- THE BEARING BASE FOR THIS SURVEY IS THE EAST LINE OF SNUG HARBOR WEST PLAT BOOK 15, PAGE 19, MARTIN COUNTY PUBLIC RECORDS.
- THE BEARING BASE FOR THIS SURVEY IS THE EAST LINE OF SNUG HARBOR WEST PLAT BOOK 15, PAGE 19, MARTIN COUNTY PUBLIC RECORDS.
- BEARINGS SHOWN ARE BOTH OBSERVED (MEASURED) AND PLAT (CALCULATED) UNLESS OTHERWISE NOTED.
- THE ELEVATIONS SHOWN ON THIS SURVEY ARE BASED ON M.C.V.O. OF 1929, RETRIEVED WITH BENCHMARKS.
- THIS SURVEY IS LOCATED IN PLAT BOOK 15, PAGE 19, MARTIN COUNTY PUBLIC RECORDS. THE SURVEY IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED. THE SURVEY IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED. THE SURVEY IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED.

CERTIFIED TO:  
JUAN CARLOS GACHIGO, SR. AND SUSANA GACHIGO, HUSBAND AND WIFE  
ALLEY, MASS, ROGERS & LINDSEY P.A.  
ATTORNEYS' TITLE INSURANCE FUND, INC.

LEGAL DESCRIPTION:  
LOT 1, SNUG HARBOR WEST, AS RECORDED IN PLAT BOOK 15, PAGE 19, PUBLIC RECORDS MARTIN COUNTY, FLORIDA.

HERBERT E. YANCHI, P.E.M.  
FLORIDA LICENSE NO. 15, 0004274  
CORRELATION CERTIFICATE OF AUTHORIZATION NO. LB 6703  
DATE OF SURVEY: 10/24/02  
DATE OF SIGNATURE: 10/24/02  
PROFESSIONAL SURVEYOR AND MAPPER  
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ENGINEERS  
INC.  
GREEN ENGINEERS, INC.  
2000 N. W. 10TH AVE., SUITE 100  
FORT LAUDERDALE, FL 33304  
TEL: 352-455-1111  
FAX: 352-455-1112  
WWW.GREENENGINEERS.COM

DATE	10/24/02
DRAWN BY	RAJ
CHECKED BY	RAJ
SURVEY DATE	OCTOBER 10, 2002
SCALE	1" = 20'
PROJECT	LOT 1, SNUG HARBOR WEST
FILE NO.	01-24

BOUNDARY AND  
TOPOGRAPHIC SURVEY  
LOT 1, SNUG HARBOR WEST

DATE: 10/24/02  
DRAWN BY: RAJ  
CHECKED BY: RAJ  
SURVEY DATE: OCTOBER 10, 2002  
SCALE: 1" = 20'  
PROJECT: LOT 1, SNUG HARBOR WEST  
FILE NO.: 01-24

