

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

IN RE:

MARK AND TIFFANY MITTAL
_____ /

RESOLUTION DENYING VARIANCE – 2024-01

This matter came before the Town of Sewall's Point, Board of Zoning Adjustment ("Board") for a hearing on the variance application of **Mark and Tiffany Mittal** ("Applicant"), on May 22, 2024, 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: 36 Rio Vista Drive, 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 and side setbacks set forth in Section 82-274 for a detached accessory structure 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 May 22, 2024, at 10:00 a.m. at the Town Hall of Sewall's Point, Florida, and

WHEREAS, on May 22, 2024, 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 information presented, this Board makes the following findings of fact:

- (1) Special conditions and circumstances do not exist which are peculiar to the land and proposed structure involved, and which are not applicable to other lands or structures in the same district.
- (2) The special conditions and circumstances are the result of the actions of the Applicant.
- (3) Granting the variance requested will confer on the Applicant special privileges that are 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 not deprive the Applicant of rights commonly enjoyed by other properties in the same district under Chapter 82 of the Town Code and do not create an undue hardship on the Applicant.
- (5) The granting of the variance requested is not in harmony with the general intent and purpose of Chapter 82 of the Town Code and a variance will 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, the requested variance to Section 82-274 of the Town Code to permit a detached accessory structure located as and where shown on the survey included as part of the application packet, portions of which encroach into the required minimum setbacks, is denied.

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 May 22, 2024.

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 22nd day of May, 2024.


April Stoncius, Town Clerk

Copy: Applicant



Exhibit "A"
Legal Description

Lot 86, less the North 50 feet thereof, all of Lots 87 and 88, RIO VISTA, according to the map or plat thereof as recorded in Plat Book 6, Page 95, Public Records of Martin County, Florida.