

**AGENDA
TOWN OF JUPITER ISLAND
BOARD OF ADJUSTMENT MEETING
THURSDAY, JUNE 26, 2025, 9:00 AM
ISLAND ROOM – TOWN HALL – 2 BRIDGE ROAD**

CALL TO ORDER AND ROLL CALL

AGENDA

1. Minutes of the meeting of February 27, 2025
2. 404 South Beach Road Subdivision

Request: The property consists of one lot divided by South Beach Road. The applicant is requesting a subdivision of the lot into two lots. One on the west side of South Beach Road, Lot No. 1 and one on the east side of South Beach Road, Lot No. 2.

Lot No. 1 is developed with a Main House, Accessory Garage, a Caretaker’s Cottage and a Pool. Lot No. 2 is developed with a Beach House.

3. Other Items*
 - a. Next Meeting - To Be Determined
 - b. Other Items

** No advanced materials provided*

BOARD OF ADJUSTMENT

Vacant, Chair
Mark Newman, Vice Chair
Hugh O’Kane
Jodi Dines
Nancy Auth
Stephanie Flinn
Deane Blazie, Atlernate
Truman Hobbs, Alternate
Walter McCormack, Alternate

TOWN STAFF

Robert Garlo, Town Manager
Catherine Harding, Director of Building
Kimberly Kogos, Town Clerk
Thomas J. Baird, Town Attorney

STATE MANDATED STATEMENT

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may 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. Any person

requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Town prior to the meeting. Please contact the Town Hall, 2 Bridge Road, Hobe Sound, FL 33455, telephone (772) 545-0103.

**MINUTES
TOWN OF JUPITER ISLAND
BOARD OF ADJUSTMENT MEETING
THURSDAY, FEBRUARY 27, 2025**

TIME: Thursday, February 27, 2025 – 9:00 AM
PLACE: Town Hall Island Room – 2 Bridge Rd., Hobe Sound, FL
PRESENT: Present were Vice Chair Mark Newman, Members Hugh O'Kane, Stephanie Flinn, Nancy Auth and Alternate Members Deane Blazie, Truman Hobbs, and Walter McCormack. Also present were Building Department Director Catherine Harding, Town Clerk Kimberly Kogos and Town Attorney Thomas Baird.

CALL TO ORDER and ROLL CALL

Vice Chair Newman called the meeting to order at 9am. He announced a quorum and noted the sitting and voting members including Alternate Member Deane Blazie and Regular Members Stephanie Flinn, Nancy Auth, Hugh O'Kane, and Acting Chair/Vice Chair Mark Newman. He recognized Alternate Member in attendance who may participate in the discussion but not vote today including Truman Hobbs and Walter McCormack.

Ex-Parte Communications:

Alternate Member Blazie stated he had no exparte communication.

Member Flinn stated she had no exparte communication.

Member Auth stated she visited the property with Director Harding, reviewed the application with Director Harding.

Member O'Kane stated he has no exparte communications, reviewed the application with Director Harding, and visited the property.

Acting/Vice Chair Newman stated he has visited the property, reviewed the application with Director Harding, and had no exparte communication

Town Attorney Baird made clarifying comments regarding meeting procedure. He added that participating alternates should sit on the dais going forward.

AGENDA

1. Minutes of the meeting of January 30, 2025

MOTION: *O'Kane/ Auth moved to approve the minutes of the January 30, 2025 BOA meeting as presented.*

ACTION: *Motion Passed 5-0.*

2. 508 South Beach Road

This is the application of Jupiter Boathouse, LLC, represented by Jared Gaylord, Esq. of Marc R. Gaylord, P.A., requesting the following:

More than 3 feet of fill on the property to a maximum of 5.45' and increase the existing Initial Measuring Point to 8.4' NAVD.

Clerk Kogos swore in those who may speak at today's hearing including

Director Harding introduced the application and provided background information:

This is the application of Jupiter Boathouse, LLC, represented by Jared Gaylord, Esq. of Marc R. Gaylord, P.A., requesting the following:

More than 3 feet of fill on the property to a maximum of 5.45' and increase the existing Initial Measuring Point to 8.4' NAVD.

The applicant expressed the following hardship:

Additional fill is required to meet Florida's Building code and to raise the structure to protect against a catastrophic storm.

