

November 5, 2025 Board of Adjustment Meeting

WEDNESDAY, NOVEMBER 5, 2025

5:30 PM

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**
- 2. AGENDA APPROVAL**
- 3. APPROVAL OF MINUTES**
 - A. June 4, 2025 Minutes**
- 4. CURRENT BUSINESS**
 - A. BOA-001697-2025 – 100 Indian Bayou Trail Variance Request**
- 5. PUBLIC COMMENTS**
- 6. NEXT MEETING DATE: TBD**

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, JUNE 4, 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, June 4, 2025, at Destin City Hall Annex Chambers.

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

Present:

Tom Weidenhamer
Chatham Morgan
Lance Johnson
Matthew Sweetser

Absent:

James Moomaw

Staff Present:

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

4. AGENDA APPROVAL:

Motion to approve the agenda as presented passed 4-0.

5. APPROVAL OF MINUTES: February 5, 2025 Meeting Minutes

Motion to approve the February 5, 2025 minutes as written was made by Board member Johnson with Chairman Weidenhamer providing the second. Motion passed 5-0.

6. NEW BUSINESS:

➤ **BOA-0011595-2025 – Norriego Park Sign Variance Request-10 Gulf Shore Drive**

Mr. Butler explained 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. Both the city and the county are wanting to push the sign as close as possible to the property line and are requesting the Variance for the location of the sign because of the existing dunes and associated vegetation. The required location, per code, would pose a challenge for the sign being installed and staff does not want to cause any impacts to the dune or the vegetation that is present.

Motion by Board member Johnson seconded by Chairman Weidenhamer. Chairman Weidenhamer opened the hearing to the public for comment, with no public present, he closed the public and called for the vote, the motion passed 4-0.

7. ADJOURNMENT:

There being no further business the meeting was adjourned at 5:45 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: November 5, 2025
BOARD/COMMITTEE: Board of Adjustment
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.A.

TO: Board of Adjustment

THRU: David Prichard, Community Development Director
 Kimberly Kopp, City Attorney
 Daniel Butler, Principal Planner

FROM: Jesse Hernandez, Planner

DATE: October 27, 2025

SUBJECT: BOA-001697-2025 – 100 Indian Bayou Trail Variance Request

I. BACKGROUND:

Destin Water Users, Inc. (DWU) is developing plans for a reclaimed water storage and disposal facility. The proposed facility will include four large sandy-bottom retention basins, a small pump station, and a ground storage tank. This infrastructure is mandated by the Florida Department of Environmental Protection (FDEP) in accordance with state statutes governing municipal reclaimed water programs.

During the planning phase, DWU engineers identified potential issues meeting the reforestation requirements outlined in the Land Development Code. Specifically, the mandated tree coverage may hinder operational efficiency and present ongoing challenges for infrastructure maintenance of the facility.

REQUEST:

Monica Wallis, P.E, General Manager of Destin Water Users, Inc, on behalf of Destin Water Users, Inc, is seeking relief from *Land Development Code (LDC) Section 12.04.05.C*, which requires that the number of reforestation trees on any developed area be calculated at a ratio of one tree per one-tenth (0.10) of an acre. The applicant is seeking approval to utilize the tree credit option for existing trees on the site and to provide supplemental plantings in approved off-site or alternative locations, in lieu of meeting the full reforestation requirement on the subject property.

The subject property is located at 100 Indian Bayou Trail, Destin FL, 32541 (00-2S-22-0000-

0046-0030).

Applicant: Destin Water Users, Inc.

Agent: Monica Wallis, P.E, General Manager

Location: 100 Indian Bayou Trail, Destin FL, 32541

Size of Property: Approximately 25.38 acres (1,105,552.8 sq. ft.)

Current Zoning: Institutional (INST)

Future Land Use Map Classification: Institutional (INST)

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

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

LDC Section 12.04.05.C

Preservation and restoration. The number of reforestation trees required on any developed area shall be determined by using the ratio of one tree for each one-tenth of an acre.

II. DISCUSSION:

The subject property is zoned Institutional, within the Village Planning Area. This parcel was formerly part of the Indian Bayou Golf and Country Club. The property was purchased by Destin Water Users, Inc. (DWU) in May of 2022 with the intent to create a reclaimed water storage and disposal site to supplement the existing wastewater treatment plant on Airport Road. During the design phase of the facility, DWU engaged City staff to determine the requirement for reforestation. In accordance with ***LDC Section 12.04.05.C***, the developed area for the disposal and storage facility will require 20.8 acres of grading and development. Therefore, it was determined the reforestation of the developed area would require the planting of approximately 244 trees (this number includes the reforestation requirement (208 trees), one for one replacement of trees (80 trees), and credits for trees preserved (44 trees)).

DWU contends that the reforestation requirement on the site creates a conflict with the construction of the principal structures of the storage and disposal facility, specifically the four (4) large sandy bottom basins and the ground storage tank. The reforestation requirement also creates a burden on the future upkeep and maintenance of these facilities.

The applicant is seeking relief from ***LDC Section 12.04.05.C***, requesting the approval of the reforestation of 70 trees to be planted onsite outside their security fencing along the perimeter of the Indian Bayou West Subdivision. This would replace the requirement of planting approximately 244 trees on site. If granting the variance requires an additional public benefit, DWU has offered to work with city staff to plant up \$25,000 worth of trees on public/city owned property to help offset the deficit to this development's reforestation.

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 in 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:

This site has been a golf course since the mid-70s. Outside of the course holes, the trees have been naturally allowed to propagate since then. Although we are disturbing the site for our project, very little of it will be impervious and excessive vegetation, including trees, can create issues for our process. It is also adjacent to the airport which has height restrictions for development.

Staff Findings:

Following discussions with the Okaloosa County Airport Operations Manager, it appears that Okaloosa County Airports would likely not approve a landscape plan that includes mass tree plantings along the western/northwestern boundary of the parcel, adjacent to airport property. As a result, landscaping efforts may need to be concentrated on the eastern portion of the site.

Furthermore, it is important to note that the parcel is zoned “Institutional,” one of only two zoning districts within the city that permit “Water, sewage, and other systems” (North American Industry Classification System Code #2213) as an allowable use.

The Board of Adjustment (BOA) is responsible for evaluating whether the applicant has adequately satisfied the criteria

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

Applicant response: Natural forestation growth has occurred on areas of this site, which will be impacted by our needs to meet our FDEP Permit requirements.

Staff Findings:

The public utility provider, DWU, appears to be working to comply with Florida State Statutes and Florida Department of Environmental Protection (FDEP) requirements in order to deliver both public and environmental benefits through its reclaimed water program. Without the necessary infrastructure, DWU would be unable to meet FDEP standards, which would negatively impact the program’s viability.

