

STAFF ANALYSIS

Variance 2015-V-081

General Information:

Applicant:	Eric Brewer
Representative:	Represented by Jason Taylor of Wetland Sciences, Inc.
Project Location:	4500 block of Brickyard Bayou Place, Gulf Breeze, FL
Parcel Number:	34-2S-28-5180-00000-1160
Request 1:	Variance request to allow an accessory structure to be constructed upon a lot with no primary structure. Specifically, a dock and boat lift consisting of a 180 square foot platform and an uncovered boat lift.
Request 2:	Variance request to increase distance a dock can encroach into a bayou from 7 feet to 12 feet. Specifically, a dock and boat lift consisting of a 180 square foot platform and an uncovered boat lift that exceeds the 15 percent open water span by 5 feet at the point of installation. (LDC 2.10.05.A, LDC 6.03.05.F)
Zoning District:	R1 (Single Family Residential)
Current Conditions:	Vacant

Land Development Code Criteria:

2.10.05 Accessory Buildings and Structures

A. Timing of Construction and Use - No accessory building or structure shall be constructed upon a lot until the construction of a main building has been commenced, or in the case of a lot two (2) acres or greater in size, until the construction permit for a main building has been issued. Buildings used solely for agriculture purposes (such as for livestock or for storage of farm equipment) on those parcels located in Agriculture zoning districts shall be allowed to be constructed before the construction of the main dwelling.

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:

F. Docks, Piers and Mooring Devices: Structures such as piers, docks, wharves, mooring devices, lifting and launching devices, the decking of which is no higher than three (3) feet above mean high water, are permitted as accessory structures.

Such structures shall not extend seaward from the property line for more than three hundred (300) feet or fifteen (15) percent of the open water span at the point of installation whichever is less, except as provided in Section 6.03.05(F)(5.b).

Variance Criteria:

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 sections of the Ordinance which regulates the order in which structures are constructed on a lot and regulates the extent a dock or pier can project out into the water.

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? No

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.

Staff has determined that the authorization of this Variance could unreasonably place limitations on the adjacent lot.

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.

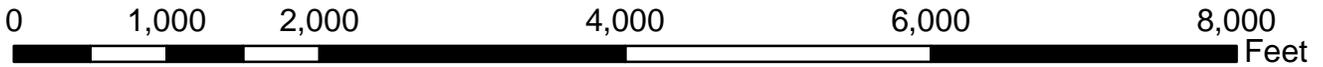
Is this criterion met? N/A

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.

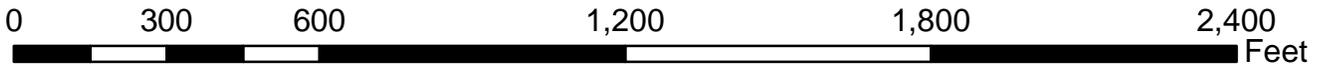
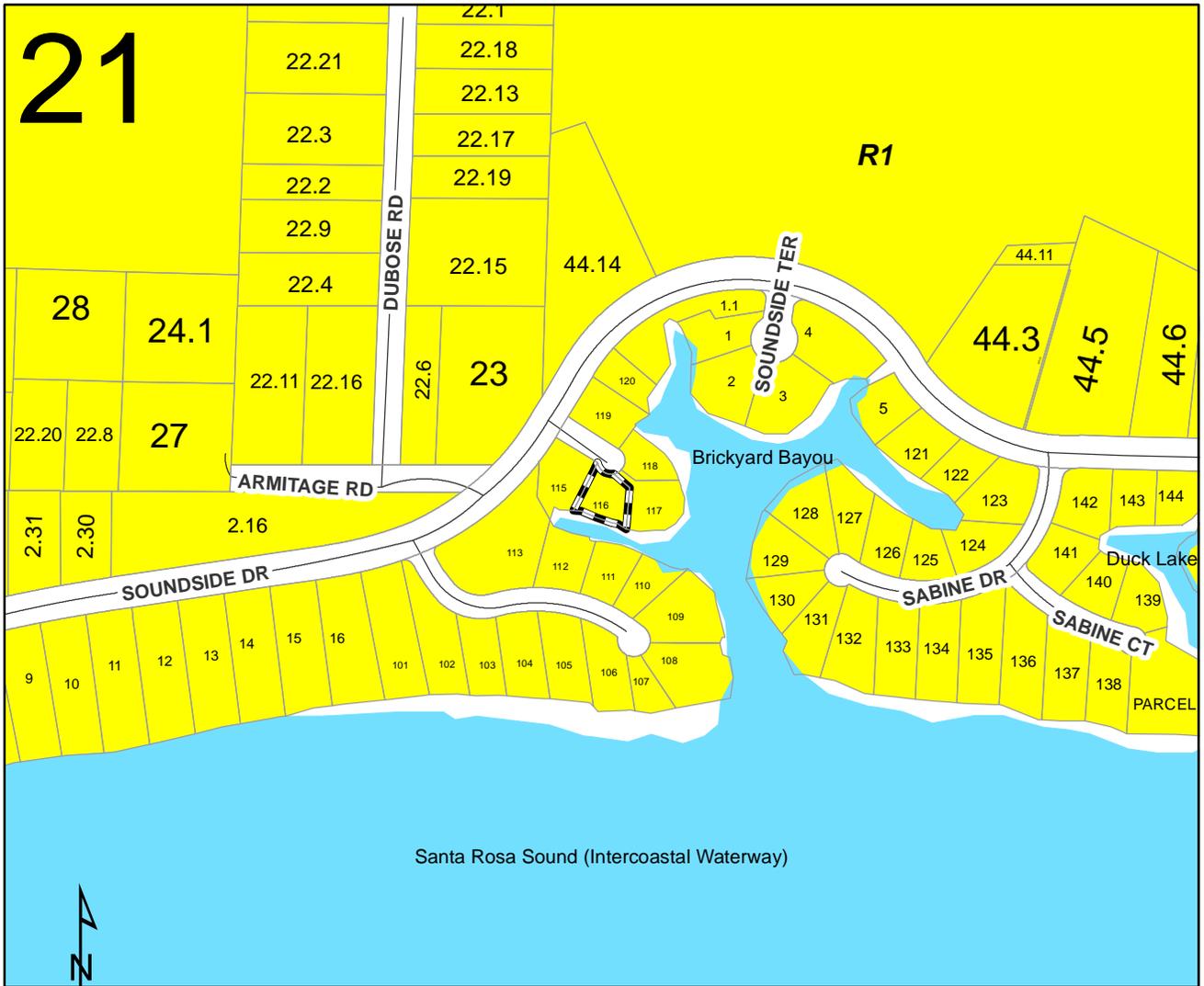
2015-V-081 Location