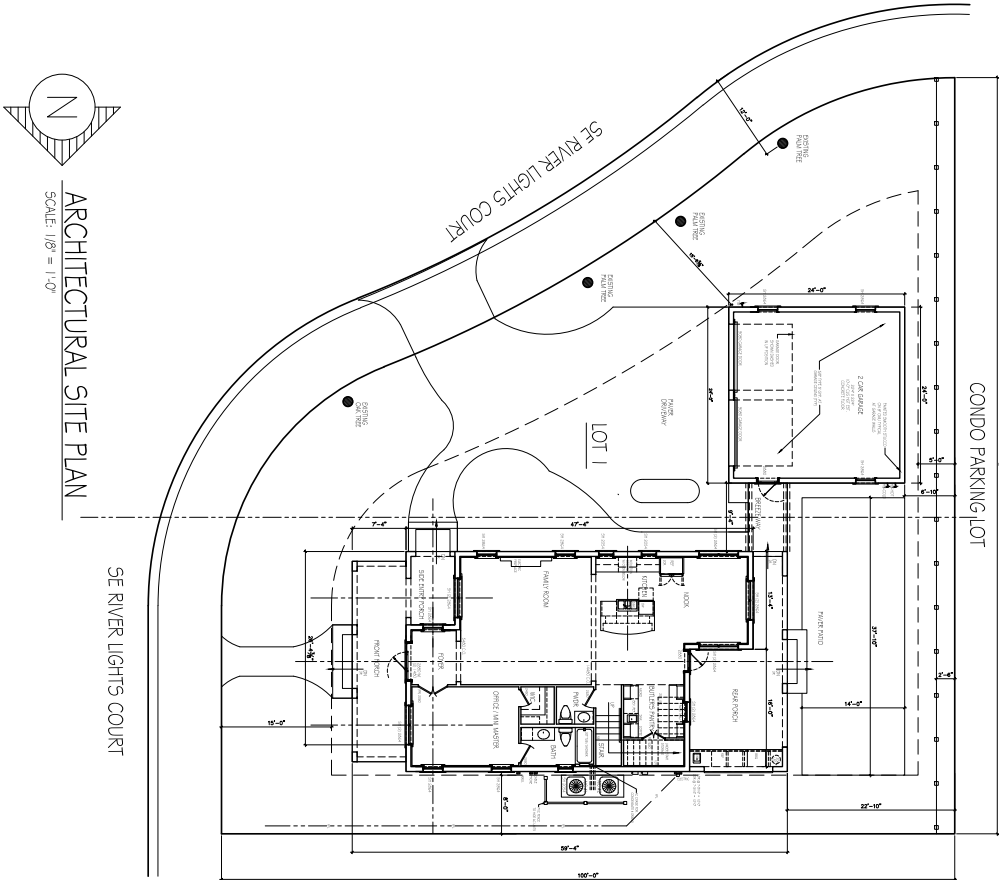
DATE: 10/24/02  
DRAWN BY: RAJ  
CHECKED BY: RAJ  
SURVEY DATE: OCTOBER 10, 2002  
SCALE: 1" = 20'  
PROJECT: LOT 1, SNUG HARBOR WEST  
FILE NO.: 01-24

PERVIOUS VS IMPERVIOUS	
TOTAL BUILDING AREA:	2386 sf
PAVING, DRIVE / PATIO / FRONT YARD, ETC.):	1708 sf
TOTAL IMPERVIOUS AREA:	4174 sf
TOTAL LOT AREA PERVIOUS:	7886 sf
PERCENT OF LOT COVERPAGE:	53.3 %

AREA CALCULATION	
FIRST FLOOR UNDER ARE:	1209 sf
SECOND FLOOR UNDER ARE (approx):	1267 sf
GUEST SUITE:	576 sf
TOTAL CONDITIONED LIVING AREA:	3052 sf
GARAGE:	
FRONT PORCH:	576 sf
FRONT BALCONY:	267 sf
REAR PORCH:	201 sf
REAR BALCONY:	201 sf
SEMI BALCONY:	338 sf
TOTAL UNCONDITIONED BUILDING AREA:	1727 sf
TOTAL BUILDING AREA:	4779 sf
FRONT YARD PAVING (ESTIMATED)	102 sf
DRIVWAY PAVING (ESTIMATED)	550 sf
PATIO PAVING (ESTIMATED)	1156 sf

X 1.150 Mf = 5 716.850



ARCHITECTURAL SITE PLAN

SCALE: 1/8" = 1'-0"

