TOWN OF SEWALL'S POINT

Board of Zoning Adjustments Meeting
May 24, 2023
10:00 AM

I. CALL TO ORDER

a. **Pledge of Allegiance to the Flag**

b. **Roll Call**

c. **Swearing-in of Staff**

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

a. **Public Comment Guidelines**

1) BZA-Public Comment Guidelines.pdf

III. APPROVAL OF AGENDA

IV. PUBLIC HEARINGS

a. **Wells Realty Interests, LLC – 4 Island Road – Variance Request – Article XI. – Miscellaneous – Section 50-176(b)(2)(b) – Elevation Variance and Section 50-176 (c) – Building Height Variance**

1) Wells Realty Interests, LLC - Variance Application.pdf
2) Section 50.176 ___Floor_elevation_and_building_height_limits..pdf
3) BZA Memo - Staff Approval - 4 Island Rd.pdf
4) Letter of Support.pdf
5) Ltr of Support.pdf

V. COMMENTS FROM BOARD MEMBERS

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.

Guidelines for Public Comments

- Everyone will have 3 minutes
- When recognized step forward to the podium and state your name for the record
- All remarks should be addressed to the Commission as a body
- The public comment period is for receipt of public comments, not debate. It is not intended as a time for problem solving but rather for hearing the citizens for their input
- Any person addressing the Commission who disrupts the orderly and efficient conduct of the meeting, uses profane or obscene language may be removed from the meeting

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

PRIMARY CONTACT EMAIL ADDRESS: tpm@mccarthysummers.com

PROPERTY OWNER:

Name: Wells Realty Interests LLC

Address: 5109 Sugarloaf Drive, Tiburon, CA 94920

Telephone No. c/o Agent

APPLICANT (Property owner must sign application)

Name: Owner c/o Terence P. McCarthy, Esq. ☐ owner ☑ owner agent

Address: 2400 SE Federal Hwy. 4th Floor Stuart FL 34994

Telephone No. 772.286.1700 Email tpm@mccarthysummers.com

SUBJECT PROPERTY:

Legal Description: See enclosed.

Parcel I.D. Number: 13-38-41-003-000-00660-5

Address: 4 Island Road, Sewall's Point, FL

Current Zoning Classification Single Family

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.

See narrative, enclosed.

VARIANCE REQUESTED FROM: Sections 50-176(b)(2)(b), 50-176(c)

Variance requested from Section see above **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

See narrative, enclosed.

Robert S. Wells — Robert Wells, as Managing Member — April 4, 2023

Signature of Applicant — Hand Print Name — Date

Managing Member
Wells Realty Interests LLC

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;

See justification statement, enclosed.

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

(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;

(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;

(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;

(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;

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.

Wells Realty Interests LLC
Robert Wells, as Managing Member

Robert S Wells Robert S Wells (Apr 4, 2023 11:02 PDT)	Robert Wells, as Managing Member	Apr 4, 2023
Signature of Applicant or Applicant's Attorney	Hand Print Name	Date

Robert S Wells Robert S Wells (Apr 4, 2023 11:03 PDT)	Wells Realty Interests LLC Robert Wells, as Managing Member

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)

McCARTHY SUMMERS WOOD NORMAN MELBY & SCHULTZ P.A.
Attorneys at Law

Terence P. McCarthy *
Robert P. Summers *
Steven J. Wood **
Kenneth A. Norman
Nicola J. Boone Melby ***
Owen Schultz
Margaret E. Wood

Donna R. McMillan
Jessica M. VanValkenburgh
Christen Spake
Kimberly A. Ryan

Kathryn C. Bass†

*Board Certified Real Estate Lawyer
**Board Certified Wills, Trusts & Estates Lawyer
***Board Certified Elder Law Lawyer
†Of Counsel

April 5, 2023

NARRATIVE OF VARIANCE REQUEST
Elevation Variance: Maximum Lowest Habitable Floor and Building Height
4 Island Road, Sewall's Point, FL

Dear Mr. Reisinger:

Enclosed please find a variance application submitted on behalf of Wells Realty Interests, LLC and its principal, Robert Wells, the owner of the above-referenced real property (the "Property") in Sewall's Point. A complete legal description is submitted herewith. The Property is on a finger-island on the east side of south Sewall's Point, on the Intracoastal, and is .798 legal acres according to the Martin County Property Appraiser's website. The Property is considered a "riverfront lot" under Section 82-1 of the Code of Ordinances of the Town of Sewall's Point ("Code"). Mr. Wells is in the process of securing permits to build a residence and attendant improvements so that he can make Sewall's Point, Florida his home. The residence and improvements are all comfortably within the buildable area of the lot.

In light of the well-known risks posed by sea-level rise and the attendant worsening of storm surges during weather events – illustrated in catastrophic detail by Hurricane Ian's impacts to Florida's west coast – Mr. Wells is seeking a variance from the maximum lowest habitable floor elevation under Section 50-176(b)(2)(b) of the Code, and a corresponding variance from the height limitations in Section 50-176(c) of the Code. Section 50-176(b)(2)(b) of the Code provides, in relevant part, that the "elevation of the lowest habitable floor shall not exceed 18 inches above the average natural grade of the front line of the proposed building…[.]" Section 50-176(c) of the Code provides, in relevant summary, that the building height shall not exceed 27 feet, measured from the highest habitable floor permitted by the Code to the highest point on the roof.

Due to the Property's location on a small island in the Intercoastal Waterway and in view of the St. Lucie Inlet, and considering losses suffered by hundreds of thousands of Florida residents and business owners in the Hurricane Ian disaster (Mr. Wells among them), Mr. Wells seeks to elevate the lowest habitable floor of this new build slightly higher than the current requirements of the Town's floodplain management regulations. Specifically, the maximum allowable elevation of the lowest habitable floor would be 8.75 feet NAVD, and Mr. Wells seeks an elevation of 10 feet NAVD, to guard against floodwaters in storms and tides of the future. According to Martin County's FEMA Flood Zones layer, while the coastline of this Property is designated as an AE zone – an area of special flood hazard, the building footprint is in Zone X – a designation of low to minimal flood risk. Available data and projections suggest that storm surge has been underestimated in FEMA's

flood risk assessments,[1] and certainly Hurricane Ian's inundating areas outside FEMA's high flooding-risk areas with many feet of floodwaters verifies that data and supports those projections. Mr. Wells seeks a relatively small elevation variance that would provide a larger measure of protection against a very real, and increasing, threat to coastal improvements.

If Mr. Wells is permitted to build the new residence at the proposed elevation, the 27-foot building height limitation in Code Section 50-176(c) would result in an undesirably short structure because of its mandate that the height be measured from a specified point on the property, rather than from the actual lowest habitable floor. The residence proposed by Mr. Wells is only 26.3 feet from lowest habitable floor to highest point on roof: easily within the maximum 27-foot building height. However, measuring from the highest habitable floor *permitted by the Code*, the residence's height would be considered 27.55 feet. Mr. Wells therefore seeks a small variance from the building height limitations as well.

Mr. Wells' requested building height variance would not result in an unfairly – or even noticeably – taller structure than those surrounding the Property because the proposed building height would be a perfect average of the building heights of his neighbors to the north and south. The residence to the north would remain higher than Mr. Wells' residence by 1.65 feet, and the residence to the south would be only 1.65 feet lower than Mr. Wells' residence. The enclosed graphic illustrates these measurements.

Mr. Wells' elevating the residence to guard against sea level rise and storm surge benefits the Town and his neighbors in that the greater elevation provides enhanced protection from flooding for the Property's improvements and the surrounding environment. Neighboring Counties are currently reviewing floodplain regulations and taking measures to guard against projected sea level rise,[2] and Mr. Wells simply wishes to do the same.