Director Harding referred to two letters of support and introduced the applicant agent, Attorney Jared Gaylord, who represents the Berford family/ Jupiter Boathouse, LLC.

Attorney Gaylord greeted the Board and introduced the project team. He provided a presentation beginning with aerial views of the property followed by the FEMA Flood Map showing the property flood risk and demonstrating a proposed hardship. He displayed the digital elevation model with contours to demonstrate the low-lying areas that require fill to comply with the Florida Building code.

He explained the requirement vs. "best practices" for base flood elevation, explaining that the request is not for a taller structure but rather a safer structure. He also provided information pertaining to storm surge/flood event to further explain their request and proposed hardship. Attorney Gaylord referred to the Town's current vulnerability assessment study conducted to better protect the Town from storm surge events and provided photographs of storm surge/king tide impacts on the Island.

Member Auth asked for clarification on blue sections of the floor plans being displayed.

Attorney Gaylord explained these sections refer to reflection pools for display purposes only.

Attorney Gaylord reviewed the property survey, floor plans, site data, and proposed structure elevations compared to the neighboring structures, showing that the structure would not be taller than neighboring properties once constructed with the requested fill. He reviewed the proposed drainage/ exfiltration system and the overall cut/fill analysis of the property. He noted that the maximum area of fill is in the middle of the proposed structure.

Member Auth asked for clarification on blue sections of the floor plans being displayed.

Attorney Gaylord explained these sections refer to reflection pools for display purposes only.

Member Auth asked for clarification of a row of boulders located near the western exfiltration system.

Attorney Gaylord explained these were set by previous owners in a previous project, and they will be removed.

Alternate McCormack asked for clarification of hardscape potentially being over the Water Setback line.

Attorney Gaylord explained there will be some hardscape over the Water Setback line but will be in compliance with Town Setback requirements.

Mr. Paul Kitania (sp.) of Parker Yanette displayed and explained the landscape plan. He reviewed the proposed planting materials and displayed elevations of buffering. He reviewed short retaining walls to maintain surface elevation.

Attorney Gaylord provided streetscape and interior property photographs that display the undulation of

the surface requiring fill to even out. He provided landscape elevations and renderings of the proposed structure and space.

Attorney Gaylord referred to the Town's Comprehensive Plan that encourages use of best practices/ site development practices to minimize flood risk. The Board waived the reading of the standards.

Vice Chair Newman asked about the neighboring property fill and noted that the bulk of the requested fill will be located underneath the center of the structure.

Attorney Gaylord clarified neighboring properties and confirmed the bulk of requested fill.

Member Auth stated that the area in question does typically flood, and expressed approval of the proposed fill and drainage plans.

Attorney Baird referred to page 4 of the Variance Application and explained that if the standards have been met, then the Board may approve.

Director Harding stated that the applicant has addressed all standards and they seem to be met.

MOTION: *O'Kane/Blazie moved to approve application for more than 3 feet of fill to a maximum of 5.45 and increase the existing Initial Measuring Point to 8.4 feet NAVD as requested.*

ACTION: *Motion Passed 5-0.*

Member Auth spoke in favor of site visits to become familiar with the application and property in question.

3. Other Items*

a. Next Meeting - To Be Determined

Director Harding noted that the next meeting date is still to be determined.

b. Other Items

No other items were discussed.

Vice Chair Newman adjourned the meeting at 9:46am.

Respectfully Submitted,

Kimberly Kogos, Town Clerk



Town of Jupiter Island
PRELIMINARY/FINAL
SUBDIVISION
BOARD OF ADJUSTMENT
RECOMMENDATION



FEE: \$4,000 (Please make check payable to the Town of Jupiter Island)

PROPERTY OWNER, as shown in the official County Records (please attach current tax bill & deed)

Name: Robert M. Kaye
Mailing Address: 404 South Beach Road
Hobe Sound Street Address FL 33455
City State Zip
Phone #: _____ Fax #: _____

AGENT (If Applicable, notarized power of attorney must be attached)

Name: Jared Gaylord, Esq. of Marc R. Gaylord, P.A.
Mailing Address: 12000 SE Dixie Highway
Hobe Sound Street Address FL 33455
City State Zip
Phone #: 772-545-7740 Fax #: 772-545-7782

DESCRIPTION OF PROPERTY:

Street Address: 404 South Beach Road, Hobe Sound, FL 33455
Tax Parcel Number: 35-38-42-002-131-00850-0 Zoning: A-80/B-40
Legal/General Description See attached Exhibit "A"

Attach separate piece of paper if necessary

EXPLANATION OF SUBDIVISION (describe what you are trying to accomplish):

I have made this request in order to: legally separate the property along the existing division with the South Beach Road right-of-way. This will create a western, 3.39034-acre lot located on the Intracoastal in the A-80 District and an eastern, 1.04676-acre lot located on the Ocean in the B-40 District.

Information as contained within the attached checklist MUST be provided and accepted by the Town of Jupiter Island in order for this application to be considered. Additional information as required by the administrative official or as attached by the applicant constitutes a part of this application.

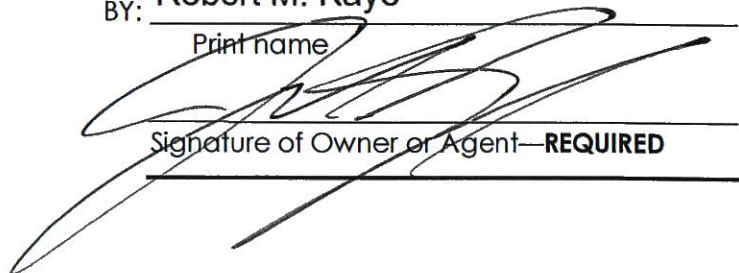
I hereby certify that I am the owner of property involved in the above described variance request or appeal of an administrative decision and that the information set forth is true and correct.

Jared Gaylord, attorney-in-fact for

Robert M. Kaye

BY:

Print name

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read 'Robert M. Kaye'.

Signature of Owner or Agent—**REQUIRED**

Please Note:

After recommendation by the Board of Adjustment, the Town will require 15 copies of 11 X 17 sets for the Town Commission Meeting.

LAW OFFICES OF
MARC R. GAYLORD, P.A.

12000 S.E. OLD DIXIE HIGHWAY
HOBE SOUND, FL 33455
TEL: (772) 545-7740
FAX: (772) 545-7782

MARC R. GAYLORD, ESQ.
JARED E. GAYLORD, ESQ.

FORD T. DWYER, ESQ.
COLBY HEDDEN, ESQ.

January 15, 2025

VIA HAND DELIVERY

Catherine Harding
Town of Jupiter Island
Post Office Box 7
Hobe Sound, Florida 33475

RE: Robert M. Kaye
Application to the Board of Adjustment for Replat of a Subdivision – Preliminary
Subdivision Approval
Property Address: 404 South Beach Road, Hobe Sound, Florida 33455

Dear Mrs. Harding:

This office represents the interests of Robert M. Kaye, as it pertains to an application to the Board of Adjustment for preliminary review and recommendation of approval for the 404 SD Subdivision. This is the first step in the subdivision process, which will require Town Commission approval of the preliminary plat. Afterwards, the final plat will need to be reviewed by the Board of Adjustment and approved by the Town Commission. The final step in the process to subdivide the Property is signing the plat and recording it in the Martin County Public Records.

Mr. Kaye purchased the property in July 2003. Despite the Property being dissected by the South Beach Road right-of-way into an eastern, oceanfront lot and a western, Intracoastal lot, the Property is a single parcel. Additionally, the western, Intracoastal lot is in the A-80 Residential Zoning District, while the eastern, oceanfront lot is in the B-40 Residential Zoning District.

In the past twelve months my client began investigating a potential subdivision of this Property for flexibility with potential future design, resale, or leasing a portion of the existing Property. After extensive consideration with RL Vaught and Associates and other consultants, my client decided to subdivide 404 South Beach Road. The two lots straddle South Beach Road, just south of the "S Curve." The western "Lot 1" will be in the A-80 Zoning District. The eastern "Lot 2" will be in the B-40 Zoning District. These lots will comply with the underlying zoning districts' regulations.

Each property will be at least two hundred feet (200') wide. Lot 1 will be 3.39034 acres, while Lot 2 will be 1.04676 acres. The replat will not include new public infrastructure demands than what currently exist today, since there are no immediate redevelopment plans for either proposed lot.

Lot 1 will have 271.27 feet of frontage along South Beach Road, while Lot 2 will have 175.96 feet of frontage along this right-of-way – fulfilling Article V, Division II, Section 2.05(C) and the requirement of at least 50 feet of frontage on a public street.

My client secured a traffic study prepared by Simmons & White to review the subdivision. The traffic engineers calculated that the proposed subdivision would result in an addition of 10 additional trips per day, for a total of 19 trips per day for both lots. My client has also started the process of requesting utility acceptance letters, in accordance with Town subdivision practices and procedures. These will be provided to Town Staff once received. However, my client is not required to provide percolation tests for each proposed lot because the subdivision will continue to be served by the existing septic systems. Since no plans for redevelopment of either lot is proposed at this time, there are not plans for new septic systems.¹

Florida case law is clear that plat approval is governed by local regulations, which must be uniformly administered.² Similar lot splits between two property owners have occurred through the replat process.³ Accordingly, the proposed, similar replat should be approved by the Town. The Town can only deny this replat if the Town demonstrates, with competent and substantial evidence, that my clients' application failed to meet the objective legal requirements for approval.⁴

My client's replat will be consistent with and complementary to the Town's existing infrastructure and zoning, surrounding properties, and cohesive with the characteristics of the area in which the proposed subdivisions will be located.

If you have any questions or concerns regarding this subdivision or the supporting attachments, please do not hesitate to contact the undersigned.

Sincerely,



Jared Gaylord, Esq.

/JEG

Encl

¹ See Article V, Division V, Section 5.01, Application for Preliminary Subdivision Plan Approval, TOWN OF JUPITER ISLAND LAND DEVELOPMENT REGULATIONS (2024).

² See *Broward County v. G.B.V. International*, 787 So. 2d 838, 842 (Fla. 2001).

³ See *Jupiter Island Ocean Estates*, Martin County Plat Book 18, Page 76, *Devonshire Manors Plat*, Martin County Plat Book 18, Page 25; *Coral Canyon Estates*, Martin County Plat Book 17, Page 21.

⁴ See *G.B.V International* at 846.

Board of Adjustment Meeting
Staff Report
June 26, 2025

To: Board of Adjustment
From: Catherine Harding, Building Planning and Zoning Director
Date: June 5, 2025

Reference: 404 South Beach Road Subdivision
Comprehensive Plan Analysis

Property Description:

The subdivision consists of a single lot located at 404 South Beach Road. The lot is divided by South Beach Road with property on the west and the east sides of the road. The applicant is requesting a division of the lot into two lots, one on the west side of South Beach Road, Lot No. 1, a 3.39034-acre lot in the A-80 Zoning District and one on the east side of South Beach Road, Lot No. 2, a 1.04676-acre lot in the B-40 Zoning District.

Analysis:

The Subdivision is consistent with the *Town of Jupiter Island Comprehensive Plan, Future Land Use Element for Residential*, both prior to and after the proposed subdivision.

The Subdivision complies with the *Comprehensive Plan Policy 01.01.03.01 Consistent Land Development Regulations*.

The Subdivision is consistent with the *Subdivision Regulations in Article V of the Town of Jupiter Island Land Development Regulations*.

The Subdivision is consistent with the underlying *Zoning Regulations in Appendix A of the Town of Jupiter Island Land Development Regulations*.

The current and future Land Development Regulations have been analyzed in the 3 attached Site Zoning Analysis. All required setbacks, height limits and lot coverage meet the Land Development Regulations, for the existing lot, except the driveway setback. The required setback is 8 feet from the property line and the pre-existing setback is approximately 6-7 feet. The proposed Westerly Lot No. 1 will have the pre-existing driveway setback. The proposed Easterly Lot No. 2 will be completely conforming.

Board of Adjustment Review and Recommendations. Article V, Division 5. Approval Procedures, Section 5.03. Board of Adjustment Review and Recommendations.

- A. *The Board of Adjustment shall make recommendations to the Town Commission regarding whether the proposed subdivision is:*
 - 1. *Consistent with the Town Comprehensive Plan; and*
 - 2. *Consistent with the Subdivision Regulations; and*
 - 3. *Consistent with the underlying Zoning District Regulations.*
- B. *The Board of Adjustment shall recommend to the Town Commission that the application be approved, approved with conditions, or denied.*

Cah/6/5/25