

# **February 5, 2025 Board of Adjustment Hearing**

**WEDNESDAY, FEBRUARY 5, 2025**

**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. December 4, 2024 Minutes**
- 5. CURRENT BUSINESS**
  - A. BOA-0011518-2025 – 130 Durango Road Variance Request**
- 6. PUBLIC COMMENTS**
- 7. NEXT MEETING DATE: March 5, 2025**

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, DECEMBER 4, 2024  
5:30 P.M.**

**1. CALL TO ORDER:**

Chairman Weidenhamer called the Board of Adjustment Meeting to order at 6:00 p.m., on Wednesday, December 4, 2024, at Destin City Hall Annex Chambers.

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

**Present:**

Tom Weidenhamer  
James Moomaw  
Lance Johnson  
Chatham Morgan  
Matthew Sweetser

**Staff Present:**

Kim Montgomery, Deputy City Clerk  
Daniel Butler Principal Planner  
Steve O'Connor, Deputy CD Director  
Kim Kopp City Attorney

**4. NOMINATION OF CHAIR & VICE CHAIR**

**Nomination by Board member Lance Johnson for Tom Weidenhamer as Chairman of the Board was made with Board member Chatham Morgan providing the second, the nomination was approved by a 5-0 vote.**

**Nomination by Board member Chatham Morgan for Lance Johnson as Vice Chair of the Board was made with Matthew Sweetser providing the second, the nomination was approved by a 5-0 vote.**

**5. APPROVAL OF MINUTES: September 4, 2024 Meeting Minutes**

**Motion to approve the September 4, 2024 minutes as written was made by Chairman Weidenhamer with Board member Moomaw providing the second. Motion passed 5-0.**

**6. NEW BUSINESS:**

**A. BOA-001496-2024 - 125 Main St. Variance Request**

Mr. Daniel Butler, Principal Planner explained to the board the applicant Mr. David Campbell of Civil Engineering, Inc., on behalf of Grace Evangelical Lutheran Church, is seeking relief from Land Development Code (LDC) Section 8.05.03.E & Section 8.09.03.A.6.b, which require a minimum buffer area of four feet be maintained between the street and required sidewalk width. The applicant is requesting to maintain the existing sidewalk in its current location. Staff has provided their findings, site plans and all applicable documentation in their packet.

**DRAFT**

Mr. O'Connor Community Development Deputy Director entered the staff report into the record, with Chairman Weidenhamer accepting the staff report, for the record.

Board member Moomaw stated for the record, he went to the site and saw no issues and supports this Variance request.

**Motion by Board member Moomaw to recommend the Board of Adjustment approve the proposed Variance Request, BOA-001496-2024, allowing the applicant to retain the sidewalk in its existing location with no buffer, Board member Johnson provided the second, the motion passed 5-0.**

**B. BOA-001492-2024 – 201 Bent Arrow Drive Variance Request**

Mr. Butler explained to the Board that the applicants Sean Van Blerk and Shelley Waller are seeking relief from Land Development Code (LDC) Section 8.04.03.G, which regulates the maximum allowable accessway width for single-family dwellings. The applicant is requesting relief from this Code Section to construct a 36-foot-wide (36') accessway in order to construct two parking spaces. Additionally, Mr. Butler spoke of how this subdivision was established in 1979 with the 2<sup>nd</sup> and 3<sup>rd</sup> subdivisions being established in 1980 & 1982, prior to the city's incorporation, and the plot size of the properties are 40-feet in width and 80-85 feet in depth. The subject property does contain a single family dwelling with an existing conforming accessway of approximately 18-feet. On September 24, 2024, a Code Compliance Case was initiated on the property for parking in the right-of-way. In response, the applicant filed the Variance Request to accommodate four vehicles to park on the property.

Mr. O'Connor entered the staff report into the record, with Chairman Weidenhamer accepting the staff report for the record.

The City Attorney called the applicants up for comment on their request.

Mrs. and Mr. Van Blerk both spoke of how they initially planned to move their parents from overseas to their home, however while getting the paperwork in order, Covid hit, and their parents were unable to get out of their country. Since they had already spent money on the additions, after they were finished, they chose to rent the rooms, and although they were aware that they needed to register with the city, it slipped their mind, however, they have registered, as of today. Mrs. Van Blerk spoke of how their next door neighbor is agreeable to their renters and has been allowing them to park in his driveway, however, he now needs his space therefore, they are here requesting the Variance in order to accommodate the two extra cars. She briefly spoke of the Code Compliance warning they got when they parked their car on the street adding that there are others in the subdivision that have done the same thing.

The Chairman opened the hearing for public comment.

**DRAFT**

Ms. Sandi Farr 203 Bent Arrow Drive stated for the record that she is against this request pointing out that it is her understanding that Variances are when the land creates the hardship and if so, that is not the case for this instance, as the land has not changed since they purchased the property, but the use has. She stated that the overbuilding and misuse of the property is what has created the hardship with the additions being built specifically for tenant use with separate entrances/exits and living spaces. Adding there is plenty of space for the additional parking, and the Van Blerk's are only requesting the additional parking to accommodate their renters, who are living in the additional rooms that were supposedly built for parents, who never moved in. She also mentioned that 25% of the open space requirement would go away if the Variance Request were to be approved, and how allowing the Variance sets a precedence in the city that would be hard to walk back from.

In rebuttal, Mr. Van Blerk stated that his parents were unable to travel at the time they were going to come to the country, due to Covid and now they can no longer afford to move here, therefore, they (the Van Blerk's) decided to rent the extra spaces.

Chairman Weidenhamer asked if their intention for the driveway is to be for tire strips and not an entire driveway, according to Mr. Van Blerk, that is correct.

Board member Sweetser asked staff if they have looked into options for this particular neighborhood because of the congestion. According to Mr. O'Connor, staff is researching ways to help alleviate the crowding issues that are a result of subdivisions that do not meet the current Land Development Code minimums for width, depth and plot size. Noting that this is not unique to just this subdivision, there are others in the city with these similar issues, and staff is looking into coming up with solutions for subdivisions such as this, where they may not use a Variance for a solution, but possibly a different process for a special consideration or setting out specific criteria for the issues such as this that similar subdivisions are experiencing.

Chairman Weidenhamer asked for additional public input, with none, he closed the public portion of the hearing.

City Attorney Kimberly Kopp broached the comment to staff regarding the Open Space in the public portion of the hearing. She asked Mr. O'Connor if the Open Space would be affected by the Variance. According to Mr. O'Connor, the Open Space will be evaluated during the review process for the permit and would have to be maintained. Ms. Kopp then asked if the Variance is approved, the applicants would not be able to install anything that would violate the 25% Open Space? Mr. O'Connor stipulated for the record, that is correct. She then asked Mr. O'Connor to address the long term single room occupancy issue that was mentioned. According to Mr. O'Connor, long term single occupancy is an allowed use in this zoning district.

## DRAFT

According to Chairman Weidenhamer, having knowledge of this subdivision, as he travels through it often, and spoke of how often it is congested, he would rather see the cars on the driveways, and off the street.

**Motion by Chairman Weidenhamer to approve Variance Request BOA-001492-2024, 201 Bent Arrow Drive, with the condition that the additional parking strips will be used, rather than a solid concrete driveway. Board member Morgan provided the second.**

In discussion, Board member Johnson questioned staff if this board has to first approve the Variance request before it goes to the permit process. Mr. O'Connor stipulated that is correct, they cannot review or approve anything that does not meet the LDC, if not already granted a Variance. For clarification purposes, Board member Johnson asked if the applicant cannot meet the 20% Open Space Requirements for what they plan to install, then would the permit would be denied? Mr. O'Connor stipulated that is correct.

Board member Morgan spoke of how this neighborhood is incredibly congested and narrow, as well as poorly designed for today's standards, however, on the other hand, there are those that purchase property next to, for example, the airport, then come to the city and complain about the airport noise. So, when the property was purchased, the issues were known, and any deviations from how it was when purchased, such as adding on two additional rooms that require more parking, was maybe not the best thing to do in a neighborhood that is already congested.