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[1] "'Following Ian, and many other major hurricanes, we have observed serious flood damage beyond the boundaries of the 100-year floodplain,' Sanchez said. 'This suggests that there are communities across the nation susceptible to damage that our current flood management policies don't consider.'" A. Moore, *Many Americans Lack Flood Insurance Despite Rising Risks – Here's Why*, NC State University College of Natural Resources News, https://cnr.ncsu.edu/news/2022/11/flood-maps/ last visit April 3, 2023.

[2] See Resilient Martin: https://www.martin.fl.us/Resilience, last visit March 29, 2023; Southeast Florida Regional Climate Change Compact – Regional Climate Action Plan: https://southeastfloridaclimatecompact.org/recommendations/, *see* ST-2: Integrate sea level rise and surge projections in maps and documents, last visit March 29, 2023; Southeast Florida Regional Climate Change Compact – Unified Sea Level Rise Projection Southeast Florida: https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf, last visit March 29, 2023.

The requested variances raise the lowest habitable floor of the residence to avoid flood waters and tides, and allow the residence to measure 27.55 feet according to the Code's prescribed measurement formula. Mr. Wells respectfully requests that these variances be granted, so that his new residence is protected against the storms and tidal patterns of the future.

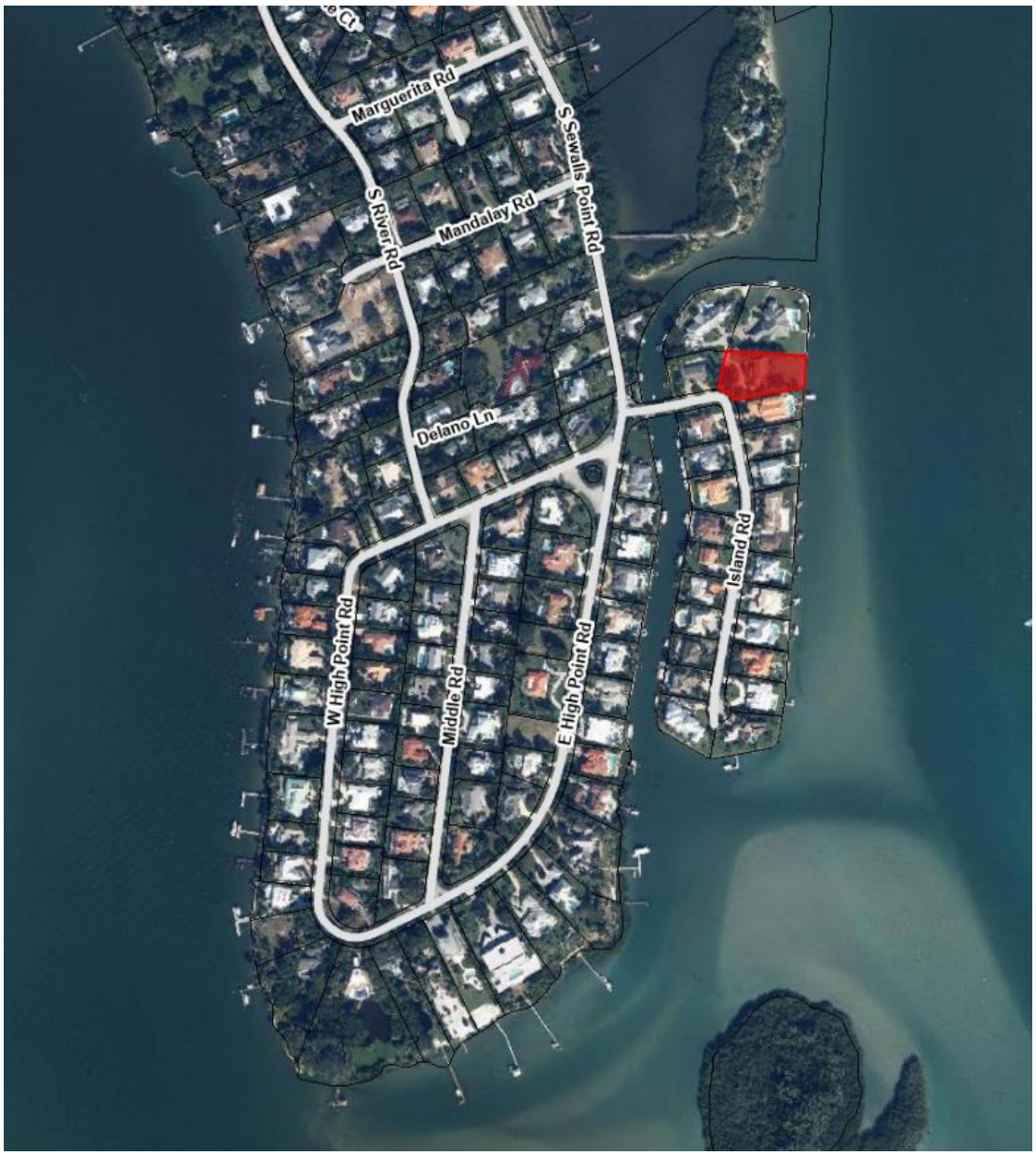
Very truly yours,



Christen Spake
cls@mccarthysummers.com

LEGAL DESCRIPTION AND AERIAL VIEW

Lot 66, Isle Addition to High Point, according to the map or plat thereof as recorded in Plat Book 4, Page 47, Public Records of Martin County, Florida.

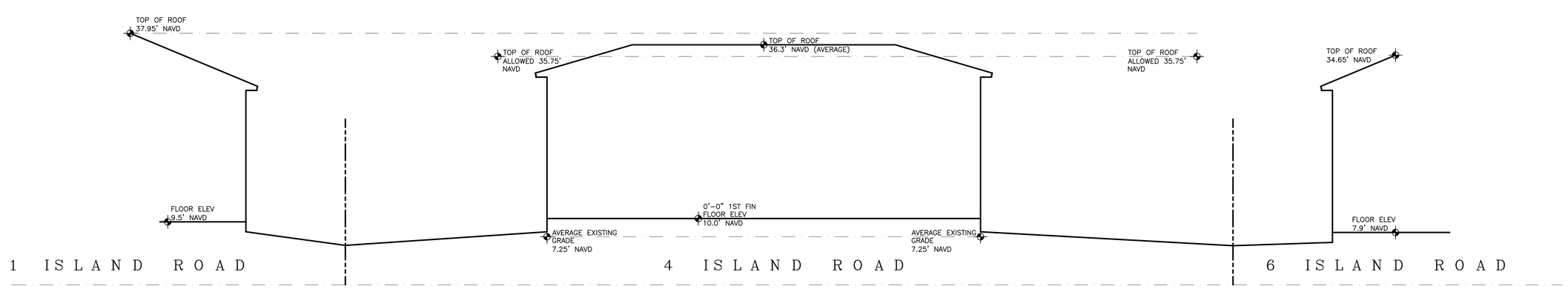


VARIANCE CHART

REQUEST	REQUIRED	REQUESTED	VARIANCE
Height Lowest habitable floor	8.75 feet[3]	10 feet	1.25 feet
Height Building height	27 feet	27.55 feet	0.55 feet

[3] All measurements in North American Vertical Datum: "NAVD"

BUILDING HEIGHT GRAPHIC



VILLAGE
ARCHITECTS AIA
400 N CYPRESS DRIVE, SUITE 21
Tequesta, FL 33469
Phone: 561-743-4959
Fax: 561-743-1225
www.Village-Architects.com
AA26001195

WELLS REALTY INTERESTS, LLC
4 ISLAND ROAD
SEWALL'S POINT, FLORIDA

Seal :

Mitchell E. Miller
Florida License No. AR91772
As Principal of
Village Architects AIA, Inc.

Copyright © 2023
Village Architects AIA
All rights reserved.
These drawings are the
Property of the architect
and are not to be used
for any other projects
except by agreement with
The architect in writing.

Consultant:

Revisions :
4-4-23 VARIANCE REQUEST

Sheet Title:
SITE
SECTION

Scale:
1/8" = 1'-0"

Comm. :	Date :
22-015	10-3-22
Drawn :	Checked :
CRA	MEM

Sheet No.

