

Zoning Board
January 14, 2016
Milton, Florida

The Zoning Board met on the above date with the following members present: Vice-Chairman Scott Kemp, Jeremy Reeder, Colten Wright, Lonnie Hawkins, Alan Isaacson, Don Richards and Bill Seelman. Leslie Statler (Planner III), Jason McLarty (Planner II) and Beckie Cato (Planning and Zoning Director) represented the Planning and Zoning Department.

The first item on the agenda was the review of the meeting Minutes from November 12, 2015 and November 19, 2015.

Hawkins moved approval without objection of the November 12, 2015 and November 19, 2015 meeting minutes.

Old Business:

1. **2015-CU-024** **TABLED FROM NOVEMBER 12, 2015**
Project/Applicant: GAC Property Management LLC
Represented by Greg Britton of Navarre Family Watersports
Location: 8671 Navarre Parkway, Navarre, FL
Parcel: 21-2S-26-0000-00126-0000
Zoned: HCD (Highway Commercial Development)-HON (Heart of Navarre)
Request 1: Conditional Use to allow commercial outdoor amusement activities, specifically a miniature (putt putt) golf course, zip line, and inflatable aqua island water park within HCD/HON (Highway Commercial Development /Heart of Navarre) zoning district.
Request 2: Conditional Use to allow recreational activities, specifically a boat and jet ski excursion rental facility with dock within HCD/HON (Highway Commercial Development/Heart of Navarre) zoning district. (LDC 6.09.02.V & 6.09.02.EE)
District: Commissioner District #4

And

- 2015-V-064** **TABLED FROM NOVEMBER 12, 2015**
Project/Applicant: GAC Property Management LLC
Represented by Greg Britton of Navarre Family Watersports
Location: 8671 Navarre Parkway, Navarre, FL
Parcel: 21-2S-26-0000-00126-0000
Zoned: HCD (Highway Commercial Development)-HON (Heart of Navarre)
Request 1: Variance to reduce the side setbacks from 50 feet to 0 feet to accommodate commercial outdoor amusement activities.
Request 2: Variance to reduce the Shoreline Protection Zone setback from 50 feet to 25 feet to accommodate commercial outdoor amusement activities. (LDC 6.09.02.EE.6 & 12.01.02.A)
District: Commissioner District #4

Britton said he does not have final approval from FDOT (Florida Department of Transportation). He said he has FAA (Federal Aviation Administration) approval but FDOT and FAA do not agree on the safety zone. Cato said the challenge in this case is figuring out if the proposed uses are compatible. She said her recommendation is to table this item indefinitely until the final details are provided to staff.

Britton said spring break is in March and he hopes staff can put pressure on this issue.

Isaacson moved to table this item until the requested information is provided. Richards seconded, and the motion passed unanimously.

I. New Business:

1. **2015-SX-005**

Project/Applicant: Richard Carpenter
Represented by David Sweeney
Location: 7251 East Bay Boulevard, Navarre, FL
Parcel: 11-2S-27-0000-00406-0000
Zoned: R1 (Single Family Residential)
Request: Special Exception to allow the dividing of a parent parcel in R1 (Single Family Residential) resulting in 2 parcels which will not possess the required road frontage to accommodate a single family residences. (LDC 2.04.00.C.9)
District: Commissioner District #4

Anthony Moyer said his concern is traffic safety.

Sweeney said the purpose of the code, allowing property to be split, is to increase the tax base. He said his grandson's property had a residence that was built in the 1950's. Sweeney said the bank foreclosed on the property.

Hawkins asked the reason for subdividing. Sweeney said to build homes on the lots.

Isaacson said his concern is that this property will be sold, instead of developed for family. Richards said his concern is that, due to wetlands, the southern lot will be unable to have a septic tank.

Sweeney said none of this property is in a wetland area. He said water and sewer are available for 2 lots off of East Bay Boulevard. Cato discussed the wetland map.

Kemp said this is a request to divide the property, not build a residence.

Sweeney said the board should vote on whether the code has been met. Cato said there are a couple different options for dividing property.

Wright said this request has met all code requirements. He said the lot size, that this property is being divided into, is larger than the requirement.

