

# TOWN OF SEWALL'S POINT



**Board of Zoning Adjustments Meeting  
September 18, 2024  
10:00 AM**

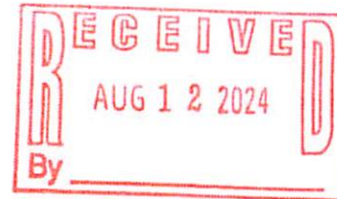
- I. **CALL TO ORDER**
  - a. **Pledge of Allegiance**
  - b. **Roll Call**
  
- II. **PUBLIC COMMENT ON NON-AGENDA ITEMS- PLEASE SUBMIT A COMMENT CARD TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING AND LIMIT YOUR COMMENTS TO THREE MINUTES**
  - a. **PUBLIC COMMENT GUIDELINES**  
[Public Guidelines.pdf](#)
  
- III. **APPROVAL OF AGENDA**
  
- IV. **PUBLIC HEARINGS - CONTINUED**
  - a. **Environment Design Group - 22 E. High Point Road - Variance Request - Section 82-273 - Lot Coverage**  
[22 E High Point Updated Application 09 18 24.pdf](#)
  
- V. **CLOSING COMMENTS**
  
- VI. **ADJOURN**

**CIVILITY CLAUSE:** It is the policy of the Sewall's Point Town Commission that all persons addressing a town board or attending a Town board meeting shall conduct themselves in a manner that does not disrupt the orderly and efficient conduct of the meeting. Boisterous or unruly behavior; threatening or inciting an immediate breach of the peace; or use of profane, slanderous or obscene speech will not be tolerated and could result in ejection from the meeting after warning from the presiding officer. In accordance with the provisions of the Americans with Disabilities Act (ADA) this document may be requested in an alternate format. Persons in need of a special accommodation to participate in this proceeding shall, within 3 working days prior to any proceeding, contact the Town Clerk's office, One South Sewall's Point Road, Sewall's Point, Florida 34996 (772) 287-2455. If any person decides to appeal any decision made by the Town Commission with regard to any matter considered at such meeting or hearing, s/he will 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.



## Guidelines for Public Comments

- Everyone will have 3 minutes
- When recognized step forward to the podium and state your name for the record
- Remarks should be addressed to the Board of Zoning Adjustments as a body
- The public comment period is for receipt of public comments, not debate. It is not intended as a time for problem solving but rather for hearing the citizens for their input
- Any person addressing the Board of Zoning Adjustments who disrupts the orderly and efficient conduct of the meeting, uses profane or obscene language may be removed from the meeting



**APPLICATION TO THE TOWN OF SEWALL'S POINT**  
**BOARD OF ZONING ADJUSTMENT**

**PRIMARY CONTACT EMAIL ADDRESS:** \_\_\_\_\_

**PROPERTY OWNER:**

Name: \_\_\_\_\_  
Address: 22 E High Point Rd, Sewalls Point, FL 34996  
Telephone No. (561) 741-1307

**APPLICANT (Property owner must sign application)**

Name: Dustin Mizell / Environment Design Group ( ) owner (X) owner agent  
Address: 139 N County Rd, Ste 20B, Palm Beach, FL 33480  
Telephone No. (561) 832-4600 Email dustin@environmentdesigngroup.com

**SUBJECT PROPERTY:**

Legal Description: HIGH POINT ISLE ADDN LOT 98  
Parcel I.D. Number: 13-38-41-003-000-00980-8  
Address: 22 E HIGH POINT RD SEWALLS POINT FL  
Current Zoning Classification 0100 - 0100 Single Family

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

The homeowner is looking for relief from the lot coverage code section that limits the amount of impervious space. The site is currently non-conforming with a single lane driveway. We are proposing a secondary driveway to reduce the impacts to the street and traffic flow. The request is for 5% or 1,000 sf more impervious space to allow for these new traffic movements. The existing large trees will remain, and provisions for on site retention are shown on plan as a placeholder until a civil engineer can review.

