

RESOLUTION NO. 231

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AUTHORIZING AND APPROVING CONSTRUCTION OF A SWIMMING POOL STRUCTURE WITHIN FIFTY (50) FEET FROM THE NATURAL HIGH WATER MARK ON THE WATERFRONT LOT OWNED BY G. WILLIAM SMITH AND JEAN SMITH, HIS WIFE.

LEGAL DESCRIPTION

Lot 11, ARCHIPELAGO SUBDIVISION,
according to the Plat thereof recorded
in Plat Book 4, page 48, Martin County,
Florida, public records.

WHEREAS, the Town Commission of the Town of Sewall's Point has authority under the Code of Ordinances of the Town of Sewall's Point, Appendix B - Zoning, Section XI.E.2., to grant permission for lot owners to construct swimming pool structures within fifty (50) feet of the natural high water mark on waterfront lots, and

WHEREAS, G. WILLIAM SMITH and JEAN SMITH, his wife, the owners of the above-described property, have applied for permission and a permit for construction of a structure to enclose an existing swimming pool to be located within fifty (50) feet of the natural high water mark on the property, and

WHEREAS, the Town Commission has reviewed the application for the permit by G. WILLIAM SMITH and JEAN SMITH, his wife, and has found that special circumstances exist in this instance because the proposed swimming pool structure will be completely screened by dense, natural foliage from the view of any adjacent residents, and have determined that it meets all other criteria and requirements of the Code of Ordinances of the Town of Sewall's Point, except that the proposed swimming pool structure will be located within the required side setback area along the easterly side lot line of the above-described property, which abutts Lot 10, Archipelago Subdivision.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, THAT:

1. G. WILLIAM SMITH and JEAN SMITH, his wife, are hereby granted approval of the Town Commission of the Town of Sewall's Point to construct a swimming pool structure on the above-described waterfront lot in accordance with plans

submitted to the Building Department of the Town of Sewall's Point, a portion of which is attached hereto, subject to the following conditions:

(a) That G. WILLIAM SMITH and JEAN SMITH, his wife, shall immediately file and diligently pursue an application with the Board of Zoning Adjustment of the Town of Sewall's Point, Florida, for a variance from the side yard setback requirements set forth in Appendix B - Zoning, Section VI.G.2., Code of Ordinances of the Town of Sewall's Point, allowing construction of the swimming pool enclosure as depicted on the plans submitted to the Building Department of the Town of Sewall's Point; and

(b) That this approval shall automatically terminate upon the earlier of: (i) the date of any denial of the variance application, or (ii) August 8, 1985, if the variance application is not granted for any reason before then; and

(c) If the swimming pool structure is constructed, G. WILLIAM SMITH and JEAN SMITH, his wife, and their successors in ownership of the above-described property shall at all times thereafter, maintain and replace the dense, natural foliage that screens the proposed pool structure from the view of any adjacent residents.

2. If the variance application is granted, then this resolution and the variance order shall be recorded by G. WILLIAM SMITH and JEAN SMITH, his wife, in the public records of Martin County, Florida, at their sole expense.

PASSED AND ADOPTED this 8th day of August, 1984.

ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

John C. Guenther
JOHN C. GUENTHER, Mayor -
Commissioner

Approved as to form and
correctness:

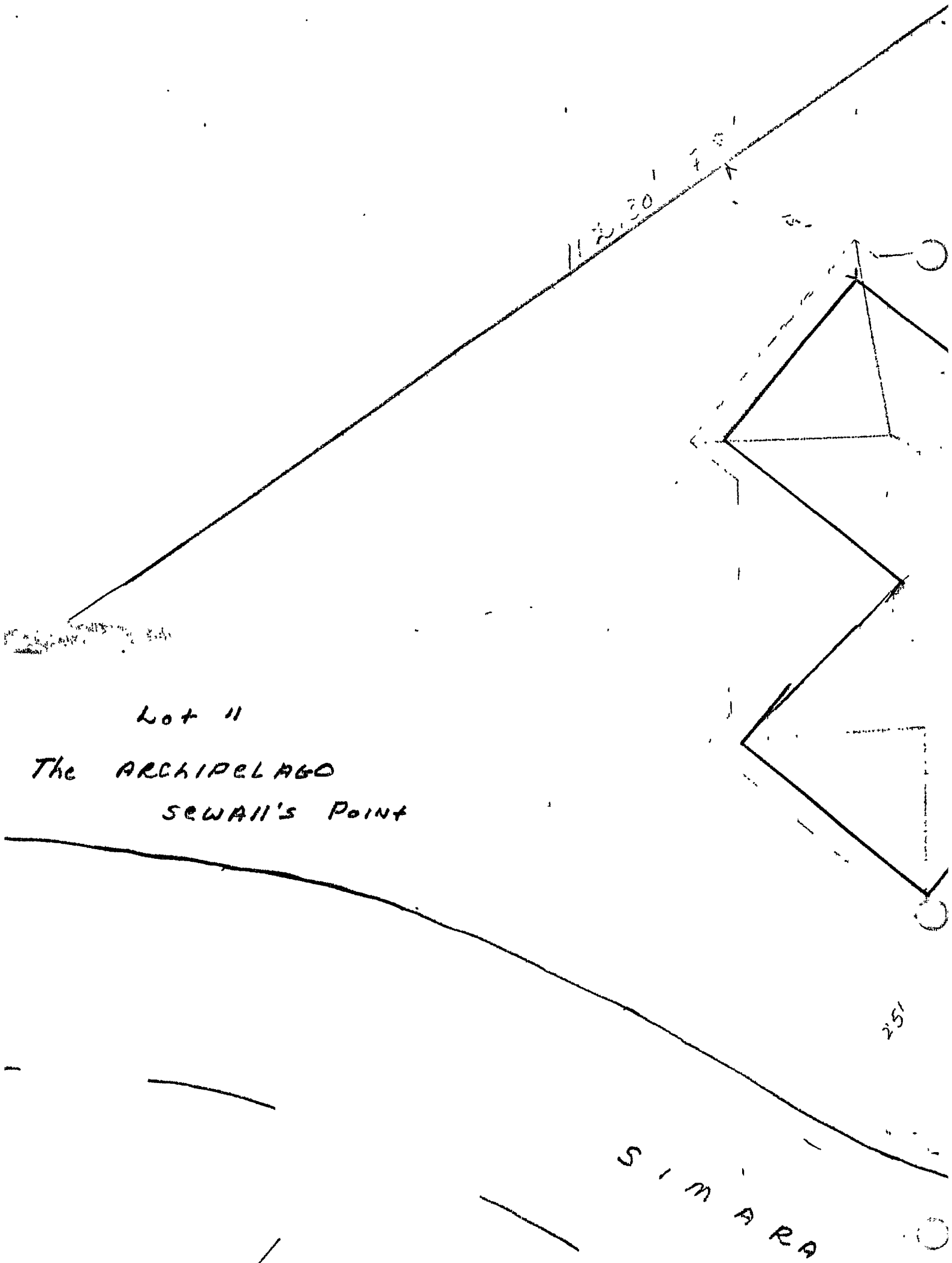
M. Lanning Fox
M. LANNING FOX, Town
Attorney

G. C. Strubell
GILBERT C. STRUBELL, Vice-Mayor -
Commissioner

Robert R. Aune
ROBERT R. AUNE, Commissioner

Helena B. Towl
HELENA B. TOWL,
Commissioner

Clifford B. Drake
CLIFFORD B. DRAKE, Commissioner



Lot 11

The ARCHIPELAGO
SEWALL'S POINT

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