TOWN OF SEWALL'S POINT

Board of Zoning Adjustments Meeting
August 23, 2023
10:00 AM

I. CALL TO ORDER

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 HEARINGS

a. **Michael Buono and Suzanne Downs – 106 N. Sewall's Point Road – Variance Request – Section 82-274 - Setbacks**

1) Setback Application Buono.pdf
2) Staff recommended for approval chickee hut.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

PRIMARY CONTACT EMAIL ADDRESS: mbuo1989@bellsouth.net

PROPERTY OWNER:

Name: Michael Buono and Suzanne Downs

Address: 106 N Sewalls Point Rd, Sewalls Point , FL 34996

Telephone No. 772-631-2631

APPLICANT (Property owner must sign application) Name: MIchael Buono

Address: same (X) owner ( ) owner agent

Telephone No. same

Email same

SUBJECT PROPERTY:

Legal Description: North 100' of Government Lot 2 of section 35 township 37 south range 41 east Martin cty

Parcel I.D. Number: 35-37-41-000-000-00100-1

Address: 106 N Sewalls Point Rd, Sewalls Point , FL 34996

Current Zoning Classification

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.

Looking for approval of a new setback of 29 feet vs 50 feet from the mean water line rear setback.

Asking for a variance of 21 feet for a tiki bar built by the indian tribe and cemented and anchored in place by J Conroy construction to eliminate any movement from high water or winds.

Variance requested from Section 82-274 **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

MJ Buono — Signature of Applicant

Michael Buono — Hand Print Name

7/20/23 — 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;

The setback from the rear waterline is to prevent structures being affected by rising water and to eliminate viewing obstruction to neighbors. As referenced above, the structure has been cemented in place and secured with simpson anchors to prevent movement, and the attached pictures show the structure is not even visible from the immediate neighbors back door and middle of backyard.

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

I contracted a seminole Indian group to install a tiki to replace my existing tiki and they told me it met all specifications in town and did not require permits due to their status and it was simply replacing an existing one which was closer to the water.

(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;

There was a tiki on the property since 2008 which sat within 6 feet of the rear waterline. Due to work on the pool and yard in back, it was removed and this one was put in its place further back by over 20 feet. When I asked the seminole tribe if it required any permits from the town, I was told it was not required and the tiki was able to be built in this location.

(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;

Unfortunately as we followed the advice from the tribe, we had this built and subsequently secured at an expense of over $16,000 which if moved, would be lost.

(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;

The variance requested is the minimum variance needed to maintain the structure as is.

(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;

As described in question one, we built this keeping in mind our neighbors sight lines as well as the structural integrity necessary to withstand wind and rising water

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.

MJ Buono	Michael Buono	7/20/23
Signature of Applicant or Applicant's Attorney	Hand Print Name	Date

MJ Buono

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

TOWN OF SEWALL'S POINT

Guide for Preparation of Application to Board of Zoning Adjustment

The following information, plus a non-refundable filing fee of $75.00 and a cost deposit of $1,000.00, must accompany this application. Make check payable to the "Town of Sewall's Point" in the amount of $1,075.00. If the costs of processing the application are less than the cost deposit, the appliance will receive a refund of the difference. If the costs are more than the cost deposit, the applicant will be billed for and expected to pay the additional amount.

☐ 1. This application must be completely filled in with all necessary papers attached, flash drive of presentation and NINE (9) COPIES with **three-whole** punched submitted with the above fee and cost deposit to the Town Clerk at Sewall's Point Town Hall. An incomplete package will not be accepted. Please type or print clearly.

☐ 2. Applicant must submit proof of ownership (copy of recorded deed).

☐ 3. Applicant may appear at the hearing in person or by duly authorized attorney at law. No other agent may appear on behalf of the applicant.

☐ 4. Applicant must submit a plot plan or site survey certified by a registered land surveyor showing the actual dimensions of the lot; the exact sizes and locations on the lot of buildings already existing, and their distances from the nearest property lines; the intended location and dimensions of any proposed structure(s) and their distances from the nearest property lines; the width of the lot on the street or streets upon which the lot fronts or abuts, if relevant to the application; and such other information as may be necessary to exactly describe and detail the variance requested. A photo reduced copy of the recorded Plat, in 8 ½" x 11" or 8 ½" x 14" size, must be attached to the application. This document may be obtained at local Title Insurance Companies or at Town Hall.