Variance requested from Section 82-273 of Code of Ordinance \_\_\_\_\_

**Please provide all measurements.**

Example: Looking for approval of a new setback of 13' vs the required 15' side setback. Asking for a 2' variance

**Looking to add 5% of impervious space to a non-conforming site. See statement of benefits.**

Signature of Applicant

Adam Mills

Hand Print Name

8/7/24

Date

## VARIANCES

### § 2-101, 2-102, 2-107 THE BOARD OF ZONING ADJUSTMENT TO HEAR VARIANCES; POWERS AND DUTIES OF BOARD AND ZONING ADMINISTRATOR

#### Application for Special Exceptions, Variances and Expansions, Exceptions, Permits, Replacement or Restoration of Non-Conforming Uses (referred to herein as "Exception")

To authorize upon appeal such Exception from the terms of the zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance would result in unnecessary and undue hardship.

In order to authorize an Exception, an application must be submitted and a public hearing must be held which demonstrates to the satisfaction of the Board of Zoning Adjustment that the following six criteria, as contained in the Code of the Town of Sewall's Point, have been met:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- (2) That the special conditions and circumstances do not result from any action of the applicant;
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;
- (4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

## **VARIANCES**

The Board of Zoning Adjustment may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Board of Zoning Adjustment will consider the variance criteria in § 2-101, 2-102, 2-107 and consider your responses to the following when making a determination.

(1) Please explain special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

See supplemental sheet labeled "Statement of Benefits"

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(2) Please explain if these conditions and circumstances result from actions by the applicant;

See supplemental sheet labeled "Statement of Benefits"

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(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;

See supplemental sheet labeled "Statement of Benefits"

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(4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;

See supplemental sheet labeled "Statement of Benefits"

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(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;

See supplemental sheet labeled "Statement of Benefits"

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(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

See supplemental sheet labeled "Statement of Benefits"

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**All 6 question must be answered before application can be reviewed**

In granting any Exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Exception is granted, shall be begun or completed or both.

The Board of Adjustment may prescribe a reasonable time limit within which the action for which the Exception is required shall be begun or completed or both.

No non-conforming use of the neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered for the issuance of a Exception. The Town shall post Notice of Public Hearing upon the Town Hall bulletin board and shall also see to the publication of the Notice of Hearing in a newspaper of general circulation printed in Martin County, Florida, at least fifteen (15) days prior to the date of the public hearing. All costs thereby incurred by the Town shall be reimbursed to the Town by the applicant prior to the Public Hearing. The Applicant shall post Notice of Public Hearing on the property for which the Exception is sought, and shall at the Applicant's expense, send written notice to property owners of record within 300 feet of the subject property, to be mailed by certified mail, return receipt requested, no later than fifteen (15) days PRIOR TO THE DATE OF THE HEARING.

CERTIFICATION

The Applicant hereby certifies that the information which he/she has provided on and together with this application is correct and accurate to the best of his/her knowledge and belief. The Applicant also certifies that existing deed restrictions or covenants on this property will be adhered to and that if this request is granted, all necessary permits will be obtained and that all orders, resolutions, codes, conditions, rules, regulations and ordinances pertaining to the use of the above-described property will be complied with. The Applicant further certifies that he/she has read all of the above and the Guide to Preparation of Application for Board of Zoning Adjustment and will comply therewith, understanding that failure to do so may result in a denial of the request or administrative dismissal of the application.

  
\_\_\_\_\_

Signature of Applicant or Applicant's Attorney

Adam Mills  
\_\_\_\_\_

Hand Print Name

8/7/24  
\_\_\_\_\_

Date

  
\_\_\_\_\_

Signature of Property Owner allowing an agent to be present in their place for the hearing



Land Planning  
Landscape Architecture  
Landscape Management

August 1, 2024

Town of Sewall's Point  
Board of Zoning Adjustment  
One S. Sewall's Point Road  
Sewall's Point, FL 34996

Re: Variance Request for 22 East High Point Rd.

### Statement of Benefits

The following information addresses the six criteria questions listed in the Variance Application.

***(1) Please explain special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;***

The existing residence contains one single driveway and gated entry. The garage openings face away from the street and force the homeowner to maneuver in such a way to obtain access to the garage unit. The driveway is currently void of any additional parking spaces once you pass through the gate. Currently the site is over the max allowable imperious space by 17%. Removing of any exiting hardscape to offset the proposed request isn't optional since most of the hardscape spaces are tied to seawalls.

***(2) Please explain if these conditions and circumstances result from actions by the applicant;***

1. These actions are not a result of the homeowner or applicant. These conditions were came with the sale of the lot and residence.

***(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;***

Based on the fact that the site was bought in the non-conforming manner, the application was not given the ability to meet minimum standards and the request is more a functional request and not



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Landscape Management

one of special privilege. The request will also make the site safer for the homeowner and keep traffic off of the street.