Legend

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2015-V-081 Zoning



Legend

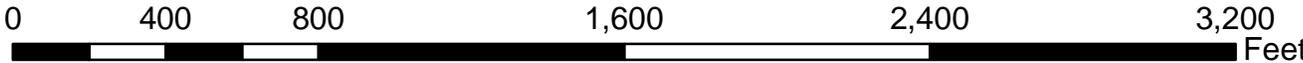
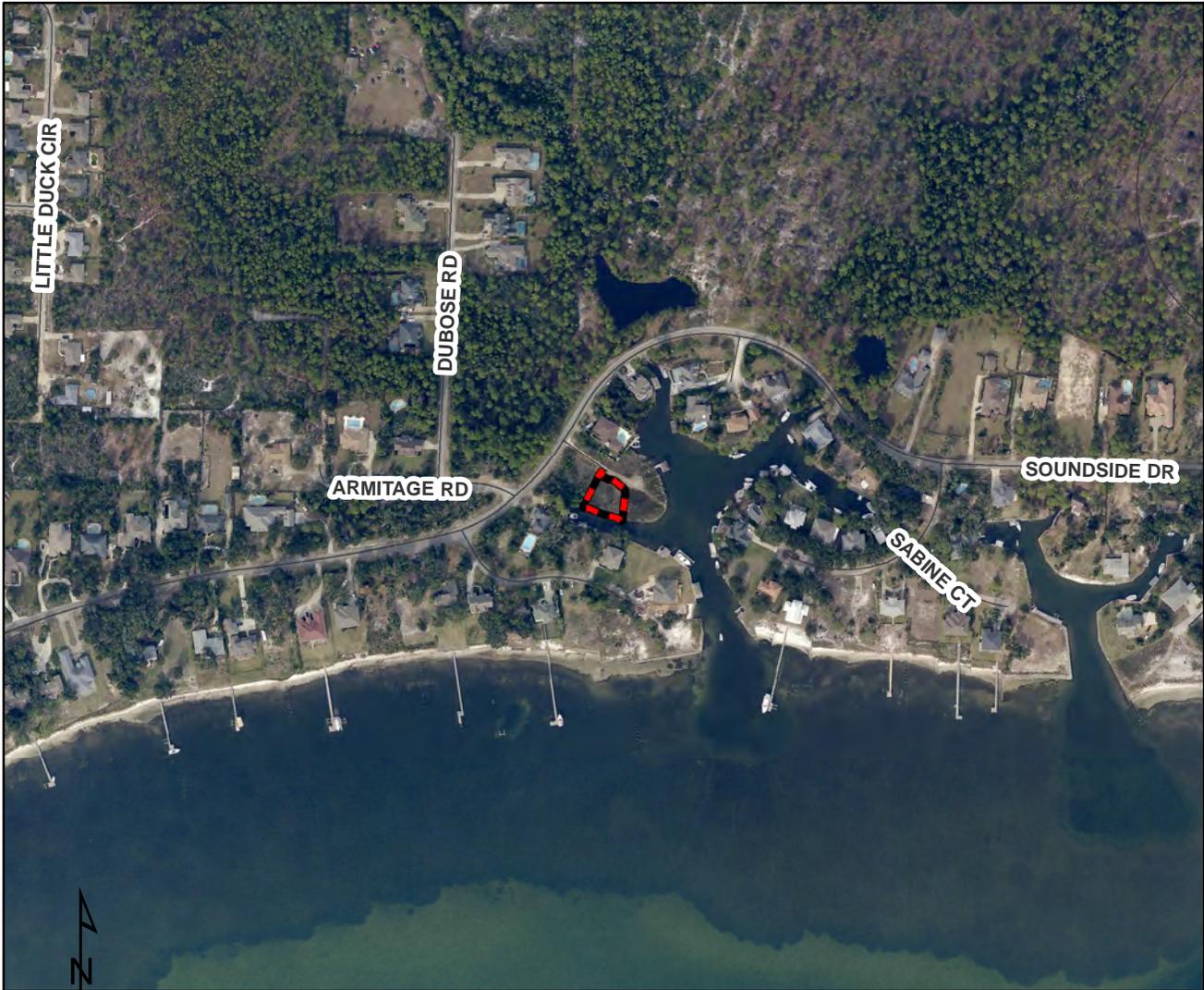
Pending ZB October	Agriculture/Rural Residential (AG)	General Industrial (M-2)	Single Family Residential (R-1A)	Hotel - Navarre Beach (HNB)
AG within an Accident Potential Zone (AG-APZ)	M2 within an Accident Potential Zone (M2-APZ)	Planned Industrial Development (PID)	Mixed Residential Subdivision (R-1M)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

