

August 2, 2023 Board of Adjustment Hearing

WEDNESDAY, AUGUST 2, 2023

5:30 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. AGENDA APPROVAL** - (Matters not specifically listed on the agenda may be added and acted upon with a super-majority vote of the Council members present and eligible to vote on the matter)
- 4. APPROVAL OF MINUTES**
 - A. June 7, 2023 Minutes**
- 5. OLD BUSINESS**
- 6. NEW BUSINESS**
 - A. BOA-001125-2023 – Henderson Beach Villas Dumpster Pad Variance Request**
- 7. PUBLIC COMMENTS**
- 8. NEXT MEETING DATE: September 6, 2023**

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".

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BOARD OF ADJUSTMENT
DESTIN CITY HALL BOARDROOM
WEDNESDAY, JUNE 7, 2023
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, June 7, 2023, at Destin City Hall Boardroom.

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

Present:

Tom Weidenhamer
Daniella Piper
David Emerson
Robert Pinard
James Moomaw

Staff Present:

Kim Montgomery Deputy City Clerk
Steven O'Connor, Principal Planner
Christopher Willis, Planner
Kim Kopp Land Use Attorney

3. APPROVAL OF AGENDA:

Chairman Weidenhamer moved to approve the agenda as presented with Board member Piper providing the second. The motion passed 5-0.

4. APPROVAL OF MINUTES:

➤ **April 5, 2023**

Motion to approve the minutes of the April 5, 2023, meeting was made by Board member Marler, with Board member Emerson providing the second. The motion passed 5-0.

5. PUBLIC COMMENT:

None

6. NEW BUSINESS:

- **A. Variance Request - BOA-001074-2023 – Henson Shed (Accessory Structure)**
4485B Luke Ave Variance Request.

Scott Henson Variance Request regarding an existing shed (accessory structure) located at 4485B Luke Avenue (Parcel ID: 00-2S-22-0582-0000-0140). The applicant is requesting relief from LDC Section 7.12.08, Table 7-3, which relates to the setbacks within the Crystal Beach Neighborhood (CBN) zoning district. There is an existing shed (accessory structure) that does not meet the required side setbacks.

The Clerk swore in the all staff and individuals who will be providing testimony for this

and the following case.

The City Attorney asked Mr. Henson if he agrees to waiving the reading of the Notice to the public and the application into the record. Mr. Henson stipulated his agreement.

Mr. O'Connor entered the staff report into the record. The City Attorney asked Mr. Henson if he had any objection to the staff report being entered into the record. Mr. Henson stipulated that he does not have any objection.

Mr. Scott Henson, Property owner for the address of said Variance request explained to the members how he and his stepfather built the shed in question 30 years ago when he was just out of college. He also explained that his wife has always insisted that the outside be kept in good repair, and that in all the time that it's been in its present location, none of his immediate neighbors have made any complaints about the shed, including the current neighbor, until recently, which he feels stems from a disagreement they are having with a sewer issue. Who made the complaint, and although he is an engineer, back when he built the shed, he was young and was unaware of the setback rules. He only made sure that it was within his property. He also spoke of how it has been a value to he and his family over the years and he did look into the possibility of moving it but can't because of the way he built his home in the center of the lot.

Chairman Weidenhamer clarified for the record that the north property line that backs up to the powerline easement, where the shed is located, is where he needs the Variance. Mr. Henson stipulated for the record, that is correct.

Board member Piper asked if the neighbor he is referring to who does not have any problem with the shed is the one to the west in Lot 12 and he has no issues with the proximity of the shed to his property. According to Mr. Henson, he does not and spoke of his surprise that the other adjacent neighbor suddenly does after 15-years of owning her property.

Chairman Weidenhamer opened the hearing to the public for any comment. With no one coming forward to speak, he closed the public portion of the meeting.

Committee member Piper asked staff if the setback requirements were different than they are now. According to Mr. O'Connor, the setbacks are based on the plat and have not changed.

Chairman Weidenhamer spoke of how true the setbacks were in place but probably, in the early 90's, his perception of the attitude at that time was a lot more casual than it currently is today.

Board member Moomaw stated for the record that he does not feel that the six criteria were met to grant the Variance.

Chairman Weidenhamer made the motion to approve the Variance request for the

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shed, seeing no objection from the nearest property owners to the shed with the consideration that the setbacks to the offending property owner are appropriate, and recommends approval of the request.

Board member Emerson asked Chairman Weidenhamer if he would be willing to amend the motion to add with the stipulation that the shed should be anchored to the ground. The City Attorney advised Chairman Weidenhamer to withdraw his original motion and make new one.

Chairman Weidenhamer withdrew his original motion and motioned for the Board of Adjustment approve the proposed request, BOA-000991-2022, to allow the applicant's shed (accessory structure) to remain in its original, existing location, with the condition that the applicant anchor the shed to the ground, as presented, and obtain any permitting needed from the city of Destin retroactively. Board member Emerson provided the second.

For clarification purposes for the record, the City Attorney asked the Chairman if he stipulates his motion includes that the applicant meets the criteria set forth in 2.25.03(C), based on the applicant's response in the staff report. Chairman Weidenhamer stipulated to that. For the record, Mr. O'Connor read the six criteria that that the City Attorney was referring to that staff based their finding on per the requirements of the Land Development Code and Chairman Weidenhamer stipulated to into the record.

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.

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

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.

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 result in unnecessary and undue hardship on the Applicant.

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

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.

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The Chairman agreed and stipulated to the criteria and called for the vote. The motion passed 5-1 with Board member Moomaw dissenting.

➤ **B. BOA-001141-2023 – Gilligan’s Site Variance Request**

Ms. Melissa Ward of Dunlap & Shipman, P.A., on behalf of Mike Abadie of ABC Amusement Co is requesting approval of a Variance Request, BOA-001141-2023. This application is requesting relief from LDC Section 8.09.03.A.6.a, 8.09.03.A.6.b, & 8.03.00, Table 8-1, which regulates minimum sidewalk and buffer widths within the City’s Old Destin Multi-Modal Transportation District (MMTD). The subject zoning project is located at 530 Harbor Boulevard (Parcel IDs: 00-2S-22-0630-0000-03A1; 00-2S-22-0630-0000-03A2; & 00-2S-22-0630-0000-03A3).

The City Attorney acknowledged that everyone who would be providing testimony was sworn in at the beginning of the meeting. He then asked the applicant if they were in agreement to waive the reading of the application and notice into the record, for which the applicant stipulated that they were. Staff member Steven O'Connor entered the staff report into the record with no objections.

Mr. Robert Kauffman introduced his colleagues who would be presenting and briefly explained the Variance request and how it meets the six requirements in the code. The main item he stipulated to is that the request maintains the safety for pedestrians by increasing and enhancing the existing sidewalk from 5-feet to 8-feet, maintaining the existing buffer as well as allowing additional parking spaces for the site. He then entered into the record their report as Applicant’s Exhibit 1, with no objection from staff.

Ms. Ward presented the request to the Board members and explained the reasonings for the Variance lies with the much needed parking spaces on the northern section of the property in order to provide the need to the clientele who may be parking at the business with large vehicles that carry several people and would be parked for several hours at the business.

Board member Moomaw asked what the required parking count was for the property. According to Mr. O'Connor, at this point, staff does not have that information available to be able to accurately answer the question.

Board member Piper questioned the three foot buffer and asked if it is sufficient to keep pedestrians safe from the traffic.

Ms. Ward spoke of how no matter the size of the buffer, there will always be concern if there is enough and if its sufficient. However, because of the space needed for parking, enlarging the buffer would take away from what he needs for those onsite parking spaces.

Mr. O'Connor added that the 6-foot buffer meets the minimum requirement in the Multi-

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modal Transportation District (MMTD) for Highway 98.

Board member Emerson asked if it is in the city plan to increase the sidewalk size throughout the harbor district. Mr. O'Connor explained the intent of the MMTD is to provide multimodal facilities across the entire district. Additionally, the Harbor CRA Master Plan also calls for it as well. Therefore, any site that comes in for redevelopment and does not meet the current codes will have to bring their site up to the current requirements and for the ones that can't meet it, there are certain site specific deviations that can be done.