SP2

PRINT DATE: 4-4-23

Recorded in Martin County, FL 8/9/2022 3:17 PM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: $18.50Deed Tax: $19,600.00
CFN#2974956 BK 3329 PG 2174 PAGE 1 of 2

This Document Prepared By and Return to:
Christopher J. Twohey, P.A.
3778 SE Ocean Blvd.
Stuart, FL 34996

Parcel ID Number: 13-38-41-003-000-00660.50000

Warranty Deed

This Indenture, Made this 3rd day of August , 2022 A.D., **Between**
H. Mabry Lizars Brumbach, as Successor Trustee of the Rosemary C. Lizars Revocable Living Trust dated June 1, 1994, and amended April 21, 1999, as amended and restated thereafter
of the County of **Fulton** , State of **Georgia** **, grantor,** and
Wells Realty Interests, LLC, a Delaware limited liability company
whose address is: **109 Sugarloaf Dr., Belvedere Tiburon, CA 94920**
of the County of **Marin** , State of **California** **, grantee.**

Witnesseth that the GRANTOR, for and in consideration of the sum of
TEN DOLLARS ($10) ,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of **Martin** ,
State of **Florida** to wit:

Lot 66, Isle Addition to High Point, according to the map or plat thereof as recorded in Plat Book 4, Page 47, Public Records of Martin County, Florida.

SUBJECT TO:

1. Taxes for the year 2022, and all subsequent years;

2. Zoning restrictions, prohibitions and other requirements imposed by governmental authority;

3. Restrictions and matters appearing on the Plat or otherwise common to the subdivision; and

4. Public utility easements of record, if any.

The property herein conveyed DOES NOT constitute the HOMESTEAD property of the Grantor. The Grantor's HOMESTEAD address is 776 Yorkshire Rd. NE, Atlanta, GA 30306.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

Copy Copy Copy

Laser Generated by ©Display Systems, Inc. 2022 (863) 763-5555 netForm FLWD-1

Warranty Deed - Page 2

Parcel ID Number: 13-38-41-003-000-00660.50000

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

Signed, sealed and delivered in our presence:

Kathleen T. Greco
Printed Name: Kathleen T. Greco
Witness

Printed Name:
Witness Brittney Morris

H. Mabry Lizars Brumbach, as Successor Trustee of the Rosemary C. Lizars Revocable Living Trust dated June 1, 1994, and amended April 21, 1999, as amended and restated thereafter

By: H. Mabry Lizars Brumbach (Seal)
H. Mabry Lizars Brumbach, Successor Trustee
P.O. Address:

Copy Copy Copy

State of Florida
County of Martin

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 19th day of July, 2022, by **H. Mabry Lizars Brumbach, as Successor Trustee of the Rosemary C. Lizars Revocable Living Trust dated June 1, 1994, and amended April 21, 1999, as amended and restated on behalf of the trust**
who is personally known to me or who has produced her **Florida driver's license** as identification .

Kathleen T. Greco
Printed Name:
Notary Public
My Commission Expires:

KATHLEEN T. GRECO
MY COMMISSION # GG 246824
EXPIRES: November 3, 2022
Bonded Thru Notary Public Underwriters

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SURVEYOR'S REPORT

ACCURACY:

1. ALL MEASUREMENTS, DISTANCES, ELEVATIONS AND FEATURES WERE PERFORMED IN STRICT ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J17 FLORIDA ADMINISTRATIVE CODE.
2. METHODS FOR ALL CONTROL MEASUREMENTS WERE MADE WITH A TRANSIT AND STEEL TAPE, OR DEVICES WITH EQUIVALENT OR HIGHER DEGREES OF ACCURACY.
3. THE ACCURACY STANDARD USED FOR THIS SURVEY, AS CLASSIFIED IN THE MINIMUM TECHNICAL STANDARDS (5J-17 FAC), IS "SUBURBAN". THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF SURVEY IS 1 FOOT IN 7,500 FEET. THIS SURVEY IS BASED ON REPETITIVE RTK GPS AND/OR TOTAL STATION OBSERVATIONS ON MULTIPLE PROJECT'S HORIZONTAL AND VERTICAL CONTROL POINTS TO OBTAIN A REDUNDANCY OF MEASUREMENT. HORIZONTAL AND VERTICAL CLOSURE ACHIEVED, EXCEED THE MINIMUM ACCURACY REQUIREMENTS.
4. COORDINATES (IF) SHOWN ON THE MAP OF SURVEY ARE IN FEET AND REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, TRANSVERSE MERCATOR, NORTH AMERICAN DATUM (NAD) OF 1983.
5. ALL ELEVATIONS SHOWN ON THE MAP OF SURVEY ARE IN FEET AND REFERENCED FROM NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
6. VERTICAL CONTROL POINTS ARE REFERENCED FROM THE FOLLOWING PUBLISHED DATUM: MARTIN COUNTY BENCH MARK "B306" AT ELEVATION 3.49 FEET (NAVD 88).
7 THE BASIS OF BEARING IS S11°08'01"E BEING THE CENTER LINE OF ISLAND ROAD AND IS IN ACCORDANCE TO THE RECORD PLAT NOTED HEREON.

LIMITATIONS:

1. PURPOSE OF SURVEY: TO ESTABLISH THE LIMITS OF THE HEREIN DESCRIBED PARCEL OF LAND BASED ON THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT.
2. LAST FIELD DATE OF SURVEY: 07/24/22
3. UNDERGROUND UTILITIES WERE NOT LOCATED
4. PARCEL LIMITS WERE BASED ON FOUND SURVEY CONTROL ALONG THE CENTER LINE AND/OR RIGHT OF WAY LINE OF ISLAND ROAD
5. DIMENSIONS SHOWN THUSLY (M) ON THE SURVEY SUPERSEDE DIMENSIONS REFLECTED ON EITHER RECORD DEED, PLAT OR RIGHT OF WAY MAP.
6. USE OF THIS SURVEY BY ANYONE OTHER THAN THOSE PREPARED FOR OR CERTIFIED TO, WILL BE THE RE-USERS SOLE RISK WITHOUT LIABILITY TO THE SURVEYOR.
7. SHOWN ANYWHERE ON THIS SURVEY, THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN EXPRESSION OF A PROFESSIONAL OPINION BASED UPON THE SURVEYOR'S BEST KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT CONSTITUTES NEITHER A GUARANTEE NOR A WARRANTY IN ADDITION THIS SURVEY SHALL NOT BE VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL
8 THE OWNERSHIP OF FENCE LINES HAS NOT BEEN DETERMINED AS PART OF THIS SURVEY.
9 OFF SET CALLS TO FOUND SURVEY CONTROL ARE RELATIVE TO THE NEAREST PROPERTY CORNER, INTERSECTION OF LINES, POINT OF CURVATURES (PC), POINT OF REVERSE CURVATURES (PRC) OR OTHER IDENTIFIABLE POINT.
10. THIS SURVEY SHALL NOT BE VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THE FLORIDA SURVEYOR AND MAPPER PREPARING THIS DOCUMENT
11 COMPLIANCE WITH LOCAL ZONING REQUIREMENTS AND OR WITH REQUIREMENTS SET FORTH BY OTHER STATE, PUBLIC, AND/OR PRIVATE ENTITIES HAS NOT BEEN VERIFIED AS PART OF THIS SURVEY.
12 SETBACKS SHOWN HEREON WERE BASED ON INFORMATION PROVIDED BY THE TOWN OF SEWEALLS POINT ON 7-15-22 FOR A STRUCTURE BUILD PRIOR TO 1984