☐ 5. A Statement of Benefits for the granting of the request shall be supplied by the applicant that includes the reasons and circumstances for the request. The Statement of Benefits shall address and demonstrate satisfaction of the six enumerated criteria listed on the Application form.

☐ 6. Applicant must furnish, together with the application, a certified list of all property owners of record of real property within 300 feet of any part of the subject property, with the list of owners certified by one of the following: a local Title Insurance Company; applicant's Attorney, who must be a member of the Florida bar; the office of Clerk of Circuit Court of Martin County, Florida; or the office of Property Appraiser of Martin County, Florida.

☐ 7. Applicant at his expense must send notification to all property owners of record of real property within 300 feet of any part of the subject property of the date, time and place of the hearing, what action the Board of Zoning Adjustment is being asked to take, and the reasons for the request, by certified mail, return receipt requested, to be mailed no later than FIFTEEN (15) DAYS PRIOR to the date of the hearing. The white post office dated slips verifying the mailing date of each piece, together with all green receipt cards returned with signatures, shall be furnished to the Town Clerk or the Board of Zoning Adjustment prior to the beginning of the hearing.

☐ 8. Notice of public hearing shall be posted by the Town on the property for which Special Exceptions, Variances and Expansion, Replacement or Restoration of Non-Conforming uses are sought, at least 15 days prior to the date of the hearing. The sign will be supplied by the Town Clerk, and its posting will be in a place on the property where it may be seen readily from the front street.

All boxes must be checked as completed before this application can be submitted

☐ 9. The letter <u>will</u> follow this form:

(Date)

Mr. John Doe (name and address of owner of adjacent property)
19 Main Street
Sewall's Point, Florida 34996

RE: Legal description of the property as on application (accompanied by a location map)

Dear Mr. Doe:

Please be advised as owners of property within 300 feet of the above-described property, you are hereby in accordance with the provision of the Town Code of Sewall's Point, put on notice that a public hearing will be held at 7:30 PM or as soon thereafter as the matter may be heard, on the _____ day of _____, 20__, at the Sewall's Point Town Hall, by the Sewall's Point Board of Zoning Adjustment to consider the matter of a _____ to the existing zoning requirements according to the Sewall's Point Ordinance Section _____.

A copy of the Statement of Benefits which has been submitted to the Board of Zoning Adjustment is enclosed.

This application is being made to the Board of Zoning Adjustment in order to allow (insert specifics of the request exactly as you are making the request to the Board of Zoning Adjustment in such language as to make clear what is presently required by ordinances and what specific relief you request; where dimensions are involved, attach a drawing showing dimensions).

You are invited to attend and be heard or to write in care of the Sewall's Point Board of Zoning Adjustment, 1 South Sewall's Point Road, Sewall's Point 34996.

Sincerely,

(Signature)

Recorded in Martin County, FL 3/1/2021 9:48 AM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: $18.50Deed Tax: $0.70
CFN#2871146 BK 3201 PG 2341 PAGE 1 of 2

Prepared by and return to:
Jonathan E. Litz

The Law Offices of Jonathan E. Litz, P.A.
2161 Palm Beach Lakes Blvd. Suite 202
West Palm Beach, FL 33409
561-392-6711
File Number: **21-Downs S**
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this **22nd** day of **February, 2021** between **Michael J. Buono, a single man** whose post office address is s **106 N. Sewalls Point Road, Sewalls Point, FL 34996** , grantor, and **Michael J Buono, a single man and Suzanne M Downs, a single woman, as joint tenants with rights of surviorship** whose post office address is **106 N. Sewalls Point Road, Sewalls Point, FL 34996**, grantee:

(Whenever 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Martin County**, **Florida** to-wit:

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.

TOGETHER with a perpetual easement in common with Grantor's predecessor in interest, their successors and/or assigns, for the installation of wells and pump houses, and laying of pipe, over and across the North 5 feet and the South 5 feet of the North 200 feet of said Government Lot 2 that lies West of the said Sewall's Point Road, and such Easement to extend a distance of 300 feet from the aforesaid Road.