***(4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;***

There are numerous adjacent properties that contain a circular driveway in the area. Since the site was purchased in this non-conforming state related to impervious space, the site is limited on what we can modify. The fact that most residences have offsite parking, and this homeowner doesn't it the main topic. There isn't sufficient space on the site for more than one car movement at a time. The driveway is a single lane driveway and on street parking is prohibited in the town. Therefore the shifting of cars onsite becomes a hardship to the homeowner who is trying to provide space for his family to park cars without impacting the street.

***(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;***

1. The proposed variance request is for a minimal drive aisle to allow for a car to have ingress and egress access unrelated to the movement of cars behind the gate. This would allow the homeowner flexibility for his family even when they aren't all in the house at the same time. The driveway is minimal in width (11') and of materials present on the site. The use of pavers to match the existing driveway are proposed. The driveway interior is proposed to be gravel to allow for permeability in the site. The plan also maintains the existing large trees and root systems. The use of small earth mounds and rocks will help to minimize off site drainage. The proposed improvements would also be softened by plant material. The request is to add 945' sf of driveway and 55 sf of stepping stones to provide access to side yard gate. The total request is for an additional 1,000 sf, or 5% of site, more in impervious area.

***(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;***

1. By granting the variance the homeowner would be free of shifting around cars at all hours of the day to accommodate schedules of the family members that reside at the home. The proposed design would appear to fit in with the context of the existing site and not pose as





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Landscape Management

an appendage to the original layout. The landscape design and grading would also alleviate the public welfare. The existing trees are to be maintained. The drainage will be maintained onsite.

We respectfully request you review of the criteria responses above and look forward to a public hearing were we can discuss the project details further.

Dustin Mizell, MLA RLA #6666784  
**Environment Design Group**

**LIMITED POWER OF ATTORNEY**

KNOW BY ALL MEN THAT THESE PRESENTS:

THAT: Cynthia Hauser has made, constituted, and appointed, and by these presents do make, constitute, and appoint Ryan Kelly, of Turtle Beach Construction Company, Inc., true and lawful attorney for Cynthia Hauser and in their name, place and stead do hereby give and grant unto Ryan Kelly, said attorney, full power and authority to:

- 1. Obtain building permits and all other permits related to, and/or to obtain any and all approvals and authorizations in order to commence and complete improvements to the following Property:

22 E High Point Rd  
Sewalls Point, FL 34996

Without limitation, the foregoing includes the power to obtain all governmental agencies approvals and other approvals from the Impact Review Board of jurisdiction, Florida Department of Environmental Protection, Town of Sewall's Point Building Department & Utilities, Martin County Departments, Army Corps of Engineers and any Association and Community Review Boards and to activate and deactivate utilities services at the property as required prior to and during the work.

As Cynthia Hauser might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that Ryan Kelly, said attorney, shall lawfully do or cause to be done by virtue thereof.

Dated in Martin County, Florida, this 5<sup>th</sup> day of June, 2023.

By: \_\_\_\_\_

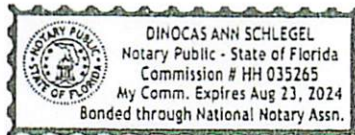
*[Handwritten signature of Cynthia Hauser]*  
Cynthia Hauser

