

2012-V-025

Project Name: n/a

Applicant and/or Property Owner: Paul & Cari Taylor

Representative: n/a

Request : Variances to the following:

(1) to reduce the corner side setback from 15 feet to 5 feet to accommodate an elevated pool deck for an above-ground pool; and

(2) to allow a privacy fence 10 feet in height to be located within a corner side setback

(LDC 2.10.05.B.1, 2.10.04.C, 6.04.16.A & C, 7.01.10.A & D)

Zoning District: R1-APZ (Single Family Residential District within an Accident Potential Zone)

STAFF ANALYSIS

Variance 2012-V-025

I. Applicant:

Paul & Cari Taylor

II. Proposed Location:

2324 Avenida De Sol, Navarre; on the east side of Avenida del Sol and the north side of Nevada Street west of Highway 87 South and north of Navarre Parkway in Navarre, 2nd Addition Subdivision (Parcel number 17-2S-26-2750-03300-0250)

III. Request:

Variances to the following:

- (1) to reduce the corner side setback from 15 feet to 5 feet to accommodate an elevated pool deck for an above-ground pool; and
- (2) to allow a privacy fence 10 feet in height to be located within a corner side setback

IV. Land Development Code Criteria:

2.10.04 Side Yard Modifications

C. Corner Lots – A corner lot shall have a side street setback equal to fifteen (15) feet or as specified by the zoning district requirement. However, if the side street is a collector road or an arterial road, as described in Section 4.04.03(D), then the side street setback shall be either twenty-five (25) feet for a collector road or fifty (50) feet for an arterial road. The side street shall be determined by the location of the front yard.

2.10.05 Accessory Buildings and Structures

B. Encroachment of Yards in lots located in Recorded Subdivisions or lots less than one (1) acre in size - Accessory buildings or structures on lots in recorded subdivisions in residentially zoned districts or less than one (1) acre in size may be located within all yards and must observe the following conditions:

1. Any accessory structure closer than ten (10) feet to the main building shall be construed as part of the main building and shall observe all setbacks required for the main building (refer to Sections 2.10.00, 6.05.00, 6.08.00 and 12.01.02)

6.04.16 Fences and Walls: The construction, erection and maintenance of walls and fences within Santa Rosa County shall be permitted in RR-1, R-1, R-1A, and R-1M zoning districts only as follows:

STAFF ANALYSIS

A. Walls and fences on rear and side property lines shall be permitted to a maximum height of six (6) feet.

C. Where a wall or fence is erected within the front setback of any lot, such wall or fence shall not be permitted in excess of four (4) feet in height, except chain link type fences, (minimum fourteen (14) gauge galvanized welded wire), which shall not be permitted in excess of five (5) feet in height.

7.01.10 Fences and Walls: The construction, erection and maintenance of walls and fences within Santa Rosa County shall be permitted only as follows:

A. Walls and fences on rear and side property lines in residential zones shall be permitted to a maximum height of six (6) feet; in commercial zones walls and fences on rear and side property lines shall be permitted to a maximum height of eight (8) feet. In all industrial areas(M-1 and M-2 districts) walls and fences shall be permitted to a height not to exceed ten (10) feet. Agriculture districts are exempt from this provision.

D. Where a wall or fence is erected within the front setback of any lot, such wall or fence shall not be permitted in excess of four (4') feet in height, except chain link type fences, (minimum fourteen (14) gauge galvanized welded wire), which shall not be permitted in excess of five (5) feet in height. Agriculture districts are exempt from this provision. Where a wall or fence is erected within the front setback of a lot in an HCD zone such wall or fence shall not be permitted in excess of four (4) feet in height, except chain link type fences, (minimum fourteen (14) gauge galvanized welded wire), which shall not be permitted in excess of eight (8) feet in height. Where a wall or fence is erected within the front setback of a lot in M1 or M2 zones, such wall shall not exceed four (4) feet in height except chain link type fences, (minimum fourteen (14) gauge galvanized welded wire), which shall not be permitted in excess of ten (10) feet in height.

