

2015-V-022

Project Name: n/a

**Applicant and/or
Property Owner:** Terry & Sandy Smith

Representative: Lee or Miles Mabire of House Plans
Unlimited USA

Request: Variance to reduce the rear setback
from 25 feet to 13 feet to
accommodate the construction of a
primary residence

(LDC 6.05.05.I.3 & 6.05.05.I.4)

Zoning District: PUD (Planned Unit Development)

**Zoning Board
Decision:** *Denied with a vote of 5 – 4*

Variance 2015-V-022

General Information:

Applicant: Terry & Sandy Smith

Representative: Lee or Miles Mabire of House Plans Unlimited USA

Project Location: 1278 Ceylon Dr., Gulf Breeze

Parcel Number: 33-2S-28-0000-00103-0000

Request: Variance to reduce the rear setback from 25 feet to 13 feet to accommodate the construction of a primary residence.

Current Conditions: The property is currently vacant.

Land Development Code Criteria:

6.05.05 R-1 - Single Family Residential District

I. Minimum Required Setbacks:

3. **Side Setback:** There shall be a side building setback of seven (7) feet on each side of every main building when measured at the minimum front setback line for lots having widths between seventy (70) and ninety (90) feet. For lots wider than ninety (90) feet and narrower than seventy (70) feet, there shall be a side building setback of no less than ten percent (10%) of the lot width to a maximum requirement of fifteen (15) feet on each side of every main building. Modifications to this requirement shall be in accordance with Section 2.10.04. Lot widths shall be determined at the minimum front setback line.
4. **Rear Setback** There shall be a rear building setback on every lot of not less than twenty-five (25) feet, except as provided in Section 2.10.03.

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? Yes

Staff Analysis: Staff has determined that there are special circumstances regarding the land or building in question, and that this parcel does possess unique qualities with respect to size or exceptional shallowness that are peculiar to such property and not to other lots within the area. While the lot is zoned Planned Unit Development it is not part of any of the subdivisions in the area and as such R1 (Single Family Residential) setbacks would be applied.

The applicant is seeking relief from the section of the Ordinance which regulates the placement structures on a lot. The applicant is seeking to reduce the rear setback from 25 feet to 13 feet to accommodate a single family residence.

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? Yes

Staff Analysis: This Variance request is necessary for the preservation and enjoyment of a substantial property right and is not 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 anticipated that 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? Yes

Staff Analysis: If authorized, a Variance with special circumstances would not 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

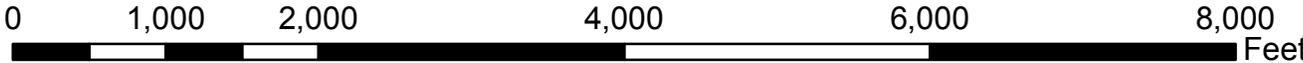
Staff Analysis: The proposed request does not apply to the reduction of parking or loading requirements nor does it apply to the access management standards which would affect the safety or operation of the roadway.