Chairman Weidenhamer opened the hearing to the public, with no one from the public coming forward, he closed the public portion of the hearing.

Board member Piper spoke of her concern about the buffer not being enough even though it would be wider than what is currently in place. Mr. O'Connor spoke of the requirements of the MMTD is 8-10 feet and is why staff is supporting the request of 8-feet.

Mr. Scott explained that there is a non-mountable curb along the front of the business and how it would take a lot of effort for someone to drive up over the curb to hit someone on the sidewalk.

With no further discussion, **Chairman Weidenhamer made motion to recommend that the Board of Adjustment approve Variance Request, BOA-001141-2023 with the condition that the applicant replace the existing 5-foot sidewalk with a new 8-foot sidewalk and no additional buffer than the three foot buffer that currently exists. Board member Emerson provided the second, the motion passed with a vote of 5-0.**

5. OTHER BUSINESS: None

6. ADJOURNMENT:

There being no further business the meeting was adjourned at 6:25 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: August 2, 2023
BOARD/COMMITTEE: Board of Adjustment
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 6.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: July 25, 2023

SUBJECT: BOA-001125-2023 – Henderson Beach Villas Dumpster Pad Variance Request

I. BACKGROUND: REQUEST:

This is an application for approval of a Variance Request regarding an existing dumpster pad located at 2720 Scenic Highway 98 (Parcel ID: 00-2S-22-1022-0000-0CA0). This application is requesting relief from **LDC Section 7.09.02.B.3**, which relates to setback requirements for solid waste collection areas & **LDC Section 12.04.04.B**, which relates to the required minimum landscape buffer abutting the right of way, and **LDC Section 8.01.00.B.3**, which prohibits dumpsters and collection operations in the right of way. The unpermitted dumpster pad does not meet the required setbacks, minimum landscape buffer, or proper location outside the right of way.

Applicant: Raymond Fernandez, of Newman-Dailey Resort Properties, Inc., on behalf of Henderson Beach Villas Homeowners Association, Inc.

Location: 2720 Scenic Highway 98, Destin, FL 32541

Size of Property: 0.83 acres

Current Zoning: Crystal Beach Resort (CBR)

Future Land Use Map Classification: Crystal Beach Resort (CBR)

Comprehensive Plan Compliance: N/A

Legal Notice: The legal notice for the proposed variance request was submitted for publication in the Northwest Florida Daily News with publication dates of July 21, 2023, and July 28, 2023.

Request: The applicant is requesting relief from:

1. ***LDC Section 7.09.02.B.3***, which relates to setback requirements for solid waste collection areas.
2. ***LDC Section 12.04.04.B***, which relates to the required minimum landscape buffer abutting the right of way.
3. ***LDC Section 8.01.00.B.3***, which prohibits dumpsters and collection operations in the right of way.

II. DISCUSSION: The applicant is requesting to keep the existing unpermitted dumpster pad location in its current location on the front property line and extending into the right of way. This is not the approved location for the dumpster pad according to the approved **Development Order (see Attachment 8)**. The setback requirements for solid waste collection areas are ten feet (10') from the property line that abuts single-family, duplex, townhouse or multi-family uses. All nonresidential and multifamily properties shall provide a minimum ten-foot-wide landscape area abutting the right-of-way. Further, no solid waste receptacle or collection is allowed for receptacles larger than 1 Cubic Yard (c.y.) in the right of way.

FINDINGS:

According to the ***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 response: Due to the limited size of the parcel, and need to maintain sufficient parking for all ten townhomes, the only location to store and properly service the dumpster is the current location on the north east side of the entry drive. There [are] no other alternatives suitable for the Waste Management truck to access, dump and exit the property without having to back up. As you know Waste Management would prefer to never have the driver buck up the dumpster front loading trucks to minimize the chance for vehicle, landscaping or hardscaping damage. As our photos show, even though this may be partially in the set back from the road, it is still 10 – 20 feet further away from the road than most if not all of our neighbors. (See attached photos) The applicant stated that the association would like to keep the dumpster pad placed on the northeast corner of the property. It is approximately 15ft inside the City ROW measuring from the north point of the pad. The north extension of the pad was added in November to try and combat the deep rut from the Waste Management garbage truck wheel digging into our landscape.

Staff Findings:

The Applicant has not identified nor provided any evidence of any special circumstances existing on site which are not applicable to other properties in the zoning district. Staff also cannot identify any special circumstances that are peculiar to the property. The approved site plan per the **Development Order (see Attachment 8)** shows that the site is compliant

with code. The Development Order came in before the current requirement for 1 Parking Space per Bedroom for Short-Term Rentals. During the development of this parcel Staff requested that the developer provide more parking in a different configuration as Staff knew there would be issues with parking needs based on the bedroom count of each unit. The developer opted not to provide more parking on-site.

Further, existing conditions of other properties is not a criterion for approval as it does not create a special condition on the subject property. Many of the properties noted by the applicant as having dumpsters in the ROW were approved either before the City incorporated, or were approved under different regulations of that time.

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

Applicant response: Since the developer designed and built the property, the Association members did not have a say in the location of the dumpster, and he had it just outside of the front door of the western most townhome. I am sure no one would want this outside the front door of their home, so we ask that you give this homeowner the same consideration.

This location also removed two parking spaces from the complex and with ten (10) six-bedroom townhomes, this will result in additional parking challenges. Additionally, the original location also presented challenges for Waste Management to service the dumpster in and around the parked vehicles.

Staff Findings:

The original Development Order approval, as seen with Attachment 8, shows an on-site compliant waste collection facility. The waste facility can be moved around on-site and still be compliant with the Development Order and the Land Development Code. The current placement of the dumpster and noncompliance is a direct result from the applicant's actions. And the claimed "special condition" of the site is a direct result of the original developer. As noted in criterion A. the applicant, nor Staff, identified nor provided any evidence of a special circumstance existing on site. It was the applicant's action of constructing the dumpster pad without a permit, that does not meet setback requirements for solid waste collection nor the landscape area buffer requirements, which created the nonconformity.

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: All the surrounding neighbors currently have their dumpsters significantly closer to the road, therefore taking up more of the setback, so this will not confer any special privilege to the applicant. (See attached photos)

Staff Findings:

The condition, use, or ownership status of surrounding properties are not criteria when evaluating special privileges. Previous approvals for those identified situations were either granted prior to the existence of the City, the current regulations being in place, or possibly permitted in error. If granted, this would give the applicant special privileges that would not be given to other people applying for building permits 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 would it result in unnecessary and undue hardship on the Applicant.

Applicant Response: All the surrounding neighbors currently have their dumpsters significantly closer to the road, therefore taking up more of the setback, so the literal interpretation of the provisions of the zoning ordinance does deprive the applicant of rights commonly enjoyed by the other properties in the same zoning district. (See attached photos)

Staff Findings: As stated in Criteria C, previous approvals or conditions of other properties do not confer the same privileges to other properties and cannot be utilized as a criterion of review or approval for granting a variance. The original approval of the development has a compliant waste collection facility, so the literal interpretation of the City LDC is not depriving the applicant of any rights or privileges afforded to other properties in the same district. Further, as staff has identified in criteria C, the granting of this variance would confer special privileges.

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 the minimum needed in order to install a paver drive up area and house the dumpster. It is located as far south on the non-asphalt parking area as possible, there is no additional room to the south.

Staff Findings: The approved site plan has a compliant solid waste facility. If the applicant wishes to deviate from the approved plan, they may apply for a development order deviation consistent with the LDC and Comprehensive Plan. However, without any substantial review of the proposed site plan Staff cannot determine if this is the minimum variance needed.

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: This location is the best possible option on the parcel and still maintains the overall harmony of the parcel and the surrounding properties and does not pose a public health or safety risk. All the while providing ample room and access for Waste Management to access and service the dumpster.