It is important to note that the subject parcel is zoned “Institutional”—one of the few parcels in the city both large enough and appropriately zoned to accommodate

the facility needed for DWU's reclaimed water storage and disposal operations. Based on available information, the applicant acquired the property with the intent to develop it for this public utility purpose and has committed to meeting all applicable requirements of the Destin Land Development Code, with the exception of the landscaping provision because of the reasoning outlined herein.

The BOA is responsible for evaluating whether the applicant has adequately satisfied the criteria.

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:

Destin Water Users is a public service provider of water, wastewater, and reclaimed water services to our customers. This request for a variance is similar to say a power company asking for clearance around power poles. This request for variance allows DWU to provide a better service to our customers, mostly city residents. Our utility process requires larger footprints compared to power and telecommunication facilities. This infrastructure we are building needs to be protected from the public for safety as well as from other impacts, such as trees, that can affect our service.

Staff Findings:

Per *LDC Section 12.04.04.E.5*, “*The City manager or his or her designee shall recommend removal to the City Manager City or designee [sic] of any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric lines, gas line, water lines or other public improvements.*” This is clearly an error captured in our current code. Based on this section, however, it may be inferred that the City Manager retains the authority to remove or trim trees that pose a threat to public utilities. However, this provision does not grant the City Manager the authority to waive tree planting requirements—only to trim or remove trees once they have been planted.

Additionally, *LDC Section 7.09.02.B.13.a.2.a.* provides the following guidance regarding electric distribution and transmission substations: “*The Landscaping requirement may be reduced or waived, if in the judgment of the City Manager or designee, the same or greater buffering may be achieved by the preservation of existing natural vegetation of sufficient opacity and depth or if conditions such as natural terrain or existing structures provide a satisfactory buffer.*” While this section does not explicitly extend to municipal water and sewer authorities, it is reasonable to consider that DWU, as a public service provider, may be eligible for similar consideration without receiving special privilege.

The BOA is responsible for evaluating whether the applicant has adequately satisfied the criteria.

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:

The reforestation requirement as well as that of landscape buffers is hindering us to perform our duty of providing services to our customers. We'd like to propose that the front perimeter fencing remain at the property line for security reasons and we will do landscaping buffering behind it and in the ROW. Excessive trees on and around our facilities create an undue burden of maintenance as well as potential damage to our required ponds and the proposed ground storage tank and pump station.

Staff Findings:

The applicant acquired the property based on its suitability for the proposed use, including adequate space, appropriate zoning for a storage and disposal facility as outlined in *LDC Table 7-2*, and sufficient area for project development. It is generally understood that when property owners meet these fundamental requirements, they are permitted to utilize their land for its intended purpose.

However, in this case, the landscaping requirement presents a significant challenge. Strict compliance would compel DWU to construct a facility encumbered by extensive tree maintenance obligations, which could interfere with operational efficiency and pose ongoing concerns for infrastructure upkeep.

The BOA is responsible for evaluating whether the applicant has adequately satisfied the criteria.

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

Applicant Response:

DWU is requesting to limit tree installation to outside of our fence protecting the proposed utility assets. Based on the 30-ft spacing for small trees, we can probably accommodate up to 70 trees. Calculations appear to be in excess of 100 trees to meet the reforestation and disturbed area requirements.

Staff Findings:

Staff acknowledges that while the proposed planting of 70 trees is significantly fewer than what was originally required (approximately 244 trees), spacing the trees 30 feet apart appears appropriate for native species with smaller canopy spreads. Staff defers to the engineers at DWU to assess how tree placement may impact long-term maintenance and whether it could impose a financial or operational burden on the utility provider—and, by extension, on Destin residents.

Furthermore, if additional public benefit is deemed necessary, it should be noted that DWU has expressed a willingness to collaborate with city staff to plant up to \$25,000 worth of trees on public or city-owned property. This initiative is intended

to help offset the shortfall in reforestation associated with this development.

The BOA is responsible for evaluating whether the applicant has adequately satisfied the criteria

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:

As an Institutional zoned property, we are utilizing the site for utility infrastructure to meet our FDEP requirements of today and hopefully the future for our service area. Trees and some landscaping requirements will hinder our ability to do so, however DWU is willing to plant some trees identified by the city staff to offset the deficit of required trees.

Staff Findings:

Staff believes that the proposed planting of 70 trees, spaced 30 feet apart along the eastern edge of the property and accompanied by a fence, satisfies the code requirements for a landscaped common boundary buffer between nonresidential and residential properties, as outlined in *LDC Section 12.04.04*.

In addition, staff supports DWU's commitment to contribute \$25,000 toward offsite tree planting on public lands. This initiative will help ensure DWU's share of reforestation is fulfilled in a manner that benefits and can be enjoyed by the broader community.

City staff has provided Attachment 7, which outlines potential planting areas (PPAs) identified through collaboration among several relevant City departments.

The BOA is responsible for evaluating whether the applicant has adequately satisfied the criteria

PUBLIC COMMENTS:

To date, staff has not received any public comment regarding this variance request.

A. Link to Strategic Goals / Objectives: I. Financially sound city providing service excellence

IV. Effective, efficient and aesthetically pleasing infrastructure

VI. A green sustainable environment (if additional trees are planted offsite as public benefit)

B. Effect on Budget (EOB): There would be no effect on the City budget.

C. Level of Service (LOS): N/A

D. Legislative Sponsor:

E. Business Impact Statement:

III. CONCLUSION:

The applicant is seeking relief from **LDC Section 12.04.05.C**, requesting the approval of the reforestation of 70 trees to be planted onsite outside their security fencing along the perimeter of the Indian Bayou West Subdivision preservation area. This would replace the requirement of planting approximately 244 trees on site. If granting the variance requires an additional public benefit, DWU has offered to work with city staff to plant up \$25,000 worth of trees on public/city owned property to help offset the deficit to this development's reforestation.

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-001697-2025**.

ALTERNATE MOTION 1:

I move to recommend that the Board of Adjustment approve variance request, **BOA-001697-2025** with the condition / requirement of DWU providing \$25,000 of offsite reforestation with locations determined by city staff in coordination with DWU.

ALTERNATE MOTION 2:

I move to recommend that the Board of Adjustment deny the proposed variance request, **BOA-001697-2025**.

