

April 6, 2022 Board of Adjustment Hearing

WEDNESDAY, APRIL 6, 2022

6:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. Minutes December 8, 2021**
- 4. NEW BUSINESS**
 - A. 21-43-VR Waverly Circle Variance Request**
 - B. 22-08-VR 155 Calhoun Ave Variance Request**
- 5. OLD BUSINESS**
- 6. PUBLIC COMMENTS**
- 7. BOARD MEMBERS DISCUSSION**
 - A. Tom Widenhamer
 - B. David Emerson
 - C. Daniella Piper
 - D. Cyron Marler
 - E. Kimberly Mergler
 - F. Robert Pinard
 - G. James Moomaw
- 8. NEXT MEETING DATE: May 4, 2022**

If a person decides to appeal any decision made by the City Council, committee, board, panel, or agency with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will may need to ensure that a record of the verbatim record of the proceedings is made, which record includes the testimony and evidence upon the appeal is to be based. "Persons with disabilities who require assistance to participate in this meeting are requested to notify the City Clerk's Office 850.837.4242 at least 48 hours in advance".

DRAFT
**BOARD OF ADJUSTMENT
DESTIN CITY HALL BOARDROOM
WEDNESDAY, DECEMBER 8, 2021
5:30 P.M.**

1. CALL TO ORDER:

Chairman Weidenhamer called the Board of Adjustment Meeting to order at 5:30 p.m., on Wednesday, December 8, 2021, at Destin City Hall Boardroom.

2. ROLL CALL & PLEDGE OF ALLIGENCE:

Present:

Tom Weidenhamer
David Emerson
Daniella Piper
Cyron Marler
Kimberley Mergler
Robert Pinard
James Moomaw

Staff Present:

Kim Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Kyle Bauman City Attorney
Kimberly Kopp Land Use Attorney

3. APPROVAL OF MINUTES:

A. November 3, 2021

Chairman Weidenhamer moved to approve the minutes of the November 3, 2021 meeting as corrected with Vice Chair Emerson provided the second to the motion and the passed 4-0.

4. NEW BUSINESS:

A. 21-32-VR – 531 Mountain Drive Variance Request

The applicant, Stephen Tatum, Matthews & Jones, LLP, on behalf of ABC Amusement Co., is requesting variance request approval for relief from Land Development Code Section 8.09.03.A.4.c, which provides that the parking standards listed in Section 8.06.10 are considered parking maximums and not the minimum parking required. Parking minimums are eliminated within the Old Destin MMTD sub-area.

The City Attorney swore in the following people for testimony for the hearing:

Mike Abedi
Stephen Tatum
Alice Dearmon
Steven O'Connor
Daniel Butler

DRAFT

The City Attorney informed the audience that the applicant and staff have agreed to waiving the reading of the application into the record.

The Land Use Attorney entered into the record the agenda item staff report along with the four attachments with no objection.

Mr. Butler explained the details of the request: The applicant is requesting a variance from the following provisions from the Land Development Code (LDC): AGENDA ITEM CITY OF DESTIN – COMMUNITY DEVELOPMENT ITEM # 2021-4475 Article 8, Section 8.09.03.A.4.c ON-SITE PARKING: c. On-Site parking maximum - Providing parking in excess of the standards indicated in Section 8.06.10, Number of vehicle and bicycle parking spaces required of this Code is not permitted. The parking standards listed in Section 8.06.10 are considered parking maximums and not the minimum parking required. Parking minimums are eliminated within the Old Destin MMTD sub-area.

The applicant wishes to construct a boat storage and maintenance facility on the subject property, which will service, and store boats associated with the owner's livery business located at 530 Harbor Boulevard. Because of the relatively small footprint of the structure associated with boat storage and maintenance, which affects the maximum parking count, the project would only be allowed to construct four (4) parking spaces maximum. The applicant wishes to utilize the remainder of the site to construct 20 additional parking spaces, for a total of 24 parking spaces, if approved.

Regarding the findings, according to the Land Development Code (LDC) Section 2.25.03(C), to authorize upon such variance from the terms of any zoning ordinance, as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of such ordinance would result in unnecessary and undue hardship. Therefore, in order to authorize any variance from the terms of the conditions, the Board of Adjustment must find:

A. That special conditions or 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.

Applicant's response: The MMTD provides for a maximum number of parking spaces. The owner would like to construct a parking lot along with his allowed boat storage and maintenance site which will provide 20 more spaces than allowed by the code.

Staff Findings: There are no special conditions that exist in relation to the property. However, special conditions do exist when applying the MMTD against the proposed use given that sizable warehouse/office space is not needed for a boat storage and maintenance shop, which are peculiar to the structure. Due to the MMTD parking allowance, the use to square footage

ratio, allowed parking is severely limited.

B. That special conditions and circumstances do not result from the actions of the applicant.

Applicant response: The maximum number of parking spaces allowed is beyond the control of the owner. Allowing more spaces will help alleviate the parking shortage in the Destin Harbor area and provide overflow parking for the owner's primary business located within 1200 feet of the subject parcel.

Staff Findings: The parking requirements within the city are based on the square footage of the gross floor area of the proposed structure. While the applicant does determine the size of the proposed structure, this type of business/use does not require an ITEM # 2021-4475 sizable structure/office to perform daily job duties/tasks, thus the parking requirement is minimal and further limited by the MMTD.

C. That granting the requested variance will not confer on the Applicant any special privileges denied by any zoning ordinance to other lands, buildings, or structures in the same zoning district.

Applicant Response: The applicant did not provide a response to Staff for this criterion.

Staff Findings: Granting this variance would provide the applicant relief from LDC Section 8.09.03.A.4.c. - On-site parking maximum. This LDC language sets a maximum amount of parking allowed rather than a minimum as seen elsewhere in the City of Destin.

D. That literal interpretation of the provisions of any zoning ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of any zoning ordinance, and would it result in unnecessary and undue hardship on the Applicant.

Applicant Response: The MMTD's parking maximum deprives the owner of his ability to provide additional parking within 1,200 feet of his primary business located at 530 Harbor Blvd.

Staff Findings: Given the MMTD parking requirement is applied to the entire Old Destin MMTD, the applicant is not being deprived of any rights commonly enjoyed by other properties within the zoning district. However, strict application of LDC 8.09.03.A.4.c. - On-site parking maximum does hinder the applicant from developing the property in a reasonable manner.

E. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Applicant Response: Yes. The variance is the minimum necessary for the reasonable use of the property as overflow parking for the owner's primary business.

DRAFT

Staff Findings: The requested variance would allow the applicant to develop additional/overflow parking in the North Harbor to support uses in the South Harbor. The site could likely fit more parking on-site. However, the applicant is requesting to construct 24 parking spaces, which is a reasonable use of the land. While the site is able to be developed in a number of other ways, the granting of this variance would simply allow the applicant to provide more parking than allowed by the LDC.

F. That the granting of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response: Yes. The variance will grant no special rights not already contemplated in the CTS zoning district, ITEM # 2021-4475.

Staff Findings: The CTS zone permits boat storage and maintenance, and the use is consistent with the Comprehensive Plan Policy 1-2.3.3: Commercial Trades and Services (CTS). Parking is a required element of any use or development within all zoning district within the City and therefore the request is not in conflict with the CTS zoning district or the Comprehensive Plan. The request would provide more parking in an area of the City that continually sees parking issues due to the many attractions and services afforded to residents and visitors in the Harbor District.

Mr. Stephen Tatum approached the dais and briefly explained to the members that his client is looking to utilize his property as an off-site boat storage and off-site parking.

Board member Piper asked if the parking spaces would be utilized by the public when not in use. According to Mr. Tatum the parking would be used by employees only and for possible valet services of the customers. But not for the public for liability purposes.

Chairman Weidenhamer opened the hearing to the public for comment.

Ms. Alice Dearmon of 523 Sea Hills Drive asked what exactly the request is for. Adding that she's not quite sure what the zone is or what the request is about.

Mr. Tatum explained that the boat storage would be in the off season and also, extra pontoon boats and jet ski/wave runners would be stored in the yard for exchange when there is a need for those to be maintained. Adding that the property will be fenced, as well as a 10-foot buffer is required around the property. He also informed the Board for clarification, that the entrance and exit will all be on Mountain Drive.

Mrs. Sandy Trammell, property owner of 505 Mountain Drive, expressed concern of the disposal of contaminated water after cleaning the vessels.

DRAFT

According to Mr. Tatum, because they are not finished with the development review process the only response he can provide at this time is there is a stormwater retention pond on the site plans that is designed to clean the water before it percolates. Explaining further that they are only at this level to ask for the extra spaces, not development approval.

Mrs. Trammell stated that she is only asking that the containment of any chemicals and barnacles be addressed by staff, for pollution concerns.

Board member Piper asked staff if its reasonable for them to ask that a provision be included for stormwater runoff concerns.

Mr. O'Connor explained to the Board that the Variance Request is only for the additional parking and nothing more. Emphasizing, the Development Order Application is in the Completeness Phase of the review process and the stormwater, and their concerns will be addressed in that process.

The Land Use Attorney also explained this Board does not make recommendations. And since it the only Board besides City Council, that has final decision authority, they can grant or deny but only the issue described, which will be addressed during TRC and D.O. process. Adding that if the issue is truly a concern for them, she advised that they attend the City Council Meeting when the D.O. is being presented and speak to it, at that time.

Chairman Weidenhamer made the motion to recommend that the Board of Adjustments approve proposed Variance Request 21-32-VR with Vice Chairman Emerson providing the second. A roll call vote of 7-0 was taken and the motion passed unanimously.

5. ADJOURNMENT:

There being no further business the meeting was adjourned at 7:00 p.m.

Adopted and approved this _____ day of _____ 2022.

Tom Weidenhamer, Chairman

Kim Montgomery, Deputy City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: April 6, 2022
BOARD/COMMITTEE: Board of Adjustment
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.A.

TO: Board of Adjustment

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Steve O'Connor, Principal Planner

DATE: March 21, 2022

SUBJECT: 21-43-VR Waverly Circle Variance Request

I. BACKGROUND:

The applicant, Destin Pointe Owners Association, is requesting variance approval for the application regarding Destin Pointe Waverly Circle Roundabout. The request is a variance from **Land Development Code (LDC) 8.03.00.A**, specifically for intersection spacing. The proposed project intends to realign Waverly Circle and eliminate the existing roundabout within the Destin Pointe neighborhood. Once the roundabout is eliminated, Waverly Circle will become a two-way street and the existing intersection spacing will not meet the requirements set forth in **LDC 8.03.00.A**.

Applicant: Destin Pointe Owners Association, c/o Rodney Chamberlain, Legendary, Inc.

Location: Destin Pointe Subdivision - Wavery Circle Roundabout

Size of Property: N/A

Current Zoning: High Density Residential (HDR)

Future Land Use Map Classification: High Density Residential (HDR)

Comprehensive Plan Policy:

Policy 2-1.1.11: Consider Other Analyses. The City may also choose to consider analysis from a cost/benefit, transportation safety, and physical conditions analyses of

the transportation systems within the City. Such analyses may be performed by the City or others. If conducted by others, an outside agency, the manner and methods of the analyses must be approved by the City during a methodology meeting.

Legal Notice: The legal notice for the proposed variance request was submitted for publication in the Northwest Florida Daily News with publication dates of March 23, 2022 and March 30, 2022.

Request: The applicant is requesting variance approval for relief from **Land Development Code Section 8.03.00.A**, which provides that streets will intersect at angles no less than 75 degrees. Unaligned intersections shall be separated by a minimum of 150 feet between centerlines.

The applicant is requesting a variance from the following (in bold font) provisions from the Land Development Code (LDC):

Article 8, Section 3.00.A. - Design standards for new and reconstructed roads and streets:

1. **Streets will intersect at angles no less than 75 degrees. Unaligned intersections shall be separated by a minimum of 150 feet between centerlines. Intersections involving more than four basic street approaches shall be prohibited.**

II. DISCUSSION:

The applicant wishes to realign Waverly Circle and eliminate the existing roundabout within the Destin Pointe neighborhood as seen in the application narrative (Attachment 1). If approved and the roundabout is eliminated, Waverly Circle will become a two-way street and the existing intersection spacing will not meet the requirements set forth in **LDC 8.03.00.A**.

This variance is the first step in the process. Approval of the requested variance will allow the applicant to then apply for and seek approval of a Minor Deviation to a Major Development Order (DO-93-18), approved in September 1993.

FINDINGS:

According to **LDC Section 2.25.03(C)**, to authorize upon appeal such variance from the terms of any zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of such ordinance would result in unnecessary and undue hardship. In order to authorize any variance from the terms of the conditions, the Board of Adjustment must find:

A. That special conditions or 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.

Applicant's response: The existing roundabout with an inscribed circle diameter of 140ft is poorly designed and is out of character with its intended use. This is unlike other roundabouts in the surrounding area, making this situation unique. For comparison, there are roundabouts in the Indian Lake neighborhood. However, the Indian Lake roundabouts, in general, have an inscribed diameter of approximately 96ft,

which is more appropriate for a neighborhood roundabout to match its surroundings. The existing roundabout at Commons Drive and Triumph Road has an inscribed diameter of 140ft, similar to the subject roundabout at Waverly. However, the much higher traffic volume at that intersection makes it an appropriate location for a roundabout of that size. Furthermore, each leg of the Commons Drive/Triumph Road interchange has splitter islands and pavement flares, all characteristics of a well-designed roundabout, none of which are present in the subject roundabout.

Staff Findings: The roundabout within Destin Pointe was approved with the development and to staff's knowledge is the only roundabout within Private Right of Way with controlled access inside City limits. Therefore, the nature of the roundabout is unique in its configuration, location, and zoning district.

B. That special conditions and circumstances do not result from the actions of the applicant.

Applicant response: The subject roundabout was planned in the early 1990s and constructed in the mid-1990s. The applicant, Destin Pointe Homeowners Association (DPOA), was not part of those design and planning discussions and had no input on any decision-making. The applicant's actions today seek to improve the function of Waverly Circle in this location while adding a community enhancement in the process.

Staff Findings: The roundabout was designed and approved by the City in its current configuration and location and therefore the special conditions were not a direct result of the applicant's actions. However, the design and planning of the existing roundabout are due to a predecessor in interest to this Applicant, and as such the Board of Adjustment may deny the variance if it deems this condition not met.

