

June 4, 2025 Board of Adjustment Meeting

WEDNESDAY, JUNE 4, 2025

5:30 PM

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**
- 2. AGENDA APPROVAL**
- 3. APPROVAL OF MINUTES**
 - A. Minutes February 5, 2025**
- 4. CURRENT BUSINESS**
 - A. BOA-0011595-2025 – Norriego Park Sign Variance Request-10 Gulf Shore Drive**
- 5. MEMBER COMMENTS/DISCUSSION**
 - A.
 1. Tom Weidenhamer
 2. Lance Johnson
 3. Chatham Morgan
 4. James Moomaw
 5. Matthew Sweetser
- 6. PUBLIC COMMENTS**
- 7. NEXT MEETING DATE: July 2, 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".

**BOARD OF ADJUSTMENT
DESTIN CITY HALL ANNEX CHAMBERS
WEDNESDAY, FEBRUARY 5, 2025
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, February 5, 2025, at Destin City Hall Annex Chambers.

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

Present:

Tom Weidenhamer
James Moomaw
Lance Johnson
Chatham Morgan

Absent:

Matthew Sweetser

Staff Present:

Kim Montgomery, Deputy City Clerk
Daniel Butler Principal Planner
Jesse Hernandez Planner
Kim Kopp City Attorney

4. 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.

5. NEW BUSINESS:

A. BOA-001518-2025 Durango Road Variance Request

Principle Planner Daniel Butler introduced the item for the evening: A Variance request for the property located at 130 Durango Road, submitted by Ms. Marissa Rohrbach, President of the 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). The request pertains to a variance from Land Development Code (LDC) Section 16-04A-3, which requires a minimum 10-foot setback for ground signs from property lines. The applicant seeks approval for a 12-inch setback from the front and side property lines for the installation of a new ground sign.

Planner Jesse Hernandez provided the following details to the Board. The applicant submitted a sign permit on November 18, 2024, to replace the existing Durango Winds sign. Upon review, staff determined the existing sign is located in the public right-of-way and in violation of LDC Section 16-07-04B (Prohibiting signs in the right-of-way) and LDC Section 16-03-02W (Prohibiting off-premises signs). The applicant subsequently applied for a variance to install a new sign with reduced setbacks. Historical records from the Development Order indicated the

original site plan provided for a code-compliant sign with a 10-foot setback, but the sign was never installed as approved. The proposed sign placement encroaches on the visibility triangle for the property's ingress/egress, violating:

LDC Section 16-03-02 (Requiring unobstructed sightlines)

LDC Section 08-03-06 (Prohibiting visibility obstructions between 2 and 10 feet above grade).

Staff concluded that reasonable use of the property exists with a sign in the originally approved location. Recommendation: Staff recommends denial of the variance request, as the application fails to meet all six criteria outlined in LDC Section 22-503(C).

Chairman Weidenhamer invited the applicant, Ms. Marissa Rohrbach, 130 Durango Road, Destin to address the board and answer any questions.

Mrs. Rohrbach explained the original location of the sign was installed in 1995-1996 timeframe however, was not installed correctly, and the current sign sits in the city right-of-way. She spoke of how the mailboxes and landscaping obstruct the visibility from the street and delivery drivers frequently miss the location. The original site location is problematic due to the water mains being located near the tree line, as well as obstructed visibility due to a wooden fence and mailboxes. She continued that the requested variance would allow the community to install a visible sign without impeding traffic visibility, as well as being angled for better visibility from the road.

The Board members discussed with the applicant alternative locations for the sign and with no resolution, **Board member Morgan made the motion to recommend that the Board of Adjustment approve the proposed Variance request BOA-001518-2025, with Board member Johnson providing the second for discussion.**

Board member Johnson asked the applicant if the older wooden fence on the right side of the entrance, when turning in, is the property line. Ms. Rohrbach answered yes, it is.

Concerns were raised about traffic visibility issues by Chairman Weidenhamer. Additional discussions about the possibility of moving the sign back toward the property line near the fence on the right side, while maintaining an angled orientation of the sign for improved visibility. Staff confirmed the sign could be repositioned further back without obstructing sightlines, although setback requirements would still not be met, and provided an aerial image from the Property Appraiser's website showing the existing sign in the right-of-way and the proposed alternative location. The Board discussed the idea of granting a reduced side setback while maintaining the 10-foot front setback.

Board member Morgan amended his motion to approve a variance for four feet from the side setback while maintaining the required 10-foot front setback, with the sign positioned near the fence line and angled for improved visibility, with Board member Johnson providing the second. Chairman Weidenhamer called for the vote, and the motion passed 4-0.

6. OTHER BUSINESS:

Chairman Weidenhamer raised concerns about the non-compliant dumpsters at Henderson Beach Villas stating that as of today, it is still in the same location. He spoke of the two cases, the one heard tonight, who have gone about the process in the correct way by requesting for a Variance prior to just doing it, and this one, by installing a structure in the right-of-way, without permission, being denied, and still the structure is in the same location 18 months after this Board's denial.