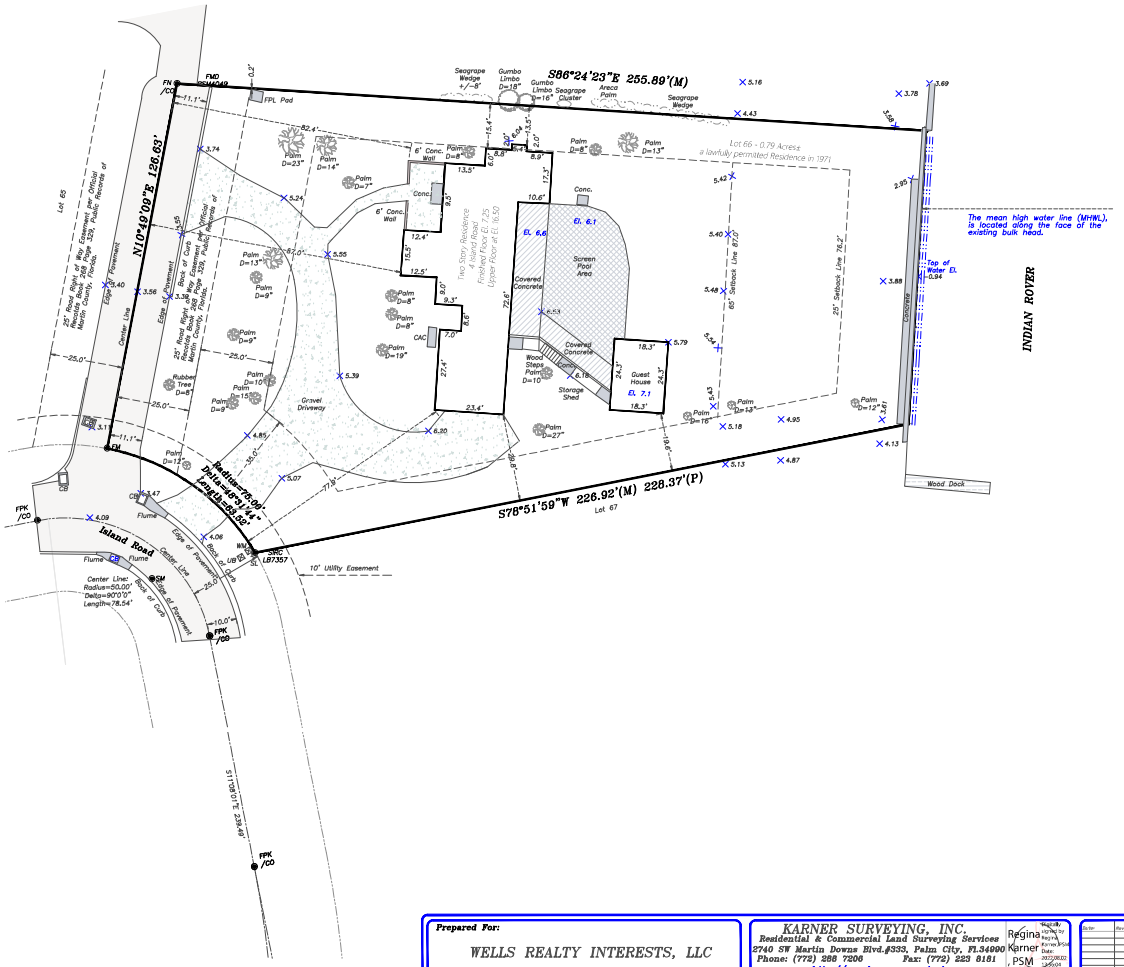
FEMA Flood Zone data shown here on is based on the visual inspection of the digital Flood Hazardous Maps provided by the Federal Emergency Management Agency (FEMA) and is limited to the accuracy of such maps.
Flood Zone: X and AE with Base Flood Elevations 6, per Panel Numbers 166, Community #: 120164 Suffix: H Date: 2.19.2022

PREPARED FOR:
WELLS REALTY INTERESTS, LLC
CHRISTOPHER J. TWOHEY, P.A.
Old Republic National Title Insurance Company

Prepared By:Regina C. Karner, PSM#4363
Karner Surveying, Inc. LB#7357

LEGAL DESCRIPTION

LOT 66, ISLE ADDITION TO HIGH POINT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 47, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA,



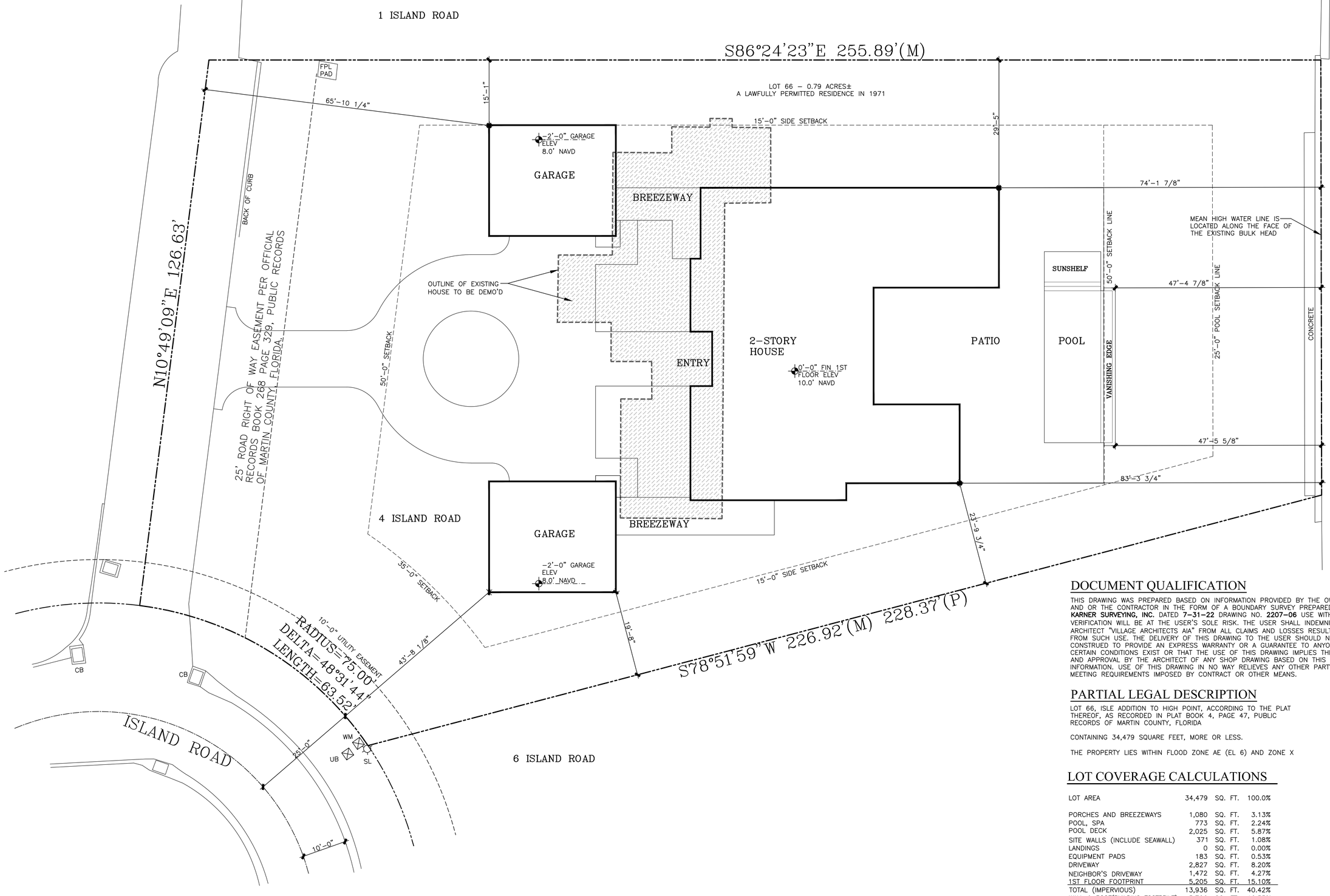
LEGEND

C/E – Covered Entry
CSC – Concrete Pad with Air Conditioning
CP – Concrete Pad
CBS – Concrete Block Structure
CMP – Corrugated Metal Pipe
CPE – Concrete Pad with Pool Equipment
CO – Cable TV Box
GV – Water Gate Valve
HYD – Fire Hydrant
LP – Light Pole
OHU – Overhead Utility Line
PP – Power Pole
SSMH – Sanitary Sewer Manhole
TCB – Telephone Communications Box
WM – Water Meter
WV – Water Valve
FCM – Found 4"x4"Concrete Monument
FIP – Found 1" Iron Pipe
FIPC – Found 1" Iron Pipe with Cap
FIR – Found 5/8 Iron Rod
FIRC – Found 5/8 Iron Rod with Cap
SIRC – Set 5/8 Iron Rod with Cap "LB#7357"
SIPC – Set 1" Iron Pipe with Cap
TW – Found Mag Nail
FND – Found Mag Nail with Disk
FN – Found Nail
FNC – Found Nail with Tin Tab
FRD – Found Rebar
FRKD – Found PK Nail with Disk
FRRS – Found Rail Road Spike
/CO – In Pavement Cut Out