C. That granting the requested variance will not confer on the Applicant any special privileges denied by any zoning ordinance to other lands, buildings or structures in the same zoning district.

Applicant Response: The primary objective of this project is to rectify a poorly designed roundabout and replace it with a two-way street, common in every neighborhood. Therefore, the variance requested will allow engineers to make operational improvements typically available to anyone else and will not confer any type of special privilege denied elsewhere.

Staff Findings: Since the roundabout was approved by the city within the private Right-of-Way this variance request will not confer any special privileges denied to other developments.

D. That literal interpretation of the provisions of any zoning ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of any zoning ordinance, and would it result in unnecessary and undue hardship on the Applicant.

Applicant Response: The literal interpretation of LDC 8.03.00.A prevents the applicant's engineer from using sound engineering judgment or applying industry-

accepted practices to correct a poorly designed roundabout. A variance is needed to allow existing intersection spacing to remain so that the project can move forward, resulting in operational improvements. Furthermore, in order to move forward with the operational improvements and not violate **LDC 8.03.00.A** for intersection spacing, at least one residential property would have to be acquired to realign Parlange Street and increase intersection spacing. This would make the project cost-prohibitive, notwithstanding the need for a willing seller. Therefore, making operational improvements while meeting **LDC 8.03.00.A** would create an undue hardship.

Staff Findings: Due to the approved city plans there are unique characteristics of the site that do not exist anywhere within the city limits. Any application of the LDC should be reviewed with the unique existing conditions in mind. Therefore, applying the regulation within the LDC, creates undue hardship.

E. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Applicant Response: The variance requested is to allow existing intersection spacing to remain once the roundabout is removed. This is the minimum deviation from LDC that will allow the project to move forward.

Staff Findings: The requested variance would be the minimum needed to meet the request as there would be no further need to redevelop or redesign the current configuration of the roundabout. The proposed variance would keep the locations of the ingress & egress from Waverly Circle for Parlange Street and Melrose Avenue.

F. That the granting of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response: The general intent and purpose of intersection spacing criteria can be summarized as (1) sight distance concerns and (2) access management concerns. Due to the ultralow volume of these roads, low speeds in this area, and the lack of any physical obstructions, granting this variance will be in harmony with the general intent of the ordinance. Furthermore, the proposed modifications to the alignment of Waverly and the added community enhancement enjoy the unanimous support of the DPOA board and, therefore, will not be injurious to the area or detrimental to the public welfare.

Staff Findings: The surrounding development consists of 116 single-family lots and a multi-family structure with 66 condominium units, for a current total of 182 units. Due to the controlled access to the neighborhood, and the minimal volume of vehicular traffic through the roundabout, the variance request is in harmony with the current development and would not be injurious to the public welfare.

A. Link to Strategic Goals / Objectives: 1) A green and sustainable environment
6) Effective, efficient, and aesthetically pleasing infrastructure

B. Effect on Budget (EOB):

There is no anticipated effect on the City budget.

C. Level of Service (LOS): There is no anticipated effect on LOS.

III. CONCLUSION:

Per *Land Development Code (LDC), Section 2.25.03(C)*, to authorize a variance request, the Board of Adjustment must find that all six (6) of the aforementioned criteria must be satisfied. After performing a review of the proposed variance request, Staff's recommendation is to approve the request unless the Board determines that any of the criteria are not met. As noted above, the design and planning of the existing roundabout are due to a predecessor in interest to this Applicant, and as such the Board of Adjustment may deny the variance if it deems this condition not met. Otherwise, staff finds that approval of the variance will not afford privileges to the applicant not afforded to other properties within the same zoning district or within the MMTD due to the unique nature and existing conditions of the existing road network within the development.

IV. RECOMMENDED MOTION:

I recommend that the Board of Adjustment approve/deny the proposed Variance Request 21-43-VR as presented.

Attachments:

1. Attachment 1 - Narrative and proposed layout
2. Attachment 2 - Warranty Deed
3. Attachment 3 - Agent Authorization

Executive Summary: The proposed project is in the Destin Pointe neighborhood, a gated community with controlled ingress/egress. Average daily traffic (ADT) is <60vpd on Waverly Circle, with virtually 0% trucks. Observed speeds on Waverly are less than 20mph.

The proposed project intends to reconstruct the roundabout on Waverly Circle to a two-way section and realign the Waverly/Melrose intersection. The resulting reconstruction and realignment will result in an operational improvement to these intersections and create additional greenspace for community enhancement. The proposed project was reviewed against LDC 8.03.00.A:

Streets will intersect at angles no less than 75 degrees. Unaligned intersections shall be separated by a minimum of 150 feet between centerlines. Intersections involving more than four basic street approaches shall be prohibited.

The Existing and proposed geometry is as follows:

Intersection Spacing Table	
Existing	
Waverly to Melrose	85ft between CLs
Melrose to Parlange	80ft between CLs
Parlange to Waverly	60ft between CLs
Proposed	
Waverly to Melrose	N/A - functions as 3-way intersection w/ stop condition on Melrose
Melrose to Parlange	Unchanged
Parlange to Waverly	Unchanged

Intersection Angle Table	
Existing	
Waverly to Waverly (north)	Radial
Melrose to Waverly	Radial
Parlange to Waverly	Radial
Waverly to Waverly (SE leg)	Radial
Proposed	
Waverly to Waverly (north)	Goes away - Realigned
Waverly to Melrose - new north alignment	90°
Parlange to Waverly	Unchanged
Waverly to Waverly (SE leg)	Unchanged

See Figure 1 for plan view of existing intersection spacing dimensions. As shown, the proposed improvements do not violate LDC 8.03.00.A for intersection angle. However, due to the creation of a two-way section of Waverly at the intersections of Melrose and Parlange, intersection spacing requirements cannot be met. Therefore, a variance is requested to allow the existing roadway geometry to remain in the proposed two-way condition.

Existing Condition: The existing roundabout has an inscribed circle diameter of approx. 140ft. This is larger than the intended roadway use characteristic according to FHWA Greenbook recommendations, which states that an inscribed circle of 140ft is more typical of an Urban category roundabout. Larger inscribed diameter roundabouts can have the unintended consequence of higher vehicle speeds.

The existing four-leg roundabout has approximately radial geometry at all legs. While this is preferred, desirable geometry would include chicaning, splitter islands, or both to control roundabout entry speeds. Additionally, the existing vertical, non-mountable curb at the center island creates no allowance for vehicle correction or oversized vehicle off-tracking.

Pavement width is widened in the roundabout, which is desirable, though there are signs of occasional vehicle off-tracking. The north leg of Waverly Circle has a deflected horizontal alignment, serving to calm vehicle speed at entry. However, without a pavement flare, vehicles exiting the roundabout will occasionally off-track, particularly larger single unit vehicles.

Casual observation of driver behavior at the roundabout has shown that drivers frequently treat the roundabout entries as stop conditions rather than a yield, meaning the roundabout tends to function as a traffic circle rather than a roundabout. This will typically degrade the performance of a roundabout, but with the ultra-low volume, no impacts are detected.

Proposed Improvements: The proposed improvements include realigning the Waverly Circle north leg to intersect with Melrose at a 90deg angle. The eastern half of the roundabout will be eliminated, and the western half of the roundabout will become two-way street. Pavement width in the western half of the roundabout will be widened slightly to improve vehicle tracking in the new two-way condition.

The existing geometry of the Waverly/Parlange intersection will not be modified. This creates an intersection spacing of approx. 78ft between the Waverly/Melrose and Waverly/Parlange intersections. The new Waverly intersections at Melrose and Parlange will be stop conditions, with Waverly having the right-of-way. See Figure 2 for the plan of improvements.

Operational Improvements: There are two operational improvements resulting from the proposed project: (1) improved vehicle tracking and (2) matching driver expectation to roadway characteristics:

1. An AutoTurn analysis was performed in the pre- and post-conditions (see Figures 3-6) using a single unit vehicle closely resembling the largest truck in the Destin Fire Department. There are two deficiencies identified where vehicle off tracking occurs in the existing condition: the first as the vehicle exits the roundabout onto the north leg of Waverly (Figure 3) and the second as the vehicle exits the roundabout onto Melrose (Figure 5).

These deficiencies were factored into the design and checked with AutoTurn in the post-condition at the new Waverly north leg (Figure 4) and Waverly/Melrose intersection (Figure 6). The AutoTurn analysis clearly shows vehicle off-tracking is reduced to either zero or near zero, with an overall improvement in all cases.

2. The proposed improvements more closely match driver expectations in a low volume residential setting. The inscribed diameter of the existing roundabout does not match the existing roadway characteristic. The excessively large diameter can inhibit the driver's ability to recognize the roundabout and may instead lead drivers to approach as tee-intersection at an intersecting two-way road. This has been seen during informal observations, demonstrated by drivers stopping and looking both ways before proceeding.

The proposed improvements will create a two-way section of Waverly and establish stop conditions at Melrose and Parlange. As a result of these improvements, the roadway will take on a more natural characteristic and better meet driver expectations.

Negative Factors: With any variance, negative factors must be considered and addressed. The following issues have been identified for this intersection spacing variance and considered accordingly:

1. Sight distance – intersection spacing is typically based on sight distance, which is a function of reaction time versus design speed. Observed speeds in this neighborhood have mostly been below 15mph and all below 20mph. These low speeds combined with the lack of physical obstructions eliminate any sight distance concerns.
2. Ingress/Egress – intersection spacing is also considered when planning access points onto existing roadways. These considerations are more appropriate on higher volume roadways where access

must be controlled to manage conflict points. The ultra-low volumes on these roads will alleviate typical access management concerns.

3. Attributable crash history – there have been no known crashes at this location, therefore, no attributable crash history to consider.

LDC Variance Criteria: The City of Destin has codified a policy on approving variance requests based on criteria established in LDC 2.25.03.C. Each of the six criteria are addressed as follows:

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. The existing roundabout with an inscribed circle diameter of 140ft is poorly designed and is out of character with its intended use. This is unlike other roundabouts in the surrounding area, making this situation unique. For comparison, there are roundabouts in the Indian Lake neighborhood. However, the Indian Lake roundabouts, in general, have an inscribed diameter of approximately 96ft, which is more appropriate for a neighborhood roundabout to match its surroundings. The existing roundabout at Commons Drive and Triumph Road has an inscribed diameter of 140ft, similar to the subject roundabout at Waverly. However, the much higher traffic volume at that intersection makes it an appropriate location for a roundabout of that size. Furthermore, each leg of the Commons Drive/Triumph Road interchange has splitter islands and pavement flares, all characteristics of a well-designed roundabout, none of which are present in the subject roundabout.
2. That the special conditions and circumstances do not result from the actions of the applicant. The subject roundabout was planned in the early 1990s and constructed in the mid-1990s. The applicant, Destin Pointe Homeowners Association (DPOA), was not part of those design and planning discussions and had no input on any decision-making. The applicant's actions today seek to improve the function of Waverly in this location while adding a community enhancement in the process.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by any zoning ordinance to other lands, buildings, or structures in the same zoning district. The primary objective of this project is to rectify a poorly designed roundabout and replace it with a two-way street, common in every neighborhood. Therefore, the variance requested will allow engineers to make operational improvements typically available to anyone else and will not confer any type of special privilege denied elsewhere.
4. That literal interpretation of the provisions of any zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of any zoning ordinance and would work unnecessary and undue hardship on the applicant. The literal interpretation of LDC 8.03.00.A prevents the applicant's engineer from using sound engineering judgment or applying industry-accepted practices to correct a poorly designed roundabout. A variance is needed to allow existing intersection spacing to remain so that the project can move forward, resulting in operational improvements. Furthermore, in order to move forward with the operational improvements and not violate LDC 8.03.00.A for intersection spacing, at least one residential property would have to be acquired to realign Parlange and increase intersection spacing. This would make the project cost-prohibitive, notwithstanding the need for a willing seller. Therefore, making the operational improvements while meeting LDC 8.03.00.A would create an undue hardship.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure. The variance requested is to allow existing intersection spacing to

remain once the roundabout is removed. This is the minimum deviation from LDC that will allow the project to move forward.

6. That the grant of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The general intent and purpose of intersection spacing criteria can be summarized as (1) sight distance concerns and (2) access management concerns. Due to the ultra-low volume of these roads, low speeds in this area, and the lack of any physical obstructions, granting this variance will be in harmony with the general intent of the ordinance. Furthermore, the proposed modifications to the alignment of Waverly and the added community enhancement enjoy the unanimous support of the DPOA board and, therefore, will not be injurious to the area or detrimental to the public welfare.

