

# **May 1, 2024 Board of Adjustment Hearing**

**WEDNESDAY, MAY 1, 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. March 6, 2024 Minutes**
- 5. PUBLIC COMMENTS**
- 6. NEW BUSINESS**
  - A. LU-001390-2024 - 1209 Airport Rd. Ste. 11-Special Exception**
- 7. NEXT MEETING DATE: June 5, 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 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 ANNEX CHAMBERS  
WEDNESDAY, MARCH 6, 2024  
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, March 6, 2024, at Destin City Hall Annex Chambers.

**2. ROLL CALL & PLEDGE OF ALLEGIANCE:**

**Present:**

Tom Weidenhamer  
Daniella Piper  
David Emerson  
James Moomaw

**Absent:**

Robert Pinard  
Joshuah Brister

**Staff Present:**

Kim Montgomery Deputy City Clerk  
Steven O'Connor Principal Planner  
Christopher Willis Planner  
Kimberly Kopp 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:**

➤ **January 3, 2024**

Motion to approve the minutes of the January 3, 2024, meeting was made by Board member Emerson, with Board member Piper providing the second, the motion passed 4-0.

**5. NEW BUSINESS:**

**A. BOA-001279-2023 – Destin Cottages Variance**

The City Attorney read the Variance request into the record and swore Mr. Fletcher in for any testimony he may provide for the hearing.

Mr. Fletcher briefly explained how he came before them last year for a Variance, which was granted, to have the sidewalks installed against the pavement to have more grassy areas for the front yards, however, three homes he is building will have much less yard frontage area and he is seeking a Variance to reduce the size of the sidewalks from 5-feet to 3-feet, noting that the subdivision is gated and there won't be a lot of traffic on the streets. He also stated that he would prefer to put pavers down instead of a sidewalk.

Mr. Steve O'Connor Principal Planner noted for the record that the applicant has not mentioned pavers in any conversations prior to the request.

## DRAFT

Mr. Christopher Willis Planner explained to the members the plat for the project consists of 12 private lots with a private road. He explained that in March of 2023, Mr. Flether requested and was granted a Variance for the following:

- Modify the previously approved Lighting Plan for lighting within the development, as Florida Power & Light (FPL) has already placed the connection in areas for such lights without conferring with City Staff.
- Utilize a different model of streetlight within the development, as it is a private street.
- Remove the required pedestrian amenities (benches and trashcans) from within the development and place them on Kelly Street and Siebert Avenue.
- Remove the three-foot buffer between the edge of pavement and the sidewalk and allow it to be installed up next to the curb.

Mr. Willis further explained that Mr. Fletcher is now requesting the following:

1. Reduce the sidewalk width from five feet (5') to three feet (3') in the development, aside from 102, 104, and 108 Fletcher Way.
2. Eliminate the previously approved five-foot (5') sidewalk in front of 102 Fletcher Way, 104 Fletcher Way, and 108 Fletcher Way, and;
3. Install benches as part of the required pedestrian amenities; however, the applicant is requesting to pay a fee in lieu of for the trash receptacles. He then went over the six requirements that the Variance must meet in order for the Board to grant the Variance.

**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 (1 answer for each request):**

1. Special conditions do exist that are peculiar to the land.

The homes are located in a PUD, as a gated community with 12 homes. Vehicle and pedestrian access is limited and the speed limit is 12 miles per hour which positively affects the security of pedestrians. The lots are situated with the widest portion right to left on the road which narrows the front yard to minimum setbacks and ROW. The front yards have spaces for two cars with pavers, the sidewalk is drawn as 5-feet. This is typical in this zoning to allow side by side and alternating pedestrian flow. However, we are trying to gain as much green space in the front yards for both aesthetics, use of the property and reducing impervious surfaces, and we would like to reduce the width to the minimum allowable under ADA if this is the governing minimum.