Hawkins moved denial of the request. Isaacson seconded, and the motion passed with Hawkins Isaason, Richards, Reeder in favor. Seelman, Wright, and Kemp opposed.

2. **2016-SX-001**

Project/Applicant: David Baio
Location: 5630 Wychewood Road, Milton, FL
Parcel: 30-2N-28-0000-00508-0000
Zone: RR1 (Rural Residential Single Family)
Request: Special Exception to allow the dividing of a parent parcel in RR1 (Rural Residential Single Family) resulting in a parcel which will not possess the required road frontage to accommodate a single family residence. (LDC 2.04.00.C.9)
District: Commissioner District #3

Gerri Byrom said her concern is property value. Kemp asked how many homes are currently on this road. Byrom said 8.

Jennifer Byrom said her parents maintain the road themselves. She said property was purchased to have a peaceful atmosphere. Byrom said she does not want more traffic on the road. Seelman asked if there is any agreement regarding the maintenance of the lane. Byrom said no.

Baio said he realizes he needs to help maintain the road.

Hawkins moved denial of the request. Richards seconded, and the motion passed with Isaacson, Wright, Richards, and Hawkins in favor. Seelman, Reeder, and Kemp opposed.

3. 2016-SX-002

Project/Applicant: Gregory and Theresa Sessions
Location: 2600 Tunnel Road, Pace, FL
Parcel: 36-2N-30-0000-00209-0000
Zone: RR1 (Rural Residential Single Family)
Request: **Special Exception to allow the dividing of a parent parcel in RR1 (Rural Residential Single Family) resulting in a parcel which will not possess the required road frontage to accommodate a single family residence. (LDC 2.04.00.C.9)**
District: Commissioner District #1

Sessions said he intends to build a new home on the property. He said the current home will stay in place. He said he does not want his mortgage to affect both homes.

Richards moved approval without objection.

4. 2016-V-001

Project/Applicant: Summerdale, LLC
Represented by Stephen Moorhead
Location: Median on Summerdale Blvd., Pace, FL
Parcel: 10-1N-29-5278-PRIVT-LAND
Zoned: N/A
Request 1: **Variance Request to reduce the setback requirement from 5 feet to 1 foot 5 inches from any property line to accommodate an off-premises directional sign.**
Request 2: **Variance Request to increase the maximum allowed sign display area from 32 square feet to 72.7 square feet to accommodate an off-premises directional sign. (LDC 8.07.02.B, 8.07.02.D)**
District: Commissioner District #1

Reeder said he will abstain from this item.

Jay Fraiser said the variance request is to allow the sign to be reconstructed. He said the original sign was destroyed by an auto accident many years ago. Frasier said this request has unique circumstances because of the narrowness of the median. He said the office park is not located on Highway 90. Frasier said the patrons of the businesses may have difficulty in locating the businesses without proper signage. He said he believes all conditions have been met.

Isaacson said it is difficult to find this office complex. Wright asked if each tenant will have a sub area on the sign. Frasier said yes. Seelman said his concern is the size of the proposed sign. Hawkins said he feels this is not a sight line hazard for traffic.

Lisa Weeks said she does not object to this sign as long as it does not obstruct her sign going east.

Richards moved approval of Variance 1 without objection, with Reeder abstaining. (Abstention form on file).

Hawkins moved approval of Variance 2 without objection, with Reeder abstaining. (Abstention form on file)

5. **2016-V-002**

Project/Applicant: Teddy and Dana McBride
Location: 3565 Laguna Court, Gulf Breeze, FL
Parcel: 32-2S-28-4936-00000-0100
Zoned: R1 (Single Family Residential)
Request: **Variance request to reduce the Shoreline Protection Zone setback from 50 feet to 44 feet 10 inches to accommodate an open deck to a single family residence.
(LDC 12.01.02.A)**
District: Commissioner District #5

Teddy McBride said he is requesting this variance to be able to utilize the existing pylons. He said all of the necessary permits are in place to begin construction except this variance request. McBride said the house to the east controls the sight line

Dave Arnott said he rebuilt his house on the original footprint after Hurricane Ivan. He said he followed the code when his house was re-built. Arnott said he is against this variance.