Attachments:

1. Proof of Ownership
2. Letter of Request
3. Property Posting Affidavit
4. Property Posting Photo
5. Proposed Site Plan
6. Adjacent Property Notification Letter
7. Potential Planting Areas
8. BOA Advertisement
9. Airport Comments

This Instrument Prepared By:
MCGILL ESCROW & TITLE, LLC
36008 EMERALD COAST PARKWAY, SUITE 301-A
DESTIN, FLORIDA 32541
13568
Property Appraisers Tax I.D. Number:
00-2S-22-0000-0046-0000

CORPORATE WARRANTY DEED

3550
6/1/2022

THIS WARRANTY DEED, made May 27, 2022 A.D., by **Indian Bayou Properties a Florida general partnership**, whose post office address is: 1 Country Club Dr E, Destin, Florida 32541, Grantor and **Destin Water Users, Inc. a Florida not for profit corporation**, whose post office address is: 218 Main St, Destin, Florida 32541, Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Okaloosa, State of Florida, to wit:

SEE ATTACHED EXHIBIT 'A'

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 saidland 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, 2021.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

INDIAN BAYOU PROPERTIES A FLORIDA GENERAL PARTNERSHIP


By: [Signature]
Robert E Lee, as President of both REL Investments, Inc. and Gary Lee Ford Company, General Partners

Signed Sealed and delivered in Our Presence:

[Signature]
Witness Print Name: Curtis Gwin
[Signature]
Witness Print Name: Chris Kelly

State of Florida
County of Okaloosa

27 The foregoing instrument was acknowledged before me by means of physical presence or { } online notarization this day of May, 2022 by Robert E Lee, as President of both REL Investments, Inc. and Gary Lee Ford company, General Partners of Indian Bayou Properties, a Florida General Partnership who is/are personally known to me or who produced as identification.

 Carla D Marler
Notary Public
State of Florida
My Commission Expires 06/14/22
Commission No. GG227283

[Signature] (Seal)
Notary Public
Notary Printed Name: Carla D Marler
My Commission Expires: 6-14-22

This Instrument Prepared By:
MCGILL ESCROW & TITLE, LLC
36008 EMERALD COAST PARKWAY, SUITE 301-A
DESTIN, FLORIDA 32541

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

INDIAN BAYOU PROPERTIES, A FLORIDA GENERAL PARTNERSHIP

Signed Sealed and delivered
in Our Presence:

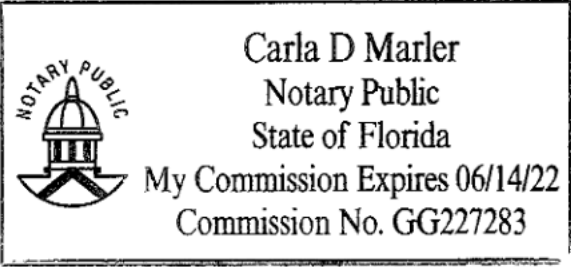
Carla D. Marler
Witness Print Name:

By: Barbara Clary Kelly
Barbara Clary Kelly
Its: General Partner

Carla D. Marler
Witness Print Name:

State of Florida
County of Okaloosa

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 27 day of May, 2022 by Barbara Clary Kelly, the General Partner of Indian Bayou Properties, who is/are personally known to me or who produced _____ as identification.



Carla D Marler (Seal)
Notary Public
Notary Printed Name: Carla D. Marler
My Commission Expires: 6-14-22

Exhibit A

Page 1 of 2

SCHEDULE A Continuation

LEGAL DESCRIPTION (AS SURVEYED)

COMMENCE AT THE SOUTHEAST CORNER LOT 4, BLOCK A, HIDDEN PINES, AS RECORDED IN PLAT BOOK 17, PAGE 30, BEING IN AN UNDIVIDED SECTION, TOWNSHIP 2 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA BEING MARKED BY A 4"X4" CONCRETE MONUMENT; THENCE S 05°07'09" W A DISTANCE OF 760.14 FEET TO A 1/2" REBAR WITH CAP STAMPED LB#8096; THENCE S05°06'31"W A DISTANCE OF 1755.17 FEET TO A FOUND 1/2" REBAR WITH CAP STAMPED LB#7350; THENCE S36°47'28"E A DISTANCE OF 169.01 FEET TO A 1/2" REBAR WITH CAP STAMPED #8096 AND ALSO BEING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE N 68°32'21" E A DISTANCE OF 26.84 FEET; THENCE N 60°04'44" E A DISTANCE OF 29.33 FEET TO A POINT; THENCE S 70°35'25" E A DISTANCE OF 12.73 FEET TO A POINT; THENCE N 50°29'46" E A DISTANCE OF 28.28 FEET TO A POINT; THENCE N 01°16'45" E A DISTANCE OF 54.43 FEET TO A POINT; THENCE S 59°55'54" E A DISTANCE OF 29.41 FEET TO A POINT; THENCE N 88°04'44" E A DISTANCE OF 30.78 FEET TO A POINT; THENCE S 38°14'58" E A DISTANCE OF 23.44 FEET TO A POINT; THENCE S 12°00'50" E A DISTANCE OF 49.51 FEET TO A POINT; THENCE S 33°19'27" E A DISTANCE OF 57.81 FEET TO A POINT; THENCE N 62°04'26" E A DISTANCE OF 30.80 FEET TO A POINT; THENCE S 40°20'35" E A DISTANCE OF 46.02 FEET TO A POINT; THENCE S 56°33'37" E A DISTANCE OF 37.26 FEET TO A POINT; THENCE S 82°43'50" E A DISTANCE OF 54.78 FEET TO A POINT; THENCE S 80°39'10" E A DISTANCE OF 33.18 FEET TO A POINT; THENCE N 78°08'14" E A DISTANCE OF 33.26 FEET TO A POINT; THENCE S 16°00'38" E A DISTANCE OF 50.64 FEET TO A POINT; THENCE S 45°05'19" E A DISTANCE OF 52.57 FEET TO A POINT; THENCE S 39°48'59" E A DISTANCE OF 56.55 FEET TO A POINT; THENCE S 57°36'48" E A DISTANCE OF 49.39 FEET TO A POINT; THENCE S 23°16'32" E A DISTANCE OF 59.07 FEET TO A POINT; THENCE S 88°24'50" E A DISTANCE OF 39.13 FEET TO A POINT; THENCE S 55°01'12" E A DISTANCE OF 39.14 FEET TO A POINT; THENCE S 39°02'46" E A DISTANCE OF 38.28 FEET TO A POINT; THENCE S 03°20'01" W A DISTANCE OF 26.28 FEET TO A POINT; THENCE S 28°54'37" W A DISTANCE OF 35.18 FEET TO A POINT; THENCE S 21°22'19" E A DISTANCE OF 3.25 FEET TO A POINT; THENCE N 46°13'48" E A DISTANCE OF 50.30 FEET TO A POINT; THENCE S 70°26'58" E A DISTANCE OF 65.60 FEET TO A POINT; THENCE N 66°47'55" E A DISTANCE OF 40.66 FEET TO A POINT; THENCE S 81°05'50" E A DISTANCE OF 70.42 FEET TO A POINT; THENCE N 89°51'13" E A DISTANCE OF 63.04 FEET TO A POINT; THENCE S 67°47'41" E A DISTANCE OF 67.28 FEET TO A POINT; THENCE N 73°53'21" E A DISTANCE OF 54.35 FEET TO A POINT; THENCE N 68°24'55" E A DISTANCE OF 30.31 FEET TO A POINT; THENCE N 02°34'58" E A DISTANCE OF 35.71 FEET TO A POINT; THENCE S 67°26'07" E A DISTANCE OF 47.86 FEET TO A POINT; THENCE S 58°28'11" E A DISTANCE OF 98.00 FEET TO A POINT; THENCE S 23°58'38" W A DISTANCE OF 319.69 FEET TO A POINT; THENCE S 45°29'30" E A DISTANCE OF 509.30 FEET TO A FOUND 1/2" REBAR;