2. Elimination of sidewalk adds to the front yards and the green spaces. There is a sidewalk across the street on homes 101, 103, 105, 107 Fletcher Way. Please see photographs of the front yards, these are not townhomes and is a neighborhood.

3. The Multi-Modal appears to be going away. Unsure of what is replacing it regarding the benches and garbage cans requirements.

**Staff Findings:**

1. The Applicant has not identified nor provided any evidence of any special circumstances existing on the site, which are not applicable to other properties in the zoning district. Staff also cannot identify any special circumstances that are peculiar to the property. Vehicle and pedestrian access was reviewed at the Development Order (DO) level. The applicant states that a speed limit of 12 miles per hour is low enough to forgo the need for an external sidewalk within the private right-of-way. However, this is not supported by any factual basis and does not align with the subject Development Order, DO-21-19. The approved development order requires a continuous pedestrian network throughout the development for safety purposes (please see Exhibit E, Page 11). The applicant wants to remove the pedestrian sidewalk for the purpose of enhancing aesthetics and creating more green space. Staff does not have a factual basis to support the applicant's claims that there is a "typical zoning" practice of creating an alternating pedestrian flow. The external sidewalk within the right of way was approved at the development order level to ensure pedestrian safety and can't be compromised for the sake of creating more green space or some other aesthetic purpose.

2. The sidewalks are not designed or located in the front yard, but rather they are designed and located in the right of way.

3. The Land Development Code (LDC) requires pedestrian amenities, per LDC 8.09.03.A.6.c. The applicant has requested to pay the fee in lieu for the trash receptacles, and will install the benches as required. Sidewalks are still required outside the Multimodal Transportation Districts (MMTD), per LDC Section 8.05.03.A.B. That special conditions and circumstances do not result from the actions of the Applicant.

**Applicant response:**

1. The 5' sidewalk will fit in the yard, it is too large for an ornamental sidewalk. Applicant did not perform any actions that required the 5' of concrete.

2. The applicant has not made any actions that resulted in the request.

3. The applicant did not have input into the drafting of the ordinance.

**Staff Findings:**

1. The external sidewalk provides pedestrian network connectivity and was approved as part of the Development Order. External sidewalks are required as part of a pedestrian network, per LDC Section 8.09.03.A.6.a. External sidewalks shall be five feet in width per LDC Section 8.05.03.A.

2. External sidewalks, as part of a pedestrian network, are required, per LDC 8.09.03.A.6.a. External sidewalks shall be five feet in width per LDC 8.05.03.A.

3. A minimum of one bench and one other pedestrian amenity shall be located on either edge of the public sidewalk for every 150 horizontal feet of sidewalk, per LDC 8.09.03.A.6.C.

## DRAFT

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:**

1. There are various sidewalks in the lands, and some appear to be less than 5' in the same zoning and same area.
2. While this land is in a PUD, zoning may reflect a sidewalk in front of the homes but it is desired that the PUD allows for a Variance.
3. I am offering payment in lieu for the garbage can and keeping the bench. The benches have been installed. Please see the attached pictures.

### **Staff Findings:**

1. The Applicant has not provided an example of neighboring developments in the same zoning district that have external sidewalks less than five feet (5'). Regardless, an existing legal nonconformity would be required to come into LDC compliance at time of redevelopment. All new development shall comply with the existing LDC requirements.
  2. Both the development plans and the plat for the subject PUD were reviewed in accordance with the LDC during the Technical Review Committee (TRC) review process.
  3. The Applicant confirms that the benches have been installed in accordance with LDC 8.09.03.A.6.c. The Applicant has stated that he would like to pay a fee in lieu for the trash receptacles.
- 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:**

1. There is undue hardship for the confined space, less concrete has to be more desirable. Children and grass rather than concrete.
2. The elimination of the sidewalk is favorable to the PUD and addressable by Zoning.
3. The applicant has undue hardship as the garbage can is not in harmony with the street and Kelly St. is developed to the point that few other garbage cans will ever be placed.

