

BEFORE THE BOARD OF ZONING ADJUSTMENT
TOWN OF SEWALL'S POINT, FLORIDA

RESOLUTION NO. 76-1

RE: APPLICATION FOR VARIANCE TO
TOWN OF SEWALL'S POINT
ZONING ORDINANCE

Lot 4, Block D, AMENDED PLAT OF HOMEWOOD, according to the Plat thereof, recorded in Plat Book 3, Page 35, Public Records of Martin County, Florida.

WHEREAS, JAMES F. LITTMAN, as Attorney for Mr. and Mrs. Richard Beck, the owners of the above described real property, applied to the Town of Sewall's Point for a variance to allow construction of a swimming pool and screen enclosure within forty (40) feet of the center line of North Ridgeview Road, which would not comply with Section V, Paragraph F.3. of Ordinance No. 65 of the Town of Sewall's Point; and

WHEREAS, notice of the public hearing on the variance application was duly published and mailed in accordance with the provisions of the Charter and Ordinances of the Town of Sewall's Point and the laws of the State of Florida, and a public hearing thereon was duly held on October 4, 1976, at 7:30 P.M. at the Town Hall of the Town of Sewall's Point; and

WHEREAS, the public hearing was duly held on October 4, 1976, and all five members of the Board of Zoning Adjustment of the Town of Sewall's Point were in attendance; and

WHEREAS, the Board of Zoning Adjustment having considered the application for variance as presented at the public hearing by James F. Littman, Attorney for Mr. and Mrs. Richard Beck, and having considered the written comments from adjoining property owners with respect to the requested variance and comments from those in attendance at the public hearing, denied the request for variance on a vote of one member of the Board in favor of the variance and four members opposed to the variance;

NOW THEREFORE, be it resolved by the Board of Zoning Adjustment of the Town of Sewall's Point, Florida, that:

1. The variance to allow construction of a swimming pool and screen enclosure within forty (40) feet of the centerline of North Ridgeview Road on Lot 4 of Block D of Homewood Subdivision is hereby denied for the reasons following:

(a) Applicant, the builder of the home, could have placed

his home on the lot in a manner that would allow the construction of a swimming pool and screen enclosure without the necessity of a variance, and the special conditions and circumstances relied upon by the Applicant for the variance requested resulted from the actions of the Applicant.

(b) It was admitted by Applicant's attorney at the hearing that a swimming pool and screened enclosure could be constructed upon the lot without the necessity of a variance, with the only resulting hardship to the Applicant being that the pool and enclosure would be in a shaded area.

(c) The Board received numerous communications from land owners within three hundred (300) feet of the Applicant's lot expressing their objection to the requested variance.

(d) The provisions of Ordinance 65 do not deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and the terms of the ordinance do not work an unnecessary and undue hardship on the Applicant.

2. The Secretary of this Board is hereby authorized and directed to file this Resolution in the Public Records of the Town of Sewall's Point.

DATED this 13th day of October, 1976.

BOARD OF ZONING ADJUSTMENT
TOWN OF SEWALL'S POINT, FLORIDA

By: D. W. Graham
D.W. GRAHAM, Chairman

Attest: Margaret Miller
Margaret Miller, Town Clerk

APPROVED as to form and correctness this 13th day of October, 1976.

Thomas H. Dunlow Jr.
Town Attorney

Copy furnished to: James F. Littman, Esquire