

January 3, 2024 Board of Adjustment Hearing

WEDNESDAY, JANUARY 3, 2024

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. Minutes- November 1, 2023**
- 5. NEW BUSINESS**
 - A. BOA-001307-2023 – 710-718 Harbor Blvd Setback Variance Request**
 - B. BOA-001305-2023 – 74 Barracuda St Variance Request**
- 6. PUBLIC COMMENTS** (Comments from the public on any matters considered at the meeting, or on any matters not on the agenda)
- 7. NEXT MEETING DATE: February 7, 2024**

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 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, NOVEMBER 1, 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, November 1, 2023, at Destin City Hall Boardroom.

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

Present:

Tom Weidenhamer
Daniella Piper
David Emerson
Robert Pinard

Absent:

Joshua Brister
James Moomaw

Staff Present:

Kim Montgomery Deputy City Clerk
Steven O'Connor, Principal Planner
Daniel Butler, Senior 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:

➤ **September 6, 2023**

Motion to approve the minutes of the September 6, 2023, meeting was made by Board member Emerson, with Board member Pinard providing the second, the motion passed 4-0.

5. NEW BUSINESS:

A. BOA-001247-2023 – Destin Fire Control Dock Variance Request

The City Attorney swore in all individuals that may provide testimony for this hearing. He then announced for the record that the applicant has agreed to waive the reading of the application and the Notice into the record.

Board member Piper asked the applicant if they did their due diligence when looking for property to purchase to find one that had the desired docking facility, or one could be built that didn't have seagrasses present where a docking facility could be built with the normal length requirements.

Fire Commissioner, Mr. Buckingham explained that there was not any property for sale, and he did go do-to-door asking property owners if they were interested in selling their property and that is how they got lucky with the previous owner of this property who agreed to sell the

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property to them. He also spoke of how they determined, because of all the traffic in the summer, that they needed somewhere on the west side of town to be able to get to those locations quicker and, if anything that may happen on the water, they would have easier access to get those quickly as well, because of the high water traffic in the summer months also prevents their access to the adjacent waterways. Mr. Buckingham also spoke of how as part of the request, they are requesting the six boat slips to accommodate two boats for Okaloosa County Sheriff, two boats for the FWC and two of their own boats. Additionally, he spoke of how the tide gets very low in the winter months and when there are storms and they need the length to acquire the necessary depth needed to get their boats in and out safely.

Board member Emerson made the motion to approve BOA-001247-2023 – Destin Fire Control Dock Variance Request with Board member Pinard providing the second. The motion passed 3-1 with Board member Piper dissenting.

6. OTHER BUSINESS: None

7. ADJOURNMENT:

There being no further business the meeting was adjourned at 5:43 p.m.

Adopted and approved this _____ day of _____ 2023.

Tom Weidenhamer, Chairman

Kim Montgomery, Deputy City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 3, 2024
BOARD/COMMITTEE: Board of Adjustment
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 5.A.

TO: Board of Adjustment

THRU: Louis Zunguze, Interim City Manager
 Kimberly Kopp, City Attorney

FROM: Steve O'Connor, Principal Planner

DATE: December 19, 2023

SUBJECT: BOA-001307-2023 – 710-718 Harbor Blvd Setback Variance Request

I. BACKGROUND: Lucas Stewart, the “Applicant,” Manager of 624 Harbor LLC, and owner of 710 – 718 Harbor Blvd, (Parcels: 00-2S-22-0701-000L-0040, 00-2S-22-0701-000L-0030, 00-2S-22-0701-000L-0020, and 00-2S-22-0701-000L-0010) is requesting approval of a variance to the side setbacks of seven and a half feet (7.5’) the Low Density Residential – Harbor District. The Applicant specifically request relief from ***LDC TABLE 7-3: SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS***, which relates to the setbacks for building and structures.

Applicant: Lucas Stewart, 624 Harbor, LLC

Location: 710 – 718 Harbor Blvd

Size of Property: ± 1.03 acres

Current Zoning: Low Density Residential – Harbor (LDR-H)

Future Land Use Map Classification: Low Density Residential (LDR)

Comprehensive Plan Compliance: **Policy 5-1.7.1:** Implement Protection of Vegetative Communities, and **Policy 5-1.7.1:** Implement Protection of Vegetative Communities

Legal Notice: The legal notice for the proposed variance request was published in the Northwest Florida Daily News with publication dates of December 22, 2023, and December 29, 2023.

Request: The Applicant is requesting relief from ***LDC TABLE 7-3: SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS***, which relates to the setbacks for structures. The proposed side yard setbacks are as follows, as they vary from lot to lot.