Conclusion: We are requesting support for this variance from LDC 8.03.00.A based on the following factors:

1. The proposed improvements provide an operational improvement in geometry, as graphically demonstrated
2. The proposed improvements will bring the roadway geometry and characteristic more in line with driver expectations
3. The resulting green space that is created will provide an enhancement to the entire community
4. All negative factors have been considered and addressed
5. All six criteria established in LDC 2.25.03.C have been considered and addressed

Respectfully,

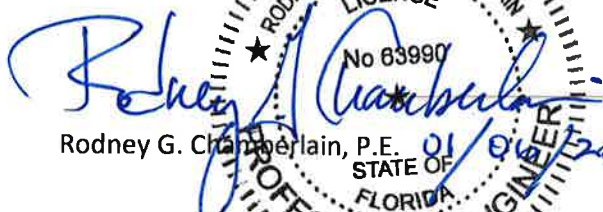

Rodney G. Chamberlain, P.E.
01/06/2022



Figure 1
Existing Intersection Spacing



Figure 2
Plan of Improvements



Figure 3
Existing Condition – Waverly North Leg

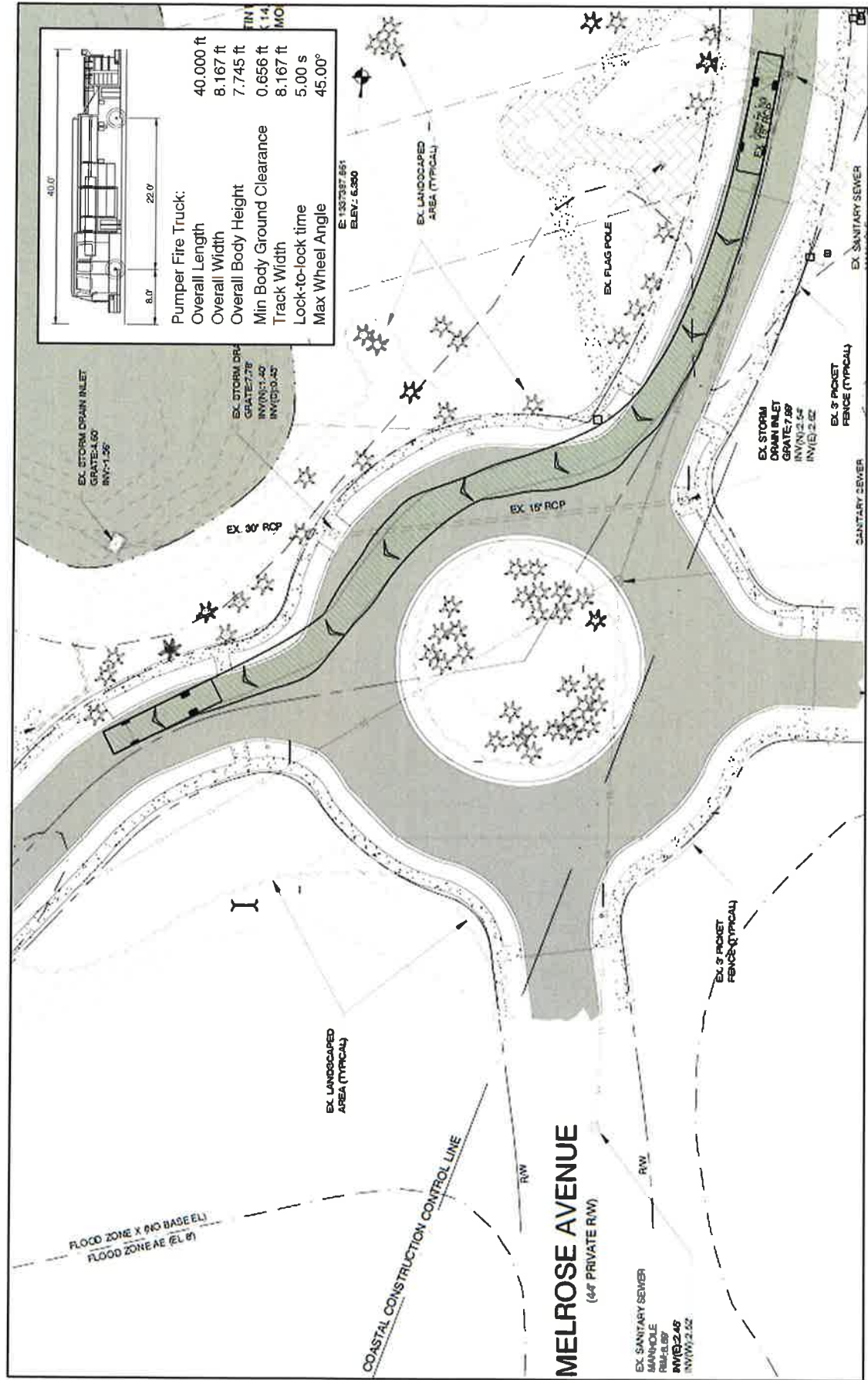


Figure 4
Proposed Condition – Waverly North Leg

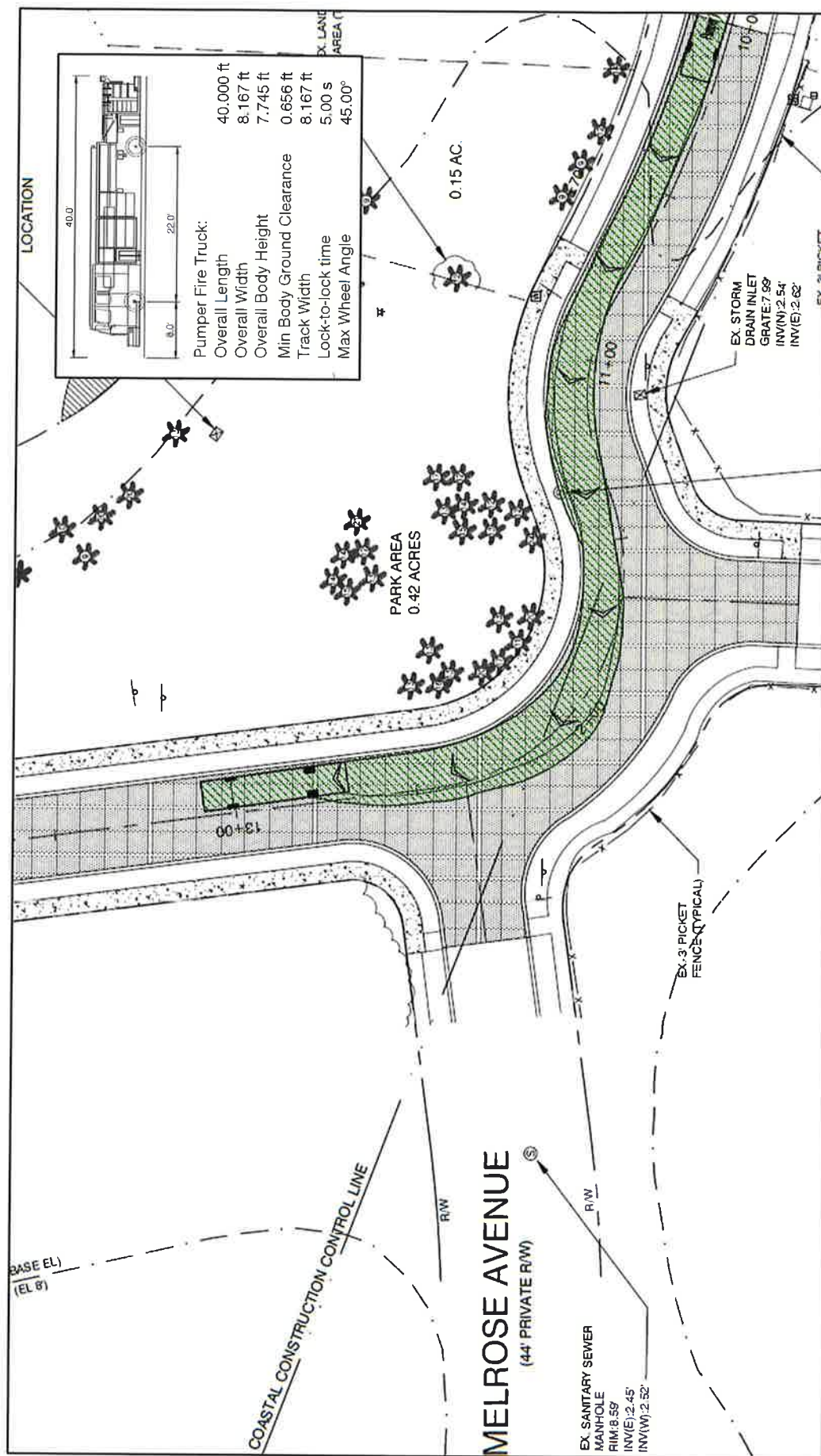


Figure 5

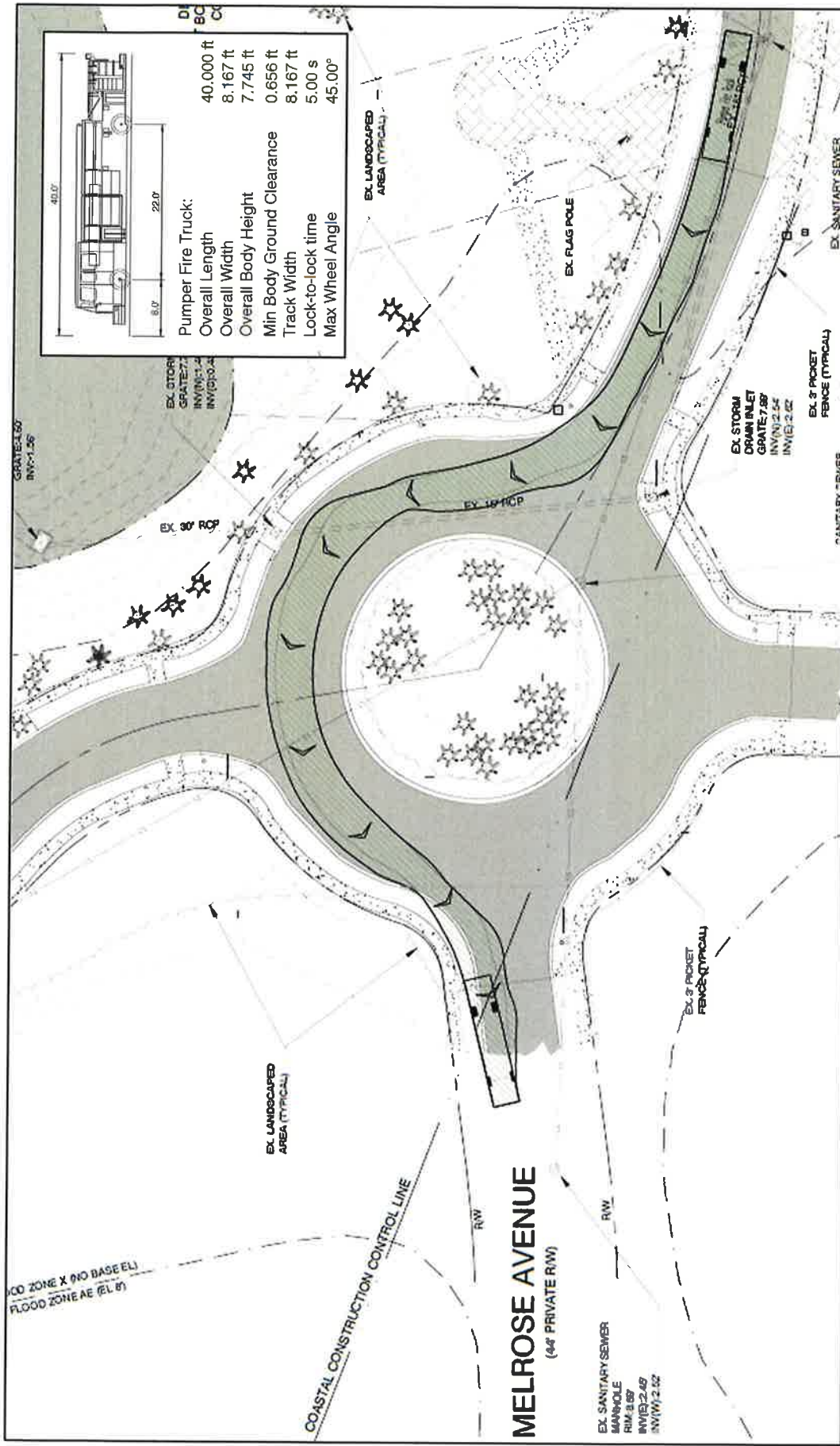
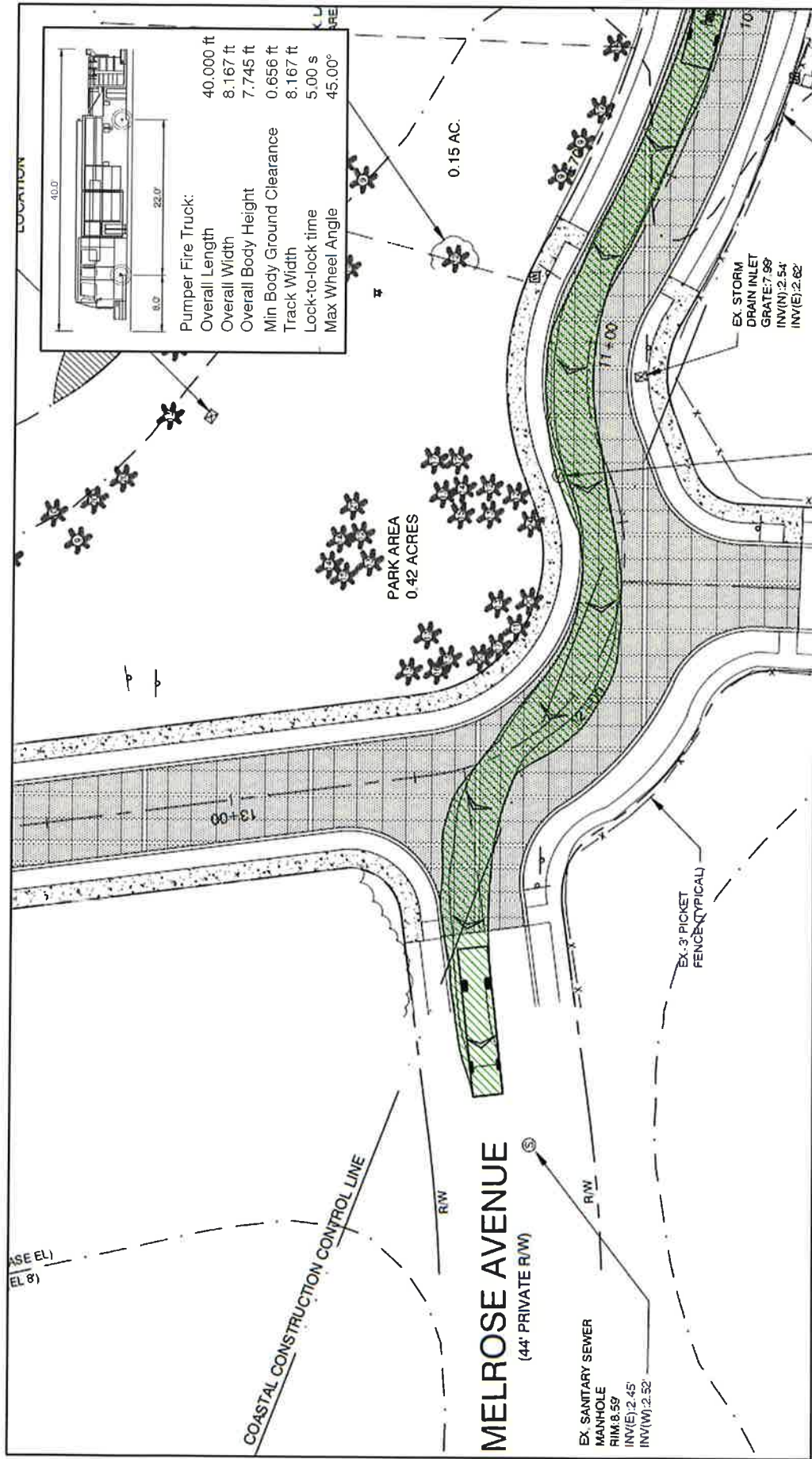


Figure 6
Proposed Condition – Waverly to Melrose



rec 53.20
Stamps 70

PREPARED BY AND RETURN TO:
MARY K. KRAEMER
STONELL, ANTON & KRAEMER
P. O. BOX 489
DESTIN, FLORIDA 32540

**** OFFICIAL RECORDS ****
BK 1970 PG 1489

SPACE ABOVE FOR RECORDING DATA
PARTIAL ASSIGNMENT OF SUBLEASE

WHEREAS, DESTIN GUARDIAN CORPORATION, a Florida corporation, whose mailing address is 111 Center Street, Stephens Building, Suite 1600, Little Rock, Arkansas 72201, hereinafter called "Assignor", as required by the Community Property Agreement recorded at O.R. Book 1337, Page 659 (and O.R. Book 1742, Page 532) of the Public Records of Okaloosa County, Florida, desires to quitclaim, assign and transfer all of its right, title and interest in and to the real property described hereinbelow to DESTIN POINTE OWNERS' ASSOCIATION, INC., a Florida corporation, whose mailing address is 480 Gulfshore Drive, Destin, Florida 32541, and whose Tax Identification Number is: 59-3181518, hereinafter called "Assignee", and Assignee desires to accept this Assignment.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Assignor, for and in consideration of ONE AND NO/100 DOLLARS (\$1.00) and other good and valuable consideration to it paid by the above Assignee, the receipt and sufficiency of which is hereby acknowledged, does hereby quitclaim, grant, demise and assign to the aforesaid Assignee and its assigns, all of its right, title and interest in that certain property in Okaloosa County, Florida, more particularly described as follows:

See Exhibit "A" consisting of ten (10) pages attached.