V. **2.04.00 SPECIAL EXCEPTIONS AND VARIANCES:** The Zoning Board 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?

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

STAFF ANALYSIS

respect to size or exceptional shallowness that are peculiar to such property and not to other lots within the area.

The applicants are seeking multiple variances to accommodate the placement of an elevated pool deck for an above-ground swimming pool. The first Variance is to allow the deck to be located within the corner side setback, specifically 9 feet from the corner property line. Since this lot is a corner lot, improvements to the lot must observe a corner side setback of 15 feet.

The second request pertains to a fence which will be used to screen the elevated deck from public view. The applicants are seeking to allow a privacy fence within a corner side setback to be 10 feet in height. The maximum height for a screening fence within a corner side setback is 4 feet.

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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?

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

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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

Is this criterion met?

Staff Analysis: The authorization of this Variance will not impair an adequate supply of light and air to adjacent property, increase congestion to public streets, or

(continued on next page)

STAFF ANALYSIS

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.

impair the public's safety. The location of the fence and the elevated deck do not impair visibility within the corner's visibility triangle.

It is unknown whether the authorization of this Variance will 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?

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

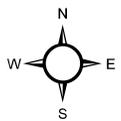
5. To permit the reduction of parking or loading requirements whenever the character or use of a building is such as to render unnecessary the full provision of parking or loading facilities as specified herein or whenever the strict enforcement of such provision would impose an unreasonable hardship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

Is this criterion met?

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.

Additionally, variances from access management connection standards may be granted where the effect of the variance would be to enhance the safety or operation of the roadway.

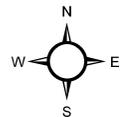
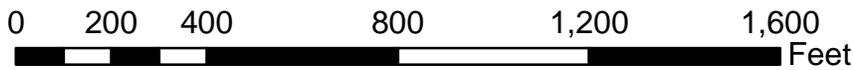
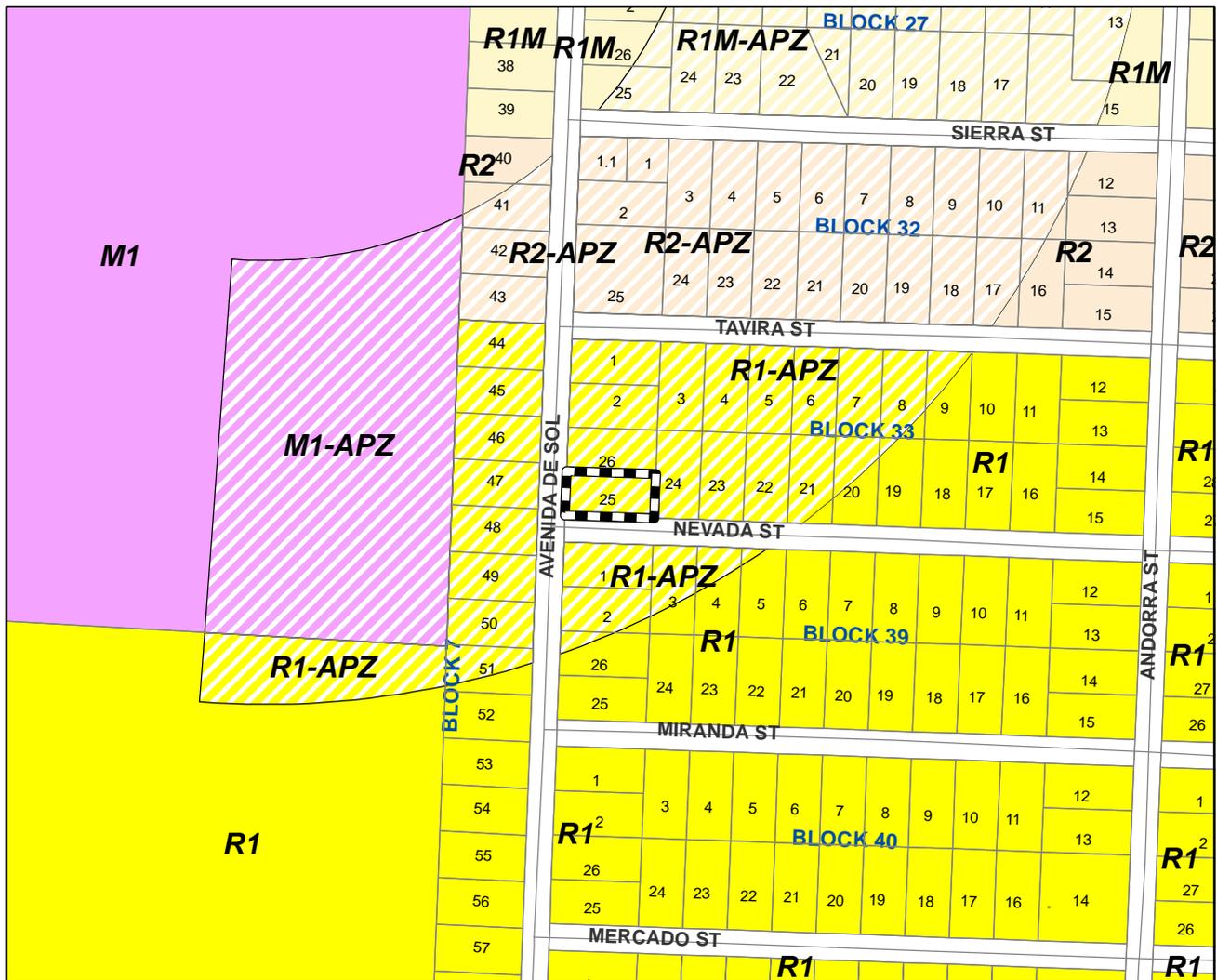
2012-V-025 Location Map



Legend

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2012-V-025 Current Zoning



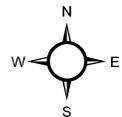
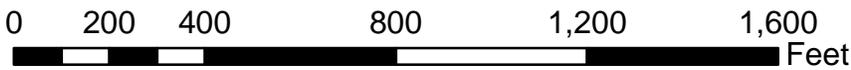
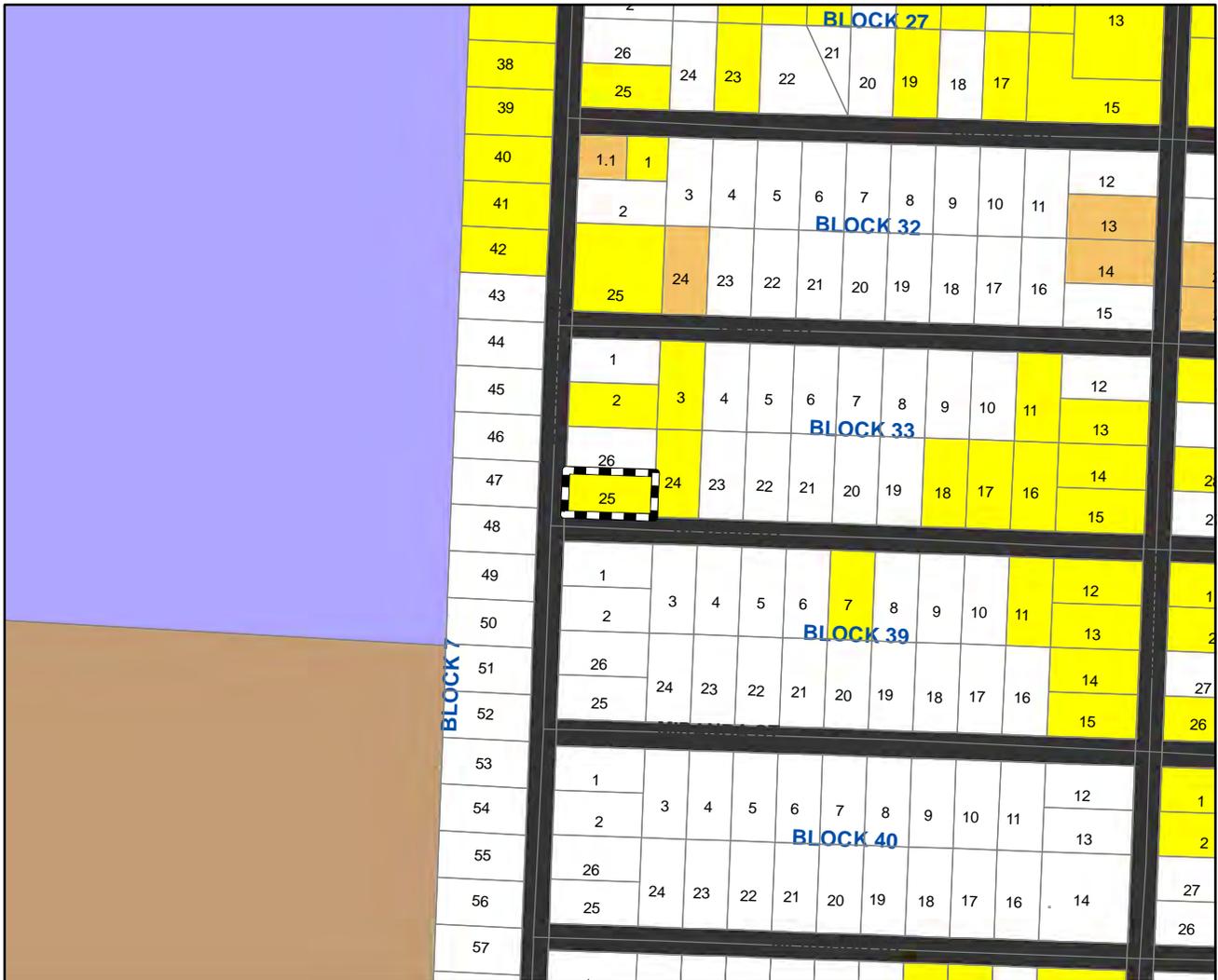
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Pending BOA	M1 within the Heart of Navarre (M1-HON)	R1 within the Heart of Navarre (R1-HON)	Navarre Beach - Commercial
Agriculture/Rural Residential (AG)	General Industrial (M-2)	Single Family Residential (R-1A)	Hotel - Navarre Beach
AG within an Accident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

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2012-V-025 Existing Land Use

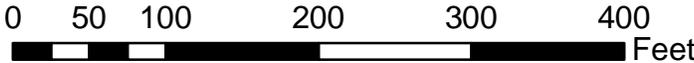
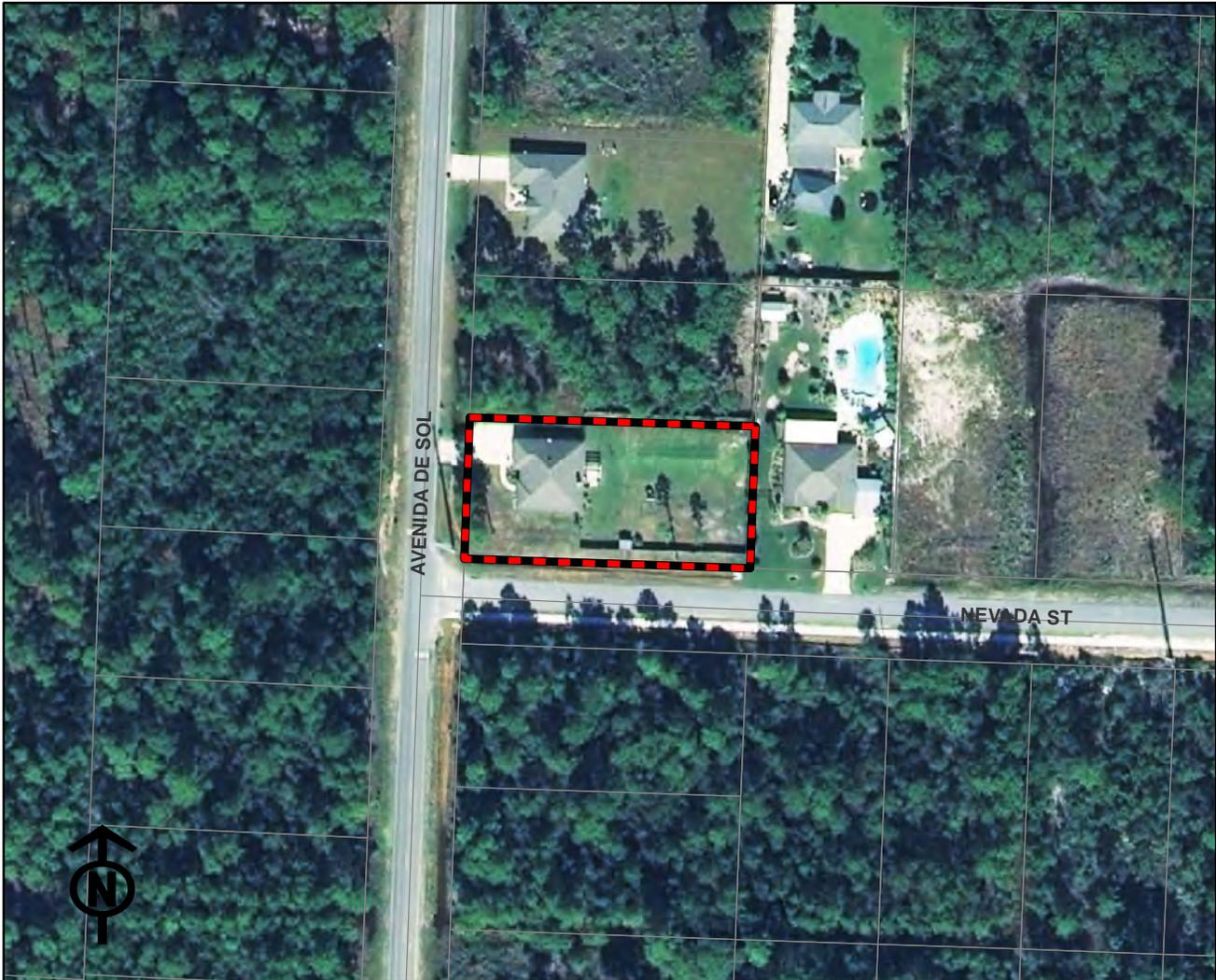


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PendingBOA	Commercial (COMM)	Office	Silviculture (SILVICUL)
Existing Land Use	Industrial	Public Owned Property (POP)	Uncategorized (UNCAT)
CATEGORY	Institutional (INST)	Rail	Utilities
Agriculture (AG)	Multi-Family Residential <5 (MFR<5)	Recreation/Commercial (REC/COMM)	Vacant
Agriculture, Homestead (AH)	Multi-Family Residential >5 (MFR>5)	Recreation/Open Space (REC/OS)	Water
Condo's/Townhomes (C/T)	Military	Right of Way (ROW)	
City	Mixed Residential/Commercial (MRC)	Single Family Residential (SFR)	

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 PendingBOA

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Santa Rosa County Development Services



Community Planning, Zoning,
and Development Division
Fax: (850) 983-9874

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

Building Inspections
Compliance Division
Fax: (850) 623-1208

Variance Application

* Application Instructions begin on Page 5

** For Official Use Only **			
Application No.	<u>2012-V-025</u>	Date Received:	<u>May 7 2012</u>
Review Fee:	<u>\$255.80</u>	Receipt No.:	<u>88</u>
Zoning District:	<u>R1 AP2</u>	FLUM Designation:	

Comm Dist #4

**Property
Owner**

Property Owner Name: Paul & Cari Taylor
Address: 2324 Avenida De Sol
Navarre, FL 32566
Phone: 850-515-2153 Fax: _____
Email: cariocnbond@hotmail.com

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: _____
Address: _____
Phone: _____ Fax: _____
Email: _____

**Property
Information**

Parcel ID Number(s): 17 25 26 2750 03300 0250
-OR-
Street Address of property for which the Variance is requested:
2324 Avenida De Sol Navarre

Variance Request

What is the present use of the property? RESIDENTIAL

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

REQUEST IS FOR A 6 FOOT VARIANCE TO ALLOW CURRENT DECK TO REMAIN IN PLACE. REQUEST TO ALSO ALLOW FOR A 10' FOOT PRIVACY FENCE

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

DECK IS BUILT TO FORM THE SHAPE OF THE POOL, CONTRACTOR BUILT DECK W/OUT CONSIDERING THE PROPERTY WAS A CORNER LOT. FENCE WOULD BE ADDED TO BOLSTER SECURITY & SAFETY

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.

DECK IS CURRENTLY INSTALLED, COST TO MOVE DECK IS VERY EXPENSIVE.

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

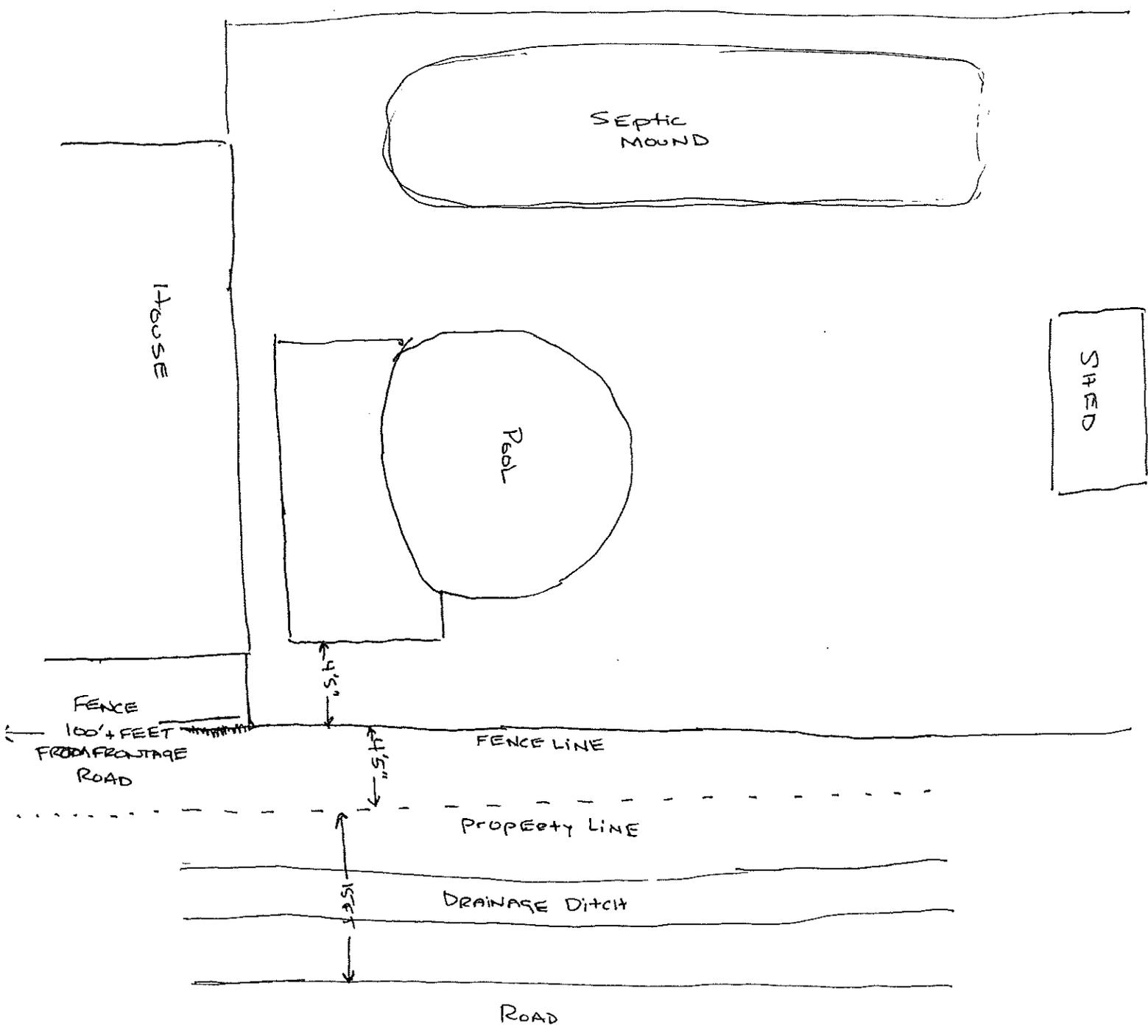
By my signature hereto, I do hereby certify that the information contained in this application and the required supplemental materials is true and correct, and understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation 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.

Paul Taylor
Applicant Name (Type or Print)

[Signature]
Applicant Signature

Title (if applicable)

5/5/12
Date



Case # 2012-V-25

Citizen Comments

6/2/12



To Whom It May Concern:

In reference to the request for variance from the county , case # 2012-V-025, on structures at the Corner of Nevada and Avenida Del Sol property of Mr. and Mrs. Taylor, and request to install a ten foot fence for privacy I strongly object . A ten foot fence on Nevada Street side of the corner will not enhance the neighborhood. It will take away from it and will hurt the property value of everyone residing on the entire block.

It is my hope that some other resolution may be reached concerning this situation that will be agreeable to all parties concerned and that will not detract from our neighborhood.

Thank for your time and consideration.

Respectfully,

S.A.Hendry

8192 Nevada Street, Navarre, Fl 32566



June 2, 2012

Re: County Variance Hearing #2012-V-025 (Paul Taylor)

To Whom It May Concern:

Recently, my neighbor, Mr. Taylor constructed a pool deck in violation of county setback ordinances. Now, he is requesting to further encroach on county restrictions by constructing a ten foot fence for his privacy!

I would like to petition the county to deny his request and have Mr. Taylor remove the railings on the pool deck which are now protruding above his six foot fence. We have county ordinances to control decisions that will negatively affect property values and they must be enforced especially during this economic downturn.

Regards,

Shirley Richardson

Shirley Richardson (Home owner/resident)

8192 Nevada Street, Navarre, FL 32566



To: County Zone hearing #2012-V-025

From: Jeff Campbell

I am a little concerned about the variance my neighbor is requesting from the county. The Taylor's have a half acre lot, they have plenty of space in their yard (even with the mound system) in which they could have set their pool. They chose to set it as close to the side fence as possible, then they paid a contractor to build them a deck which is 5 foot off the ground and is in violation of setback zones for a corner lot.

If they have to move it, maybe the contractor will do it for free, or split the cost with them.

Now they want to erect a 10 foot fence down their property line on Nevada Street, so they can have some privacy.

Just a suggestion, why didn't the Taylor's plan this out a little, and place the pool more in the center of the back yard, erect a 2 or 3 foot high deck around their pool, and plant some nice trees or other foliage to give them some privacy.

I don't want to be a bad neighbor, but I like my privacy, and I enjoy my neighborhood. I don't want to look at a 10 foot high fence every time I turn the corner off of Avenida de Sol to turn into my driveway. I already don't like the view from my front yard when I look over and see a pool deck, and railing that almost touches the eaves on their house. To me, it is just plain tacky and very poor planning. Thank you for your time.

Jeff Campbell (8136 Nevada Street)