Prepared For:
WELLS REALTY INTERESTS, LLC
Martin County Florida

KARNER SURVEYING, INC.
Residential & Commercial Land Surveying Services
2740 SW Martin Downs Blvd.#333, Palm City, Fl.34990
Phone: (772) 288 7206 Fax: (772) 223 8181
http://www.karnersurveyinginc.com
Regina Karner, PSM

Sheet Title: Boundary Survey
Sheet No: 1 of 1



DOCUMENT QUALIFICATION

THIS DRAWING WAS PREPARED BASED ON INFORMATION PROVIDED BY THE OWNER AND OR THE CONTRACTOR IN THE FORM OF A BOUNDARY SURVEY PREPARED BY **KARNER SURVEYING, INC.** DATED **7–31–22** DRAWING NO. **2207–06** USE WITHOUT VERIFICATION WILL BE AT THE USER'S SOLE RISK. THE USER SHALL INDEMNIFY THE ARCHITECT "VILLAGE ARCHITECTS AIA" FROM ALL CLAIMS AND LOSSES RESULTING FROM SUCH USE. THE DELIVERY OF THIS DRAWING TO THE USER SHOULD NOT BE CONSTRUED TO PROVIDE AN EXPRESS WARRANTY OR A GUARANTEE TO ANYONE THAT CERTAIN CONDITIONS EXIST OR THAT THE USE OF THIS DRAWING IMPLIES THE REVIEW AND APPROVAL BY THE ARCHITECT OF ANY SHOP DRAWING BASED ON THIS INFORMATION. USE OF THIS DRAWING IN NO WAY RELIEVES ANY OTHER PARTY FROM MEETING REQUIREMENTS IMPOSED BY CONTRACT OR OTHER MEANS.

PARTIAL LEGAL DESCRIPTION

LOT 66, ISLE ADDITION TO HIGH POINT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 47, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA

CONTAINING 34,479 SQUARE FEET, MORE OR LESS.

THE PROPERTY LIES WITHIN FLOOD ZONE AE (EL 6) AND ZONE X

LOT COVERAGE CALCULATIONS

LOT AREA	34,479	SQ. FT.	100.0%
PORCHES AND BREEZEWAYS	1,080	SQ. FT.	3.13%
POOL, SPA	773	SQ. FT.	2.24%
POOL DECK	2,025	SQ. FT.	5.87%
SITE WALLS (INCLUDE SEAWALL)	371	SQ. FT.	1.08%
LANDINGS	0	SQ. FT.	0.00%
EQUIPMENT PADS	183	SQ. FT.	0.53%
DRIVEWAY	2,827	SQ. FT.	8.20%
NEIGHBOR'S DRIVEWAY	1,472	SQ. FT.	4.27%
1ST FLOOR FOOTPRINT	5,205	SQ. FT.	15.10%
TOTAL (IMPERVIOUS)	13,936	SQ. FT.	40.42%
WALL & ROOF(BUILDING FOOTPRINT)	5,706	SQ. FT.	16.55%
(MAXIMUM)	(10,344)	SQ. FT.	30.00%
TOTAL OPEN SPACE (PERVIOUS)	20,543	SQ. FT.	59.58%
(MINIMUM)	(15,516)	SQ. FT.	45.00%

VILLAGE
ARCHITECTS AIA
400 N CYPRESS DRIVE, SUITE 21
Tequesta, FL 33469
Phone: 561-743-4959
Fax: 561-743-1225
www.Village-Architects.com
AA26001195

WELLS REALTY INTERESTS, LLC

4 ISLAND ROAD
SEWALL'S POINT, FLORIDA

Seal :

Mitchell E. Miller
Florida License No. AR91772
As Principal of
Village Architects AIA, Inc.

Copyright © 2023
Village Architects AIA
All rights reserved.
These drawings are the Property of the architect and are not to be used for any other projects except by agreement with The architect in writing.

Consultant:

Revisions :
4-4-23 VARIANCE REQUEST

Sheet Title:
SITE PLAN

Scale:
1"=10'-0"