### **Staff Findings:**

1. The external sidewalk provides pedestrian network connectivity and was approved as part of the development order. External sidewalks, as part of a pedestrian network, is required per LDC 8.09.03.A.6.a.
2. The external sidewalk provides pedestrian network connectivity and was approved as part of the Development Order. External sidewalks, as part of a pedestrian network, is required per LDC 8.09.03.A.6.a. Reducing sidewalks within the development would require some residents to cross the street to access a sidewalk, potentially creating safety conflicts.
3. The applicant has stated that he would like to pay a fee in lieu for the trash receptacles.

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

**Applicant Response:**

1. A smaller sidewalk width still allows usage by the 3 to 5 homes that are affected on each run of sidewalk for pedestrian purposes.

2. This is the benefit of less impervious space and increase in green grassed yard to less concrete for limited use. Please see the pictures of the yards in the application.

3. This is the minimum request, saving the benches and removing the unsightly garbage cans.

**Staff Findings:**

1. External sidewalks shall be five feet in width per LDC Section 8.05.03.A.

2. Removing the pedestrian sidewalk to create more green space is prioritizing aesthetics over pedestrian safety. External sidewalks in the right of way are required per LDC 8.09.03.A.6.(a) and are critical to ensure pedestrian safety within the development.

3. The applicant is confirming that the benches have been installed in accordance with LDC 8.09.03.A.6.c. The applicant has stated that he would like to pay a fee in lieu for the trash receptacles.

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:**

1. The grant of the variance enhances the harmony of the neighborhood and public welfare. The site is not open to the general public but the 12 homes of the neighborhood.

2. Removing the sidewalk will greatly improve the harmony of the PUD, the owners in the homes and will not be injurious.

3. The placement of a garbage can is not in harmony with the site nor the street and neighborhood.

**Staff Findings:**

1. The external sidewalk within the right of way was approved at the Development Order level to ensure pedestrian safety and can't be compromised for the sake of creating more green space or some other aesthetic purpose.

2. The sidewalk provides separate facilities from motor vehicles to ensure pedestrian safety and ADA compliance. If the sidewalk was eliminated, resident safety and welfare could be at risk.

3. The applicant has stated that the placement of the trash receptacle is unsightly and is willing to pay the fee in lieu.

The City Attorney entered the staff report and attachments as City's Composite Exhibit A into the record, with no objections.

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Chairman Weidenhamer asked staff to explain how the “Fee in Lieu” is handled. Mr. O'Connor explained that this can happen due to constraints within the right-of-way. He provided an example that happened with this particular request regarding the street lighting and how the pedestrian lighting would never come on because there was already a FP&L streetlight located above it, programmed to come on automatically at sundown. Therefore, the applicant was able to not have to have that one installed. However, because there may be needs elsewhere, within the network, that could eventually be impacted by this development. When that happens, staff can accept a fee in lieu for the Engineers estimate of the cost of the items, as well as the cost of installation and construction and an additional 20% fee.

Mr. Flether provided the members with his reasonings to why he wanted the sidewalks removed from the three properties sidewalks is simply because there is not a lot of green space for the front yards, if the five foot sidewalks are required.

Mr. O'Connor provided the Board with information on the sidewalk requirements and how ADA requires the sidewalks.

**Motion by Vice Chairman Emerson to remove the trashcan requirement and substitute with a fee in lieu of as discussed, with Chairman Weidenhamer providing the second. The motion passed 4-0.**

**Board member Piper moved to approve the Variance Request with modifications to BOA-001279-2023 – Destin Cottages Variance, to provide 5-foot sidewalks throughout the development with the exception of the three properties, 102, 104, & 106 that have limited front yards, to have three foot sidewalks. Board member Emerson provided the second. The motion passed 4-0.**

**6. OTHER BUSINESS: None**

**7. ADJOURNMENT:**

There being no further business the meeting was adjourned at 6:10 p.m.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Tom Weidenhamer, Chairman

\_\_\_\_\_  
Kim Montgomery, Deputy City Clerk

## CITY OF DESTIN – COMMUNITY DEVELOPMENT



# AGENDA ITEM

**MEETING DATE:** May 1, 2024  
**BOARD/COMMITTEE:** Board of Adjustment  
**TYPE OF AGENDA ITEM:** Action Item  
**OUTLINE NUMBER:** 6.A.