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

Exhibit A

Page 2 of 2

THENCE S 01°09'18" W A DISTANCE OF 797.79 FEET TO A FOUND 1/2" REBAR MARKING THE NORTH RIGHT OF WAY LINE OF INDIAN BAYOU TRAIL (100 FOOT RIGHT OF WAY); THENCE ALONG SAID RIGHT OF WAY LINE S 01°09'18" W A DISTANCE OF 6.98 FEET TO A POINT ON A PROPOSED 88 FOOT RIGHT OF WAY; THENCE ALONG THE NORTH LINE OF SAID PROPOSED RIGHT OF WAY S 67°26'23" W A DISTANCE OF 44.35 FEET TO A POINT; THENCE IN A CURVE TO THE LEFT HAVING A RADIUS OF 440.00 FEET, WITH AN ARC LENGTH OF 126.07 FEET, WITH A CHORD BEARING AND DISTANCE OF S 59°13'54" W, 125.64 FEET TO A POINT; THENCE LEAVING SAID PROPOSED RIGHT OF WAY N 36°55'36" W A DISTANCE OF 218.44 FEET TO A FOUND 1/2" REBAR WITH CAP STAMPED #3724; THENCE N 53°13'07" E A DISTANCE OF 27.46 FEET TO A FOUND 4"X4" CONCRETE MONUMENT; THENCE N 36°52'03" W A DISTANCE OF 1649.80 FEET TO A FOUND 4"X4" CONCRETE MONUMENT; THENCE N 53°04'25" E A DISTANCE OF 150.01 FEET TO A FOUND 4"X4" CONCRETE MONUMENT; THENCE N 36°47'28" W A DISTANCE OF 443.39 FEET TO THE POINT OF BEGINNING. SAID PARCEL LYING IN AND BEING A PART OF AN UNDIVIDED SECTION, TOWNSHIP 2 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

Sch.- ALTA Commitment for Title Insurance Schedules A & B
with Florida modifications
ANTIC # 1423

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DESTIN WATER USERS, INC.

P.O. BOX 308 DESTIN, FL 32540-0308
850-837-6146 FAX 850-654-5173

October 3, 2025

City of Destin
Community Development Department
4200 Indian Bayou Trail
Destin, FL 32541

RE: Request for Variance
Address: 100 Indian Bayou Trail

To Whom it May Concern:

Destin Water Users is working to complete our design of the acquired property, formerly a portion of the Indian Bayou Golf Course. In performing our evaluations to meet the development order process requirements, it was determined that the landscaping requirements were going to create a burden to our mission for these new facilities.

The intent of the property is to create a reclaimed water storage and disposal site to supplement our wastewater treatment plant off of Airport Road. This site will include a ground storage tank, a small pump station and four large, sandy bottom rapid infiltration basins. The purpose of these basins is to be able to dispose of reclaimed water when we have an excess supply after all of our tanks are full, typically during wet weather conditions. It is a requirement of our FDEP permit that we have options for disposal at all times.

These basins, which encompass most of the site, will have sodded berms and create no stormwater runoff. The ground storage tank will meet FAA height requirements and store approximately 1.2 million gallons to be reused for customers. We are required to keep these assets behind security fences, similar to the adjacent airport.

This site is unique being a former golf course. Some areas were kept free of trees for holes along the course, while other areas had natural reforestation occurring and little care or maintenance of the "wooded areas". The reforestation and preservation of trees on this site are creating a conflict with our principal structures, which consist of the sandy bottom basins and the ground storage tank.

Destin Water Users is requesting a variance from the City's Article 12 as it relates to landscaping and trees to ensure we have a site that meets our FDEP requirements as well as the intent of the City Code. DWU can comfortably plant 70 trees at 30-ft spacing identified

in the code outside our proposed security fencing adjacent to the existing preservation area of Indian Bayou West Subdivision.

DWU is requesting the variance to lower the required trees to 70, allow the front perimeter fence to remain on the property line, and remove the requirement of trees along the residential line. As a utility we need to protect our property and will be installing a security fence similar to what exists at the airport. DWU has an agreement to install a wooden fence that will abut the residential lots and the developer is already installing a tree line at the rear of those properties. DWU will install a vegetative ground cover (grass, etc) with an offset security fence. Planting trees between the fences would create a burden for future maintenance of the fences as well as the vegetation planted between the fences.

If just granting the variance to the utility needs additional public benefit, DWU will work with the City to identify locations before the completion of our DO to plant up to \$25,000 worth of trees on public property to help offset the deficit of the development.

We look forward to discussing this project further as it moves through the variance and development review process. Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Monica Wallis".

Monica Wallis, P.E.
General Manager

**AFFIDAVIT
POSTING OF PROPERTY**

BEFORE ME, the undersigned authority, personally appeared: MONICA WALLIS,

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

100 INDIAN BAYOU TRAIL -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.

Monica M. Wallis
Signed Name of Owner/Agent

MONICA M. WALLIS
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 21 day of OCTOBER, 2025,

By: MONICA M. WALLIS
(Print name)