Staff Findings: Setbacks, landscape buffers, screening, and prohibition of private development in the ROW are character-defining design elements for neighborhoods and zoning districts. The intent and purpose of Crystal Beach Resort (CBR), per the City of Destin Land Development Code (LDC) and Comprehensive Plan, is to adhere to performance standards which include setbacks in 7.09.02.B.3. and landscape buffers in 12.04.04.B. The granting of this variance will not be in harmony with the general intent and purpose of the Crystal Beach Neighborhood (CBR) zoning district. If there was a concern about unsanitary conditions outside the originally approved location, the loss of parking

spaces, and inconvenience to Waste Management, there are other avenues by which the applicant can take to mitigate these impacts. While it may be an inconvenience to the property owner, Waste Management is on the Technical Review Committee, who reviews all Development Orders. The site was shown through the original approval and by Waste Management to work for all these uses and services. Staff is of the opinion that the solid waste facility could be rearranged on-site to work for all parties involved.

- A. Link to Strategic Goals / Objectives: N/A
- B. Effect on Budget (EOB): N/A
- C. Level of Service (LOS): N/A
- D. Legislative Sponsor:

III. CONCLUSION:

I move to recommend that the Board of Adjustments deny Variance Request COA-001125-2023.

OR

I move to recommend that the Board of Adjustments approve Variance Request BOA-001125-2023 with the following condition:

- *The applicant works with staff to establish the most appropriate location*

as determined by the City Engineer.

IV. RECOMMENDED MOTION:

Attachments:

1. A. Proof of Ownership
2. B. Site Plan
3. C. Pictures of Neighboring Associations and Businesses Dumpsters
4. D. Photos of East Dumpster
5. E. Letter of Request
6. F. Pre-App & Variance Request 2021
7. G. Agent Affidavit
8. H. Approved DO Site Plan
9. HBV Variance Objection Letter - Christopher
10. HBV Variance Objection letter - TMK Dunes
11. Givens Objection



Okaloosa County Property Appraiser

Parcel Summary

Parcel ID	00-25-22-1022-0000-0CA0
Location Address	2720 SCENIC HWY 98 DESTIN 32541
Neighborhood	DESTIN CENTRAL-GULF (312616.00)
Brief Tax Description*	HENDERSON BEACH VILLAS ALL COMMON AREAS & EASEMENTS
Property Use Code	RES COMMON (000900)
Sec/Twp/Rng	00-25-22
Tax District	Destin (District 10)
Millage Rate	12.0509
Acreage	0.000
Homestead	N
Acreage (G15)	0.83
Fire District	N/A

[View Map](#)

Owner Information

Primary Owner
Henderson Beach Villas Owners
PO Box 1779
Destin, FL 32540

Valuation

	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values	2018 Certified Values
Building Value	\$0	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0	\$0
Land Value	\$0	\$0	\$0	\$0	\$0
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$0	\$0	\$0	\$0	\$0
Assessed Value	\$0	\$0	\$0	\$0	\$0
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0	\$0	\$0
Cap Diff/Portability Amount	\$0	\$0	\$0	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad Valorem purposes. This value does not represent anticipated selling price.

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
009705	COMM AREA	1.00	UT	0	0

Permits

Permit Number	Type	Description	Issued	Amount
2208109	0018	POLE W/CELL ANTENNA	20220818	\$12,000
1702664	0016	DEMO FOUNDATION	20171018	\$42,000

2022 Property Record Card

[Click Here to view the 2022 Property Record Card \(PDF\)](#)

Generate Owner List by Radius

Distance:

100

Feet



Use Address From:



Owner



Property

Select export file format:

Address labels (5160)



International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

☒ Show All Owners

☐ Show Parcel ID on Label

Skip Labels

0

No data available for the following modules: 2022 TRIM Notice, Building Information, Extra Features, Building Area Types, Sales, Sketches.

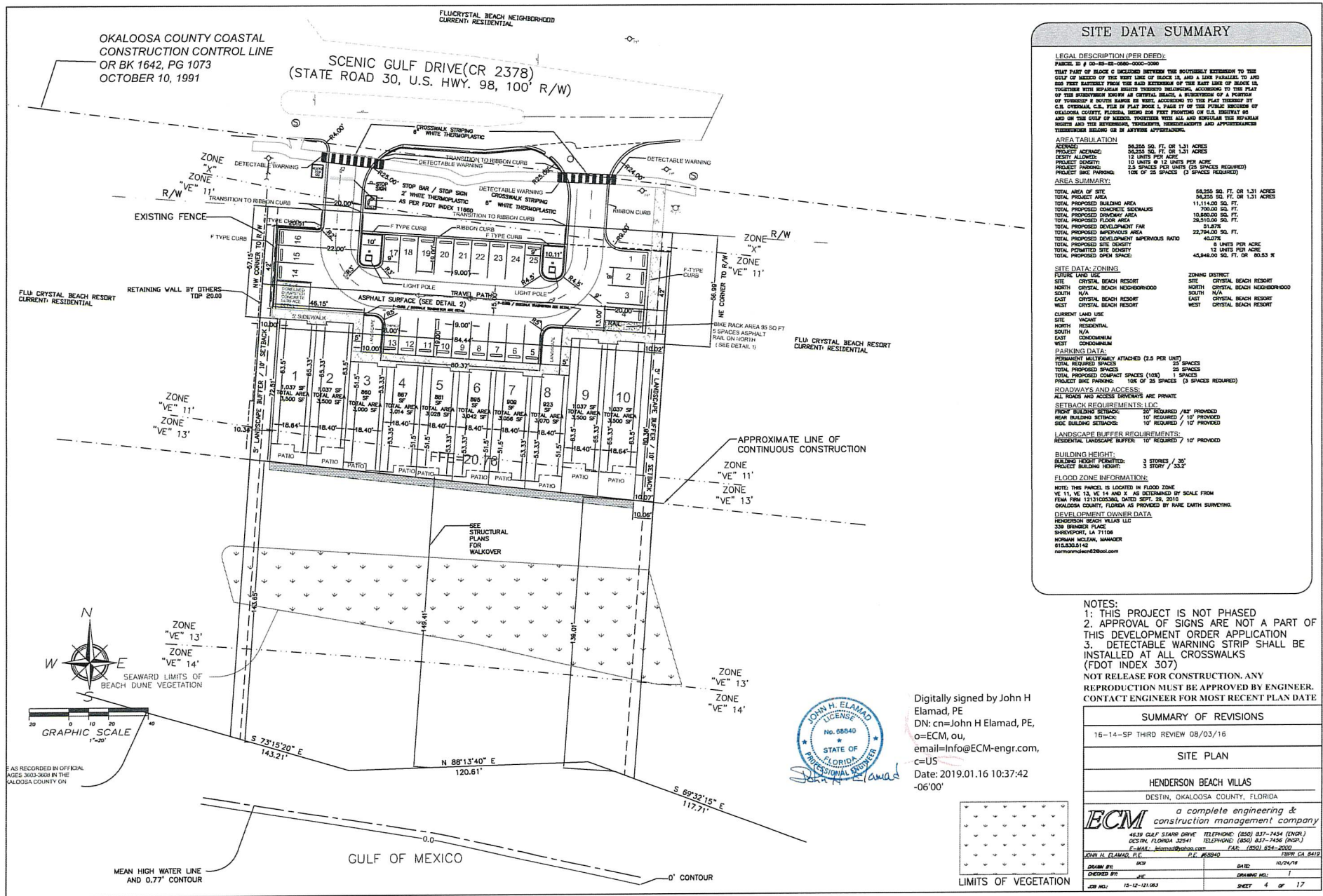
The Okaloosa County Property Appraiser's Office (OCA) makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein. Its use or interpretation. Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price. Current Year assessments are as of January 1st and are based on previous year sales activity. All website information is subject to change.