Mr. Butler confirmed the issue is under review by the Special Magistrate and a Development Order was issued on October 24, 2024, mandating the removal of the non-compliant structure. He further explained they have one year to pull a permit and to break ground. Staff is expecting them to pull a permit in the next eight months. Additionally, staff will continue to monitor the case for compliance.

9. ADJOURNMENT:

There being no further business the meeting was adjourned at 6:40 p.m.

Adopted and approved this _____ day of _____ 2025.

Tom Weidenhamer, Chairman

Kim Montgomery, Deputy City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: June 4, 2025
BOARD/COMMITTEE: Board of Adjustment
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.A.

TO: Board of Adjustment

THRU: Kimberly Kopp, City Attorney
Steve O'Connor, Deputy Community Development Director

FROM: Daniel Butler, Principal Planner

DATE: May 2, 2025

SUBJECT: BOA-0011595-2025 – Norriego Park Sign Variance Request-10 Gulf Shore Drive

I. BACKGROUND: The City of Destin is seeking relief from *Land Development Code (LDC) Section 16.04.A.3*, which requires a ground sign to have a minimum setback of 10' from all property lines. The City is proposing to install the ground sign approximately two (2) feet from the property line.

The subject property is located at 10 Gulf Shore Drive, Destin, FL, 32541 (00-2S-24-0000-0023-0000).

Applicant: City of Destin

Agent: N/A

Location: 10 Gulf Shore Drive, Destin FL, 32541

Size of Property: Approximately 13.42 acres (584,575 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 **April 27, 2025** and **May 2, 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 City of Destin is constructing a new park (Norriego Point Park) in collaboration with the Florida Department of Environmental Protection (FDEP) on the subject parcel. The park will include a wrap-around boardwalk, dune walkovers, and a restroom facility. Funding for this project was provided through the Natural Resources Damage Assessment Early Restoration Program from the Deepwater Horizon Oil Spill and with a Grant from the FDEP Beach Management Funding Assistance Program.

Staff have identified that the existing dunes and associated vegetation pose a challenge to the sign being installed compliant with the required 10' setback.

The applicant (City) is seeking relief from *LDC Section 16.04.A.3*, allowing a reduction of the required sign setback to approximately two feet (2') along the front property line.

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 an ordinance would result in unnecessary and undue hardship. To authorize any variance from the terms of the conditions, the Board of Adjustment must find:

1. 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 existing sand dune and the associated vegetation pose a special condition on this site since it is a vacant site, compared to the other developed sites within the same zoning district. The City is requesting this variance to be good stewards of the environment by minimizing impacts on sensitive environmental areas of the City. Allowing the sign to be built closer to the property line reduces any potential impacts on the sand dunes.

Staff Findings:

It is the responsibility of the BOA to determine whether the applicant has satisfied this criteria.

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

Applicant response:

The applicant did not construct the sand dune on the property, as it is a naturally occurring topographical feature. The City is attempting to display the natural beauty of the area by constructing a boardwalk for the public to access the park and enjoy the scenery/wildlife. The City's desire is to maintain the existing character of the site by not altering the character of the dunes and vegetation.

Staff Findings:

It is the responsibility of the BOA to determine whether the applicant has satisfied this criteria.

3. 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:

Granting this variance would not confer the applicant any special privileges. There are few, if any, other sites within this zoning district with this dramatic elevation gain.

Staff Findings:

It is the responsibility of the BOA to determine whether the applicant has satisfied this criteria.

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 result in unnecessary and undue hardship for the Applicant.

Applicant Response:

The literal interpretation of this ordinance would require the City to construct the park sign at least ten feet (10') from the property line. Doing so could result in negatively altering the character of the existing sand dune and associated vegetation.

Staff Findings:

It is the responsibility of the BOA to determine whether the applicant has satisfied this criteria.

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

Applicant Response:

If granted, the City could highlight the name of the new park and how it was funded in a manner that does not pose a risk to the natural features of the site.

Staff Findings:

It is the responsibility of the BOA to determine whether the applicant has satisfied this criteria.

6. 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 would not be injurious to the area involved or otherwise detrimental to the public welfare. This park will be open to the public and would educate citizens on ways a municipality can partner with other agencies to bring positive change.

Staff Findings:

It is the responsibility of the BOA to determine whether the applicant has satisfied this criteria.

PUBLIC COMMENTS:

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

A. Link to Strategic Goals / Objectives: II. Enhanced Quality of Life and Safety for Families

III. Economic Development and Revitalization

VI. A Green and Sustainable Environment

B. Effect on Budget (EOB): This project has already been budgeted for.

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. Granting this variance would allow the City to place a park sign detailing funding at the park entrance without compromising any integrity of the existing sand dune and vegetation.

