

TOWN OF SEWALL'S POINT



**Board of Zoning Adjustments Meeting
April 14, 2022
10:00 AM**

I. CALL TO ORDER

a. Pledge to the Flag

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

III. APPROVAL OF AGENDA

IV. PUBLIC HEARING

22 North Sewall's Point Road – Jeffrey S. Leslie – Variance Request - Section 82-172 – Non-Conforming Buildings, Structure & Uses

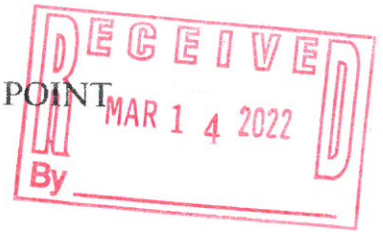
[1\) Leslie Variance 22 N SSPR.pdf](#)

V. COMMENTS FROM BOARD MEMBERS

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.

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



I, Jeffrey S. Leslie of 22 N. Sewall's Point Road
(Name of Applicant) (Address)
Sewall's Point, Florida 34996
City State Zip

do hereby make application to the Town of Sewall's Point Board of Zoning Adjustment on the following property in Sewall's Point, legally described as:

SEE BELOW CURR. ADDRESS & LEGAL DESC

Lot _____, Block _____, Subdivision _____ according to Map of Plat
Book _____ Page _____ Section See below Township _____
South, Range _____ East, of the public records of Martin County, Florida, or property otherwise
described by metes and bounds. (Please include current street address, long legal description may be attached
separately.)

Current address: 22 N. Sewall's Point Road, Sewall's Point, FL 34996

Legal Description - Lot 8 of Indialucie East, Sewall's Point, Florida, according to the plat

thereof as recorded in Plat Book 5 Page 11, Public Records of Martin County Florida

for the purpose of See 82-172, non-conforming buildings, structure & uses
(indicate the specific section of Zoning Regulations, Zoning Resolution, Zoning Ordinance)

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 the actions of the applicant.
3. That granting the Exceptions requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.
5. That the Exception granted is the minimum Exception that will make possible the reasonable use of the land, building or structure.

6. That the grant of the Exception will be in harmony with the general intent and purpose of the ordinance and that such Exception will not be injurious to the area involved or otherwise detrimental to the public welfare.

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.

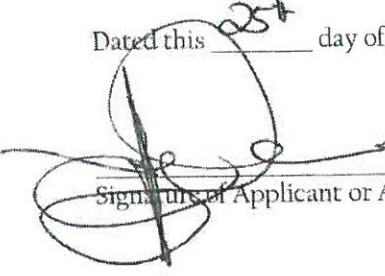
No non-conforming use of the neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered for the issuance of a Exception.

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.

Dated this 25th day of February, 2022



Signature of Applicant or Applicant's Attorney

This instrument prepared by / Return to:
Svetlana Z Nemeroff / Law Office of Svetlana Z Nemeroff
Address: 101 SE Ocean Blvd, Suite 102
Stuart, FL 34994
Property ID Number: 35-37-41-003-000-00080-2

WARRANTY DEED

THIS WARRANTY DEED, made this 15th day of March 2021, by **ROBERT M HOGLE**, a single man, whose post office address is 22 N SEWALLS POINT RD STUART FL 34996, hereinafter called the Grantor, to **JEFFREY S. LESLIE and DIANE M. LESLIE**, husband and wife, whose post office address is 22 N SEWALLS POINT RD STUART FL 34996, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and 00/10 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain real property situated in **Martin County**, State of Florida, and further described as:

Lot 8 of INDIALUCIE EAST, Sewall's Point, Florida, according to the Plat thereof as recorded in Plat Book 5, Page 11, Public Records of Martin County, Florida.

SUBJECT TO restrictions, reservations, easements, rights-of-way and limitations of record, zoning and/or other prohibitions imposed by governmental authority and taxes subsequent to December 31, 2020.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. **TO HAVE AND TO HOLD** the same in fee simple forever.

AND THE GRANTOR hereby covenants with said Grantee that the Grantor is lawfully seized of said real property in fee simple; that the Grantor has good right and lawful authority to sell and convey said real property, and hereby warrants the title to said real property and will defend the same against the lawful claims of all persons whomsoever; and that said real property is free of all encumbrances, except taxes accruing subsequent to December 31, 2020.

IN WITNESS WHEREOF, the said Grantors has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Olena Trevis

Witness #1

ROBERT M HOGLE

Print Name: Olena Trevis

Svetlana Z. Nemeroff

Witness #2

Print Name: Svetlana Z. Nemeroff

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of [☒] physical presence or [☐] online notarization this 15 day of March, 2021, by **ROBERT M HOGLE**. Personally Known _____ OR Produced Identification ✓. Type of Identification. Produced at house.



Svetlana Z. Nemeroff
Notary Public

March 1, 2022

Re: Jeff Leslie – Variance Application
22 N Sewalls Point Road
Sewalls Point, Florida 34996

To all parties concerned,

We are applying for variance with The Town of Sewall's Point Board of Zoning Adjustment. The application requires the Owner of the property requesting the variance to notarize this letter with a list of adjacent Owners within 300'-0" of the property requesting the variance. Variance includes reduction of side setbacks of approximately 1'-0" on each side.

Below is the list of Owner's within 300'-0" of the property requesting for the variance.

William Babey and Lisa Fote – 16 Fieldway Drive, Sewalls Point, Florida 34996
Michael and Amy Antheil – 18 Fieldway Drive, Sewalls Point, Florida 34996
Michael and Kimberly O'Neill – 20 Fieldway Drive, Sewalls Point, Florida 34996
Blanchard Family Trust – 20 N Sewalls Point Road, Sewalls Point, Florida 34996
Raymond Bergman Amended and Resated Revocable Trust – 24 N Sewalls Point Road, Sewalls Point, Florida 34996

Thank you.

Sincerely,
Jeff Leslie

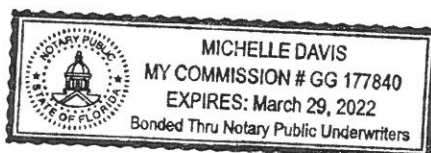
Signature

State of Florida County of Martin sworn to (or affirmed) and

subscribed before me this 2nd day of MARCH 2022. By Physical presence,
by Jeffrey Leslie (Name of Person making statement)

Personally known Or produced identification ☒ Type of identification: FLDL #2590

Signature of Notary Public





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FILED FOR RECORD
-381th COUNTY, FLA.

1972 FEB -1 PM 2:16
UNION CITY MARCH
FBI BOSTON COMM



1972 FEB -1 PM 2:16
UNION CITY MARCH
FBI BOSTON COMM

STATE OF FLORIDA
COUNTY OF MARTIN

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12 DAY OF JANUARY
AD. 1972 AT STUART, MARTIN COUNTY, FLORIDA.

STATE OF FLORIDA
COUNTY OF MANATEE

Richard G. P. L.
VICE PRESIDENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

W. J. [Signature]
NOTARY
UNION

MY COMMISSION EXPIRES 12/31/2011 ON 12/31/2011

APPROVED
TOWN OF SEWALL'S POINT
DATE 11/11/11 [Signature]
MAYOR

ST. FORD & BROS.
 100 N. 3RD ST. - ST. LOUIS, MO.
 616-1111 - F.S.M. 1-6