Chairman Weidenhamer stated that he understands Board member Morgan's statement, however, he would still rather see parking on the property and off the streets. **With no further discussion, he called for the vote, and the motion passed 3-2 with Board member Johnson and Morgan dissenting.**

### 7. OTHER BUSINESS:

**Chairman Weidenhamer welcomed the new members to the Board and thanked them for their service**

#### ➤ **Sunshine Law Training – City Attorney Kim Kopp**

The City Attorney spoke how all the new members should be aware of the Sunshine Law however, for the record, she informed them that they should not communicate with each other about anything that could conceivably come before them at a public hearing. She informed the members that she would send them each information on Public Records, and once they read through the information, if they still have questions or required additional training, she would provide it to each of them.

### 8. ADJOURNMENT:

There being no further business the meeting was adjourned at 6:05 p.m.

**DRAFT**

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

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

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

CITY OF DESTIN – COMMUNITY DEVELOPMENT



# AGENDA ITEM

**MEETING DATE:** February 5, 2025  
**BOARD/COMMITTEE:** Board of Adjustment  
**TYPE OF AGENDA ITEM:** Action Item  
**OUTLINE NUMBER:** 5.A.

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**TO:** Board of Adjustment

**THRU:** Kimberly Kopp, City Attorney  
Steve O'Connor, Deputy Community Development Director  
Daniel Butler, Principal Planner

**FROM:** Jesse Hernandez, Planner

**DATE:** January 28, 2025

**SUBJECT:** BOA-0011518-2025 – 130 Durango Road Variance Request

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**I. BACKGROUND:** Marissa Rohrbach, President of Durango Winds Owners' Association, on behalf of Durango Winds Owners' Association is seeking relief from *Land Development Code (LDC) Section 16.04.A.3*, which requires a ground sign have a minimum setback of 10' from all property lines. The applicant is requesting to install the ground sign on the property with 12-inch setbacks along the front and side property lines.

The subject property is located at 130 Durango Road, Destin FL, 32541 (00-2S-24-0674-0000-00CA).

**Applicant:** Durango Winds Owners' Association.

**Agent:** Marissa Rohrbach, President

**Location:** 130 Durango Road, Destin FL, 32541

**Size of Property:** Approximately 0.29 acres (12630 sq. ft.)

**Current Zoning:** High Density Residential (HDR)

**Future Land Use Map Classification:** High Density Residential (HDR)

**Legal Notice:** The legal notice for the proposed variance request was submitted for publication in the Northwest Florida Daily News with publication dates of **January 26, 2025 and January 31, 2025.**

**Request:** The applicant is requesting a variance from the following Land Development Code sections:

***LDC Section 16.04.A.3***

*Sign setback. Signs shall be set back ten feet from all property lines*

**II. DISCUSSION:** The existing townhome development is within the High Density Residential (HDR) zoning district on Holiday Isle. On November 18, 2024, the applicant submitted a sign permit (SIGN-021763-2024) application to replace an existing “Durango Winds Townhome” ground sign. However, during the Staff review of the permit, it was determined the existing sign is located off premises in the city right-of-way (ROW). The applicant was notified that per ***LDC Section 16.07.04.B and LDC Section LDC Article 16.03.02.W***, signs shall not be permitted in the right of way nor are off premises signs permitted.

The subject parcel has one accessway which is from Durango Road. The parcel has approximately 50 feet of frontage along Durango road, however due to the shape and design of the property, which is located in the Old Destin Multimodal Transportation District (MMTD) (this means there is not landscape buffer requirement), the applicant was unsuccessful in finding a place on the 50 foot frontage that would meet the 10 foot set back from all property lines as required in ***LDC Section 16.04.A.3***.

The applicant is seeking relief from ***LDC Section 16.04.A.3***, allowing a reduction of the setback to 12 inches along the front and side of the property.

**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. 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:**

Our townhome sits nestled behind Island Homes and a row of private townhomes on Durango Road on Holiday Isle. Our entrance is paved with a privacy fence on either side. The grass area on the left is hidden by a fence, tree and mailboxes. The small grass area on the right is about 4' deep and 20' long with plants and palm trees. This is the best location for a ground sign to allow people to recognize our location.

**Staff Findings:**

The Durango Winds Townhomes began development in 1994. Per the plat, the development was created with 8 individual townhome units on a single common area lot. The Applicant has not identified, nor provided any evidence of, any special circumstances existing on site which are not applicable to other properties in the zoning district. Staff also have not identified any special circumstances that are peculiar to the property. Staff found within this zoning district on Durango Road, there are potentially two other townhome developments that are similarly designed, Court Del Mar Townhomes and The Quays. Court Del Mar specifically has a similarly paved narrow accessway to the property limiting the landscape buffer along the front and side property lines. Durango Winds was approved through the

development order process. The approved **Development Order 95-07** references a sign in the TRC Review stating, “One ground sign has been requested at the entrance to the project. It must be located 10’ from the side property line and cannot utilize a parking space. As shown, it is in compliance with the code.” The sign is shown on the approved DO site plan in compliance. This shows that the site can comply with City codes without needing a variance. Therefore there is no special condition or circumstance Staff has identified nor that the Applicant has identified that is unique or nor not applicable to other properties.

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

**Applicant response:**

We are not sure when the current sign was installed or who installed it, but it currently on the right of way. We are interested in moving it onto our property. The current sign is also quite small, made of wood and not legible or easily visible.

**Staff Findings:**

The existing conditions of the layout and ingress/egress are currently compliant with the approved DO and as stated in the Staff Findings for Criteria A, there are no identified unique condition or circumstance for the property that meets Criteria A. The special circumstances the Applicant outlined in Criteria A (a privacy fence, tree, and mailbox) has not been addressed in the applicants response for Criteria B. Further, the property does allow for a code compliant sign as the Development Order indicates and at some point was removed by the owner’s association, maybe not the current members, but still completed by the owner’s association at one point and an unpermitted sign (existing) was erected in the right of way.

**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:**

Would not be a special privilege. It appears other townhomes/condos on Holiday Isle do not meet the 10' setback.

**Staff Findings:**

The existence of other legal or non-legal non-conformities is not the basis for determination of approval for a Variance. Development projects in the City of Destin are required to abide by all terms and conditions of their approved Development Orders and the Land Development Code. Deviating from the Development Order and Land Development Code provides the Applicant with a special privilege denied by zoning ordinance to other properties in the same zoning district.

**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:**

Delivery drivers often miss our townhome entrance or deliver to neighbors. Having a larger,

more legible sign would alleviate that issue and allow clarity of location of our complex.

**Staff Findings:**

The approved Development Order provides for a code compliant sign, so the literal interpretation of the City's Land Development Code is not depriving the applicant of any rights or privileges afforded to other property in the same district. A freestanding sign is not the only way to identify a property, as the Code allows for building signs as well. The Applicant mentioned delivery issues which means it is difficult for the delivery driver to identify the address number not the specific development name. This fact can be addressed differently than with a freestanding sign 12" off the ROW. Further, as staff has identified in Criteria C, the granting of this variance would confer special privileges.

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

**Applicant Response:**

If granted, it would be a reasonable use of our limited greenspace while remaining within property boundaries.

**Staff Findings:**

The requested variance and proposed sign size and placement violate *LDC Section 16.03.02 and Section 8.03.06* by encroaching in the visibility triangle from the right of way to the accessway. Signs located in the visibility triangle cannot impede vision between 2-10 feet above the grade. As previously stated, the approved DO site plan has a code compliant sign location; therefore, there is reasonable use of the land, building or structure without requiring a variance.

**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:**

We would meet the intent of having the ground sign within our property lines, and we would actually improve the visibility triangle by being farther from the road entrance.

**Staff Findings:**

The granting of the variance is contrary to the general intent and purpose of the code and poses a concern for public welfare. Per *LDC 16.00.00 - SIGNS*, "The purpose of this Code is to provide the minimum control of signs necessary to promote the health, safety, and general welfare by lessening hazards to pedestrians and vehicular traffic, by preserving property values." The 10-foot sign setback is a restriction applied in all zoning districts of the City to lessen the hazards for pedestrians and vehicular traffic. The existing sign is already out of compliance and will need to be removed. The proposed sign will be larger than the existing and still in the visibility triangle. The granting of this variance will not be in harmony with the general intent and purpose of the ordinance, particularly since the approved Development Order provides a code compliant sign location on the approved site.