710 Harbor - 00-2S-22-0701-000L-0010: No setback variance requested.
712 Harbor - 00-2S-22-0701-000L-0020: 2' variance to 5.5' on the west property line
714 Harbor - 00-2S-22-0701-000L-0030: 4' variance to 3.5' on the west property line
718 Harbor - 00-2S-22-0701-000L-0040: 6' variance to 1.5' on the west property line

II. DISCUSSION: The Applicant is requesting to vary from the LDC setback requirements as follows:

710 Harbor - 00-2S-22-0701-000L-0010: No setback variance requested.
712 Harbor - 00-2S-22-0701-000L-0020: 2' variance to 5.5' on the west property line
714 Harbor - 00-2S-22-0701-000L-0030: 4' variance to 3.5' on the west property line
718 Harbor - 00-2S-22-0701-000L-0040: 6' variance to 1.5' on the west property line

The applicant's stated purpose for the request(s):

- First, preserve several mature Live Oak trees along the east property line of 718 Harbor.
- Second, the single-family residence to the east of 718 Harbor is currently located within the current setbacks of the LDR-H properly per the current setbacks.

FINDINGS:

According to *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: [There are] 2 live oak trees located between 720 and 718 Harbor, as shown in the picture (Attachment 3) that are over 200 years old and desire to be saved. [720 Harbor] home was constructed in 1961 and at the time, this home, as well as lots 710-718 Harbor were under the same ownership. As such, his home was constructed within 3 feet of the property line at 718 Harbor Blvd.

Staff Findings: There are two identified special conditions that affect construction on the subject parcels. First are the mature Live oaks that exist along the property line between 718 & 720 Harbor. If the developer were to construct the approved home these trees would likely need to be removed or trimmed in a manner that would significantly affect their health. Secondly, the home on 720 Harbor was placed in the 1960s before the City was established and due to circumstances of ownership at the time, was allowed to be placed in its existing location.

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

Applicant Response: See “Applicant Response” above.

Staff Findings: The trees and the home were both placed long before the applicant purchased the property and before the City existed and approved the original building permit.

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: Approving this variance would not provide special privilege to the applicant but would rather allow the distances between the homes to be the same as well as protect the over 200-year-old live oak trees.

Staff Findings: The variance, if approved, would not grant the applicant any special privileges as the two properties outside this development are not affected. There is no setback requested for the western most lot, 710 Harbor Therefore, the external neighbor at 708 is not affected as the side setback is not changing. The neighbor at 720 Harbor is getting a larger setback from the approved home at 718 Harbor.

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: Currently, the applicant's rights are being deprived because of the location of Mr. Lahti’s home being within 3 feet of the applicant’s property line.

Staff Findings: If not approved, the applicant will have to cut down or significantly trim the two live oaks along the 718 & 720 Harbor property line. The home at 718 Harbor would also be set closer than required elsewhere due to the placement of the home at 720 Harbor. Both circumstances present a hardship to the applicant.

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 applicant is requesting the minimum distance needed to protect the 200-year-old live oak trees.

Staff Findings: The applicant is not expanding the size of the approved homes, only shifting the placement to protect the existing trees onsite.

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: Granting this variance will be in harmony with the general intent of the zoning ordinance and with the newly constructed homes (710-718 Harbor) being 13 feet apart instead of 15 feet, it would not be noticeable to passersby. Furthermore, this minimum request would still allow fire personnel the distance required to service the lots.

Staff Findings: The request is generally in harmony with the intent of the **Low-Density Residential- Harbor (LDR-H)** zoning district and the **Low Density Residential (LDR) Future Land Use** designation.

Further **Comprehensive Plan Policies 5-1.7.1: Implement Protection of Vegetative Communities**, and **5-1.7.1: Implement Protection of Vegetative Communities intend to protect existing mature and native vegetation**. The variance request accomplishes these policies.

A. Link to Strategic Goals / Objectives: II. Enhanced quality of life and safety for families

VI. A Green and Sustainable Environment

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 the side setbacks for the LDR-H zoning district.

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 aforementioned 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-001307-2023.

or

I move to recommend the Board of Adjustment approve with modifications Variance Request BOA-001307-2023.