Parcel Identification Number: 35-37-41-000-000-00100-1

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 land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2020**.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name:

Witness Name:

Michael J. Buono (Seal)

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me by means of [X] physical presence or [_] online notarization, this 22nd day of February, 2021, by Michael J. Buono, who [X] is personally known or [ ] has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: Jonathan Litz

My Commission Expires:

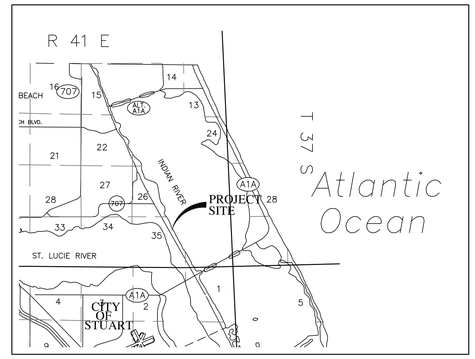
JONATHAN E. LITZ
Commission # GG 339063
Expires September 27, 2023
Bonded Thru Budget Notary Services

DocuSign Envelope ID: B1C28538-09F9-4A03-A371-3D2568D48D53

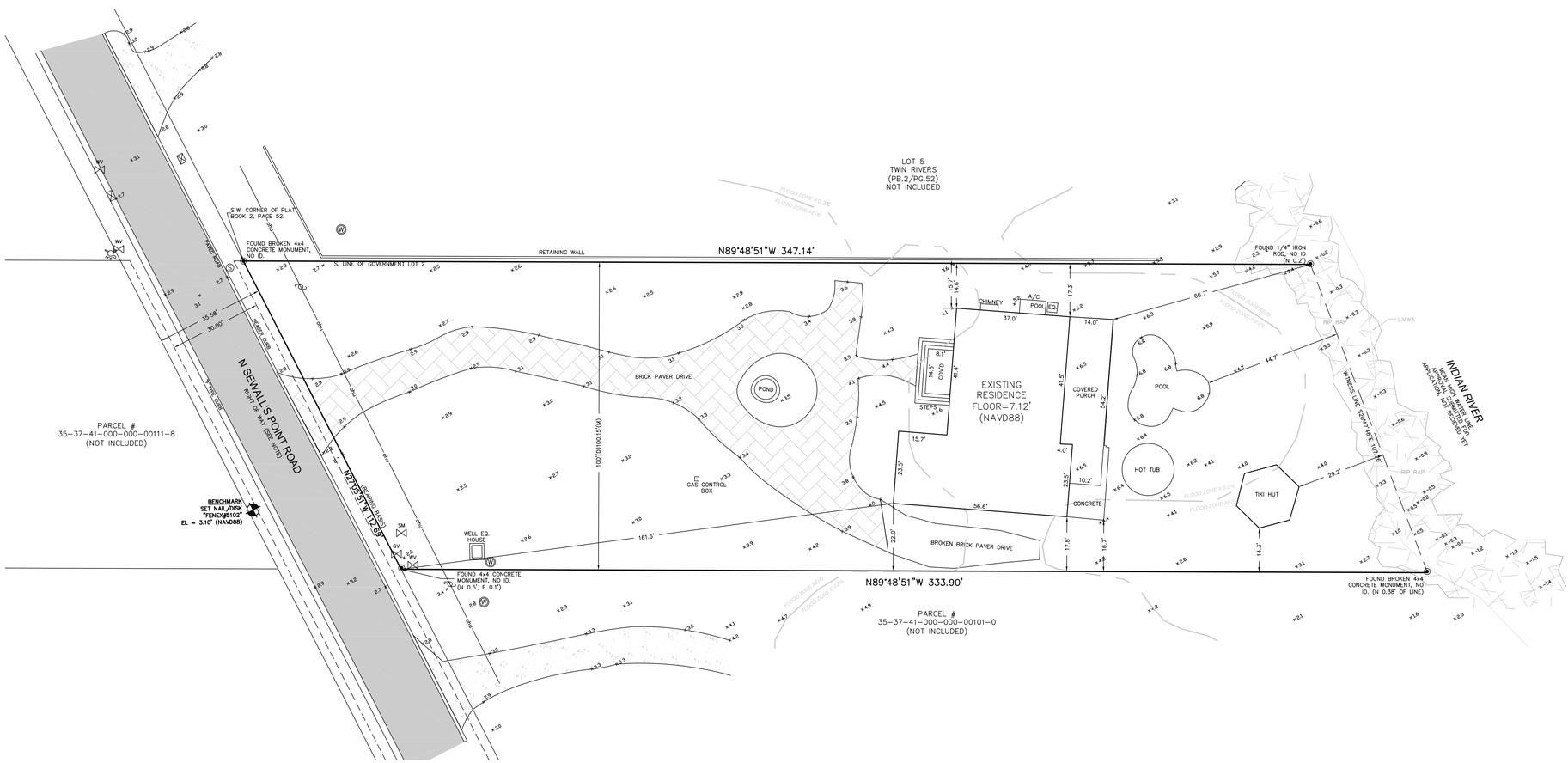
GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.