**PUBLIC COMMENTS:**

To date, Staff has not received any public comment regarding this Variance Request.

- 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:**
- E. **Business Impact Statement:**

**III. CONCLUSION:** The applicant is requesting relief from *LDC Section 16.04.A.3*, which requires a minimum 10-foot setback for all ground signs from the property line. The approved Development Order illustrates a code compliant location for a sign on the site plan. Additionally, the location and size of the proposed sign obstructs the visibility triangle and creates an additional hazard for vehicles and pedestrians entering and exiting the property. Finally, it should be noted that in recent months, the City Council has given a directive to Code Compliance to prioritize cases involving illegal and non-conforming signs, bringing them into concurrence with the LDC which highlights the community's desire to clean up the signs across the city.

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.

**IV. RECOMMENDED MOTION:** I move to recommend that the Board of Adjustment deny the proposed Variance Request, BOA-001518-2025.

**ALTERNATE MOTION:** I move to recommend that the Board of Adjustment approve/approve with conditions the proposed Variance Request, BOA-001518-2025.

Attachments:

1. 1. Articles of Incorporation - filed 7.16.2015-2025-01-03\_v1 (1)
2. 2. Letter of Request- 2025-01-03\_v1 (1)
3. 3. posting affidavit
4. 4. posting photo
5. 5. 130 Durango Road Abutter
6. 6. Durango Winds\_SitePlan-2025-01-03\_v1 (1)
7. 7. Durango Winds Townhomes - DO-95-07\_201302081247368490
8. 8. 395-02 Site Plan
9. 9. DW HOA Signage-

**ITEM # 2025-52**

2025-01-03\_v1

10. 10. Entrance\_Right-2025-01-03\_v1 (1)
11. 11. Entrance\_Left-2025-01-03\_v1 (1)
12. 12. Property  
Map\_Dims\_Sign  
Location-2025-01-03\_v1  
(1)

**Electronic Articles of Incorporation  
For**

N1500007326  
FILED  
July 16, 2015  
Sec. Of State  
msolomon

DURANGO WINDS HOMEOWNERS' ASSOCIATION, INC.

The undersigned incorporator, for the purpose of forming a Florida not-for-profit corporation, hereby adopts the following Articles of Incorporation:

**Article I**

The name of the corporation is:

DURANGO WINDS HOMEOWNERS' ASSOCIATION, INC.

**Article II**

The principal place of business address:

130 DURANGO ROAD  
UNIT 109  
DESTIN, FL. 32541

The mailing address of the corporation is:

130 DURANGO ROAD  
UNIT 109  
DESTIN, FL. 32541

**Article III**

The specific purpose for which this corporation is organized is:

HOMEOWNER'S ASSOCIATION

**Article IV**

The manner in which directors are elected or appointed is:

AS PROVIDED FOR IN THE BYLAWS.

**Article V**

The name and Florida street address of the registered agent is:

CASSIE LONG  
36468 EMERALD COAST PARKWAY  
UNIT 9102  
DESTIN, FL. 32541

I certify that I am familiar with and accept the responsibilities of registered agent.

Registered Agent Signature: CASSIE LONG

N1500007326  
FILED  
July 16, 2015  
Sec. Of State  
msolomon

## Article VI

The name and address of the incorporator is:

ADAM GRACE  
130 DURANGO ROAD  
UNIT 109  
DESTIN, FL 32541

Electronic Signature of Incorporator: ADAM GRACE

I am the incorporator submitting these Articles of Incorporation and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of this corporation and every year thereafter to maintain "active" status.

## Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: P  
ADAM GRACE  
130 DURANGO ROAD, UNIT 109  
DESTIN, FL. 32541

Title: S  
JOHNNY WOOD  
130 DURANGO ROAD, UNIT 105  
DESTIN, FL. 32541

## Article VIII

The effective date for this corporation shall be:

07/17/2015

N15000007326

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF OKALOOSA


BEFORE ME, the undersigned authority, personally appeared Adam Grace, who, having been first duly sworn according to law, deposes and says:

1. Affiant is the former Manager of Durango Winds Homeowners' Association, L.L.C., (Document Number L05000089796), and has personal knowledge of all matters set forth in this affidavit.

2. That Durango Winds Homeowners' Association, L.L.C., filed Articles of Dissolution with the Florida Division of Corporations on July 15, 2015.

3. That Durango Winds Homeowners' Association, L.L.C. has no intention to reinstating the limited liability company.

4. This affidavit is made and given by affiant with full knowledge of applicable Florida laws regarding sworn affidavits and the penalties and liabilities resulting from false statements and misrepresentations therein.

  
Adam Grace

STATE OF FLORIDA  
COUNTY OF OKALOOSA

The forgoing instrument was acknowledged before me this 22nd day of July, 2015, by Adam Grace,  who is personally known to me or  who produced the following as identification: \_\_\_\_\_, and who did take an oath.

WITNESS my hand and seal this 22nd day of July, 2015.

Affix Seal:



  
Type Name: \_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

**DURANGO WINDS HOMEOWNERS' ASSOCIATION**

130 Durango Road, Destin, Florida 32541

DurangoWindsHOA@gmail.com

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January 3, 2025

To: City of Destin Board of Adjustment

Re: Durango Winds Townhomes – Entrance Signage

Dear Board Members,

Durango Winds Townhomes, located on Holiday Isle in Destin, is seeking to replace our current ground sign which is in disrepair and not clearly visible from the road, resulting in many delivery drivers missing our entrance and getting lost. Our townhome complex is tucked behind Island Homes and a row of private townhomes, with only the entrance visible on Durango Road.

We are seeking a variance on the setback requirements for signage, as we do not have enough greenspace to accommodate the requirement. I have included all the details in the variance request, along with pictures for better understanding of our situation.

Please let me know if you need further information. Thank you in advance.

Sincerely,

Marissa Rohrbach, President  
Durango Winds Homeowners' Association

**AFFIDAVIT  
POSTING OF PROPERTY**

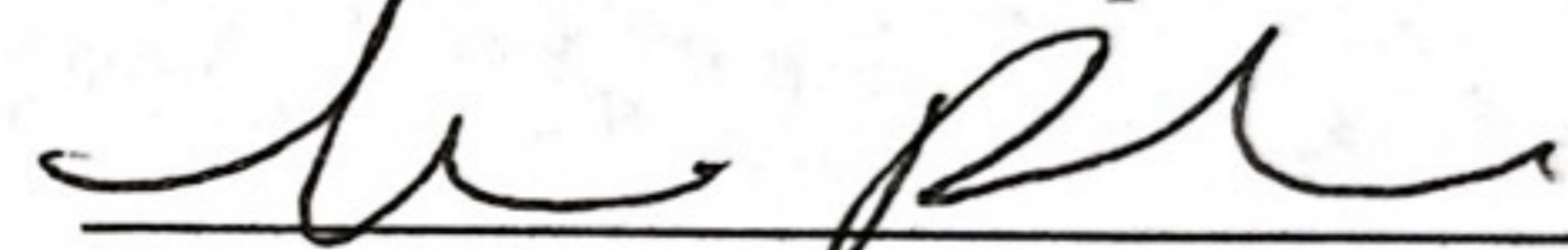
BEFORE ME, the undersigned authority, personally appeared: Marissa Rohrbach, Durango Winds President

the owner and/or authorized agent of the following described property: \_\_\_\_\_

Durango Winds Townhomes, 130 Durango Rd, Destin -who deposes and says as follows:

1. That the subject site described above has a sign posted by the owner and/or authorized agent for the owner, notifying the public of the development activity, city project number, and authorized agent and phone number.
2. That the posted sign meets the dimensional requirements set by the City.
3. That the posted sign was placed and will be maintained upon the property in the correct location and not less than fourteen (14) days from the date of the City's Completeness Letter.
4. That a photo of the sign depicting the location of the sign in relation to the road right-of-way is attached.
5. This affidavit will be forwarded to the City's Planning Division no later than seven (7) working days from the posting of the sign.