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2015-V-081

Aerial

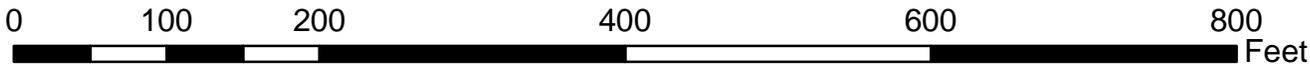


Legend

 PendingZBOctober

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2015-V-081
Close Up Aerial

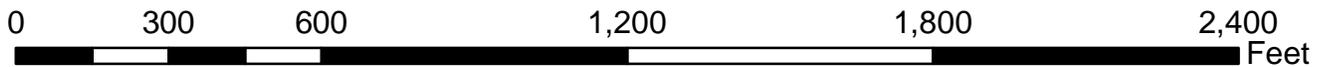
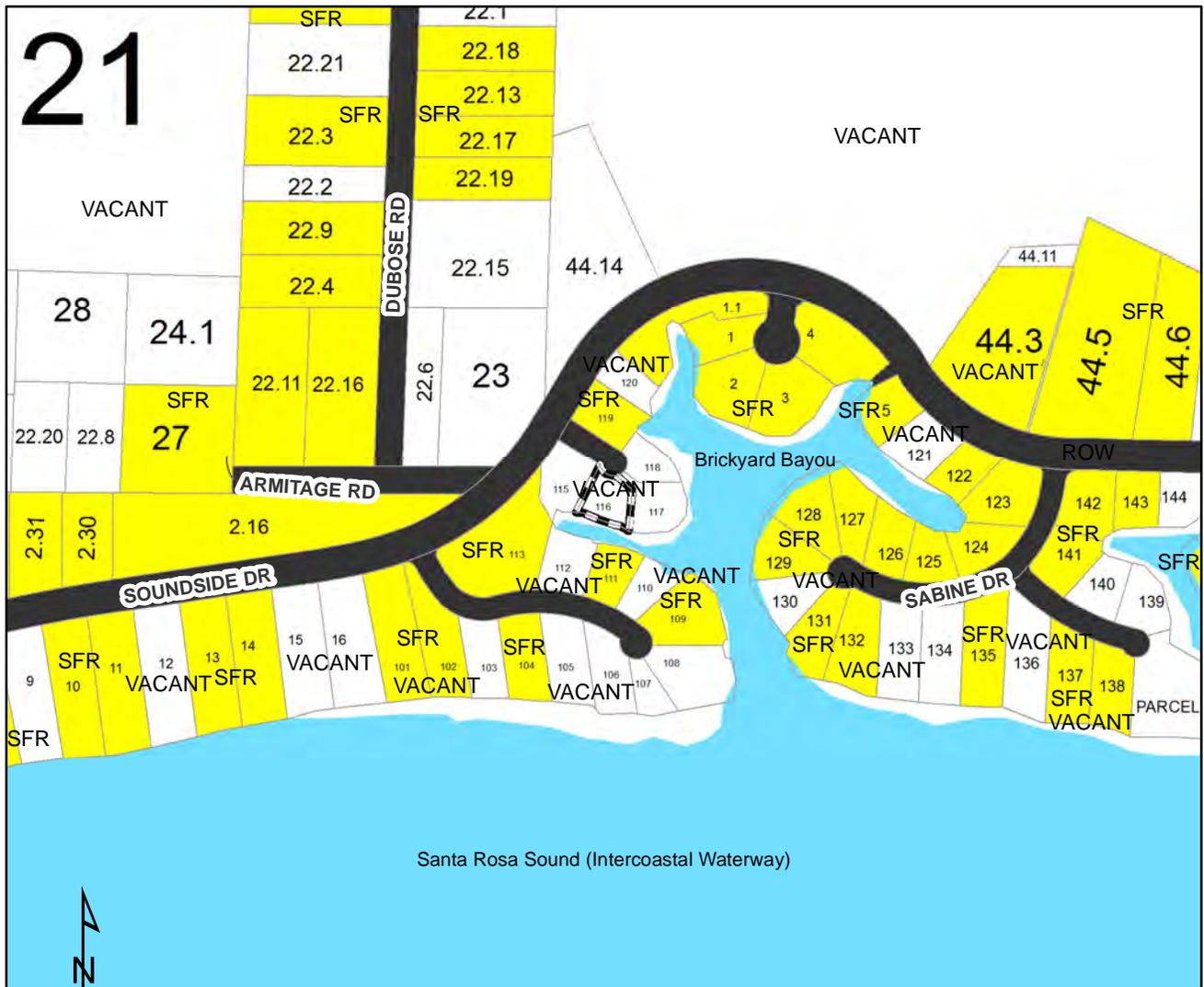


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 PendingZBOctober

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2015-V-081 Existing Land Use

