

**2015-V-044**

**Project Name:** n/a

**Applicant and/or  
Property Owner:** James & Joy Cowart

**Representative:** n/a

**Request:** Variance to reduce the west side  
setback from 15 feet to 8 feet 4 inches  
to accommodate a guest cottage

(LDC 6.03.05.H)

**Zoning District:** RR1 (Rural Residential)



**Variance 2015-V-044**

**General Information:**

<b>Applicant:</b>	James & Joy Cowart
<b>Representative:</b>	n/a
<b>Project Location:</b>	5555 Fox Fire Rd., Milton
<b>Parcel Number:</b>	30-2N-28-0000-00330-0000
<b>Request:</b>	Variance to reduce the west side setback from 15 feet to 8 feet 4 inches to accommodate a guest cottage.
<b>Current Conditions:</b>	The site currently has a single family residence located on it.

**Land Development Code Criteria:**

6.03.05 Accessory Activities: In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with and appropriately incidental and subordinate to the principal activity when located on the same zone lot as such principal activity and meet the additional conditions set forth below. Such accessory activities shall be controlled in the same manner as the principal activities within such zone except as otherwise provided in Section 2.10.06. Accessory activities include, but are not limited to, the activities indicated below:

H. Guest Cottages: A guest cottage is allowed as an accessory activity within all residential zoning districts. The guest cottage shall not occupy more than 50% of the total floor area square footage of the main building and the cottage and must be used exclusively for housing members of the family occupying the principal dwelling or their non-paying guests. The guest cottage shall have a front setback of 60 feet from the front property line and shall maintain the same side and rear setbacks for the principle dwelling.

A guest cottage with kitchen facilities is allowed if the guest cottage and main dwelling together do not exceed the gross density requirement for the parcel. If the guest cottage and main dwelling together would exceed the gross density requirement for the parcel, the following conditions apply.

1. The site should be designed so as to maximize compatibility with adjacent land uses and minimize adverse impacts.
2. The parking requirements of 7.01.08.B.B.1 must be met. For purposes of calculating parking requirements, the guest cottage will be considered an additional single family unit on the parcel.

3. A Standard B or E landscaped buffer is required between the guest cottage and adjacent single family uses or districts consistent with Section 7.01.05, "Landscape Buffers."

**2.04.00 SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES:**

The BOA shall have the following duties and powers:

- B. No variances shall be authorized under this provision unless the Board finds that all of the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such property and do not apply generally to other land or buildings in the vicinity.

**Is this criterion met?            No**

**Staff Analysis: Staff has determined that there are no special circumstances regarding the land or building in question, and that this parcel does not possess unique qualities with respect to size or exceptional shallowness that are peculiar to such property and not to other lots within the area.**

**The applicant is seeking relief from the section of the Ordinance which regulates the placement of guest cottages on a lot. The accessory structure is already in existence and the applicant is proposing to change the use from a storage building/garage to a guest cottage. When the accessory structure was constructed it met the setbacks for accessory structures. The guest cottage setbacks are different and it doesn't meet those setbacks.**

2. The variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.

**Is this criterion met?            No**

**Staff Analysis: This Variance request is not necessary for the preservation and enjoyment of a substantial property right and is merely a convenience to the property owner.**

3. The authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of Santa Rosa County.

**Is this criterion met?            Yes**

**Staff Analysis: It is not anticipated that the authorization of this Variance will impair an adequate supply of light and air to adjacent property, increase congestion to public streets, or impair the public safety.**

**It is not expected to unreasonably diminish or impair established property values within the surrounding area.**

4. The variance will not impair the intent of the zoning ordinance or zoning district map.

**Is this criterion met?            No**

**Staff Analysis: If authorized, a Variance without special circumstances would impair the intent of the zoning ordinance.**

5. To permit the reduction of parking or loading requirements whenever the character or use of a building is such as to render unnecessary the full provision of parking or loading facilities as specified herein or whenever the strict enforcement of such provision would impose an unreasonable hardship as contrasted with merely granting an advantage or convenience.