Comm. :	Date :
22-015	10-3-22
Drawn :	Checked :
CRA	MEM

Sheet No.
SP1

PRINT DATE: 4-4-23

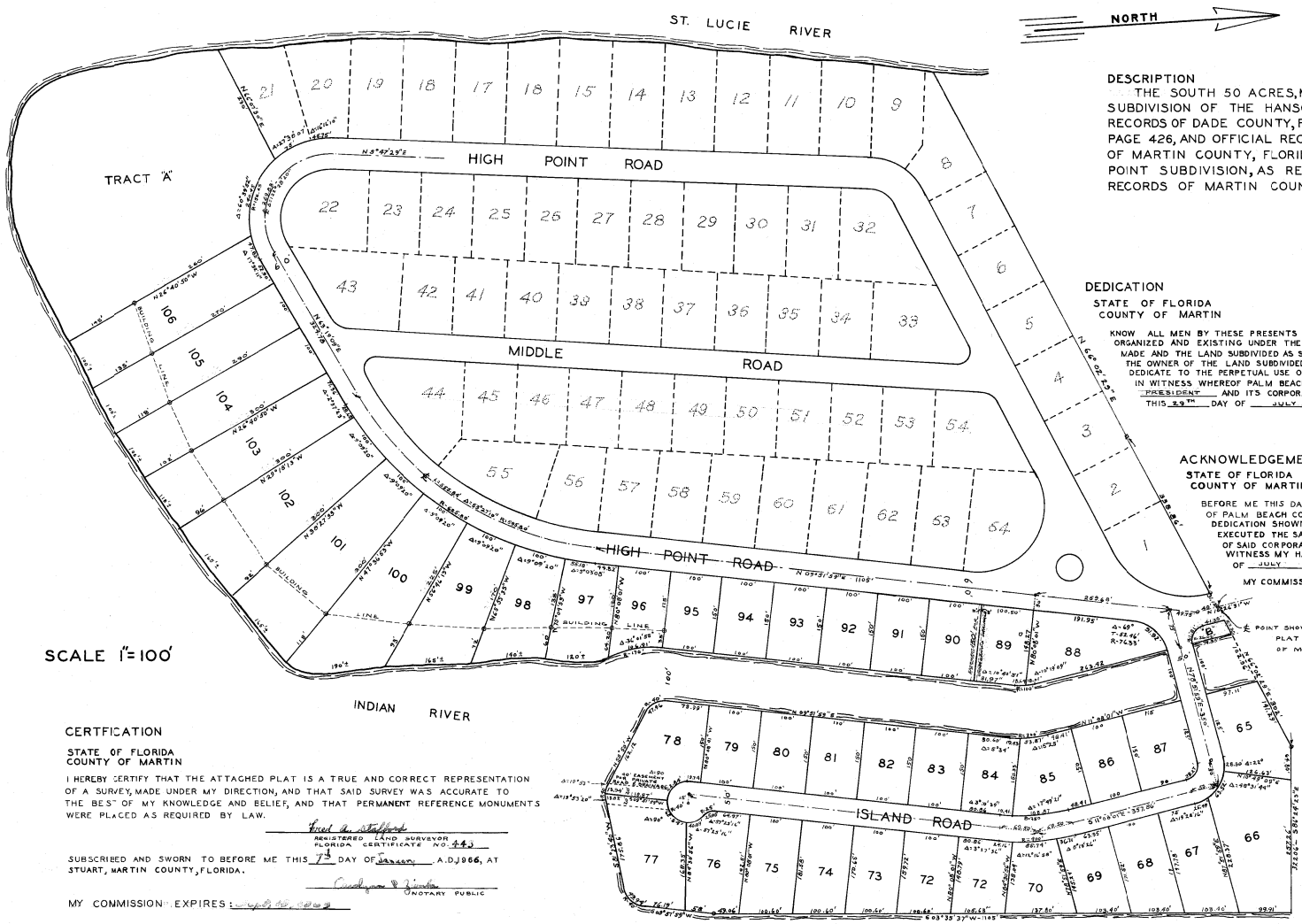
ISLE ADDITION TO HIGH POINT

I HEREBY CERTIFY THAT I HAVE EXAMINED THE ATTACHED PLAT, AND FIND THAT IT COMPLIES IN FORM WITH CHAPTER 177 FLORIDA STATUTES, AND WAS FILED FOR RECORD IN PLAT BK. 4, PAGE 47, THIS 7th DAY OF Jan A.D., 1966, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT AT STUART, MARTIN COUNTY, FLORIDA.

CLERK OF THE CIRCUIT COURT

Dorothy Pierce

FILE NO. 112122 by C Zimba D.C.



DESCRIPTION

THE SOUTH 50 ACRES, MORE OR LESS OF LOT 1, COMMISSIONERS SUBDIVISION OF THE HANSON GRANT, PLAT BOOK "B", PAGE 59, PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND LANDS DESCRIBED IN DEED BK.60, PAGE 426, AND OFFICIAL RECORD BOOK 138, PAGE 168, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; LESS THOSE LANDS PLATTED IN HIGH POINT SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 108, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

DEDICATION

STATE OF FLORIDA
COUNTY OF MARTIN

KNOW ALL MEN BY THESE PRESENTS THAT PALM BEACH COMPANY, A CORPORATION, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF FLORIDA, HAS CAUSED THE ATTACHED PLAT TO BE MADE AND THE LAND SUBDIVIDED AS SHOWN HEREON AND DOES HEREBY AFFIRM THAT SAID CORPORATION IS THE OWNER OF THE LAND SUBDIVIDED AND DESCRIBED UNDER THE ABOVE TITLE CAPTION AND DOES HEREBY DEDICATE TO THE PERPETUAL USE OF THE PUBLIC THE ROADS SHOWN HEREON.

IN WITNESS WHEREOF PALM BEACH COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRESIDENT AND ITS CORPORATE SEAL TO BE AFFIXED AND ATTESTED BY ITS ASSISTANT SECRETARY THIS 29TH DAY OF JULY A.D., 1965.

Michael G. Phipps
PRESIDENT

R C Alley
SECRETARY

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF MARTIN

BEFORE ME THIS DAY PERSONALLY APPEARED MICHAEL G. PHIPPS AND R.C. ALLEY OF PALM BEACH COMPANY, WELL KNOWN ME TO BE THE PERSONS THAT EXECUTED THE DEDICATION SHOWN HEREON, WHO ACKNOWLEDGED TO AND BEFORE ME THAT THEY EXECUTED THE SAME, FOR THE USES AND PURPOSES THEREIN STATED, ON BEHALF OF OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL AT PALM BEACH THIS 29TH DAY OF JULY A.D, 1965.

Massie C. Schmid
NOTARY PUBLIC

MY COMMISSION EXPIRES AUGUST 4, 1968.

℄ POINT SHOWN ON PLAT OF HIGH POINT, PLAT BK. 3, PG. 108, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

APPROVED

TOWN OF SEWALLS POINT

DATE 10-13-65

[signature]
MAYOR

NOTES:

BEARINGS REFER TO TRUE MERIDIAN AS ESTABLISHED BY SOLAR OBSERVATION.

AN EASEMENT, 10FT. IN WIDTH, IS RESERVED ON LOTS 65 THROUGH 106, INCLUSIVE AND TRACT "A" & "B" FOR UNDERGROUND ELECTRIC AND TELEPHONE SERVICE, SAID EASEMENT BEING ADJACENT TO, AND CONTINUOUS ALONG, THE ROAD RIGHT-OF-WAY ABUTTING SAID LOTS & TRACTS.

CERTFICATION

STATE OF FLORIDA
COUNTY OF MARTIN

I HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY, MADE UNDER MY DIRECTION, AND THAT SAID SURVEY WAS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT PERMANENT REFERENCE MONUMENTS WERE PLACED AS REQUIRED BY LAW.

Fred A. Stafford
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 443

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF January A.D. 1966, AT STUART, MARTIN COUNTY, FLORIDA.

Carolyn R. Zimba
NOTARY PUBLIC

MY COMMISSION EXPIRES: Sept. 15, 1969

STAFFORD & BROCK
ENGINEERING—SURVEYING
STUART, FLORIDA

STATEMENT OF BENEFITS

1. **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.**

The applicant is building a new residence so that he can relocate to Sewall's Point, Florida, and seeks permission to elevate the lowest habitable floor of the residence 1.25 feet higher than permitted by the Code, to an elevation of 10 feet NAVD. The property at issue is located on a finger island on the east side of Sewall's Point, in the Intercoastal Waterway and in view of the St. Lucie Inlet. The purpose for the increased elevation is to avoid flooding and sea-level rise, in light of this property's exposed location. The applicant owns property in Collier County, Florida, well off the coast, that was damaged by flood waters despite its inland location. Because of that, he is sensitized to the very real threats posed by sea level rise and coastal flooding, and seeks the added protection afforded by building to an elevation of 10 feet NAVD. Additionally, because the Town's Code indicates (in summary) that a building's height must be measured from the height of the lowest habitable floor *permitted by the Code*, the height of the proposed building for Code-purposes would measure 27.55 feet: 0.55 feet more than the maximum building height. The applicant therefore also seeks a small variance from the building height provision of the Code. Importantly, the actual building height, measured from *proposed* lowest habitable floor to highest point on roof is only 26.3 feet, which is easily within the Code's maximum. Moreover, the proposed residence is the perfect average of the heights of the homes to its north and south: 1.65 feet shorter than the residence to the north and 1.65 feet taller than the residence to the south. Granting the variances requested would allow the applicant to guard against sea level rise and storm surge for the benefit of his property and for the benefit of the Town, his neighbors, and the environment. It will have no noticeable impact on the neighbors because the height of the building will blend perfectly into the neighborhood. The need for the requested variance results from conditions and circumstances which are special and peculiar to this land and its elevation and location, and are not applicable to other lands and structures in this same zoning district.

2. **The special conditions and circumstances do not result from the actions of the applicant.**

The applicants acquired this property in the summer of 2022. The special conditions and circumstances result from the natural configuration of the property and its being in a location vulnerable to storm surge and sea level rise. The special conditions and circumstances do not result from the actions of the applicants.

3. **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.**

Granting the applicants' request would not confer on the applicant any special privilege denied by this ordinance to other lands, buildings, or structures in the same zoning district. In fact, it is anticipated that new construction in many coastal counties and municipalities will soon be *required* to build to greater elevations. Broward, Miami-Dade, Monroe, and Palm Beach Counties have entered into a compact to examine, among other things, the need to plan for sea level rise and surge protections in the built environment, infrastructure, and other areas of governance.[1] Martin County's "Resilient Martin" program is examining sea level rise projections in order to develop plans to mitigate expected future hazards.[2] The Town of Sewall's Point is presently elevating major roadways due to flooding arising from seasonal tides alone. Applicant is not seeking a special privilege: the proposed residence will not be taller than all the others in the neighborhood or closer to property lines or the water. The residence will simply be elevated slightly above the maximum allowed based on the grade of this specific parcel of land. Residences on surrounding lots with a higher average grade may be elevated even higher than the applicant's proposed elevation. Applicant seeks permission to plan conservatively for future flood events, and granting this request will not confer on the applicant any special privilege that is denied to other lands, buildings, or structures in the same zoning district.