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 approve the proposed Variance Request, BOA-001595-2025.

ALTERNATE MOTION:

I move to recommend that the Board of Adjustment approve with conditions/deny the proposed Variance Request, BOA-001595-2025.

Attachments:

1. 1. Proof of Ownership
2. 2. Sign Site Plan
3. 3. Sign Elevations

4. 4. Abutter Notice

DEED

THIS DEED, made this 13th day of July, 2010, by Okaloosa County, Florida, party of the first part, and The City of Destin, a Florida Municipality, 4200 Indian Bayou Drive, Destin, Florida 32541, the party of the second part,

WITNESSETH that the said party of the first part, for an in consideration of the sum of \$100.00 and other valuable consideration, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has conditionally granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described land lying and being in Okaloosa County, Florida, hereinafter "the property":

The Northwesterly 1600 feet of that portion of land which formerly comprised a part of Santa Rosa Island that lies east of the New East Pass Channel, more particularly described as: Being at a concrete monument on the South right-of-way line of Highway 98, on the East line of Calhoun's subdivision as per plat recorded in the Office of the Clerk of Circuit Court of Okaloosa County, Florida, thence run South 2147.80 feet to a concrete monument; thence run N 85° 08' W 1232.68 feet to a point; thence run N 78° 02' W 1437.22 feet to a point; thence run N 76° 56' W 1180.53 to a point; thence run N 56° 16' W 981.30 feet to a point; thence run N 45° 41' W 748.90 feet to a concrete monument for the point of beginning of the parcel to be described. Thence run S 44° 19' W to the shore of New East Pass; thence meander Northwesterly along the shore of New East Pass a Northwest distance of 1620 feet more or less; thence follow the meander around the point and meander Southeasterly to a point on the shore of Old East Pass bearing N 44° 19' E of the point of beginning, thence S 44° 19' W 175 feet, more or less to the point of beginning; subject to an easement in the Northwesterly 800 feet thereof in favor of the Corps of Engineers to dump dredge spoilage from operations in East Pass, in Okaloosa County, Florida.

This conveyance is subject to the terms and conditions set forth in the Dedication of this property as recorded in Book 194 at Page 573 of the official records of Okaloosa County, Florida.

This conveyance is made and accepted with the covenant and understanding that the use of the property is solely and exclusively for Public Park and recreational purposes.

This conveyance is made and accepted with the covenant and understanding that any sale or lease of any interest in the property to a non-governmental person or organization is prohibited.

This conveyance is made and accepted with the covenant and understanding that the operation of any concession on the property by a non-governmental person or organization is prohibited.

This conveyance is made and accepted with the covenant and understanding that any sales contract or option to buy or sell things attached to the property to be severed from the property with a non-governmental person or organization is prohibited.

This conveyance is made and accepted with the covenant and understanding that any use of the property by a non-governmental person other than in such person's capacity as a member of the general public is prohibited.

This conveyance is made and accepted with the covenant and understanding that a management contract, except contracts for maintenance of the property, is prohibited.

This conveyance is made and accepted with the covenant and understanding that the harbor side shoreline of this property shall remain accessible for the use and enjoyment of boaters unless the City's coastal engineers determine armoring is necessary to protect this side of the property.

The foregoing covenants and understandings are covenants running with the land.

In the event of violation of any of the foregoing covenants and understandings, Grantee, its successors and assigns, shall forfeit all right and title to the property, and all interests therein shall revert to Grantor.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said board, the day and year aforesaid.

By its Board of County Commissioners

(OFFICIAL SEAL)

Wayne Harris
CHAIRMAN
Board of County Commissioners
Okaloosa County Florida



ATTEST:

Dany J. Stapel
Clerk of Circuit Court





Community Development Planning and Zoning Division

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

April 30, 2025

**Subject: Notification of Development Project: 10 Gulf Shore Drive
VARIANCE REQUEST – Norriego Point Park Sign Variance
City of Destin Project Number: BOA-001595-2025**

Dear Property Owner:

The purpose of this letter is to notify you that the Planning Division has received an application for a Variance Application. As an owner of property located within 300 feet of this request, **Article 2.17.00 of the Destin Land Development Code (LDC)** requires a written notice providing you with 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: City of Destin
2. Name of Agent: N/A
3. Address of Project: 10 Gulf Shore Drive
4. Parcel ID Number: 00-2S-24-0000-0023-0000
5. Project Description: The City of Destin is seeking relief from ***the Land Development Code (LDC) Section 16.04.A.3***, which requires a ground sign to have a minimum setback of 10' from all property lines. The City is proposing to install the ground sign approximately two (2) feet from the property line. City Staff has identified that the existing dune and associated vegetation pose a challenge to the sign being installed compliant with the required 10' setback.
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.

Sincerely,



Jesse Hernandez
Planner



Cc: David Prichard, Community Development Director
Planning Division
Project File