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-022

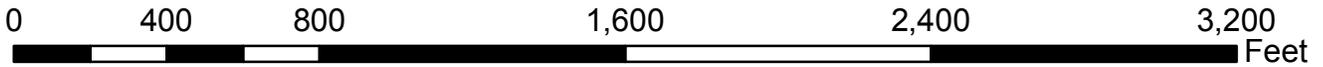
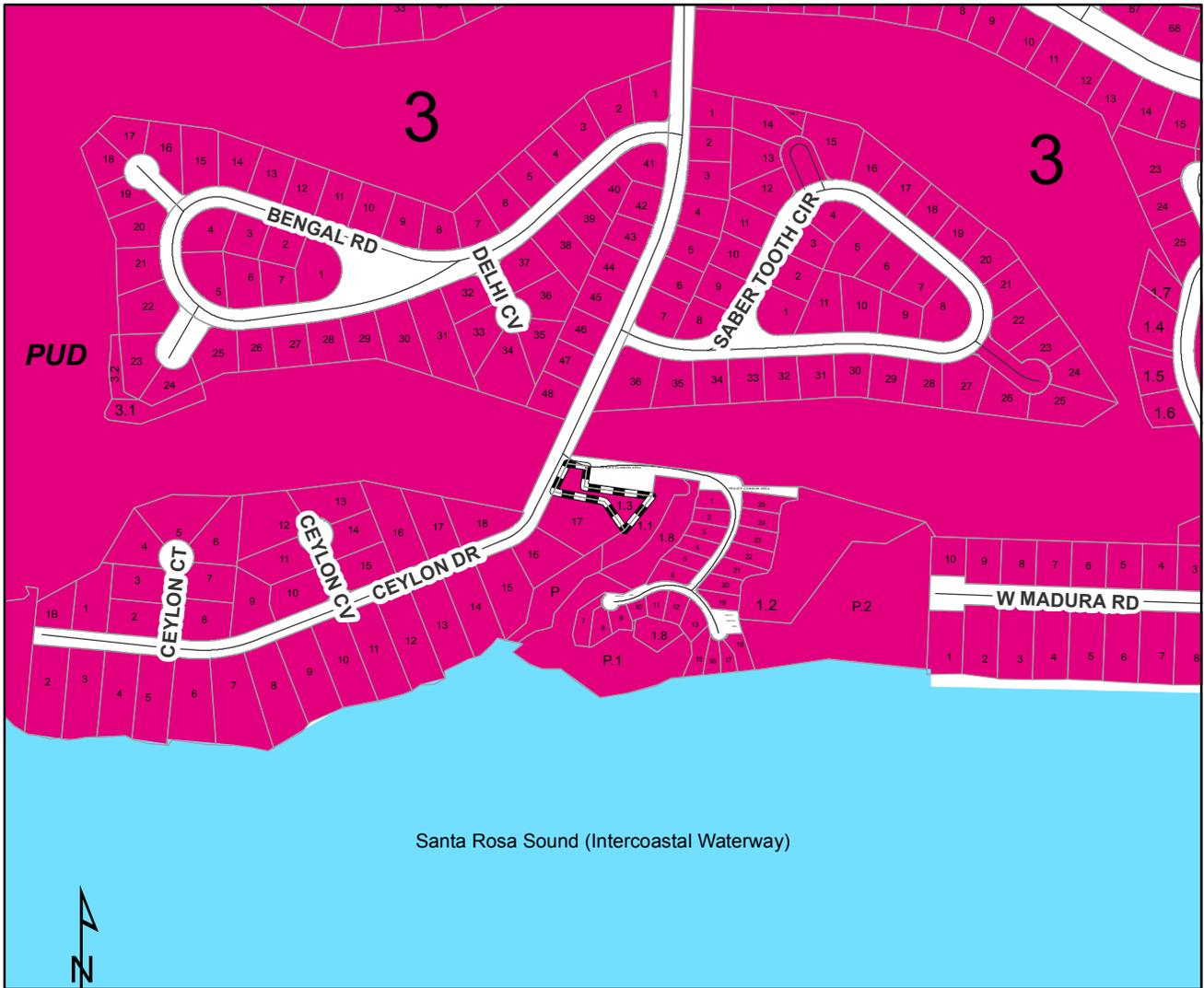
Location