STATE OF FLORIDA  
COUNTY OF MARTIN

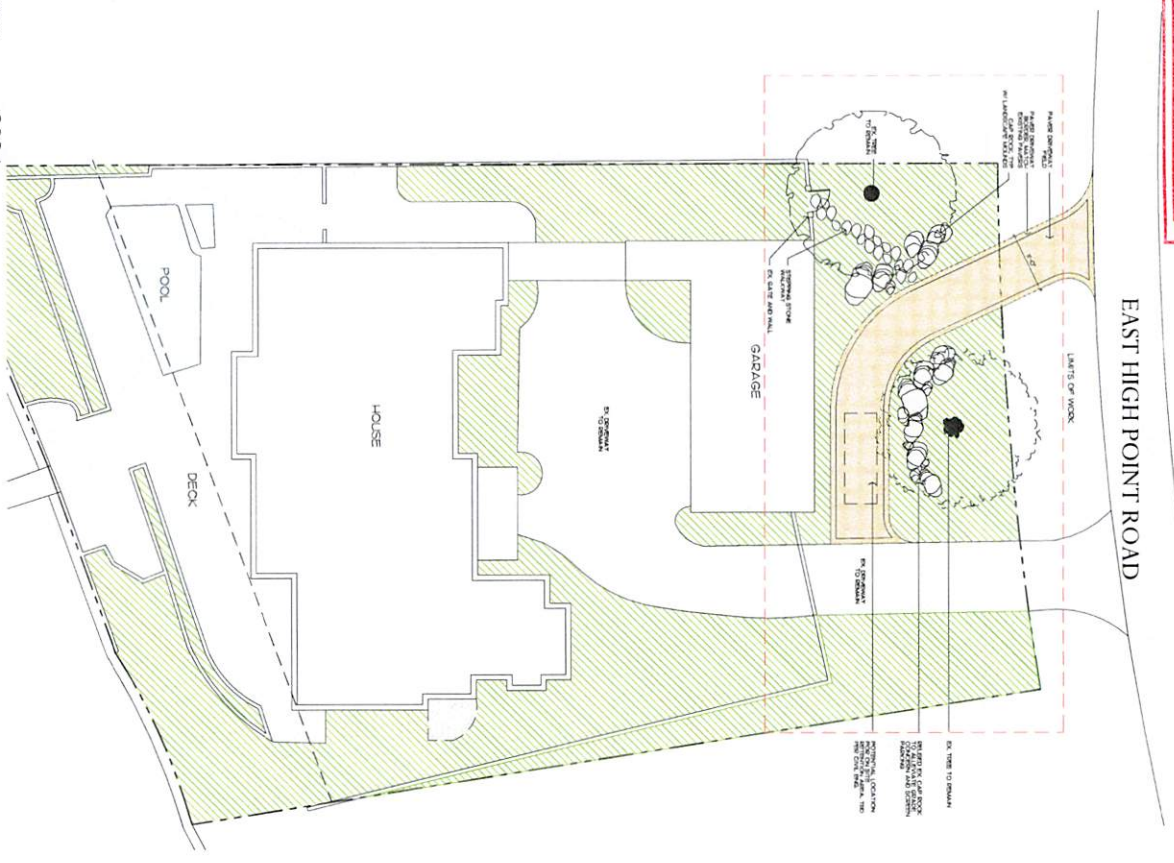
Before me a Notary Public, personally appeared Cynthia Hauser, (to ~~me personally known~~) or (identified by legal documentation) and who did acknowledge before me that he/she executed the foregoing POWER OF ATTORNEY for the uses and purposes set forth therein.

In Witness Whereof, I have hereunto set my hand and official seal, this 5<sup>th</sup> day of June 2023.

*[Handwritten signature of Dinocas Ann Schlegel]*  
Notary Public  
My commission expires:



**RECEIVED**  
 SEP 06 2024  
 By \_\_\_\_\_



2024  
 2024  
 4-800-451-2770  
 10/10/2024

Site Data - RI District

DESCRIPTION	RECYCLED	EXISTING	NEW
TOTAL SITE	15,000 SF MANHATTAN	20,000 SF	20,000 SF
STRUCTURE	MANHATTAN 100	20,000 SF	20,000 SF
LANDSCAPE	67,500 SF	20,000 SF	20,000 SF
IMPROVEMENTS & UTILITIES	MANHATTAN 100	20,000 SF	20,000 SF
STRUCTURE - LANDSCAPE	MANHATTAN 100	20,000 SF	20,000 SF
LANDSCAPE OPEN SPACE	MANHATTAN 100	20,000 SF	20,000 SF

Existing Images



Private Residence  
 22 East High Point Rd  
 Sewalls Pt. FL



DATE: 08/27/2024

SHEET 1.10

PAGE 1 OF 1  
BOUNDARY SURVEY

LEGAL DESCRIPTION:

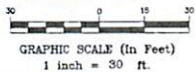
LOT 98, ISLE ADDITION TO HIGH POINT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 47, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FL.

COMMUNITY NUMBER: 120164 PANEL: 12085C0162  
SUFFIX: H.F.I.R.M. DATE: 2/19/2020 FLOOD ZONE: XVE FIELD WORK: 7/7/2021

CERTIFIED TO:  
COLE & CYNTHIA HAUSER; OLD PALM TITLE, LLC;  
FIDELITY NATIONAL TITLE INSURANCE COMPANY;  
JPMORGAN CHASE BANK, N.A.