4. **The 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 an unnecessary and undue hardship on the applicant.**

A literal interpretation of the provisions of this ordinance would work a hardship on the Applicant because the circumstances of their property are not the same as all the other properties in the district. This property is in a vulnerable location and, because of its topography, only allows an owner's residence to be elevated to 8.75 feet NAVD. Requiring the applicant to build a lower residence, when the requested variance would be essentially invisible to the naked eye, would work and unnecessary and undue hardship in light of the sea-level-rise-data and projections available and the lessons learned from recent storm events.

[1] Southeast Florida Regional Climate Change Compact – Regional Climate Action Plan: https://southeastfloridaclimatecompact.org/recommendations/, ST-2: Integrate sea level rise and surge projections in maps and documents, last visit March 29, 2023; Southeast Florida Regional Climate Change Compact – Unified Sea Level Rise Projection Southeast Florida: https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf, last visit March 29, 2023.

[2] *See* Resilient Martin: https://www.martin.fl.us/Resilience, last visit March 31, 2023;

5. **The exception granted is the minimum exception that will make possible the reasonable use of the land, building or structure.**

The applicant has developed plans for the residence that would allow it to be elevated to 10 feet NAVD while still blending in with the surrounding building heights. The building itself remains shorter than 27 feet tall; it is simply the Code's prescribed method of measurement that causes the building to slightly exceed 27 feet tall. Applicant has taken steps to ensure that his residence is elevated against the elements but minimally outside the height limitation imposed by Code.

6. **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.**

The requested variances are very much in harmony with the surrounding neighborhood. The residence will be elevated slightly higher than the Code's limit, but the structure will still be a perfect average of the heights of surrounding neighbor's homes. More than "not injurious," the added elevation will benefit the area involved and the public welfare because it will provide greater protection against flooding.

Prestige title agency, inc.

736 colorado avenue, suite a, stuart, florida 34994 · phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

April 3, 2023

Ownership Search

Prepared For: McCARTHY, SUMMERS, WOOD, NORMAN, MELBY & SCHULTZ P.A.

We hereby certify that a search has been made of the Martin County Property Appraiser's records regarding a 300-foot area surrounding the following described parcel of land:

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

TAX ID: See Exhibit "B" attached hereto
OWNER: & made a part hereof.
ADDRESS:

The apparent property owners of land surrounding the above referenced property are as follows: The list does not include any owners who qualify for confidentiality (See attached).

Iris M. Crews

icrews

Prestige title agency, inc.

736 colorado avenue, suite a, stuart, florida 34994 · phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

OWNERSHIP REPORT
SEARCH NO. P23-11836IC

THE ATTACHED REPORT IS ISSUED TO McCARTHY, SUMMERS, WOOD,NORMAN, MELBY & SCHULTZ P.A. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY STEWART NATIONAL TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE AMOUNT PAID FOR THE REPORT.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of a 300 -foot area surrounding subject property. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.
This Report does not insure or guarantee the validity or sufficiency of any document attached nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership Report and the documents attached hereto.
The land referred to herein is described as follows:
See Exhibit "A" attached hereto & made a part hereof.

PRESTIGE TITLE AGENCY, INC.
736 Colorado Ave. Ste. A
Stuart FL 34994

By: *icrews*

Iris M. Crews

Recorded in Martin County, FL 8/9/2022 3:17 PM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: $18.50Deed Tax: $19,600.00
CFN#2974956 BK 3329 PG 2174 PAGE 1 of 2

This Document Prepared By and Return to:
Christopher J. Twohey, P.A.
3778 SE Ocean Blvd.
Stuart, FL 34996

Parcel ID Number: 13-38-41-003-000-00660.50000

Warranty Deed

This Indenture, Made this 3rd day of August , 2022 A.D., **Between**
H. Mabry Lizars Brumbach, as Successor Trustee of the Rosemary C. Lizars Revocable Living Trust dated June 1, 1994, and amended April 21, 1999, as amended and restated thereafter
of the County of Fulton , State of Georgia , **grantor,** and
Wells Realty Interests, LLC, a Delaware limited liability company
whose address is: 109 Sugarloaf Dr., Belvedere Tiburon, CA 94920
of the County of Marin , State of California , **grantee.**

Witnesseth that the GRANTOR, for and in consideration of the sum of
TEN DOLLARS ($10)
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Martin , State of Florida to wit:

Lot 66, Isle Addition to High Point, according to the map or plat thereof as recorded in Plat Book 4, Page 47, Public Records of Martin County, Florida.

SUBJECT TO:

1. Taxes for the year 2022, and all subsequent years;

2. Zoning restrictions, prohibitions and other requirements imposed by governmental authority;

3. Restrictions and matters appearing on the Plat or otherwise common to the subdivision; and

4. Public utility easements of record, if any.

The property herein conveyed DOES NOT constitute the HOMESTEAD property of the Grantor. The Grantor's HOMESTEAD address is 776 Yorkshire Rd. NE, Atlanta, GA 30306.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

Laser Generated by CDisplay Systems, Inc. 2022 (863) 763-5555 acrForm FLWD-1

EXHIBIT "A"

CFN#2974956 BK 3329 PG 2175 PAGE 2 of 2

Warranty Deed - Page 2

Parcel ID Number: 13-38-41-003-000-00660.50000

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

Signed, sealed and delivered in our presence:

Kathleen T. Greco
Printed Name: Kathleen T. Greco
Witness

Printed Name:
Witness Brittney Morris

H. Mabry Lizars Brumbach, as Successor Trustee of the Rosemary C. Lizars Revocable Living Trust dated June 1, 1994, and amended April 21, 1999, as amended and restated thereafter

By: H. Mabry Lizars Brumbach (Seal)
H. Mabry Lizars Brumbach, Successor Trustee
P.O. Address:

State of Florida
County of Martin

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 19th day of July, 2022, by H. Mabry Lizars Brumbach, as Successor Trustee of the Rosemary C. Lizars Revocable Living Trust dated June 1, 1994, and amended April 21, 1999, as amended and restated on behalf of the trust
who is personally known to me or who has produced her Florida driver's license as identification .

Kathleen T. Greco
Printed Name:
Notary Public
My Commission Expires:

KATHLEEN T. GRECO
MY COMMISSION # GG 248824
EXPIRES: November 3, 2022
Bonded Thru Notary Public Underwriters

COPY COPY

MARTIN COUNTY
PROPERTY APPRAISER
Jenny Fields, CFA

Basic Info

PIN	AIN	Situs Address	Website Updated
13-38-41-003-000-00660-5	27754	4 ISLAND RD SEWALLS POINT FL	4/3/23

General Information

Property Owners
WELLS REALTY INTERESTS LLC

Mailing Address
109 SUGARLOAF DR
BELVEDERE TIBURON CA 94920

Tax District
SEWALL'S POINT

Parcel ID
13-38-41-003-000-00660-5

Account Number
27754

Property Address
4 ISLAND RD SEWALLS POINT FL

Legal Description
LOT 66 ISLE ADDITION TO HIGH POINT ACCOR...

