

2012-V-027

Project Name: "East River Smokehouse"

Applicant and/or Property
Owner: Charles W. Clary

Representative: n/a

Request: Variance to reduce the Shoreline
Protection Zone setback from 50 feet to 4
feet to accommodate the construction of
an outdoor seating and recreation area
(LDC 12.01.00.A, 12.01.02.A)

Zoning District: HCD-HON (Highway Commercial District
within the Heart of Navarre)

STAFF ANALYSIS

Variance 2012-V-027

I. **Applicant:**

"East River Smokehouse" represented by Charles W. Clary

II. **Request:**

Variance to reduce the Shoreline Protection Zone setback from 50 feet to 4 feet to accommodate the construction of an outdoor seating and recreation area

III. **Land Development Code Criteria:**

12.01.00 COASTAL CONSTRUCTION/SHORELINE PROTECTION:

Shoreline protection zone means the area that commences at the mean high water line and runs to and includes the primary dune system. The Shoreline Protection Zone in Santa Rosa County shall also be known as the "Beach Preservation Zone."

A. The following areas along the Gulf of Mexico and Santa Rosa Sound shall be considered within Shoreline Protection Zone-1:

1. The water-ward line shall run east-west along the line of mean high water.
2. The landward line shall run east / west at a location coterminous with the crest of the primary dune system extending along the Gulf-fronting shoreline of the Navarre Beach Planning Area. However, in no case shall any prohibitions apply landward of the Coastal Construction Control Line nor to any structure or activity permitted under F.S. 161.053 (5).
3. For sound-side properties the shoreline protection zone shall be the mean high tide line of Santa Rosa Sound.

B. Zone-2 is the Shoreline Protection Zone on Escambia Bay, Blackwater Bay, East Bay and the basins and bayous and shall be measured from the mean high water line to a point five (5) feet landward of the mean high water line.

C. Prohibitions - The following activities, unless specifically excepted, shall be prohibited within the shoreline protection zone:

1. Construction of buildings and structures, except for permitted minor structures;
2. Removal of vegetation for residential development is allowable by permit for vegetation five (5) inches and smaller in diameter.
3. Planting of new vegetation except for native, salt-resistant species suitable for beach and dune or area stabilization.

STAFF ANALYSIS

12.01.02 **Design Standards in Areas Adjacent to Shoreline Protection Zone**

A. All development shall be setback greater than or equal to fifty (50) feet from the landward boundary of the Shoreline Protection Zone in Zone-1 and forty-five (45) feet from the landward boundary of the Shoreline Protection Zone in Zone-2.

12.02.00 **SCOPE:** The scope of this section shall apply to the following types of construction within the Shoreline Protection Zone, areas adjacent to the Shoreline Protection Zone, Navarre Beach, flood plain or flood prone areas as defined in Article 10, and any other shoreline or coastal areas of Santa Rosa County when topographic and/or elevation data require enhanced protection through regulation of construction.

- A. New construction of, and improvements to, major and minor structures.
1. Major structure includes, but is not limited to, residential buildings including mobile homes, commercial, institutional, industrial and other construction having the potential for substantial impact on coastal and shoreline zones.
 2. Minor structure includes, but is not limited to, pile-supported, elevated dune and beach walkover structures; seawalls/bulkheads; beach access ramps and walk ways; stairways; lifeguard support stands and sand fences. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, and wave and storm forces.
 3. Non-habitable major structure includes, but is not limited to, swimming pools; seawalls/bulkheads; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures and other water retention structures; water and sewage treatment plans; electrical power plants, transmission and distribution lines, transformer pads, vaults and substations; roads, bridges, streets and highways; underground storage tanks; communications buildings and towers; flagpoles and signs over fifteen (15) feet in height.

IV. Proposed Location:

8465 and 8491 Navarre Parkway, Navarre; on the south side of Navarre Parkway directly on Santa Rosa Sound between Highway 87 South and Navarre Beach Causeway in the Navarre community (Parcel numbers 20-2S-26-0000-00200-0000 & 20-2S-26-0000-00400-0000)

V. 2.04.00 SPECIAL EXCEPTIONS AND VARIANCES: 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:**

STAFF ANALYSIS

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 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 Ordinance which regulates development within 50 feet of the shorelines within Santa Rosa County. The applicant wishes to construct an outdoor seating and recreation area within 4 feet of the mean high water line. The setback for development is 50 feet from the mean high water line.