I have completed the said requirements as described in the City of Destin Land Development Code.

  
Signed Name of Owner/Agent


Marissa Rohrbach, President  
Printed Name of Owner/Agent

STATE OF Florida  
COUNTY OF Okaloosa

The foregoing instrument was acknowledged before me by means of physical presence  or online notarization , this 22 day of January, 2025,

By: Marissa Rohrbach  
(Print name)

Personally known  OR Produced Identification

  
Notary Signature

Seal:



**KATELYN FUENTES**  
Notary Public  
State of Florida  
Comm# HH176865  
Expires 9/20/2025

City of Destin  
Public Notice  
for  
Proposed Development  
Variance Request  
Project BDA-001518-2025  
Submitted Agent: George White, Destin  
Marina & Beach, Inc.  
Agent's Phone Number: (850) 731-4161  
Project Plans can be requested  
Via the City Clerk at  
(850) 674-4322, or at  
[www.cityofdestin.com](http://www.cityofdestin.com)

WATER TOWER





# Community Development Planning and Zoning Division

4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: [planning@cityofdestin.com](mailto:planning@cityofdestin.com)

January 15, 2025

**Subject: Notification of Development Project: 130 Durango Road – Variance  
City of Destin Project Number: BOA-001518-2025**

Dear Property Owner:

The purpose of this letter is to notify you that the Planning Division has received an application for a Sign Setback Variance. As an owner of property located within 300 feet of this project, **Article 2.17.00 of the Destin Land Development Code (LDC)** requires a written notice providing you the following information.

*This notice is for informational purposes only and no action is required of you. However, citizens are encouraged to provide any comments to the email address provided below.*

1. Name of Owner: Durango Winds Owners' Association
2. Name of Agent: Marissa Rohrbach, President
3. Address of Project: 130 Durango Road
4. Parcel ID Number: 00-2S-24-0674-0000-00CA
5. Project Description: This is an application for a variance from **Land Development Code Article 16.04.A.3**. The Applicant is seeking relief from this regulation which prohibits ground signs within 10' of a property line. The proposed ground sign will be 12" from both front and side property lines.
6. Location Map: Please refer to the back of this letter.
7. Location of Application Package: To request a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a public records request online: <http://www.cityofdestin.com/forms.aspx?fid=121>

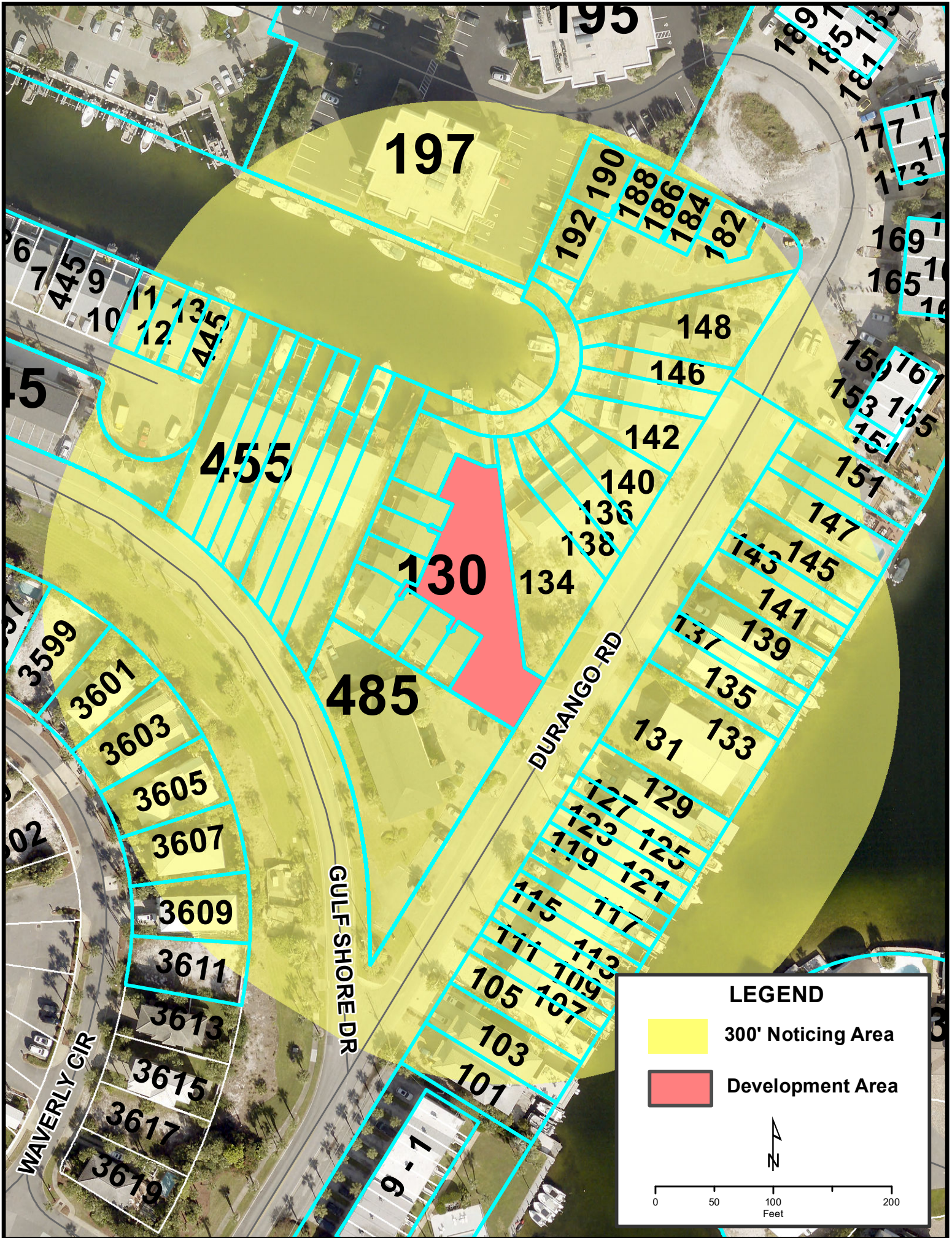
If you have any questions, please do not hesitate to call (850) 654-1119 or email [planning@cityofdestin.com](mailto:planning@cityofdestin.com).

Sincerely,



Jesse Hernandez  
Planner




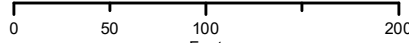
cc: Steve O'Connor, Deputy Community Development Director  
Planning Division  
Project File