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Version 3.1.2

EXHIBIT A



ROAD 30, U.S. HWY. 98, 100' R/W)

DOES FEEL EASTERNLY FROM THE SAID RIVER
TOGETHER WITH SPANISH RIGHTS THE
OF THE SUBDIVISION KNOWN AS COUNTRY
OF TOWNSHIP 2 SOUTH RANGE 2E W 10N
C.R. OVERMAN, C.R. FILE IN PLAT BO
OKALOOSA COUNTY, FLORIDA, BEING
AND ON THE GULF OF MEXICO. TOGETHER
RIGHTS AND THE REVERSIONS, THEREA
THIRTYFOUR BELONG OR IN ANYWISE

AREA TABULATION	
ACERAGE:	56,255 S
PROJECT ACERAGE:	56,255 S
DENSITY ALLOWED:	12 UNITS
PROJECT DENSITY:	10 UNITS
PROJECT PARKING:	2.5 SPAC
PROJECT BIKE PARKING:	10% OF

AREA SUMMARY:

TOTAL AREA OF SITE	
TOTAL PROJECT AREA	
TOTAL PROPOSED BUILDING AREA	
TOTAL PROPOSED CONCRETE SIDEWALK	
TOTAL PROPOSED DRIVEWAY AREA	
TOTAL PROPOSED FLOOR AREA	
TOTAL PROPOSED DEVELOPMENT FAR	
TOTAL PROPOSED IMPERVIOUS AREA	
TOTAL PROPOSED DEVELOPMENT IMPER	
TOTAL PROPOSED SITE DENSITY	
TOTAL PERMITTED SITE DENSITY	
TOTAL PROPOSED OPEN SPACE:	

SITE DATA: ZONING		
FUTURE LAND USE		
SITE	CRYSTAL BEACH	RESORT
NORTH	CRYSTAL BEACH	NEIGHBORHOOD
SOUTH	N/A	
EAST	CRYSTAL BEACH	RESORT
WEST	CRYSTAL BEACH	RESORT

CURRENT SITE	LAND USE
NORTH	VACANT
SOUTH	RESIDENTIAL
EAST	N/A
WEST	CONDOMINIUM
	CONDOMINIUM

PARKING DATA:
 PERMANENT MULTIFAMILY ATTACHED (2)
 TOTAL REQUIRED SPACES
 TOTAL PROPOSED SPACES
 TOTAL PROPOSED COMPACT SPACES (1)
 PROJECT BIKE PARKING: 10% OF

ROADWAYS AND ACCESS:
ALL ROADS AND ACCESS DRIVEWAYS ARE TO BE CONSTRUCTED TO MEET THE FOLLOWING REQUIREMENTS:

SETBACK REQUIREMENTS: LI

FRONT BUILDING SETBACK:	20
REAR BUILDING SETBACK:	10
SIDE BUILDING SETBACKS:	10

LANDSCAPE BUFFER REQUIREMENTS
RESIDENTIAL LANDSCAPE BUFFER: 10'

BUILDING HEIGHT: _____
 BUILDING HEIGHT PERMITTED: 3
 PROJECT BUILDING HEIGHT: 3

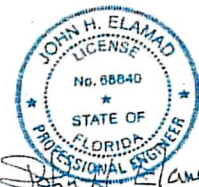
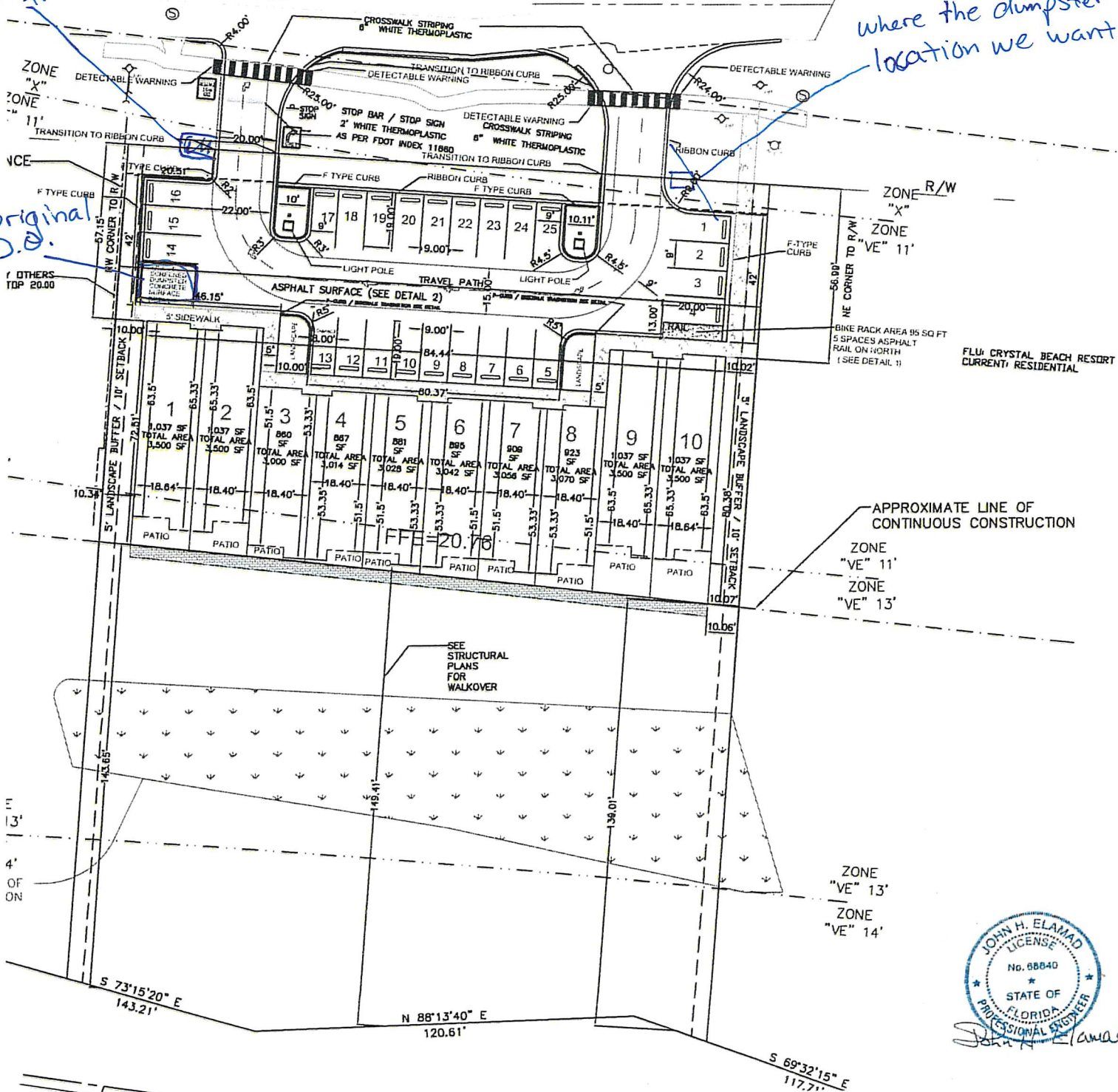
FLOOD ZONE INFORMATION:

NOTE: THIS PARCEL IS LOCATED IN FL
VE 11, VE 13, VE 14 AND X AS DE
FEMA FORM 12131COS38Q, DATED SEP
OKALOGSA COUNTY, FLORIDA AS PROV
DEVELOPMENT OWNER DATA
HENDERSON BEACH VILLAS LLC
330 BRINGER PLACE
SHREVEPORT, LA 71106
NORMAN MCLEAN, MANAGER
015.830.5142
normanmclean82@aol.com

NOTES:
1. THIS PROJ.
2. APPROVAL
THIS DEVELOP
3. DETECTA
INSTALLED AT
(FDOT INDEX
NOT RELEASE
REPRODUCTIO
CONTACT ENG

SI

16-14-SP THIF



Digitally signed by John H Elamad, PE
DN: cn=John H Elamad, PE,
o=ECM, ou,
email=Info@ECM-engr.com,
c=US
Date: 2019.01.16 10:37:42
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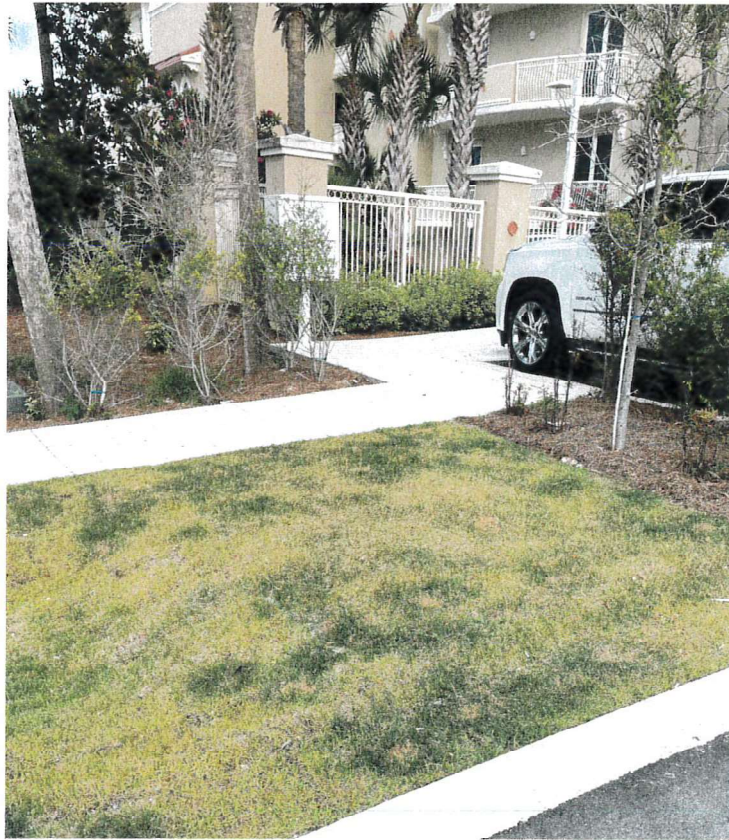
CBTH 26'
Café by the Golf 25'