Legend

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2015-V-022 Zoning



Legend

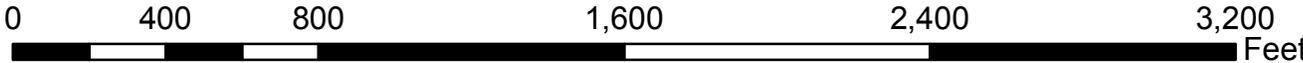
| | | | | |
|---|---|---|---|--|
| Pending ZB March | Agriculture/Rural Residential (AG) | General Industrial (M-2) | Single Family Residential (R-1A) | Hotel - Navarre Beach (HNB) |
| AG within an Accident Potential Zone (AG-APZ) | M2 within an Accident Potential Zone (M2-APZ) | Mixed Residential Subdivision (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) | Navarre Beach - State (STATE-APZ) | State within an Accident Potential Zone (STATE-APZ) |
| Historical/Commercial (HC-1) | Passive Park (P-1) | R2 within the Heart of Navarre (R2-HON) | RAIL | Right of Ways (ROAD) |
| Highway Commercial Development (HCD) | P1 within the Heart of Navarre (P1-HON) | Medium Density Mixed Residential (R-2M) | Military (MIL) | Water |
| HCD within an Accident Potential Zone (HCD-APZ) | Active Park (P-2) | R2M within an Accident Potential Zone (R2M-APZ) | Municipal Boundaries (CITY) | |
| 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-022

Aerial



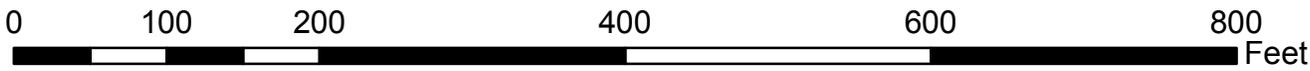
Legend

 PendingZBMarch

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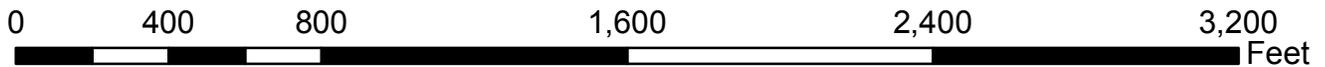
2015-V-022 Close Up Aerial



Legend
 PendingZBMarch

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2015-V-022 Existing Land Use



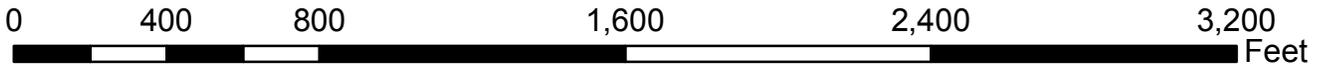
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| | | | |
|------------------------|-----------------------------|------------------------------|---------------------------|
| Pending ZB March | Existing Land Use | Institutional | Recreation/Open Space |
| CATEGORY | Multi-Family Residential <5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

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2015-V-022
Potential Wetlands
as indicated by the National Wetlands Inventory