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**TO:** Board of Adjustment

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

**FROM:** Tina Deater, Planner  
 Steve O'Connor, Principal Planner

**DATE:** April 25, 2024

**SUBJECT:** LU-001390-2024 - 1209 Airport Rd. Ste. 11-Special Exception

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**I. BACKGROUND: REQUEST:**

The applicant is proposing a food truck commissary and prep kitchen, and is requesting approval of a Special Exception for the food truck commissary under ***LDC Article 7.12.02 H. Interpretation of District Boundaries***, which allows lots divided by a zoning district boundary line to extend the regulations for either portion of the lot, not to exceed 50 feet beyond the district line, into the remaining portion of the lot. The subject property is split by the **Commercial General (CG)** and the **Industrial (IN)** zoning districts. Based upon the description of the use provided by the applicant, the food truck commissary is considered storage (NAICS Code 493), which is a Conditional Use within the Commercial General zoning district and is permitted in the Industrial zoning district. Thus, the applicant is requesting the **Special Exception** to extend the storage use into the Commercial General portion of the parcel, which is within the 50-foot limit.

The subject property is located at **1209 Airport Rd. Ste. 11 (Parcel ID): 00-2S-22-001B-0000-0020**.

**Applicant:** Kreger Construction, LLC

**Location:** 1209 Airport Rd. Ste. 11 (Parcel ID): 00-2S-22-001B-0000-0020)

**Size of Property:** 0.22 acres

**Current Zoning:** Commercial General (CG) and Industrial (IN)

**Future Land Use Map Classification:** Commercial General (CG) and Industrial (IN)

**Comprehensive Plan Compliance:** The following Comprehensive Plan policies are applicable to the subject Special Exception application: **Policy 1-2.32: Commercial General (CG)**, **Policy 1-2.5.1 Industrial (IN)** and **Goal 10-3: Retain, Expand and**

## **Diversify Development Opportunities.**

Per **Policy 1-2.32**, to sustain the existing and long-term market demands for commercial goods and services, properties designated CG are not intended to be used for long-term residential uses, manufacturing of goods, or other activities that may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses. The proposed **Special Exception** is consistent with the intent of the CG zoning district and **Commercial General Future Land Use Map (FLUM)** designation because the proposed use is not anticipated to generate any nuisance impacts. It also supports Comprehensive Plan **Goal 10-3**, by expanding opportunities for the growth of a small business within the city limits.

**Legal Notice:** The legal notice for the proposed **Special Exception** request was submitted for publication in the Northwest Florida Daily News with publication dates of April 21, 2024, and April 26, 2024.

**II. DISCUSSION:** The Special Exception is being requested under *LDC Article 7.12.02 H.*, which allows lots divided by a zoning district boundary line to extend the regulations for either portion of the lot, not to exceed 50 feet beyond the district line, into the remaining portion of the lot. The subject property is split by the **Commercial General (CG)** and the **Industrial (IN)** zoning districts. Based upon the description of the use provided by the applicant, the food truck commissary is considered storage (NAICS Code 493), which is a Conditional Use within the **Commercial General** zoning district and is permitted in the Industrial zoning district. Thus, the applicant is requesting the **Special Exception** to extend the storage use into the **Commercial General** portion of the parcel, which is within the 50-foot limit. To determine the potential impacts and compatibility of the proposed use, the application was evaluated per *LDC Article 7.12.10.C. Criteria for Conditional Use*

**1. Land Use Compatibility.** The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic- generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

**Applicant Response:** The use of this property outside the existing warehouse, behind the existing fence, will house enclosed trailers when not in use. Inside the existing warehouse, will stay a dry storage warehouse with a **PREP ONLY** area, **NO COOKING** (when/if approved).