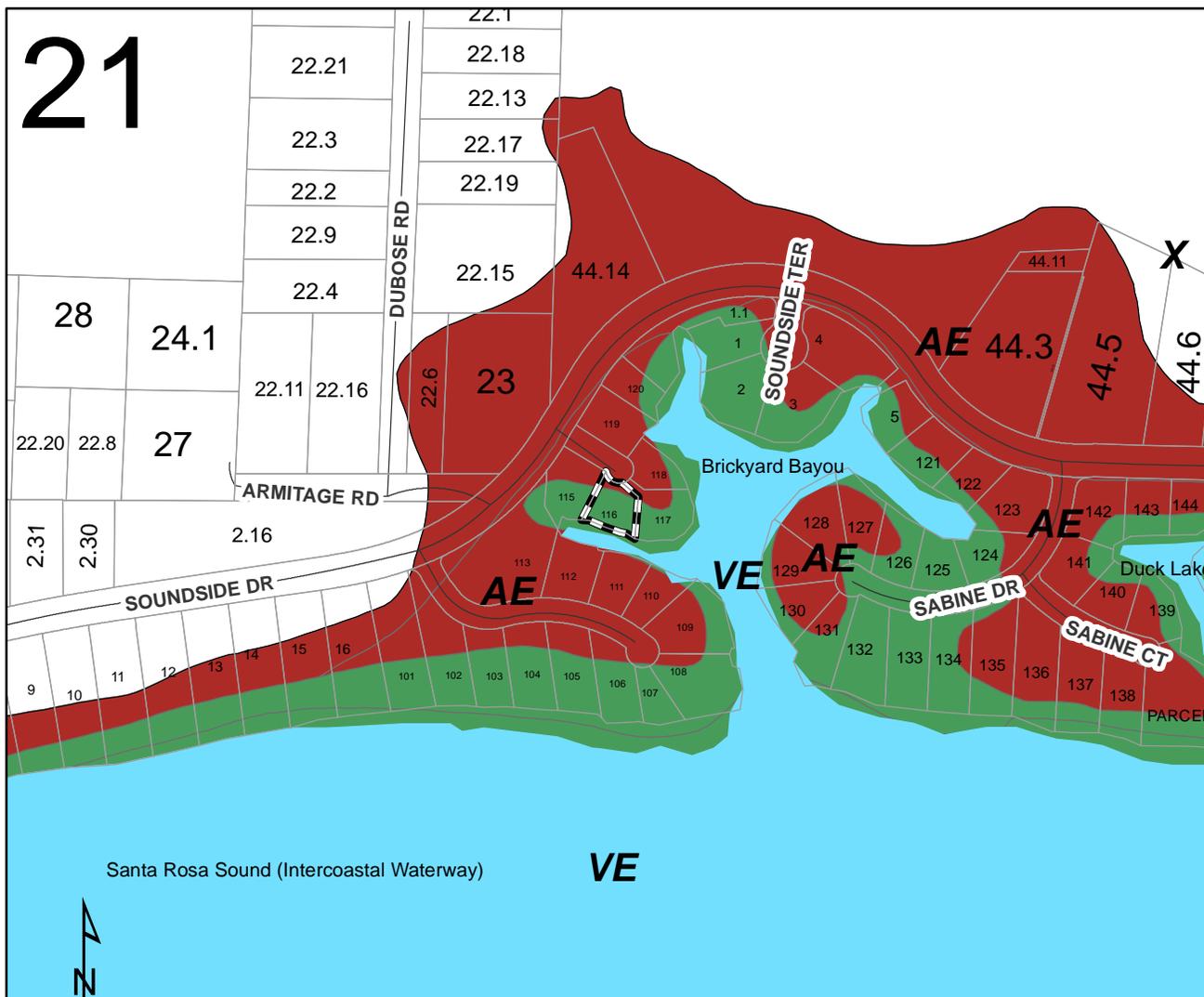


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 Pending ZBOctober	Existing Land Use	 Institutional	 Recreation/Open Space
CATEGORY	 Multi-Family Residential <5	 Right of Way	 Single Family Residential
 Agriculture	 Multi-Family Residential >5	 Military	 Silviculture
 Agriculture, Homestead	 Mixed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

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2015-V-081 Floodplain Zone



Legend



Pending ZBOctober DFIRM

FLOOD_ZONE

- 0.2% Annual Chance of Flood (500 Year)
- A - 1% Annual Chance of Flood - No BFE's

AE - 1% Annual Chance of Flood - BFE's

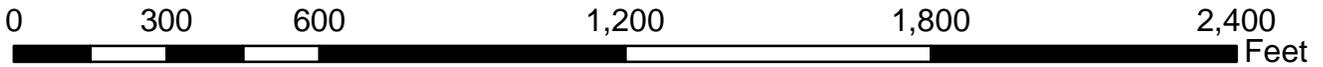
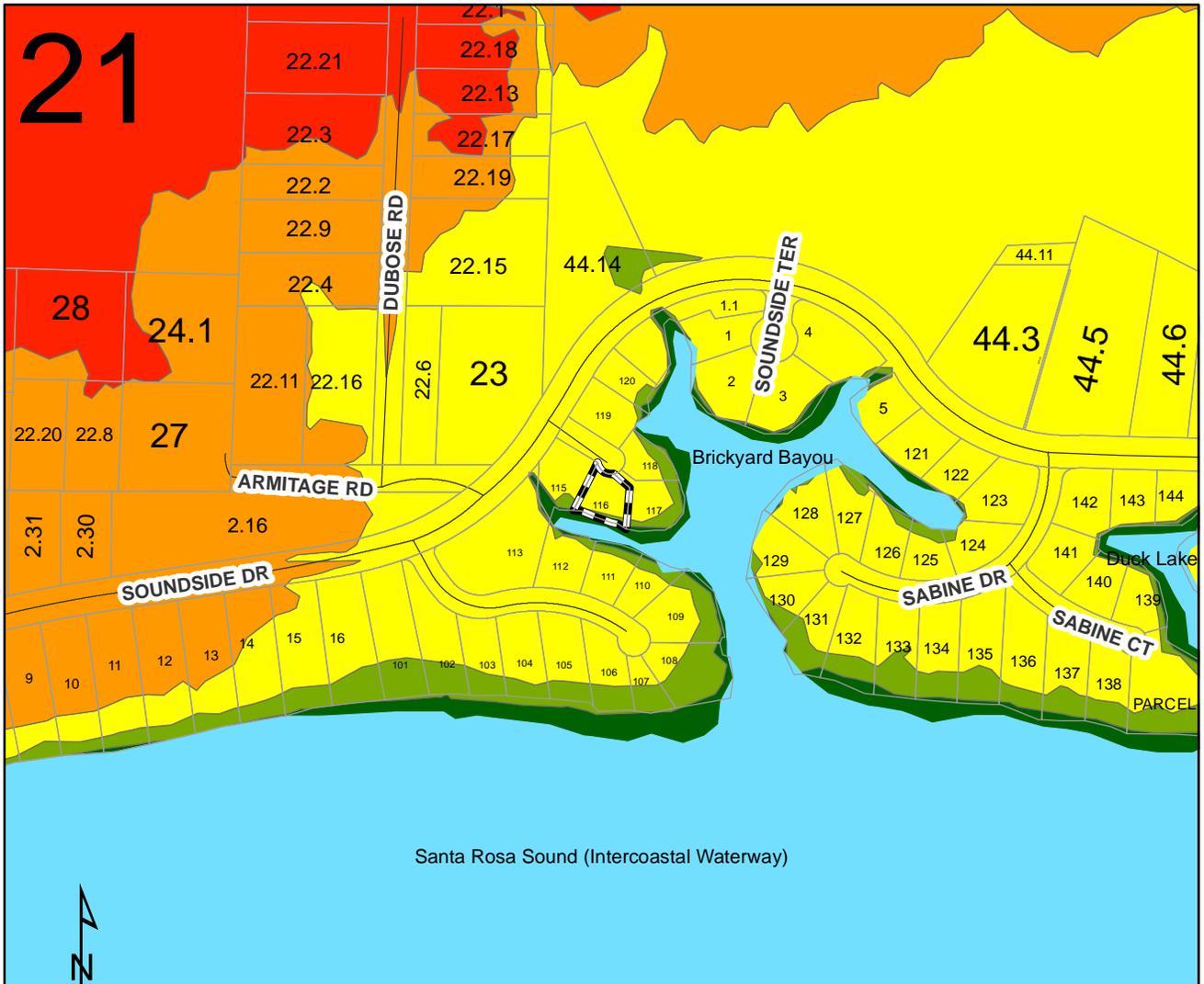
VE - A 1% Annual Chance of Flood - Storm Waves