Pete Inman said after Hurricane Ivan, the county grandfathered the footprints. He said all of the other houses except Arnott's house and the house to the west of Arnott, have a variance.

Hawkins asked the height of the open air deck. McBride said he has at least 10 feet above grade.

Dana McBride said this is just a small corner for an open deck.

Seelman said this is a reasonable request

Seelman moved approval without objection.

6. **2016-V-003**

Project/Applicant: Robert and Carole Frazier
Location: 3211 Bay Street, Gulf Breeze, FL
Parcel: 31-2S-28-2980-00100-0090
Zoned: R1 (Single Family Residential)
Request 1: **Variance Request to increase the maximum structure height from 35 feet to 49 feet to accommodate a wind turbine.**
Request 2: **Variance Request to reduce the setback requirement of 100% of the mast height from 49 feet to 7 feet 3 inches on the east property line to accommodate a wind turbine.**
Request 3: **Variance Request to reduce the Shoreline Protection Zone setback from 50 feet to 17 feet to accommodate an accessory building.**
Request 4: **Variance Request to reduce the side setback from 5 feet to 1 foot 8 inches to accommodate an accessory building.**
Request 5: **Variance Request eliminate the side setback from 5 feet to 0 feet to accommodate a dock.
(LDC 7.01.17.F.1, 7.01.17.F.2, 12.01.02.A, 2.10.05.B.2)**
District: Commissioner District #5

Frazier said he will withdraw requests 1&2 due to objection from neighbors. He said the slab is still in place from the previous accessory building. Frazier said he plans to use as many of the original pylons as possible for the pier.

Isaacson asked if Frazier is willing to flip the boat lift to the west. Frazier said yes.

Chris Jones said he owns the lot east of the subject lot. He said if Frazier flips the boat house it still gives the neighbors the same distance to get boats in and out.

Alan Steele said his parents reside on the west side of the subject property. He said he supports leaving the footprint of the dock. Steele said he does not want the boat house flipped.

Jack Bonney said he would like the rules regarding wind turbines to be re-visited to not allow wind turbines within 1,000 feet of the water front.

Richards said requests 1&2 have been withdrawn. He said request 5 has been agreed to by flipping the boat house, making it inapplicable.

Jones said he wants to make sure this still looks structurally the same, in the same footprint.

Hawkins moved approval of Request 3. Reeder seconded, and the motion passed with Seelman, Wright, Richards, Reeder, Hawkins and Kemp in favor. Isaacson opposed.

Hawkins moved approval of Request 4 with the condition that the structure is built to the original footprint. Wright seconded, and the motion passed with Seelman, Wright, Richards, Reeder, Hawkins, and Kemp in favor. Isaacson opposed.

7. 2016-V-005

Project/Applicant: “KFC Pace” Steve Dearing of JRN, Inc.
Location: 4683 Highway 90, Pace, FL
Parcel: 14-1N-29-0000-00600-0000
Zoned: HCD (Highway Commercial Development)
Request: Variance Request to increase the maximum allowed menu sign square footage from 24 square feet to 36 square feet. (LDC 8.06.06.B)
District: Commissioner District #1

Dearing said the permitting process was done locally. He said it was not understood that the menu board needed to be permitted until after the Certificate of Occupancy was issued. Dearing said this is a corporate issue with KFC. He said the restaurant uses standard size menu board and panels. Dearing said the size and spacing on the menu board is based on a national program.

Cato said staff feels that this was an honest mistake that was not noticed until after the fact.

Hawkins moved approval without objection.

8. 2016-V-006

Project/Applicant: Frank and Pamela Templeton
Location: 1137 Pine Street, Gulf Breeze, FL
Parcel: 31-2S-28-4912-00000-0060
Zoned: R1 (Single Family Residential)
Request: Variance Request to allow construction of an accessory building without a main building being constructed. (LDC 2.10.05.A)
District: Commissioner District #5

Frank Templeton said he is proposing to build an accessory building on vacant property. He said when he first purchased the property; there was a large amount trash on the property. Templeton said this project will enhance the neighborhood. He said the accessory structure will be for storage of an RV (Recreational Vehicle) and boat. Templeton said if the residence has to be included, it will be separated space within the same structure.