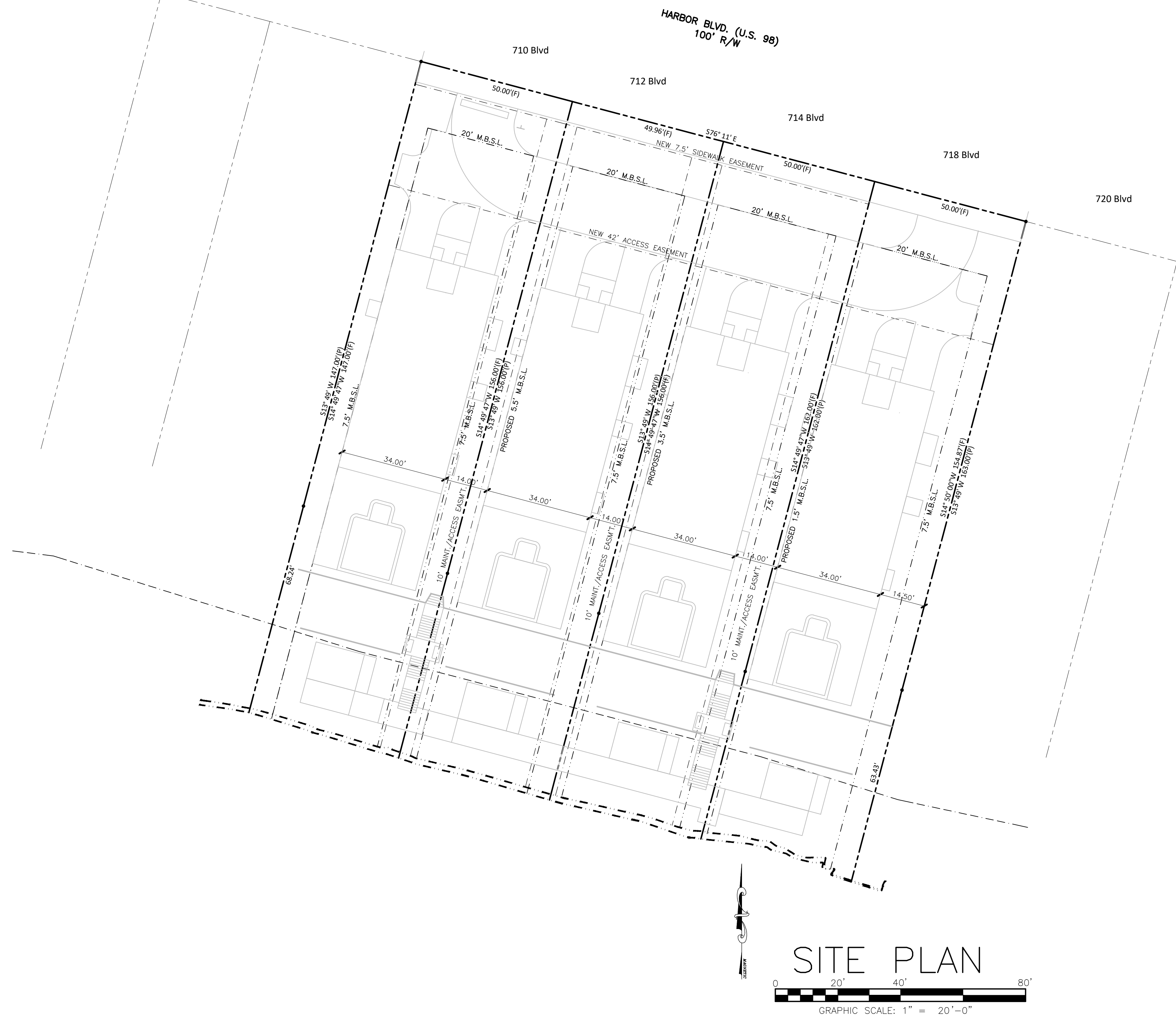
or

I move to recommend the Board of Adjustment deny Variance Request BOA-001307-

2023.

Attachments:

1. 1 - Proposed site plan
2. 2 - Variance Request
3. 3 - Site Image



SITE PLAN

0 20' 40' 80'

GRAPHIC SCALE: 1" = 20'-0"

RICHARD A. POWELL
PROFESSIONAL ENGINEER
FL. P.E. No. 40676
196 Union Hill Road
Pelham, Georgia 31779
(229) 227-6511

PROJECT/EAST PASS SITE	
CADD FILE: EASTPASS1-SP	
SCALE: VARIES	
DRAWN BY: EJB	
CHECKED BY: RAP	
DATE: 05 DEC 23	
REVISION:	

Proposed Setback Variance for
710-718 Harbor Boulevard (U.S.98)
Destin Florida

SHEET NO.
1
of 1 Sheets

I, Lucas Stewart, manager of 624 Harbor LLC, (and owner of 710, 712, 714, & 718 Harbor Blvd), formally request a variance in the side setbacks of the aforementioned lots. Recently and after receiving our building permits, and having a surveyor mark the locations of the 4 homes we are building on these lots, it was determined that the home located at 720 Harbor Blvd. and owned by Mr. Lahti was constructed only 3 feet from the property line of 718 Harbor Blvd. Additionally, there are 2 live oak trees located between 720 and 718 Harbor, as shown in the picture that are over 200 years old and desire to be saved. After speaking with Mr. Lahti and our engineer, we determined that to compensate for Mr. Lahti's home being built 3 feet from our property line and to keep from impacting the trees, we would need to adjust the home location at 718 Harbor Blvd. which would need to be constructed further west. Our variance request is to reduce the setback on the western side of 712 Harbor Blvd. from 7 ½ feet to 5 ½ feet, to reduce the setback at 714 Harbor Blvd. from 7 ½ feet to 3 ½ feet, and to reduce the setback at 718 Harbor Blvd. from 7 ½ to 1 ½ feet. This variance will allow the distance between the homes located at 710, 712, 714, 718, and 720 to then be approximately 13 feet apart.

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

Mr. Lahti's home was constructed in 1961 and at the time, his home, as well as lots 710-718 Harbor were under the same ownership. As such, his home was constructed within 3 feet of the property line at 718 Harbor Blvd.

- 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. 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 an unnecessary and undue hardship on the applicant.

Approving this variance would not provide special privilege to the applicant but would rather allow the distances between the homes to be the same as well as protect the over 200-year-old live oak trees. Currently, the applicant's rights are being deprived because of the location of Mr. Lahti's home being within 3 feet of the applicant's property line.