LOCATION MAP
NOT TO SCALE



PARCEL ID:
35-37-41-000-000-00100-1

PARCEL ADDRESS:
106 N SEWALL'S POINT RD, MARTIN COUNTY

BENCH MARKS:
BENCH MARK
SET NAIL/DISK "FENEX#5102"
ELEVATION 3.10' (NAVD88)
N. 1048296.90
E. 913325.16

DATUM & ACCURACY NOTES:

1. HORIZONTAL DATA FOR BEARINGS AND COORDINATES REFER TO STATE PLANE NAD83(FL EAST ZONE 901). CONTROL USED IS FDOT VRS STATION NETWORK, MULTIPLE SITE CONTROL OBSERVATIONS AVERAGED. POINT POSITION IS PLUS OR MINUS 0.02 FEET. GPS AND ROBOTIC TOTAL STATION USED FOR DATA COLLECTION.
2. VERTICAL DATA FOR ELEVATIONS REFER TO NAVD88 (NORTH AMERICAN VERTICAL DATUM 1988). CONTROL USED IS MARTIN COUNTY BENCHMARK SP-3 (HELD) AND VERIFIED TO FDOT VRS STATION NETWORK. POINT POSITION IS PLUS OR MINUS 0.2' SOFT GROUND AND 0.035 FEET HARD GROUND, GPS AND ROBOTIC TOTAL STATION USED FOR DATA COLLECTION.
3. THIS SURVEY IS INTENDED TO MEET OR EXCEED SECOND ORDER CLASS II, 1:20,000 ACCURACY AND CLOSURE SPECIFICATIONS.

SURVEYOR'S NOTES:

1. BEARINGS REFER TO THE EAST RIGHT LINE OF WAY OF N SEWALL'S POINT ROAD.
2. (P)=PLAT MEASUREMENT; (M)=FIELD MEASUREMENT; (C)=CALCULATED MEASUREMENT
3. PROPERTY LIES IN FLOOD ZONE "X-0.2%", AE(4), AE(5), FEMA MAP #12085C0154H, 2-19-20.
4. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAYS, EASEMENTS, OR OTHER ENCUMBRANCES BY THIS FIRM.
5. UNDERGROUND UTILITIES NOT LOCATED PER THIS SURVEY.
6. EL = ELEVATION; ELEVATIONS REFER TO NAVD88
7. COV'D = COVERED; CONC. = CONCRETE
8. ℄ = CENTERLINE OF ROAD; R/W = RIGHT-OF-WAY.
9. ⊠ = STORM WATER CATCH BASIN.
10. ⊡ = UTILITY BOX; EQ. = EQUIPMENT
11. ⊠ = WATER METER/VALVE; ⊠ = SEWER METER/VALVE
12. ⊠ = FIRE HYDRANT
13. ⊛ = SEWER MANHOLE
14. ⌀ = POWER POLE; ◑ = GUY WIRE
15. PB = PLAT BOOK PG = PAGE (PLAT BOOKS REFER TO MARTIN COUNTY PUBLIC RECORDS)

FEMA NOTE:

1) FEMA ZONES SHOWN PER MAP #12085C0154H, DATED 2-19-20.
2) LIMWA DENOTES LIMITS OF MODERATE WAVE ACTION.
SEE FEMA WEBSITE FOR LIMWA REGULATIONS.

RIGHT OF WAY NOTE:

1) PLAT RIGHT OF WAY IS 30 FEET
2) RIGHT OF WAY EXISTING AS MONUMENTED IS 35.58' (40' ON DIAGONAL)

LEGAL DESCRIPTION:

THE PORTION OF THE NORTH 100 FEET OF GOVERNMENT LOT 2, SECTION 35, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, LYING EASTERLY FROM SEWALL'S POINT ROAD AND EXTENDING TO THE WATERS OF THE INDIAN RIVER

TOGETHER WITH A PERPETUAL EASEMENT IN COMMON WITH GRANTOR'S PREDECESSOR IN INTEREST, THEIR SUCCESSORS AND/OR ASSIGNS, FOR THE INSTALLATION, FOR THE INSTALLATION OF WELLS AND PUMP HOUSES, AND LAYING PIPE, OVER AND ACROSS THE NORTH 5 FEET AND THE SOUTH 5 FEET OF THE NORTH 200 FEET OF SAID GOVERNMENT LOT 2 THAT LIES WEST OF THE SAID SEWALL'S POINT ROAD, AND SUCH EASEMENT IS EXTENDED A DISTANCE OF 300 FEET FROM THE AFORESAID ROAD.