**Staff Comments:** The subject property is adjacent to existing commercial and industrial uses, including the airport. The outdoor fenced area will only be used to store trailers when not in use, and all other commissary and prep activities will occur inside the building. There will be no manufacturing of goods, or other activities that may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses.

**2. Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.** The size and shape of the site, the proposed access and internal

circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

**Applicant Response:** The size, shape, & existing infrastructure is sufficient to accommodate the proposed use with no potential adverse impacts.

**Staff Comments:** The subject property is of sufficient size to accommodate the requested use and all improvements required by the Land Development Code.

**3. Proper use of mitigative techniques.** The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land-use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the public health, safety and welfare.

**Applicant Response:** The land use is not changing. It will be used to store enclosed trailers.

**Staff Comments:** The requested use will not create any adverse impacts to adjacent land uses. There will be no manufacturing of goods, or other activities that may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses.

**4. Hazardous waste.** The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with Best Management Principles and Practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.

**Applicant Response:** There will be a grease trap installed (once approved) to collect any waste from the prep area. Waste Management will handle any additional waste, as they already do.

**Staff Comments:** The proposed use will not generate hazardous waste or require the use of hazardous materials.

**5. Avoid over-proliferation of uses.** An over-proliferation of similar uses within a zoning district shall not be permitted.

**Applicant Response:** This is the only use for this site.

**Staff Comments:** This is the only known food truck commissary use within the CG or IN zoning districts.

**6. Compliance with applicable laws and ordinances.** A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The City may affix other conditions to an approval of a conditional use in order to protect public health, safety, and welfare.

**Applicant Response:** Applicant will stay in compliance with applicable laws & ordinances.

**Staff Comments:** The proposed use complies with all applicable City laws and the applicant is responsible for obtaining permits from all other applicable government agencies.

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

**III. CONCLUSION:** The applicant is requesting approval of a Special Exception for a food truck commissary under *LDC Article 7.12.02 H. Interpretation of District Boundaries*, which allows lots divided by a zoning district boundary line to extend the regulations for either portion of the lot, not to exceed 50 feet beyond the district line, into the remaining portion of the lot. The subject property is split by the **Commercial General (CG)** and the **Industrial (IN)** zoning districts. Based upon the description of the use provided by the applicant, the food truck commissary is considered storage (NAICS Code 493), which is a Conditional Use within the **Commercial General** zoning district and is permitted in the Industrial zoning district. Thus, the applicant is requesting the Special Exception to extend the storage use into the **Commercial General** portion of the parcel, which is within the 50-foot limit.

The project is consistent with the following:

1. **Comprehensive Plan Policy 1-2.32: Commercial General (CG)**
2. **Comprehensive Plan Policy 1-2.5.1 Industrial (IN)**
3. **Comprehensive Plan Goal 10-3: Retain, Expand and Diversify Development Opportunities**
4. ***LDC Article 7.12.02 H. Interpretation of District Boundaries***
5. ***LDC Article 7.12.10.C. Criteria for Conditional Use***

As proposed, Staff has determined the requested **Special Exception** is consistent with the **Comprehensive Plan**, satisfies all the criteria in *LDC Article 7.12.10.C. Criteria for Conditional Use*, is compatible with adjacent land uses and will not generate nuisance

impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses. Based on these findings, Staff recommends the Board of Adjustment approve proposed Special Exception LU-001390-2024, subject to the approval and issuance of all applicable City and State permits.