Seelman said this type of request has not been granted in the past. Wright said this request is different because this area is commercial and industrial.

Kemp asked if the property will be fenced. Templeton said yes. Isaacson said staff has received phone calls wanting to make sure no one will live in the RV. Templeton said he has no intentions of living in the RV. Templeton said there will be electric and water to the building.

Wright moved approval with the understanding the RV cannot be lived in. Richards seconded, and the motion passed with Isaacson, Wright, Richards, Reeder, Hawkins and Kemp in favor. Seelman opposed.

9. 2016-V-007

Project/Applicant: Mark and Katherine Herring
Location: 1500 block of Stanford Road, Gulf Breeze, FL
Parcel: 30-2S-28-0616-00B00-0050
Zoned: R2 (Mixed Density Residential)
Request: Variance Request to reduce the Shoreline Protection Zone from 50 feet to 14 feet to accommodate a single family residence. (LDC 12.01.02.A)
District: Commissioner District #5

Mark Herring said when he purchased the property he did not know about the failed retaining wall. He said there is only 20 foot depth of buildable area on the lot. Herring said he is asking for what was originally platted. Hawkins asked if there has been discussion with the Army Corp of Engineers about rebuilding the sea wall. Herring said the Army Corp of Engineers said they will not let the seawall be built in the water. He said without this variance he will not be able to build. Hawkins asked if during construction there will be double hay bales and silt fencing. Herring said yes.

Kemp said the shoreline protection is in place for a reason.

Bonney said the way the property used to be, does not matter. He said there has been no erosion since Herring purchased the property. Bonney said this will set precedent.

Pete Inman said he was one of the original developers of this subdivision. He discussed the history of this development.

Jim Harrington said his lot is larger and does not need a variance. He said the plats were approved by the county. Harrington said he is in favor of this request.

Wright said this is a densely populated waterfront community. He said he does not see this home, and the few other homes on this peninsula, causing any more harm to the waterway than the other homes already in the neighborhood.

Dan Lizenby said he is trying to put a seawall in place. He said there is nothing that can be done regarding the front setback because of the Homeowner Association and drainage.

Shaun Hendershot said this is intended to be a gated community. He said if this variance is not approved the land will be lost to erosion.

Isaacson said he is concerned about going below a 25 foot setback. He said he thinks this house can be built with a 5 foot setback.

Herring said he is willing to work with the board. He said he does not have to build this house. Herring said he is agreeable to a 25 foot setback.

Isaacson moved approval without objection of a 25 ft. rear setback.

10. 2016-V-008

Project/Applicant: "Dollar General" Teramore Development LLC
Location: 2800 block of Avalon Boulevard, Milton, FL
Parcel: 40-1N-28-0090-47400-0190
Zoned: HCD (Highway Commercial Development)
Request: Variance Request to reduce the rear setback from 25 feet to 10 feet to accommodate a commercial building. (LDC 6.05.15.I.4)
District: Commissioner District #2

Josh Hufstetler said this lot adjoins commercial property. He said delivery trucks will enter off of Avalon Boulevard and exit off of the side road.

Hawkins said there were concerns from the neighbor about people being on her property without permission. Hufstetler said a privacy fence will be installed to address those concerns.

Hawkins moved approval without objection.

11. 2016-V-009

Project/Applicant: RV Resort of Santa Rosa, LLC/Craig Kruse
Location: 8315 Navarre Parkway, Navarre, FL
Parcel: 20-2S-26-0000-01000-0000
Zoned: HCD-HON (Highway Commercial Development-Heart of Navarre)
Request: Variance Request to eliminate the setback requirement of 5 feet to 0 feet to accommodate a free standing sign. (LDC 8.06.01.C)
District: Commissioner District #4

Justin Holland (Complete Signs) said the sign structure conforms to all code requirements. He said this will not encroach on the right of way.

Hawkins asked if this sign is behind the power lines. Holland said yes.

Wright moved approval without objection.

12. 2016-V-010

Project/Applicant: Craig Francis and Sharon Huff
Represented by David Rademacher of Horizon Sunrooms
Location: 5784 Twisted Oak Court, Pace, FL
Parcel: 32-2N-29-0086-00A00-0100
Zoned: R1 (Single Family Residential)
Request 1: Variance Request to reduce the west side setback requirement from 9.5 feet to 5 feet to accommodate an accessory structure.
Request 2: Variance Request to reduce the rear setback from 25 feet to 7 feet to accommodate an accessory structure. (LDC 2.10.05.B.1, 6.05.12.E.1.e.3)
District: Commissioner District #3

Ray Parker (Horizon Sunrooms) said they are constructing a free standing patio with storage on one end. He said the building will have the same shingles as the house.

Seelman moved approval without objection of both requests.

13. 2016-V-011

Project/Applicant: Russell Merrill
Location: 3116 Calle De Cortez, Navarre, FL
Parcel: 03-2S-27-3460-00B00-0090

Zoned: R1 (Single Family Residential)
Request: Variance Request to reduce the front setback from 25 feet to 11 feet to accommodate an accessory structure. (LDC 2.10.02.B, 2.10.05.B.3, 6.05.05.I.2)
District: Commissioner District #4

Merrill said this request is for the side setback. McLarty said the front of the house is on the side setback. He said the accessory structure is on the front of the lot and has to adhere to the front setback.

Richards moved approval without objection.

- 14. 2016-CU-001 POSTPONED**
Project/Applicant: Lance and Andrea Fairchok
Represented by Bob Chopra of Verizon Wireless
Location: 9800 block of Nichols Lake Road, Milton, FL
Parcel: 13-1N-27-0000-00105-0000
Zoned: AG-RR (Agriculture/Rural Residential)
Request: Conditional Use to allow a communications tower within an AG-RR (Agriculture/Rural Residential) zoning district. (LDC 6.09.02.CC)
District: Commissioner District #2
- And 2016-V-004 POSTPONED**
Project/Applicant: Lance and Andrea Fairchok
Represented by Bob Chopra of Verizon Wireless
Location: 9800 block of Nichols Lake Road, Milton, FL
Parcel: 13-1N-27-0000-00105-0000
Zoned: AG-RR (Agriculture/Rural Residential)
Request: Variance to allow potentially hazardous materials, specifically a 500 gallon LP tank, to be stored or located within an AG-RR (Agriculture/Rural Residential) zoning district. (LDC 7.01.14.D.3.c)
District: Commissioner District #2
- 15. 2016-CU-002 WITHDRAWN BY APPLICANT**
Project/Applicant: Pace Water System
Represented by Daniel Saba, Esquire, of Locklin, Saba, Locklin, and Jones P.A.
Location: 7768 Tidwell Road, Pace, FL
APO Parcels: APO 05-2N-29-0000-00100-0000 & APO 06-2N-29-0000-00200-0000
Zoned: AG-RR (Agriculture/Rural Residential)
Request: Conditional Use to allow public utilities and facilities, specifically a rapid infiltration basin system for water management within an AG-RR (Agricultural/Rural Residential) zoning district. (LDC 6.09.02.J)
District: Commissioner District #3
- 16. 2016-CU-003**
Project/Applicant: Bruce and Peggy Holland
Location: 2055 Homer Holland Road, Milton, FL
Parcel: 26-4N-29-0000-00102-0000
Zoned: AG-RR (Agriculture/Rural Residential)
Request: Conditional Use to allow an outdoor recreational activity, specifically a wedding venue within an AG-RR (Agricultural/Rural Residential) zoning district. (LDC 6.09.02.V)
District: Commissioner District #3

Seelman said he will abstain from this item.

Kemp said this was a code violation case. BJ Holland said he represents the applicant. He said the county does not consider a commercial building, an agriculture structure. Holland said the Florida Legislature is in the process of adding ceremony activities to the agri-tourism definition. He said he is working with the county on how the county will classify this operation and building. Holland said he was granted an agriculture exemption to construct the building.

Seelman said the things Holland is doing fall under the bill going through the legislature. Cato said the popularity of agri-tourism and the changes in state statute is something the county is working through.

Wright moved approval without objection. Seelman abstained. (Abstention form on file)

17. 2016-R-001

Project/Applicant: Robert and Delfina Muchow
Location: 6100 Cheyenne Drive, Milton, FL
Parcels: 17-2N-28-0000-03100-0000
Existing Zone: RR1 (Rural Residential Single Family)
Change to Zone: AG-RR (Agriculture/Rural Residential)
Current FLU: SFR (Single Family Residential)
Proposed FLU: AG (Agriculture)
Area size: (+/-) 7.92 acres
District: Commissioner District #3

R. Muchow said this property is for sell and he wants to keep the property, agriculture in the future.

Jennifer Ledkawski asked if this property will be able to be developed as multi-family. Cato said if this request is approved the residential development will be limited to one home per acre. Ledkawski said her concern is traffic. She said there is a rumor that a church wants to buy this house and run a home to teach agriculture. Wright said the chance of this request increasing traffic is slim.

Heather Simmons said D. Muchow stated to her that a prospective buyer of the property stated this will be good home for troubled teens. She said that D. Muchow stated that before the prospective buyer will consider purchasing the property, it will have to be re-zoned.

Cato said for a group home, there are state statutes regarding what local government can regulate.

D. Muchow said she wants to keep this property as it is. She said she was approached by a minister who wants to purchase a home for children that are transitioning out of foster care to college. She said she cannot control what someone that purchases the house will do.

Lillia Rose said the person who purchases the property can make this request if they wish.

Seelman said this is spot zoning. Hawkins said there is agriculture property a block away. Reeder asked if the reason for this request is to affect the value of the property.

D. Muchow said there are no comparisons to determine the value of the property. She said having the amenities in place makes the property very appealing.

Wright moved approval of the request. Hawkins seconded, and the motion passed with Isaacson, Wright, Richards, Reeder, Hawkins and Kemp in favor. Seelman opposed.

18. 2016-R-002

Project/Applicant: Synovus Bank
Represented by Jerry McGuire of JMA Engineering Services, Inc

Location: 6200 block of Gulf Breeze Parkway, Gulf Breeze, FL
Parcels: 28-2S-27-0000-00600-0000, 28-2S-27-0000-01801-0000, 28-2S-27-0000-01700-0000
Existing Zone: PUD (Planned Unit Development)
Change to Zone: R2 (Medium Density Residential)
Current FLU: MDR (Medium Density Residential)
No change to FLU: MDR (Medium Density Residential)
Area size: (+/-) 82.455 acres
District: Commissioner District #5

Hawkins moved approval without objection to table this item to February.

19. Proposed text amendments to the Land Development Code; presented by Kristen Shell:
- a. amending Section 2.10.05, Article 3, and Section 6.03.05.F.5.e pertaining to timing of construction and size of accessory structures;
 - b. amending Section 6.05.19.I and Section 7.01.12 pertaining to outdoor storage in M-1 zones
 - c. amending Section 7.01.14.D.3.c pertaining to the location of fuel storage for generators associated with cell towers and public and private utilities;
 - d. amending Section 7.01.15.D.30 pertaining to the names of Agriculture zoning districts; and
 - e. amending Article 8, pertaining to wall signage.

Cato made a power point presentation to the board.

Isaacson said his concern is about the acreage for an accessory building before a structure is in place. He said there are subdivisions that were platted under agriculture zoning. Cato said one option is to limit this requirement to unplatted lots. Seelman asked if the language on fuel storage is adequate for the well head protection zone. Cato said fuel storage will have to be above ground in the wellfield protection zone.

Hawkins said there have been several menu board requests. Cato said she looked into this but she needs to do more research on the menu boards.

Isaacson moved approval without objection, with the addition of unplatted subdivisions to amendment a.

Planning Department Matters:

Review of BOCC December 10, 2015, meeting results:

1. Appealed Variance Requests: 2015-V-078, 2015-V-081, and 2014-V-082
2. Conditional Use Requests: 2015-CU-037 and 2015-CU-038

Next Zoning Board Meeting:

The next Zoning Board meeting will be held on Thursday, February 11, 2016, at the Tiger Point Community Center.

Adjournment:

There being no further business to come before the Board at this time, the meeting adjourned.

Chairman