

**BOARD OF ADJUSTMENT
DESTIN CITY HALL BOARDROOM
WEDNESDAY, OCTOBER 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, October 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

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

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 15th day of November 2023.

Tom Weidenhamer
Tom Weidenhamer, Chairman

Kim Montgomery
Kim Montgomery, Deputy City Clerk