

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

IN RE:

MICHAEL J. BUONO AND  
SUZANNE M. DOWNS

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**RESOLUTION GRANTING VARIANCE – 2023-04**

This matter came before the Town of Sewall's Point, Board of Zoning Adjustment ("Board") for a hearing on the variance application of **Michael J. Buono and Suzanne M. Downs** (collectively the "Applicant"), on August 23, 2023, and the Board having considered the evidence presented regarding the following real property:

See Exhibit "A" attached hereto and made a part hereof.

Street address of premises subject to this application: 106 N.  
Sewall's Point Road, Sewall's Point, FL 34996 (the "Premises")

Upon motion, duly seconded, makes the following findings and determination:

**WHEREAS**, the Applicant, as owner of the above-described real property, applied to the Town of Sewall's Point, Florida, requesting a variance to the rear setback for certain proposed improvements on the Premises, and

**WHEREAS**, notice of the public hearing on the variance application was duly posted and mailed in accordance with the provisions of the Sewall's Point Code of Ordinances (Town Code), and a public hearing thereon was held on August 23, 2023, at 10:00 a.m. at the Town Hall of Sewall's Point, Florida, and

**WHEREAS**, on August 23, 2023, a quorum of the Board was present and the public hearing was held on the subject application, and

**WHEREAS**, at the public hearing the Applicant was present in person and all interested parties had an opportunity to be heard for or against such application, and

**WHEREAS**, based on the testimony, evidence and information presented, this Board makes the following findings of fact:

- (1) Special conditions and circumstances exist which are peculiar to the land and proposed structures involved, and which are not applicable to other lands or structures in the same district.
- (2) The special conditions and circumstances do not result from the actions of the Applicant.
- (3) Granting the variance requested will not confer on the Applicant any special privilege that is denied by the application of Chapter 82 of the Town Code as requested herein to owners of other lands, or structures in the same zoning district.
- (4) A literal interpretation of the provisions of Chapter 82 of the Town Code would deprive the Applicant of rights commonly enjoyed by other properties in the same district under Chapter 82 of the Town Code and would work unnecessarily and create an undue hardship on the Applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land or structure.
- (6) The granting of the variance requested is in harmony with the general intent and purpose of Chapter 82 of the Town Code and a variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

**NOW THEREFORE**, be it resolved by the Board of Zoning Adjustment of the Town of Sewall's Point, Florida, that pursuant to Chapter 82, Article II, Division 3 of the Town Code, a variance to Section 82-274 is hereby granted reducing the Premises' rear setback from 50 feet to 29.2 feet for the purpose of locating a "chickee hut" on the Premises, all as and where more particularly described as shown on Exhibit "B" attached hereto and made a part hereof.

The Secretary of this Board is hereby authorized and directed to record this Resolution in the Official Public Records of Martin County, Florida, and the Clerk of the Town of Sewall's Point is hereby directed to maintain this Resolution as part of the Official Records of the Town.

Duly passed and adopted at a Public Meeting on August 23, 2023.

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

By:   
Frank Tidikis, Board Chairperson

ATTEST:

  
Secretary

APPROVED AS TO FORM AND CONTENT

  
Tyson Waters, Board Attorney

Filed with the Clerk of the Town of Sewall's Point,  
Florida, on the 23<sup>rd</sup> day of August, 2023.

, MMC  
April Stoncius, MMC, Town Clerk

Copy: Applicant



**Exhibit "A"**  
**Legal Description**

That portion of the North 100 feet of Government Lot 2, Section 35, Township 37 South, Range 41 East, Martin County, Florida, lying Easterly from the Sewall's Point Road and extending to the waters of the Indian River.