Not in the FloodPlain

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2015-V-081 Storm Surge Zone



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Pending ZBOctober

gisdata.GISADMIN.SRCSurgeZones

<all other values>

Cat

1

2

3

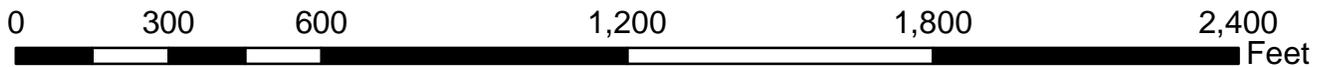
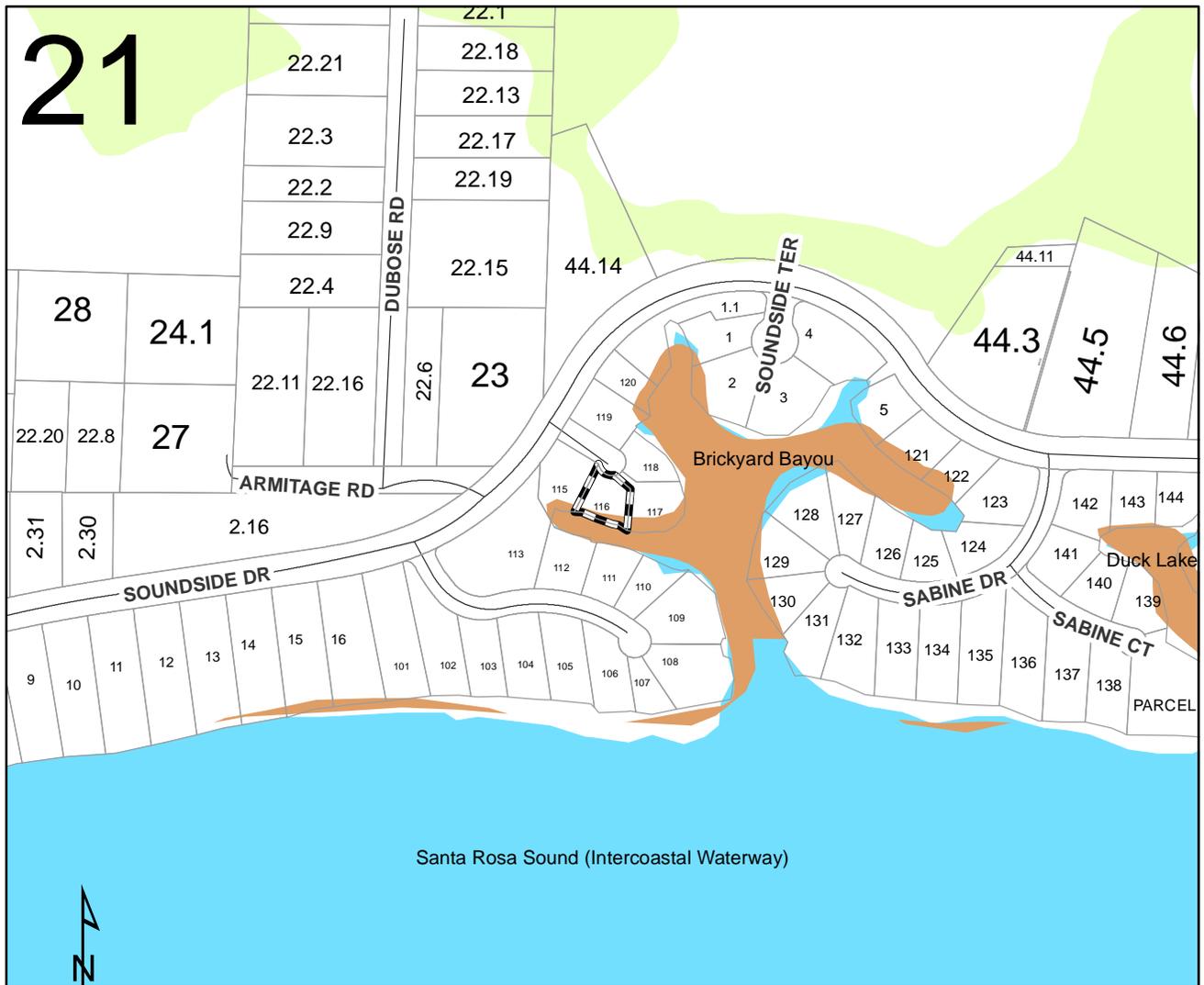
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2015-V-081 Potential Wetlands