Personally known OR Produced Identification _____

Mary Lou Lawson Seal:
Notary Signature

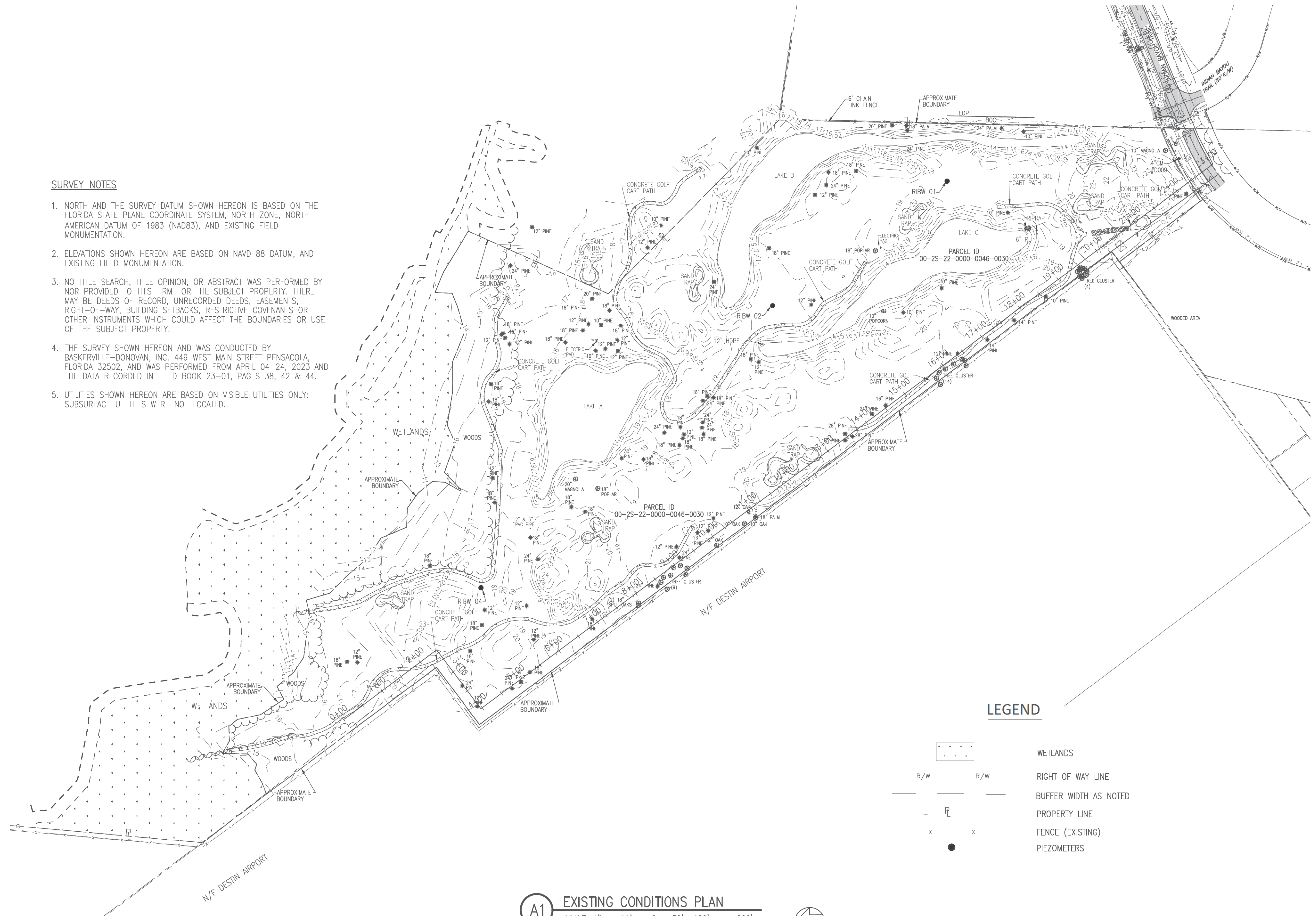


City of Destin
Public Notice
for
Proposed Development
Request for Variance
BOA 001697-2025
Authorized Agent: Monica Wallis
Agent's Phone #: 850-837-4144
Project Plans can be requested
via the City Clerk at
850-837-4342 or at
www.cityofdestin.com

K:\112\11285.01\BT West\DWG\C-100 ExCond.dwg, Aug 01, 2025 - 1:45:56PM, toverton

SURVEY NOTES

1. NORTH AND THE SURVEY DATUM SHOWN HEREON IS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), AND EXISTING FIELD MONUMENTATION.
2. ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 88 DATUM, AND EXISTING FIELD MONUMENTATION.
3. NO TITLE SEARCH, TITLE OPINION, OR ABSTRACT WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
4. THE SURVEY SHOWN HEREON AND WAS CONDUCTED BY BASKERVILLE-DONOVAN, INC. 449 WEST MAIN STREET PENSACOLA, FLORIDA 32502, AND WAS PERFORMED FROM APRIL 04-24, 2023 AND THE DATA RECORDED IN FIELD BOOK 23-01, PAGES 38, 42 & 44.
5. UTILITIES SHOWN HEREON ARE BASED ON VISIBLE UTILITIES ONLY; SUBSURFACE UTILITIES WERE NOT LOCATED.



LEGEND

- WETLANDS
- R/W
- BUFFER WIDTH AS NOTED
- PROPERTY LINE
- FENCE (EXISTING)
- PIEZOMETERS

A1 EXISTING CONDITIONS PLAN
SCALE: 1" = 100'



BASKERVILLE-DONOVAN, INC.
ENGINEERING THE SOUTH SINCE 1927
449 W. MAIN ST., PENSACOLA, FL 32502 (850) 438-9861
ENGINEERING BUSINESS: EB-00000340
Pensacola - Panama City - Tallahassee - Mobile
This drawing is the property of BASKERVILLE-DONOVAN, INC. and is not to be reproduced in whole or in part. It is not to be used on any other project and is to be returned upon request.