Legend

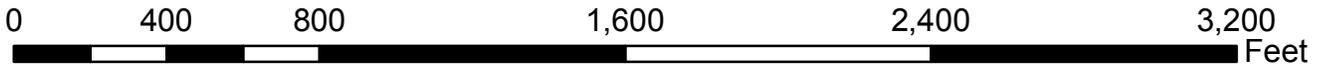
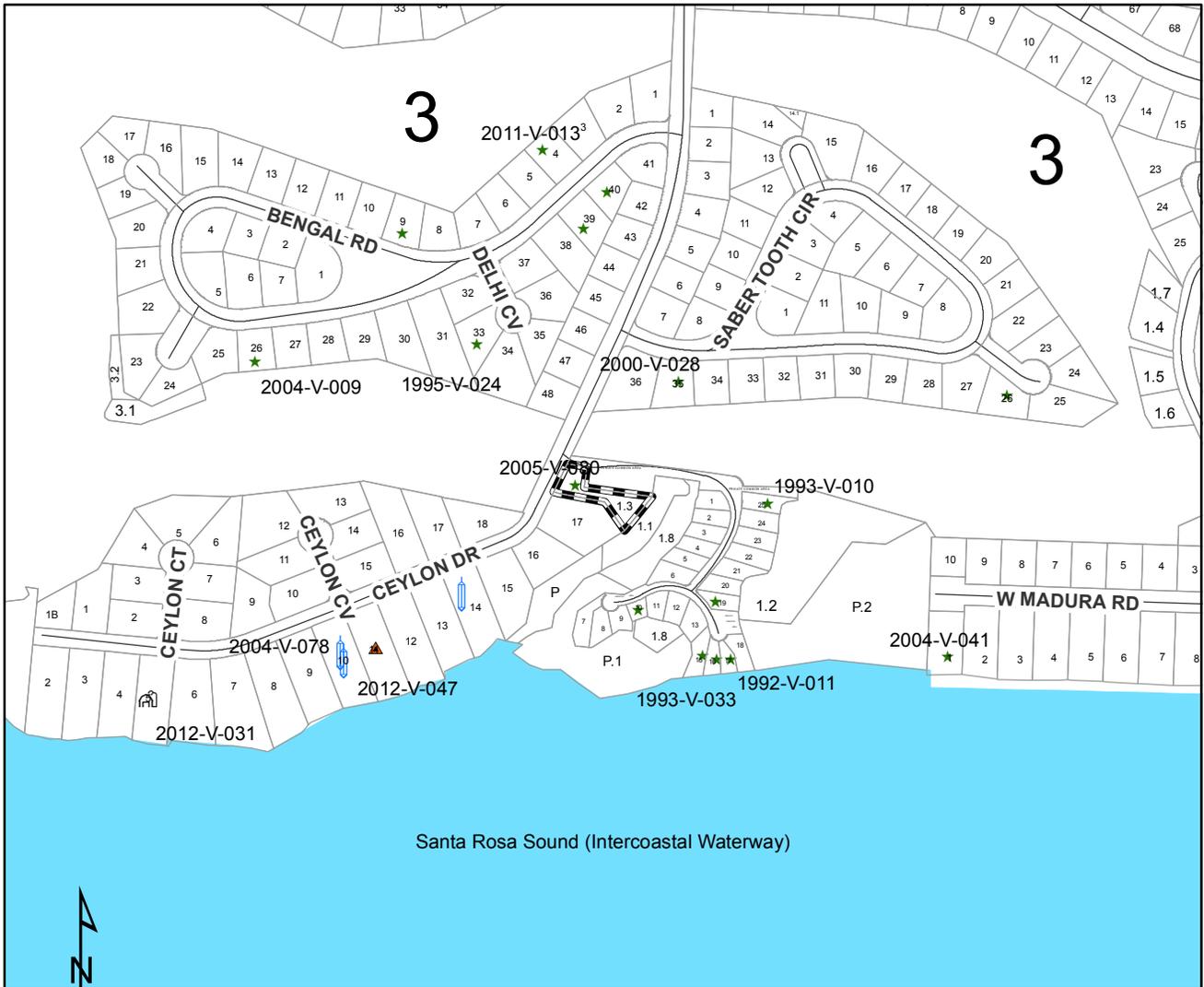
-  Pending ZB March
- Potential Wetlands**
- DESCRIPT**
-  ESTUARINE
-  LACUSTRINE
-  PALUSTRINE
-  RIVERINE
-  MARINE

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2015-V-022

Previous Zoning Board Decisions in the Area



Legend
 PendingZBMarch

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Looking north up Ceylon Dr., the subject site is to our right

107



Looking north and west, subject site is behind us

108



Looking west, subject site is behind us

109



Looking south down Ceylon Dr., subject site is to our left

110



Looking south down Ceylon Dr., subject site is behind us



Looking into the subject site.



Another view of the subject site.



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

Rhonda C. Royals
Building Official

Office: (850) 981-7000

Variance Application

* Application Instructions begin on Page 5

| ** For Official Use Only ** | |
|-------------------------------------|-------------------------------|
| Application No. <u>2015 -V- 022</u> | Date Received: <u>1/30/15</u> |
| Review Fee: <u>\$235 +</u> | Receipt No.: _____ |
| Zoning District: <u>PUO</u> | FLUM Designation: <u>MRC</u> |

± 0.257 VD# 5
Property Owner Property Owner Name: TERRY AND SANDY SMITH
 Address: CEYLON DRIVE / BOUNDARY SURVEY
OF A PORTION OF SECTION 33, TOWNSHIP 2 SOUTH, R-28-W
SANTA ROSA COUNTY.
 Phone: 850-477-8077 Fax: 850-477-6633
 Email: LEE MABIRE@GMAIL.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: HOUSE PLANS UNLIMITED USA
 Contact Name: VICTOR LEE MABIRE OF MILES MABIRE
 Address: 4400 BAYON BLVD, SUITE 25-B, PENSACOLA FL
32503 / CORDOVA SQUARE OFFICE PARK
 Phone: 850-477-8077 Fax: 850-477-6633
 Email: Home Plans Unlimited@COMAIL.COM.