Legend



Pending ZBOctober

Potential Wetlands

DESCRIPT

ESTUARINE

LACUSTRINE

PALUSTRINE

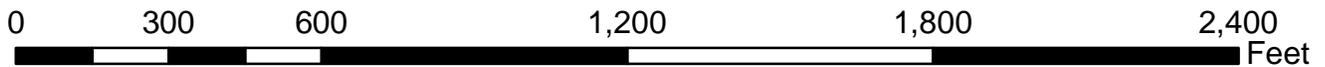
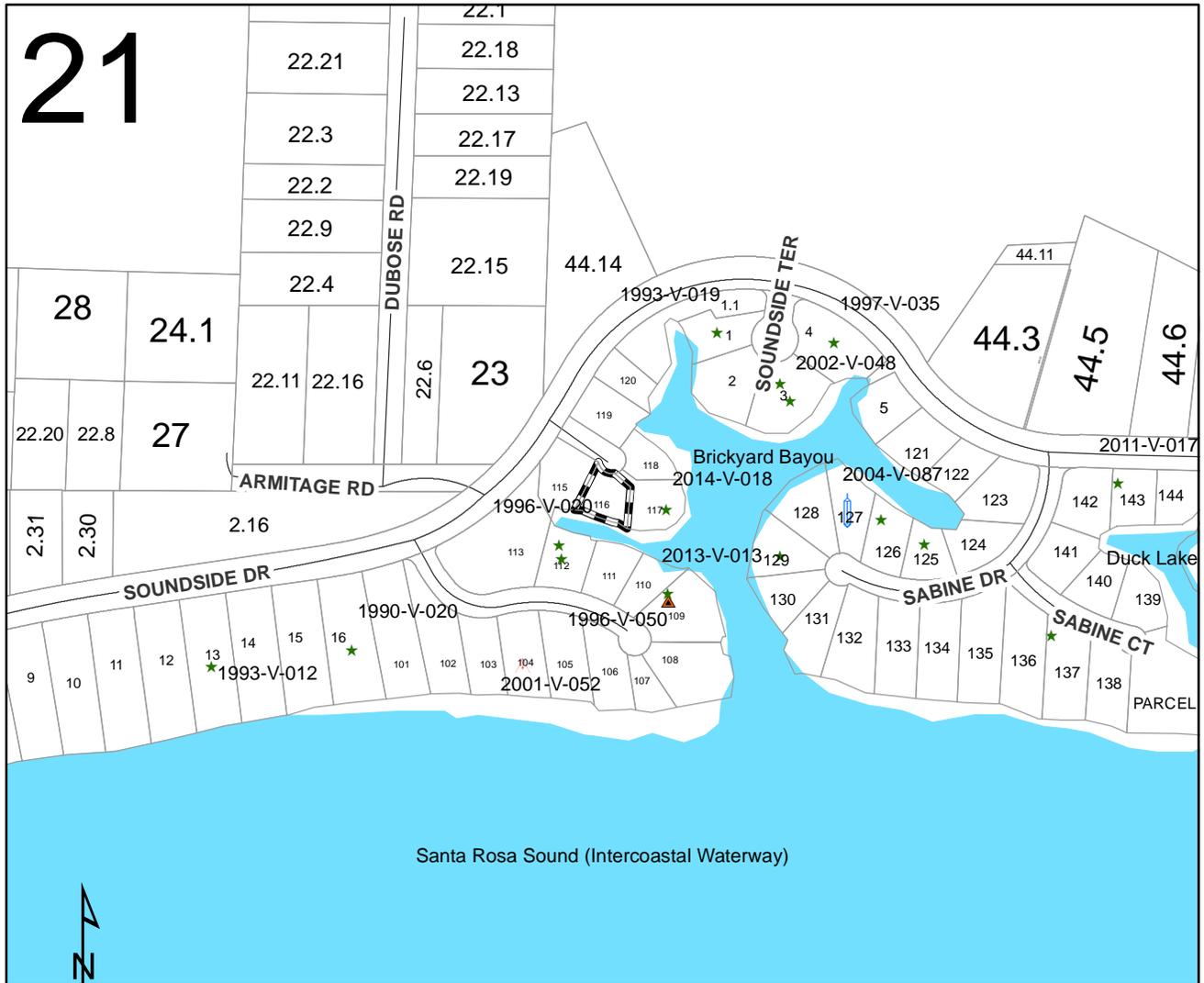
RIVERINE

MARINE

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2015-V-081 Zoning Board Issues



Legend



Pending ZBO October

VariANCES

Type



Acc Structure



Fence Height



Height



Setbacks



Sign Face Area



Wall Signs



Other



Pier Length

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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
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 -051</u>	Date Received: <u>8/27/15</u>
Review Fee: <u>235 + 16.56</u>	Receipt No.: <u>296</u>
Zoning District: <u>R1</u>	FLUM Designation: <u>SFR</u>

± 0.182

VO# 5

**Property
Owner**

Property Owner Name: Eric Brewer

Address: 3220 Duke Drive, Gulf Breeze, FL 32563

Phone: 850-554-0801

Fax: _____

Email: eb2345@cox.net

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: Wetland Sciences, Inc.

Contact Name: Jason Taylor

Address: 3308 Gulf Beach Highway, Pensacola, FL 32507

Phone: 850-453-4700

Fax: _____

Email: jtaylor@wetlandsciences.com

**Property
Information**

Parcel ID Number(s): 34-2S-28-5180-00000-1160

-OR-

Street Address of property for which the Variance is requested:

Variance Request

What is the present use of the property? Vacant Single-family Residential (R1)

Please describe the requested variance, including exact dimensions and purpose of the variance.
Please see attached Letter of Request

Please describe the special circumstances or conditions that apply to the building or land in questions which necessitate the variance request.
Please see attached Letter of Request

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.
Please see attached Letter of Request

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.

Jason Taylor
Applicant Name (Type or Print)
Environmental Scientist
Title (if applicable)


Applicant Signature
8/27/2015
Date



August 25, 2015

Darliene Stanhope
Zoning Board of Adjustment
Santa Rosa County Planning and Zoning
6051 Old Bagdad Highway, Suite 202
Milton, FL 32583

Re: Letter of Request, Variance Application
Project: Brewer, Residential Dock & Boat Lift
Applicant: Eric Brewer
WSI Project #2015-294

To Whom It May Concern:

Eric Brewer (herein referred as the applicant) requests two variances from Santa Rosa County Land Development Code (LDC) Articles 6.03.05(F) and 2.10.05(A) to facilitate the construction of a private single-family dock with boat lift in Brickyard Bayou adjacent to Lot 116 Brickyard Bayou Place owned by Mr. Eric Brewer.

LDC Article 6.03.05(F) requires that dock, piers, and mooring devices shall not extend seaward from the property line for more than 300 feet or 15 percent of the open water span at the point of installation, whichever is less. The average width of the waterbody at the point of installation is 47.0' from seawall to seawall. Authorization is being sought to construct a dock and boat lift consisting of a 12' by 15' platform and an uncovered boat lift. As proposed the dock and boat lift will extend into the canal a total distance of 12.0' from the seawall; exceeding the county's 15% open water setback by a maximum of 5.0-ft.

LDC Article 2.10.05(A) states that no accessory building or structure shall be constructed upon a lot until the construction of a main building has been commenced.

Land Development Code of Santa Rosa County, Florida Article 2.04.00 requires the applicant to demonstrate that the variance request meets the criteria outlined in code. The following is a summary detailing how the request meets each criterion.

Criterion 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 building in the vicinity.

Section 2.04.00 of the Land Development Code defines special circumstances or conditions specifically as follows: "Such special conditions shall be limited to unusual physical characteristics inherent in the specific piece of property and not common to properties similarly situated. Such physical characteristics include, but are not limited to, exceptional narrowness, shallowness, shape, topographic conditions, or the presence of sensitive environmental resources, any or all of which will result in peculiar or practical difficulties in the quite enjoyment and use of the property".

The subject parcel is unique due to the fact that the waterfront property is situated on a narrow waterbody that was excavated in 1959 adjoining Santa Rosa Sound. Substantial spatial limitations are caused by the unique narrowness of the existing excavated waterway that is similar in shape and size to a man-made canal versus an open body of water. The dock as proposed is the minimum necessary to facilitate loading, offloading and servicing of the vessel intent on utilizing the lift.