**LEGEND**

-  300' Noticing Area
-  Development Area





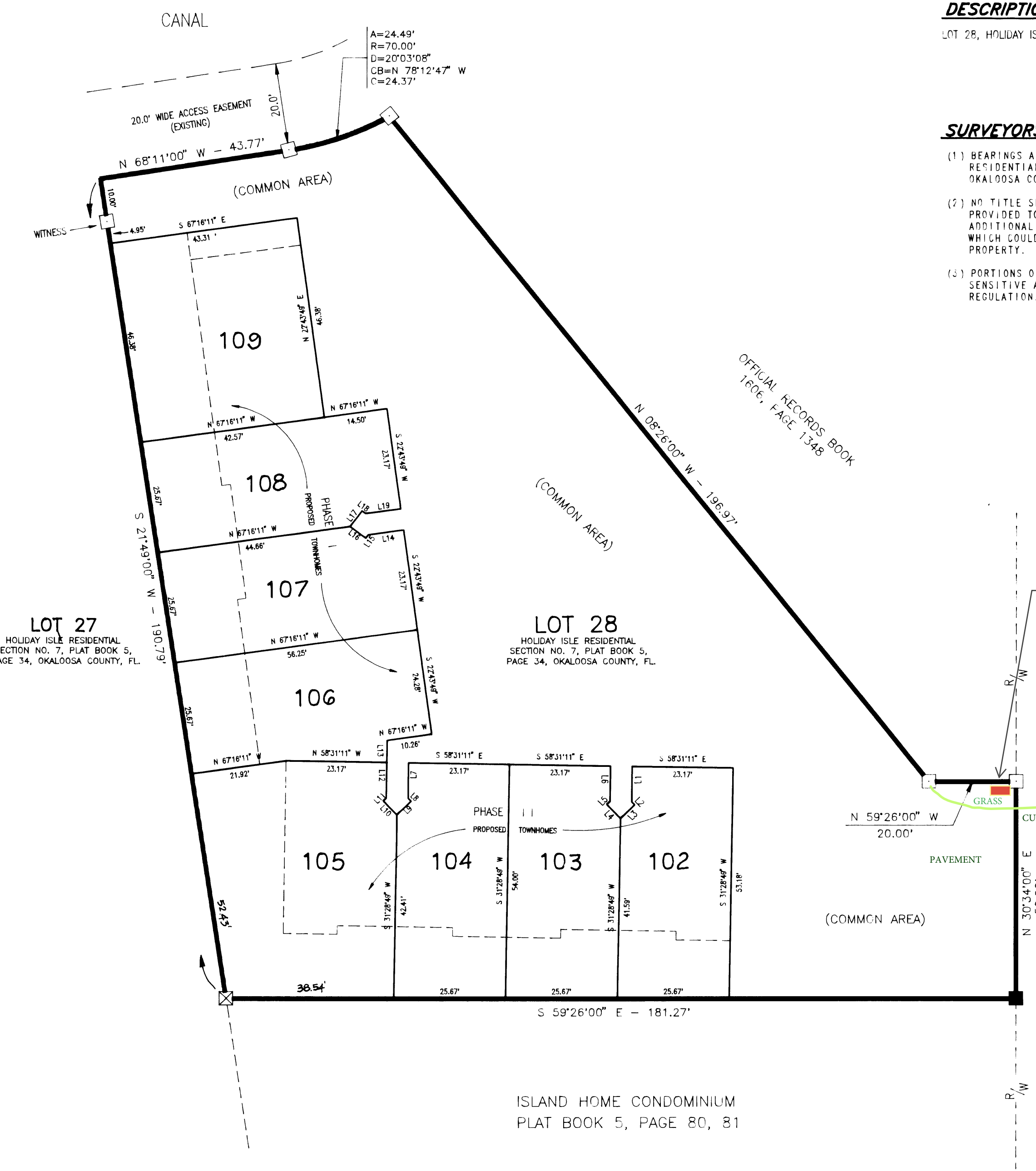
16-6

Durango Winds

PREPARED BY:  
**GEORGE & TOOKE, P.A.**  
CONSULTING ENGINEERS & LAND SURVEYORS  
148 EAST CEDAR STREET, CRESTVIEW, FLORIDA 32536

# DURANGO WINDS

A TOWNHOUSE DEVELOPMENT IN TOWNSHIP 2 SOUTH,  
RANGE 22 WEST, CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA.  
(ZONED "RIA")



### DESCRIPTION:

LOT 28, HOLIDAY ISLE RESIDENTIAL SECTION NO. 7, PLAT BOOK 5, PAGE 34, OKALOOSA COUNTY, FLORIDA.

### SURVEYORS NOTES:

- (1) BEARINGS ARE REFERENCED TO THE SOUTHERLY LINE OF HOLIDAY ISLE RESIDENTIAL SECTION NO. 7, AS RECORDED IN PLAT BOOK 5, PAGE 34, OKALOOSA COUNTY, FL. BEING SOUTH 89° 26' 00" EAST.
- (2) NO TITLE SEARCH, ABSTRACT OR TITLE OPINION WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY. THERE MAY BE ADDITIONAL EASEMENTS OR OTHER INSTRUMENTS NOT SHOWN ON THIS PLAT, WHICH COULD AFFECT THE BOUNDARIES OR INTERIORS OF THE SUBJECT PROPERTY.
- (3) PORTIONS OF THE PROPERTY SHOWN HEREON MAY BE ENVIRONMENTALLY SENSITIVE AND SUBJECT TO STATE AND/OR FEDERAL JURISDICTION AND/OR REGULATION. PERMITS MAY BE REQUIRED FOR IMPACTS TO THE AREA.

### NOTICE:

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

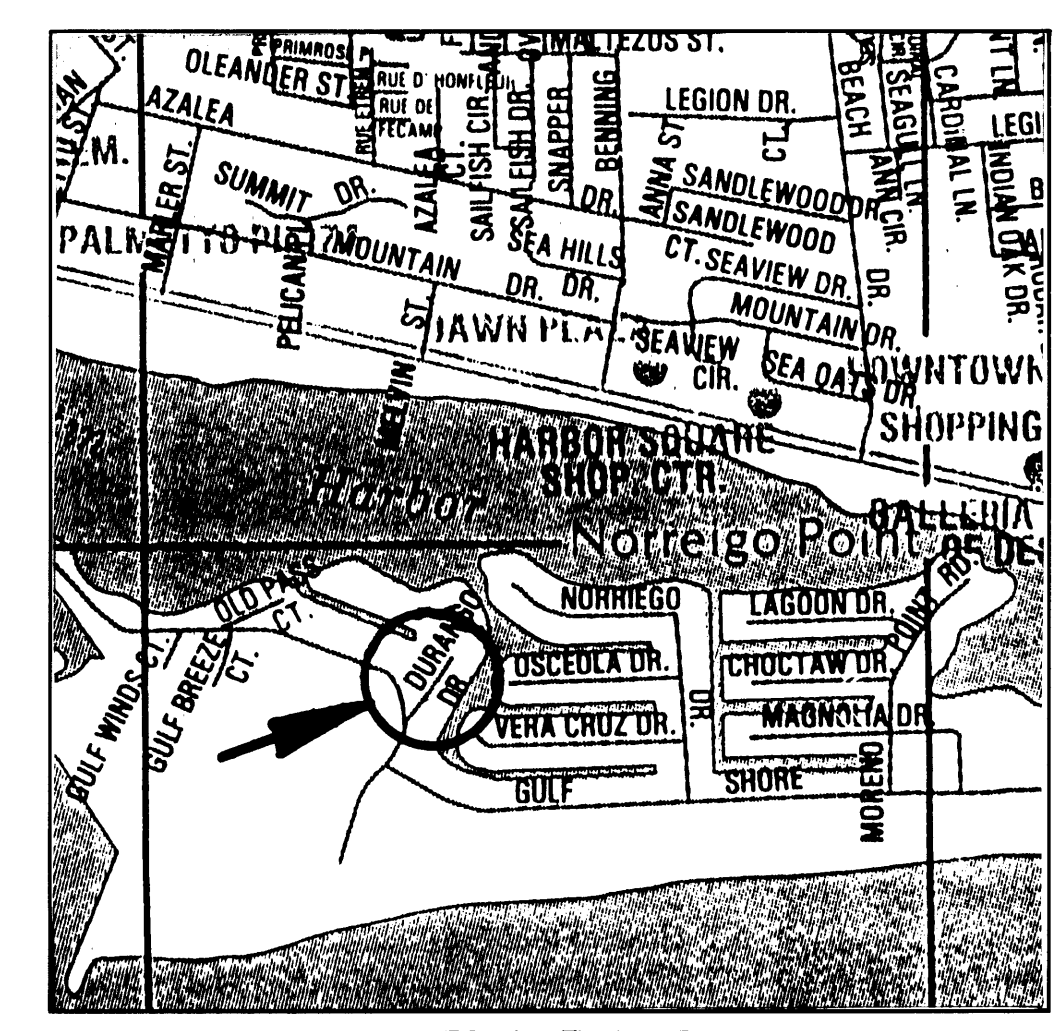
### LEGEND:

- DENOTES 4"x4" PERMANENT REFERENCE MONUMENT (P.R.M.) - FOUND L.S. #3420
  - DENOTES 4"x4" PERMANENT REFERENCE MONUMENT (P.R.M.) - SET L.S. #4150
  - ⊗ DENOTES 4"x4" PERMANENT REFERENCE MONUMENT (P.R.M.) - FOUND NO L.S. #
  - DENOTES 5/8" CAPPED IRON ROD - SET L.S. #4150
  - ⊙ DENOTES PERMANENT CONTROL POINT (P.C.P.) - SET L.S. #4150
  - P.C. DENOTES POINT OF CURVATURE
  - P.T. DENOTES POINT OF TANGENCY
  - P.R.C. DENOTES POINT OF REVERSE CURVATURE
  - (R) DENOTES LINE RADIAL TO CURVE
  - (NR) DENOTES LINE NOT RADIAL TO CURVE
  - CF DENOTES CALL IN CURVE TABLE
  - H.S.L. DENOTES BUILDING SETBACK LINE
  - E DENOTES CENTERLINE OF RIGHT OF WAY
  - R/W DENOTES RIGHT OF WAY
  - L.S. DENOTES LAND SURVEYOR
  - N DENOTES NORTH
  - S DENOTES SOUTH
  - E DENOTES EAST
  - W DENOTES WEST
- THE SYMBOL (°) MEANS DEGREES  
THE SYMBOL (') MEANS MINUTES OR FEET  
THE SYMBOL (") MEANS SECONDS OR INCHES

NEW COMPLEX SIGN,  
252" from road, 12" from front  
and side lot lines, 36" from Curb.  
Within corner of lot boundary.