RAW L. WEDD, P.E.
FL Reg. Engineer #65470

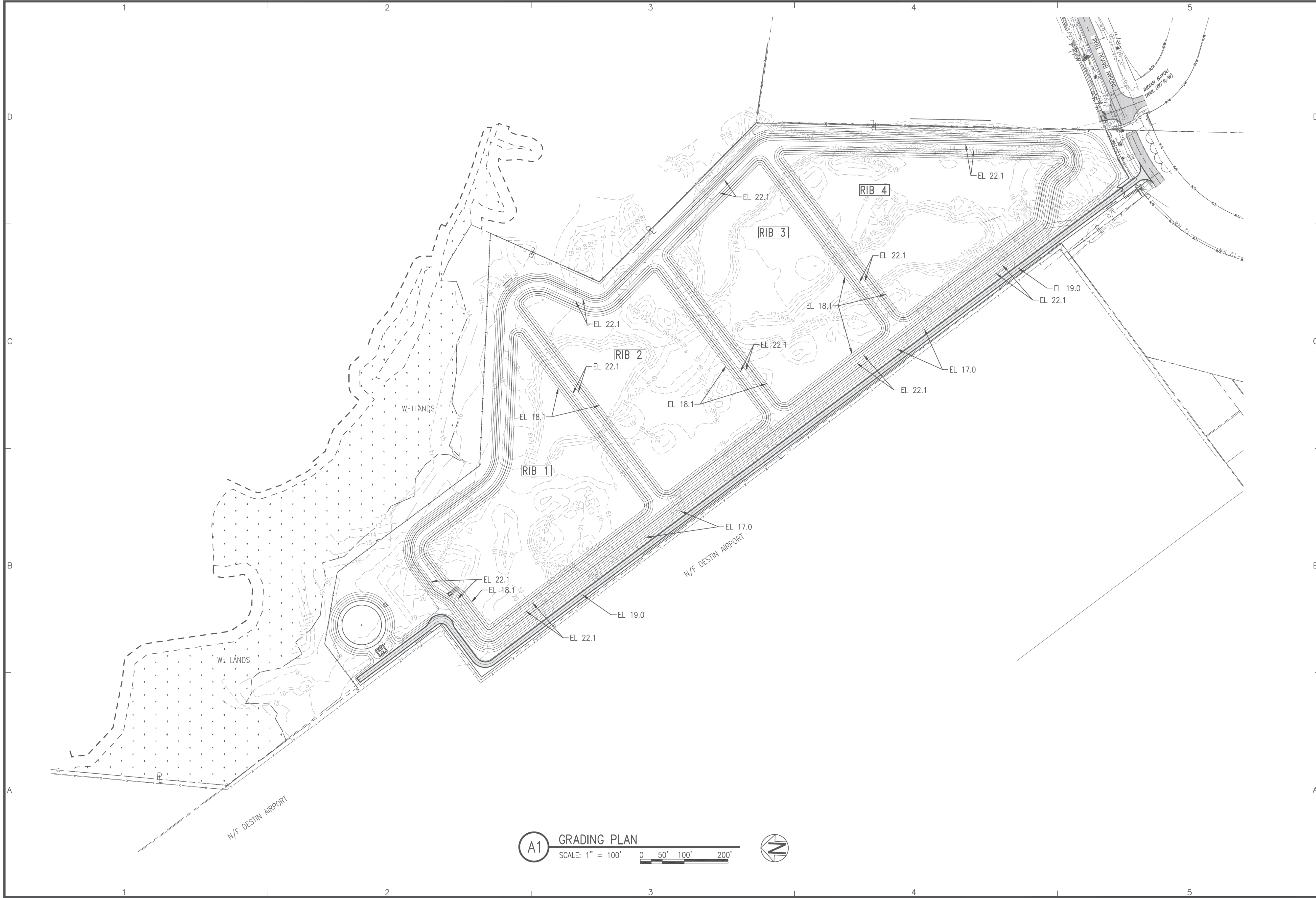
**DESTIN WATER USERS
INDIAN BAYOU TRAIL
PARCEL IMPROVEMENTS**

PROJECT NO:	NO.	DATE	APPR.	REVISION/ACTION TAKEN
11285.01				
DESIGNED BY: RW				
DRAWN BY: THO/RGG				
CHK'D BY: JJA				
PROJ. MGR: JWL				
DATE: AUGUST 2025				

**EXISTING
CONDITIONS PLAN**

C-100

K:\112\11285.01\BT West\DWG\C-104 Grading.dwg, Aug 01, 2025 - 1:48:46PM, toverton



A1 GRADING PLAN
 SCALE: 1" = 100'
 0 50' 100' 200'

GRADING PLAN	PROJECT NO: 11285.01	NO. DATE	REVISION/ACTION TAKEN
	DESIGNED BY: RW	APPR.	
	DRAWN BY: THO/RGG		
	CHK'D BY: JEA		
	PROJ. MGR: JWI		
	DATE: AUGUST 2025		NOT RELEASED FOR CONSTRUCTION BY DATE
C-104			

BASKERVILLE-DONOVAN, INC.
ENGINEERING THE SOUTH SINCE 1927

449 W. MAIN ST., PENSACOLA, FL 32502 (850) 438-9861
 ENGINEERING BUSINESS: EB-0000340
 Pensacola - Panama City - Tallahassee - Mobile

This drawing is the property of BASKERVILLE-DONOVAN, INC. and is not to be reproduced in whole or in part. It is not to be used on any other project and is to be returned upon request.



Community Development Planning and Zoning Division

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

October 23, 2025

**Subject: Notification of Development Project: 100 Indian Bayou Trail;
Variance Application – Destin Water Users Reforestation Variance
City of Destin Project Number: BOA-001697-2025**

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 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: Destin Water Users, Inc.
2. Name of Agent: Monica Wallis
3. Address of Project: 100 Indian Bayou Trail
4. Parcel ID Number: 00-2S-22-0000-0046-0030
5. Project Description: Destin Water Users, Inc. (DWU) is requesting relief from Land Development Code (LDC) Section 12.04.05.C, which requires that the number of reforestation trees on any developed area be calculated at a ratio of one tree per one-tenth (0.10) of an acre. The applicant is seeking approval to utilize the tree credit option for existing trees on the site and to provide supplemental plantings in approved off-site or alternative locations, in lieu of meeting the full reforestation requirement on the subject property.
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>

