

**BOARD OF ADJUSTMENT
DESTIN CITY HALL BOARDROOM
WEDNESDAY, AUGUST 2, 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, August 2, 2023, at Destin City Hall Boardroom.

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

Present:

Tom Weidenhamer
Daniella Piper
David Emerson
James Moomaw

Absent:

Robert Pinard
Joshua Brister

Staff Present:

Kim Montgomery Deputy City Clerk
Steven O'Connor, Principal Planner
Christopher Willis, Planner
Kyle Bauman City Attorney

3. APPROVAL OF AGENDA:

Chairman Weidenhamer asked if there was a consensus on the approval of the agenda as presented. With all agreeing, he announced the agenda is approved.

4. APPROVAL OF MINUTES:

➤ **June 7, 2023**

Motion to approve the minutes of the June 7, 2023, meeting was made by Board member Emerson, with Board member Piper providing the second, the motion passed 4-0.

5. NEW BUSINESS:

➤ **BOA-001125-2023 – Henderson Beach Villas Dumpster Pad Variance Request**

Mr. O'Connor explained the applicant is seeking a Variance from 7.09.02-B3, which relates to the setback requirements for Solid Waste collection areas in the Land Development Code. As well as LDC Section 12.04.04-B, which is the requirements for landscape buffering in the right-of-way (ROW) and LDC Section 8.01.00-B3, which prohibits dumpsters and collection operations in the ROW. He also explained that currently, their solid waste dumpster for the units has portions on their private property and portions within the ROW, which exceeds the approval from the property's original Development Order. He covered the required criteria set forth in the LDC, to meet the Variance requirements and explained in staff's analysis of those, the request does not meet the requirements of a Variance therefore, staff does not recommend the Board granting the Variance.

The City Attorney informed the applicant, Mr. Ken Wampler that he has the right to provide the board his view and also verified for the record that he agrees to waive reading of the notice into the record as well as the application. Mr. Wampler stipulated that he does agree to

waiving the reading of the application and notice into the record. He then explained the reasoning for moving the dumpster from its original location was because it was originally situated within 5-feet of the entrance to unit #1 and was a health and safety hazard for the renters staying in the unit. He also spoke of meeting with staff last year to try to determine a reasonable location for the dumpster and how they have moved it to three different locations in an effort to attempt the best location for everyone including Waste Management (WM). He agreed that the dumpster is in the ROW by 8-feet however, looking down Scenic Hwy. 98 majority of dumpsters are also in the ROW, with some within 5-feet of the road and what they are requesting would make theirs 20-feet from the road. He spoke of meeting with and working on a solution with WM and it was determined that the current location of the paver pad and dumpster is the best solution he and WM came up with. Additionally, he spoke of a meeting he had with the planning staff last year and when he left the meeting, it was his understanding that where they moved the dumpster, in its current location, was agreeable with staff.

Chairman Weidenhamer pointed out that per the development order, the property has two parking spaces per unit and with a total of 25 and feels that one could of those parking spaces could be used for the dumpster. He also stated that if they would have pulled a permit for pad, the city would have informed him that it could not be placed in the ROW.

Mr. Wampler reiterated the meeting he referred to earlier that he had with staff, and how when he left, he had the understanding that the city staff was agreeable and they would be able to keep it where they had moved it, with it being eight feet within the ROW.

Board member Piper asked Mr. Wampler if he had any of his notes from that staff meeting. Mr. Wampler, being unable to provide any of those notes, stated that they are not doing anything different than what is already out along the ROW. Board member Piper sympathized with Mr. Wampler but added that in essence, the city is trying to make sure that Crystal Beach stays the beach community and is why the codes are put in place.

Mr. O'Connor added that the dumpster locations are now required to be within the property and is a part of the code and Development Order for the project. Staff feels that the solution is for it to be in one of the parking spaces.

In looking at the site plan of the property, Board member Emerson stated that to him, he feels that the dumpster should be moved into space #1 so that it would be entirely within the space of the property and would be an easier way for WM to access the property and dumpster.

Motion by Board member Emerson, seconded by Board member Piper, the members voted 4-0 to not approve the BOA-001125-2023 – Henderson Beach Villas Dumpster Pad Variance request.

The City Attorney informed the applicant that in accordance with Section 2.25.11 of the Land Development Code, he has the right to appeal the decision within 30-days of when the final order will be rendered to the Circuit Court.

6. OTHER BUSINESS: None

7. ADJOURNMENT:

There being no further business the meeting was adjourned at 6:15 p.m.

Adopted and approved this 4th day of October 2023.

Tom Weidenhamer
Tom Weidenhamer, Chairman

Kim Montgomery
Kim Montgomery, Deputy City Clerk