PARCEL IDENTIFICATION:
35-37-41-000-000-00100-1

PROGRESS ASBUILT &
TIE IN SURVEY

N 100' OF GOV' LOT 2, E OF ROAD

SEWALL'S POINT

FOR:

J.C. CONSTRUCTION

CERTIFICATION: I HEREBY CERTIFY THAT THE BOUNDARY AND TOPOGRAPHIC SURVEY SHOWN HEREON IS A CORRECT REPRESENTATION OF A SURVEY DONE UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS OUTLINED IN CHAPTER 5J-17, F.A.C.

CHRISTIAN FENEX AND ASSOCIATES, LLC
PROFESSIONAL SURVEYING AND MAPPING
ENVIRONMENTAL CONSULTING
3401 SW 72ND AVE., PALM CITY, FLORIDA
P.O. BOX 2533, PALM CITY, FL 34991
PH.(772)283-2977 SURVEYSBYFENEX@GMAIL.COM
LICENSED BUSINESS # 6858

DRAWING DATE: 6/20/23
FIELD DATE: 6/8/23
F.B. P6 PAGE 66
SKETCH NO. 223012.dwg

DocuSigned by:
5A27C04C27C741F...

STATE OF FLORIDA
REGISTERED
SURVEYOR & MAPPER

FLORIDA REGISTRATION #5102
CHRISTIAN FENEX

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

RODRIGUEZ-ALBIZU LAW

Gerardo J. Rodriguez-Albizu, Esq.
Direct Dial: (772) 261-5080
E-mail: grodriguez@ralawpa.com
www.ralawpa.com

July 27, 2023

BY ELECTRONIC MAIL

Michael Buono
106 N. Sewalls Point Road
Stuart, FL 34996

Re: Property Owners of Record

Dear Mr. Buono:

Per your request I have conducted a search of all property owners of record within three hundred (300) feet of the property located at 106 N. Sewalls Point Road, Stuart, FL 34996. The results of said search are as follows:

Harry Ford, III
98 N. Sewalls Point Road
Stuart, FL 34996

Troy W. Buckner
99 N. Sewalls Point Road
Stuart, FL 34996

Brent Leslie
100 N. Sewalls Point Road
Stuart, FL 34996

Albert J. Slater, II
101 N. Sewalls Point Road
Stuart, FL 34996

Property Owner Not Available
102 N. Sewalls Point Road
Stuart, FL 34996

Frederic M. Ayers, IV
103 N. Sewalls Point Road
Stuart, FL 34996

Fastighets Aktiebolag Testebo
104 N. Sewalls Point Road
Stuart, FL 34996

Christina T. Viola
105 N. Sewalls Point Road
Stuart, FL 34996

Curtis Johnson, Trustee
108 N. Sewalls Point Road
Stuart, FL 34996

Joseph McCormack
109 N. Sewalls Point Road
Stuart, FL 34996

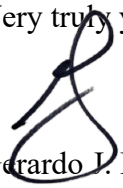
Jay Goldwasser
110 N. Sewalls Point Road
Stuart, FL 34996

Robert A. Waldo, Jr.
113 N. Sewalls Point Road
Stuart, FL 34996

Robert Eustace
114 N. Sewalls Point Road
Stuart, FL 34996

Please contact me at your convenience should you have any questions regarding the above.

Very truly yours,



Gerardo J. Rodriguez-Albizu

TOWN OF SEWALL'S POINT

TO: **File**

FROM: **Jack Reisinger, Building Official**

DATE: **August 8, 2023**

SUBJECT: **Variance Request for 106 N. Sewall's point Road**

This request is for a setback adjustment for a chickee hut that was built inside the rear setback. The FBC 102.2 (h) has exempted chickee huts from having to obtain a building permit.

The installers of the chickee hut were unaware that the local setbacks would have to be adhered to. Setbacks are usually put into play with a permit review. Since the law does not require a permit, no site plan review was done.

This chickee hut is a replacement of one that was in this area prior to all of the re-construction of the house and rear pool area.

Chickee huts are commonly located right next to or in close proximity of a body of water.

Recommendation: Staff does support this request.