48'



EASTside
Location





Westside
Location



Examples of other
Dumpster proximity
in the immediate
Area





Examples



Examples





To whom it may concern,

The Henderson Beach Villas Homeowners Association, Inc. would like to formally request a variance for the City of Destin to consider allowing the association to keep the dumpster pad placed on the northeast corner of the property as it currently sits as shown attached as (EXHIBIT A). It is approximately 15ft inside the City ROW measuring from the north point of the pad. The north extension of the pad was added in November to try and combat the deep rut from the Waste Management garbage truck wheel digging into our landscape. We were unaware that the vendor did not apply for a permit for this but it has helped greatly. The pavers are not a permanent structure and can be removed at any time if the city needs to work underneath. The Association will be responsible for any repairs needed if that should ever happen.

The original development order was approved but the location was right outside units 1&2. This was an inconvenience not only to the owners and their guests due to unsanitary conditions outside their unit and the loss of parking spaces, but primarily due to the inconvenience to Waste Management. Waste Management had a hard time navigating through and between parked vehicles and maneuvering so closely to the building attached as (Exhibit B).

There are several neighboring associations who have their dumpster well within the city ROW whose location makes dumping from Scenic 98 the only option. Our location allows dumping on Henderson Beach Villas property not from the road. The Henderson Beach Villas Homeowners Association ask that they have the same exemptions for the named reasons stated above.

Respectfully Submitted,

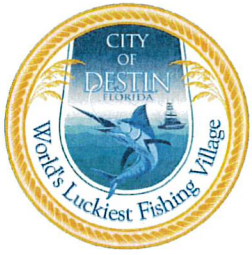
Raymond Fernandez, CAM

Henderson Beach Villas Homeowners Association, Inc.

Newman-Dailey Resort Properties, Inc.

Exhibit A





Community Development Planning and Zoning Division

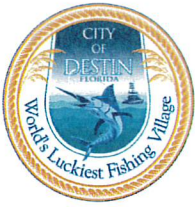
4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: planning@cityofdestin.com

Photo Log (Exhibit B):

Exhibit B



Photograph 1: Approved & Screened Dumpster Location



Community Development Department
4100 Indian Bayou Trail, Destin, FL 32541
Phone: (850) 654-1119 Fax: (850) 460-2171

Pre-Application Meeting Request Form

Date: _____ Meeting Requested By: Ken Wampler
Requested/Preferred Day: ☒ Tuesday ☐ 9:00am or ☐ 2:00pm ☐ Thursday ☐ 2:00pm Print Name
Times are request only-not guaranteed.

A CONCEPTUAL SITE PLAN IS REQUIRED PRIOR TO A PRE-APPLICATION MEETING BEING SCHEDULED.

DEVELOPMENT APPLICATION TYPE: (If known, please check appropriate box)					
Major Development		Minor Development		Development Order Exemption	
Simple Deviation		Simple Deviation-Landscape		Deviation Major	
Deviation Minor	☒	Driveway		Lot Split	
Construction		Pre-Construction		Subdivision Major	
Subdivision Minor		Change of Use		Conditional Use	
Text Amendments	Zoning Map ☐	FLUM ☐			
Map Amendments	Zoning Map ☐	FLUM ☐			

PROPERTY INFORMATION				
Project Name: <u>Henderson Beach Villas</u>				
Project Address/Location: <u>2716 Scenic Highway 98</u>				
Current Zoning:	Current Future Land Use:	Parcel ID Number(s):		
<u>Residential</u>	<u>SAME</u>			
Request: <u>Please allow us to place dumpster in southern end of Right of Way</u>				
APPLICANT CONTACT INFORMATION				
Name: <u>Ken Wampler</u>		Company: <u>Newman-Dailey Resort Properties</u>		
E-mail: <u>KWampler@NDRP.com</u>		Phone: <u>850-837-1071</u>		
Address: <u>P.O. Box 1779</u>		City: <u>Destin</u>	State: <u>FL</u>	Zip: <u>32540</u>
CURRENT PROPERTY OWNER CONTACT INFORMATION				
Name: <u>Ken Wampler</u>		Company: <u>Newman-Dailey Resort Properties</u>		
E-mail: <u>KWampler@NDRP.com</u>		Phone: <u>850-837-1071</u>		
Address: <u>12815 Hwy 98 W</u>		City: <u>MIRAMAR Bch</u>	State: <u>FL</u>	Zip: <u>32550</u>

Previously Issued Development Order?	☒ Yes ☐ No	If yes, D.O. number DO-17-15 & DO-19-07
Does this property currently have a Development Order application under review?	☐ Yes ☒ No	
Existing Structure on Site	☒ Yes ☐ No	If yes, please provide details See Photo & description Attached
Will an Attorney be present at Pre-Application meeting?	☐ Yes ☒ No	If yes, please provide attorney name and firm

Please email your request form to planning@cityofdestin.com.

(Your request will be reviewed and you will receive a confirmation email once a date and time have been chosen)

Applicants Signature: Ken Wampler Date: 5/3/21

Applicants Printed Name: Ken Wampler

Scheduling for pre-application meetings is the first step to the application submittal process. The pre-application meeting form provides City staff with the opportunity to research the proposed project prior to the meeting if necessary. Pre-application meetings are held on Tuesdays and Thursdays and are subject to staff's availability.

