

**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 4th day of June 2025.

Tom Weidenhamer  
Tom Weidenhamer, Chairman

Kim Montgomery  
Kim Montgomery, Deputy City Clerk