

November 1, 2023 Board of Adjustment Hearing

WEDNESDAY, NOVEMBER 1, 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. October 4, 2023 Board of Adjustment Minutes**
- 5. OLD BUSINESS**
- 6. NEW BUSINESS**
 - A. BOA-001247-2023 – Destin Fire Control Dock Variance Request**
- 7. PUBLIC COMMENTS**
- 8. NEXT MEETING DATE: December 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".

**DRAFT
BOARD OF ADJUSTMENT
DESTIN CITY HALL BOARDROOM
WEDNESDAY, SEPTEMBER 4, 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, September 4, 2023, at Destin City Hall Boardroom.

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

Present:

Tom Weidenhamer
Daniella Piper
David Emerson
James Moomaw
Robert Pinard

Absent:

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:

➤ **August 2, 2023**

Motion to approve the minutes of the August 2, 2023, meeting was made by Board member Emerson, with Board member Piper providing the second, the motion passed 4-0.

5. NEW BUSINESS:

A. BOA-001187-2023 – Tru Hilton Sign Variance Request

The City Attorney swore in everyone for testimony for both Variance requests, since the same applicant is for both variance requests. He then announced that the applicant has agreed to waive the reading of the Notice of the Public Hearing and Application and Staff Report into the record.

Mr. O'Connor explained to the Board the applicant is requesting relief from LDC Section 16.04.00.A.3, which relates to the setbacks for ground signs. He explained further that the proposed sign does not meet setback requirements for ground signs and the applicant is requesting relief from the minimum ten-foot (10') setback for ground signs and its location. He then read the six criteria that must be met, for the Board to grant the Variance.

Mr. Mark Mocilan of Mocilan & Son Signs and Electrical explained to the members that

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originally, they had the sign in an approved location, however, Destin Water Users determined they needed to have their pumping station installed at the same location he has his sign permitted the ground sign only to find out when digging for the footings, the electrical was present so, they had to move the location again. Then there was other issues that arose from landscaping requirements, bicycle racks and trash cans, that also caused the sign to be relocated.

Chairman Weidenhamer spoke of the two huge signs that are on the building and why those are not enough for the property. Adding that he does not see the need for a wayfinding ground sign when 90% of people now days use their phones for directions.

Mr. Mocilan response is that studies have been done and the people that are visually impaired, but can still drive, look for ground signs to help them locate the property where they need to turn into.

Board member Emerson asked for clarification on how high the proposed sign is. According to Mr. Mocilan, the sign is 8-foot tall. He then asked if there is no other location on the property that the sign could be relocated to. According to Mr. Mocilan, there is not, he has tried several other locations, and nothing works for various reasons. Adding that the owner of the property has to have a ground sign per the requirements of the corporation.

Board member Emerson stated that in his opinion the sign could be located at the raised area as your turn into at the SW corner the property near the front parking lot.

Board member Piper spoke of how in her past career she travelled a lot and mentioned that going into a strange town, she relied on the signage into whatever establishment she was going to and feels that is still the same way today, even with GPS systems.

Board member Piper moved that the Board of Adjustment approve the request for a Variance for BOA-001187-2023 with Board member Pinard providing the second. In discussion Board member Piper referenced (F) of the criteria, *“That in 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.”* Stating that she agrees setbacks are important but in this case, she also feels that the safety of having the sign where they are proposing is also very important for the safety of the public, and it outweighs the requirements. Additionally, she does not feel that it would be injurious or otherwise detrimental to the public welfare. **With no further discussion, Chairman Weidenhamer called for the vote and the motion passed 3-2 with Board members Emerson and Moomaw dissenting.**

B. BOA-001199-2023 – American Legion Sign Variance Request

Mr. O'Connor entered the staff report, application and notice into the record with no

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objections from the applicant, and stated to the Board that the special criteria is the fact that there is a historic tank and a memorial parked in the location where a compliant sign would be located. Additionally, the request is to have the sign located closer to the road between the road and the tank on the southeast corner of the property along Main Street.

Board member Moomaw asked if this request is for a replacement of an existing sign at the location. Mr. O'Connor confirmed that it is, but that one is currently at the Northeast corner of the property and in a very dilapidated state.

In asking the size of the proposed sign, Chairman Weidenhamer asked if there is a way to cantilever the sign over the tank so that it would take less space over the property line. According to the applicant, part of the sign will be over the tank. There was additional discussions regarding different ways to cantilever the sign and the fact that no matter where it's located, it cannot be seen in almost all directions except for one.

Chairman Weidenhamer made the motion for the Board of Adjustment to approve Variance Request BOA-001199-2023. The City Attorney reminded the Chair to open the public portion of the hearing. Corlene Ziegler, Commander for the Post thanked the members for their support even though they have not voted yet. With no further comment Chairman Weidenhamer closed the public portion of the hearing and repeated his motion. **Board member Pinard provided the second. The motion passed 4-1 with Board member Emerson dissenting.**

6. OTHER BUSINESS: None

7. ADJOURNMENT:

There being no further business the meeting was adjourned at 6:26 p.m.

Adopted and approved this _____ day of _____ 2023.

Tom Weidenhamer, Chairman

Kim Montgomery, Deputy City Clerk

2023-7185

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE:

November 1, 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, City Attorney
Steve O'Connor, Principal Planner

FROM: Chris Willis, Planner

DATE: October 23, 2023

SUBJECT: BOA-001247-2023 – Destin Fire Control Dock Variance Request

I. BACKGROUND: This is an application for approval of a Variance Request regarding a proposed dock at 127 Calhoun Avenue (Parcel ID: 00-2S-22-0630-0000-1320). The Applicant is requesting relief from **LDC Section 11.05.01.M.1**, which relates to the maximum allowable length for docks located on Choctawhatchee Bay. The proposed dock is 388 feet long, which exceeds the maximum allowable length for docks located on Choctawhatchee Bay.

Applicant: Mike Dombrowski
Location: 127 Calhoun Ave, Destin, FL 32541
Size of Property: 0.98 acres
Current Zoning: Calhoun Mixed Use (CMU)
Future Land Use Map Classification: Calhoun Mixed Use (CMU)
Comprehensive Plan Compliance: N/A

Legal Notice: The legal notice for the proposed variance request was published in the Northwest Florida Daily News with publication dates of October 22, 2023, and October 27, 2023.

Request: The Applicant is requesting relief from *LDC Section 11.05.01.M.1*, which relates to the maximum allowable length for docks located on Choctawhatchee Bay. The proposed dock length is 388 feet, which exceeds the maximum allowable dock length of 1.5 times the width of the property at the mean high-water line, provided that the length of the dock does not exceed the maximum length established by *LDC Section 11.05.01.F & LDC Section 11.05.01.G*. The Applicant requests relief from the maximum dock length, the width of the mean high water line at the subject property is 98 feet, so the allowable dock length is 147 feet.

II. DISCUSSION: The Applicant is requesting to construct a dock with a length of 388'. The applicant is seeking relief from the maximum allowable dock length for this property, which is 147'.

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: The Bay adjacent to the shoreline along the property at 127 Calhoun Ave has a seagrass bed with the furthest extent 263 feet from the shoreline with the -3 foot contour up to 200 feet from the MHW line (shown in provided drawings). The Florida Department of Environmental Protection (DEP) requires at least 1 foot of clearance from the deepest part of the vessel to the submerged bottom. DEP, the Florida Fish and Wildlife Conservation Commission (FWC) and the US Army Corps of Engineers (USACE) want to minimize impacts to the existing seagrasses. If the boat slips were located between the seagrasses and the shoreline, dredging a channel through the seagrasses would be required to allow the vessels to safely access the Bay. The proposed design was determined to be least impactful to the environment. Other properties on Choctawhatchee Bay do not have seagrasses extending as far seaward and therefore docks can be placed nearer to the land.

Staff Findings: The applicant had adequately identified that the existing seagrass beds create a special circumstance which is unique to the dock structure. If the dock were built to the code requirements there would likely be a detrimental impact to the environment and the fragile ecosystem of the bay in vicinity of the proposed dock.

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

Applicant Response: The seagrasses in the vicinity of the shoreline at 127 Calhoun are natural and not caused by the applicant.

Staff Findings: The applicant is not directly responsible for the location of the seagrasses near the shoreline, as they exist naturally. The special conditions are a natural feature of the landscape, and unique to the property.

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: No additional advantages or special privileges are provided to the property owner. The number of slips in the proposed design (6) would fit within the 147-foot template if the shallow depths and seagrasses on the property do not exist.

Staff Findings: The location of the seagrasses and shallow depths naturally occur on the property. These conditions prevent the applicant from designing the dock to not exceed the 147-foot allowable dock length, as required by *LDC Section 11.05.01.M.1*.

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 11.05.01.M.1. would prevent the Destin Fire Control from constructing a new and improved dock for use by emergency vehicles. Other property owners in the zoning district that do not have the seagrasses extending as far out would be able to place a 6 slip dock as designed within the 1.5x limits as indicated in 11.05.01.M.1 and not require dredging through a seagrass bed.

Staff Findings: The location of the seagrass bed is unique to this property and dredging through seagrass would have a negative impact on the environment. Enforcing the literal interpretation of LDC 11.05.01.M.1 would require the applicant to build a shorter dock causing the deterioration of the protected seagrass beds.

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 seagrasses and shallow bathymetry prevent the 6 slips and emergency staging and loading zones from being placed closer to the shoreline. When the proposed dock was designed, the dock was shifted seaward into the bay until the emergency staging area was directly seaward of the existing seagrasses. No further changes to the dock were made.

Staff Findings: Based on the needs of the applicant and the layout of the proposed dock this is the minimum variance required to meet the reasonable use of the dock.

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 proposed dock will be in harmony with the general intent and purpose of the zoning ordinances. It will not impact access to the Bay for any other dock in the Bay. The grant of the variance would not be injurious to the area or otherwise detrimental to the public welfare. As a matter of fact, the granting of the variance will improve public welfare by allowing emergency vessels quicker access to the bay and adjacent water bodies to respond to various emergencies.

Staff Findings: The granting of the variance would be in harmony with the general intent of the zoning district, to allow for water-dependent activities, Per *LDC 7.12.06.R.1*. Additionally, the variance would provide more expedient emergency services in the Choctawhatchee Bay and adjacent water bodies.