**Is this criterion met?            N/A**

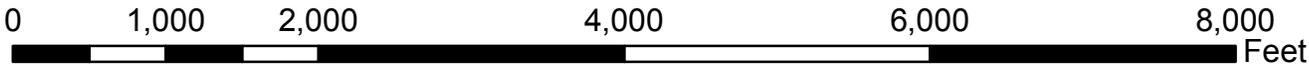
**Staff Analysis: The proposed request does not apply to the reduction of parking or loading requirements nor does it apply to the access management standards which would affect the safety or operation of the roadway.**

**If the Variance is approved, are there any potential building code issues?**

It is not anticipated that there will be any potential building code issues.



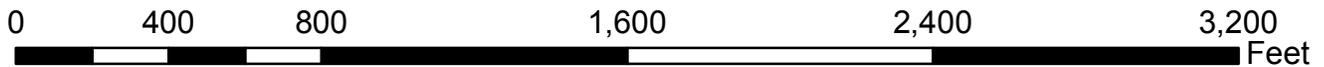
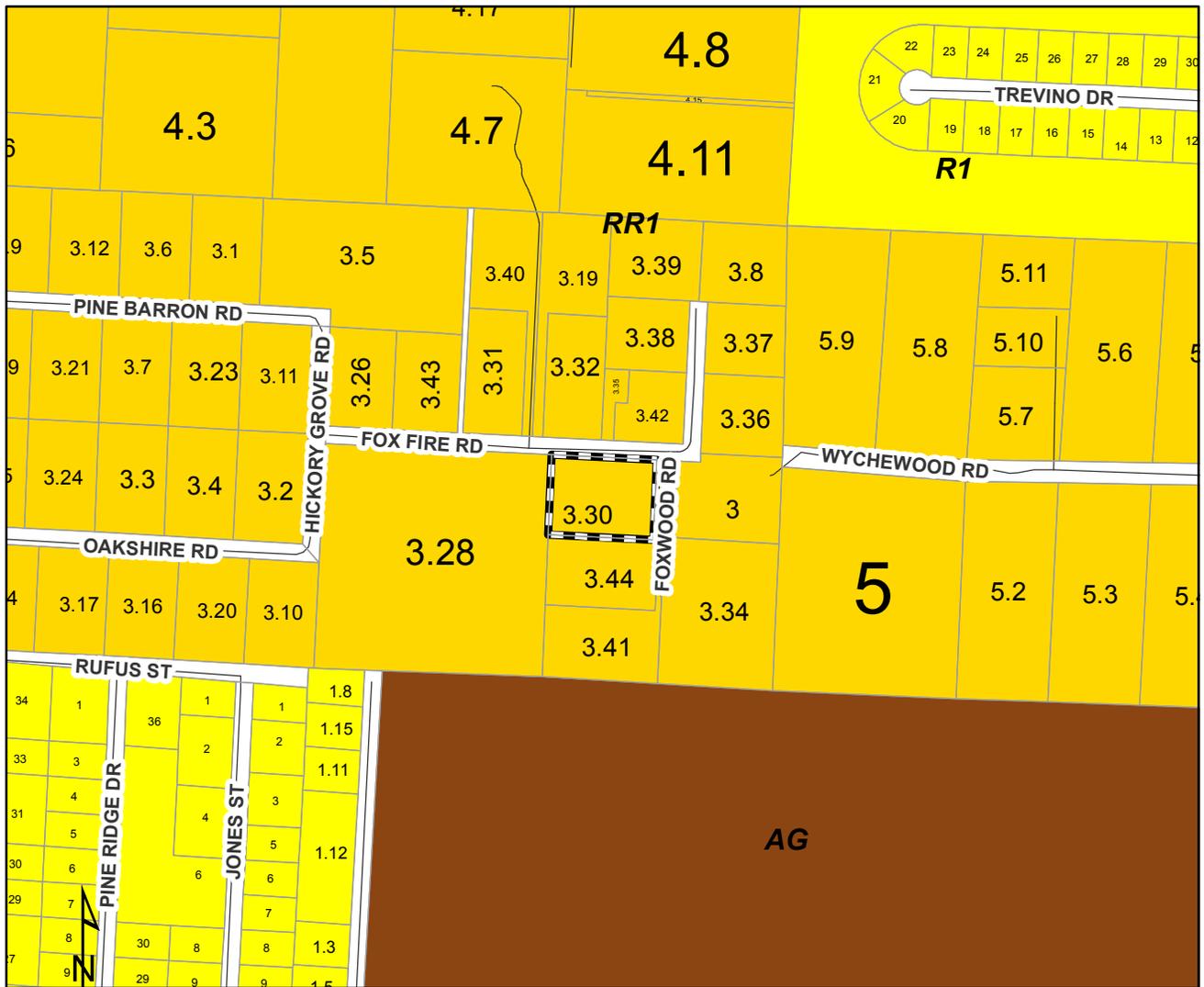
2015-V-044  
Location



Legend

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# 2015-V-044 Zoning



**Legend**

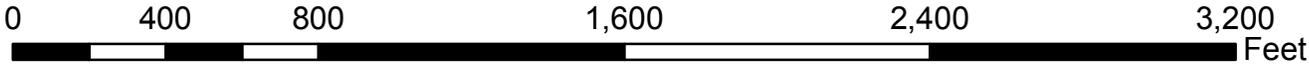
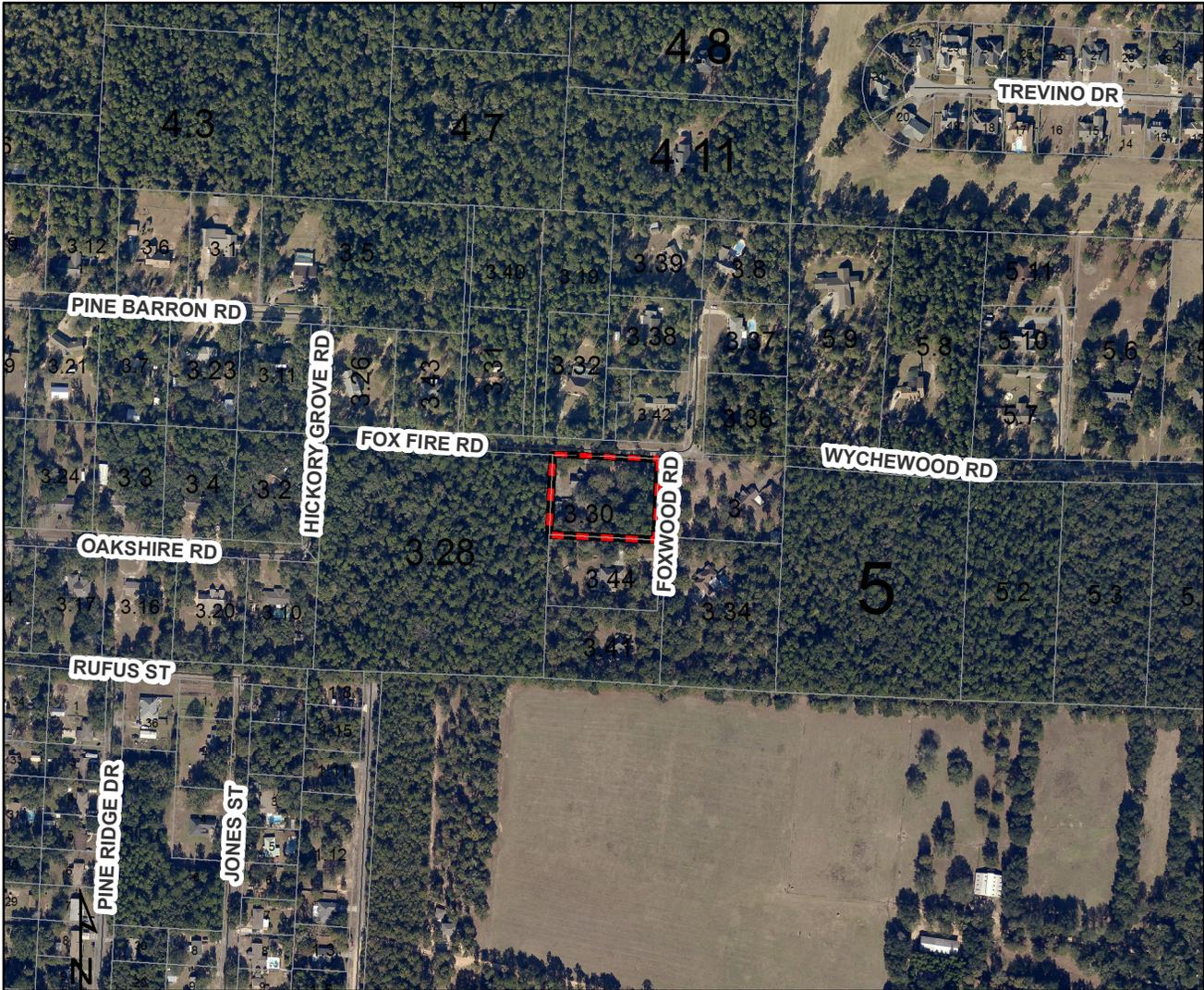
Pending ZB/May	Agriculture/Rural Residential (AG)	General Industrial (M-2)	Single Family Residential (R-1A)	Hotel - Navarre Beach (HNB)
AG within an Accident Potential Zone (AG-APZ)	M2 within an Accident Potential Zone (M2-APZ)	Mixed Residential Subdivision (R-1M)	Navarre Beach - High Density (NB-HD)	Navarre Beach - Medium Density (NB-MD)
Agriculture (AG2)	Planned Industrial Development (PID)	R1M within an Accident Potential Zone (R1M-APZ)	Navarre Beach - Planned Mixed Use Development (NB-PMUD)	Navarre Beach - Conservation/Recreation (NB-CON/REC)
AG2 within an Accident Potential Zone (AG2-APZ)	Neighborhood Commercial (NC)	R1M within the Heart of Navarre (R1M-HON)	Navarre Beach - Single Family (NB-SF)	Navarre Beach - Medium High Density (NB-MHD)
Marina (C-1M)	NC-APZ	Medium Density Residential (R-2)	Navarre Beach - Utilities (NB-U)	State
Marina and Yacht Club (C-2M)	NC within the Heart of Navarre (NC-HON)	R2 within an Accident Potential Zone (R2-APZ)	State within an Accident Potential Zone (STATE-APZ)	RAIL
Historical/Commercial (HC-1)	Passive Park (P-1)	R2 within the Heart of Navarre (R2-HON)	Right of Ways (ROAD)	Military (MIL)
Highway Commercial Development (HCD)	P1 within the Heart of Navarre (P1-HON)	Medium Density Mixed Residential (R-2M)	Water	Municipal Boundaries (CITY)
HCD within an Accident Potential Zone (HCD-APZ)	Active Park (P-2)	R2M within an Accident Potential Zone (R2M-APZ)		
HCD within the Heart of Navarre (HCD-HON)	P2 within an Accident Potential Zone (P2-APZ)	R2M-HON		
HCD with the Navarre Town Center (HCD-NTC)	P2 within the Heart of Navarre (P2-HON)	Medium High Density Residential (R-3)		
Historical/Single Family (HR-1)	Planned Business District (PBD)	Rural Residential Single Family (RR-1)		
Historical/Multiple Family (HR-2)	Planned Unit Development (PUD)	RR1 within an Accident Potential Zone (RR1-APZ)		
Restricted Industrial (M-1)	Single Family Residential (R-1)	Navarre Town Center 1 (TC1)		
M1 within an Accident Potential Zone (M1-APZ)	R1 within an Accident Potential Zone (R1-APZ)	Navarre Town Center 2 (TC2)		
M1 within the Heart of Navarre (M1-HON)	R1 within the Heart of Navarre (R1-HON)	Navarre Beach - Commercial (NB-C)		

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2015-V-044

Aerial

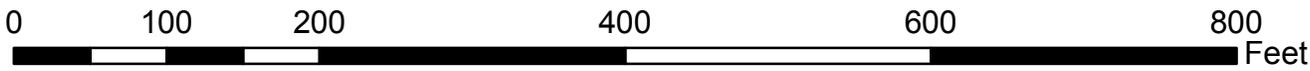


Legend

 PendingZBMay

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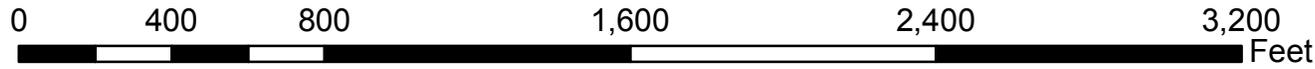
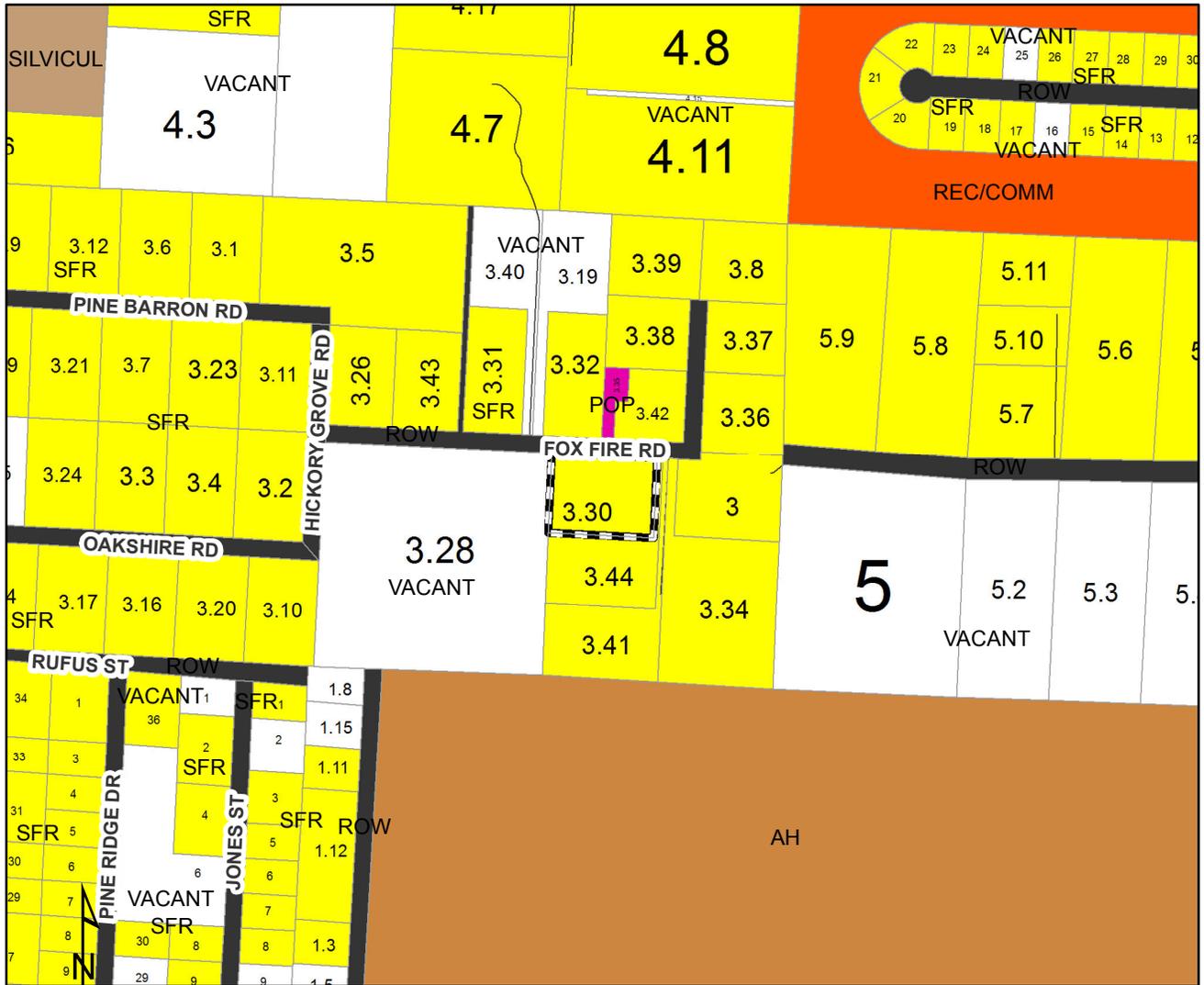
2015-V-044  
Close Up Aerial



**Legend**  
 PendingZBMay

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# 2015-V-044 Existing Land Use



**Legend**

PendingZBMay	<b>Existing Land Use</b>	Institutional	Recreation/Open Space
<b>CATEGORY</b>	Multi-Family Residential <5	Multi-Family Residential >5	Right of Way
Agriculture	Military	Mixed Residential/Commercial	Single Family Residential
Agriculture, Homestead	Office	Uncategorized	Silviculture
Condo's/Townhomes	Public Owned Property	Utilities	Vacant
City	Rail	Water	
Commercial	Recreation/Commercial		
Industrial			

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# Santa Rosa County Development Services



Beckie Cato, AICP  
Planning and Zoning Director

Santa Rosa County Public Service Complex  
6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583  
[www.santarosa.fl.gov](http://www.santarosa.fl.gov)  
Office: (850) 981-7000

Rhonda C. Royals  
Building Official

## Variance Application

\* Application Instructions begin on Page 5

** For Official Use Only **	
Application No. <u>2015 -V- 044</u>	Date Received: <u>4-8-15</u>
Review Fee: <u>235.00 + 19.69</u>	Receipt No.: <u>122</u>
Zoning District: <u>RR-1</u>	FLUM Designation: <u>SFR</u>

± 1,572

VA# 3

**Property Owner**

Property Owner Name: Straightline Properties, LLC.

Address: PO Box 608  
Bagdad, FL 32530

Phone: (850) 910-0893 Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Applicant**

Check here and skip this section if the applicant is the Property Owner. Otherwise, complete this section and provide authorization from the Property Owner giving the Applicant the authority to pursue variance approvals.

Company: \_\_\_\_\_

Contact Name: James & Joy Cowart

Address: 5038 Timber Ridge Dr.  
Pace, FL 32571

Phone: 850-293-1164 Fax: \_\_\_\_\_

Email: jcwart0393@gmail.com

**Property Information**

Parcel ID Number(s): 30-2N-28 # 3.30 30-2N-28-0000-00330-0000  
-OR-

Street Address of property for which the Variance is requested:  
5555 Fox Fire RD., Milton 32570

**Variance Request**

What is the present use of the property? Residential

Please describe the requested variance, including exact dimensions and purpose of the variance.

We need to convert the current unattached one-car garage (23'x25') to a "granny flat" (23'x45') for use by our aging parents.

Please describe the special circumstances or conditions that apply to the building or land in questions which necessitate the variance request.

Although not encroaching upon the property line, the proposed renovated structure would not meet necessary set-back requirements on the side facing the undeveloped adjacent property.

Are the special conditions or circumstances described above the result of a proposed or prior action of the applicant? Yes  No

Please explain why the literal enforcement of the provisions of the Land Development Code will result in unnecessary hardship.

Unless we are able to adequately provide a living space for our parents by adding on to the unattached garage, we will not be able to purchase this otherwise ideal property.

**Variance Provisions And Criteria**

Do you currently have a Code Enforcement Violation which pertains to this Variance request?  Yes  No

I understand that all decisions made by the Zoning Board of Adjustment are subject to appeal and that their decision does not become effective until the appeal time has successfully passed.  Yes  No

I understand that approval by the Zoning Board of Adjustments does not authorize construction and/or land clearing to occur on this site and that additional approvals and Building Permits may be required.  Yes  No

I understand that determinations by the Zoning Board of Adjustment are valid for 36 months.  Yes  No

**Certification and Authorization**

By my signature hereto, I do hereby certify that the information contained in this application and the required supplemental materials is true and correct, and understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application. I do hereby authorize County staff to enter upon my property at any reasonable time for purposes of site inspection.

James Cowart  
Applicant Name (Type or Print)

James A. Cowart  
Applicant Signature

\_\_\_\_\_  
Title (if applicable)

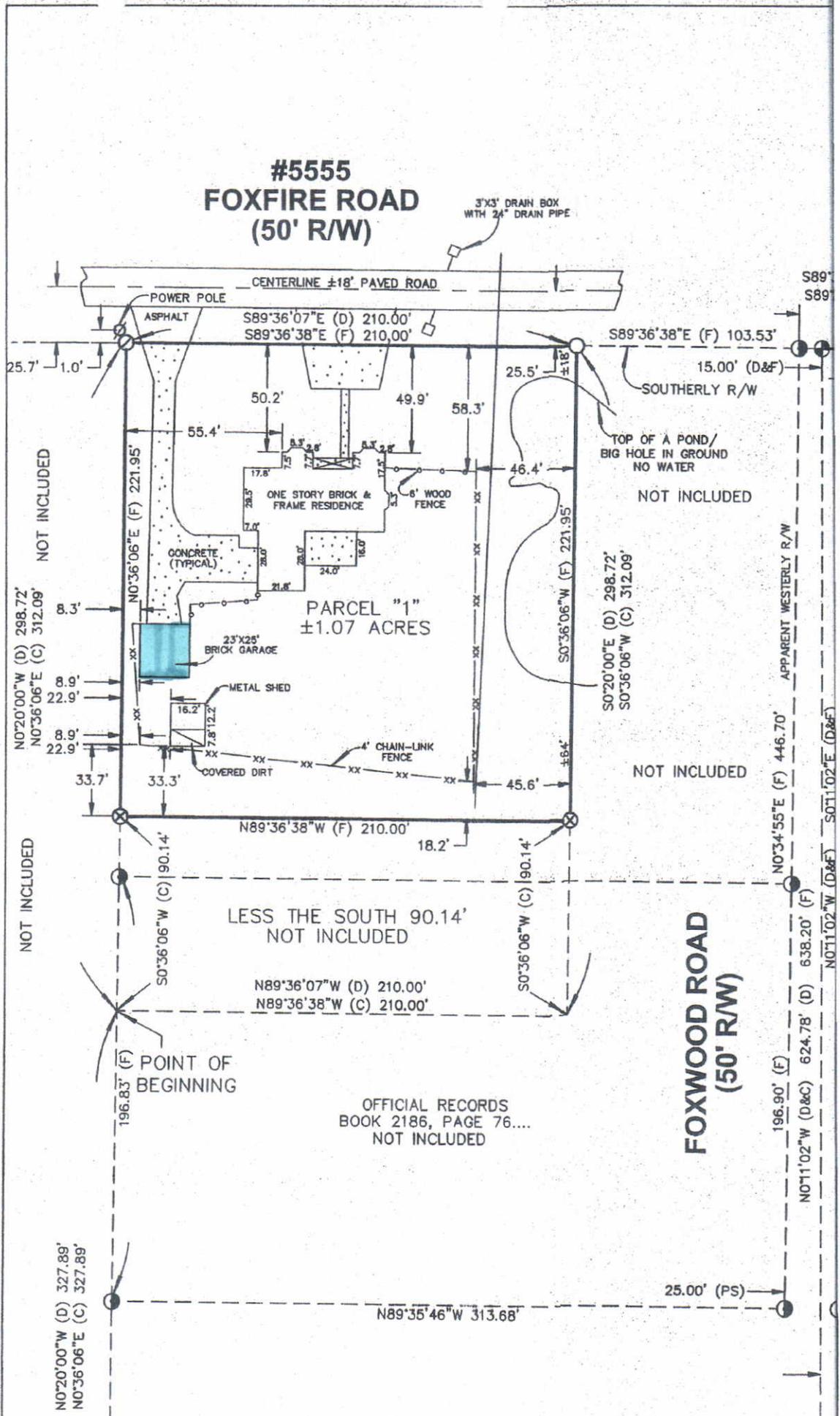
4/8/15  
Date

**Benchmark**  
 Surveying & Land Planning, Inc.

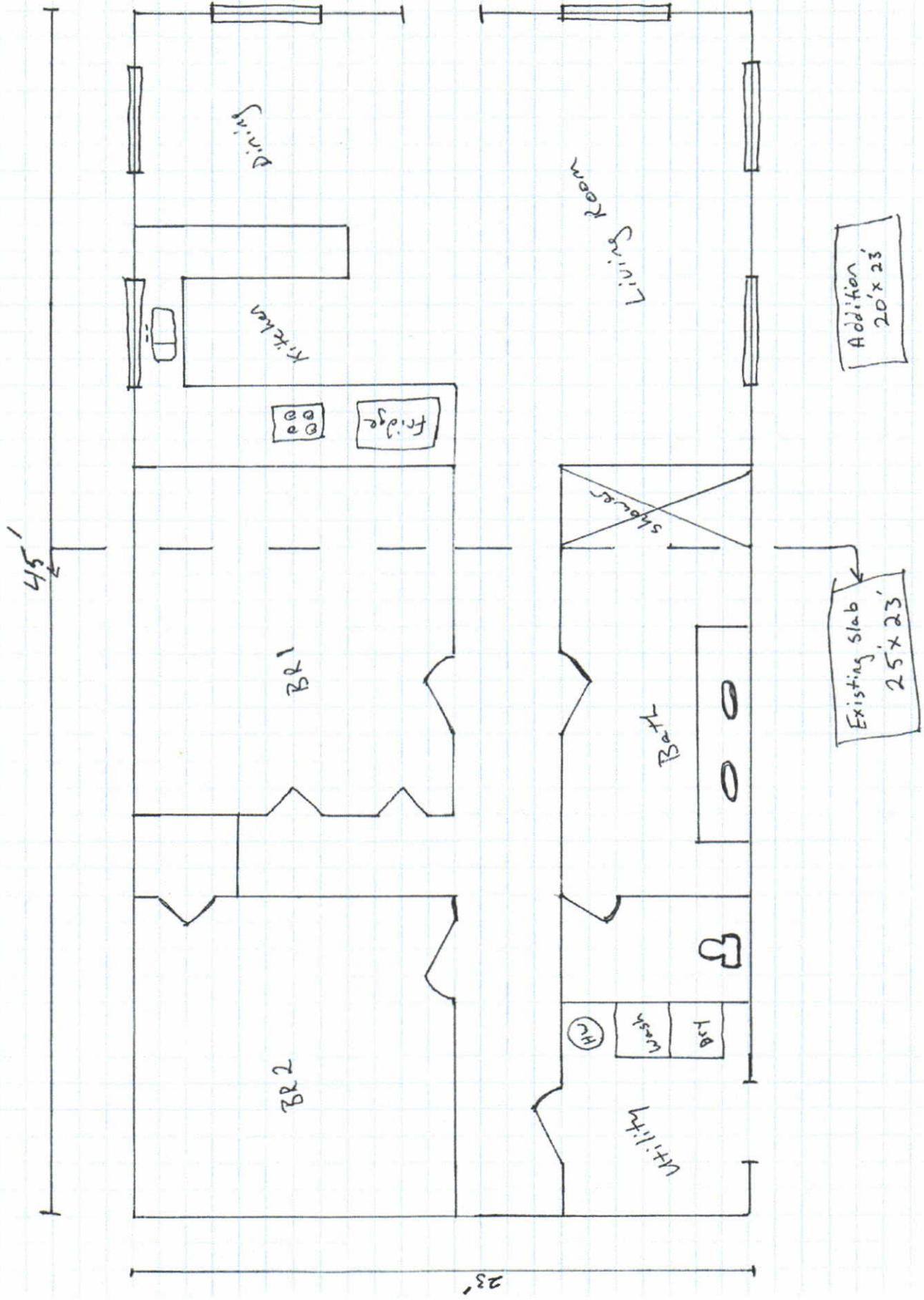
7200 Chumuckla Highway  
 Pace, Florida 32571  
 (850) 994-4882  
 FAX 995-9614

THOMAS E. NICHOLS, P.L.S.  
 President

Consulting • Land Surveying  
 Land Planning • Wetland Surveying



Adjacent undeveloped parcel (ID# 30-2N-28-0000-00328-0000)



**CITIZENS  
COMMENTS  
2015-V-044**



## Darlene Stanhope

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**From:** dranik2252@aol.com  
**Sent:** Monday, May 04, 2015 11:38 AM  
**To:** Darlene Stanhope  
**Subject:** RE: Variance application # 2015-V-044

To whom it may concern:

In regard to the variance application #2015-V-044 submitted by Mr. Cowart for the property address 5555 Fox Fire Road, Milton, FL, 32570, we, Laura and Anthony Hesser, residing at 5574 Fox Fire Road, Milton, FL 32570. respectfully submit no contest to this application. Please grant the request to the applicant keeping in mind the reason for said variance is for future facilitation of care for their elderly parents. I find this commendable and hope to welcome them into our little community soon. If you have any more questions or concerns regarding our position on this application, please feel free to contact us by responding to this email.

Respectfully,  
Laura and Anthony Hesser  
5574 Fox Fire Road  
Milton, FL 32570