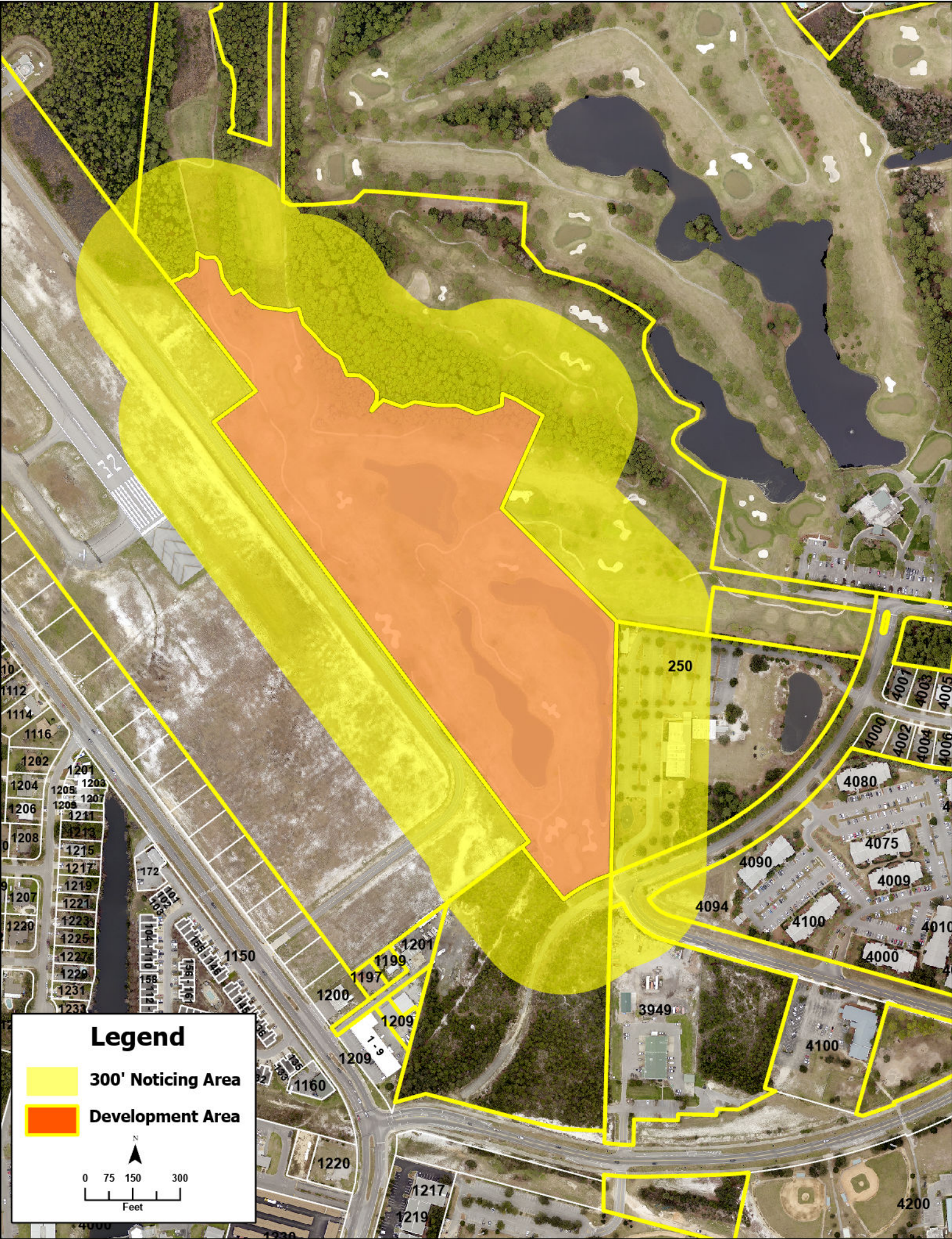
If you have any questions, please do not hesitate to call (850) 654-1119 or email planning@cityofdestin.com.

Sincerely,

Jesse Hernandez
Senior Planner

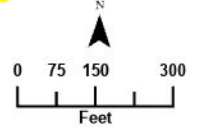
Cc: David Prichard, Community Development Director
Planning Division
Project File





Legend

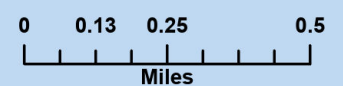
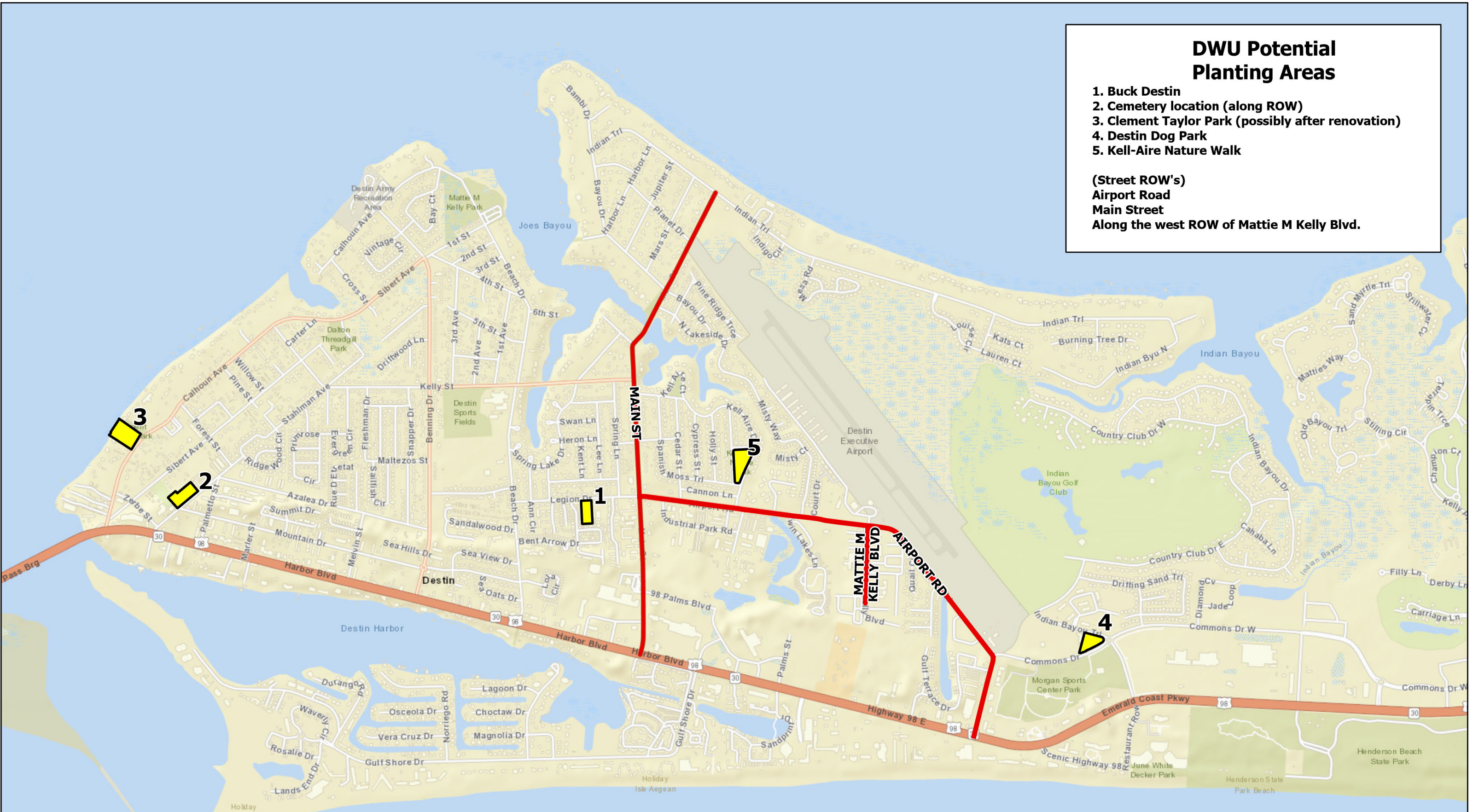
-  300' Noticing Area
-  Development Area



DWU Potential Planting Areas

1. Buck Destin
2. Cemetery location (along ROW)
3. Clement Taylor Park (possibly after renovation)
4. Destin Dog Park
5. Kell-Aire Nature Walk

(Street ROW's)
Airport Road
Main Street
Along the west ROW of Mattie M Kelly Blvd.