CURRENT COMPLEX SIGN TO  
BE REMOVED & REPLACED.  
120" from road, 48" from Curb.  
Currently on the Right of Way.

NUMBER	DIRECTION	DISTANCE
L1	N 31°28'49" E	8.14'
L2	N 13°31'11" W	0.96'
L3	N 76°28'49" E	4.50'
L4	S 13°31'11" E	4.50'
L5	S 76°28'49" W	0.96'
L6	S 31°28'49" W	8.14'
L7	N 31°28'49" E	8.14'
L8	N 13°31'11" W	0.96'
L9	N 76°28'49" E	4.50'
L10	S 13°31'11" E	4.50'
L11	S 76°28'49" W	0.96'
L12	S 31°28'49" W	8.14'
L13	S 13°31'11" E	4.97'
L14	S 67°16'11" E	8.14'
L15	N 67°16'11" E	0.96'
L16	S 22°16'11" E	4.50'
L17	S 67°16'11" W	4.50'
L18	N 22°16'11" W	0.96'
L19	N 67°16'11" W	8.14'



### DEDICATION

CITY OF DESTIN  
STATE OF FLORIDA  
CAROLYN RAY SCOTT  
BOBBIE T. COSPER, AS OWNERS OF THE HEREON DESCRIBES PROPERTY, DECLARE THAT SHE HAS CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN HEREON AND ALL STREETS ARE NOT DEDICATED TO THE PUBLIC.  
*Carolyn Ray Scott*  
BOBBY T. COSPER  
WITNESS  
*Robert E. Mc...*

### ACKNOWLEDGEMENT

CITY OF DESTIN  
STATE OF FLORIDA  
CAROLYN RAY SCOTT  
STATE OF FLORIDA, COUNTY OF OKALOOSA, BEFORE ME THE UNDERSIGNED PERSONALLY APPEARED, BOBBIE T. COSPER, KNOWN TO ME TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND WHO ACKNOWLEDGED THEY EXECUTED THE SAME FOR THE USES AND PURPOSES SET FORTH.  
GIVEN UNDER MY HAND AND SEAL THIS 28th DAY of March 1995, at Destin, Florida.  
BY: *James R. Seabe #0027442*  
NOTARY PUBLIC, STATE OF FLORIDA  
MY COMMISSION EXPIRES April 5, 1997.

### TITLE OPINION

IT IS THE OPINION OF THE UNDERSIGNED ATTORNEY LICENSED IN FLORIDA, THAT TITLE OF LAND DESCRIBED HEREON IS IN THE NAME OF THE DEDICATOR AS SHOWN HEREON, AND THERE ARE NO UNSATISFIED MORTGAGES ON THE LAND EXCEPT AS SHOWN.  
*Robert E. Mc...*

### DESTIN PLANNING COMMISSION:

THIS IS TO CERTIFY THAT THIS PLAT WAS PRESENTED TO THE DESTIN PLANNING COMMISSION OF THE CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA, AND WAS APPROVED BY THEM ON THE 27th DAY of April, 1995.  
*Robert E. Mc...*  
CHAIRPERSON

### JOINER AND CONSENT TO DEDICATION

DESTIN BANK, THE HOLDER OF A MORTGAGE ON THE HEREON DESCRIBED PROPERTY, RECORDED IN O.R. BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA, DO HEREBY CONSENT TO AND JOIN IN THE DEDICATION AND PLATTING AS SET FORTH HEREON.  
*Ronny A. Clay*  
WITNESS

### ACKNOWLEDGEMENT TO JOINER AND CONSENT TO DEDICATION:

STATE OF FLORIDA, COUNTY OF OKALOOSA, BEFORE ME THE UNDERSIGNED PERSONALLY APPEARED, \_\_\_\_\_ KNOWN TO ME TO BE THE INDIVIDUAL DESCRIBED IN AND WHO EXECUTED THE SAME FOR THE USES AND PURPOSES SET FORTH.  
GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1995.

### APPROVAL OF DESTIN CITY COUNCIL

THE CITY COUNCIL OF DESTIN, OKALOOSA COUNTY, FLORIDA HAVING EXAMINED THE WRITTEN PLAT DURING ITS REGULAR MEETING HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 1995, AND APPROVED THE SAME FOR \_\_\_\_\_  
*James A. Mc...*  
MAYOR  
*Carolyn Ray Scott*  
CITY CLERK

### CERTIFICATION BY TAX COLLECTOR

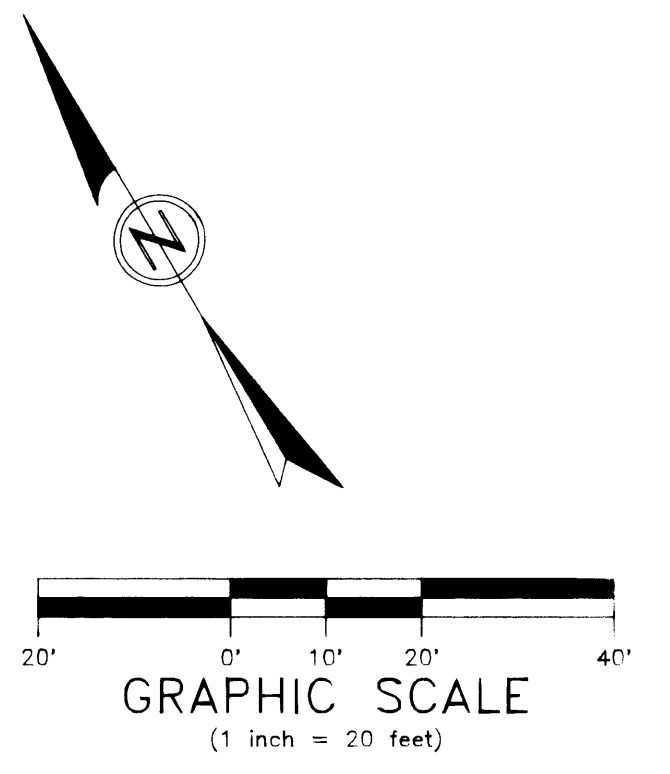
OKALOOSA COUNTY  
STATE OF FLORIDA  
CHRIS HUGHES, JR. HEREBY CERTIFY THAT THE TAXES HAVE BEEN PAID FOR THE TAX YEAR \_\_\_\_\_ FOR THE PROPERTY DESCRIBED HEREON TO THE BEST OF MY KNOWLEDGE, AS OF THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1995.  
*Chris Hughes Jr*  
CHRIS HUGHES, JR., TAX COLLECTOR  
OF OKALOOSA COUNTY, FLORIDA

### COUNTY CLERK CERTIFICATE

STATE OF FLORIDA  
OKALOOSA COUNTY  
I, NEWMAN C. BRACKIN, CLERK OF THE CIRCUIT COURT OF OKALOOSA COUNTY, FLORIDA, CERTIFY THAT THIS PLAT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177 OF THE FLORIDA STATUTES AND WAS FILED FOR RECORD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 1995, AND WAS FILED IN PLAT BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ OF SAID COUNTY.