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

The applicant is requesting the minimum distance needed to protect the 200-year-old live oak trees.

- 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.

Granting this variance will be in harmony with the general intent of the zoning ordinance and with the newly constructed homes (710-718 Harbor) being 13 feet apart instead of 15 feet, it would not be noticeable to passersby. Furthermore, this minimum request would still allow fire personnel the distance required to service the lots.



The string in the photo depicts the edge of the foundation of where home 718 Harbor Blvd would be located.

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 3, 2024
BOARD/COMMITTEE: Board of Adjustment
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 5.B.

TO: Board of Adjustment

THRU: Louis Zunguze, Interim City Manager
 Kimberly Kopp, City Attorney

FROM: Steve O'Connor, Principal Planner

DATE: December 19, 2023

SUBJECT: BOA-001305-2023 – 74 Barracuda St Variance Request

I. BACKGROUND: Jason Frasure, the “Representative” of Shiloh Construction has applied for a Variance on behalf of Robert & Cherry Clifford, the “Owners” of 74 Barracuda St, (Parcel: 00-2S-22-0580-0007-0100) and requesting approval of a variance to the **five foot (5’) Common Boundary Buffer (CBB), Land Development Code (LDC) Section 12.04.04.B.** to allow for the existing driveway to remain.

Section 12.04.04 B. states: *Front perimeter/common boundary landscape.* All nonresidential and multifamily properties shall provide a minimum ten-foot wide landscape area abutting the right-of-way. Single-family detached and duplex properties shall provide a minimum five-foot wide landscape area abutting the right-of-way. Width of sidewalks shall not be included within the ten-foot or five-foot wide front boundary perimeter landscape area. ***A minimum five-foot wide common boundary landscape area abutting adjacent property lines shall be landscaped. These regulations do not apply within the Old Destin MMTD sub-area.***
(Emphasis added.)

Applicant: Robert & Cherry Clifford
Location: 74 Barracuda St.
Size of Property: ± .17 acres
Current Zoning: Crystal Beach Neighborhood (CBN)
Future Land Use Map Classification: Crystal Beach Neighborhood (CBN)
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 December 22, 2023, and December

29, 2023.

Request: The Applicant is requesting relief from *LDC Section 12.04.04.B.* which relates to the required **Common Boundary Buffer**. The proposed site plan shows the existing driveway within the 5' **CBB**.

II. DISCUSSION: The home was originally permitted in 1989, prior to the **Common Boundary Buffer (CBB)** being adopted in 2012. The **CBB** would not have been required nor enforced for any purpose so long as the home stayed as is or was not redeveloped. Also in 2019, the City adopted *LDC Section 2.28.00. – Intent and process for change of use permits.*

Per **LDC Section 2.28.01.A.** any property or structure that intensifies or changes the use of said property or structure requires a **Change of Use Permit (CoU)**. Part of the CoU process does require certain site elements to come into compliance with the existing code at the time of change.

Further, *Comprehensive Plan Objective 1-1.1, Policy 1-1.1.1:3.a.* require sites to meet current LDC regulations when development or redevelopment occurs. Therefore, any use or property that changes use or intensifies its use would be required to comply with the standards at the time of application for the change/intensification.

The existing home on the property is proposed to be removed and a new home constructed in its place. When an existing development is willingly razed and then proposed to be redeveloped the City's LDC considers that to be *new* development. Therefore, Staff determined that the proposed new home must comply with the Development Code and Regulations at the time of application.

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 Cystal Beach Neighborhood is a mishmash of code changes and reinterpretations of existing codes which has resulted in multiple variations in permitted designs. Even in years when the code has not changed, only who was reading it.

Staff Findings: The condition and existence or non-existence of any required element on another property cannot be considered a "special condition" nor utilized as justification when applying the variance criteria. The Board must consider only the condition and circumstances as they apply to the subject property. The **CBB** is applicable in all zoning districts and uses across the City. The only area it is not

applicable is within the **Old Destin Multi-modal Transportation District**. If two property owners also wish to establish a common accessway that splits two properties, the **CBB** would also not apply then, for the area utilized as an access way and only along the affected property line. As stated earlier in the “**DISCUSSION**” section of the Staff Report, the requirements of the **Change of Use** did not apply until 2019. Therefore, all the new Single-Family homes and Short Term Rentals (STRs) that converted prior to the adoption of the CoU process would not have been required to meet the **CBB** requirements. If Staff did not enforce the **CBB** appropriately in the past, that was in error and should not be an excuse for Staff not enforcing the **CBB** as it exists today.

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

Applicant Response: This variance request is primarily due to a 2019/2020 reinterpretation of an existing code, specifically regarding the Crystal Beach 5’ landscape buffer. The code itself was apparently implemented in 2012, but had not been enforced in the review process until 2019 resulting in inconsistent and inequitable application of the LDC.

Staff Findings: The implementation of the **CBB** would not have been implemented for existing dwellings or dwellings that did not intensify the use on site, as stated above. The inconsistencies of implementation are also not applicable to this criteria as the action of redeveloping and intensifying the site is a result of the proposal by 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.