Additional Responses: As the applicant is requesting variance from *LDC Section 11.05.01.M Marina Siting*, to authorize any variance from the terms of the conditions, the Board of Adjustment must find:

G. LDC 11.05.09 Exceptions.

Exceptions from the provisions of Section 11.05.01 are as follows:

11.05.09.A. The Board of Adjustment may approve an exception for docks and pilings to be extended beyond the limits allowed in paragraphs M and N of **Section 11.05.01** provided that, in addition to the criteria listed in **Section 2.25.03.G**, the following criteria is also met:

1. That site-specific environmental conditions would impede placement of slips near or next to the shoreline.

Applicant Response: The Bay adjacent to the shoreline along the property at 127 Calhoun Ave has a seagrass bed with the furthest extent 263 feet from the shoreline with the -3 foot contour up to 200 feet from the MHW line (shown in provided drawings). The Florida Department of Environmental Protection (DEP) requires at least 1 foot of clearance from the deepest part of the vessel to the submerged bottom. DEP, the Florida Fish and Wildlife Conservation Commission (FWC) and the US Army Corps of Engineers (USACE) want to minimize impacts to the existing seagrasses. If the boat slips were located within the 1.5 x template, dredging a channel through the seagrasses would be required to allow the vessels to safely access the Bay. The proposed design was determined to be least impactful to the environment.

Staff Findings: See Staff Findings for Criterion 1.

2. That site specific environmental conditions exist that prohibit dredging.

Applicant Response: The seaward edge of the seagrasses at the project site extends 263 feet from the shoreline. Locating the dock between the seagrasses and shoreline

would require dredging a channel through the seagrasses to the proposed boat slips. It was determined through conversations with DEP and the US Army Corps of Engineers that the proposed design would be the least impactful to the environment.

Staff Findings: As mentioned in the previous response, dredging a channel through the seagrasses would potentially create a negative environmental impact. Placing the dock in its proposed location will not require dredging thereby mitigating the negative environmental impacts.

3. That the proposed layout of the dock and pilings does not create a hazard to navigation.

Applicant Response: Potential affect to navigation has been reviewed and approved by regulatory agencies. At its furthest extents, the proposed dock remains ~425' from the federal navigation channel. The facility should maintain USCG approved navigation lights (PATONs) at the north and south corners of the most waterward "T"-dock.

Staff Findings: The proposed dock is located at an adequate distance from the federal navigation channel, which has been reviewed and approved by regulatory agencies. The proposed dock will be equipped with the navigation lights that have been approved by the U.S. Coast Guard.

4. That no additional slips are obtained than would otherwise fit into a dock of the maximum size allowed without the exception.

Applicant Response: No additional slips are obtained. The six slips including the emergency staging area and loading/unloading zone are 124 feet long and would fit within the length required by LDC 11.05.01.M.1.

Staff Findings: The six proposed slips do not exceed the allowed density of 1 slip per 8 linear feet at MHWL. The applicant would be allowed to have no more than 12 slips.

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: The Applicant is seeking approval of a variance to construct a dock with a length of 388'. The applicant is seeking relief from the maximum allowable dock length of 1.5 times the width of the property at the mean high-water line for this property, which is 147'.

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 above mentioned criteria must be satisfied. After hearing all the testimony regarding the proposed variance request, the Board of Adjustment must determine whether to approve or deny the variance request.

The Board will need to determine whether the provisions of LDC 2.25.03.C have been met.

IV. RECOMMENDED MOTION:

I move to recommend the Board of Adjustment approve Variance Request BOA-001247-2023.

or,

I move to recommend the Board of Adjustment approve with modifications Variance Request BOA-001247-2023.

or,

I move to recommend the Board of Adjustment deny Variance Request BOA-001247-2023.

Attachments:

1. 1. Site Plan
2. 2. Addendum
3. 3. Letter of Request
4. 4. Riparian Setback Waiver
5. 5. Agent Affidavit
6. 6. Warranty Deed

Permit Sketches and General Notes

127 Calhoun Avenue Substation Dock

Parcel ID: 00-2S-22-0360-0000-1320
127 Calhoun Avenue, Destin, FL, 32541

Section 00, Township 02 S, Range 22 W
Okaloosa County, Florida
30°23.991' N, 86°30.782' W

APPLICANT NAME AND ADDRESS



Destin Fire Control District
848 Airport Road,
Destin Florida 32541

INDEX OF SHEETS

<u>SHEET NO.</u>	<u>DESCRIPTION</u>
1	Cover Sheet and Index of Sheets
2	Project Location
3	Existing Conditions
4	Proposed Marina Plan
5	Dimensioned Site Plan
6	Cross Section A-A'
7	Typical Fixed Dock Section
8	Typical Emergency Staging Area Section
9	Boat Lift Detail
10	Proposed Preempted Area
11	Utility Plan
12	General Notes



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COVER SHEET AND INDEX OF SHEETS 127 Calhoun Avenue Substation Dock

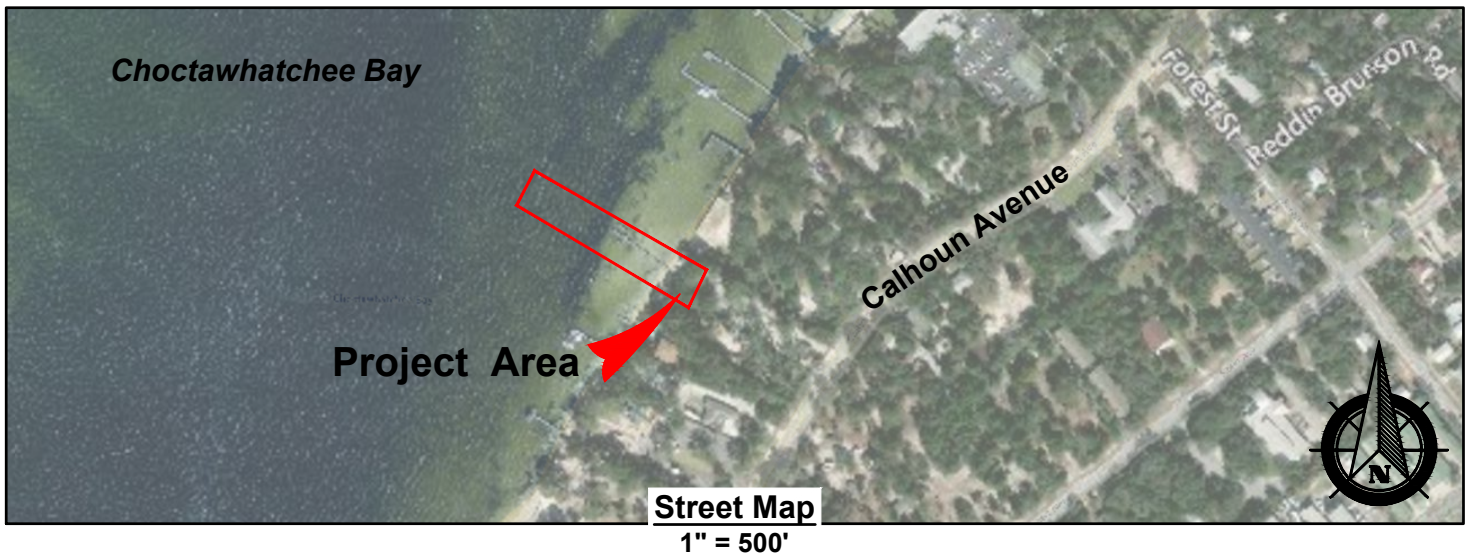
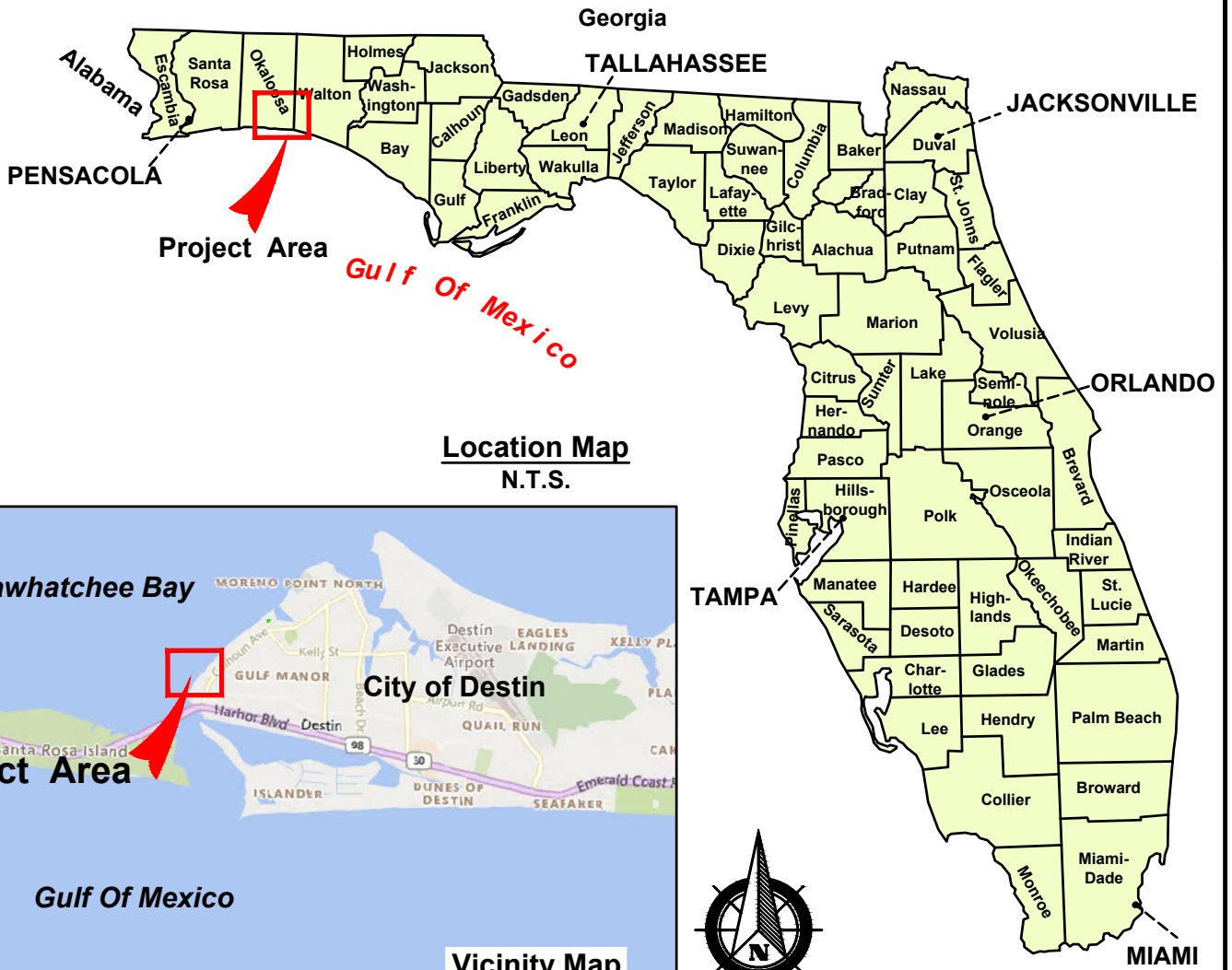
Destin Fire Control District
848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: November 17, 2022