### SURVEYOR'S CERTIFICATE

STATE OF FLORIDA  
OKALOOSA COUNTY  
I, FREDRICK B. TOOKE, JR., DO HEREBY CERTIFY THAT A SURVEY OF THE LANDS WITHIN THE BOUNDARY OF THIS PLAT HAS BEEN MADE UNDER MY RESPONSIBILITY AND SUPERVISION AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYED AND THAT THE SURVEY COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177 FLORIDA STATUTES; THAT P.R.M.'s HAVE BEEN SET AS SHOWN HEREON AND THAT P.C.P.'s WILL BE SET AT SUCH TIME WHEN IMPROVEMENTS ARE COMPLETED OR WITHIN ONE YEAR OF THE RECORDING OF THIS PLAT.  
*Fredrick B. Tooke, Jr.*  
FREDRICK B. TOOKE, JR.  
FLORIDA REGISTERED LAND SURVEYOR - #2711  
GEORGE & TOOKE, P.A. - L.B. NO. 3024  
3-17-95



# The City of Destin



Post Office Box 399 Destin, Florida 32540 (904) 837-4242 FAX (904) 837-3267

April 24, 1995

DO-95-07

VIA FACSIMILE  
AND U.S. MAIL

Mr. R.R. Moore, Agent  
R.R. Moore and Associates  
Ms. Bobbie T. Cosper, Owner  
P.O. Drawer 607  
Destin, FL 32540

Re: **FINAL DEVELOPMENT ORDER FOR DURANGO WINDS TOWNHOMES,  
A MAJOR DEVELOPMENT  
(8-UNITS/2-STORIES - .61 ACRES)**

Dear Mr. Moore:

Based upon the City Council's approval of the above-referenced project at its meeting on April 17, 1995, this letter will serve as the Final Development Order to include all the provisions of the attached Technical Review Committee Report and with the following conditions:

1. Under the requirements of the Land Development Regulations and Destin's Code of Ordinances, development must commence within a twelve-month period and the plat recorded not later than April 16, 1996, or this approved Development Order will expire and the project will have to be resubmitted for review;
2. If the development is initiated within a one-year period, your concurrency status is protected for five years through April 17, 2000;
3. Any improvements that require disturbance to the City's rights-of-way or pavement cuts require utility permits from the Public Works Department and appropriate bonding;
4. A reminder that you agreed to construct a privacy fence between the northern boundary of the property and the adjacent development to help reduce intrusion from the glare of automobile headlights coming into the development; and

April 24, 1995  
Durango Winds Townhomes  
Final Development Order  
Page - 2 -

5. A DEP permit for stormwater management must be received prior to the issuance of a building permit.

Best of luck with this project. Please let us know if we can be of any further assistance.

Sincerely,



Jane Moore, Director  
Planning & Zoning

JM:dd  
Enclosure  
cc: Inspection Department

H:\P&Z1\DEVORDER\DURANGO

# TECHNICAL REVIEW COMMITTEE REPORT

PLANNING AND ZONING DEPARTMENT  
DURANGO WINDS  
A MAJOR DEVELOPMENT  
HOLIDAY ISLE  
APRIL 10, 1995

41795

## ISSUE

Request approval of **DURANGO WINDS**, a Major Development. The proposed project will consist of an 8-unit/2-story townhouse to be generally located on Durango Road, adjacent to Island Home Condominium, Holiday Isle. Request is made by R.R. Moore Architects, agent for Ms. Bobbie T. Cosper, owner. The property contains .61 acres, more or less.

## ZONING/COMPREHENSIVE PLAN

The property is zoned RIA (Residential Intensive Apartment) District and the Land Use Category is HDR (High Density Residential). The proposed project is in compliance with the City's Land Development Code and Comprehensive Plan.

## CONCURRENCY MANAGEMENT

Concurrency requirements met:

Sanitary Sewer	<u>  X  </u>	Potable Water	<u>  X  </u>	Roadways	<u>  X  </u>
Solid Waste	<u>  X  </u>	Recreation	<u>  X  </u>	Drainage	<u>  X  </u>

## STORMWATER

The Stormwater Management Plan was reviewed and approved by the City Engineer. A DEP permit for stormwater management is required prior to the issuance of a building permit.

## WATER/SEWER

Water and sewer are available through Destin Water Users.

## FIRE DEPARTMENT REVIEW

The Fire Department has reviewed and approved the project with the condition that two hydrants are required and the placement must be coordinated with the Fire Inspector.

## UTILITIES

Underground utilities are required.

## INGRESS/EGRESS

Access to the project is provided through one 24' driveway from Durango Road which is a public street that dead ends and has a varying right-of-way width.

## MYLAR

The appropriate mylar has been received with the required signatures.

## SIDEWALKS

Sidewalks are required/provided.

## SIGNS

One ground sign has been requested at the entrance to the project. It must be located 10' from the side property line and cannot utilize a parking space. As shown, it is in compliance with code.

**REFUSE COLLECTION**

Refuse collection is provided by curbside pick-up as confirmed by correspondence from Environmental Waste Systems.

**WHITE SANDS ZONE**

The project lies within:

Zone #1  X  Zone #2 \_\_\_\_\_ Neither \_\_\_\_\_

Fill material must comply with code requirements.

**LANDSCAPE**

The project meets or exceeds the landscape requirements as follows:  
OPEN SPACE:

26,572  s.f. of property X 18% =  4,783  s.f. required  
Site plan provides  27  % =  7,183  s.f. provided

**TREES REQUIRED:**

Reforestation  6  Perimeter  2  Parking Lot  5   
(10 per acre) (1 per 25') (Islands)

Protected Trees on Site (12" to 23" diameter):  None   
Preserved Trees on Site (24" or more diameter):  None   
Credits for Protected/Preserved Trees : \_\_\_\_\_  
TOTAL TREES REQUIRED :  13   
TOTAL TREES PROVIDED :  13

**PARKING**

The project meets or exceeds the parking requirements based on the following standards:

2.25 spaces per unit x 8 = 18 spaces required  
18 spaces provided  
(Includes one handicap space)  
(A loading zone is provided)