Applicant Response: There are multitudes of other properties in the same neighborhood, and even on the same street, that have in place the elements being requested in this variance. Specifically, how it relates to access and parking.

Staff Findings: As previously stated, the condition and existence or non-existence of any required element on another property cannot be considered when applying the criteria in this case as the Board must consider only the condition and circumstances as they apply to the property.

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: Attached are several evidentiary pictures illustrating a “common enjoyment” of the same design elements being requested in this variance application. The implementation of this code in conjunction with “standard” property setbacks on already historically narrow lots, restricts new residential structures to 27’ in width if the owner desires a garage. This creates a structure that both attempts to

alleviate parking concerns of short-term rentals (though there seems to be limited data on the success of these policies) while simultaneously punishing someone trying to establish permanent residency within the Crystal Beach subdivision.

Staff Findings: The applicant is not being deprived of their use of the property as Single-Family home. They are seeking relief from updating their property to current standards as a result of the proposed Change of Use. If properties, as they redevelop, are not required to become compliant with current standards, then the City would not advance to the current standard and goals outlined in the Comprehensive Plan unless a variance is granted. As previously stated, the condition and existence or non-existence of any required element on another property cannot be considered when applying the criteria as the Board must consider only the condition and circumstances as they apply to the subject property.

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

Applicant Response: We have not seen any other options presented by the city's planning department that could achieve the same quality of life and uses value as the requested initial design.

Staff Findings: The applicant is not requesting to further expand the nonconforming side of the existing driveway, only to maintain the portion that is within the **CBB**.

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: It is our belief that granting the request actually brings the property INTO cohesion with the surrounding properties and the neighborhood as a whole. The only possibly "aggrieved" party would be the neighbor properties and the neighborhood as a whole. The only possibly "aggrieved" party would be the neighbor sharing the property line with 74 Barracuda where the variance is being requested. That neighbor has provided a letter stating approval for the request.

Staff Findings: The existing driveway is in harmony within the immediate area of the zoning district as constructed for a single-family dwelling. However, the **CBB** was developed to further enhance the open space within all zoning districts across the City.

III. RECOMMENDATIONS: The Applicant is seeking approval of a variance to the Common Boundary Buffer per **LDC Section 12.04.04.B**.

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 aforementioned 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-001305-2023.

or

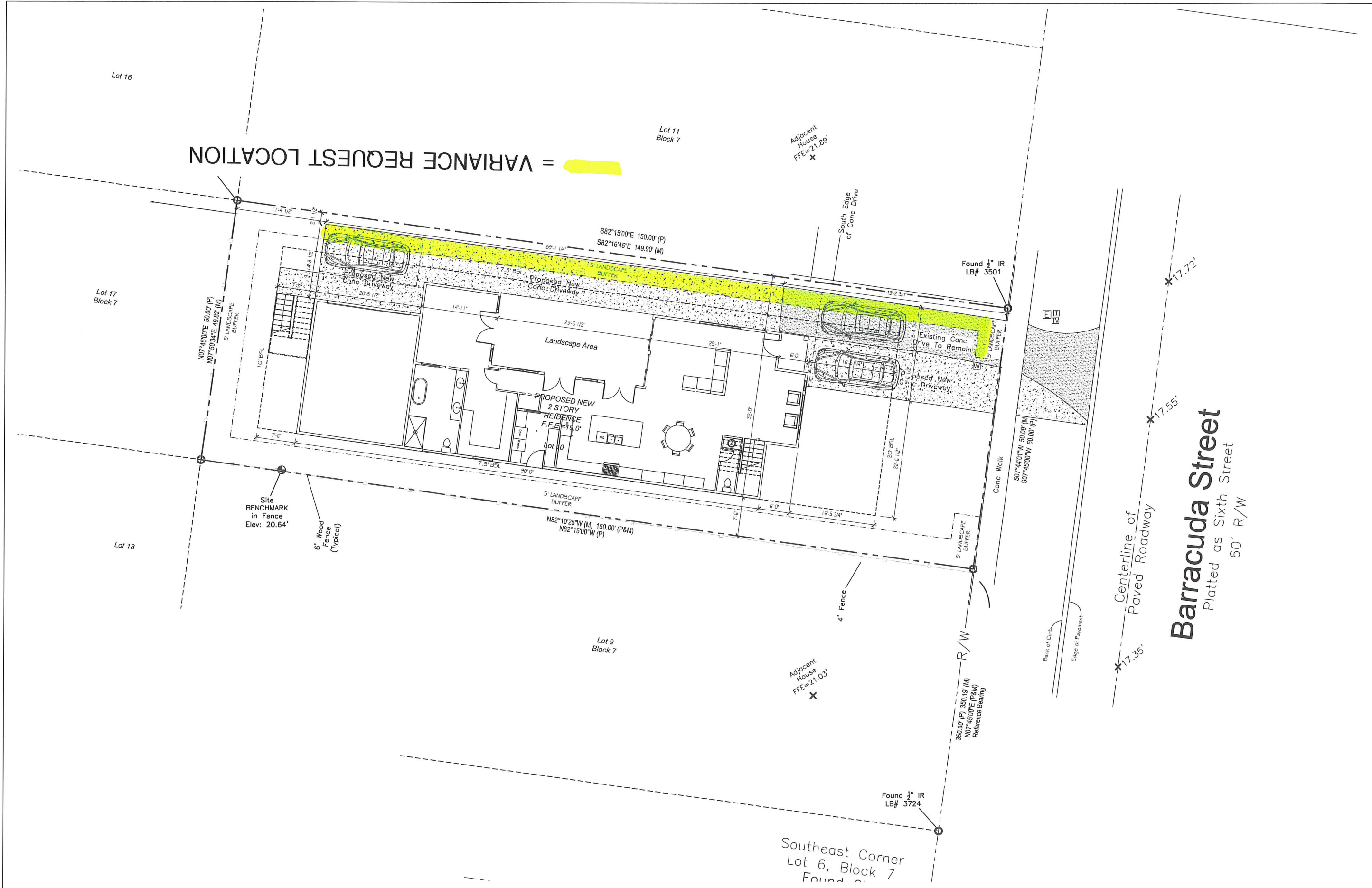
I move to recommend the Board of Adjustment approve with modifications Variance Request BOA-001305-2023.

or

I move to recommend the Board of Adjustment deny Variance Request BOA-001305-2023.

Attachments:

1. 1 - Proposed Site Plan
2. 2 - Variance Request
3. 4 - Letter of Support
4. 3 - Neighborhood photos
5. 5 - As built



= VARIANCE REQUEST LOCATION

01 SITE PLAN
SCALE: 1/8"=1'-0"

CD A	
4476 Legendary Drive Destin, Florida 32541 Tel: 850.837.4664	
ECM a complete engineering & construction management company 4476 LEGENDARY DRIVE DESTIN, FLORIDA 32541 PHONE: (850) 837-7464 (R/S) FAX: (850) 837-7456 (R/S) REPHONE: (850) 837-7456 (R/S) Note Registration #00000	
DATE	XX-XX-XX
DISTRIBUTION	ISSUED FOR PERMIT
SHILOH CONSTRUCTION 74 BARRACUDA STR., DESTIN, FL	
SITE PLAN	
DRAWN BY:	RJC
CHECKED BY:	J.H.E.
JOB NO:	23-10-123.080
DATE:	10-19-2023
A1.0 2 of 15	

VARIANCE REQUEST SIX CRITERIA RESPONSES

Legal Description: LOT 10 BLOCK 7 CRYSTAL BEACH
Owners: Rober Clifford, Jr. and Cherry Clifford
Prepared by: Shiloh Construction, LLC

Parcel ID: 00-2S-22-0580-0007-0100
Physical Address: 74 Barracuda St

1. 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 Cystal Beach Neighborhood is a mishmash of code changes and reinterpretations of existing codes which has resulted in multiple variations in permitted designs. Even in years when the code has not changed, only who was reading it.

2. That the special conditions and circumstances do not result from the actions of the applicant.

This variance request is primarily due to a 2019/2020 **reinterpretation** of an existing code, specifically regarding the Crystal Beach 5' landscape buffer. The code itself was apparently implemented in 2012, but had not been enforced in the review process until 2019 resulting in inconsistent and inequitable application of the LDC.

3. 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.

There are multitudes of other properties in the same neighborhood, and even on the same street, that have in place the elements being requested in this variance. Specifically, how it relates to access and parking.

4. 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.

Attached are several evidentiary pictures illustrating a "common enjoyment" of the same design elements being requested in this variance application. The implementation of this code in conjunction with "standard" property set-backs on already historically narrow lots, restricts new residential structures to 27' in width if the owner desires a garage. This creates a structure that both attempts to alleviate parking concerns of short-term rentals (though there seems to be limited data on the success of these policies) while simultaneously punishing someone trying to establish permanent residency within the Crystal Beach subdivision.

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

We have not seen any other options presented by the city's planning department that could achieve the same quality of life and uses value as the requested initial design.

6. 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.

It is our belief that granting the request actually brings the property INTO cohesion with the surrounding properties and the neighborhood as a whole. The only possibly "aggrieved" party would be the neighbor

sharing the property line with 74 Barracuda where the variance is being requested. That neighbor has provided a letter stating approval for the request.



PO Box 775 – Destin, FL 32540
850-664-6325 / 850-664-6329 Fax

LETTER OF VARIANCE REQUEST

PROJECT ADDRESS: 74 Barracuda St – Destin
OWNERS: Robert and Cherry Clifford

To whom it may concern,

We have been hired by the owners of 74 Barracuda St to construct their new permanent residence in the Crystal Beach neighborhood of Destin.

While this board is probably familiar with the style of home that Shiloh Construction LLC typically builds in the Crystal Beach neighborhood, this particular home is designed with what we would all deem “historical” Crystal Beach in mind. The owners love the older style beach cottages of the neighborhood and moved to the neighborhood for that very aesthetic. As such, they want to build something that continues to keep classic Crystal Beach in mind.

The home will be two stories and owner occupied. As such they have no need for a large front parking area, or multiple bedrooms. They do want a garage in the rear as many of the classically built homes have. This will require access via driveway down the side of the property.

We had previously met with the City’s planning department and they could offer no relief against the newly (as of 2019 or so) enforced 5’ landscape buffer that hinders the owner’s ability to put a usable, accessible garage in the back of the property.

Our hope is that the review board can appreciate the owner’s desire to keep Crystal Beach as it was originally envisioned and allow them to install an access down the side of the property.

The owners are, of course, open to discussing other options.

Thank you for your time.

Regards,
Shiloh Construction, LLC
Jason Frasure

Manager

November 17, 2023

To Whom It May Concern,

I am the full time resident and owner of 76 Barracuda St, next door to the Clifford's proposed construction. I have reviewed their plans, love the project, and look forward to this improvement to the property and the neighborhood. I have no objection to the proposed side driveway along the edge of my property. I hope you will approve their project.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet S Malloy". The signature is written in a cursive style with a large initial "J" and a long, sweeping tail that extends downwards and to the right.

Janet S Malloy
215-820-5880



74 Barracuda Street

Existing Structure at 74 Barracuda



We have provided a letter from our neighbor on the right, who has owned this property for over 20 years.



Properties on Barracuda with full drive



Barracuda Continued



Other homes with full driveways



Full Driveways Continued





Other homes, some with LCD enforcement, some without- all built after 2012. None of these improves the esthetics of our neighborhood.



Wide driveway on Barracuda - with no Swale

Continued



6 cars/ 2 golf carts and 2 motorcycles with 27 ft wide drive.



Less than 5 ft easement behind the sidewalk

**No Swale or
landscape
Barrier**





These homes have the barrier but fences are stockade and not commensurate with our Neighborhood, nor do they have swales.



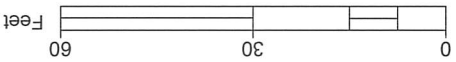
**Circular drive with a small swale.
6 cars and a golf cart.**