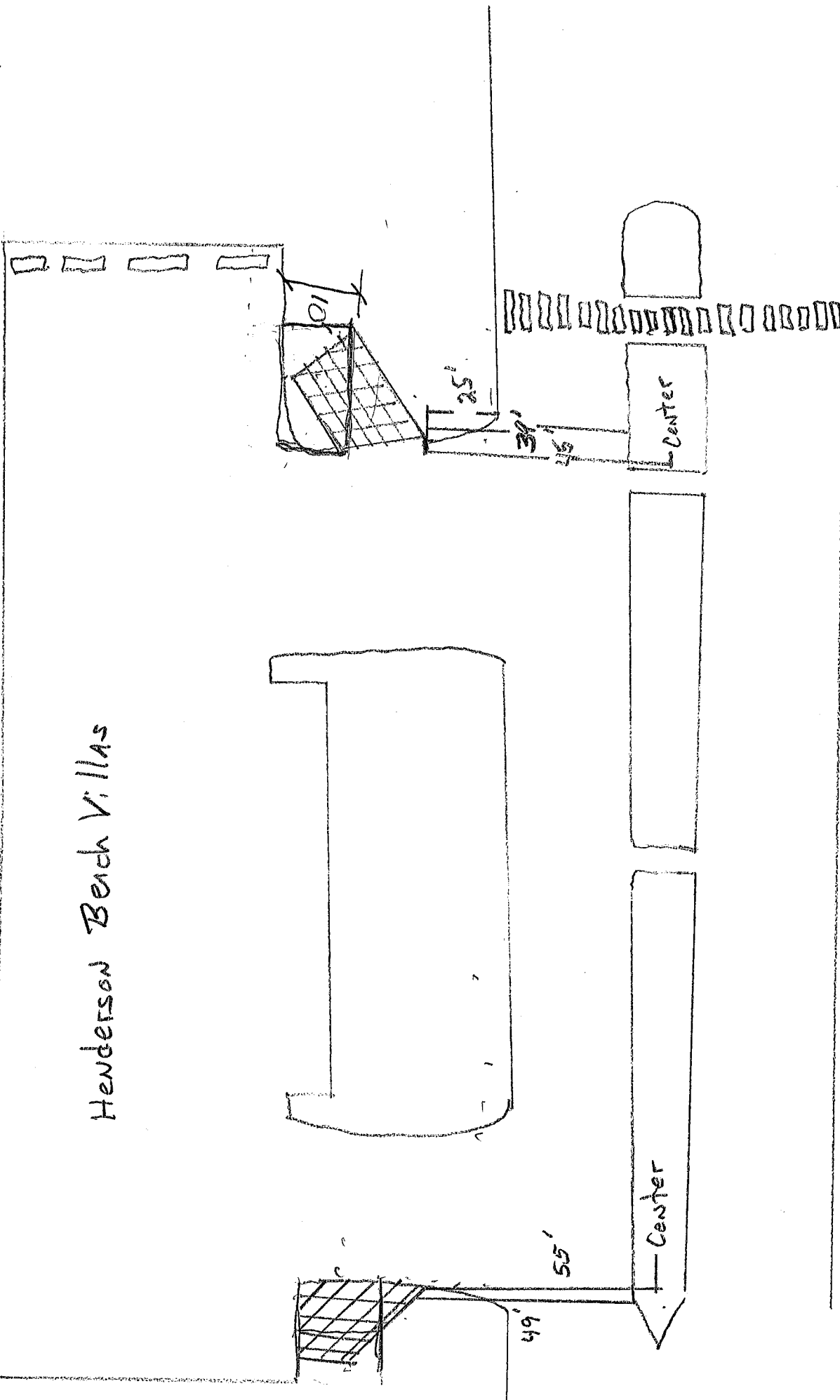
The purpose of a pre-application meeting is to ensure the proposed project meets the necessary requirements as well as providing the applicant with the opportunity to meet in person with City staff to discuss the proposed project in detail. The applicant will be provided with information regarding the City's Comprehensive Plan and Land Development Code, application submittal requirements, fees, and overall review time. Staff will answer questions pertaining to the review process as well as providing any detailed information based on research about the proposed development. Any person associated with the proposed development should attend. This includes the property owner, agent, engineer or design professional and business owner/manager. Staff must be informed if an attorney is planned to attend a pre-application meeting, otherwise the meeting will be cancelled and rescheduled.



Map data ©2021, Map data ©2021 20 ft

South of

Henderson Bend Villas



N ↓



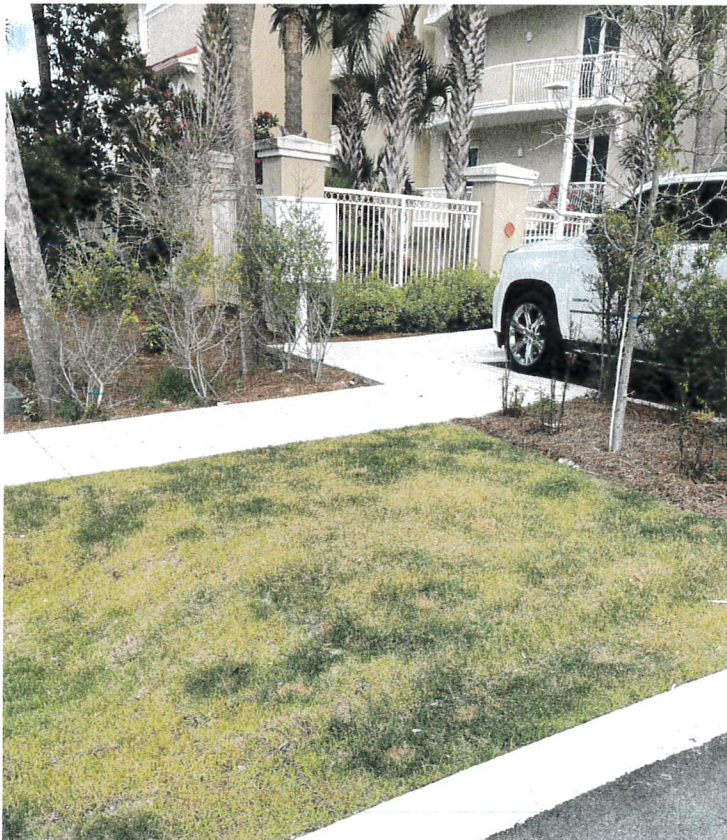
CBTH 26'
Café by the Gulf 25'



48'



EASTside
LOCATION





Westside
Location



Examples of other
Dumpster proximity
in the immediate
Area





Examples



Examples



**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Henderson Beach Villas HOA am
presently the owner and/or leaseholder at 2720 Scenic 98 W Destin 32541, and desiring
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do
make, constitute and appoint Raymond Fernandez
whose address is P.O. BOX 1779, County of Okaloosa, State of FL,
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: Henderson Beach Villas HOA.

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

[Signature]
Signature

Raymond Fernandez
Printed Name

STATE OF Florida

COUNTY OF Okaloosa

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

notarization, this 19 day of May, 2023, by
(name of person acknowledging)