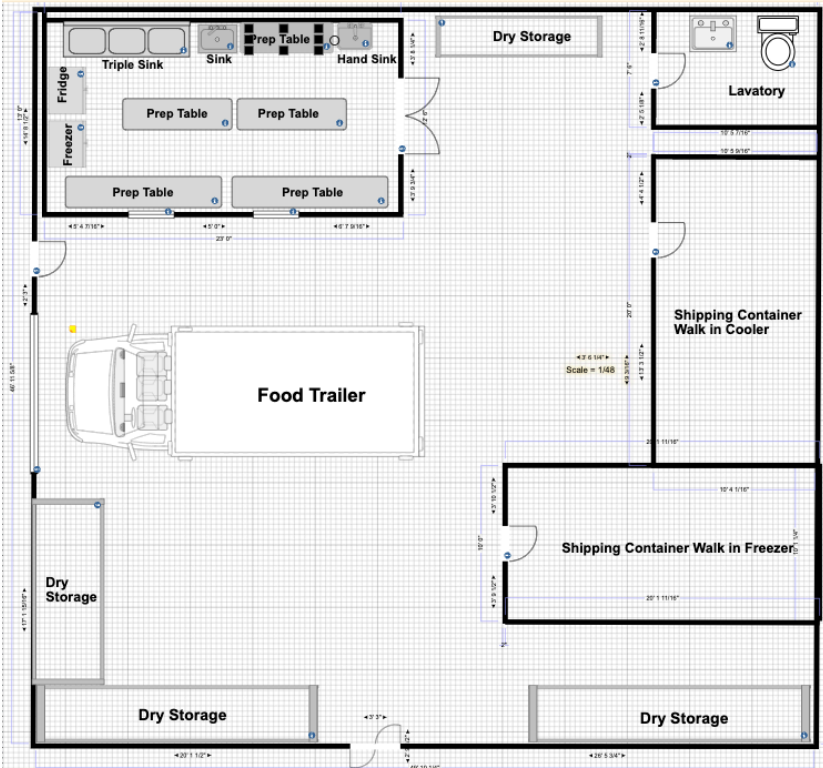
**IV. RECOMMENDED MOTION:**

**I move to recommend the Board of Adjustment approve Special Exception LU-001390-2024, subject to the approval and issuance of all applicable City and State permits.**

Attachments:

1. 1-Site Plan
2. 2-Survey
3. 3-Affidavit
4. 4-Warranty Deed
5. LU-001390-2024 - BOA Final Order

South



West

East

North



AGENT AFFIDAVIT  
SPECIAL POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Kantipar Seubsuk am  
presently the owner and/or leaseholder at 1209 Airport Rd., Unit 11, and desiring  
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do  
make, constitute and appoint Kreyer Construction  
whose address is 568 Timberlake Dr., County of Walton, State of FL,  
my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as  
my agent in any and all matters pertaining to: 1209 Airport Rd. Unit 11

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

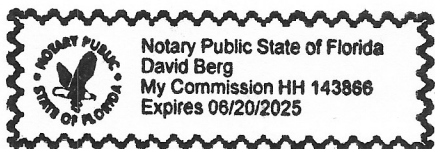
Kantipar Seubsuk  
Signature

Kantipar Seubsuk  
Printed Name

STATE OF Florida

COUNTY OF Okaloosa

The foregoing instrument was acknowledged before me by means of physical presence  or online  
notarization , this 29 day of March, 20 24, by  
(name of person acknowledging)



David Berg  
Signature of Notary  
David Berg  
Printed Name AND Seal of Notary

Personally known  OR Produced Identification

Type of Identification Produced Drivers license

THIS INSTRUMENT PREPARED BY:  
McGill Escrow & Title  
ROBERT E. MCGILL, III  
36008 Emerald Coast Pkwy Ste 301-A  
Destin, FL 32541  
File No.: 11881

Property Appraisers Tax I.D. Number:  
00-2S-22-001B-0000-0020

10.00  
2,257.50

SPACE ABOVE FOR RECORDING DATA

**WARRANTY DEED**

THIS WARRANTY DEED made the 30th day of October, 2019 by LANNY M. BROWN AND ROBBIE R. BROWN, AS THEIR SEPARATE AND NON-HOMESTEAD PROPERTY, hereinafter called the grantor, whose address is: 4644 Paradise Isle, Destin, Florida 32541 to BAMBOO BOX, LLC, A FLORIDA LIMITED LIABILITY COMPANY, hereinafter called the grantee, whose address is: 3760 Misty Way, Destin, Florida 32541.