Property Information

Parcel ID Number(s): Parcel #1 Parcel #2
-OR- 33-25-28-0000-00103-0000
 Street Address of property for which the Variance is requested:
1278 CEYLON DRIVE, Gulf Breeze, 32563
Santa Rosa County Florida
(TIGER POINT SUBDIVISION)

[Handwritten Signature]
1/30/2015

Variance Request

What is the present use of the property? VACANT LOT

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

REDUCED THE SIDE/SETBACKS FROM 8'0" TO 5'0" AND THE REAR SETBACK LINE FROM 30' TO AS PER SITE PLAN ATTACHED.

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

⊗ IRREGULAR SHAPE - LOT LAYOUT WITH EXTREME SETBACK REQUIREMENTS. PLEASE SEE ATTACHED SITE PLAN DESIGN

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.

⊗ IRREGULAR SHAPE LOT LAYOUT WITH EXTREME SETBACK REQUIREMENTS. PLEASE SEE ATTACHED SITE PLAN DESIGN

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.

Victor MABIRE JR AGENT FOR THE SMITH RES.

Applicant Name (Type or Print)

[Signature]

Applicant Signature

HOME DESIGNER AGENT

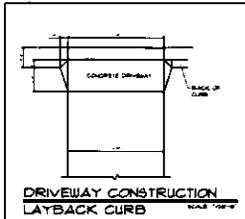
Title (if applicable)

1/30/2015

Date

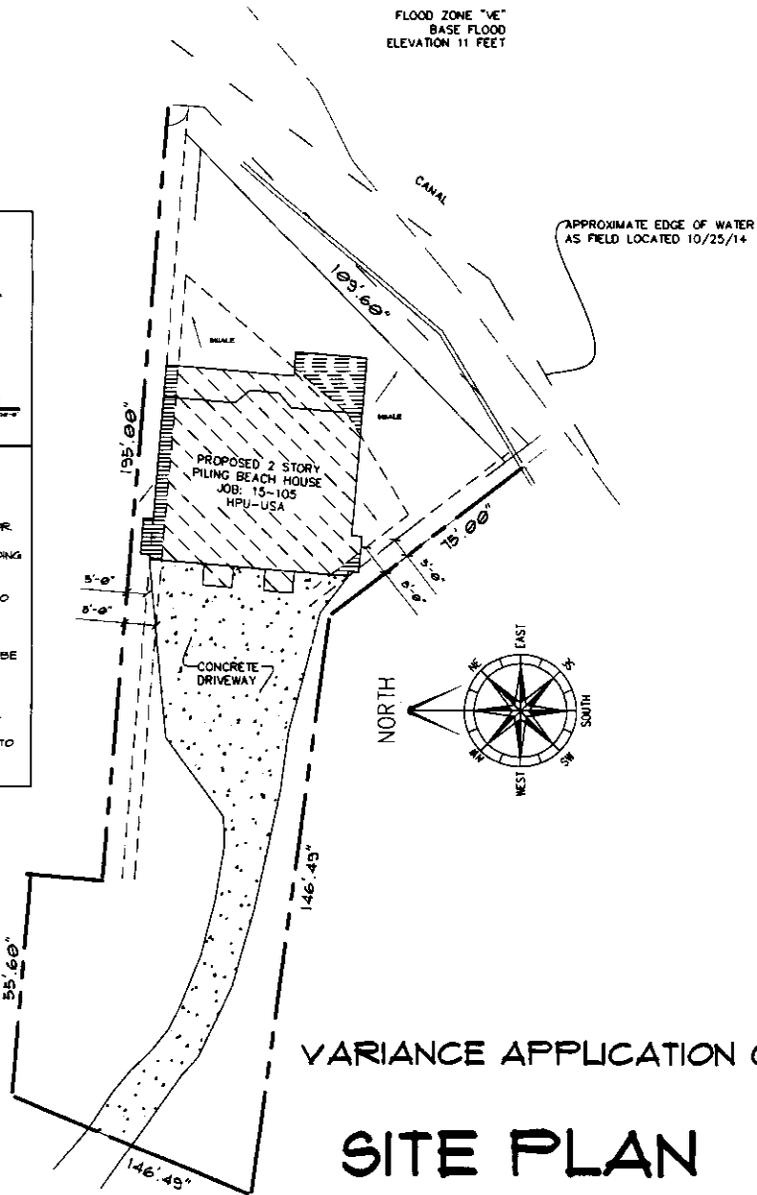
PROPOSED NEW RESIDENCE FOR MR. & MRS. SMITH