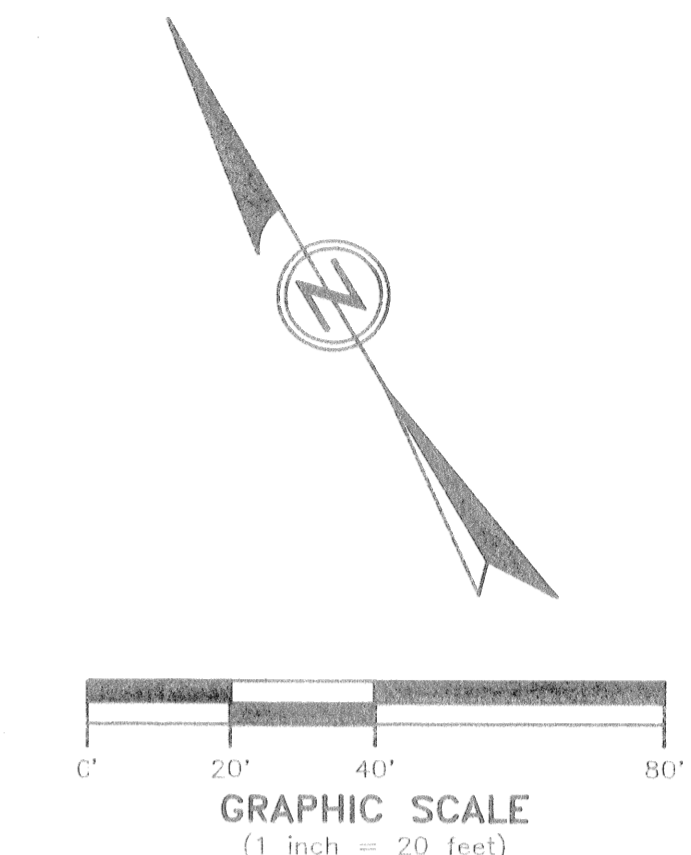
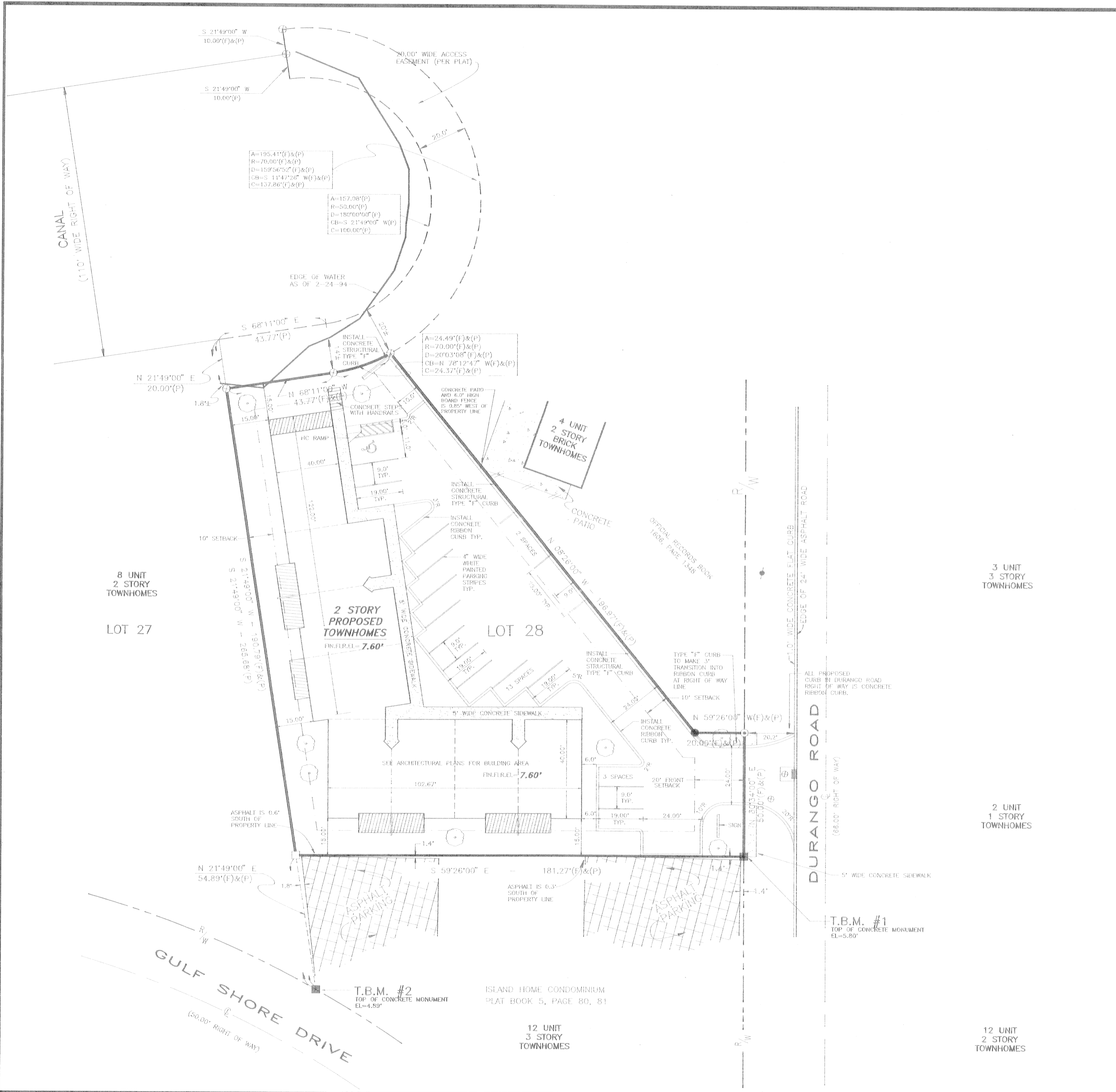
**ENVIRONMENTAL ISSUES**

Staff is not aware of any environmentally sensitive issues in regard to this property.

**GENERAL COMMENTS**

Staff received one written letter of concern from an adjacent property owner which is attached hereto and requests the possible relocation of the parking lot. Also, comments were received from adjacent property owners who expressed concern regarding parking, ingress and egress, etc. In response to concerns about headlight glare, the applicant volunteered to construct a privacy fence along the northern boundary of the property. The traffic study submitted indicates no degradation of the adopted level of service. A DEP permit for stormwater management must be submitted prior to the issuance of a building permit.

\*\* Corrected per Planning Commission 4/6/95



- GENERAL NOTES:**
- 1 - INSTALL 4" WIDE PARKING SPACE STRIPES AS NOTED.
  - 2 - INSTALL HANDICAP SYMBOL AND RAMP AS NOTED AND DETAILED.
  - 3 - INSTALL SOLID WHITE DIRECTION ARROWS AS NOTED AND DETAILED.
  - 4 - CONCRETE CONTRACTION JOINTS ON 10' CENTERS, EXCEPT SIDEWALKS. SIDEWALK CONTRACTION JOINTS ARE ON 5' CENTERS.
  - 5 - CONCRETE EXPANSION JOINTS ARE ON 40' CENTERS.
  - 6 - INSTALL 1/2" THICK EXPANSION FIBER BOARD BETWEEN THE SIDEWALKS AND OTHER CONCRETE STRUCTURES.
  - 7 - AREA SURFACE NOTES:  
 TOTAL SITE=26,821 SQUARE FEET  
 IMPERVIOUS AREA=7,334 SQUARE FEET (27%)  
 PERVIOUS AREA=19,487 SQUARE FEET (73%)
  - 8 - PARKING SPACES: REQUIRED=18 PROVIDED=18
  - 9 - INSTALL CENTERLINE 500 ON ALL PERVIOUS SURFACES (MINIMUM)
  - 10 - SETBACKS - FRONT = 20', SIDE AND REAR = 10'
  - 11 - SOLID WASTE STORAGE IN INDIVIDUAL GARAGE CANS AT EACH DWELLING UNIT.
  - 12 - PROPOSED DENSITY = 14.6 DWELLING PER ACRE (9 UNITS ON 0.616 ACRES.)
  - 13 - PROJECT PROPOSED TO BE DEVELOPED IN TWO PHASES, WITH NORTHERN FOUR UNITS BUILT IN PHASE ONE.
  - 14 - PROJECT ZONED RESIDENTIAL URBAN APARTMENTS.
  - 15 - PROJECT LOCATED IN FUTURE LAND USE DISTRICT HIGH DENSITY RESIDENTIAL.

- LANDSCAPING NOTES:**
- 1 - THE PROPOSED PLANS AND THESE NOTES ARE THE MINIMUM LANDSCAPING REQUIRED. A MORE DETAILED LANDSCAPING PLAN MAY ADD TO AND DEVELOP THIS PLAN. ANY IN-DEPTH LANDSCAPING PLAN SHALL BE PERFORMED BY A LICENSED PROFESSIONAL AS PROSCRIBED BY LAW. THE CONTRACTOR SHALL COORDINATE WITH THE OWNER ON ANY LANDSCAPING PLAN.
  - 2 - THE MINIMUM NUMBER OF TREES PLANTED = 8.

**GEORGE AND TOOKE, P.A.**  
 ENGINEERS-SURVEYORS  
 148 EAST CEDAR AVENUE / POST OFFICE BOX 726  
 ORLANDO, FL 32836  
 PHONE: (407) 582-5289  
 FAX: (407) 582-1277

**SITE PLAN**  
**DURANGO WINDS**

DATE: 02/29/95  
 DRAWN BY: S. KENNEDY  
 DESIGNED BY: D.G.K.  
 CHECKED BY:  
 REVISIONS:

NO.	DATE	BY
1	03/13/95	S.M.K.
2	03/13/95	S.M.K.

D:\EP\395\395.DWG

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK

DATE:  
 DRAWING NUMBER:

395-02

Order 24-903 - EZSIGNSONLINE.COM  
Version 2



Sign - 30"H x 40"W

Carved solid core thick UV-stabilized PVC signboard material,  
2-post mounting system of  
4x4 treated wood posts set in concrete, PVC post sleeves.







DURANGO RD

196.97

98.58

20

4.051

19.12

65.12

50

80