It is difficult to apply this criterion to any request to begin construction of an accessory structure before the primary structure. It is its intended use and in this example the upland owner will be storing a vessel within their riparian rights during the construction of their primary residence. Construction of the dock and lift are necessary due to the logistics of marine construction within a narrow waterbody and limited access if a residence were present on the property. By allowing construction to commence prior to the home materials and equipment can be stored within the uplands.

Criterion 2)

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

In the context of variance applications, a "property right" is the ability to use or improve land in such a manner as would be lawful except for (1) the special circumstance or condition applicable to the building or land and (2) the particular land development regulation, from which a variance is sought, that prohibits such use or improvement. A property right is "substantial" if it involves a use or improvement or real worth and importance which is or may be enjoyed by other similarly situated land owners in the vicinity.

The property is zoned as a single-family lot that with access to a navigable waterway, used as an egress and ingress navigational route to the sound. Predetermined spatial conditions and the configuration set limitations to the full use of the property.

As mentioned there are special circumstances applicable to the subject property (unique narrowness of the waterbody). There are several properties on the Brickyard Bayou which contain docking facilities similar in design and configuration as proposed by the applicant. This is a use that is enjoyed by other similarly situated land owners in the vicinity of the property. With this said it is my opinion the proposed use meets the definition of a substantial property right.

Criterion 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, or general welfare of the inhabitants of Escambia County.

Public interest criteria that should be considered in evaluating this variance request should include navigation and protection of marine resources. The proposed activity will be submitted to the Florida Department of Environmental Protection (DEP) and Department of the Army Corps of Engineers. These agencies review the project and ensure that navigation and water quality is maintained on the water body affected.

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

Criterion 4)

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

The variance will not, in any manner, alter other provisions of this Code or the zoning district map.

Criterion 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.

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

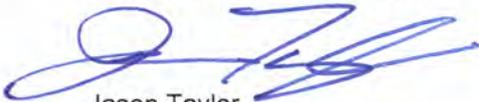
The proposed activity does not apply to the reduction of parking or loading requirements or access management standards.

In summary the variance is the minimum necessary to make possible use of the waterfront and to enjoy a substantial property right expected with waterfront property fronting Brickyard Bayou.

Your consideration in this matter would be greatly appreciated. If any questions arise, please feel free to contact me at either the letterhead address or by telephone at 850-453-4700.

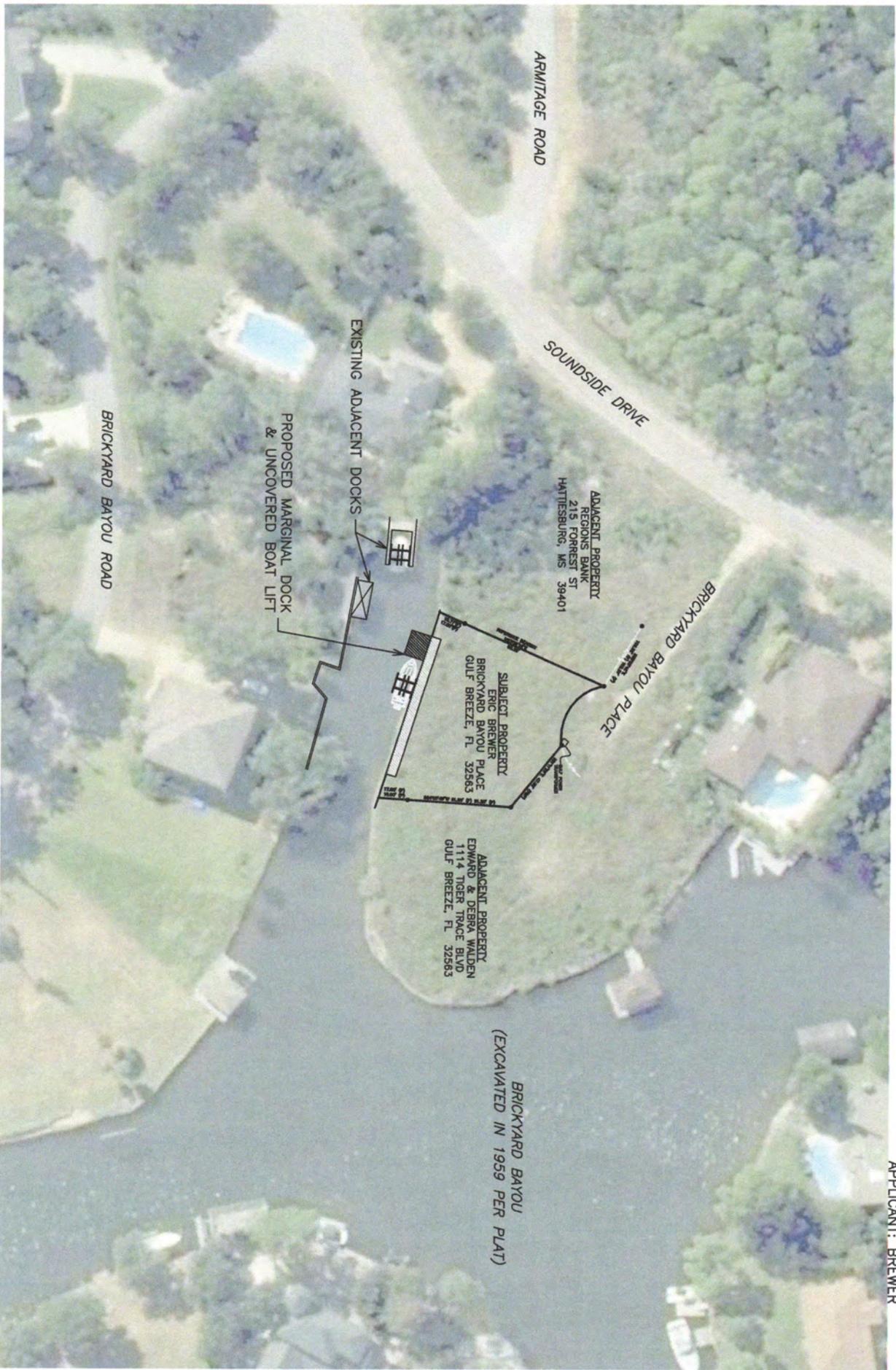
Sincerely,

WETLAND SCIENCES, INC.