PROPERTY ADDRESS:  
22 EAST HIGH POINT ROAD  
STUART, FL 34986

SURVEY NUMBER: 490603  
CLIENT FILE NUMBER: OPT-2535



SYMBOL DESCRIPTIONS:

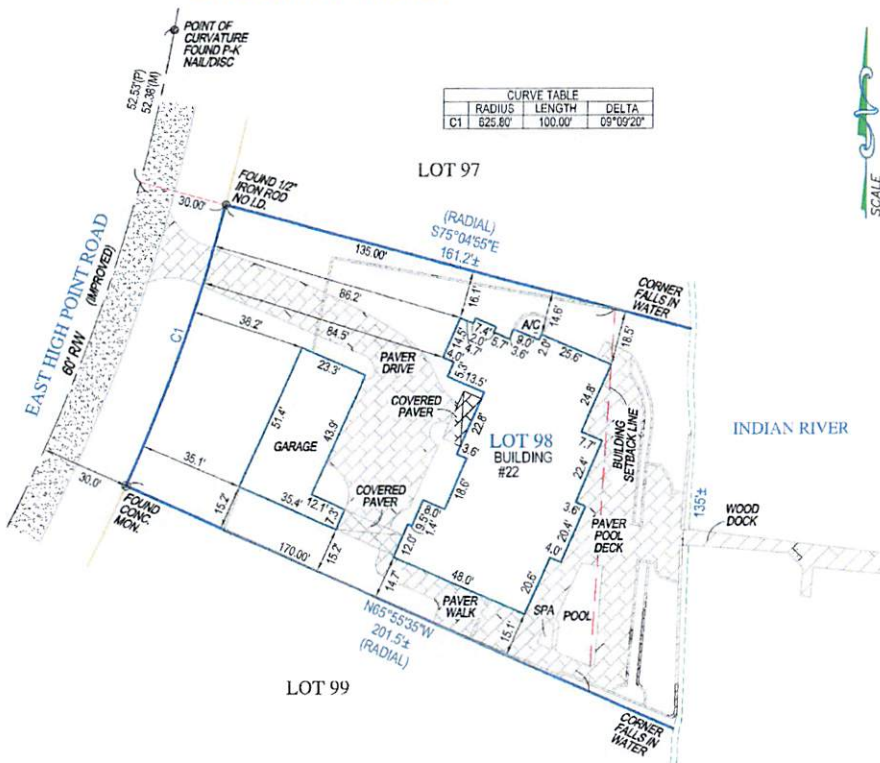
- CATCH BASIN
- CENTERLINE ROAD
- COVERED AREA
- EXISTING ELEVATION
- HYDRANT
- MANHOLE
- METAL FENCE
- MISC. FENCE
- PROPERTY CORNER
- UTILITY BOX
- UTILITY POLE
- WATER METER
- WELL
- WOOD FENCE

ABBREVIATION DESCRIPTION:

- AC AIR CONDITIONER
- C CENTERLINE
- Δ CENTRAL ANGLE
- ID IDENTIFICATION
- L LENGTH
- LB LICENSED BUSINESS
- N.A.V.D. NORTH AMERICAN VERTICAL DATUM
- N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM
- OH OVERHEAD UTILITIES
- P.C. POINT OF CURVATURE
- P.C.C. POINT OF COMPOUND CURVE
- P.K. PARKER KEYLON NAIL
- P.R.C. POINT OF REVERSE CURVE
- PSM PROFESSIONAL SURVEYOR MAPPER
- P.T. POINT OF TANGENCY
- R RADIAL / RADIUS
- RW RIGHT OF WAY

SURVEY NOTES  
PAVER DRIVE CROSSES THE PROPERTY LINE ON WESTERLY SIDE OF LOT.

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	625.60'	100.00'	09°09'20"



SCALE  
1" = 30'

LB #7893  
SERVING FLORIDA  
6850 N. MILITARY TRAIL, SUITE 102  
WEST PALM BEACH, FL 33407  
PHONE (561) 640-4800  
STATEWIDE PHONE (800) 226-4807  
STATEWIDE FACSIMILE (800) 741-0576  
WEBSITE: <http://targetsurveying.net>



SURVEYOR'S CERTIFICATE:  
I, KENNETH OSBORNE, A LICENSED PROFESSIONAL SURVEYOR, HAVE CONDUCTED A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT MY SIGNATURE AND EMBOSSED SEAL.  
**Kenneth Osborne**  
Date: 2021.07.07  
14.3542-05.00  
KENNETH OSBORNE, P.S.M.  
PROFESSIONAL SURVEYOR, NO. MAPPER 68115

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LINES SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCUMBRANCES ARE LOCATED.