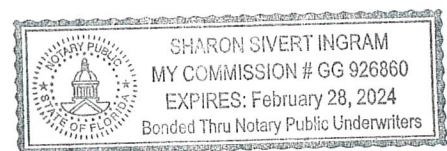
Raymond Fernandez

[Signature]
Signature of Notary

Sharon Sivert Ingram
Printed Name AND Seal of Notary

Personally known ☒ OR Produced Identification _____

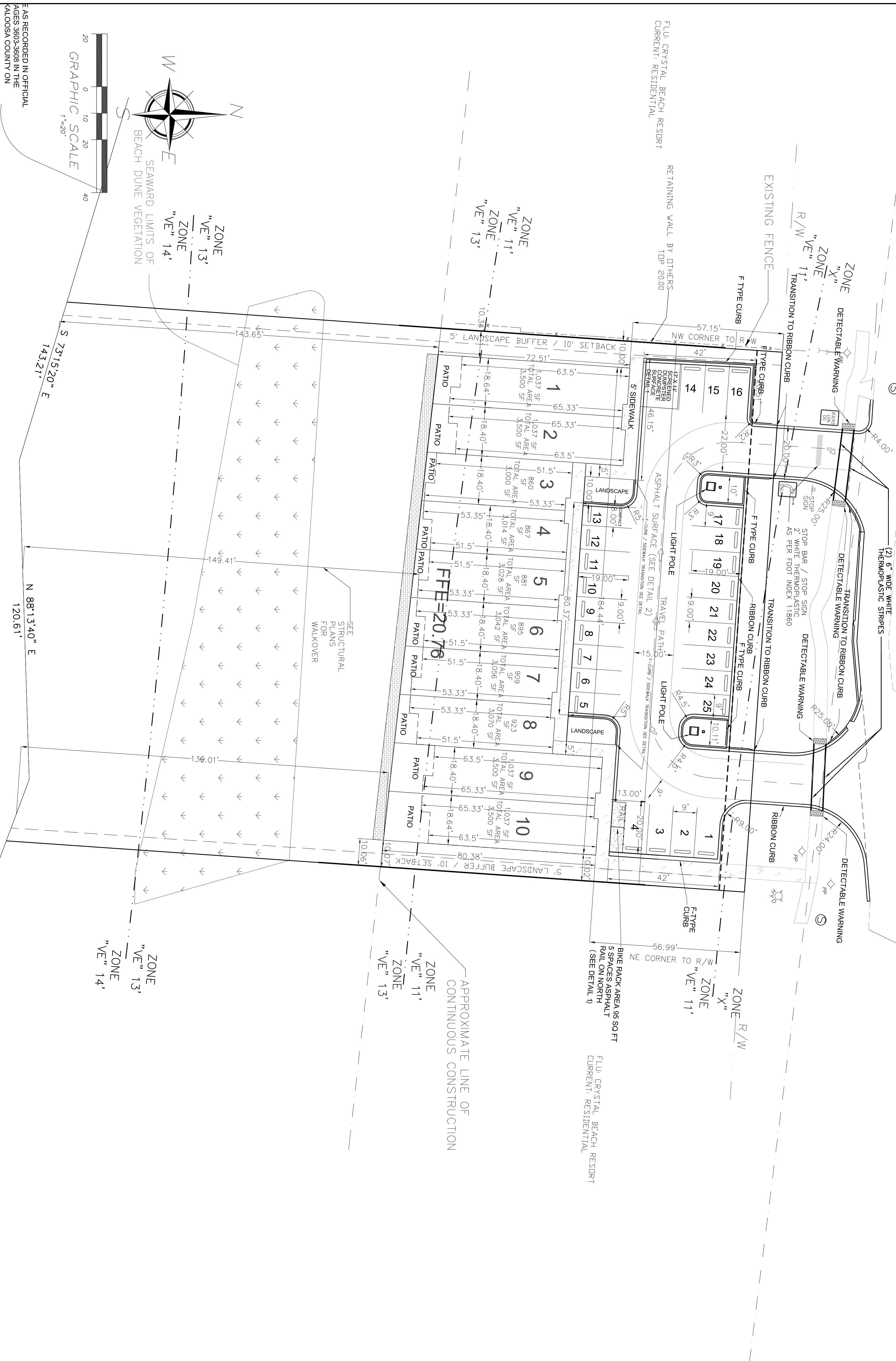
Type of Identification Produced _____



OKALOOSA COUNTY COASTAL
CONSTRUCTION CONTROL LINE
OR BK 1642, PG 1073
OCTOBER 10, 1991

FLUCRYSTAL BEACH NEIGHBORHOOD
CURRENT: RESIDENTIAL

SCENIC GULF DRIVE(CR 2378)
(STATE ROAD 30, U.S. HWY. 98, 100' R/W)



SITE DATA SUMMARY

LEGAL DESCRIPTION (PER DEED):

PARCEL ID # 00-28-22-0590-0000-0090
THAT PART OF BLOCK C INCLUDED BETWEEN THE SOUTHERLY EXTENSION TO THE GULF OF MEXICO OF THE WEST LINE OF BLOCK 13, AND A LINE PARALLEL TO AND 25 FEET NORTH OF THE WEST LINE OF BLOCK 13, TO THE WEST LINE OF BLOCK 13, TOGETHER WITH REPARATION RIGHTS THEREBY BEING GRANTED TO THE PLAT OF THE SUBDIVISION KNOWN AS CRYSTAL BEACH, A SUBDIVISION OF A PORTION OF TOWNSHIP 2 SOUTH RANGE 22 WEST, ACCORDING TO THE PLAT THEREOF BY C.H. OVERMAN, C.E., FILE IN PLAT BOOK 1, PAGE 17 OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA, BEING THE SAME, TOGETHER WITH ANY AND ALL RIGHTS AND ON THE GULF OF MEXICO TOGETHER WITH ANY AND ALL SINGULAR THE REPARATION RIGHTS AND THE REVERSIONS, TENEMENTS, HEREDITAMENTS AND APPURTENANCES THEREUNDER BEING OR IN ANYWISE APPERTAINING.

AREA TABULATION

ACERAGE: 56,235 SQ. FT. OR 1.31 ACRES
PROJECT ACERAGE: 56,235 SQ. FT. OR 1.31 ACRES
PROJECT DENSITY: 10 UNITS @ 12 UNITS PER ACRE
PROJECT PARKING: 25 SPACES PER UNITS (25 SPACES REQUIRED)
PROJECT BIKE PARKING: 10% OF 25 SPACES (3 SPACES REQUIRED)

AREA SUMMARY:

TOTAL AREA OF SITE: 56,235 SQ. FT. OR 1.31 ACRES
TOTAL PROJECT AREA: 56,235 SQ. FT. OR 1.31 ACRES
TOTAL PROPOSED BUILDING AREA: 11,114.00 SQ. FT.
TOTAL PROPOSED CONCRETE SIDEWALKS: 10,000.00 SQ. FT.
TOTAL PROPOSED ASPHALT DRIVEWAY AREA: 10,910.00 SQ. FT.
TOTAL PROPOSED FLOOR AREA: 29,910.00 SQ. FT.
TOTAL PROPOSED DEVELOPMENT FAR: 51.87%
TOTAL PROPOSED DEVELOPMENT INTENSIVE RATIO: 22.794.00 SQ. FT.
TOTAL PROPOSED DEVELOPMENT INTENSIVE RATIO: 40.07%
TOTAL PERMITTED SITE DENSITY: 12 UNITS PER ACRE
TOTAL PROPOSED OPEN SPACE: 45,949.00 SQ. FT. OR 80.53 %

SITE DATA: ZONING

FUTURE LAND USE: ZONING DISTRICT
FLUCRYSTAL BEACH RESORT
NORTH CRYSTAL BEACH NEIGHBORHOOD
SOUTH N/A
EAST CRYSTAL BEACH RESORT
WEST CRYSTAL BEACH RESORT

SITE DATA: ZONING

FUTURE LAND USE: ZONING DISTRICT
FLUCRYSTAL BEACH RESORT
NORTH CRYSTAL BEACH NEIGHBORHOOD
SOUTH N/A
EAST CRYSTAL BEACH RESORT
WEST CRYSTAL BEACH RESORT

PARKING DATA:

SHORT TERM / SEASONAL MULTIFAMILY ATTACHED (2.5 PER UNIT): 25 SPACES
TOTAL REQUIRED SPACES: 25 SPACES
TOTAL PROPOSED COMPACT SPACES (10%): 1
TOTAL PROPOSED BIKE PARKING: 10% OF 25 SPACES (3 SPACES REQUIRED)

ROADWAYS AND ACCESS:

ALL ROADS AND ACCESS DRIVEWAYS ARE PRIVATE
SETBACK REQUIREMENTS: LDC
FRONT BUILDING SETBACK: 20' REQUIRED / 65' PROVIDED
REAR BUILDING SETBACK: 10' REQUIRED / 10' PROVIDED
SIDE BUILDING SETBACKS: 10' REQUIRED / 10' PROVIDED
LANDSCAPE BUFFER REQUIREMENTS:
RESIDENTIAL LANDSCAPE BUFFER: 10' PROVIDED

BUILDING HEIGHT:

BUILDING HEIGHT PERMITTED: 3 STORES / 35'
PROJECT BUILDING HEIGHT: 3 STORY / 33.2'
FLOOD ZONE INFORMATION:
NOTE: THIS PARCEL IS LOCATED IN FLOOD ZONE V-1 (100 YEAR FLOOD PLAIN) AS DETERMINED BY SCALE FROM FEMA FIRM 12131C0358G, DATED SEPT. 29, 2010
OKALOOSA COUNTY, FLORIDA AS PROVIDED BY BARE EARTH SURVEYING.

DEVELOPMENT OWNER DATA

HENDERSON BEACH VILLAS LLC
339 BRINGER PLACE
SHEPHERD, LA 71106
NORMAN MCLEAN, MANAGER
601.333.2333
norman@hbcv62@aol.com

NOTES:
1: THIS PROJECT IS NOT PHASED
2. APPROVAL OF SIGNS ARE NOT A PART OF THIS DEVELOPMENT ORDER APPLICATION
3. DETECTABLE WARNING STRIP SHALL BE INSTALLED AT ALL CROSSWALKS (FDOT INDEX 307)
NOT RELEASE FOR CONSTRUCTION. ANY REPRODUCTION MUST BE APPROVED BY ENGINEER. CONTACT ENGINEER FOR MOST RECENT PLAN DATE

SUMMARY OF REVISIONS

16-14-SP THIRD REVIEW 08/03/16

SITE PLAN

HENDERSON BEACH VILLAS

DESTIN, OKALOOSA COUNTY, FLORIDA

ECM a complete engineering & construction management company

4639 GULF STAR DRIVE TELEPHONE: (850) 837-7454 (ENGR)
DESTIN, FLORIDA 32541 TELEPHONE: (850) 837-7456 (INSPE)
E-MAIL: bjornstad@ecm.com FAX: (850) 654-2000

JOHN H. ELAMAO, P.E. P.L. #69840, FBR CA #419
DRAWN BY: BCB DATE: 10/24/16
CHECKED BY: JAE DRAWING NO.: 1
JOB NO.: 15-12-121063 SHEET 4 OF 17

GULF OF MEXICO

MEAN HIGH WATER LINE
AND 0.7' CONTOUR

**John Y. Christopher, Jr.
Billie Jane Christopher
Dunes of Crystal Beach Condominium
2780 Scenic Highway 98
Destin, Florida 32541
281-507-9709**

July 3, 2023

City of Destin
Community Development
Planning and Zoning Division
Attention: Mr. Daniel Butler
4100 Indian Bayou Trail
Destin, FL 32541

Re: Henderson Beach Villas (HBV)
Variance Request, Solid Waste Collection Area
June 20, 2023
City of Destin Project Number: DEV-001125-2023

Gentlemen:

We are year round, part time residents of Destin's Crystal Beach area. For almost 25 years we have owned homes at Crystal Dunes Condominium prior and the Dunes of Crystal Beach Condominium (DCB) since its completion in 2005. We and our family have enjoyed this special piece of Destin for a generation.