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.

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

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 impair the public's safety. It is

(continued on next page)

STAFF ANALYSIS

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.

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.

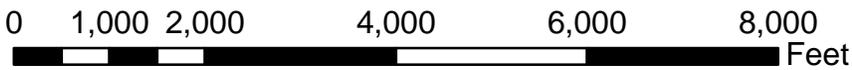
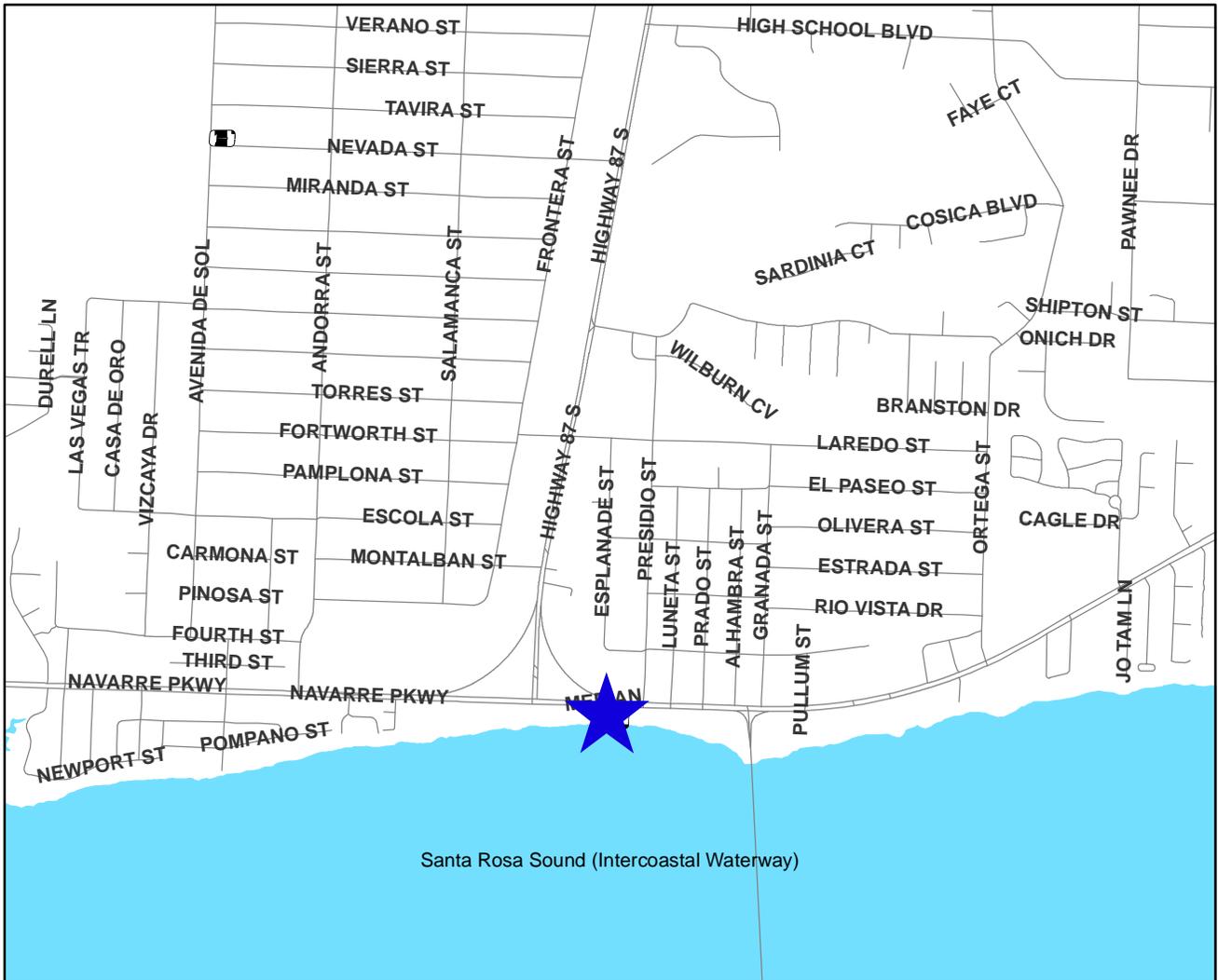
5. To permit the reduction of parking or loading requirements whenever the character or use of a building is such as to render unnecessary the full provision of parking or loading facilities as specified herein or whenever the strict enforcement of such provision would impose an unreasonable hardship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