PRELIMINARY

SP1

CUSTOM HOME  
O'BRIEN  
90 SE RIVER LIGHTS COURT  
STUART, FL

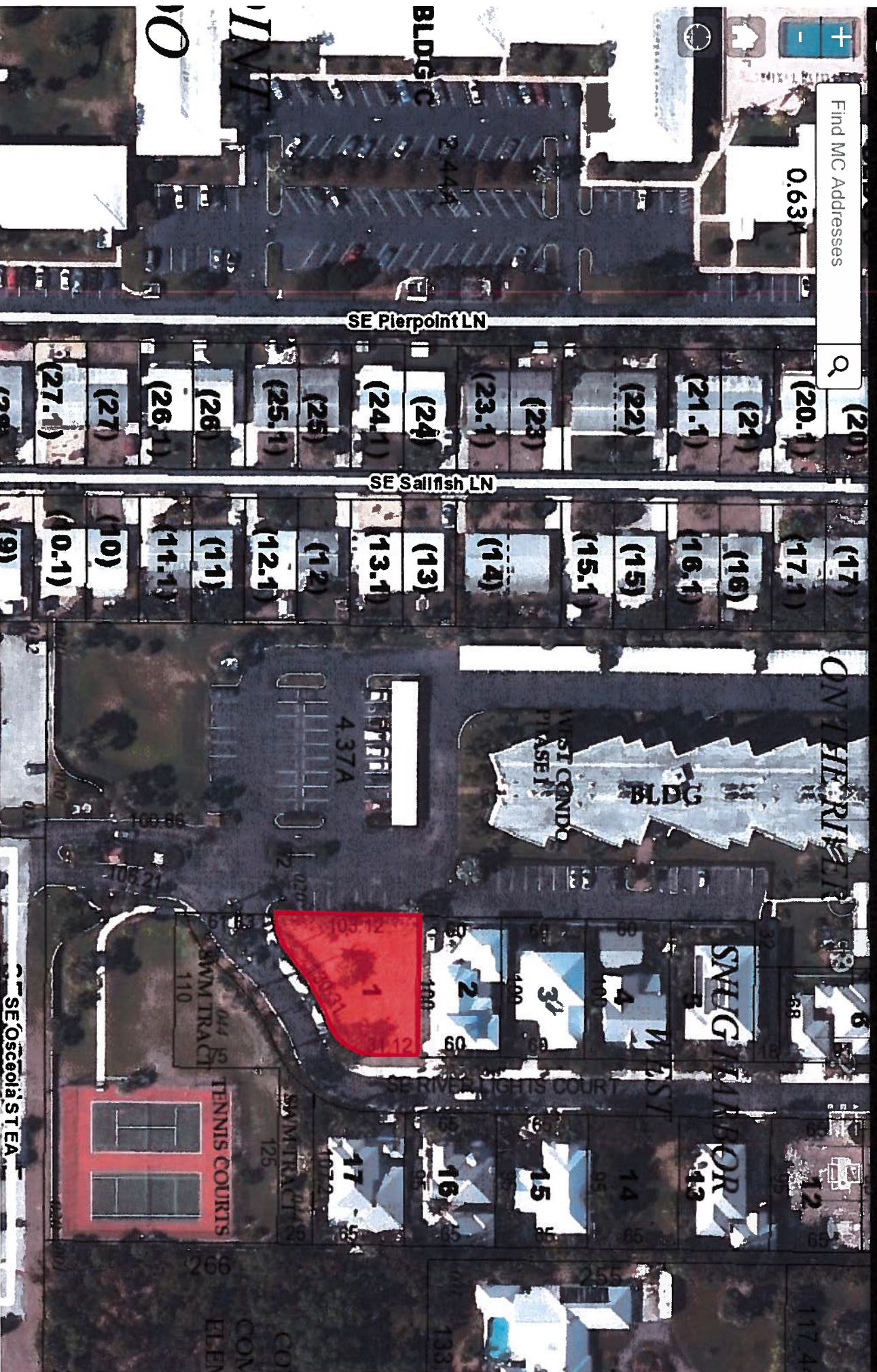
PRELIMINARY SITE PLAN  
1/8" = 1'-0"

DOUG CALO  
CUSTOM BUILDER, INC.  
CNC 060306  
doug@dougcalo.com  
cell 561-262-3800

ISSUE:  
3-1-17 PRE PRCOA

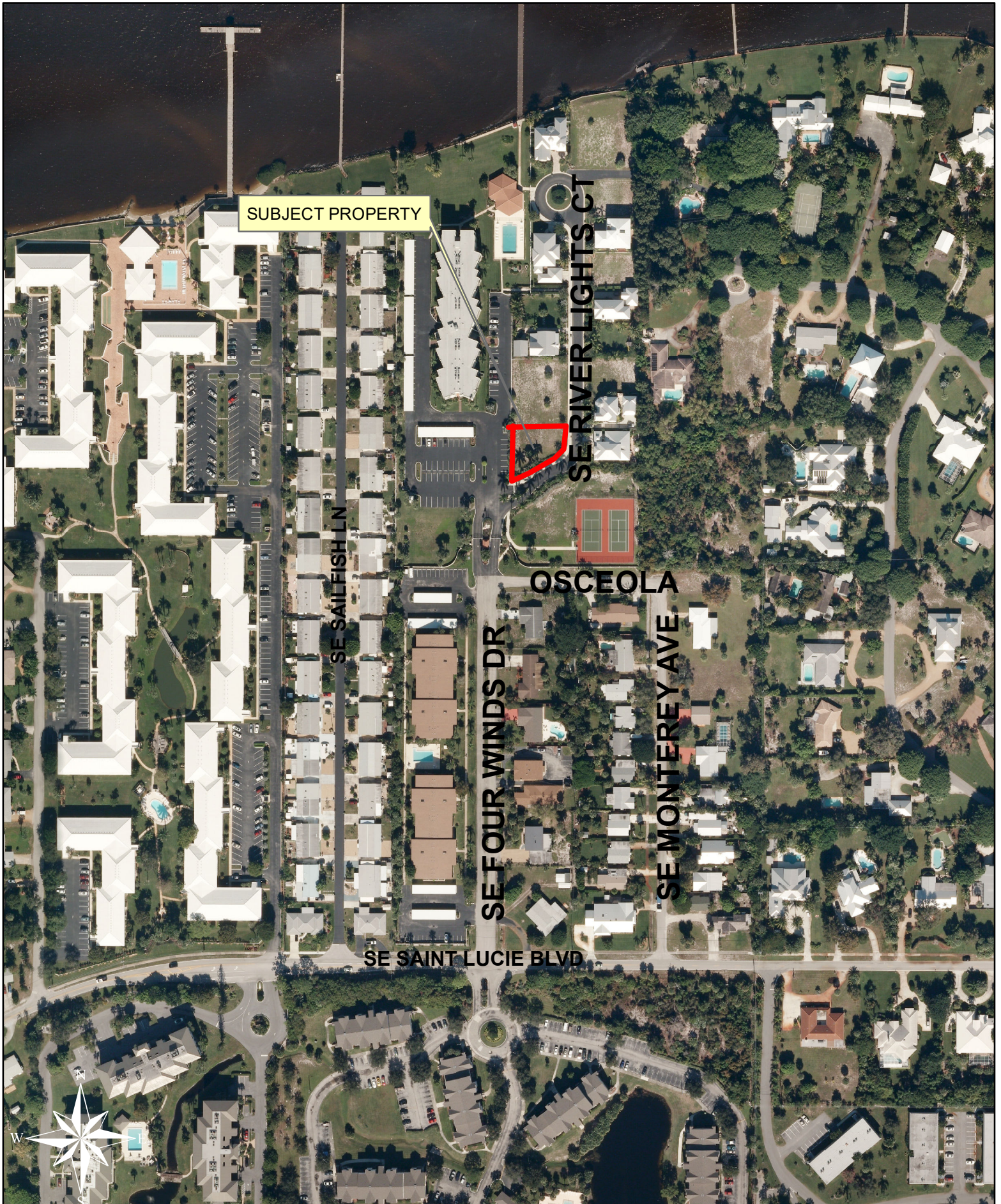


Find MC Addresses