FLOOD ZONE "VE"
BASE FLOOD
ELEVATION 11 FEET



NOTES:

- LOT AND HOUSE LOCATION TO BE VERIFIED BY OWNER/ CONTRACTOR.
- VERIFY ALL SETBACKS WITH BUILDING DEPARTMENT AND ZONING.
- SEPTIC TANK OR SEWER INVERT TO BE VERIFIED WITH HEALTH DEPARTMENT.
- ALL DIMENSIONS OF SITE PLAN TO BE VERIFIED WITH OWNER/BUILDER/REGISTERED SURVEYOR IN CONJUNCTION WITH SURVEY AND LEGAL DESCRIPTION.
- ALL DRIVEWAYS AND SIDEWALKS TO BE VERIFIED BY OWNER/CONTRACTOR.



VARIANCE APPLICATION COPY

SITE PLAN

SCALE: 1"=30'-0"

HOUSE PLANS UNLIMITED

SITE PLAN:
SMITH

THIS DRAWING IS THE PROPERTY OF
HOUSE PLANS UNLIMITED COMPANY AND HOUSE
PLANS UNLIMITED USE AND IS NOT
TO BE REPRODUCED AND COPIED IN
WHOLE OR ANY PART. IT IS ONLY TO
BE USED FOR THE PROJECT AND
SITE SPECIFICALLY IDENTIFIED
HEREIN AND IS NOT TO BE USED ON
ANY OTHER PROJECT. IT IS TO BE
RETURNED UPON REQUEST. 2014

SHEET NO.