(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 \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Okaloosa County, Florida, viz:

Lot 2, Airport Phase 2, according to the map or plat thereof, recorded in Plat Book 9, Page(s) 49, Public Records of Okaloosa County, Florida.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

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 December 31, 2018.

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

Signed, sealed and delivered in the presence of:

Sharon Deville - Witness  
Deborah Belle - Witness

Lanny M. Brown - Seller  
Robbie R. Brown - Seller

STATE OF FLORIDA  
COUNTY OF OKALOOSA

BEFORE ME, the undersigned authority, this day personally appeared LANNY M. BROWN AND ROBBIE R. BROWN,

who is/are personally known to me, or  
 who has/have produced Alabama DL as identification,

and acknowledged the execution thereof to be thier free act and deed for the uses and purposes therein expressed.

WITNESS my hand and official seal this 30th day of October, 2019.

Sharon Deville  
NOTARY PUBLIC  
Print Name:  
My Commission expires  
SHARON DEVILLE  
Commission # GG 918000  
Expires September 30, 2023  
Bonded Thru Budget Notary Services





# Community Development

4200 Indian Bayou Trail, Destin, FL 32541 | Phone: 850-837-4242 | [www.cityofdestin.com](http://www.cityofdestin.com)

## BOARD OF ADJUSTMENT FINAL ORDER LU-001390-2024

The City of Destin's Board of Adjustment (the "Board") considered an application on May 1, 2024, from Kreger Construction, LLC, (the "Applicant") requesting approval of a Special Exception, LU-001390-2024 (the "Application"). The applicant is requesting approval of a Special Exception for a food truck commissary under ***LDC Article 7.12.02 H. Interpretation of District Boundaries***.

Due public notice of the hearing was given by publication of appropriate notice in the Northwest Florida Daily News on April 21, 2024, and April 26, 2024.

The Board, having considered the Application, the City of Destin's Staff Report (the "Staff Report"), which is in evidence and attached hereto as Exhibit "A," and testimony and evidence presented by the Applicant, finds and orders the following:

### FINDINGS OF FACT:

The Board adopts the City of Destin's "Staff Findings" as set forth in its Staff Report, as its findings of fact and, for the reasons set forth therein finds:

1. The requested Special Exception is authorized under ***LDC Article 7.12.02 H. Interpretation of District Boundaries***,
2. The requested Special Exception satisfies all the criteria in ***LDC Article 7.12.10.C. Criteria for Conditional Use***,
3. The requested Special Exception is consistent with the Comprehensive Plan,
4. The requested Special Exception is compatible with adjacent land uses, and
5. The requested Special Exception will not generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses.

### FINAL ORDER:

The application is approved, and the Applicant is granted a Special Exception for a food truck commissary under ***LDC Article 7.12.02 H. Interpretation of District Boundaries***, subject to the approval and issuance of all applicable City and State permits.

The Order was adopted, upon a vote of \_\_\_\_\_, to approve the Special Exception, LU-001390-2024 for a food truck commissary under **LDC Article 7.12.02 H. Interpretation of District Boundaries.**

Ordered this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Tom Weidenhamer,  
Chairman-Board Of Adjustment

\_\_\_\_\_  
Rey Bailey,  
City Clerk

STATE OF FLORIDA  
COUNTY OKALOOSA

Sworn to (or affirmed) and subscribed before me by means of \_\_ physical presence or \_\_ online notarization this \_\_ day of \_\_\_\_\_, 2024, by Tom Weidenhamer, Chairman of the City of Destin Board of Adjustment.

\_\_\_\_\_

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced-----