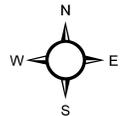
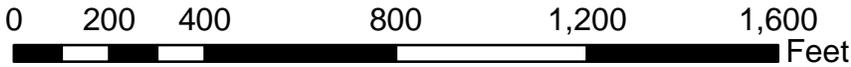
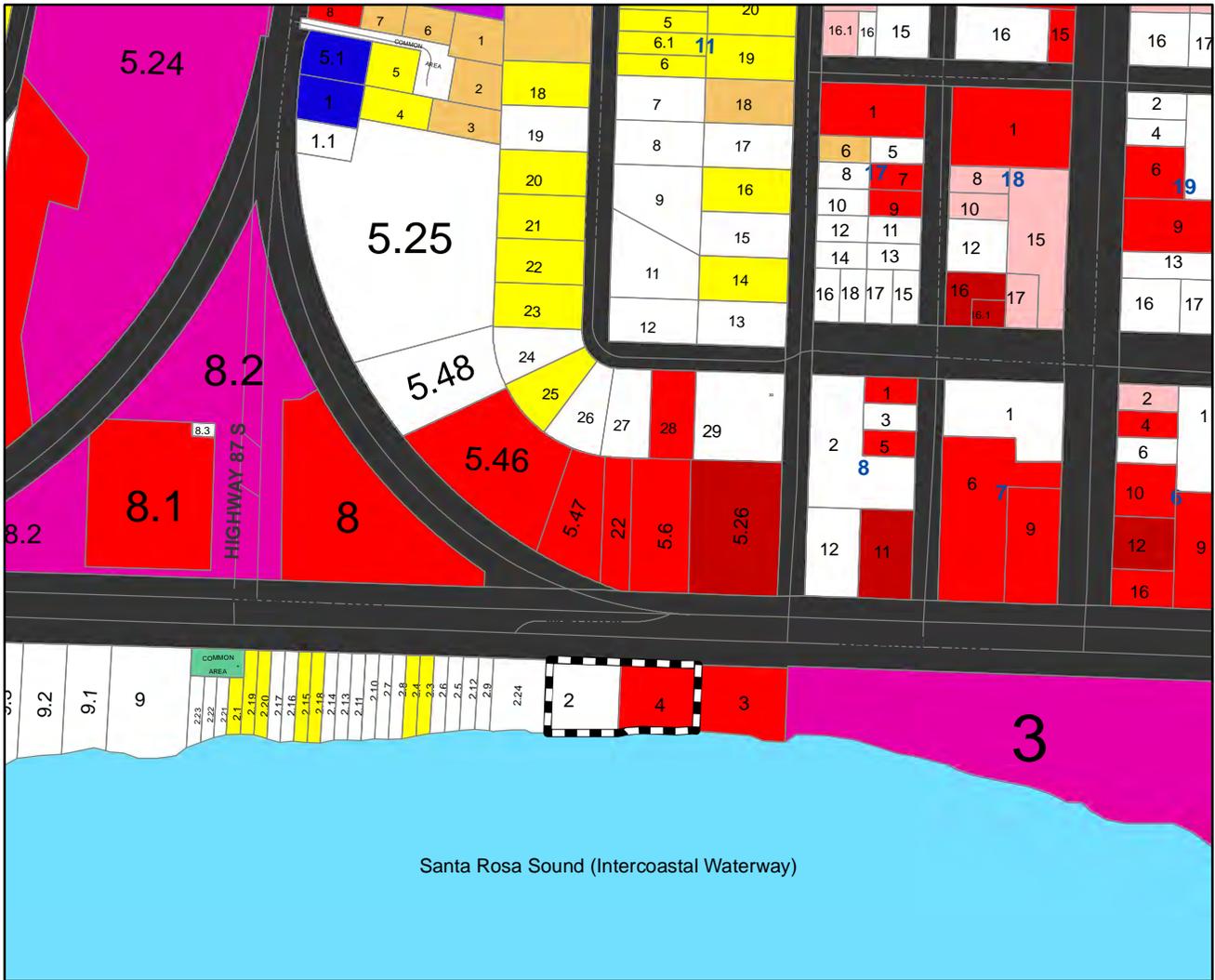
Additionally, variances from access management connection standards may be granted where the effect of the variance would be to enhance the safety or operation of the roadway.

0212-V-027
Location Map



Disclaimer:
The GIS maps and data distributed by the Santa Rosa County BOCC departments are derived from a variety of public and private sector sources considered to be dependable, but the accuracy, completeness, and currency thereof are not guaranteed. The Santa Rosa County Commission makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of information or data contained in or generated from the County Geographic Database. Additionally, the Santa Rosa Commission or any agent, servant, or employee thereof assume no liability associated with the use of this data, and assume no responsibility to maintain it in any matter or form.

0212-V-027 Existing Land Use

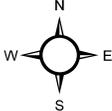
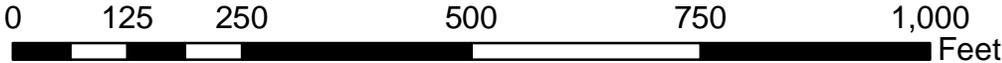


Legend

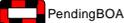
Pending BOA	Commercial (COMM)	Office	Silviculture (SILVICUL)
Existing Land Use	Industrial	Public Owned Property (POP)	Uncategorized (UNCAT)
CATEGORY	Institutional (INST)	Rail	Utilities
Agriculture (AG)	Multi-Family Residential <5 (MFR<5)	Recreation/Commercial (REC/COMM)	Vacant
Agriculture, Homestead (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)	

Disclaimer:

The GIS maps and data distributed by the Santa Rosa County BOCC departments are derived from a variety of public and private sector sources considered to be dependable, but the accuracy, completeness, and currency thereof are not guaranteed. The Santa Rosa County Commission makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of information or data contained in or generated from the County Geographic Database. Additionally, the Santa Rosa Commission or any agent, servant, or employee thereof assume no liability associated with the use of this data, and assume no responsibility to maintain it in any matter or form.



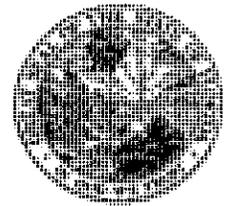
Legend



Disclaimer:
 The GIS maps and data distributed by the Santa Rosa County BOCC departments are derived from a variety of public and private sector sources considered to be dependable, but the accuracy, completeness, and currency thereof are not guaranteed. The Santa Rosa County Commission makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of information or data contained in or generated from the County Geographic Database. Additionally, the Santa Rosa Commission or any agent, servant, or employee thereof assume no liability associated with the use of this data, and assume no responsibility to maintain it in any matter or form.



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-027</u>	Date Received:	<u>5/8/12</u>
Review Fee:	<u>\$239.80</u>	Receipt No.:	<u>90</u>
Zoning District:	<u>HCD-HON</u>	FLUM Designation:	<u>COMM</u>

Property Owner Property Owner Name: Estate of Charles W. Clary ^{VD-4}
 Address: 1241 Airport Rd. Suite A
Destin, FL 32541
 Phone: 850 259 6695 Fax: 850 654 4276
 Email: cclary@dagarchitects.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: _____

Parcel ID Number(s): 20-25-26-0000-00700-0000
20-25-26-0000-00400-0000

Property Information

-OR-
Street Address of property for which the Variance is requested:

What is the present use of the property? restaurant (under construction;
scheduled opening on Memorial Day)

Variance
Request

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

Variance to reduce the shoreline
Protection zone setback from 50' to 10'
to accommodate an outside seating & recreation
area.

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

see attached 'A'

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.

see attached 'B'

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.

Charles W. Clary III
Applicant Name (Type or Print)

Per. Rep. of Estate of
Title (if applicable)

Charles W. Clary
Owner


Applicant Signature

5/7/12
Date