NOTICE

NOTICE IS HEREBY GIVEN that the City of Destin Board of Adjustment will hold a public hearing on Wednesday, November 5, 2025 at 5:30 P.M., at Destin City Hall Annex, 4100 Indian Bayou Trail, Destin, Florida, to consider the following:

1. VARIANCE REQUEST– BOA-001692-2025

Justin Goff, on behalf of the Goff Family Trust, is seeking relief from *Land Development Code (LDC) Section 11.05.01.F*, which prohibits any dock/pier from being constructed or modified to a length that is greater than 20 percent of the width of the Harbor or waterway at the place where the pier is located, or out 200 feet, whichever is less. The applicant is requesting to install the proposed dock 95.6 LF seaward of the mean high-water line, approximately 19 LF beyond the maximum length. The subject property is located at 5 Cross Court, Destin FL, 32541 (00-2S-22-1609-0000-0030).

2. VARIANCE REQUEST- BOA-001697-2025

Destin Water Users, Inc. (DWU) is requesting relief from *Land Development Code (LDC) Section 12.04.05.C*, which requires that the number of reforestation trees on any developed area be calculated at a ratio of one tree per one-tenth (0.10) of an acre. The applicant is seeking approval to utilize the tree credit option for existing trees on the site and to provide supplemental plantings in approved off-site or alternative locations, in lieu of meeting the full reforestation requirement on the subject property. (00-2S-22-0000-0046-0030).’

Copies of the above-mentioned subject may be requested by public records request. Please call (850) 837-4242 for the City Clerk. The public is encouraged to provide written and/or verbal comments on the above referenced matters.

All persons are advised that, if any person decides to appeal any decision made at any of these meetings, he/she will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (*Florida Statutes* 286.0105).

Persons with disabilities who require assistance to participate in this meeting are requested to notify the City Clerk’s office at (850) 837-4242 at least 48 hours in advance.

Personas con discapacidades que necesitan asistencia o personas que necesiten ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850)837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

Ad Dates: 10/26 & 10/31

From: [Nicholas Wisnoski](#)
To: [Jesse Hernandez](#)
Subject: FW: BOA-001697-2025 (100 INDIAN BAYOU TRL Destin, FL 32541)
Date: Wednesday, October 29, 2025 9:11:01 AM
Attachments: [image001.png](#)
[DWU Drawings for Variance-2025-10-03 v1 \(3\).pdf](#)

Jesse,

Please see below comments below. Give me a call and we can discuss more.

Respectfully,

Nicholas Wisnoski
General Aviation Airports Manager
Okaloosa County

From: Robert Chad Rogers <rrogers@myokaloosa.com>
Sent: Tuesday, October 28, 2025 4:50 PM
To: Nicholas Wisnoski <nwisnoski@myokaloosa.com>
Subject: RE: BOA-001697-2025 (100 INDIAN BAYOU TRL Destin, FL 32541)

Nick,

As discussed on this one, depending on the type of tree that would be required to be planted I am generally okay with them being consolidated on the east side of the property (see highlights on page 2 of the attached). Very few trees in the area are currently obstructions at DTS and only to the 7:1 transitional surface and not the more stringent approach-departure surfaces. If DWU has room it would be nice to create a 'hedge' of trees that would separate their RIB ponds from the development, which would also help to provide a buffer for the development and the airport (noise, view, etc.).

I see some of the City's points below and where I would like to keep trees off/away from, is directly adjacent to our fence line. In that respect perhaps that would help meet the reduction in number of trees planted at the parcel along with the use of the functional use of the land for industrial water storage and reclamation.

VR,

Chad Rogers
Deputy Director

From: Nicholas Wisnoski <nwisnoski@myokaloosa.com>
Sent: Monday, October 27, 2025 2:54 PM
To: Robert Chad Rogers <rrogers@myokaloosa.com>
Subject: FW: BOA-001697-2025 (100 INDIAN BAYOU TRL Destin, FL 32541)

City of Destin RFI:

Development next to DTS is 24 acres (less retention basins) requiring 200+ trees in the near vicinity of Destin Executive. Developer is requesting a variance to reduce the City of Destin requirement from 240 to 70 trees planted to minimize adding additional foliage closer to the Airport perimeter. Planning is supportive of the reduction in trees and would like the Airports recommendation as it will be brought up at the City Board for approval.

My initial thought is to approve as the reduction will decrease the potential for future Part 77 obstruction clearances as they mature.

Respectfully,

Nicholas Wisnoski
General Aviation Airports Manager
Okaloosa County

From: Jesse Hernandez <jhernandez@cityofdestin.com>
Sent: Friday, October 24, 2025 12:22 PM
To: Nicholas Wisnoski <nwisnoski@myokaloosa.com>
Cc: Planning <Planning@cityofdestin.com>
Subject: BOA-001697-2025 (100 INDIAN BAYOU TRL Destin, FL 32541)

Good Morning, Sir,

Destin Water Users, Inc., in the future, will be applying to develop the subject parcel to the Southeast of the airport. I have attached a conceptual drawing.

At this time, prior to applying for development, they are requesting a variance from city code. The city requires that for every .1 of an acre developed, 1 tree must be planted. In total, DWU will need to plant over 200 trees once developing this parcel. Because of the size of the reclaimed water storage and disposal site, it will be difficult place all these trees on the property without creating maintenance issues for the property, specific to the basins. They are requesting to plant approximately 70 trees.

I am reaching out to you, Sir, as I thought your input would be appreciated by the Board of Adjustment. Could planting some 200+ trees on that property could also affect airport operations? Is this something the airport allow/approve in a future technical review for this project?

Any input you have would be greatly appreciated. Thank you!

Respectfully,

Jesse Hernandez
Senior Planner
(850) 842-2366
City of Destin - Community Development
4100 Indian Bayou Trail
Destin, FL 32541
jhernandez@cityofdestin.com

The City of Destin is updating and rewriting the Land Development Code (LDC). The link below will take you to the available draft Articles and a comment form for any comments you have for review. So please comment and contribute to the viability of Destin's future!

www.cityofdestin.com/688/LDC-Rewrite

Please check out the new interactive Planning and Zoning Map!

[City of Destin Interactive Zoning Map](#)



“Please Note: Florida has a very broad public records law. Most written communications to or from the City of Destin officials are public records available to the public and media upon request. Your e-mail address and communications may therefore be subject to public disclosure.”

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.