THIS CONVEYANCE IS SUBJECT TO THAT CERTAIN AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1649, PAGE 1159, PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA, AND THE FOLLOWING RESTRICTIVE NOTICE REQUIRED BY SAID AGREEMENT IS GIVEN:

DUE TO POTENTIAL ADVERSE IMPACTS TO THE BEACH-DUNE SYSTEM THAT MAY RESULT FROM ADDITIONAL DEVELOPMENT OF THE PROPERTIES, THE SHORE-PARALLEL AND SEAWARD EXTENT OF THE LOCATION OF THE STRUCTURES SHOWN ON THE SITE PLAN (EXHIBIT B TO SAID RECORDED AGREEMENT) SHALL NOT BE INCREASED, AND SUCH RESTRICTIONS SHALL RUN WITH THE PROPERTY AND BE ENFORCEABLE BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.

and in any Lease, Sublease, Partial Assignment or other leasehold document pertaining to the property above described and as to which the Assignor has any interest.

TO HAVE AND TO HOLD the said premises unto the Assignee, his successors and assigns, for and during the full term and period of said Assignment and any renewal periods, unless sooner terminated, upon the terms and conditions set forth below:

1. This Assignment is made subject to any and all restrictive covenants, lease conditions, assessments, if any, and other matters

Deed Doc Stamps \$.70 D. C. C. D. L. W. S. L. S. T.

affecting the above-described real estate and leasehold interest therein, according to documents heretofore recorded in the Public Records of Okaloosa County, Florida.

2. By acceptance hereof, Assignee covenants that it will perform all of the terms and conditions under the recorded subleases, leases, and assignments as they relate to the subject property.

3. Assignor warrants that the within property is free of all encumbrances except taxes accruing subsequent to December 31, 1995.

IN WITNESS WHEREOF, Assignor has executed this instrument effective this 15 day of December, 1995.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Ann N. Wait
WITNESS:
PRINT NAME: ANN N WAIT

DESTIN GUARDIAN CORPORATION,
an Florida corporation

Christie Shell
WITNESS:
Print Name: Christie Shell

BY: Phil Herrington (SEAL)
PHIL HERRINGTON
President

STATE OF ARKANSAS
COUNTY OF PULASKI

** OFFICIAL RECORDS **
BK 1970 PG 1490

BEFORE ME, the undersigned authority, this day personally appeared PHIL HERRINGTON, President of DESTIN GUARDIAN CORPORATION, an Florida corporation,

☒ who is personally well known to me or
☐ who showed _____ as proof of
identification and who did not take an oath,

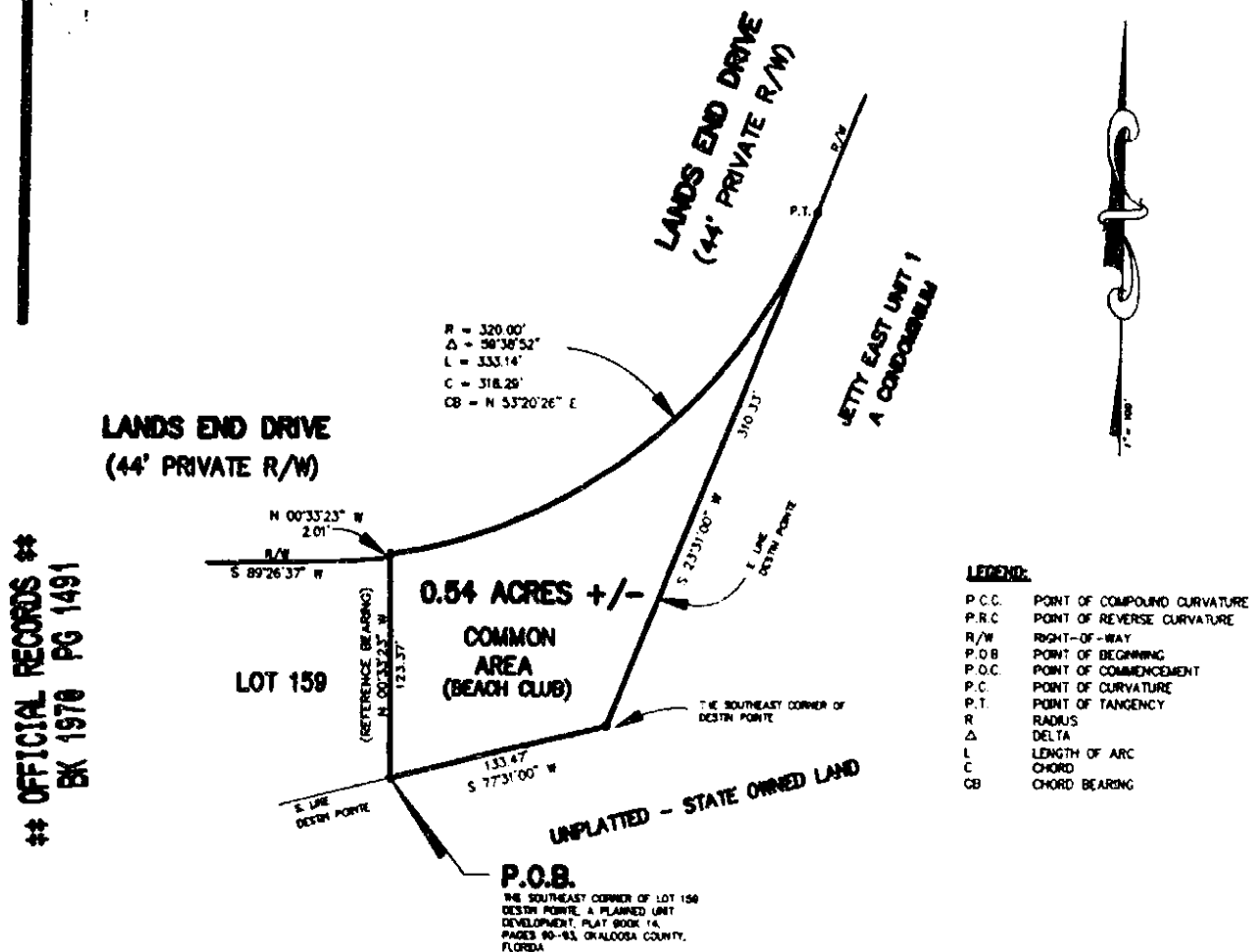
to be the person described in the foregoing instrument, and he acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed on behalf of said corporation.

WITNESS my hand and official seal this 15 day of December, 1995.



Christie Shell (SEAL)
NOTARY PUBLIC
Print Name: Christie Shell
MY COMMISSION EXPIRES: 01/01/2004
(SEAL)

DESCRIPTION SKETCH



OFFICIAL RECORDS ##
BK 1970 PG 1491

DESCRIPTION: AS PREPARED BY BASKERVILLE-DONOVAN, INC.

COMMON AREA

BEGINNING AT THE SOUTHEAST CORNER OF LOT 159 OF DESTIN POINTE, A PLANNED UNIT DEVELOPMENT OF A PORTION OF HOLIDAY ISLE, AS RECORDED AT PLAT BOOK 14, AT PAGES 90-93, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA, THENCE PROCEED NORTH 00 DEGREES 33 MINUTES 23 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 159 A DISTANCE OF 123.37 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY (R/W) LINE OF LANDS END DRIVE (A 44' PRIVATE R/W), SAID POINT BEING ON A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 320.00 FEET, A CENTRAL ANGLE OF 50 DEGREES 38 MINUTES 52 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 33 DEGREES 20 MINUTES 26 SECONDS EAST, 318.29 FEET, THENCE PROCEED NORTHEASTERLY ALONG THE ARC OF SAID CURVED R/W LINE A DISTANCE OF 333.14 FEET TO THE POINT OF TANGENCY AND TO THE EAST LINE OF THE AFOREMENTIONED DESTIN POINTE, THENCE PROCEED SOUTH 23 DEGREES 31 MINUTES 00 SECONDS WEST ALONG SAID EAST LINE OF DESTIN POINTE A DISTANCE OF 310.33 FEET TO THE SOUTHEAST CORNER OF DESTIN POINTE, THENCE PROCEED SOUTH 77 DEGREES 51 MINUTES 00 SECONDS WEST ALONG SAID SOUTH LINE OF DESTIN POINTE A DISTANCE OF 133.47 FEET TO THE SOUTHEAST CORNER OF THE AFOREMENTIONED LOT 159 AND THE POINT OF BEGINNING.

LYING IN AND BEING PART OF DESTIN POINTE, A PLANNED UNIT DEVELOPMENT, A SUBDIVISION OF A PORTION OF HOLIDAY ISLE, DESTIN, TOWNSHIP 2 SOUTH, RANGE 23 WEST, AS RECORDED IN PLAT BOOK 14, AT PAGES 90 THRU 93 OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA, AND CONTAINING 1.09 ACRES MORE OR LESS.

GENERAL NOTES:

1. NORTH AND THE SURVEY DATUM SHOWN HEREON ARE REFERENCED TO THE RECORD PLAT OF DESTIN POINTE AS RECORDED IN PLAT BOOK 14 AT PAGES 90-93, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
2. THIS DRAWING IS FOR DESCRIPTION PURPOSES ONLY, AND NOT TO BE CONSTRUED AS A BOUNDARY SURVEY.

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THE DESCRIPTION AND BENCH MARKS HEREON TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND FURTHER, THAT I AM A LICENSED SURVEYOR IN FLORIDA, AND I HAVE COMPLIED WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYING AND MAPPING IN CHAPTER 6807-4, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO REGULATION 6807-4.01, FLORIDA STATUTES.

FOR BASKERVILLE-DONOVAN, INC.
CORPORATE SEALER 034011

Robert Scott
ROBERT SCOTT
FLORIDA REGISTRATION NO. 5007



**BASKERVILLE-
DONOVAN, INC.**

Project: DESTIN POINTE SUBDIVISION

Project No.: 35503.02

Date: 12/18/95

By: MANZ

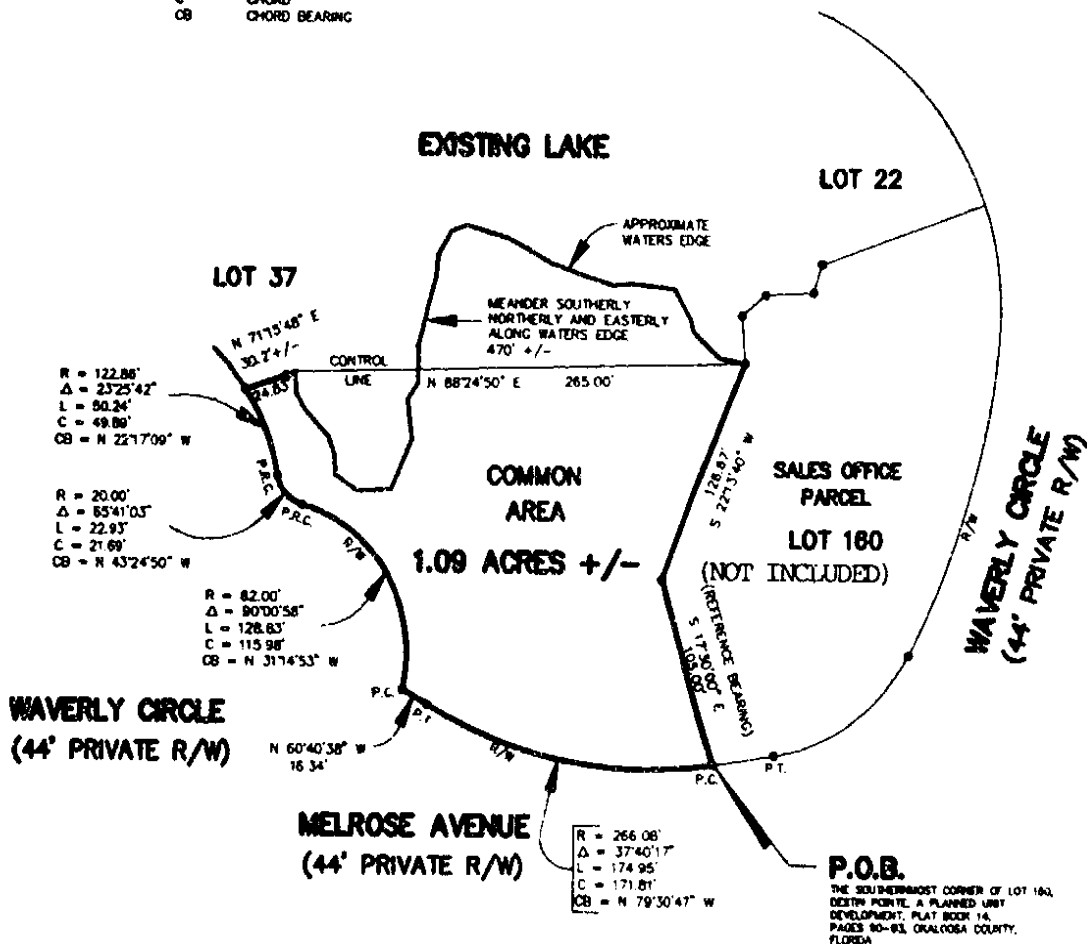
Sheet 1

of 1

DESCRIPTION SKETCH

LEGEND:

P.C.C. POINT OF COMPOUND CURVATURE
P.R.C. POINT OF REVERSE CURVATURE
R/W RIGHT-OF-WAY
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
P.C. POINT OF CURVATURE
P.T. POINT OF TANGENCY
R. RADIUS
Δ DELTA
L LENGTH OF ARC
C CHORD
CB CHORD BEARING



**** OFFICIAL RECORDS ****
BK 1970 PG 1492

GENERAL NOTES:

1. NORTH AND THE SURVEY DATUM SHOWN HEREON ARE REFERENCED TO THE RECORD PLAT OF DESTIN POINTE AS RECORDED IN PLAT BOOK 14 AT PAGES 90-93, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
2. THIS DRAWING IS FOR DESCRIPTION PURPOSES ONLY, AND NOT TO BE CONSTRUED AS A BOUNDARY SURVEY.