- 6) DIMENSIONS SHOWN HEREON ARE FLAT AND MEASURED UNLESS OTHERWISE NOTED
- 7) FENCE OWNERSHIP NOT DETERMINED
- 8) ELEVATIONS, IF SHOWN, ARE BASED ON N.G.V.D. 1928 DATUM UNLESS OTHERWISE NOTED
- 9) IN SOME INSTANCES, GRAPHIC REPRESENTATION HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

REVISIONS:

**Sec. 82-273. - Lot coverage.**

All buildings, including accessory buildings, shall not cover more than 30 percent of the area of the lot. Nevertheless, in no case shall the percentage of the lot taken up by the impermeable area exceed 45 percent of the lot size.

(Ord. No. 95, § VI.F, 11-17-1976; Ord. No. 191, § 1, 7-25-1990; Ord. No. 274, 12-21-1999; Ord. No. 290, Exh. A, 1-15-2002; Ord. No. 327, § 2, 9-12-2006; Ord. No. 330, § 2, 2-27-2007)



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From the office of Jenny Fields, CFA  
Martin County Property Appraiser

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## NOTICE

Public information data is furnished by the Martin County Property Appraiser's office, and must be accepted and used by the recipient with the understanding that this office makes no warranties, expressed or implied, as to the correctness, accuracy, reliability, completeness, usefulness, suitability and/or timeliness of information or links herein.

This data is not certified. This data does not include any owners who qualify for confidentiality pursuant to FS 119.071 & 493.6122. This office assumes no liability associated with the use or misuse of such data.

Note that search results may not be complete due to public records exemptions. If compiling results for legal notice, a complete list is required. For assistance with missing parcel owner information, please contact the Martin County Property Appraiser's Office at 772-288-5608.

The address labels are formatted for 1" x 2 5/8" labels. 3 across by 10 down.  
Compatible with Avery 5160.

BAKER JAMES BAKER ANDREA  
21 E HIGH POINT RD  
STUART FL 34996

MARKUS THEODORE MARKUS CAROL C  
12 MIDDLE RD  
STUART FL 34996

BARRETT HAROLD A BARRETT GRACE G  
23 E HIGH POINT RD  
STUART FL 34996

NICHOLSON ERIC NICHOLSON JENNIFER  
2550 SHINGLETOWN RD  
STATE COLLEGE PA 16801

CRISPIN JULIE  
30 E HIGHPOINT RD  
STUART FL 34996

RICARDO BENITEZ REVOCABLE TRUST  
MERCEDES MARIA BENITEZ REVOCABLE  
TRUST  
14 MIDDLE RD  
STUART FL 34996

DONNA A FRARACCIO REVOCABLE TRUST  
FRARACCIO DONNA A TTEE  
26 E HIGH POINT RD  
STUART FL 34996

SEXTON MATTHEW  
18 MIDDLE RD  
STUART FL 34996

FL22 TRUST KAPP STUART T TTEE  
7900 GLADES RD #550  
BOCA RATON FL 33434

SMITH JERRY L/E SMITH ANNE L/E  
24 MIDDLE RD  
STUART FL 34996

GREENE ROBERT D GREENE ANA K  
26 ISLAND RD  
STUART FL 34996

SPEARS KIMBERLY J LOVE DAVID  
22 MIDDLE RD  
STUART FL 34996

HAUSER COLE HAUSER CYNTHIA  
22 E HIGH POINT RD  
SEWALLS POINT FL 34996

TUFANO CHARLES C L/E  
16 E HIGH POINT RD  
STUART FL 34996

JOHN S MASSAD SR LIVING TRUST  
403 SOMERSET AVE  
RICHMOND VA 23226

ZUCKER STEPHEN A ZUCKER HELEN E  
20 E HIGH POINT RD  
STUART FL 34996

LAGANA ARLENE E LAGANA ANTHONY R  
19 E HIGH POINT RD  
STUART FL 34996

MAJEWSKI THEODORE J MAJEWSKI KATHRYN  
24 E HIGHPOINT RD  
STUART FL 34996