

**BOARD OF ADJUSTMENT
DESTIN CITY HALL ANNEX CHAMBERS
WEDNESDAY, DECEMBER 3, 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, December 3, 2025, at Destin City Hall Annex Chambers.

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

Present:

Tom Weidenhamer
James Moomaw
Lance Johnson
Matthew Sweetser

Absent:

Chatham Morgan

Staff Present:

Kim Montgomery, Deputy City Clerk
Jesse Hernandez Senior Planner
David Prichard, Com. Development Director
Kim Kopp City Attorney

3. AGENDA APPROVAL:

Chairman Weidenhamer asked if there are any additions or changes needed to the agenda. With no changes or additions necessary, Chairman Weidenhamer announced that the agenda is approved.

5. NEW BUSINESS:

A. PZ-2025-10 – 616 Harbor Boulevard Variance Request

City Attorney Kim Kopp announced for the record that the item being heard is a quasi-judicial hearing LGM Landscape and Irrigation, LLC, on behalf of KIKIKERCRO, LTD, is seeking relief from Land Development Code (LDC) Section 8.04.03.D.1.b, which requires a minimum of 40 feet of total vehicular stacking distance to be required from the edge of the right-of-way to the closest point of the gate. The Applicant is requesting 20 feet of total vehicular stacking distance from the edge of the right-of-way to the gate. The subject property is located at 616 Harbor Boulevard, Destin FL, 32541 (00-2S-22-0700-000D-0010).

❖ Senior Planner Jesse Hernandez explained the following:

- Renovations of a single-family home that was originally built in the 1980's.
- Final renovation the applicant is seeking to install an 8-foot privacy fence with an automated front gate for the purpose of privacy, noise reduction, and security, given the home is located between two commercial properties.

- Code requires 40 feet minimum vehicular stacking distance from the edge of right-of-way to the closest point at the gate.
- Applicant requested 20 feet stacking/clearance distance.
- Applicant rationale:
 - Moving the gate to meet the 40 feet requirements would reduce/impact the usable parking area.

❖ **Staff Findings / Criteria Reminder**

- Staff stated:
 - The BOA must find all six variance criteria satisfied per LDC 2.25.03(C).
 - Staff found the applicant did not meet all six of the criteria, however, the Board must make the final determination.
- Staff noted the applicant’s representative, Victoria McCraw, LGM Landscape, is present for any questions by the Board.

Chairman Weidenhamer opened the public portion of the hearing for comment.

Ms. McCraw requested clarification about which of the six criteria staff believed were not met.

According to Mr. Hernandez the following criteria were not met:

- **Criteria 1 (Special Condition/Circumstance Unique to Property):**
 - Staff stated the lot/structure placement did not appear unique compared to nearby residential parcels.
 - Staff cited surrounding residential structures are closer to the right-of-way than the subject property.

➤ **Applicant response:**

- Property drops steeply down to the harbor; dwelling placement was constrained historically.
- 40-foot requirement would place the gate swing/operation into the parking area, making it functionally problematic.
- Sliding gate is not feasible due to required length and site constraints due to the existing live oaks.
 - ❖ Applicant emphasized compliance with vision triangle requirements and overall code compliance where possible.

- **Criteria 2 (Condition Not Created by Applicant):**

- Staff stated they were unable to identify a qualifying special condition not resulting from applicant action.
- Ms. McCraw reiterated constraints related to existing site conditions and functional access to the property.

- **Criteria 3 (No Special Privilege Granted):**

Staff stated the applicant did not provide sufficient evidence and that granting relief could be deemed a special privilege because the 40-foot standard applies uniformly, except for legal nonconformities.

- **Criteria 4 (Literal Enforcement Causes Undue Hardship / Deprives Enjoyed rights):**

- Staff stated the applicant did not provide sufficient evidence.
- Staff referenced code intent regarding nonconforming conditions: they may continue but are not encouraged to be expanded or used as justification for new similar structures.
- Applicant response:
 - Noted nearby townhomes with fencing close to property line and asserted vision triangle compliance appeared inconsistent.
 - Staff replied that any past oversight does not justify repeating noncompliance; code must be enforced as written.
 - Applicant stated the original concept was fence-only, but adjustments were required, leading to the current gate/stacking issue.
 - Applicant stated they were told there was a reasonable likelihood of variance because the property is single-family and not commercial.

The following questions were asked of the applicant by the Board members:

- Where are the owners located:
 - Owners are two sisters and a brother living in Texas; property is their former family home.
- What are the impacts of the old heritage oak trees:
 - Ms. McCraw stated the live oaks proposed for removal were deemed diseased and the intent is to remove two and retain the others.
 - Applicant noted removals would improve line of sight for safety reasons when exiting the property.
 - Senior Planner Jesse Hernandez explained how the City Engineer conducted a site visit pursuant to LDC Section 8.04.03(D) and is authorized to approve alternative

gate/stacking configurations based on public safety, traffic volume, topography, lot shape/dimensions, and constructability and deemed the following:

- A 27-foot stacking distance from the right-of-way, together with removal of a sabal palm near the utility box on the southwest side of the property would be the least intrusive configuration that could be approved without creating safety issues for traffic or pedestrians. With no further input from the public, Chairman Weidenhamer closed the public portion of the hearing and turned the discussion over to the board.

❖ **Board member Discussion:**

- Board discussed that most of the variance criteria appeared not met however, gave weight to the City Engineer's on-site assessment.
- Staff clarified the following:
 - Per the Land Development Code, the engineer has authority to reduce stacking distance to 27 feet without Board of Adjustments (BOA) approval.
 - However, since the applicant had already proceeded to BOA, the Board could grant the variance consistent with 27 feet, as stated.
- Ms. McGraw agreed to accept 27 feet and stated they would make it work, even if it reduced functional parking by several feet, because the owners are more concerned over noise from the street and people trespassing on their property, trying to access the harbor.

Motion by Chairman Weidenhamer to grant the Variance to be in strict conformance with what the City Engineer's determination, to reduce the stacking distance to 27 feet from the right of way, the removal of the sable palm near the utility box on the southwest side of the property that would be the least intrusive configuration that could be approved without creating safety issues for traffic or pedestrians. Board member Sweetser provided the second, the motion passed 4-0.

6. ADJOURNMENT:

There being no further business the meeting was adjourned at 5:45 p.m.

Adopted and approved this 4th day of February 2026.

Tom Weidenhamer
Tom Weidenhamer, Chairman

Kim Montgomery
Kim Montgomery, Deputy City Clerk