We received and were advised by the referenced HBV Variance Request from the City of Destin to allow HBV to relocate its solid waste collection area from the location approved previously by the City on the west side boundary area at the southwest corner of the parking HBV parking lot to a location near the northeast corner of the HBV property and encroaching by several feet on the Scenic Highway 98 Right of Way (SH98-ROW).

B.J. and I strongly object to the City of Destin approving the HBV Variance for relocation of its solid waste collection area and minimum landscape

requirement setbacks.

Below are our reasons for the objection:

1. The HBV construction application plan approved by the City of Destin prior to construction clearly reflected the dumpster location on the west side of HBV's property at the southwest corner of the parking lot. Promptly after the City provided notice of the HBV construction application plans, I and the DCB board of directors closely reviewed in detail the HBV construction plans. DCB's board and Owners Association did not object to the HBV application primarily because the dumpster location was on the west side of the HBV property.

2. Each and every HBV original owner at the time of purchase for each individual HBV unit had full knowledge of the City of Destin approved location for the garbage dumpster on the HBV property in the HBU construction/development application.

3. A permanent dumpster location on the very well maintained Scenic Highway 98 Right of Way is out of character in this particular portion of Crystal Beach and an eyesore for the six individual residences directly across the street from HBV and DCB. The overwhelming number of multi unit condominium buildings in SW Crystal Beach on the south side of Scenic Highway 98 have fences placed exactly on the south SH98-ROW line with parking and dumpsters (most fully enclosed behind doors) with under no circumstance encroaching on the SH98-ROW. The Dunes of Crystal Beach dumpster is within an enclosed room with a closed door and is completely hidden from view on or off the property. We have the opinion that standard should be employed at HBV or at the minimum completely hiding the dumpster from view by hard permanent walls with an opaque gate.

We object and recommend that the HBV Variance Request, BOD-001125-2023 requesting a dumpster location change and setback requirements for solid waste collection pads and the required minimum landscape buffer not be approved. I have strong objections to HBV moving the dumpster near DCB and trying to capture SH98-ROW land they do not own and of course have never paid for.

Very truly yours,

John Y. Christopher, Jr.

**Michael P. Kirby
Managing Member; TMK Dunes, LLC
Dunes of Crystal Beach Condominium
2780 Scenic Highway 98; Unit 105
Destin, Florida 32541**

City of Destin
Community Development
Planning and Zoning Division
Attention: Mr. Daniel Butler
4100 Indian Bayou Trail
Destin, FL 32541

Re: Henderson Beach Villas (HBV)
Variance Request, Solid Waste Collection Area
June 20, 2023
City of Destin Project Number: DEV-001125-2023

Gentlemen:

We are property owners in Destin's Crystal Beach area, and since 2012, have owned Unit 105 in the Dunes of Crystal Beach Condominium (DCB). We and our family have enjoyed this special piece of Destin.

We received and were advised by the referenced HBV Variance Request from the City of Destin to allow HBV to relocate its solid waste collection area from the location approved previously by the City on the west side boundary area at the southwest corner of the parking HBV parking lot to a location near the northeast corner of the HBV property and encroaching by several feet on the Scenic Highway 98 Right of Way (SH98-ROW).

100% of the membership interests in TMK Dunes, LLC strongly object to the City of Destin approving the HBV Variance for relocation of its solid waste collection area and minimum landscape requirement setbacks.

Below are our reasons for the objection:

1. The HBV construction application plan approved by the City of Destin prior to construction clearly reflected the dumpster location on the west side of HBV's property at the southwest corner of the parking lot. Promptly after the City provided notice of the HBV construction application plans, I and the DCB board of directors closely reviewed in detail the HBV construction plans. DCB's board and Owners Association did not object to the HBV application primarily because the dumpster location was on the west side of the HBV property.

2. Each and every HBV original owner at the time of purchase for each individual HBV unit had full knowledge of the City of Destin approved location for the garbage dumpster on the HBV property in the HBU construction/development application.

3. A permanent dumpster location on the very well maintained Scenic Highway 98 Right of Way is out of character in this particular portion of Crystal Beach and an eyesore for the six individual residences directly across the street from HBV and DCB. The overwhelming number of multi unit condominium buildings in SW Crystal Beach on the south side of Scenic Highway 98 have fences placed exactly on the south SH98-ROW line with parking and dumpsters (most fully enclosed behind doors) with under no circumstance encroaching on the SH98-ROW. The Dunes of Crystal Beach dumpster is within an enclosed room with a closed door and is completely hidden from view on or off the property. We have the opinion that standard should be employed at HBV or at the minimum completely hiding the dumpster from view by hard permanent walls with an opaque gate.

We object and recommend that the HBV Variance Request, BOD-001125-2023 requesting a dumpster location change and setback requirements for solid waste collection pads and the required minimum landscape buffer not be approved. I have strong objections to HBV moving the dumpster near DCB and trying to capture SH98-ROW land they do not own and of course have never paid for.

Very truly yours,

Michael P. Kirby
Managing Member; TMK Dunes, LLC
(225) 405-7030 phone

Daniel Butler

From: John Givens <john.givens@sourceot.com>
Sent: Tuesday, July 4, 2023 4:39 PM
To: Daniel Butler
Subject: soconnor@cityofdestin.com; jychristopher@gmail.com

You don't often get email from john.givens@sourceot.com. [Learn why this is important](#)

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Mr. Butler,

We are year round, part time residents of Destin's Crystal Beach area. For almost 11 years we have owned a second home at the Dunes of Crystal Beach Condominium (DCB) (since 2012). We and our family have enjoyed this special piece of Destin for 3 generations. My father Richard E. Givens was originally stationed at Hurlbert AFB, my wife and I and now our son and his wife.

We received and were advised by the referenced HBV Variance Request from the City of Destin to allow HBV to relocate its solid waste collection area from the location approved previously by the City on the west side boundary area at the southwest corner of the parking HBV parking lot to a location near the northeast corner of the HBV property and encroaching by several feet on the Scenic Highway 98 Right of Way (SH98-ROW).

Maria and I strongly object to the City of Destin approving the HBV Variance for relocation of its solid waste collection area and minimum landscape requirement setbacks.

Below are our reasons for the objection:

1. The HBV construction application plan approved by the City of Destin prior to construction clearly reflected the dumpster location on the west side of HBV's property at the southwest corner of the parking lot. Promptly after the City provided notice of the HBV construction application plans, I and the DCB board of directors closely reviewed in detail the HBV construction plans. DCB's board and Owners Association did not object to the HBV application primarily because the dumpster location was on the west side of the HBV property.
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- We object and recommend that the HBV Variance Request, BOD-001125-2023 requesting a dumpster location change and setback requirements for solid waste collection pads and the required minimum landscape buffer not be approved. I have strong objections to HBV moving the dumpster near DCB and trying to capture SH98-ROW land they do not own and of course have never paid for.

We are working in conjunction with John Christopher & many other concerned residents of DCB and hope you will take our concerns seriously and address them as proposed. We find these recommendations fair and reasonable and appreciate your time and effort to get them implemented as part of a resolution.

Thank you for your time and consideration.

Sincerely,

John Givens

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