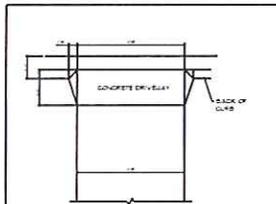
PI

4400 BAYOU BLVD. SUITE 25-B PENSACOLA, FL (850) 712-2040 (850) 411-8011 HOMEPLANSUNLIMITED@GMAIL.COM

PROPOSED NEW RESIDENCE FOR

MR. & MRS. SMITH

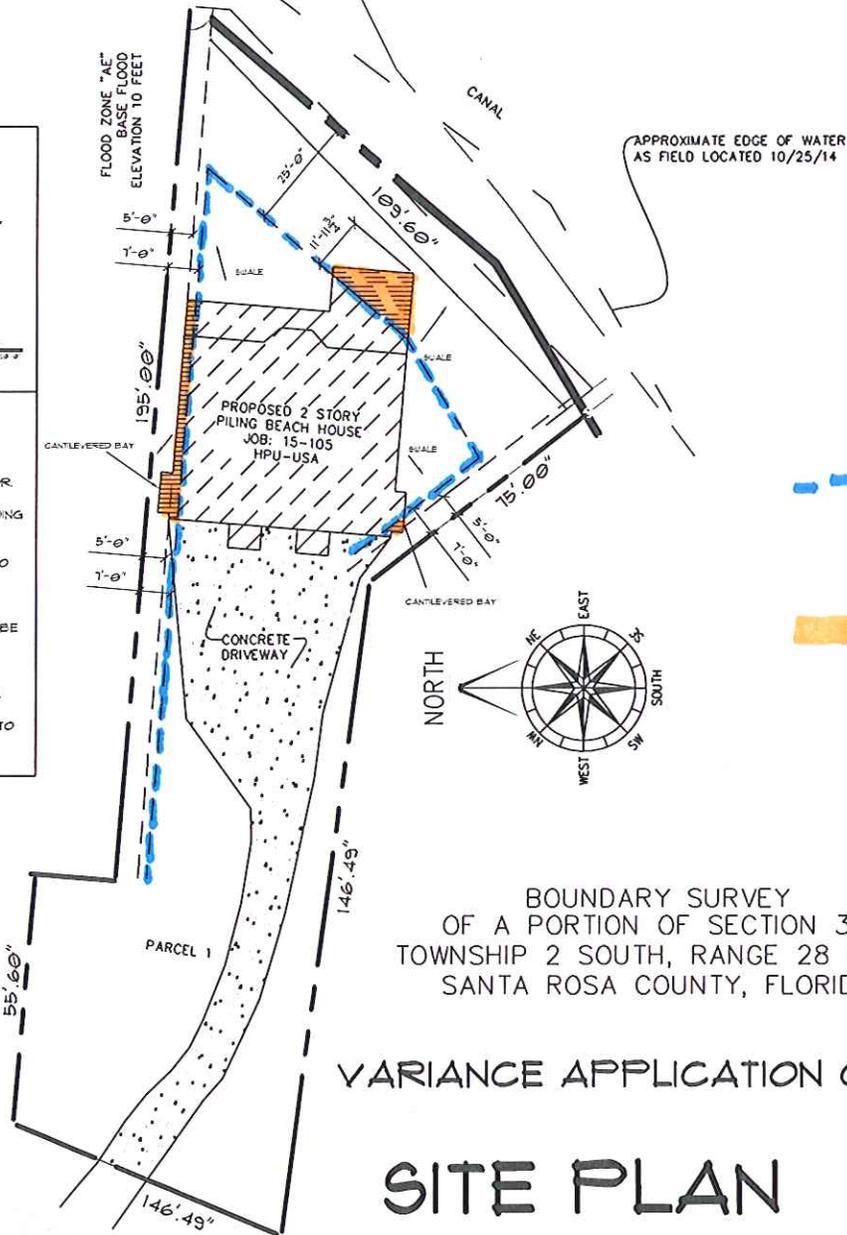
FLOOD ZONE "VE"
BASE FLOOD
ELEVATION 11 FEET



DRIVEWAY CONSTRUCTION
LAYBACK CURB
SCALE 1/8" = 1'-0"

NOTES:

- LOT AND HOUSE LOCATION TO BE VERIFIED BY OWNER/ CONTRACTOR.
- VERIFY ALL SETBACKS WITH BUILDING DEPARTMENT AND ZONING.
- SEPTIC TANK OR SEWER INVERT TO BE VERIFIED WITH HEALTH DEPARTMENT.
- ALL DIMENSIONS OF SITE PLAN TO BE VERIFIED WITH OWNER/BUILDER/REGISTERED SURVEYOR IN CONJUNCTION WITH SURVEY AND LEGAL DESCRIPTION.
- ALL DRIVEWAYS AND SIDEWALKS TO BE VERIFIED BY OWNER/CONTRACTOR.