Sheet Rev Date: February 23, 2023

PROJECT NUMBER 21-489.001	SHEET NUMBER 1
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PROJECT LOCATION
127 Calhoun Avenue Substation Dock

Destin Fire Control District
848 Airport Road, Destin Florida 32541

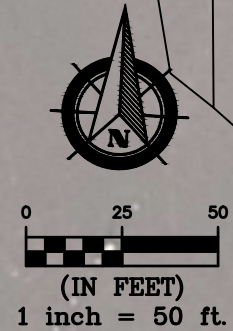
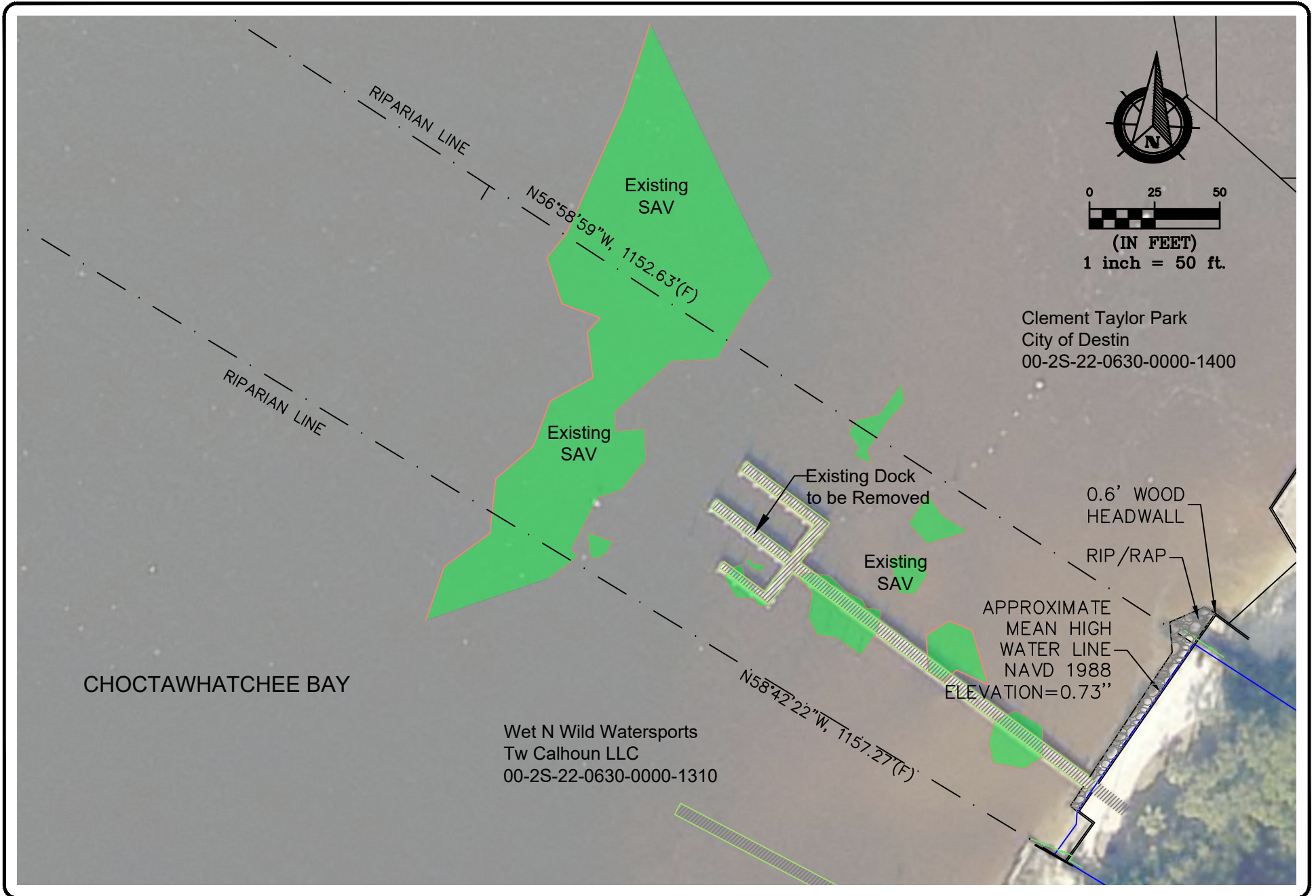
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Date: November 17, 2022

Sheet Rev Date:

PROJECT NUMBER
21-489.001

SHEET NUMBER
2



Clement Taylor Park
 City of Destin
 00-2S-22-0630-0000-1400

CHOCTAWHATCHEE BAY

Wet N Wild Watersports
 Tw Calhoun LLC
 00-2S-22-0630-0000-1310

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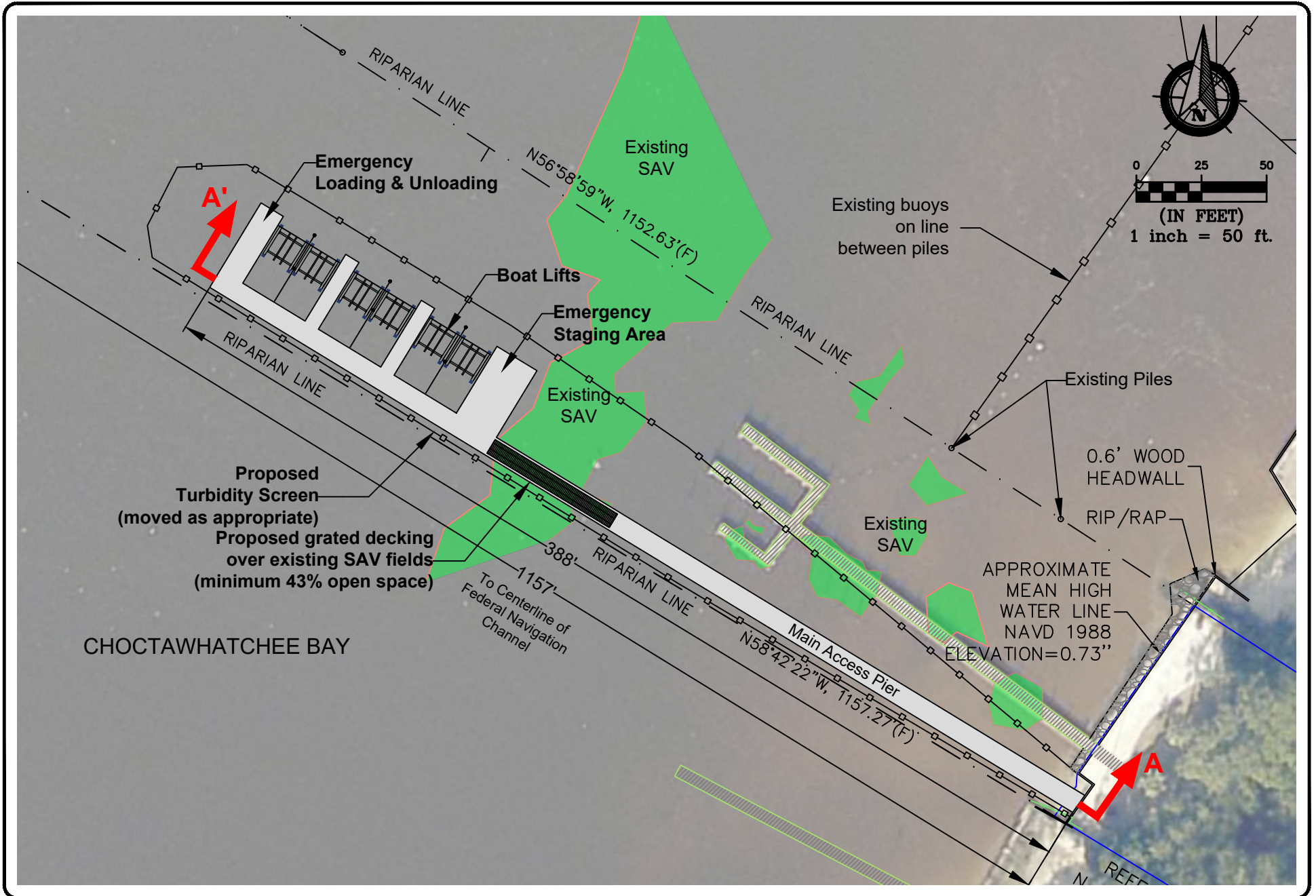
EXISTING CONDITIONS
 127 Calhoun Avenue Substation Dock

Destin Fire Control District
 848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
 Florida P.E. Number 55255

Date: November 17, 2022
 Sheet Rev Date: February 23, 2023

PROJECT NUMBER	SHEET NUMBER
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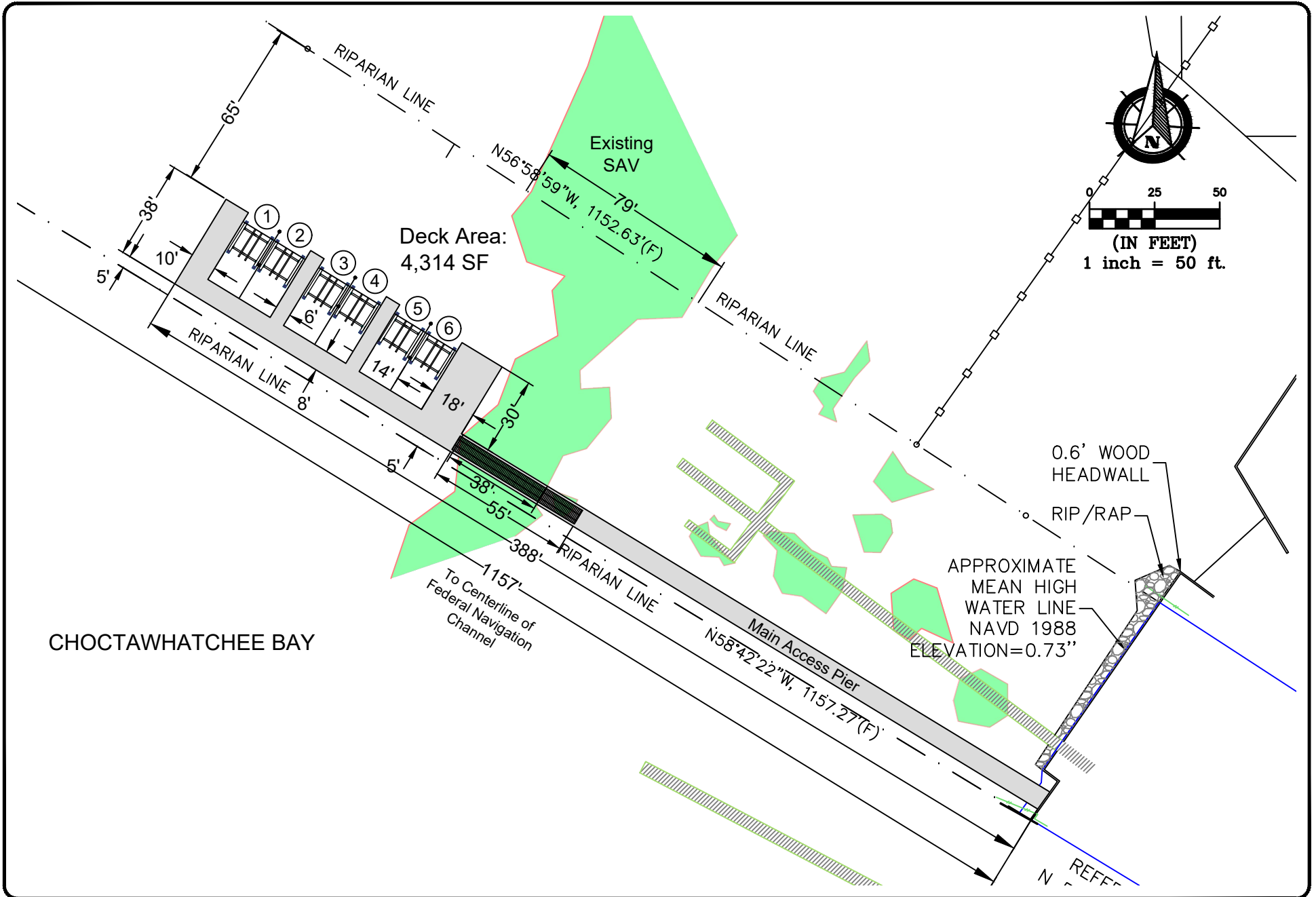
PROPOSED MARINA PLAN
 127 Calhoun Avenue Substation Dock

Destin Fire Control District
 848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
 Florida P.E. Number 55255

Date: November 17, 2022
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PROJECT NUMBER	SHEET NUMBER
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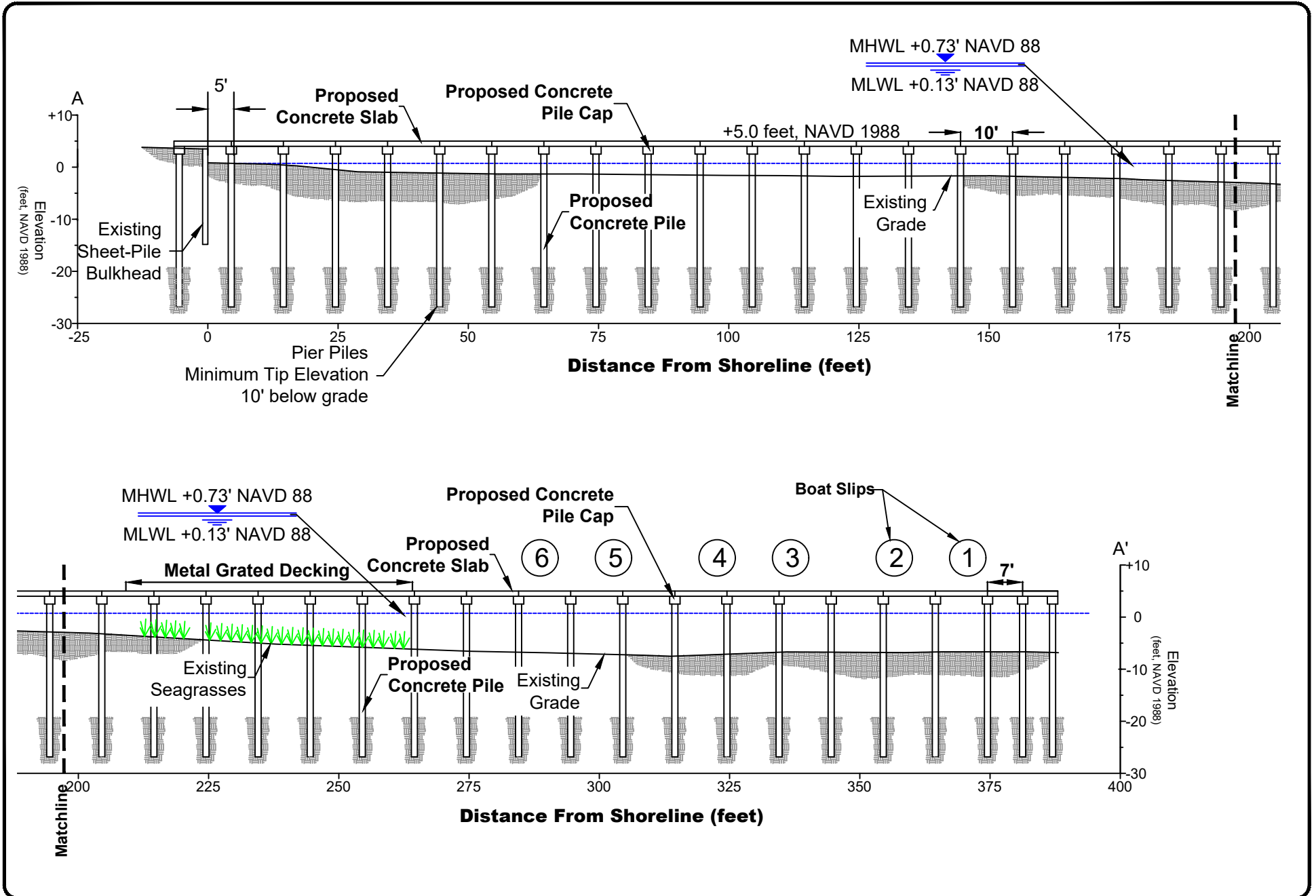
DIMENSIONED SITE PLAN
127 Calhoun Avenue Substation Dock

Destin Fire Control District
 848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
 Florida P.E. Number 55255

Date: November 17, 2022
 Sheet Rev Date: February 23, 2023

PROJECT NUMBER 21-489.001	SHEET NUMBER 5
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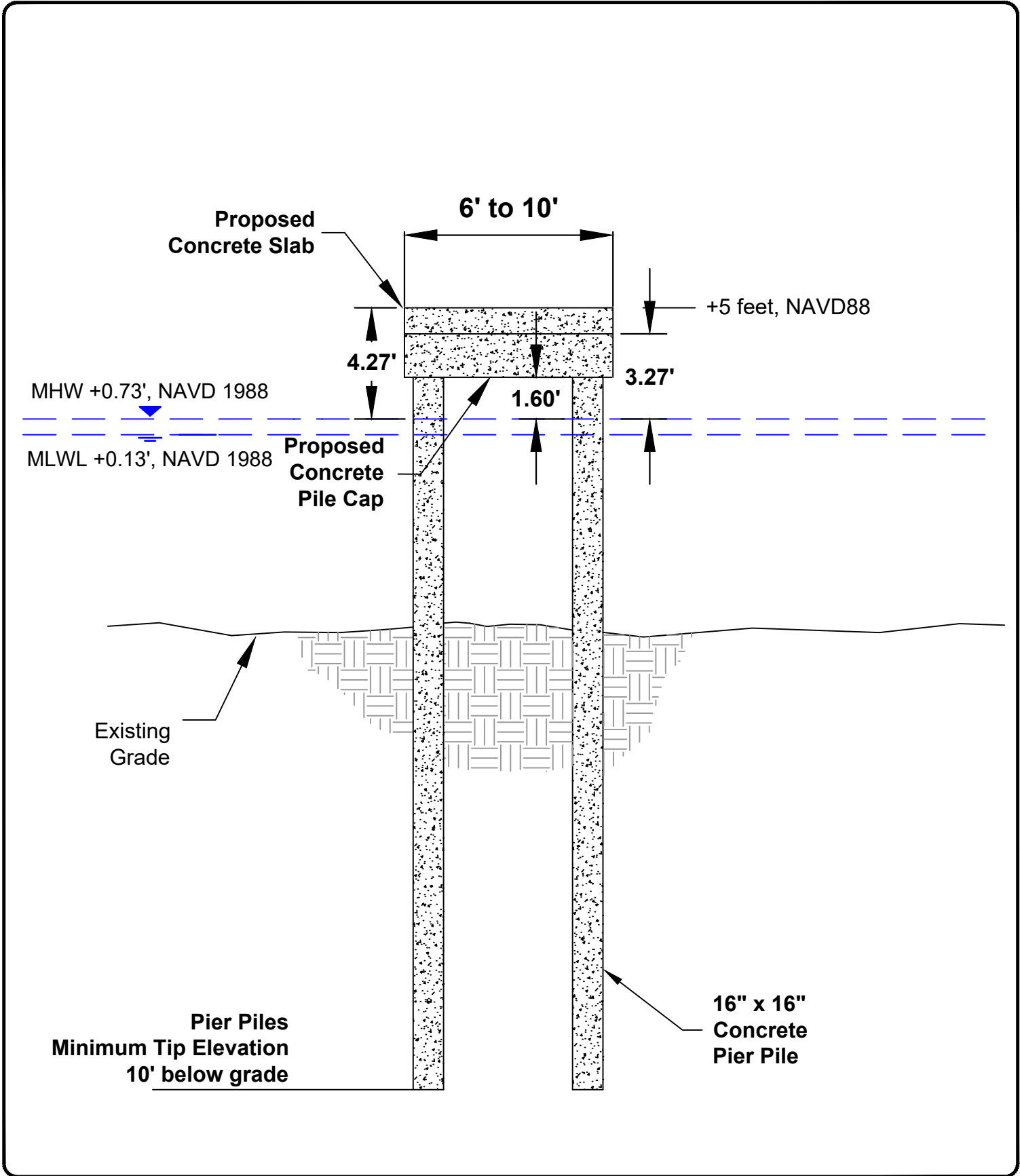
CROSS SECTION A-A'
127 Calhoun Avenue Substation Dock

Destin Fire Control District
848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: November 17, 2022
Sheet Rev Date: February 23, 2023

PROJECT NUMBER 21-489.001	SHEET NUMBER 6
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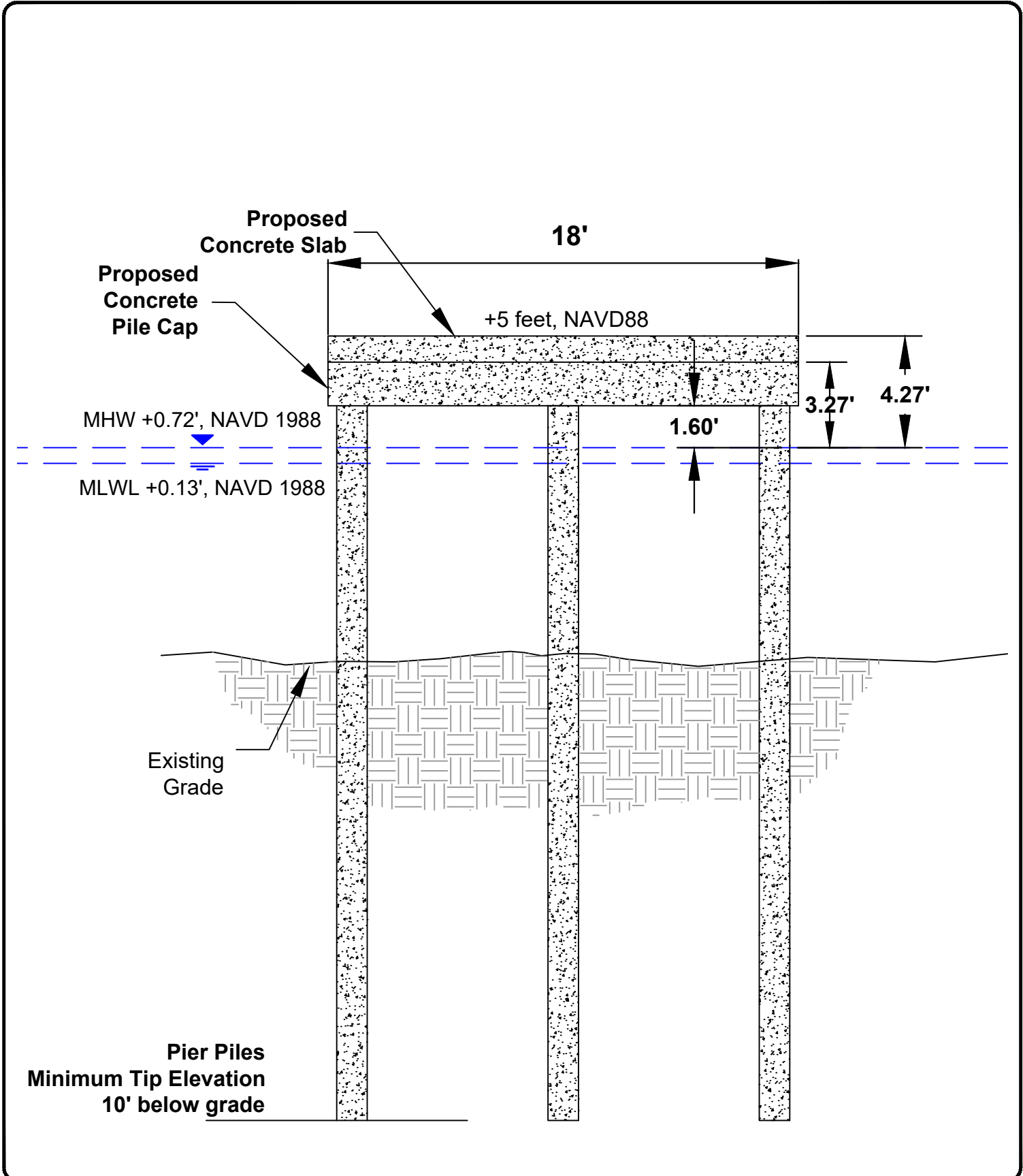
TYPICAL FIXED DOCK SECTION
127 Calhoun Avenue Substation Dock

Destin Fire Control District
 848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
 Florida P.E. Number 55255

Date: November 17, 2022
 Sheet Rev Date: February 23, 2023

PROJECT NUMBER	SHEET NUMBER
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TYPICAL EMERGENCY STAGING AREA SECTION
127 Calhoun Avenue Substation Dock

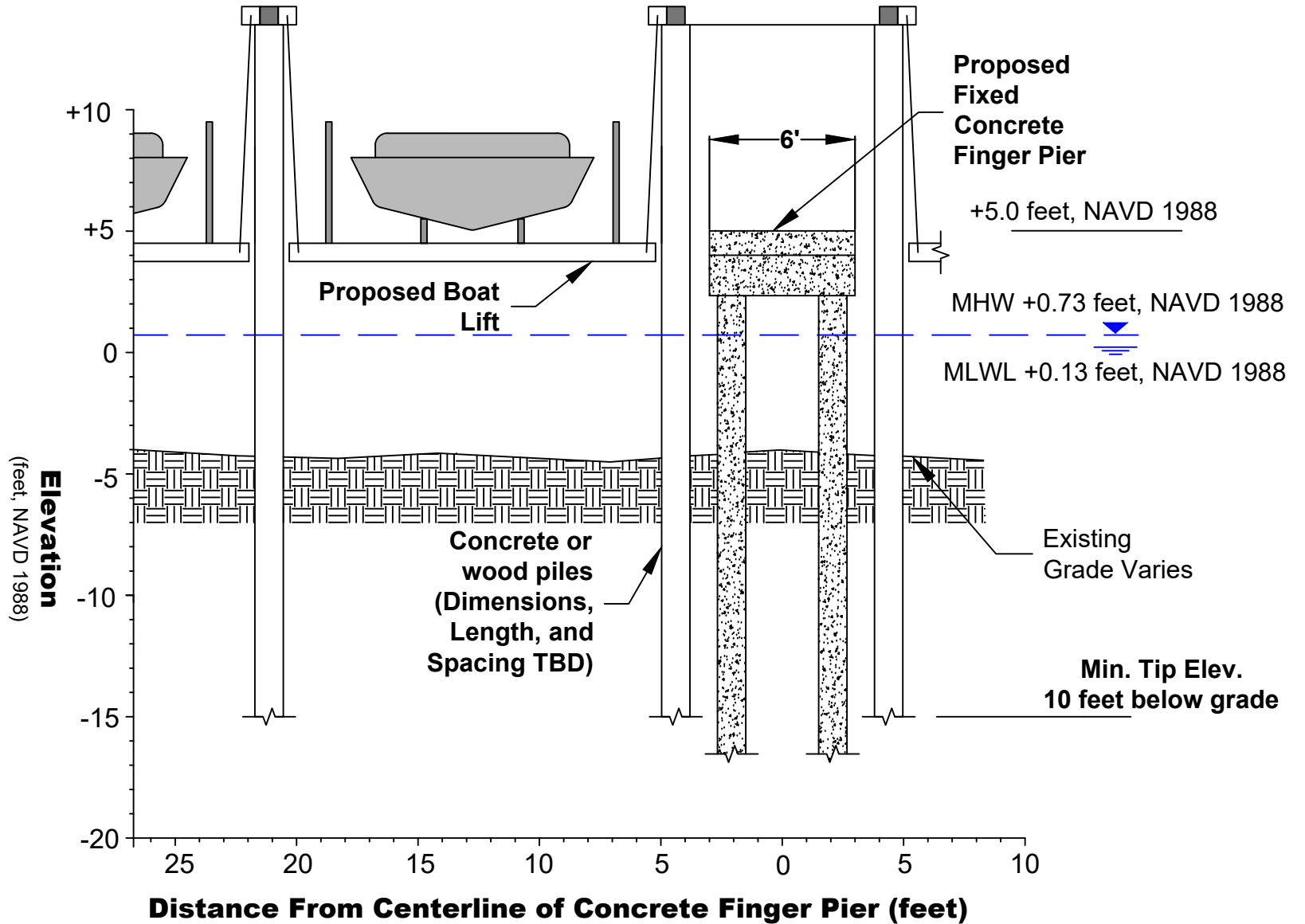
Destin Fire Control District
848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: February 23, 2023

Sheet Rev Date:

PROJECT NUMBER 21-489.001	SHEET NUMBER 8
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BOAT LIFT DETAIL
127 Calhoun Avenue Substation Dock

Destin Fire Control District
848 Airport Road, Destin Florida 32541

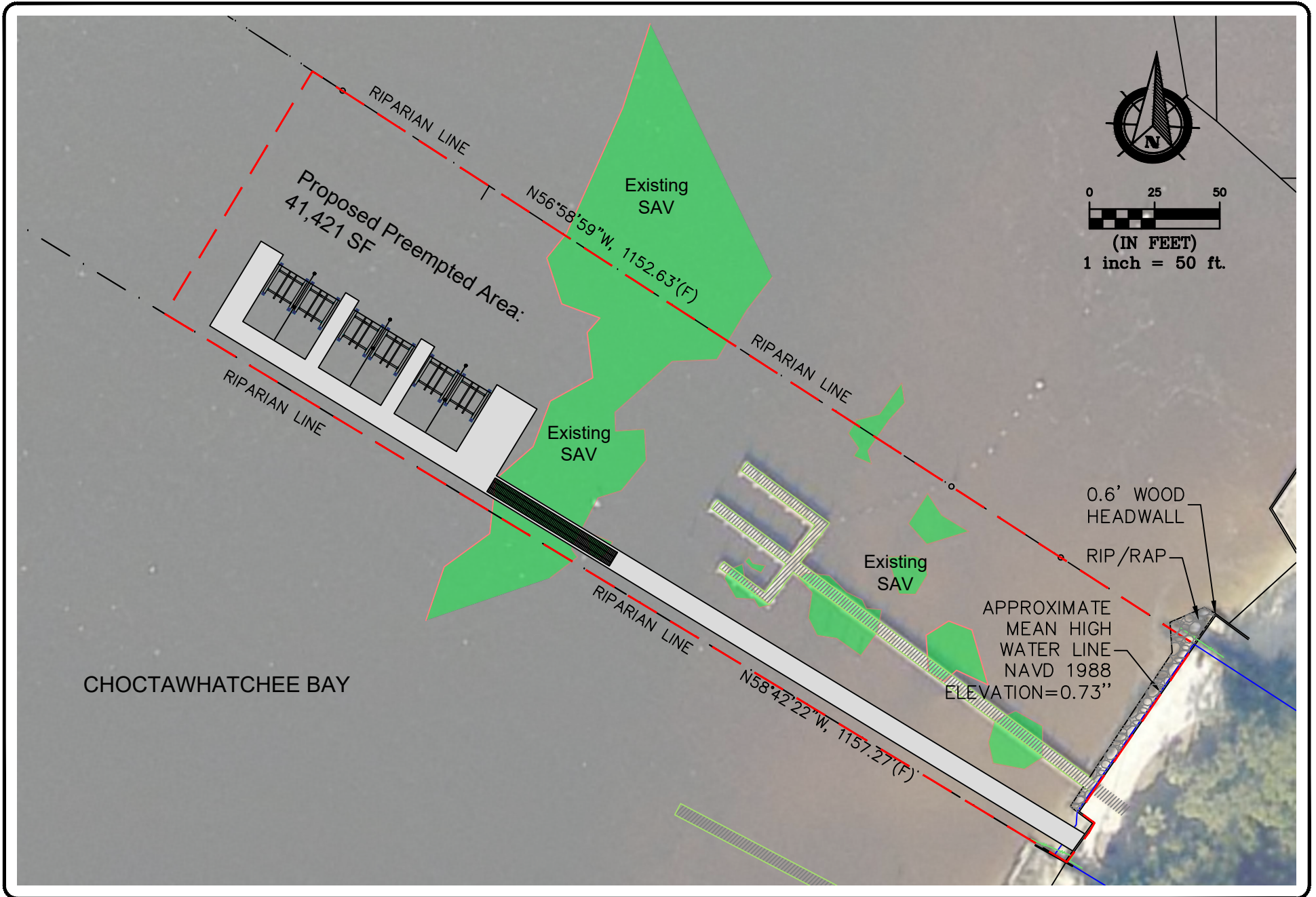
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: November 17, 2022

Sheet Rev Date:

PROJECT NUMBER
21-489.001

SHEET NUMBER
9



(IN FEET)
1 inch = 50 ft.

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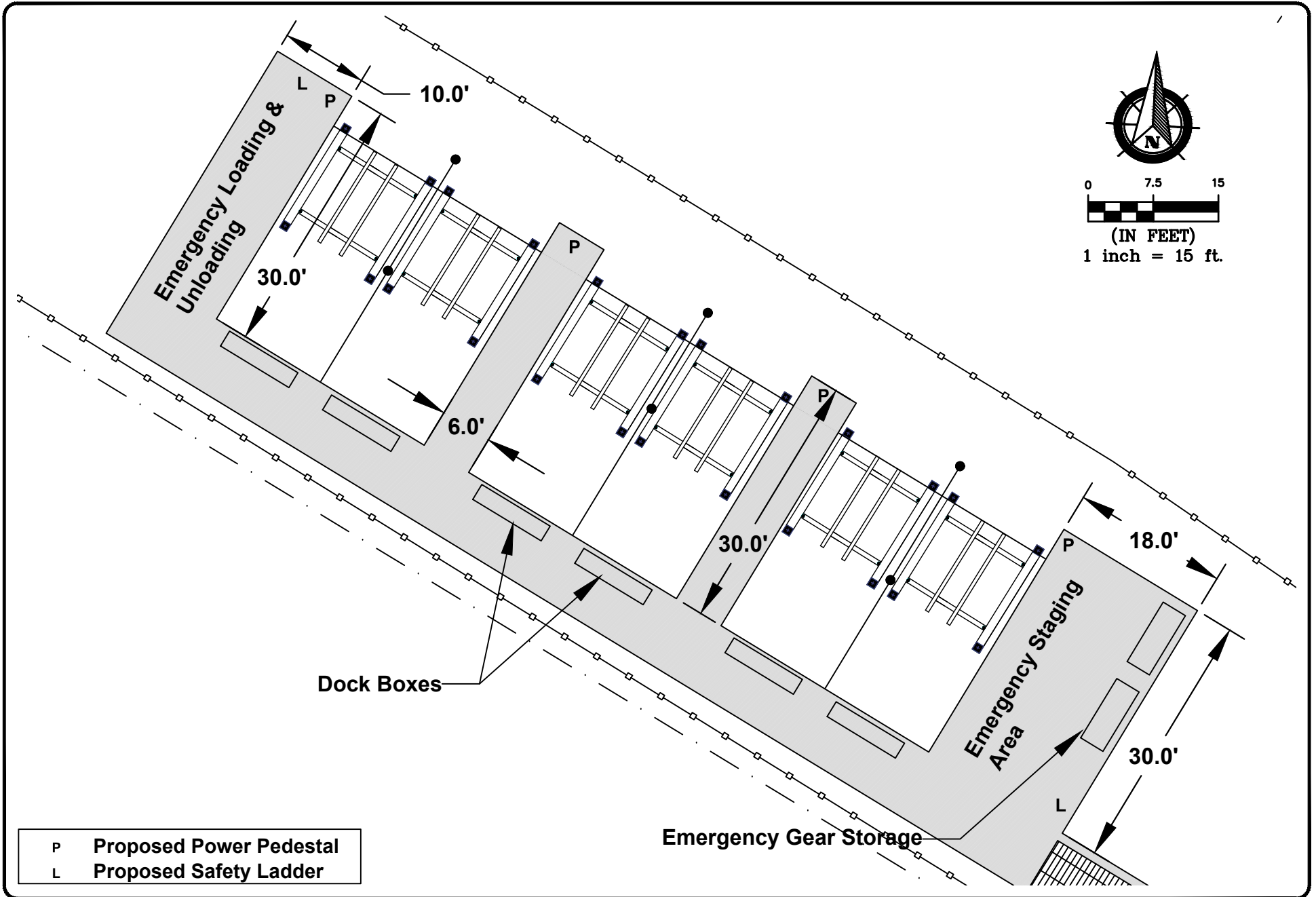
PROPOSED PREEMPTED AREA
127 Calhoun Avenue Substation Dock

Destin Fire Control District
848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: November 17, 2022
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PROJECT NUMBER	SHEET NUMBER
21-489.001	10



P Proposed Power Pedestal
 L Proposed Safety Ladder

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UTILITY PLAN AND DOCKING FACILITY DIMENSIONS
 127 Calhoun Avenue Substation Dock

Destin Fire Control District
 848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
 Florida P.E. Number 55255

Date: November 17, 2022
 Sheet Rev Date: February 23, 2023

PROJECT NUMBER	SHEET NUMBER
21-489.001	11

NOTES:

- Drawing referenced to Florida State Plane North, North American Datum of 1983 (NAD 83).
- Elevations shown hereon are based on North American Vertical Datum of 1988 (NAVD 88).
- Boundary and Bathymetric survey performed by Gustin, Cothorn, & Tucker, Inc., dated 07-15-2022.
- Federal Navigation Channel limits obtained from survey by Gustin, Cothorn, & Tucker, dated 07-15-2022.
- Construction should not violate State of Florida water quality standards
- Indicated berth dimension represents the overall slip and boat length.
- No liveboards will be allowed.
- Materials are subject to change. Pile dimensions will be determined during final design.
- Aerial photography obtained from LABINS.org and flown 2016. The location of all objects in the photograph are approximate and may not represent currently existing conditions.

SCHEDULE:

Fixed Concrete Pier

Total area: 4314 ft² of deck area

Materials: Prestressed concrete pilings with cast in place concrete pile caps and prestressed concrete panel decking. Final material selection will be determined during final design.

Mooring Piles

Total Qty: 18 Timber mooring piles

Materials: Timber mooring piles shall be southern pine, pressure treated with chromated-copper-arsenate (CCA), water borne preservative, 2.5 pounds dry chemical retention per cubic foot in accordance with AWPA standards C3 and C18.

Permanent Slips

Total Qty: 6 Slips

Approximate Pre-empted Area

Total Area: 41,421 ft²

UTILITIES:

- Utilities include fire suppression standpipe, safety ladders, power pedestals, dock boxes for storage, and emergency gear storage.
- No fueling facilities or liveboards are proposed at this facility.
- Power Station to be Lighthouse Power Pedestal, as manufactured by Marina Power & Lighting, Inc. or approved equal.
- NFPA Fire Stations.



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

GENERAL NOTES
127 Calhoun Avenue Substation Dock

Destin Fire Control District
848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: November 17, 2022

Sheet Rev Date:

PROJECT NUMBER
21-489.001

SHEET NUMBER
12

Memorandum

September 25, 2023

To: City of Destin Planning Office
From: Michael Dombrowski, MRD Associates, Inc.
Cc: Thomas Hurlimann, MRD Associates, Inc.
Project Name: 127 Calhoun Avenue Substation Dock
MRD Project Number 21-489.001
Subject: Variance Application Addendum



Good morning,

The following memorandum is in addendum to the Variance Application submitted through the COMPASS portal on the City of Destin website. Please see below for responses to the individual items addressed:

1. *Project Details*

The proposed project includes the removal of the existing dock and the construction of a 6 slip concrete pile supported dock that will be used by the Destin Fire Control District, FWC Law Enforcement, Okaloosa County Sheriff, and the City of Destin. The dock is located near the busiest part of Choctawhatchee Bay (Crab Island) and will allow these vessels to quickly respond to emergencies. The vessels will be used for responding to water based emergencies such as fires in or near the waterbody, enforcement of laws on the water, and caring for injuries that occurred in the water.

We are seeking a variance for Destin LDC 11.05.01.M.1. which states: "For those docks connected to uplands zoned SHMU, or those located on Choctawhatchee Bay, a dock may be constructed to a length of 1.5 times the width of the property at the mean high-water line, provided the length of the dock does not exceed the maximum length established by paragraphs F and G above." The width of the MHW line at 127 Calhoun Ave is 98 feet so the allowable length is 147 feet. The length of the proposed dock is 388 feet. The dock needs to be extended seaward due to shallow depths and seagrass beds near the shoreline.

We are also seeking a variance for Destin LDC 11.05.01.S which states: "No dock or vessel shall be placed within the 25-foot setback of a property line without providing prior written notification to the adjoining landowners and requesting their response. Any objections received from the adjoining property owners will be considered by the Harbor and Waterways Board in their recommendations to the City Council." As indicated on Page 4 of permit sketches, the proposed vessels will be within the 25-foot setback of the property line to the southwest. Wet-N-Wild Watersports has already signed a setback waiver for the Sovereign Submerged Land Lease.

2. *LDC 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 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 Bay adjacent to the shoreline along the property at 127 Calhoun Ave has a seagrass bed with the furthest extent 263 feet from the shoreline with the -3 foot contour up to 200 feet from the MHW line (shown in provided drawings). The Florida Department of Environmental Protection (DEP) requires at least 1 foot of clearance from the deepest part of the vessel to the submerged bottom. DEP, the Florida Fish and Wildlife Conservation Commission (FWC) and the US Army Corps of Engineers (USACE) want to minimize impacts to the existing seagrasses. If the boat slips were located between the seagrasses and the shoreline, dredging a channel through the seagrasses would be required to allow the vessels to safely access the Bay. The proposed design was determined to be least impactful to the environment. Other properties on Choctawhatchee Bay do not have seagrasses extending as far seaward and therefore docks can place docks nearer to the land

- b. *That the special conditions and circumstances do not result from the actions of the applicant.*

The seagrasses in the vicinity of the shoreline at 127 Calhoun Avenue are natural and not caused by the applicant.

- c. *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.*

No additional advantages or special privileges are provided to the property owner. The number of slips in the proposed design (6) would fit within the 147-foot template if the shallow depths and seagrasses on the property did not exist.

- 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 work unnecessary and undue hardship on the applicant.*

The literal interpretation of LDC 11.05.01.M.1. would prevent the Destin Fire Control from constructing a new and improved dock for use by emergency vehicles. Other property owners in the zoning district that do not have the seagrasses extending as far out would be able to place a 6 slip dock as designed within the 1.5x limits as indicated in 11.05.01.M.1 and not require dredging through a seagrass bed.

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

The seagrasses and shallow bathymetry prevent the 6 slips and emergency staging and loading zones from being placed closer to the shoreline. When the proposed dock was designed, the dock was shifted seaward into the bay until the emergency staging area was directly seaward of the existing seagrasses. No further changes to the dock were made.

- f. *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 proposed dock will be in harmony with the general intent and purpose of the zoning ordinances. It will not impact access to the Bay for any other dock in the Bay. The grant of the variance would not be injurious to the area or otherwise detrimental to the public welfare. As a matter of fact, the granting of the variance will improve public welfare by allowing emergency vessels quicker access to the bay and adjacent water bodies to respond to various emergencies.

3. *11.05.09 A. The Board of Adjustment may approve an exception for docks and pilings to be extended beyond the limits allowed in paragraphs M and N of Section 11.05.01 provided that, in addition to the criteria listed in Section 2.25.03.G, the following criteria is also met:*
- a. *That site-specific environmental conditions would impede placement of slips near or next to the shoreline.*

The Bay adjacent to the shoreline along the property at 127 Calhoun Ave has a seagrass bed with the furthest extent 263 feet from the shoreline with the -3 foot contour up to 200 feet from the MHW line (shown in provided drawings). The Florida Department of Environmental Protection (DEP) requires at least 1 foot of clearance from the deepest part of the vessel to the submerged bottom. DEP, the Florida Fish and Wildlife Conservation Commission (FWC) and the US Army Corps of Engineers (USACE) want to minimize impacts to the existing seagrasses. If the boat slips were located within the 1.5 x template, dredging a channel through the seagrasses would be required to allow the vessels to safely access the Bay. The proposed design was determined to be least impactful to the environment.

- b. *That site specific environmental conditions exist that prohibit dredging.*

The seaward edge of the seagrasses at the project site extends 263 feet from the shoreline. Locating the dock between the seagrasses and shoreline would require dredging a channel through the seagrasses to the proposed boat slips. It was determined through conversations with DEP and the US Army Corps of Engineers that the proposed design would be the least impactful to the environment.

- c. *That the proposed layout of the dock and pilings does not create a hazard to navigation.*

The proposed dock will not create a hazard to navigation. The proposed dock will extend 388 feet from the existing shoreline. The distance from the MHW line at 127 Calhoun Avenue to the Federal Navigation Channel is 1,157 feet. The distance from the seaward edge of the dock to the Navigation channel is 769 feet. The property directly northwest of 127 Calhoun Avenue is Clement Taylor Park, a city owned park with a public swimming area. The property directly southwest is Wet-N-Wild watersports. The dock has been designed in a way to ensure that the emergency vessels exiting and entering the dock will not interfere with Wet-N-Wild's operations. The vessels will enter and exit the dock from the northeast while Wet-N-Wild's rental boats/jetskis will be operating to the southwest of the dock.

- d. *That no additional slips are obtained than would otherwise fit into a dock of the maximum size allowed without the exception.*

No additional slips are obtained. The six slips including the emergency staging area and loading/unloading zone are 124 feet long and would fit within the length required by LDC 11.05.01.M.1.

Attachments requested in old Variance Application

4. *Letter of Request*

Refer to attached Letter of Request

5. *Proof of Ownership*

Refer to attached deed. *Agent Affidavit/ Special Power of Attorney*

Refer to attached agent affidavit.

6. *Legal Description*

Refer to attached deed.

7. *Application Fee*

Will be paid once posted on COMPASS.

8. *Site Plan*

Refer to page 4 on attached permit sketches.

Additional Land Development Code sections highlighted in pre-application meeting notes with city.

9. *LDC 11.05.01.S - No dock or vessel shall be placed within the 25-foot setback of a property line without providing prior written notification to the adjoining landowners and requesting their response. Any objections received from the adjoining property owners will be considered by the Harbor and Waterways Board in their recommendations to the City Council.*

See attached setback waiver for the Sovereign Submerged Land Lease

If you have any questions regarding this matter, please feel free to contact me at 850-654-1555 or md@mrd-associates.com or Thomas Hurlimann at th@mrd-associates.com.

Sincerely,

mrd associates, inc.



Michael Dombrowski, P.E.
Principal Engineer

Attachments: Permit Sketches, dated February 23, 2023
Site Deed
Agent Affidavit
Letter of Request

VIA ONLINE PORTAL

August 25, 2023

City of Destin Planning Office

Destin City Hall Annex
4100 Indian Bayou Trail
Destin, FL, 32541



Subject: 127 Calhoun Avenue Substation Dock
Destin, Okaloosa County, Florida
MRD Project Number 21-489.001

To whom it may concern,

On behalf of the Destin Fire Control District this application and support information is requesting a variance from LDC 11.05.01 M.1 and LDC 11.05.01.S for the 127 Calhoun Avenue Substation Dock located at 127 Calhoun Avenue on Choctawhatchee Bay. The proposed activities consist of:

- 1) 6 slip concrete pile supported dock extending 388 feet out into Choctawhatchee Bay with 4,314 square feet of concrete deck

The variance to the City of Destin Land Development code is requested because of the location of seagrasses and shallow depths of the bay near the shoreline of the property where the proposed dock will be placed. The dock was designed to extend so far seaward in order to reduce impacts to existing seagrasses, as required by the Florida Department of Environmental Protection and US Army Corps of Engineers. This application requests an exception to:

- 1) LDC 11.05.01.M.1. to extend the dock out over 1.5 times the width of the MHW line of the property.
- 2) LDC 11.05.01.S to place the dock within the 25 foot setback of the property line to the southwest.

Approval of this variance request will provide first responders with improved emergency access to the bay and surrounding waters, improving public health and safety.

Should you have any questions regarding this request, please feel free to contact me at MDombrowski@Coastalprotectioneng.com or Thomas Hurlimann at THurlimann@Coastalprotectioneng.com , 850.654.1555.

Sincerely,

mrd associates, inc.

A handwritten signature in blue ink that reads 'Michael R. Dombrowski'.

Michael R. Dombrowski, P.E.
Principal Engineer
Florida P.E. Number 55255

Cc: Mike Buckingham, Destin Fire District Commissioner

LETTER OF CONCURRENCE FOR SETBACK WAIVER

TO: Mike Buckingham / Destin Fire Control District (owner/applicant)
127 Calhoun Ave (address of project)
Destin, FL 32541

File No.: 428618-001-EI/46

FROM: TW Calhoun, LLC. (adjacent property owner)
119 Calhoun Ave
Destin FL 32541

Section 18-21.004(3)(d), Florida Administrative Code, provides:

Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are: private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the Board; structures and activities built or occurring prior to any requirement for Board authorization; **when a letter of concurrence is obtained from the affected adjacent upland riparian owner;** or when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.

I hereby state that I am the owner of the adjacent upland riparian property located to the (north / south / east / west) of the facility or activity proposed to be constructed or conducted by Destin Fire Control District (the applicant), as shown in the above referenced file (and on the attached drawing). **I understand that the subject project will be located entirely within the applicant's riparian rights area, and I do not object to the proposed structure or activity being located within the area required as a setback distance from the common riparian rights line, as required by Chapter 18-21.004(3)(d), F.A.C.** This file shows the structure will be located entirely within the applicant's riparian rights area and within 5 feet of the common riparian rights line between our parcels.

Wayne Lung
(Original signature of adjacent owner)

2-24-2023
(Date signed)

Wayne Lung
(Printed name of adjacent owner)

This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.

LETTER OF CONCURRENCE FOR SETBACK WAIVER

PAGE 2 – DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION

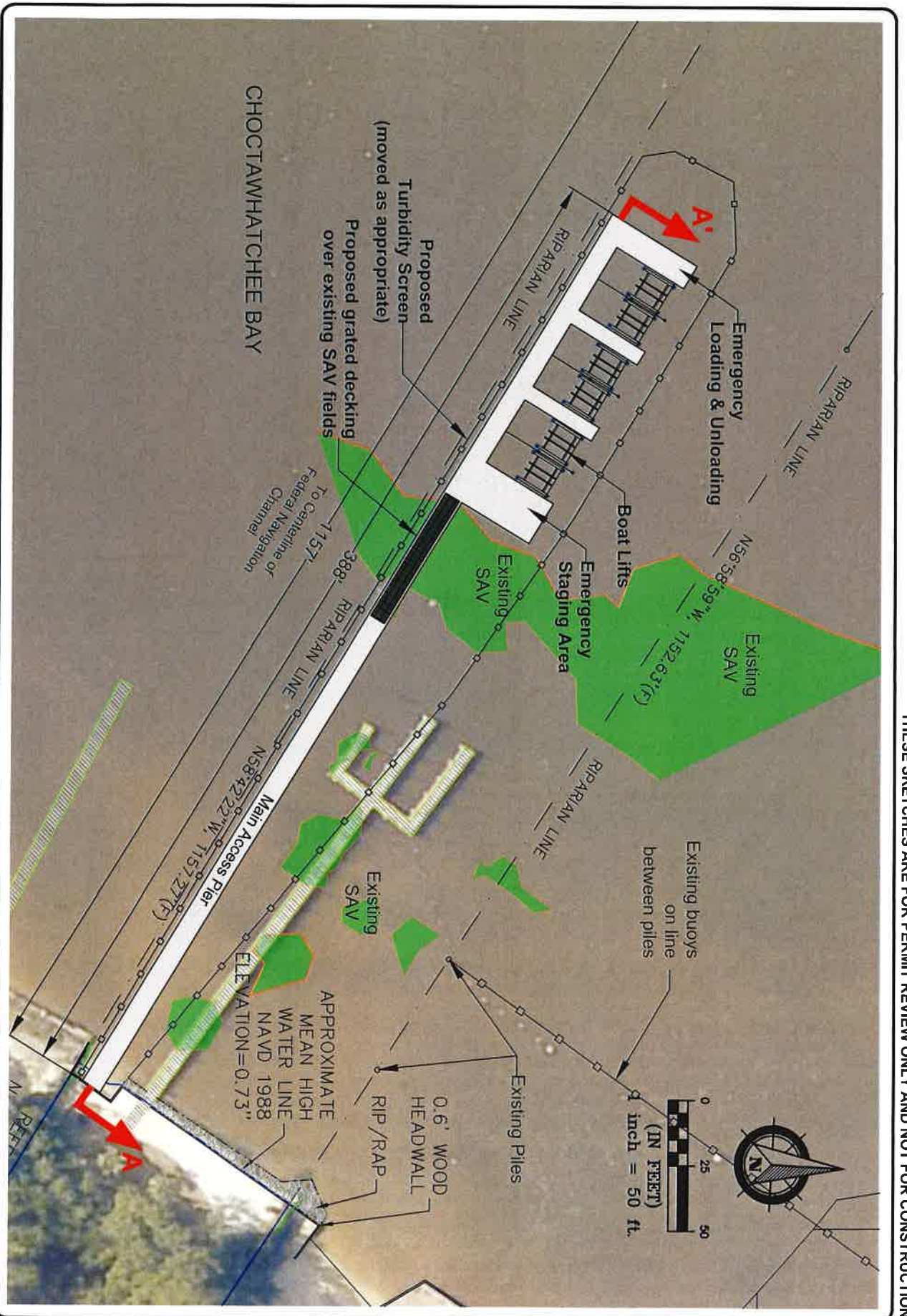
INSERT DRAWING HERE

Drawing should show the distance of the structure or activities
from the riparian rights lines.

_____ (Initials of adjacent owner)

_____ (Date)

THESE SKETCHES ARE FOR PERMIT REVIEW ONLY AND NOT FOR CONSTRUCTION.

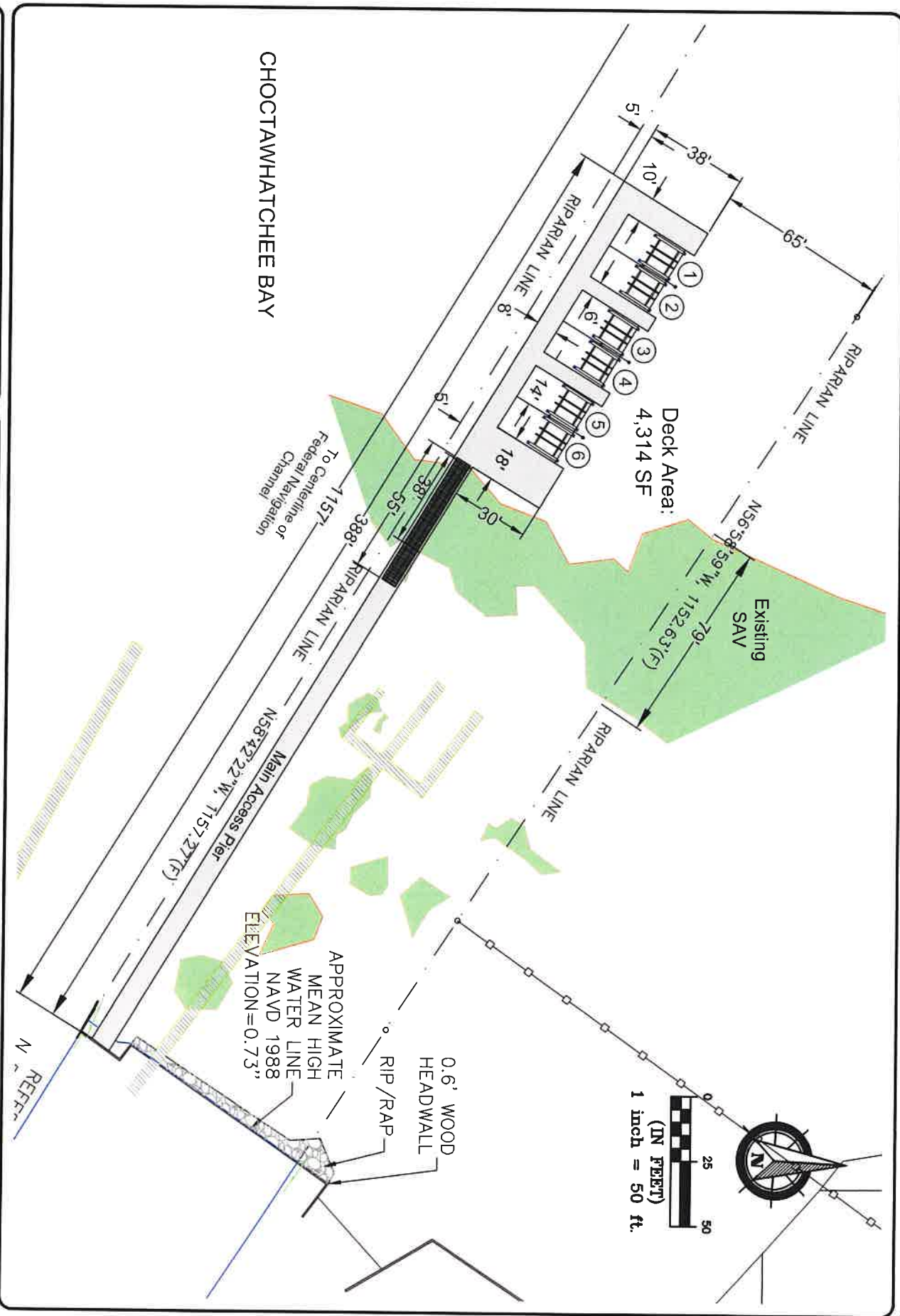


mrd associates, inc.
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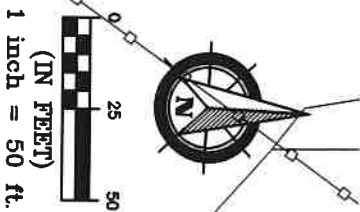
PROPOSED MARINA PLAN
 127 Calhoun Avenue Substation Dock
 Destin Fire Control District
 848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
 Florida P.E. Number 55255
 Date: November 17, 2022
 Sheet Rev Date: February 23, 2023
 PROJECT NUMBER 21-489,001
 SHEET NUMBER 4

THESE SKETCHES ARE FOR PERMIT REVIEW ONLY AND NOT FOR CONSTRUCTION.



CHOCTAWHATCHEE BAY



APPROXIMATE
MEAN HIGH
WATER LINE
NAVD 1988
ELEVATION=0.73"

0.6' WOOD
HEADWALL

RIP /RAP

Main Access Pier

N56°42'22"W, T157.27(F)

To Centerline of
Federal Navigation
Channel

1157

388'

55'

38'

18'

14'

6'

8'

10'

38'

5'

65'

79'

NS6°38'59\"/>

Existing
SAV

Deck Area:
4,314 SF

RIPARIAN LINE

RIPARIAN LINE

RIPARIAN LINE

RIPARIAN LINE

RIPARIAN LINE

mrd
mrd associates, inc.
543 Harbor Boulevard, Suite 204
Destin, Florida 32541
850 654-1555 (voice) • 850 654-0550 (fax)
www.mrd-associates.com

DIMENSIONED SITE PLAN
127 Calhoun Avenue Substation Dock
Destin Fire Control District
848 Airport Road, Destin Florida 32541

Michael R. Dombrowski, P.E.
Florida P.E. Number 5235
Date: November 17, 2022
Sheet Rev Date: February 23, 2023
PROJECT NUMBER 21-489.001
SHEET NUMBER 5

**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Kevin Sasser am
presently the owner and/or leaseholder at 127 Calhoun Ave, Destin Fire Cont. Dist, and desiring
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do
make, constitute and appoint Michael Dombrowski
whose address is 543 Harbor Boulevard #204, 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: the dock at 127 Calhoun Ave, Destin, Florida 32541.

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

Kevin Sasser
Signature

Kevin Sasser, Fire Chief

Printed Name

STATE OF Florida

COUNTY OF Okaloosa

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

notarization, this 21st day of July, 2023, by
(name of person acknowledging)

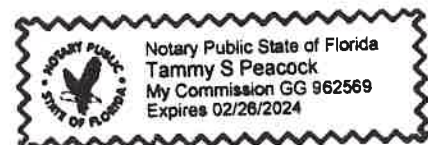
Kevin Sasser, Fire Chief

Tammy S. Peacock
Signature of Notary

Tammy S. Peacock
Printed Name of Notary or Seal

Personally known OR Produced Identification _____

Type of Identification Produced _____



Prepared By and Return To:
Knight Barry Title Solutions Inc.
Attn: Vicki Hoover
415 Richard Jackson Blvd., Ste. 207
Panama City Beach, FL 32407

Order No.: 1186207

Property Appraiser's Parcel I.D. (folio) Number:

WARRANTY DEED

THIS WARRANTY DEED dated December 28, 2020, by Destin Bay House, LLC, A Florida Limited Liability Company, whose post office address is 913 Peacock's Point Drive, Destin, Florida 32541 (the "Grantor"), to Destin Fire Control District, A District created by Special Act of the Legislature of the State of Florida, whose post office address is 848 Airport Rd, Destin, Florida, 32541 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of No Dollars And No/100 Dollars (\$0.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of Okaloosa, State of Florida, viz:

See attached Exhibit "A"

The Above Stated Legal Description Is Not The Homestead Property of the Grantor.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: 2020.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Destin Bay House, LLC, A Florida
Limited Liability Company

Michael A. Shoults
by: Michael A. Shoults, Authorized Member

Grantor Address:
913 Peacock's Point Drive
Destin, FL 32541

Signed, sealed and delivered in presence of:

[Signature]
Witness Signature
Tiffany Ragain

Printed Name of First Witness

[Signature]
Witness Signature
Vicki L. Hoover
Printed Name of Second Witness

STATE OF Florida
COUNTY OF Okaloosa

The foregoing instrument was executed and acknowledged before me by means of X Physical Presence or Online Notarization this 28th day of December, 2020 by Michael A. Shoults as Authorized Member of Destin Bay House, LLC, A Florida Limited Liability Company.

[Signature]

Notary Public

Printed Name: _____

Commission # _____

My Commission Expires: _____

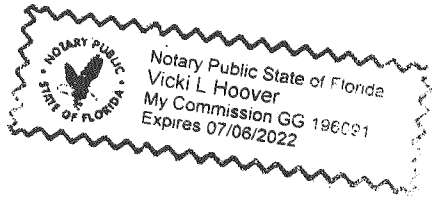


EXHIBIT A

A lot from the Northern end of Lot No. 13, the Moreno Point Military Reservation, said lot being approximately 1 acre, and facing Choctawhatchee Bay 97 feet, more or less, and extending Southeastwardly along the Northern boundary of Lot No. 13, 500 feet, more or less, to Calhoun Avenue, which it faces 83 feet and is described as follows: being at the Northeastern corner of Lot 13; thence North 62°04'50" West 500 feet, more or less, to the shoreline of Choctawhatchee Bay; thence in a Southwesterly direction along the said shore line a distance of 97 feet, more or less; thence in a Southeasterly direction 500 feet, more or less, to Calhoun Avenue; thence along Calhoun Avenue North 72°08'50" East a distance of 83 feet to the point of beginning.

Less and except that portion lying within right of way of State Road 30 alternate conveyed in Deed Book 53, Page 355, of the public records of Okaloosa County, Florida.

For informational purposes only

Property Address: 127 Calhoun Ave, Destin, FL 32541

Tax Key No.: 00-25-22-0630-0000-1320