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THE DESCRIPTION AND SKETCH SHOWN HEREON TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND FURTHER CERTIFY THE SURVEYING STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 90B-1, FLORIDA ADMINISTRATIVE CODE, PRESENTLY SECTION 472.027, FLORIDA STATUTES.

FOR: BASKERVILLE-DONOVAN, INC.
CORPORATE NUMBER 0340

By: *Robert Scott Miller*
ROBERT SCOTT MILLER
FLORIDA REGISTRATION NO. 8509



BASKERVILLE-DONOVAN, INC.

Project: **DESTIN POINTE SUBDIVISION**

Sheet 1

Project No.: **35503.02**

Date: **12/18/95**

By: **MAN/RS** of 2

DESCRIPTION: AS PREPARED BY BASKERVILLE-DONOVAN INC.
COMMON AREA

BEGINNING AT THE SOUTHWESTERNMOST CORNER OF LOT 160 OF DESTIN POINTE, A PLANNED UNIT DEVELOPMENT OF A PORTION OF HOLIDAY ISLE, AS RECORDED AT PLAT BOOK 14, AT PAGES 90-93, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA;
SAID POINT BEING A POINT OF CURVATURE ON THE NORTH RIGHT-OF-WAY (R/W) LINE OF MELROSE AVENUE (A 44' PRIVATE R/W), SAID CURVE BEING CONCAVE NORTHERLY, HAVING A RADIUS OF 266.08 FEET, A CENTRAL ANGLE OF 37 DEGREES 40 MINUTES 17 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 79 DEGREES 30 MINUTES 47 SECONDS WEST, 171.81 FEET, THENCE PROCEED WESTERLY ALONG THE ARC OF SAID CURVED NORTH R/W LINE A DISTANCE OF 174.95 FEET TO THE POINT OF TANGENCY; THENCE PROCEED NORTH 60 DEGREES 40 MINUTES 38 SECONDS WEST ALONG SAID NORTHERLY R/W A DISTANCE OF 16.34 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 82.00 FEET, A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 58 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 31 DEGREES 14 MINUTES 53 SECONDS WEST, 115.98 FEET, THENCE PROCEED NORTHWESTERLY ALONG ARC OF SAID CURVED NORTH R/W LINE A DISTANCE OF 128.83 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 65 DEGREES 41 MINUTES 03 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 43 DEGREES 24 MINUTES 50 SECONDS WEST, 21.69 FEET, THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVED NORTH R/W LINE A DISTANCE OF 22.93 FEET TO A POINT ON THE EAST R/W LINE OF WAVERLY CIRCLE (A 44' PRIVATE R/W) SAID POINT BEING THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 122.86 FEET, A CENTRAL ANGLE OF 23 DEGREES 25 MINUTES 42 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 22 DEGREES 17 MINUTES 09 SECONDS WEST, 49.89 FEET, THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVED EAST R/W LINE A DISTANCE OF 50.24 FEET TO THE SOUTHERLY LINE OF LOT 37 OF THE AFOREMENTIONED DESTIN POINTE; THENCE DEPARTING SAID EAST R/W PROCEED NORTH 71 DEGREES 15 MINUTES 48 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID LOT 37 A DISTANCE OF 30.2 FEET MORE OR LESS TO THE WATERS EDGE OF AN EXISTING LAKE;
THENCE MEANDER SOUTHERLY, NORTHERLY AND EASTERLY ALONG SAID WATERS EDGE A DISTANCE OF 470 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE AFOREMENTIONED LOT 160;
THENCE PROCEED SOUTH 22 DEGREES 13 MINUTES 40 SECONDS WEST ALONG THE WESTERLY LINE OF SAID LOT 160 A DISTANCE OF 128.67 FEET;
THENCE PROCEED SOUTH 17 DEGREES 30 MINUTES 00 SECONDS WEST ALONG THE WESTERLY LINE OF SAID LOT 160 A DISTANCE OF 105.00 FEET TO THE POINT OF BEGINNING.

LYING IN AND BEING PART OF DESTIN POINTE, A PLANNED UNIT DEVELOPMENT, A SUBDIVISION OF A PORTION OF HOLIDAY ISLE, DESTIN, TOWNSHIP 2 SOUTH, RANGE 23 WEST, AS RECORDED IN PLAT BOOK 14, AT PAGES 90 THRU 93 OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
CONTAINING 1.09 ACRES MORE OR LESS.

**** OFFICIAL RECORDS ****
BK 1970 PG 1493



**BASKERVILLE-
DONOVAN, INC.**

Project: **DESTIN POINTE SUBDIVISION**

Project No.: **35503.02**

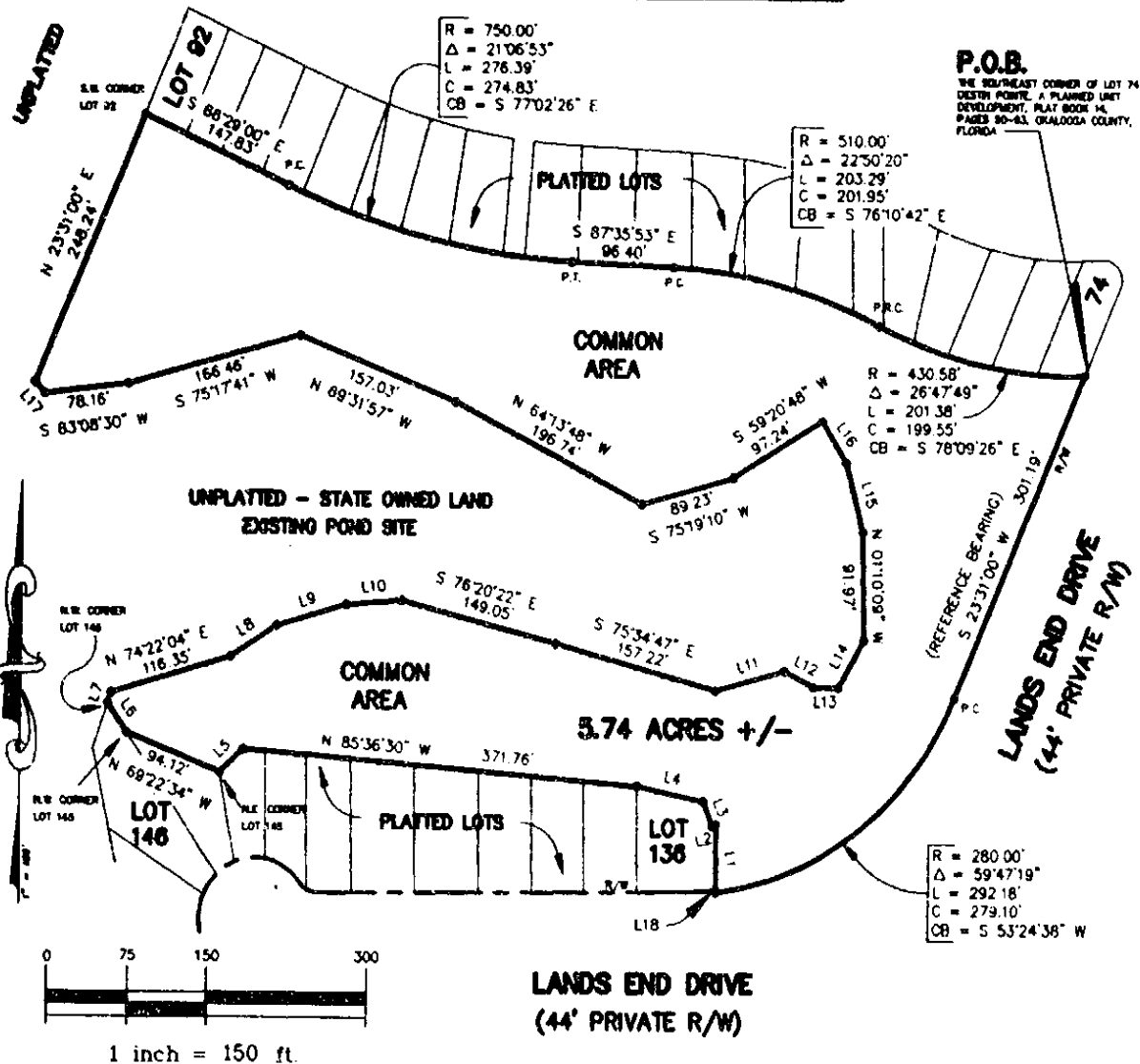
Date: **12/18/95**

By: **MAN**

Sheet **2**

of **2**

DESCRIPTION SKETCH



OFFICIAL RECORDS ##
BK 1970 PG 1494

LINE	DIRECTION	DISTANCE
L1	N 00°33'23\"	55.79'
L2	S 75°30'16\"	4.10'
L3	N 22°12'23\"	22.37'
L4	N 78°43'40\"	64.07'
L5	S 48°39'00\"	30.00'
L6	N 35°35'33\"	30.21'
L7	N 19°31'00\"	10.00'
L8	N 57°58'13\"	49.74'
L9	N 74°16'48\"	67.41'
L10	N 85°34'07\"	52.95'
L11	N 75°06'14\"	67.17'
L12	S 83°30'58\"	30.58'
L13	S 89°44'12\"	24.42'
L14	N 30°03'50\"	47.06'
L15	N 15°28'26\"	61.02'
L16	N 33°55'26\"	43.03'
L17	N 42°08'07\"	13.17'
L18	N 00°33'23\"	2.01'

GENERAL NOTES:

1. NORTH AND THE SURVEY DATUM SHOWN HEREON ARE REFERENCED TO THE RECORD PLAT OF DESTIN POINTE AS RECORDED IN PLAT BOOK 14 AT PAGES 90-93, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
2. THIS DRAWING IS FOR DESCRIPTION PURPOSES ONLY, AND NOT TO BE CONSTRUED AS A BOUNDARY SURVEY.

LEGEND:

- P.C.C. POINT OF COMPOUND CURVATURE
- P.R.C. POINT OF REVERSE CURVATURE
- R/W RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY
- R. RADIUS
- Δ. DELTA
- L. LENGTH OF ARC
- C. CHORD
- CB. CHORD BEARING

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE DESCRIPTION AND MEASUREMENTS HEREON WERE MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE THEY COMPLY WITH THE SURVEYING STANDARDS SET FORTH IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA, AND THE SURVEYING STANDARDS SET FORTH IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA, AND THE SURVEYING STANDARDS SET FORTH IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

FOR: BASKERVILLE-DONOVAN, INC.
CORPORATE SEALER/CLERK

Robert Scott Miller
BY: ROBERT SCOTT MILLER
FLORIDA REGISTRATION NO. 9809

BASKERVILLE-DONOVAN, INC.

Project: DESTIN POINTE SUBDIVISION

Sheet 1

Project No.: 35503.02

Date: 12/18/95

By: MAN of 3

DESCRIPTION: AS PREPARED BY BASKERVILLE-DONOVAN INC.
COMMON AREA

COMMENCING AT THE SOUTHEAST CORNER OF LOT 74 OF DESTIN POINTE, A PLANNED UNIT DEVELOPMENT OF A PORTION OF HOLIDAY ISLE, AS RECORDED AT PLAT BOOK 14, AT PAGES 90-93, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA;
THENCE PROCEED SOUTH 23 DEGREES 31 MINUTES 00 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY (R/W) OF LANDS END DRIVE (A 44' PRIVATE R/W) A DISTANCE OF 301.19 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY;
SAID CURVE HAVING A RADIUS OF 280.00 FEET, A CENTRAL ANGLE OF 59 DEGREES 47 MINUTES 19 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 53 DEGREES 24 MINUTES 38 SECONDS WEST, 279.10 FEET, THENCE PROCEED SOUTHERLY ALONG THE ARC OF SAID CURVED R/W A DISTANCE OF 292.18 FEET;
THENCE PROCEED NORTH 00 DEGREES 33 MINUTES 23 SECONDS WEST ALONG SAID R/W A DISTANCE OF 2.01 FEET TO THE NORTH R/W OF SAID LANDS END DRIVE AND THE SOUTHEAST CORNER OF LOT 136 OF THE AFOREMENTIONED DESTIN POINTE, THENCE DEPARTING SAID NORTH R/W PROCEED NORTH 00 DEGREES 33 MINUTES 23 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 136 A DISTANCE OF 55.79 FEET;
THENCE PROCEED SOUTH 75 DEGREES 30 MINUTES 16 SECONDS WEST ALONG SAID EAST LINE A DISTANCE OF 4.10 FEET;
THENCE PROCEED NORTH 22 DEGREES 12 MINUTES 23 SECONDS WEST ALONG SAID EAST LINE A DISTANCE OF 22.37 FEET TO THE NORTHEAST CORNER OF SAID LOT 136;
THENCE PROCEED NORTH 78 DEGREES 43 MINUTES 40 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 136 A DISTANCE OF 64.07 FEET TO THE NORTHWEST CORNER OF SAID LOT 136;
THENCE PROCEED NORTH 85 DEGREES 36 MINUTES 30 SECONDS WEST ALONG THE NORTH LINE OF LOTS 137 THRU 144 OF THE AFOREMENTIONED DESTIN POINTE A DISTANCE OF 371.76 FEET;
THENCE PROCEED SOUTH 48 DEGREES 39 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 144 A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF LOT 145 OF SAID DESTIN POINTE;
THENCE PROCEED NORTH 69 DEGREES 22 MINUTES 34 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 145 A DISTANCE OF 94.12 FEET TO THE NORTHWEST CORNER OF SAID LOT 145 AND A POINT ON THE NORTH LINE OF LOT 146 OF SAID DESTIN POINTE;
THENCE PROCEED NORTH 35 DEGREES 35 MINUTES 33 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 145 A DISTANCE OF 30.21 FEET TO THE NORTHWEST CORNER OF SAID LOT 146;
THENCE PROCEED ALONG THE BOUNDARY LINE OF THE AFOREMENTIONED DESTIN POINTE THE FOLLOWING BEARINGS AND DISTANCES:
NORTH 19 DEGREES 31 MINUTES 00 SECONDS EAST A DISTANCE OF 10.00 FEET;
NORTH 74 DEGREES 22 MINUTES 04 SECONDS EAST A DISTANCE OF 116.35 FEET;
NORTH 57 DEGREES 56 MINUTES 13 SECONDS EAST A DISTANCE OF 49.74 FEET;
NORTH 74 DEGREES 16 MINUTES 46 SECONDS EAST A DISTANCE OF 67.41 FEET;
NORTH 85 DEGREES 34 MINUTES 07 SECONDS EAST A DISTANCE OF 52.95 FEET;
SOUTH 76 DEGREES 20 MINUTES 22 SECONDS EAST A DISTANCE OF 149.05 FEET;
SOUTH 75 DEGREES 34 MINUTES 47 SECONDS EAST A DISTANCE OF 157.22 FEET;
NORTH 75 DEGREES 06 MINUTES 14 SECONDS EAST A DISTANCE OF 67.17 FEET;
SOUTH 63 DEGREES 39 MINUTES 58 SECONDS EAST A DISTANCE OF 30.56 FEET;
SOUTH 89 DEGREES 44 MINUTES 12 SECONDS EAST A DISTANCE OF 24.42 FEET;
NORTH 30 DEGREES 05 MINUTES 50 SECONDS EAST A DISTANCE OF 47.05 FEET;
NORTH 01 DEGREES 10 MINUTES 09 SECONDS WEST A DISTANCE OF 91.97 FEET;
NORTH 15 DEGREES 26 MINUTES 26 SECONDS WEST A DISTANCE OF 61.02 FEET;
NORTH 33 DEGREES 55 MINUTES 26 SECONDS WEST A DISTANCE OF 43.03 FEET;
SOUTH 59 DEGREES 20 MINUTES 48 SECONDS WEST A DISTANCE OF 97.24 FEET;
SOUTH 75 DEGREES 19 MINUTES 10 SECONDS WEST A DISTANCE OF 89.23 FEET;
NORTH 64 DEGREES 13 MINUTES 48 SECONDS WEST A DISTANCE OF 196.74 FEET;
NORTH 69 DEGREES 31 MINUTES 57 SECONDS WEST A DISTANCE OF 157.03 FEET;
SOUTH 75 DEGREES 17 MINUTES 41 SECONDS WEST A DISTANCE OF 166.46 FEET;
SOUTH 83 DEGREES 08 MINUTES 30 SECONDS WEST A DISTANCE OF 78.16 FEET;
NORTH 42 DEGREES 06 MINUTES 07 SECONDS WEST A DISTANCE OF 13.17 FEET;

SEE SHEET 3 OF 3 FOR CONTINUATION

**** OFFICIAL RECORDS ****
BK 1978 PG 1495



**BASKERVILLE-
DONOVAN, INC.**

Project: DESTIN POINTE SUBDIVISION

Sheet 2

Project No.: 35503.02

Date: 12/18/95

By: MAN

of 3

SEE SHEET 2 OF 3

**** OFFICIAL RECORDS ****
BK 1970 PG 1496

NORTH 23 DEGREES 31 MINUTES 00 SECONDS EAST A DISTANCE OF 248.24 FEET TO THE SOUTHWEST CORNER OF LOT 92 OF THE AFOREMENTIONED DESTIN POINTE; THENCE PROCEED SOUTH 66 DEGREES 29 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF LOTS 92 THRU 89 A DISTANCE OF 147.83 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY; SAID CURVE HAVING A RADIUS OF 750.00 FEET, A CENTRAL ANGLE OF 21 DEGREES 06 MINUTES 53 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 77 DEGREES 02 MINUTES 26 SECONDS EAST, 274.83 FEET, THENCE PROCEED EASTERLY ALONG THE CURVED SOUTH LINE OF LOTS 89 THRU 84 A DISTANCE OF 276.39 FEET TO THE POINT OF TANGENCY; THENCE PROCEED SOUTH 87 DEGREES 35 MINUTES 53 SECONDS EAST ALONG THE SOUTH LINE OF LOTS 84 THRU 82 A DISTANCE OF 96.40 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY; SAID CURVE HAVING A RADIUS OF 510.00 FEET, A CENTRAL ANGLE OF 22 DEGREES 50 MINUTES 20 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 76 DEGREES 10 MINUTES 42 SECONDS EAST, 201.95 FEET, THENCE PROCEED EASTERLY ALONG THE CURVED SOUTH LINE OF LOTS 82 THRU 78 A DISTANCE OF 203.29 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHERLY; SAID CURVE HAVING A RADIUS OF 430.58 FEET, A CENTRAL ANGLE OF 26 DEGREES 47 MINUTES 49 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 78 DEGREES 09 MINUTES 26 SECONDS EAST, 199.55 FEET, THENCE PROCEED EASTERLY ALONG THE CURVED SOUTH LINE OF LOTS 78 THRU 74 A DISTANCE OF 201.38 FEET TO THE SOUTHEAST CORNER OF SAID LOT 74 AND THE POINT OF BEGINNING.

LYING IN AND BEING PART OF DESTIN POINTE, A PLANNED UNIT DEVELOPMENT, A SUBDIVISION OF A PORTION OF HOUDAY ISLE, DESTIN, TOWNSHIP 2 SOUTH, RANGE 23 WEST, AS RECORDED IN PLAT BOOK 14, AT PAGES 90 THRU 93 OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA
CONTAINING 5.74 ACRES MORE OR LESS.



Project: **DESTIN POINTE COMMON AREA**

Sheet **3**

Project No: **35503.02**

Date: **12/18/95**

By: **HAN**

of **3**

DESCRIPTION SKETCH

GENERAL NOTES:

1. NORTH AND THE SURVEY DATA SHOWN HEREON ARE REFERENCED TO THE RECORD PLAT OF DESTIN PONTE AS RECORDED IN PLAT BOOK 14 AT PAGES 80-83, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
2. THIS DRAWING IS FOR DESCRIPTION PURPOSES ONLY, AND NOT TO BE CONSIDERED AS A BOUNDARY SURVEY.

LINE	DESCRIPTION	DISTANCE
1	N 78°34'11" E	31.41'
2	S 21°28'58" E	28.28'
3	N 13°25'48" W	17.00'
4	S 66°29'00" E	113.63'
5	N 13°25'48" W	17.00'
6	S 66°29'00" E	113.63'
7	N 13°25'48" W	17.00'
8	S 66°29'00" E	113.63'
9	N 13°25'48" W	17.00'
10	S 66°29'00" E	113.63'
11	N 13°25'48" W	17.00'
12	S 66°29'00" E	113.63'
13	N 13°25'48" W	17.00'
14	S 66°29'00" E	113.63'
15	N 13°25'48" W	17.00'
16	S 66°29'00" E	113.63'
17	N 13°25'48" W	17.00'
18	S 66°29'00" E	113.63'
19	N 13°25'48" W	17.00'
20	S 66°29'00" E	113.63'
21	N 13°25'48" W	17.00'
22	S 66°29'00" E	113.63'
23	N 13°25'48" W	17.00'
24	S 66°29'00" E	113.63'
25	N 13°25'48" W	17.00'
26	S 66°29'00" E	113.63'
27	N 13°25'48" W	17.00'
28	S 66°29'00" E	113.63'
29	N 13°25'48" W	17.00'
30	S 66°29'00" E	113.63'
31	N 13°25'48" W	17.00'
32	S 66°29'00" E	113.63'
33	N 13°25'48" W	17.00'
34	S 66°29'00" E	113.63'
35	N 13°25'48" W	17.00'
36	S 66°29'00" E	113.63'
37	N 13°25'48" W	17.00'
38	S 66°29'00" E	113.63'
39	N 13°25'48" W	17.00'
40	S 66°29'00" E	113.63'
41	N 13°25'48" W	17.00'
42	S 66°29'00" E	113.63'
43	N 13°25'48" W	17.00'
44	S 66°29'00" E	113.63'
45	N 13°25'48" W	17.00'
46	S 66°29'00" E	113.63'
47	N 13°25'48" W	17.00'
48	S 66°29'00" E	113.63'
49	N 13°25'48" W	17.00'
50	S 66°29'00" E	113.63'
51	N 13°25'48" W	17.00'
52	S 66°29'00" E	113.63'
53	N 13°25'48" W	17.00'
54	S 66°29'00" E	113.63'
55	N 13°25'48" W	17.00'
56	S 66°29'00" E	113.63'
57	N 13°25'48" W	17.00'
58	S 66°29'00" E	113.63'
59	N 13°25'48" W	17.00'
60	S 66°29'00" E	113.63'
61	N 13°25'48" W	17.00'
62	S 66°29'00" E	113.63'
63	N 13°25'48" W	17.00'
64	S 66°29'00" E	113.63'
65	N 13°25'48" W	17.00'
66	S 66°29'00" E	113.63'
67	N 13°25'48" W	17.00'
68	S 66°29'00" E	113.63'
69	N 13°25'48" W	17.00'
70	S 66°29'00" E	113.63'
71	N 13°25'48" W	17.00'
72	S 66°29'00" E	113.63'
73	N 13°25'48" W	17.00'
74	S 66°29'00" E	113.63'
75	N 13°25'48" W	17.00'
76	S 66°29'00" E	113.63'
77	N 13°25'48" W	17.00'
78	S 66°29'00" E	113.63'
79	N 13°25'48" W	17.00'
80	S 66°29'00" E	113.63'
81	N 13°25'48" W	17.00'
82	S 66°29'00" E	113.63'
83	N 13°25'48" W	17.00'
84	S 66°29'00" E	113.63'
85	N 13°25'48" W	17.00'
86	S 66°29'00" E	113.63'
87	N 13°25'48" W	17.00'
88	S 66°29'00" E	113.63'
89	N 13°25'48" W	17.00'
90	S 66°29'00" E	113.63'
91	N 13°25'48" W	17.00'
92	S 66°29'00" E	113.63'
93	N 13°25'48" W	17.00'
94	S 66°29'00" E	113.63'
95	N 13°25'48" W	17.00'
96	S 66°29'00" E	113.63'
97	N 13°25'48" W	17.00'
98	S 66°29'00" E	113.63'
99	N 13°25'48" W	17.00'
100	S 66°29'00" E	113.63'

LEGEND:

- P.C.C. POINT OF COMPOUND CURVATURE
- P.R.C. POINT OF REVERSE CURVATURE
- R/W RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY
- R RADIUS
- Δ DELTA
- L LENGTH OF ARC
- C CHORD
- CB CHORD BEARING

OFFICIAL RECORDS #
BK 1970 PG 1497

MELROSE AVENUE
(44' PRIVATE R/W)

R = 368.00'
Δ = 32°01'05"
L = 200.65'
C = 202.98'
CB = S 82°29'32" E

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THE DESCRIPTION AND CALCULATIONS HEREON ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA, AND THAT I AM A MEMBER OF THE FLORIDA SURVEYORS ASSOCIATION, INC. IN THE CITY OF GAINESVILLE, FLORIDA.

FOR BASKERVILLE-DONOVAN, INC.
CORPORATE NUMBER 6340

Robert Scott Miller
FLORIDA REGISTRATION NO. 8908

DEC. 19, 1995

BASKERVILLE-DONOVAN, INC.

Project: DESTIN PONTE SUBDIVISION

Sheet 1

Project No. 35503.02

Date: 12/18/95

By: MAN of 3

**DESCRIPTION: AS PREPARED BY BASKERVILLE-DONOVAN INC.
COMMON AREA**

BEGINNING AT THE NORTHWEST CORNER OF DESTIN POINTE, A PLANNED UNIT DEVELOPMENT OF A PORTION OF HOLIDAY ISLE, AS RECORDED AT PLAT BOOK 14, AT PAGES 90-93, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA;
THENCE PROCEED SOUTH 23 DEGREES 31 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SAID DESTIN POINTE A DISTANCE OF 658.89 FEET TO A POINT OF CURVATURE ON THE CURVED NORTHERLY RIGHT-OF-WAY (R/W) OF MELROSE AVENUE (A 44' PRIVATE R/W), SAID CURVE BEING CONCAVE EASTERLY; SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 21 DEGREES 28 MINUTES 59 SECONDS EAST, 28.28 FEET, THENCE PROCEED SOUTHERLY ALONG THE ARC OF SAID CURVED NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 31.42 FEET TO THE POINT OF TANGENCY;
THENCE PROCEED SOUTH 66 DEGREES 29 MINUTES 00 SECONDS EAST ALONG SAID NORTHERLY R/W A DISTANCE OF 115.83 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY; SAID CURVE HAVING A RADIUS OF 368.00 FEET, A CENTRAL ANGLE OF 32 DEGREES 01 MINUTES 05 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 82 DEGREES 29 MINUTES 32 SECONDS EAST, 202.98 FEET, THENCE PROCEED EASTERLY ALONG THE ARC OF SAID CURVED NORTHERLY R/W A DISTANCE OF 205.65 FEET TO THE POINT OF TANGENCY;
THENCE PROCEED NORTH 81 DEGREES 29 MINUTES 55 SECONDS EAST ALONG SAID NORTHERLY R/W A DISTANCE OF 59.73 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY; SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 65 DEGREES 41 MINUTES 03 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 48 DEGREES 39 MINUTES 23 SECONDS EAST, 21.69 FEET, THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID NORTHERLY R/W A DISTANCE OF 22.93 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EASTERLY; SAID CURVE HAVING A RADIUS OF 82.00 FEET, A CENTRAL ANGLE OF 39 DEGREES 17 MINUTES 53 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 35 DEGREES 27 MINUTES 48 SECONDS EAST, 55.15 FEET, THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVED R/W A DISTANCE OF 56.24 FEET TO A POINT ON THE CURVED WEST R/W OF WAVERLY CIRCLE (A 44' PRIVATE R/W), SAID POINT ALSO BEING THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WESTERLY; SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 65 DEGREES 41 MINUTES 03 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 22 DEGREES 16 MINUTES 13 SECONDS EAST, 21.69 FEET, THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVED WEST R/W A DISTANCE OF 22.93 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE WESTERLY; SAID CURVE HAVING A RADIUS OF 78.86 FEET, A CENTRAL ANGLE OF 36 DEGREES 58 MINUTES 28 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 29 DEGREES 03 MINUTES 32 SECONDS WEST, 50.02 FEET, THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVED WEST R/W A DISTANCE OF 50.89 FEET TO THE POINT OF TANGENCY;
THENCE PROCEED NORTH 47 DEGREES 32 MINUTES 46 SECONDS WEST ALONG SAID WEST R/W A DISTANCE OF 79.23 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY; SAID CURVE HAVING A RADIUS OF 120.00 FEET, A CENTRAL ANGLE OF 34 DEGREES 06 MINUTES 57 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 30 DEGREES 29 MINUTES 18 SECONDS WEST, 70.40 FEET, THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVED WEST R/W A DISTANCE OF 71.45 FEET TO THE POINT OF TANGENCY;
THENCE PROCEED NORTH 13 DEGREES 25 MINUTES 49 SECONDS WEST ALONG SAID WEST R/W A DISTANCE OF 107.74 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY; SAID CURVE HAVING A RADIUS OF 145.60 FEET, A CENTRAL ANGLE OF 93 DEGREES 20 MINUTES 03 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 33 DEGREES 14 MINUTES 13 SECONDS EAST, 211.81 FEET, THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVED WEST R/W A DISTANCE OF 237.18 FEET; THENCE DEPARTING SAID CURVED WEST R/W PROCEED NORTH 10 DEGREES 57 MINUTES 32 SECONDS WEST A DISTANCE OF 144.75 FEET TO A POINT ON THE CURVED SOUTH R/W OF GULF SHORE DRIVE (A 100' R/W) AND NORTH LINE OF THE AFOREMENTIONED DESTIN POINTE;
SAID CURVE BEING CONCAVE SOUTHERLY, HAVING A RADIUS OF 809.81 FEET, A CENTRAL ANGLE OF 08 DEGREES 30 MINUTES 49 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 73 DEGREES 59 MINUTES 51 SECONDS WEST, 120.22 FEET, THENCE PROCEED WESTERLY ALONG THE ARC OF SAID CURVED SOUTH R/W A DISTANCE OF 120.33 FEET TO THE POINT OF BEGINNING.
LYING IN AND BEING PART OF DESTIN POINTE, A PLANNED UNIT DEVELOPMENT, A SUBDIVISION OF A PORTION OF HOLIDAY ISLE, DESTIN, TOWNSHIP 2 SOUTH, RANGE 23 WEST, AS RECORDED IN PLAT BOOK 14, AT PAGES 90 THRU 93 OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
CONTAINING 3.70 ACRES MORE OR LESS.

LESS AND EXCEPT THE FOLLOWING :

**** OFFICIAL RECORDS ****
BK 1970 PG 1498

MAGNOLIA HOUSE DESCRIPTION:

**BASKERVILLE-
DONOVAN, INC.**

Project: DESTIN POINTE SUBDIVISION

Project No.: 35503.02

Date: 12/10/95

By: MAN

Sheet 2

of 3

LESS AND EXCEPT THE FOLLOWING:

**** OFFICIAL RECORDS ****
BK 1970 PG 1499

MAGNOLIA HOUSE DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF DESTIN POINTE, A PLANNED UNIT DEVELOPMENT OF A PORTION OF HOLIDAY ISLE, AS RECORDED AT PLAT BOOK 14, AT PAGES 90 THRU 93, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA;
THENCE PROCEED SOUTH 23 DEGREES 31 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF THE AFORESAID PLAT OF DESTIN POINTE A DISTANCE OF 391.78 FEET.
THENCE DEPARTING SAID WEST LINE PROCEED SOUTH 66 DEGREES 29 MINUTES 00 SECONDS EAST A DISTANCE OF 77.77 FEET TO THE POINT OF BEGINNING;
THENCE PROCEED NORTH 76 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 70.50 FEET;
THENCE PROCEED SOUTH 13 DEGREES 25 MINUTES 49 SECONDS EAST A DISTANCE OF 34.67 FEET;
THENCE PROCEED SOUTH 76 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 4.67 FEET;
THENCE PROCEED SOUTH 13 DEGREES 25 MINUTES 49 SECONDS EAST A DISTANCE OF 73.33 FEET;
THENCE PROCEED NORTH 76 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 10.33 FEET;
THENCE PROCEED SOUTH 13 DEGREES 25 MINUTES 49 SECONDS EAST A DISTANCE OF 41.00 FEET;
THENCE PROCEED SOUTH 76 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 17.00 FEET;
THENCE PROCEED NORTH 76 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 91.17 FEET;
THENCE PROCEED SOUTH 13 DEGREES 25 MINUTES 49 SECONDS EAST A DISTANCE OF 4.67 FEET;
THENCE PROCEED SOUTH 76 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 34.67 FEET;
THENCE PROCEED NORTH 13 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 70.50 FEET;
THENCE PROCEED SOUTH 76 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 126.00 FEET;
THENCE PROCEED NORTH 13 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 9.00 FEET;
THENCE PROCEED NORTH 76 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 58.83 FEET;
THENCE PROCEED NORTH 13 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 6.67 FEET;
THENCE PROCEED NORTH 76 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 18.00 FEET;
THENCE PROCEED NORTH 13 DEGREES 25 MINUTES 49 SECONDS EAST A DISTANCE OF 9.00 FEET;
TO THE POINT OF BEGINNING.

LYING IN AND BEING PART OF TOWNSHIP 2 SOUTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA AND CONTAINS 0.46 ACRES MORE OR LESS.

**BASKERVILLE-
DONOVAN, INC.**

Project: **DESTIN POINTE SUBDIVISION**

Project No: **35303.02**

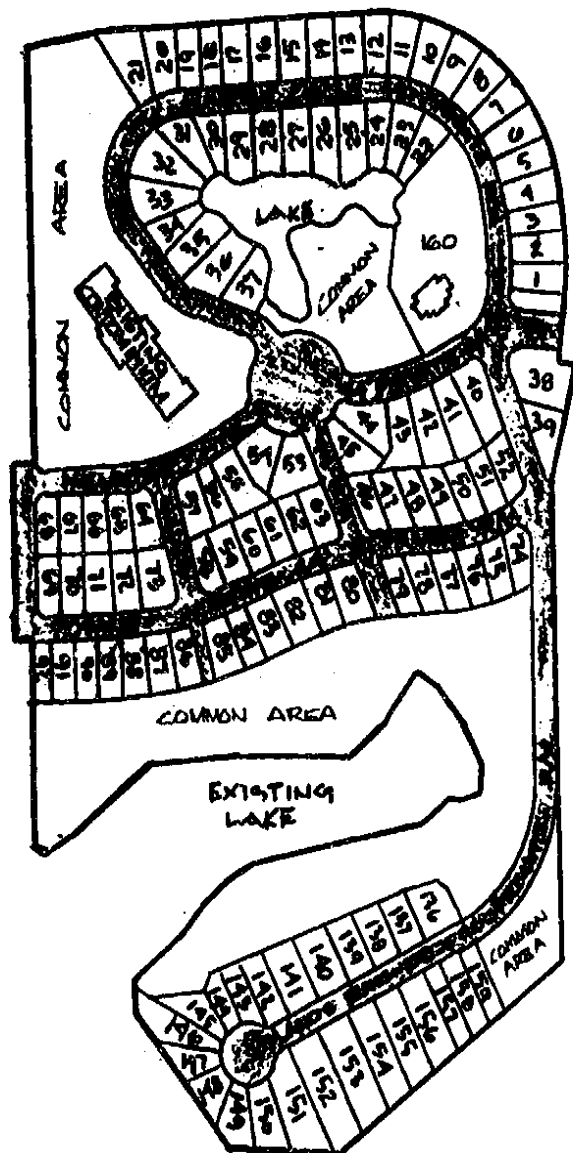
Date: **12/18/95**

By: **HAN**

Sheet **3**

of **3**

DESCRIPTION SKETCH



NOTE:

SHADED AREAS INDICATE
PLATTED PRIVATE RIGHT-OF-
WAY. SEE ATTACHED PLAT
OF DESTIN POINTE - SHEETS
1 THRU 4 FOR R/W
DIMENSIONS

LEGEND:

P.C.C.	POINT OF COMPOUND CURVATURE
P.R.C.	POINT OF REVERSE CURVATURE
R/W	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
R	RADIUS
Δ	DELTA
L	LENGTH OF ARC
C	CHORD
CB	CHORD BEARING

FILE # 1455650 RCD: Dec 29 1995 @ 02:27PM
Newman C. Brackin, Clerk, Okaloosa Cnty Fl

GENERAL NOTES:

1. NORTH AND THE SURVEY DATUM SHOWN HEREON ARE REFERENCED TO THE RECORD PLAT OF DESTIN POINTE AS RECORDED IN PLAT BOOK 14 AT PAGES 90-93, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
2. THIS DRAWING IS FOR DESCRIPTION PURPOSES ONLY, AND NOT TO BE CONSTRUED AS A BOUNDARY SURVEY.

RIGHT-OF-WAY DESCRIPTION:

AS PREPARED BY BASKERVILLE-DONOVAN INC.

ALL OF THAT PORTION DESIGNATED AS PRIVATE RIGHT-OF-WAY AS SHOWN ON THE RECORD PLAT OF DESTIN POINTE, A PLANNED UNIT DEVELOPMENT, A SUBDIVISION OF A PORTION OF HOLIDAY ISLE, DESTIN, TOWNSHIP 2 SOUTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 14, AT PAGES 90 THRU 93 OF THE PUBLIC RECORDS OF SAID COUNTY, AND CONTAINING 7.02 ACRES MORE OR LESS.

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THE DESCRIPTION AND DETAIL OF THE SURVEY CONDUCTED TO THE BEST OF MY KNOWLEDGE AND BELIEF TO BE CORRECT AND TRUE. THE SURVEYING INSTRUMENTS USED WERE CALIBRATED BY THE FLORIDA SURVEYING BOARD IN ORANGE COUNTY, FLORIDA, ON 07/20/95, FLORIDA SURVEYOR.

FOR BASKERVILLE-DONOVAN INC.
CORPORATE RECORDS CLERK

Robert Scott Miller
FLORIDA SURVEYOR NO. 1000



BASKERVILLE-DONOVAN, INC.

Project: DESTIN POINTE SUBDIVISION

Project No.: 35503.02

Date: 12/18/95

By: MAN

Sheet 1

of 1

**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

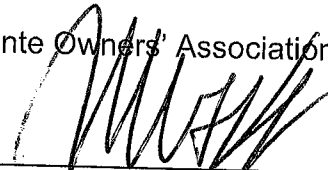
KNOWN ALL MEN BY THESE PRESENTS, THAT Mike Kent, as Community Association Manager for Destin Pointe Owners' Association, Inc., the owner, desiring to execute a Special Power of Attorney, has made, constituted and appointed, and by these presents does make, constitute and appoint Rodney Chamberlain and William Frank, whose address is 4471 Legendary Drive, Destin, County of Okaloosa, State of Florida, as Attorney-in-Fact for the owner, to act as follows, GIVING AND GRANTING unto said attorney full power to act as agent for the owner in any and all matters pertaining to certain improvements to be made by Destin Guardian Corporation within the Destin Pointe Planned Unit Development, including but not limited to applications for variances, development orders, amendments to development orders, amendments to the Destin Pointe PUD, platting, re-platting and any permitting matters.

FURTHER, the owner does authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of the aforesaid authorization with the same validity as the owner could effect if personally present. Any act or thing lawfully done hereunder by the said attorney shall be binding on the owner and its officers, directors, employees, legal representatives, successors and assigns.

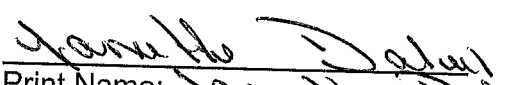
PROVIDED, however, that any and all transactions conducted hereunder for the owner or for its account shall be transacted in the name of the owner, and that all endorsements and instruments executed by the said attorney for the purpose of carrying out the foregoing powers shall contain the name of the owner, followed by that of the said attorney and the designation "Attorney-in-Fact."

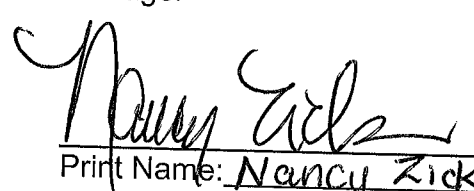
THIS SPECIAL POWER OF ATTORNEY is intended to supersede and replace any prior grants of agency authority previously executed by the owner.

Destin Pointe Owners' Association, Inc.

By: 
Mike Kent, Community Association
Manager

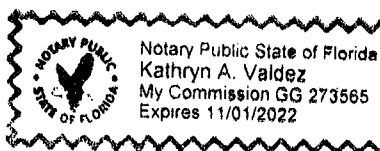
Witnessed by:

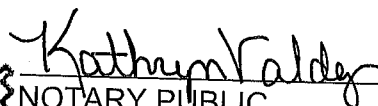

Print Name: Sarah Doherty


Print Name: Nancy Zick

STATE OF FLORIDA
COUNTY OF OKALOOSA

Sworn to and subscribed before me by means of physical presence on this 16th day of December, 2021, by Mike Kent, Community Association Manager of Destin Pointe Owners' Association, Inc., and who is personally known to me and who did not take an oath.




NOTARY PUBLIC
Printed Name: Kathryn Valdez
My Commission expires: 11/1/2022

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: April 6, 2022
BOARD/COMMITTEE: Board of Adjustment
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.B.

TO: Board of Adjustment

THRU: Lance Johnson, City Manager

FROM: Steve O'Connor, Principal Planner
Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

DATE: March 22, 2022

SUBJECT: 22-08-VR 155 Calhoun Ave Variance Request

I. BACKGROUND:

The applicant, Lobello, Duhon, Lobello, on behalf of Shirley Perman, is requesting a variance from **Article 11.05.00 - Marina Siting** of the Land Development Code due to no records of sustained damage to the dock within six months of the proposed dock repair / replacement of the damaged dock. The proposed project intends to restore the previously existing dock to its original style and location.

BACKGROUND:

Applicant: Lobello, Duhon, Lobello

Location: 155 Calhoun Ave, FL 32541

Size of Property: 1.93 acres

Current Zoning: Bay Estate (BE)

Future Land Use Map Classification: Bay Estate (BE)

Comprehensive Plan Compliance: Policy 6-1.5.5: Enforce Marina Siting Criteria and Construction Standards. The City shall continue to enforce its regulations for Marina Siting in accordance with the FDEP and USACE.

Legal Notice: The legal notice for the proposed variance request was submitted for publication in the Northwest Florida Daily News with publication dates of March 23, 2022 and March 30, 2022.

Request: The applicant is requesting variance from **Article 11.05.00 - Marina Siting** of the

Land Development Code (LDC) due to no application or replacement or repair records of sustained damage to the dock within six months of the damaged dock. The proposed project intends to restore the previously existing dock to its original style and location. Therefore, the applicant is requesting a variance from:

Article 11, Section 11.05.00. - Marina Siting: This article establishes and regulates procedures and standards by which the City controls and regulates development, construction, and activities within and contiguous to the Harbor and Waterways of Destin. The following regulations and prohibitions shall apply to the Harbor and Waterways of Destin. Specifically, in this case, the applicant is requesting a variance from the twenty-five foot (25') property line setback, without property owner's permission, as listed in **11.05.01.S**.

Article 11, Section 11.05.10. - Reconstruction of existing facilities: For existing facilities which are damaged by accidents, vandalism, ordinary wear and tear or acts of God, the provisions of paragraphs F, G, M, and N of **Section 11.05.01** shall not be applicable to reconstruction so long as the damaged facilities are reconstructed in the same or lesser dimensions and so long as the construction permit is applied for from the City within *six months* of the sustaining damage.

II. DISCUSSION:

The applicant wishes to build a new residential dock in the original location and style of a previously existing residential dock at 155 Calhoun Avenue, as seen in the application narrative (Attachment 1). It must be clarified that, per the LDC, the request is not replacing an existing dock as the dock was not replaced within six months of damage. Therefore, this request must be reviewed as a request for a new dock with no previous legal non-conforming rights or status.

If approved, the application will not meet the requirements set forth in the Marina Siting section of **Article 11, section 11.05.01.S, and Section 11.05.10**. Reconstruction of existing facilities.

FINDINGS:

According to **LDC Section 2.25.03(C)**, to authorize upon appeal such variance from the terms of any zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of such ordinance would result in unnecessary and undue hardship. In order to authorize any variance from the terms of the conditions, the Board of Adjustment must find:

A. That special conditions or 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.

Applicant's response: This Lot, 14B, part of the Moreno Point Military Reservation was sold by the War Department on May 12, 1932, to the Okaloosa County Board of Public Instruction for \$379.00. (This according to Historian "Hank" Klein) and noted in the attached quit claim deed. This property is a part of the endearing history of Destin.

Staff Findings: There are no special conditions of the former Moreno Point Military Reservation that encumber the property, structure, or building involved. Nor are there

any special conditions for the property that are unique to this zoning district. Therefore, this criteria has not been met in Staff's analysis.

B. That special conditions and circumstances do not result from the actions of the Applicant.

Applicant response: The previous owner purchased the property in 1946, according to the owner's daughter. Ms. Perman, therefore, is only the second owner since that purchase. In her later years, prior to her passing in 2016, the previous owner, unfortunately, fell on some exhaustive medical issues and expenses, which arrested her ability to maintain the grounds and some structures on the property.

Staff Findings: The dock not being rebuilt after being destroyed prior to 2013 was not a result of the current owner's action. Nonetheless, lack of action, from a previous owner, does not meet the intent of this criteria. Also there are no Special Circumstances as Staff established in Criteria A.

C. That granting the requested variance will not confer on the Applicant any special privileges denied by any zoning ordinance to other lands, buildings or structures in the same zoning district.

Applicant Response: The dock being discussed has remained in its present location since it was first constructed. The previous owners' two children who have shared many joyful memories regarding the use of the dock have verified this. It predates many structures and docks in the area. There are also other docks in the immediate area that are constructed on the property line (riparian line).

Staff Findings: As established earlier, the applicant is requesting to construct a new dock, not replace an existing dock. Consequently, the applicant is proposing to build a new dock in the same location as the previous dock, right along the northern riparian line of the subject property. The dock was destroyed sometime prior to 2013 and not replaced within the prescribed time frame outlined in the LDC. As far as Staff is aware, all the docks that currently exist along the riparian lines of other properties in the area have been replaced in the appropriate manner as prescribed by the LDC or have remained in existence since being constructed, maintaining their legal non-conforming status. Also, if another property owner applied for a new dock on a vacant property without a dock, they would be required to meet the same standards outlined in **LDC Section 11.05.00**. Therefore, Staff has determined that approval of this variance would confer special privileges not afforded to other structures in the same zoning district.

D. That literal interpretation of the provisions of any zoning ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of any zoning ordinance, and it would result in unnecessary and undue hardship for the Applicant.

Applicant Response: The dock in its original and current location creates no hardship for any adjoining properties, as it is a low-profile dock with no boathouse.

Staff Findings: The literal interpretation of the Code does not prevent the applicant from constructing a dock. It only prevents the construction of a dock in the previous

location, contrary to the Code. Any new dock proposed at the subject property would be allowed without a variance if it meets the setback requirements per **LDC Section 11.05.00**.

E. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Applicant Response: The location of the dock allows access to the Bay for the previous owner's son who stays in a cottage on the property, without him feeling like he is impeding on the privacy of the persons in the main house at the water's edge.

Staff Findings: As mentioned in Criteria E, a new dock proposed on the subject property would be allowed without a variance if located per **LDC Section 11.05.00**. Therefore, granting a variance for a new dock directly adjacent to the riparian lines and within current required setbacks is not the "minimum" variance needed to make the use of a dock possible.

F. That the granting of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response: As the original dock location has never changed since the late 50's or early 60's, it remains in harmony with its surroundings and has never been detrimental to the public welfare.

Staff Findings: Bay Estates (BE) zoning district permits dock construction. As the applicant requests proposing a new dock in the original dock's location and style that existed on the property, Staff agrees that the dock in and of itself is not anticipated to cause harmful effects on the surrounding properties and would not be injurious to the public welfare. However, it is not in harmony with the general intent and purpose of the current **LDC Section 11.05.00**, requiring 25' setback from riparian lines (Ord No. 152.40), and granting the variance would also be in conflict with **Comprehensive Plan Policy 6-1.5.5: Enforce Marina Siting Criteria and Construction Standards**, which provides that the "City shall continue to enforce its regulations for marina siting in accordance with the FDEP and USACE."

A. Link to Strategic Goals / Objectives: N/A

B. Effect on Budget (EOB): N/A

C. Level of Service (LOS): N/A

III. CONCLUSION: Per *Land Development Code (LDC), Section 2.25.03(C)*, to authorize a variance request, the Board of Adjustment must find that all six (6) of the aforementioned criteria must be satisfied. After performing a review of the proposed variance request, Staff's recommendation is to deny the request as all the required findings have not been met. Approval of the variance will afford privileges to the applicant not afforded to other properties within the same zoning district, and would be in conflict with the **Marina Siting Ordinance Number 152.40 and Comprehensive Plan Policy 6-1.5.5**, as this policy states the City shall enforce the Marina Sighting regulations.

IV. RECOMMENDED MOTION:

I recommend that the Board of Adjustment deny the proposed Variance Request 22-08-VR.

ALTERNATIVE MOTION:

I recommend that the Board of Adjustments approve/approve with conditions, the proposed Variance Request 22-08-VR.

Attachments:

1. 1. Variance Request Letter
2. 2. Agent Affidavit
3. 3. Dock Site Plan
4. 4. Detail Drawings

Homeowner Shirley T. "Sam" Perman is respectfully requesting relief from the code or ordinance that resulted in a stop-work order issued in January of this year for permit number MARI-002356-2021 so she can continue restoring the historic dock to its original style in its original location.

Ms. Perman was told over a call from the City that this was due to no records of the damage to the dock sustained within six months of the request for a permit for repair or replacement of the damaged structure.

It is worth mentioning that Ms. Perman began rehabilitating the property immediately after taking ownership and the original pilings remained in place until the permit was approved and the project began.

**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I Shirley T. Perman, Trustee am
presently the owner and/or leaseholder at 155 Calhoun Ave. Destin, Fl., and desiring
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do
make, constitute and appoint Mr. Chuck LoBello
whose address is 297 W. Miracle Strip Pkwy Mary Esther, Fl 32569, County of Okaloosa, State of Florida,
my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as
my agent in any and all matters pertaining to: BOA-000-426-2022.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of
the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing
lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal
representative, and assigns.

PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall be
transacted in my name, and that all endorsements and instruments executed by the said attorney for the
purpose of caring out the foregoing powers shall contain my name, followed by that of my said attorney
and the designation "Attorney-in-Fact."

OWNER

Shirley T. Perman, Trustee
Signature

Shirley T. Perman, Trustee
Printed Name

STATE OF Florida

COUNTY OF Okaloosa

The foregoing instrument was acknowledged before me by means of physical presence X or online

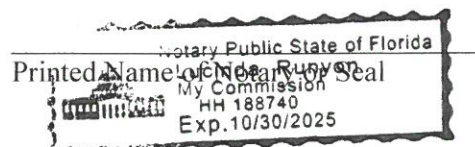
notarization, this 25 day of Feb, 2022 by
(name of person acknowledging)

Shirley Perman

J. R. Rynow
Signature of Notary

Personally known X OR Produced Identification _____

Type of Identification Produced _____

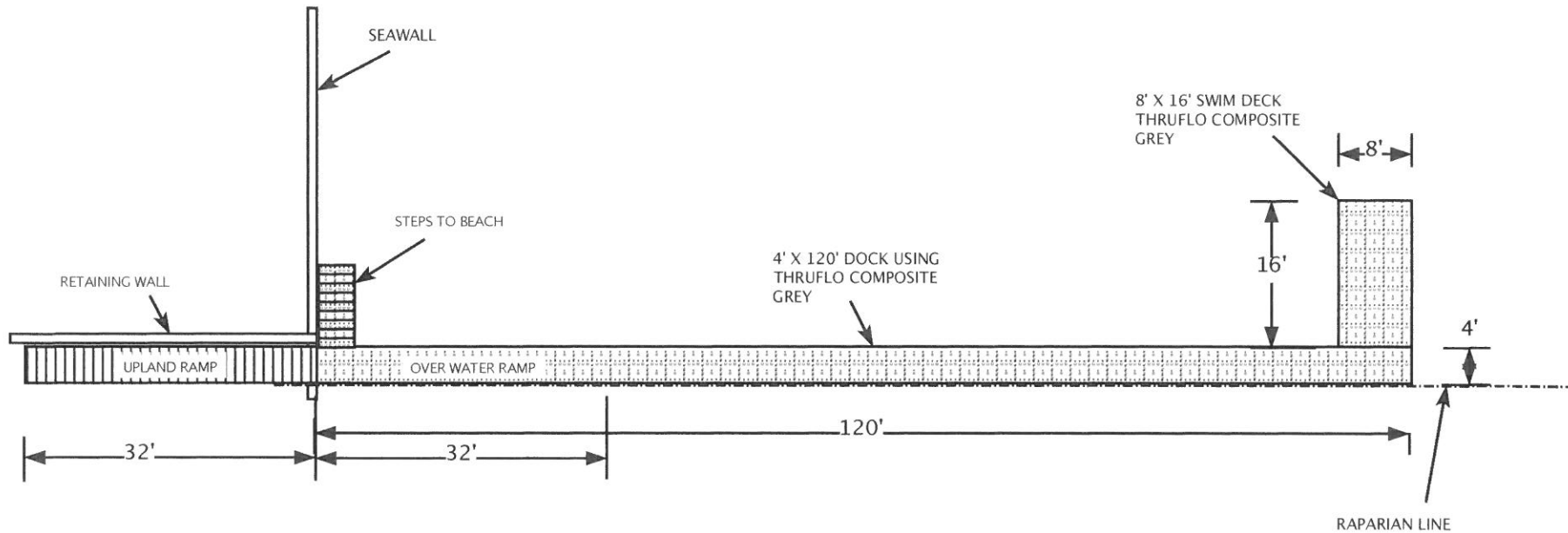


155 Calhoun



155 Calhoun

PERMAN
3.6
DOCK REPLACEMENT
IN EXISTING FOOTPRINT
155 CALHOON AVE. DESTIN



LD & L MARINE CONTRACTORS

297 W. MIRACLE STRIP PKWY. MARY ESTHER, FL. 32569
(Chuck LoBello) 850 585 3003 / chuckldl@gmail.com
(Clay Duhon) 850 585 5557 / clayduhon3@gmail.com
MARINE CONTRACTOR LIC. NO. 11071-0600564