--- setbacks
--- proposed encroachment

BOUNDARY SURVEY
OF A PORTION OF SECTION 33,
TOWNSHIP 2 SOUTH, RANGE 28 WEST,
SANTA ROSA COUNTY, FLORIDA

VARIANCE APPLICATION COPY

SITE PLAN

SCALE: 1" = 40'-0"

LOT 17
TO THE SOUTH

HOUSE PLANS UNLIMITED

(850)-712-2040 (850)-471-8071 HOMEPLANSUNLIMITED@GMAIL.COM
4400 BAYOU BLVD. SUITE 25-B PENSACOLA, FLORIDA

SMITH SITE PLAN

THIS DRAWING IS THE PROPERTY OF LEE MABIRE & COMPANY AND HOUSE PLANS UNLIMITED USA AND IS NOT TO BE REPRODUCED AND COPIED IN WHOLE OR ANY PART. IT IS ONLY TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN AND IS NOT TO BE USED ON ANY OTHER PROJECT. IT IS TO BE RETURNED UPON REQUEST 2014

SHEET NO.

AS

**CITIZENS
COMMENTS
2015-V-022**

Darlene Stanhope

From: gbreezer80 <gbreezer80@gmail.com>
Sent: Wednesday, March 11, 2015 12:04 PM
To: Darlene Stanhope
Subject: Variance Application 2015-V-022 - Adjacent Property Owner Comments
Attachments: Tiger Point Variance Request (2015-V-022) Response.docx

Darlene -

During our conversation last week, I mentioned that I will not be able to attend the Zoning Board meeting tomorrow, March 12 as I live out of state, but will try to view the video feed.

For additional information, I spoke with a friend of mine, Ebit Scheryl, who has been involved with Tiger Point and Sawgrass since the inception; she currently resides in Sawgrass as well. I can provide you her phone number if you would like to speak to her directly (she also is a real estate broker). Per Ebit, the Smith's lot was never supposed to be a lot to begin with as this was supposed to be designated as a buffer to the Sawgrass at Tiger Point entrance. But, at the time, Bob Montgomery approved to create a lot, which I do not believe is part of Tiger Point Villages or Tiger Point Sawgrass.

Regarding the canal/waterway, per Ebit, this is a natural body of water, not man-made.

Please see the attached Word document for my comments in this case.

If you could, please reply to my email so that I know you received (and able to view the document) my request.

Regards,
Scott Walter
(214)395-8786

On Wed, Mar 4, 2015 at 11:15 AM, Darlene Stanhope <DarleneS@santarosa.fl.gov> wrote:

I have attached a copy of the proposed site plan. If you have any questions, please feel free to contact me.

Darlene Stanhope

Planner III

Santa Rosa County Development Services

6051 Old Bagdad Hwy. Suite 202

Milton, FL 32583

850-981-7065

Tell us how we are doing.

<http://www.santarosa.fl.gov/customerservice/survey.html>

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Scott & Teresa Walter
616 Belmeade Lane
Flower Mound, Texas 75028

RE: Variance Application (2015-V-022) for Terry and Sandy Smith

To Santa Rosa County Development Services:

As we are the owners of Lot 17, adjacent and to the south of the Terry and Sandy Smith lot, our vote is decline the 2015-V-022 variance request to reduce the south side setback from 7 feet to 5 feet. Our concern is that we have two vacant lots on either side of our property. We do not want to set precedence if this variance request gets approved and the Lot 16 owners (south of our lot) request a similar variance, which would further reduce our side-to-side property line variances. As our lot is a fairly unique shape, Tiger Point has strict variances of 20' from the front, 30' to the rear and 8' on each of the sides which may restrict how we build a residence on the property.

We believe the greater concern is the request to reduce the rear setback from 25 feet to 13 feet as the structure will be close to the natural waterway for the neighbors directly behind. Hopefully other residents receiving this notification have a chance to present any concerns (if at all).

Please give me a call or send an email if you need further clarifications to the details listed below.

Regards,

Scott and Teresa Walter
(214)395-8786
gbreezer80@gmail.com

**CITIZENS
COMMENTS**

2015-V-022

**COMMENTS RECEIVED
AT ZB MEETING**

SMITH KES,

Sandy's Cell
748.3827
ssatthekey@
gmail.com

2800 A 2900 A
LIVING AREA