Use Code/Property Class
0100 - 0100 Single Family

Neighborhood
193120 High Pt Ind River

Legal Acres
0.798

Ag Use Size (Acre\Sq Ft)
N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	$ 1,400,000	$ 255,370	$ 1,655,370	$ 807,530	$ 847,840	$ 50,000	$ 797,840

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date	Grantor (Seller)	Doc Num
8/3/22	ROSEMARY CAMP LIZARS REVOCABLE LIVING TRUST	2974956
Sale Price	Deed Type	Book & Page
$ 2,800,000	Warranty Deed	3329 2174

Legal Description

LOT 66 ISLE ADDITION TO HIGH POINT ACCORDING TO PLBK 4 PG 47

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

EXHIBIT "B"

ABELLO EDGARDO ABELLO SUSAN
3 ISLAND RD
STUART FL 34996

BOURNIQUE ALEXANDER P BOURNIQUE MARISSA R
10 ISLAND RD
STUART FL 34996

CLEARY WILLIAM G CLEARY JOANNE M
1 ISLAND RD
STUART FL 34996

COMMUNITY OF HIGH POINT INC
PO BOX 2988
STUART FL 34995-2988

CREEDEN KRIS M CREEDEN LAURA R
17550 COBBLESTONE LN
CLERMONT FL 34711

DUTCHER STEPHEN MCQUAY DUTCHER LORI KIELTY
8 ISLAND RD
STUART FL 34996

GERRING TAYLOR A
10 S SEWALLS POINT RD
STUART FL 34996

HOFER PHILLIP A HOFER SONIA E
6 ISLAND RD
STUART FL 34996

JOHN C & IWONA LOWE LIVING TRUST
LOWE JOHN C TTEE
7 ISLAND RD
STUART FL 34996

LASURE DOUGLAS LASURE DAWN
2 ISLAND RD
STUART FL 34996

SCHOPP TY P SCHOPP ANNETTE L
9 ISLAND RD
STUART FL 34996

SMIERTKA ANTHONY JR SMIERTKA BARBARA
11648 BEAUCHAMP RD
BERLIN MD 21811

SONDA C MCFARLAND REVOCABLE TRUST AGREEMENT MCFARLAND SONDA C TTEE
2 E HIGH POINT RD
STUART FL 34996

WELLS REALTY INTERESTS LLC
109 SUGARLOAF DR
BELVEDERE TIBURON CA 94920

ARTICLE XI. - MISCELLANEOUS

Sec. 50-176. Floor elevation and building height limits.

(a) *Definitions.* Unless specifically defined in chapter 58, article II, or in section 82-1, words or phrases used in this section shall be interpreted so as to give them the meaning that they have in common usage and to give this section the most reasonable application.

(b) *Floor elevation.*

(1) *Minimum lowest habitable floor elevation.* The minimum elevation of the lowest habitable floor shall be the highest elevation of:

a. The 100-year, three-day storm event, without discharge;

b. The elevation prescribed by chapter 58, article II (flood damage prevention); or

c. The elevation prescribed by the on-site sewage disposal system construction permit issued for the building.

(2) *Maximum lowest habitable floor elevation.*

a. *Low lots.* Where the natural grade of a lot measured at the front line of the proposed building is below the crown of the street or private road adjacent to the front yard of the lot, the elevation of the lowest habitable floor shall not exceed 18 inches above the average grade of the crown of the street or private road, measured at the side lot lines and the center point between the side lot lines.

b. *High lots.* Where the natural grade of a lot measured at the front line of the proposed building is at or above the crown of the street or private road adjacent to the front yard of the lot, the elevation of the lowest habitable floor shall not exceed 18 inches above the average natural grade of the front line of the proposed building, measured at the end points of the front line and the center point of the front line.

(c) *Building height limits.*

(1) *Outside V zones.* For buildings on lots where no portion of the building is in a coastal high-hazard area (V zone) flood zone, the building height shall not exceed 27 feet measured as follows:

a. *Waterfront or riverfront lots.* On waterfront or riverfront lots, the building height shall be measured from the surface of the highest habitable floor that is at or below the maximum elevation for the lowest habitable floor that is permitted under subsection (b)(2) of this section, to the highest point on the roof.

b. *Other lots.* On other lots, the building height shall be measured from the surface of the lowest habitable floor to the highest point on the roof.

(2) *Within V zones.* For buildings on lots where any portion of the building is in a V flood zone, the building height shall not exceed 40 feet (NGVD) measured at the highest point on the roof. See section 82-421, Town of Sewall's Point Code of Ordinances for other height exceptions.

(d) *Exemptions.* Existing homes which are elevated to comply with applicable FEMA floor elevation requirements are exempt from these roof height limitations. However, in no case shall the proposed elevation exceed the minimum height required to comply with FEMA regulations and in no case shall the total height exceed 45 feet NGVD.

(e) *Applicability.* This section shall apply to all new construction and substantial improvements where the development permit application is filed after the effective date of the ordinance codified in this section.

(Ord. No. 298, Exh. A, 2-18-2004; Ord. No. 385, § 2, 1-14-2014)

TOWN OF SEWALL'S POINT

TO: **File**

FROM: **Jack Reisinger, Building Official**

DATE: **April 6, 2023**

SUBJECT: **Variance Request for 4 Island Road**

This request is a minor height request that raises the awareness of rising sea levels and that the Town may have to re-adjust some of the current ordinances in the near future.

This site would also be responsible to hold back rainwater with a water retention area as prescribed in the Town's ordinance.

Recommendation: Staff does support this request.

April Stoncius

From: Christen Spake <cls@mccarthysummers.com>
Sent: Wednesday, April 12, 2023 3:50 PM
To: April Stoncius
Cc: Terence McCarthy
Subject: FW: Variance Application: 4 Island Road

April,
Please see below from Mr. Cleary of 1 Island Road.

Best,

Christen Spake, Esq.

McCARTHY SUMMERS WOOD NORMAN MELBY & SCHULTZ P.A.
Attorneys at Law

2400 SE Federal Highway
4th Floor
Stuart, FL 34994
(772) 286-1700 • Fax (772) 283-1803
https://www.McCarthySummers.com

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From: William Cleary <clearywg@gmail.com>
Sent: Wednesday, April 12, 2023 3:21 PM
To: Christen Spake <cls@mccarthysummers.com>
Subject: Re: Variance Application: 4 Island Road

Joanne and myself are very much in favor of the variances. The added amount will keep any high tides and small hurricanes from reaching the ground floor. And 7 inches higher on part of the roof is insignificant
Thanks and looking forward to getting a new home going!

On Wed, Apr 12, 2023 at 3:08 PM Christen Spake <cls@mccarthysummers.com> wrote:

> Mr. Cleary:

Thank you very much for your call today. If you have a moment to send an email of support to Town Clerk April Stoncius at AStoncius@sewallspoint.org, she will ensure it is delivered to the members of the Board of Zoning Adjustments. Knowing that adjacent homeowners are in favor of an applicant's request is always very helpful to the Board members.

Best,

Christen Spake, Esq.

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Bill Cleary
1 Island Road
Stuart, FL 34996
(772) 291-2611 (office)
(607) 591-0780 (cell)

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

April Stoncius

From: Christen Spake <cls@mccarthysummers.com>
Sent: Monday, April 24, 2023 3:29 PM
To: April Stoncius
Cc: Terence McCarthy; Donna Botts
Subject: FW: Notice

Dear April,
Please see below email in support of the Variance Application for 4 Island Road.

Best,

Christen Spake, Esq.

McCARTHY SUMMERS WOOD NORMAN MELBY & SCHULTZ P.A.
Attorneys at Law

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2023

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From: D Lasure <dlasure@comcast.net>
Sent: Saturday, April 22, 2023 3:05 AM
To: Christen Spake <cls@mccarthysummers.com>
Subject: Notice

Dear Sir/Madam,
In regards to the attached notice, we are unable to attend the May 15 hearing but the homeowner of 4 Island Road has our full support & approval for the variance application & we look forward to seeing 4 Island Road finally being improved.

In addition, please advise the homeowner that the rodent population is still an issue, as we had 1 dead rodent in our swimming pool & 1 on our driveway. Any "neighborly" resolution would be greatly appreciated.

Kindly,
Douglas & Dawn Lasure
2 Island Road
(443) 817-8204