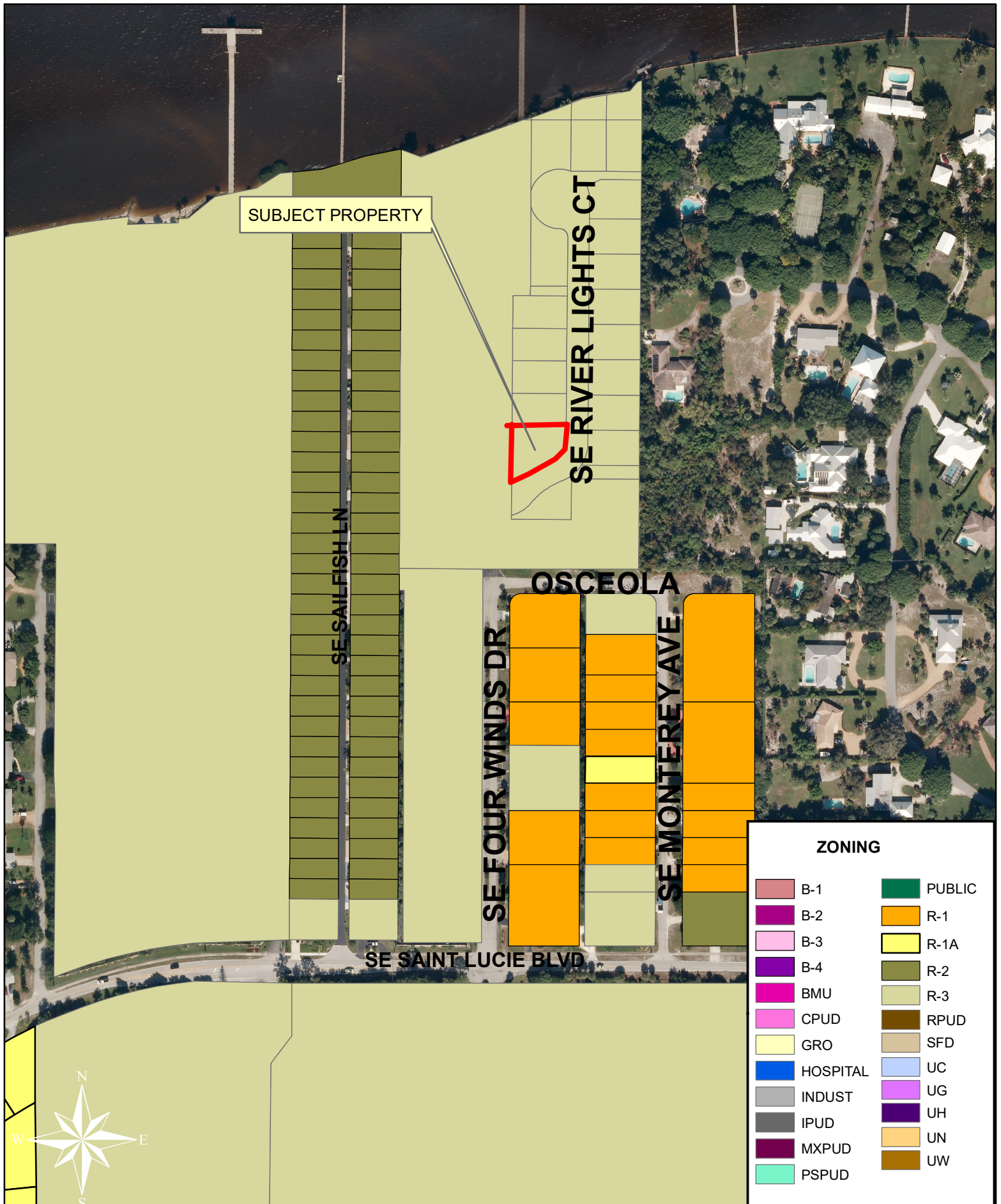


# AERIAL





# ZONING MAP





# FUTURE LAND USE MAP