Jason Taylor
Environmental Scientist

APPLICANT: BREWER



WETLAND SCIENCES

INCORPORATED

ENVIRONMENTAL CONSULTANTS
 3308 GULF BEACH HIGHWAY
 PENSACOLA, FLORIDA 32507
 TEL: 850.453.4700
 JTAYLOR@WETLANDSCIENCES.COM

PROJECT NAME: BRICKYARD BAYOU PLACE DOCK
PLAN VIEW
PROJECT NO.: 2015-294
DRAWN BY: JAT
DATE: 8/24/2015
SHEET: 2 OF 4



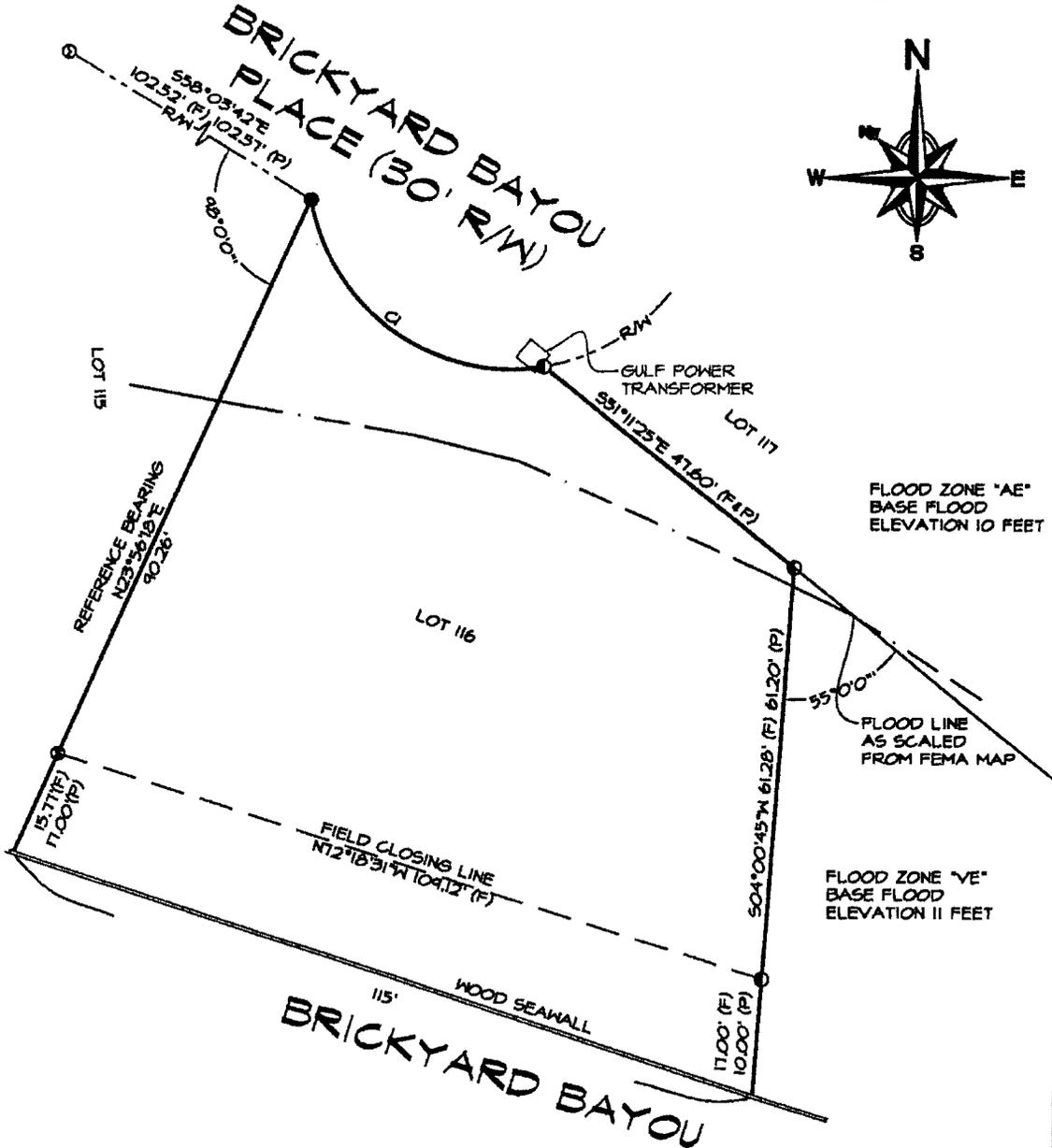


PREPARED FOR: ERIC BREWER
 REQUESTED BY: ANGIE NALLICK / REALTOR

JOB NO.: 20-19839-15
 DATE: AUGUST 12, 2015

PROPERTY ADDRESS:

SCALE: 1" = 20'



PROPERTY LINE CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA-ANGLE	TANGENT	CHORD	CHORD-BEARING
G1 (F)	47.16'	30.00'	40°03'46"	30.03	42.45'	55°25'41"E
G1 (P)	-----	30.00'	-----	-----	42.16	-----

BOUNDARY SURVEY

SHEET 1 OF 2

MEASUREMENTS MADE TO UNITED STATES STANDARDS

P.L.C. CC DRAFTED: JAS TYPED: JAS CHECKED: JRT

DESCRIPTION: LOT 116, RESUBDIVISION OF A PORTION OF SOUNDSIDE
 SEC. 34, TWP. 25, RGE. 28W, SANTA ROSA COUNTY, STATE OF FLORIDA.
 RECORDED PLAT BOOK B, PAGE 75. *THE ENCROACHMENTS ARE AS SHOWN*
 FIELD DATE: 8/11/15, FIELD BOOK: CC7, PG. 20

NORTHWEST FLORIDA LAND SURVEYING, INC.
 FLORIDA CORPORATION NUMBER 7277
Fred R. Thompson 8-24-15
 FRED R. THOMPSON PROFESSIONAL LAND SURVEYOR
 FLORIDA REGISTRATION NUMBER 3027 STATE OF FLORIDA

REVISIONS:
8-24-15 REVISED BOUNDARY

NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR

