

**BOARD OF ADJUSTMENT
DESTIN CITY HALL BOARDROOM
WEDNESDAY, MAY 4, 2022
5:30 P.M.**

1. CALL TO ORDER:

Vice Chairman Emerson called the Board of Adjustment Meeting to order at 5:30 p.m., on Wednesday, May 4, 2022, at Destin City Hall Boardroom.

2. ROLL CALL & PLEDGE OF ALLIGENCE:

Present:

David Emerson
Daniella Piper
Cyron Marler
Robert Pinard

Absent

Kimberley Mergler
James Moomaw
Tom Weidenhamer

Staff Present:

Kim Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Sae More, Planner
Kimberly Kopp Land Use Attorney

3. APPROVAL OF MINUTES:

➤ **April 6, 2022**

Motion to approve the minutes of the April 6, 2022 meeting was made by Board member Marler, with Vice Chair Emerson providing the second. The motion passed 4-0.

4. NEW BUSINESS:

A. 22-15-VR Variance Request 120 Sandprint Circle

According to staff member Sae More, the applicant, Robert Yanchis, Intellichoice Builders LLC, on behalf of Wharton James, Wharton Properties, III LLC, is requesting a Variance from Land Development Code, Article 7.12.00 – Zoning Regulatory Controls, Setback Requirements. The proposed project request intends to add a stairway into the front setback for a front door to access the second floor balcony/entrance of the preexisting building at 120 Sandprint Circle as seen in the application narrative. Additionally, 120 Sandprint Circle is within the Gulf Resort Mixed Use (GRMU) zoning district which requires to maintain a minimum front setback of 20' and 7.5' side setback. The proposed plans for the staircase indicate 11.7' front setback and 6.5' side setback. If approved, the application will not meet the setback requirement for Gulf Resort Mixed Use (GRMU) set forth in the Land Development Code (LDC), Article 7.12.00 – Zoning regulatory controls, Article 7.12.06. Zoning districts, Table 7-3, Table of Dimensional Regulations. It is staff's findings that in order to authorize the appeal for the requested variance from the terms of any zoning ordinance, would 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. Additionally, to authorize any variance from the terms of the conditions, the Board of Adjustment must find that the request meets all six requirements set forth in the code. After performing a review of the proposed variance request, it is 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 conflict with the Schedule of Dimensional Ordinance No 21-03-LC and Comprehensive Plan Policy 3-1.5.9, Policy 2-1.3.5. Therefore, staff does not recommend the Variance Request.

The LUA explained that staff is recommending denial and the applicant has the burden of proving that the criteria are met and if he can do that, they can approve the variance.

Mr. Yanchis explained to the Board members that the way the home was built, in order to access the house, people have to go to the back side of the property. Explaining further that they designed the staircase to have the minimums impact as possible, but the issue is that there is no way to construct a staircase without encroaching into the setbacks. He further stated that there is a provision in the code that provides for an additional encroachment into the setback however, they just could not get the design made to accomplish that.

Board member Pinard asked if the code requirements for the setbacks were in place prior to the homeowner purchasing the property. With the affirmative answer from the LUA, Board member Pinard then asked if there is any other reason beside deliveries being an issue as to why he would want the stairs built. Mr. Yanchis added that the homeowner bought the home as a secondary home and are looking to it being more of a vacation home and ultimately a retirement home in the future. Currently there are renovations being done for water intrusion and at the same time, they were looking into make some modifications to further enhance the functionality of the house.

There was a discussion regarding the owner wanting to put the home on short term rental program because of the modifications being made. The LUA explained that although the Variance request has nothing to do with short term rental, she asked Mr. Butler to provide the information.

Mr. Butler explained that in order for the owner can currently rent the home for short term rentals. However, to add additional bedrooms to the dwelling as they are intending to do, they would have to bring the parking into code since there are currently only two spaces. And if the Variance was approved they would not be able to add the additional required parking.

Board member Piper questioned if there were any safety concerns with the property. According to staff there are not any that they is aware of.

Board member Marler spoke of how setbacks are put in place for a reason and he does not agree with changing them.

Motion by Board member Marler to deny the proposed Variance request 22-15-VR with Board member Piper providing the second. The motion passed 4-0.

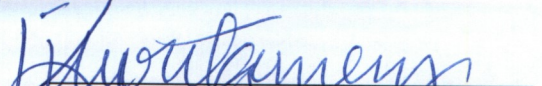
For the record, the LUA admitted Staff's exhibits, agenda item and all staff's documentations into the record as Staff's Exhibit A. Vice Chairman Emerson accepted the documents into the record.

5. ADJOURNMENT:

There being no further business the meeting was adjourned at 6:00 p.m.

Adopted and approved this 1st day of June 2022.


David Emerson, Vice Chairman


Kim Montgomery, Deputy City Clerk