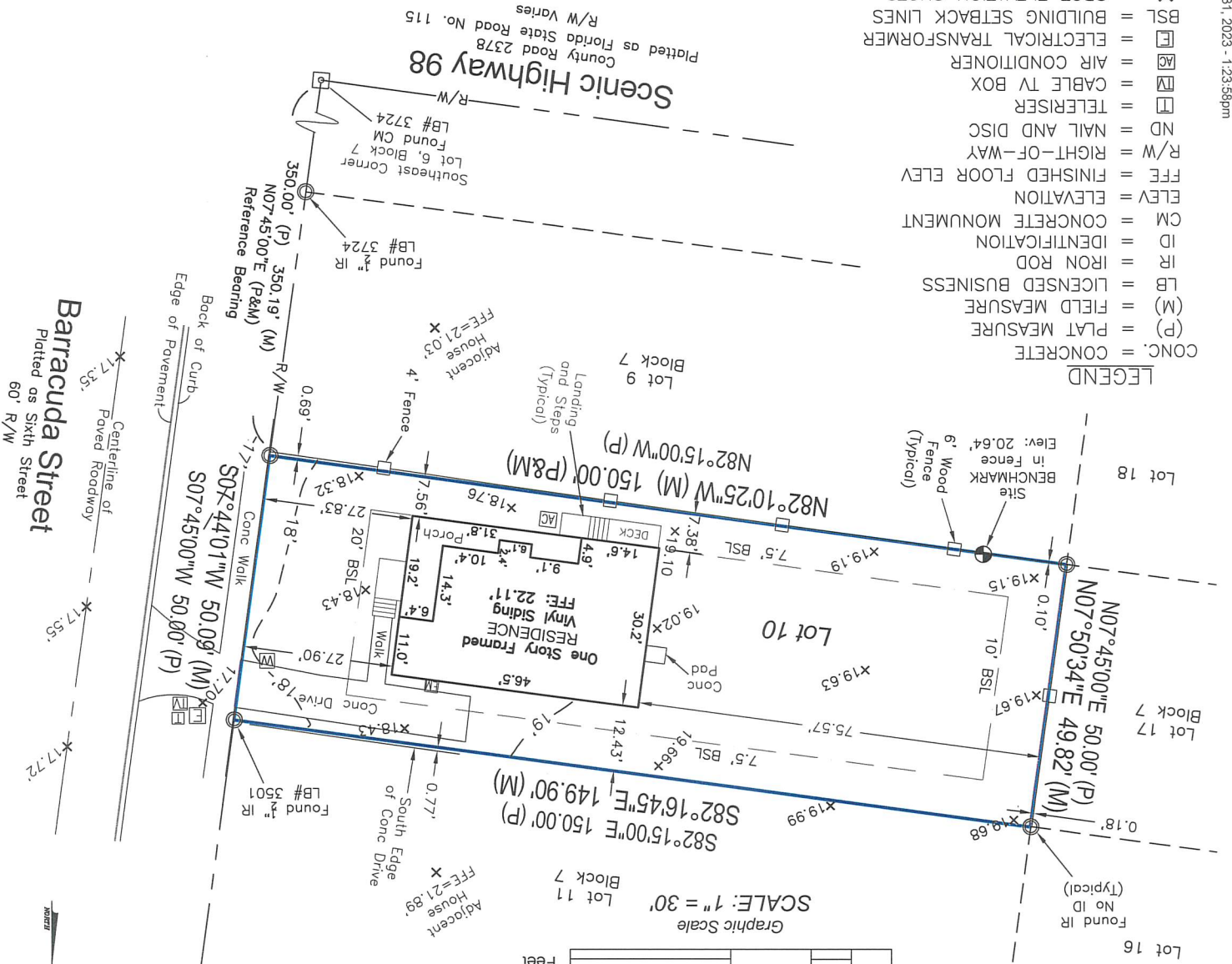
BOUNDARY and TOPOGRAPHIC SURVEY

Lot 10, Block 7, Crystal Beach

Okaloosa County
74 Barracuda Street, Destin, Florida 32541
Parcel ID 00-25-22-0580-0007-0100



SCALE: 1" = 30'
Graphic Scale



LEGEND

- CONC. = CONCRETE
- (P) = PLAT MEASURE
- (M) = FIELD MEASURE
- LB = LICENSED BUSINESS
- IR = IRON ROD
- ID = IDENTIFICATION
- CM = CONCRETE MONUMENT
- ELEV = ELEVATION
- FFE = FINISHED FLOOR ELEV
- R/W = RIGHT-OF-WAY
- ND = NAIL AND DISC
- T = TELERISER
- TV = CABLE TV BOX
- AC = AIR CONDITIONER
- ET = ELECTRICAL TRANSFORMER
- BSL = BUILDING SETBACK LINES
- X = SPOT ELEVATION SHOTS
- WM = WATER METER
- EM = ELECTRIC METER

LEGAL DESCRIPTION:

(As recorded in Official Records Book 3674, Page 896)
Lot 10, Block 7, CRYSTAL BEACH, according to the Plat thereof as recorded in Plat Book 1, Page(s) 17, of the Public Records of Okaloosa County, Florida.

Contains 0.17 acres or 7490.40 square feet, more or less.

SURVEYOR'S NOTES:

1. THERE MAY BE EASEMENTS AND RESTRICTIONS OF RECORDS AND/OR PRIVATE AGREEMENTS NOT FURNISHED TO THIS SURVEYOR THAT MAY AFFECT PROPERTY RIGHTS AND/OR LAND USE RIGHTS OF THE LANDS SHOWN HEREON.
2. NO UNDERGROUND INSTALLATIONS, FOUNDATION FOOTINGS OR UTILITIES HAVE BEEN LOCATED EXCEPT AS NOTED.
3. BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM "FIRM" MAP COMMUNITY -- PANEL NUMBER 12091C0493J, DATED MARCH 9, 2021, THE ABOVE DESCRIBED PROPERTY IS LOCATED IN ZONE X.
4. BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES, FLORIDA NORTH ZONE, ALSO REFERENCED BY THE WESTERLY RIGHT-OF-WAY OF BARRACUDA STREET, HAVING AN OBSERVED GEODETIC BEARING OF N 07°45' E.
5. EXPECTED USE OF THE SITE IS FOR RESIDENTIAL AND THE ACCURACIES FOR CLOSEURE WERE EXCEEDED FOR A SUBURBAN SURVEY. THIS SURVEY TRUE AND CORRECT AS PER 5J-17.051 AND 5J-17.052, FLORIDA ADMINISTRATIVE CODE. NO ADDITIONS OR DELETIONS FROM THIS SURVEY WITHOUT CONSENT FROM SIGNING PARTY.
6. ELEVATIONS ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM OF 1988. CONTOUR INTERVALS ARE ONE FOOT, WHEN SHOWN.
7. CERTIFICATION STATEMENT: THE SURVEY DEPICTED HEREON WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS DEFINED IN CHAPTER 5J-17.051 OF THE FLORIDA ADMINISTRATIVE CODE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.008 AND SECTION 472.027 OF THE FLORIDA STATUTES.

Z:\Projects\2023 Projects\23-0154 Lot 10 Blk 7 Crystal Bch_74 Barracuda St_Destin\23-0154 BT.dwg, 8.5x14, Amy, Aug 31, 2023 - 1:23:58pm

Job No:	23-0154
Cadd File:	23-0154 BT
Drawn By:	PM
Field Date:	08-21-2023
Field By:	TS/HC
Field Bk/Pg:	224/23
Revision Date:	



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Professional Land Surveying & Land Planning
Office: 850.729.2722
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Niceville, FL 32578
1430 Pine St.
30°28'34.83"N, 86°24'28.23"W

Shannon D. Clatchey
Professional Surveyor & Mapper
Florida Registration #6178
Florida Business #7350
NOT VALID WITHOUT THE
SIGNATURE AND THE ORIGINAL
BASED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER