

2016-V-008

Appellant: Johnny and Cindy Jacobs
Represented by Angie Jones of Locklin,
Saba, Locklin, & Jones, PA

Project/Applicant: "Dollar General" /Teramore
Development LLC

Project Location: 2800 block of Avalon Boulevard,
Milton, FL

Parcel Number: 40-1N-28-0090-47400-0190

Request: Variance Request to reduce the rear
setback from 25 feet to 10 feet to
accommodate a commercial building.

(LDC 6.05.15.I.4)

Zoning District: HCD (Highway Commercial
Development)

**Zoning Board
Decision:**

***Approved without objection at their
meeting on January 28, 2016***

Variance 2016-V-008

Part I. General Information:

Appellant: Johnny and Cindy Jacobs
Represented by Angie Jones of Locklin, Saba, Locklin, & Jones, PA

Project/Applicant: Dollar General/Teramore Development LLC

Project Location: 2800 block of Avalon Boulevard, Milton, FL

Parcel Number: 40-1N-28-0090-47400-0190

Request: Variance Request to reduce the rear setback from 25 feet to 10 feet to accommodate a commercial building.

(LDC 6.05.15.I.4)

Zoning District: HCD (Highway Commercial Development)

Current Conditions: Vacant Lot

Zoning Board Decision: *Approved without objection at their meeting on January 28, 2016*

Part II. Data and Analysis: (Consistency with the Land Development Code Criteria)

6.05.15 HCD - Highway Commercial Development District

I. Minimum Required Setbacks:

4. Rear Setback There shall be a rear building setback for all uses having a depth of not less than twenty-five (25) feet, except as provided in Section 2.10.03.

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 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 rear setback.

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, impair the public safety, or 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**

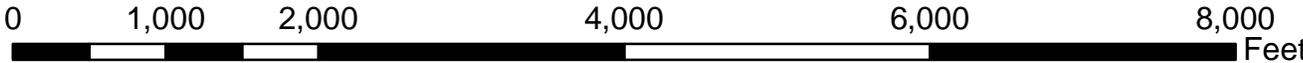
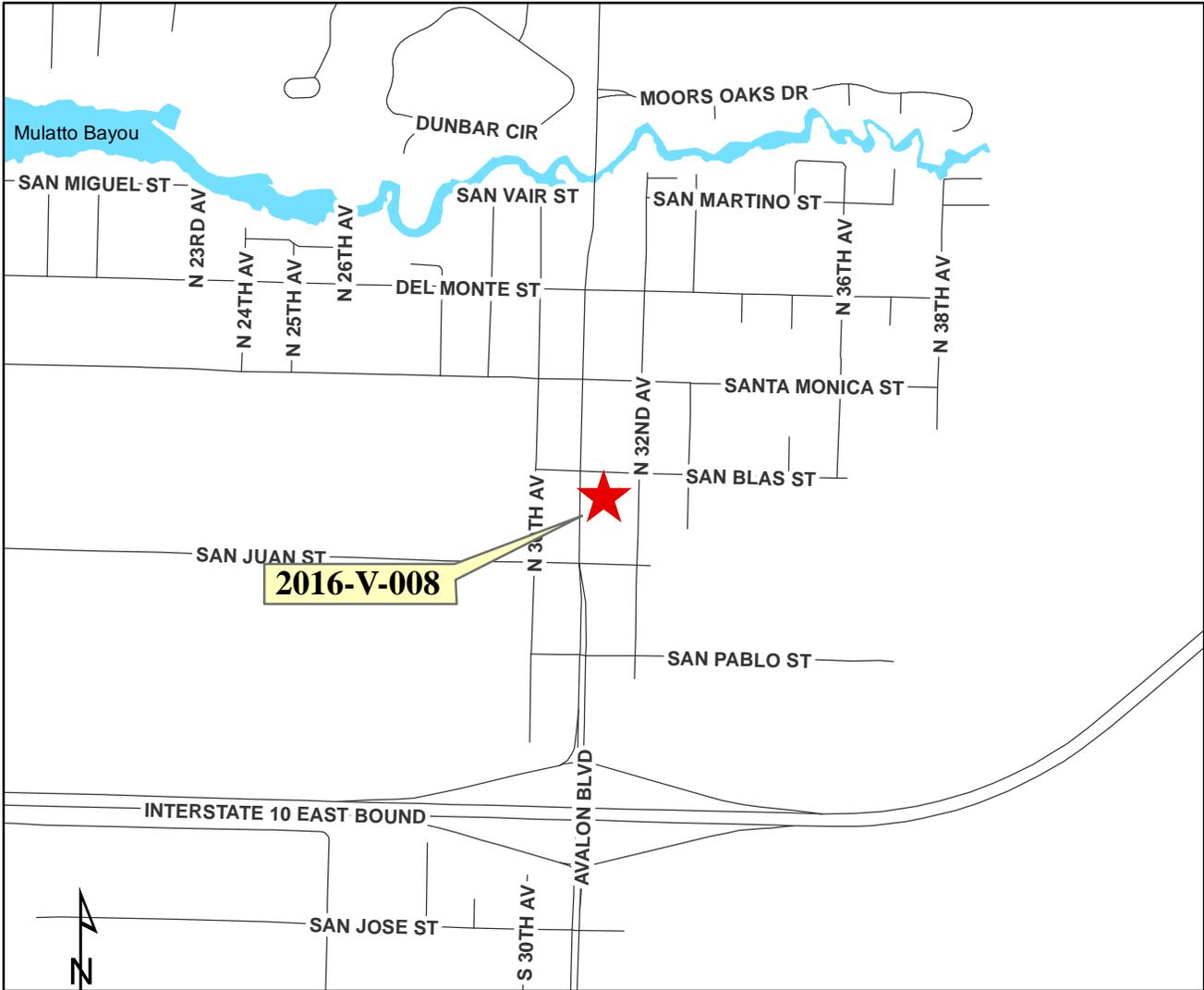
Staff Analysis: The proposed request does not apply to the reduction of parking or loading requirements nor does it apply to the access management standards which would affect the safety or operation of the roadway.

Part III. Additional Considerations:

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.

2016-V-008 Location

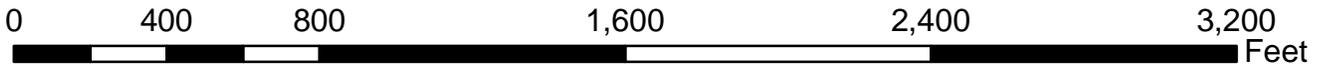


Legend

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.

2016-V-008

Zoning



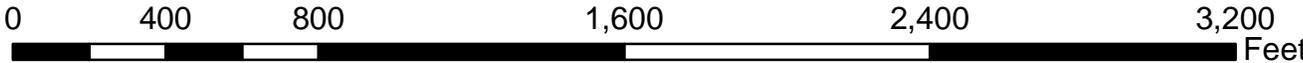
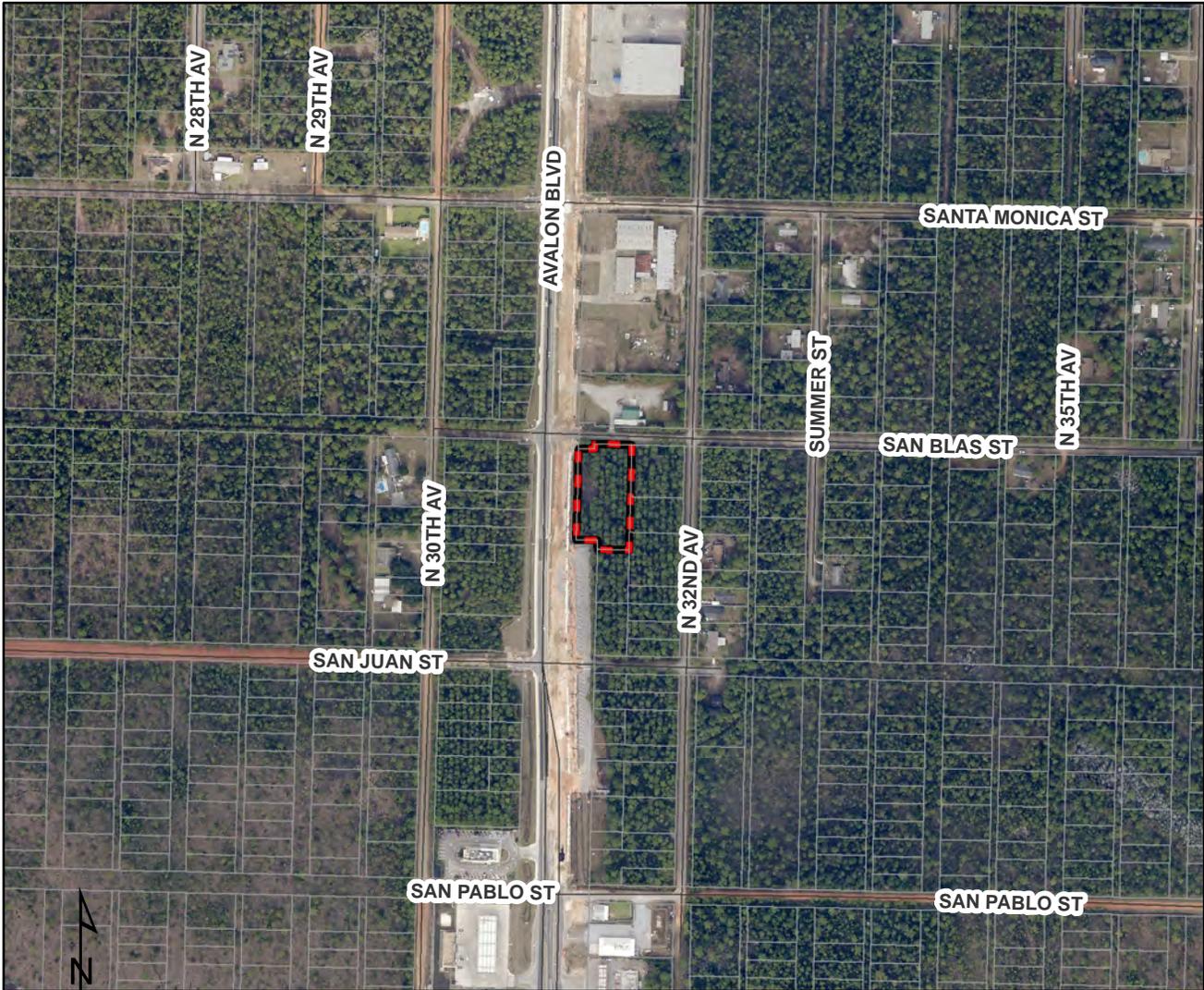
Legend

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

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.

2016-V-008
2014 Aerial

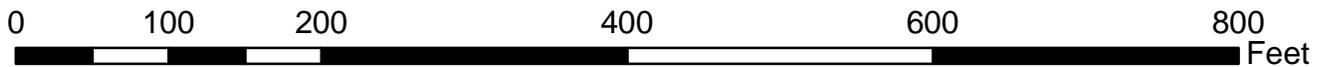


Legend

 Pending Jan ZB

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.

2016-V-008
2014 Close Up Aerial



Legend

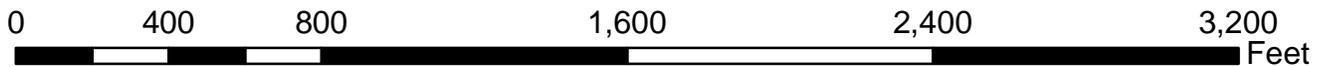
 Pending Jan ZB

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.

2016-V-008

Zoning



Legend



Pending Jan ZB

Existing Land Use

CATEGORY

- Agriculture
- Agriculture, Homestead
- Condo's/Townhomes
- City
- Commercial
- Industrial

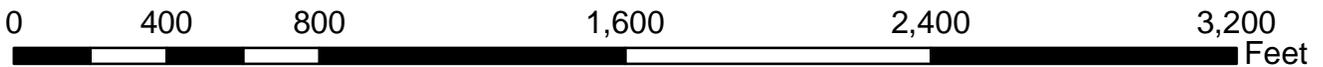
- Institutional
- Multi-Family Residential <5
- Multi-Family Residential >5
- Military
- Mixed Residential/Commercial
- Office
- Public Owned Property
- Rail
- Recreation/Commercial

- Recreation/Open Space
- Right of Way
- Single Family Residential
- Silviculture
- Uncategorized
- Utilities
- Vacant
- Water

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.

2016-V-008 Access Management



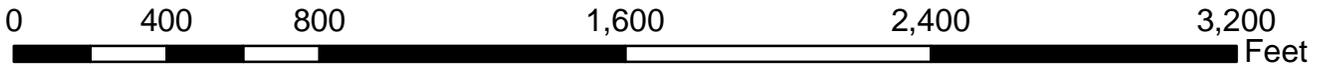
Legend

- Pending Jan ZB
- Principle Arterial - Interstate
- Major Arterial
- Minor Arterial
- Major Collector
- Major Collector w/Additional Restrictions
- Minor Collector

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.

2016-V-008 Garcon Point Protection Area



Legend

- Pending Jan ZB
- Garcon Point Protection Area

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.

2016-V-008

Presentation Pictures – Zoning Board, January 14, 2016



Looking south, the subject site is to our left.



Looking northwest, the subject site is to our right.



Looking north, the subject site is to our right.

2016-V-008

Presentation Pictures – Zoning Board, January 14, 2016



Looking east, the subject site is to our left.



Looking south at the rear of the site.



Looking north, the subject site is to our left.

2016-V-008
Presentation Pictures – Zoning Board, January 14, 2016



Looking south at the subject site.



Santa Rosa County Development Services



Beckie Cato, AICP
Planning and Zoning Director

Tony Gomillion
Public Service Director

Rhonda C. Royals
Building Official

July 31, 2015

Ms. Jennifer Bell, P.E.
Bell Engineering Services
Via email: jennifer@belleng.com

RE: Pre-Application Meeting on July 29, 2015
Project Name: **J. Bell Commercial Retail**
Parcel(s): 401N280090474000190

Dear Ms. Bell:

Thank you for attending the above referenced pre-application meeting with the Santa Rosa County Development Services staff. Below you will find a recap of the information discussed at the meeting and the requirements for you to proceed with the project.

The purpose of a pre-application meeting is to provide you with a thorough understanding of the regulations and requirements applicable to your proposed project and to address any questions that you may have. However, pre-application meetings are informal and do not replace the need for a formal review. Therefore, please understand that the requirements presented below are based solely on the information presented by you at the meeting and is subject to change. Also, additional requirements may be applicable to your project based on information received at a later date or at the time of formal review.

Site/Land Use – Leslie Statler, (850)981-7086, leslies@santarosa.fl.gov

1. The proposed project involves the development of a general retail store approximately 9, 100 sf in size. The property is currently vacant.
2. The zoning designation for this property is HCD, Highway Commercial Development. The Future Land Use Map designation is COMM, Commercial. The proposed use is allowed within the zoning and overlay districts.
3. The area being proposed for development may contain wetlands and a wetlands determination will be necessary to verify whether the area contains jurisdictional wetlands. Local consultants who can assist with this determination include:
 - a. Biome
 - b. Wetlands Sciences
4. Based upon the scope of work proposed and size of the building, a site plan package prepared by a Florida registered civil engineer must be submitted for review and approval. The site plan will detail the site construction proposed and demonstrate consistency with County code for issues related to access, circulation, parking, landscaping, buffering, density, uses, stormwater,

Santa Rosa County Public Service Complex
6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583

www.santarosa.fl.gov
Office: (850) 981-7000

- etc. A tree survey identifying the location, size, and species of all protected trees on the site will be required.
5. Access into the site must be at least 24 feet in width and comply with all other applicable standards for commercial driveways within Santa Rosa County, such as a thermoplastic stop bar, double yellow separator lines, and a stop sign with “no left turn” signage co-mounted on the Avalon Boulevard connection. FDOT may have additional requirements and/or allowances on the Avalon Boulevard connection. The connection on San Blas will need to be located along the eastern edge of the property.
 6. The internal circulation on the site should be 16 feet in width for one-way traffic and 24 feet in width for two-way traffic.
 7. Interconnectivity to the adjacent property to the south must be included. It is understood that this connection will be one-way and for ingress only since the adjacent development is an FDOT park-and-ride facility with one-way traffic. The connection point will need to align with the eastern side of the drive aisle within the new project to avoid traffic conflicts. A “Do Not Enter” sign will need to be installed as well.
 8. The building setbacks which would apply to the site are: Front (Avalon Blvd) = 50 feet, rear (east) = 25 feet, interior side (south) = 5 feet, and corner side (north) = 25 feet. Per the site plan presented, a Variance to the rear building setback will be required to reduce the setback from 25 feet.
 9. Variance requests are considered through a public hearing process. This process requires a public hearing during which the Zoning Board will make a determination. During this process, all property owners within 150 feet will be notified via mail and a sign will be posted on the property. The staff coordinator for the Zoning Board is Darliene Stanhope, Planner III. Darliene may be reached at 981-7065.
 - a. The cost for this process is \$235 plus the cost of mailing the notification.
 - b. You must procure the mailing labels from the Santa Rosa County Property Appraiser’s office as they certify & attest to their accuracy. They do charge a minimal fee for this request.
 10. Parking will be based upon the use of the site. For general retail, it is typically calculated on the gross floor area of the building at a rate of 1 parking space for every 250 square feet or fraction thereof. One handicap parking space is required for every 25 parking spaces required for the development. Although standard parking spaces must be 18 feet in length and 9 feet in width, we have noticed that spaces 20 feet in length and 10 feet in width work well within our community. Handicap parking spaces must be 18 feet in length and 12 feet in width with an access aisle 5 feet in width adjacent to either side of the spaces. Additionally, loading spaces are required for the proposed use at a rate of 1 space for every 10,000 square feet or fraction thereof. Loading spaces must be 35 feet in length, 12 feet in width, and 14 feet in height.
 11. Development standards include landscaping in the form of right-of-way (perimeter) landscaping, and parking area vegetation. Landscaping along the right-of-way must consist of a vegetative strip at least 10 feet in width with 1 canopy tree per every 40 linear feet or fraction thereof exclusive of the driveway connection. If overhead power lines are present, the trees may not be planted within 20 feet of the lines and may be moved to the interior of the site. The parking area landscaping must include 1 canopy tree for every 12 parking spaces. They are not required to be planted every 12 spaces; however they must be planted around the parking area to fulfill the intent of the Ordinance and provide shade for the expanse of concrete or asphalt. Existing vegetation may be counted towards these requirements.

Santa Rosa County Development Services

Public Service Complex

6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583

www.santarosa.fl.gov

Office: (850) 981-7000

12. Letters of water and sewer service availability will be required with the site plan application and prior to the issuance of any applicable permits. Please contact Rachel Lee, Pace Water System, at 850-994-5129 to request this letter.
13. Site plans and building construction plans are reviewed at staff level. Staff has 10 business days to review and issue comments for each submittal. Once complete, the project is issued a Development Order (DO). Although we encourage concurrent review of site and construction plans by staff, building permits may not be issued until the issuance of the DO. Additionally, no work may commence on the site until the issuance of the DO.

Engineering – Chris Phillips, (850)981-7100, chrisp@santarosa.fl.gov

1. The San Blas driveway should be a radii drive with as large a southern radius as will fit. There should be concrete ribbon curb along the driveway within the right of way (at a minimum).
2. Match the San Blas stop sign post with that required at the FDOT connection.
3. Parking island radii where drive aisles intersect must be 10ft minimum.
4. Do not plant trees in the same island with stop signs.

Building – Bruce Teston, (850) 981-7017, brucet@santarosa.fl.gov

1. The project review was for the construction of a one story mercantile single use occupancy, no fire sprinkler protection proposed. The Wind Speed Design Criteria would be for 150 mph Category Two Building. Some proposal of setback alteration from the proposed site plan was discussed and building code setback requirements for fire rated exterior walls distances were referenced for less than 10 feet but greater than 5 feet. Design for building compliance should reference those setback requirements for the construction type submitted by the Design Professional.

In closing, our hope is that you found the pre-application meeting to be a helpful tool so that you can make informed decisions about your project. As the County's project manager for your project, please feel free to contact me with any questions that you may have. In addition, you may contact the staff listed above if you have questions specific to their area of expertise. Also, I will be in contact with you periodically to assess the status of your project and provide assistance.

Respectfully,



Leslie Statler
Planner III
(850)981-7086
leslies@santarosa.fl.gov

LS/lf

Mr. Josh Hufstetler

Via email: joshh@teramore.net
rphillips@teramore.net

Santa Rosa County Development Services

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

STAFF ENHANCED SITE PLAN

SITE PLAN EXHIBIT APPLICATION FOR VARIANCE		CITY, STATE - STREET AVALON BLVD & SAN BLAS ST MILTON, FL (SANTA ROSA COUNTY)				
PROTOTYPE:	F	DEVELOPER	DESIGNER	DATE		
BLDG SF/SALES:	9,100/9,002	COMPANY:	TERAMORPH DEVELOPMENT	COMPANY:	BELL ENGINEERING SERVICES, LLC	12/20/15
ACREAGE:	1.03± AC	NAME:	JOHN HARTREITER	NAME:	JENNIFER D. BELL, P.E.	
PARKING SPACES:	37	PHONE:	(228) 516-4229	PHONE:	(850) 725-7155	

LEGEND

- EXISTING ASPHALT
- PROPOSED CONCRETE
- PROPOSED HD ASPHALT
- PROPOSED LD ASPHALT

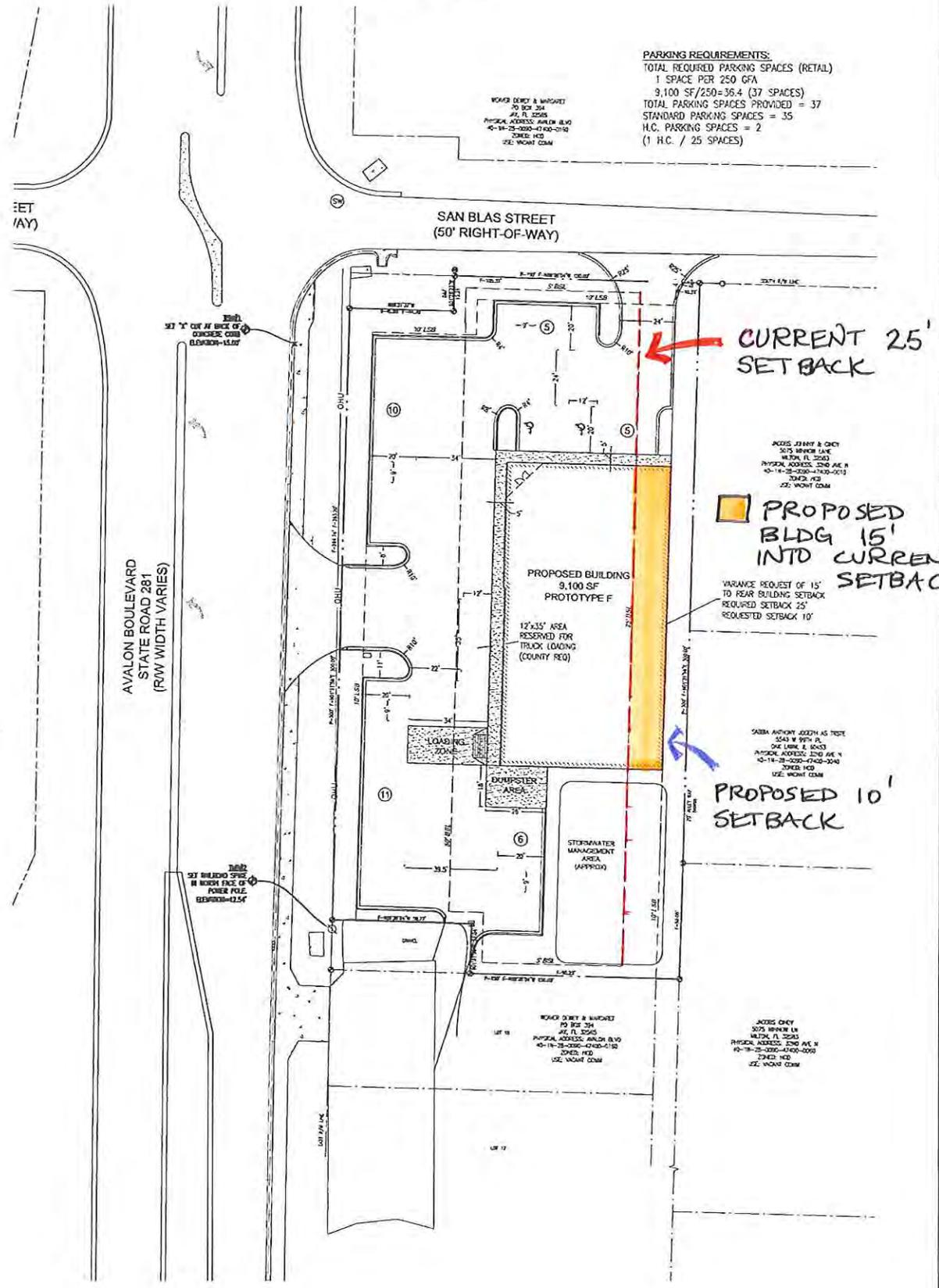


SITE SPECIFIC INFORMATION:
 PROPERTY REFERENCE #
 40-1N-28-0090-47400-0190
 AVALON BLVD.
 MILTON, FL
 1.03± AC
 ZONING: HCD
 EX LAND USE: VACANT
 COMMERCIAL
 FUTURE LAND USE: COMM

VARIANCE REQUEST:
 REQUESTING A VARIANCE TO
 THE REQUIRED 25' REAR
 BUILDING SETBACK TO A 10'
 BUILDING SETBACK

PARKING REQUIREMENTS:
 TOTAL REQUIRED PARKING SPACES (RETAIL)
 1 SPACE PER 250 GFA
 9,100 SF / 250 = 36.4 (37 SPACES)
 TOTAL PARKING SPACES PROVIDED = 37
 STANDARD PARKING SPACES = 35
 H.C. PARKING SPACES = 2
 (1 H.C. / 25 SPACES)

WOMER DONEY & WRIGHT
 PO BOX 204
 RD. FL 32504
 PHYSICAL ADDRESS: AVALON BLVD
 40-1N-28-0090-47400-0190
 ZONING: HCD
 USE: VACANT COMM



CURRENT 25' SETBACK

PROPOSED BLDG 15' INTO CURRENT SETBACK

PROPOSED 10' SETBACK

VARIANCE REQUEST OF 15' TO REAR BUILDING SETBACK
 REQUIRED SETBACK 25'
 REQUESTED SETBACK 10'

SABBA ARCHITECTS
 5543 W 99TH PL
 ONE LOUIS E SUITE 1
 PHYSICAL ADDRESS: 22ND AVE N
 40-1N-28-0090-47400-0040
 ZONING: HCD
 USE: VACANT COMM

JACOBS CHRY
 3075 BRIDGE LN
 MILTON, FL 32540
 PHYSICAL ADDRESS: 22ND AVE N
 40-1N-28-0090-47400-0000
 ZONING: HCD
 USE: VACANT COMM

WOMER DONEY & WRIGHT
 PO BOX 204
 RD. FL 32504
 PHYSICAL ADDRESS: AVALON BLVD
 40-1N-28-0090-47400-0190
 ZONING: HCD
 USE: VACANT COMM

AVALON BOULEVARD
 STATE ROAD 281
 (RW WIDTH VARIES)

SET (AY)

7'± SETBACK FROM SIDE OF CONCRETE CURB
 BLOCKING-15.0'

7'± SETBACK FROM SIDE OF CONCRETE CURB
 BLOCKING-12.5'

PROPOSED BUILDING
 9,100 SF
 PROTOTYPE F
 12'x35' AREA
 RESERVED FOR
 TRUCK LOADING
 (COUNTY REQ)

STORMWATER
 MANAGEMENT
 AREA
 (APPROX)

10

5

11

6

18

17



Santa Rosa County Development Services



Beckle Cato, AICP
Planning and Zoning Director

Tony Gomillion
Public Service Director

John T. "Tim" Tolbert
Building and Fire Official

Variance Application

* Application Instructions begin on Page 5

** For Official Use Only **	
Application No. <u>2016 -V -008</u>	Date Received: <u>12/2/15</u>
Review Fee: <u>235 + 16.50</u>	Receipt No.: <u>395,408</u>
Zoning District: <u>HCD</u>	FLUM Designation: <u>Comm</u>

± 1.032

VD#2

Property Owner Property Owner Name: Teramore Development, LLC
 Address: P.O. Box 6460
Thomasville, GA 31758
 Phone: (229) 516-4289 Fax: (229) 516-4229
 Email: develop@teramore.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. ** See attached Sales Agreement .*

Company: _____
 Contact Name: Angelo T + Amelda Lewis
 Address: 6819 Concord Rd.
Savannah, GA 31410
 Phone: _____ Fax: _____
 Email: _____

Property Information Parcel ID Number(s): 40-1N-28-0090-47400-0190
 -OR-
 Street Address of property for which the Variance is requested:
Avalon Blvd, Milton, FL 32583

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

Inspections/Compliance Division Fax: (850) 623-1208 • Planning/Zoning Division Fax: (850) 983-9874

What is the present use of the property? Vacant Commercial

Variance Request

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

A variance is being requested to the required 25' setback to a 10' building setback.

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

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

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

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.

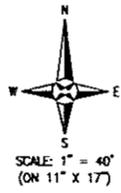
Josh Hufstetler
Applicant Name (Type or Print)
Executive Vice President
Title (if applicable)


Applicant Signature
12/1/15
Date

SITE PLAN EXHIBIT APPLICATION FOR VARIANCE		CITY, STATE - STREET AVALON BLVD & SAN BLAS ST MILTON, FL (SANTA ROSA COUNTY)		
PROTOTYPE:	F	DEVELOPER	DESIGNER	DATE
BLDG SF/SALES:	9,100/9,002	COMPANY: TERAMORE DEVELOPMENT	COMPANY: BELL ENGINEERING SERVICES, LLC	12/02/15
ACREAGE:	1.03± AC	NAME: JOSH HUFSTETLER	NAME: JENNIFER O. BELL, P.E.	
PARKING SPACES:	37	PHONE: (221) 516-4289	PHONE: (850) 723-7185	

LEGEND

- EXISTING ASPHALT
- PROPOSED CONCRETE
- PROPOSED HD ASPHALT
- PROPOSED LD ASPHALT

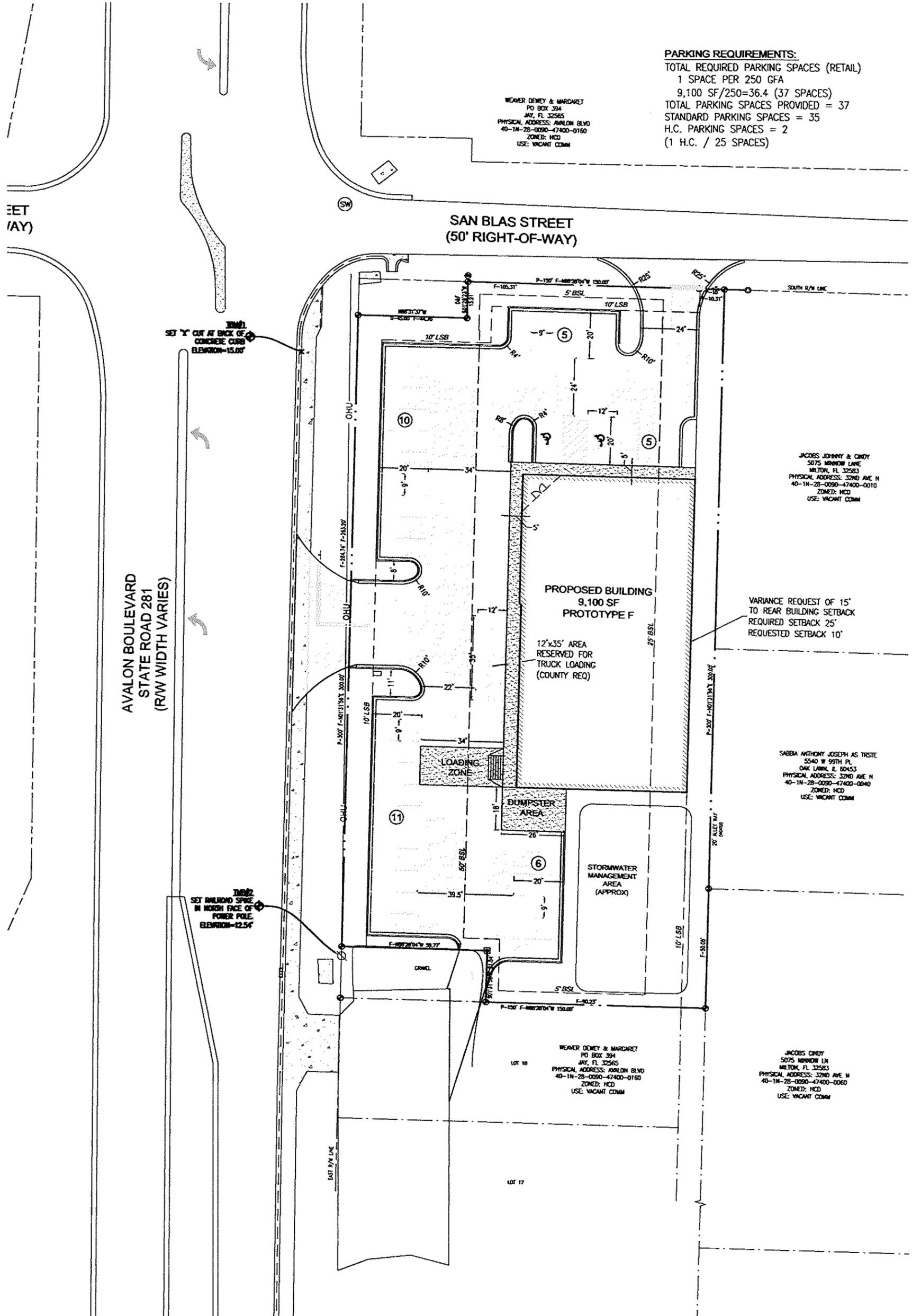


SITE SPECIFIC INFORMATION:
 PROPERTY REFERENCE #
 40-1N-28-0090-47400-0190
 AVALON BLVD.
 MILTON, FL
 1.03± AC
 ZONING: HCD
 EX LAND USE: VACANT COMMERCIAL
 FUTURE LAND USE: COMM

VARIANCE REQUEST:
 REQUESTING A VARIANCE TO
 THE REQUIRED 25' REAR
 BUILDING SETBACK TO A 10'
 BUILDING SETBACK

PARKING REQUIREMENTS:
 TOTAL REQUIRED PARKING SPACES (RETAIL)
 1 SPACE PER 250 GFA
 9,100 SF/250=36.4 (37 SPACES)
 TOTAL PARKING SPACES PROVIDED = 37
 STANDARD PARKING SPACES = 35
 H.C. PARKING SPACES = 2
 (1 H.C. / 25 SPACES)

WEAVER DOWEY & MARGARET
 PO BOX 394
 JAY, FL 32565
 PHYSICAL ADDRESS: AVALON BLVD
 40-1N-28-0090-47400-0160
 ZONED: HCD
 USE: VACANT COMM



Citizen
Comments
2016-V-008

Received BEFORE the
Zoning Board meeting



*Supports
ZB

02-25-2016

Dear Zoning Board

Thank you for allowing me to comment on the appeal of variance 2016-v-008
parcel id 40-1n-28-0090-47400-0190

As a property owner located within 500 feet and on 32nd ave, I STRONGLY AGREE WITH THE
ORIGINAL DECISION THAT WAS APPROVED BY THE BOARD ON JANUARY 14 2016.

As an owner I am familiar with lot sizes in this area and believe that this request is necessary to build
any type of building on them. I encourage the board to approve the variances.

Thank You

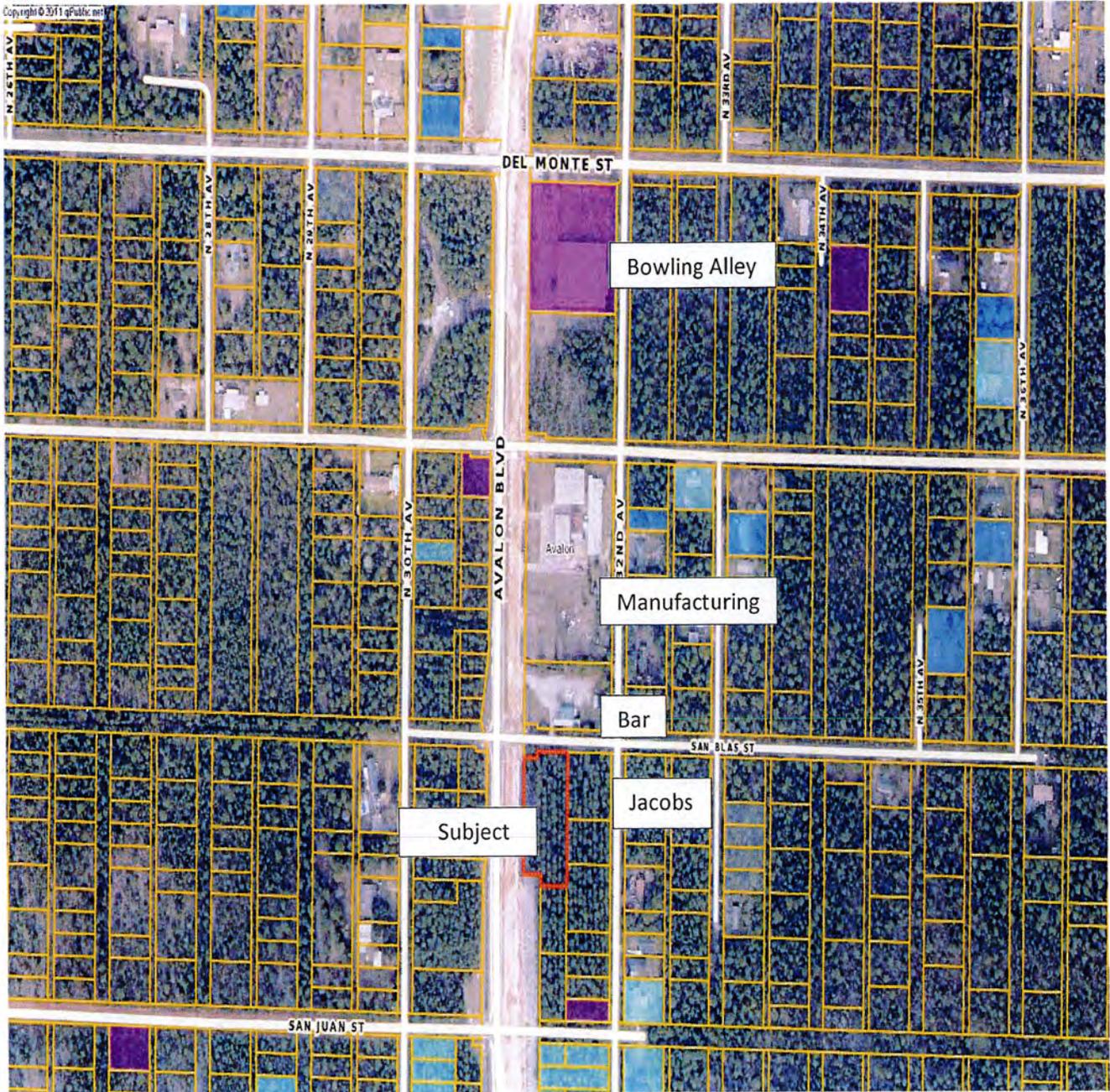
Supplemental Information

2016-V-008

Received DURING the
BOCC meeting

From: A. Jones

Map



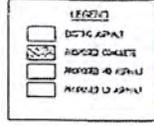
Variance Application 2016-V-008

Application to reduce easterly setback from 25 feet to 10 feet

Proposed Development

STAFF ENHANCED SITE PLAN

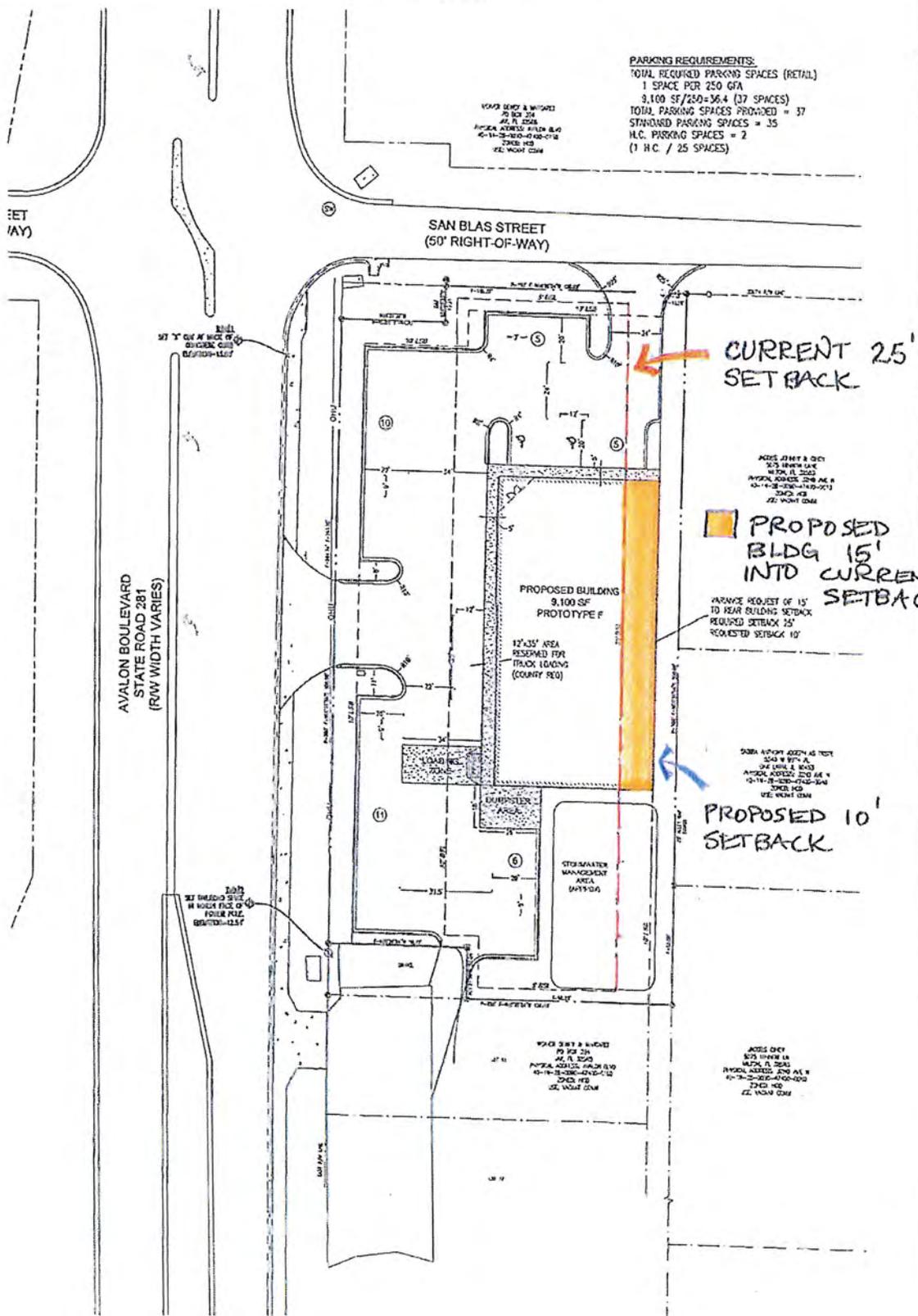
SITE PLAN EXHIBIT APPLICATION FOR VARIANCE		CITY, STATE - STREET	
PROTOTYPE:	F	DEVELOPER:	SEANOR SCORCA GROUP
BLDG SF/SALES:	9,100/8,200	COMPANY:	ALLI DESIGNING PARTNERS, LLC
ACREAGE:	1.028 AC	NAME:	ADRIEN P. HILL, P.C.
PARKING SPACES:	37	PHONE:	(202) 514-4200
		PHONE:	(202) 723-7155



SITE SPECIFIC INFORMATION:
 PROPERTY REFERENCE # 40-1N-28-0090-47400-0190
 AVALON BLVD.
 MILTON, FL
 1.03± AC
 ZONING: HCD
 EX LAND USE: VACANT
 COMMERCIAL
 FUTURE LAND USE: COMM

VARIANCE REQUEST:
 REQUESTING A VARIANCE TO THE REQUIRED 25' REAR BUILDING SETBACK TO A 10' BUILDING SETBACK

PARKING REQUIREMENTS:
 TOTAL REQUIRED PARKING SPACES (RETAIL)
 1 SPACE PER 250 GFA
 9,100 SF / 250 = 36.4 (37 SPACES)
 TOTAL PARKING SPACES PROVIDED = 37
 STANDARD PARKING SPACES = 35
 H.C. PARKING SPACES = 2
 (1 H.C. / 25 SPACES)



AVALON BOULEVARD
 STATE ROAD 281
 (RW WIDTH VARIES)

SAN BLAS STREET
 (50' RIGHT-OF-WAY)

CURRENT 25'
 SETBACK

PROPOSED
 BLDG 15'
 INTO CURRENT
 SETBACK

PROPOSED 10'
 SETBACK

PROPOSED BUILDING
 9,100 SF
 PROTOTYPE F

12' x 33' AREA
 RESERVED FOR
 TRUCK LOADING
 (COUNTY REQ)

STORMWATER
 MANAGEMENT
 AREA
 (MAY-10-04)

Staff Analysis

Variance 2016-V-008

Part I. General Information:

Appellant: Johnny and Cindy Jacobs
Represented by Angie Jones of Locklin, Saba, Locklin, &
Jones, PA

Project/Applicant: Dollar General/Teramore Development LLC

Project Location: 2800 block of Avalon Boulevard, Milton, FL

Parcel Number: 40-1N-28-0090-47400-0190

Request: Variance Request to reduce the rear setback from 25
feet to 10 feet to accommodate a commercial building.

(LDC 6.05.15.I.4)

Zoning District: HCD (Highway Commercial Development)

Current Conditions: Vacant Lot

*Zoning Board
Decision: **Approved without objection at their meeting on
January 28, 2016***

Part II. Data and Analysis: (Consistency with the Land Development Code Criteria)

6.05.15 HCD - Highway Commercial Development District

I. Minimum Required Setbacks:

4. Rear Setback There shall be a rear building setback for all uses having a depth of not less than twenty-five (25) feet, except as provided in Section 2.10.03.

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 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 rear setback.

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, impair the public safety, or 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.

LDC

2.03.00. - Appeals.

2.03.01. Zoning Board.

The Zoning Board shall consist of (10) members. Each member of the Board of County Commissioners of Santa Rosa County, Florida shall nominate two (2) members to this Board, both of whom shall be residents of Santa Rosa County and at least one of whom must reside in the district of the appointing County Commissioner. Each nominee shall be confirmed by the Board of County Commissioners. The members of this Board shall be appointed for staggered terms of two (2) years, and may be reappointed for consecutive terms. The nominating member of the Board of County Commissioners of Santa Rosa County, Florida, is authorized to remove any member from the Zoning Board for any reason, which removal shall be confirmed by the Board of County Commissioners. Any vacancies occurring during the unexpired term of office of any member shall be filled for the period of the unexpired term within thirty (30) days after the vacancy occurs. The organization and procedure of the Board, its meetings and method of handling appeals and other related matters shall be in the manner hereinafter provided and as provided in County Ordinance 81-07.

All references to "Planning Board" and to "Zoning Board of Adjustment and Appeals" shall be interpreted to mean "Zoning Board."

Cross reference— Boards, commissions, authorities, etc., § 2-76 et seq.

2.03.02. Procedures.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, appeals to the Board may be taken by any person aggrieved. However, the Board shall not grant exceptions to the provisions of this ordinance for the personal convenience of any individual or in the case of new construction for the purpose of granting any substantial variance of the restrictions on the various zones as herein contained.

- A. *Proceedings.* The Zoning Board shall adopt procedural rules in accordance with the provisions of this ordinance. Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. The Chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the County Clerk and shall be a public record.
- B. *Appeals.* Appeals to the Zoning Board concerning any and all matters may be taken by any person aggrieved or by any officer of a department of Santa Rosa County affected by any decision of another administrative officer. Such appeal shall be exercised within a reasonable time (fifteen (15) days from the date of the administrative decision or as provided by the rules of the board), by filing with the officer to whom the appeal is directed and with the Zoning Board. A notice of appeal specifying the grounds thereof shall be included. The officer to whom the appeal is directed shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed is based.

- C. *Hearing of Appeal; Notice Required.* The Zoning Board shall affix a reasonable time for the hearing of the appeal, give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by an agency or by attorney.
- D. *Decision of the Zoning Board.* In interpreting and applying the provisions of this ordinance, said provisions shall be held to be minimum provisions. The Zoning Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer to whom the appeal is directed. The concurring vote of a quorum majority of the members of the Zoning Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to vote.
- E. *Appealing Decision of the Zoning Board.* Any person, persons, or county department jointly or severally, of Santa Rosa County aggrieved by any decision of the Zoning Board, may appeal a decision of the Zoning Board by filing an appeal with the Board of County Commissioners. Such appeal shall be filed with the Department of Community Planning, Zoning and Development in a form prescribed by the County Commission within fifteen (15) calendar days of the decision or action appealed. The review by the Board of County Commissioners shall be de novo.

For purposes of appealing the decision of the Board of County Commissioners, the record shall consist of all documents and exhibits presented at the hearing, all testimony presented at the hearing, the package transmitted to the Board by the Planning Department for the hearing, and the relevant minutes of the Zoning Board.

2.03.03. [Reserved.]

(Ord. No. 93-22, § 1, 11-24-93; Ord. No. 2005-32, § 1, 9-22-05; Ord. No. 2008-41, § 1, 12-17-08; Ord. No. 2012-14, § 1, 5-24-12)

2.04.00. - Special exceptions, variances and conditional uses.

The BOA shall have the following duties and powers:

- A. *Variances.* To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to public interest. Where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done. Such special conditions shall be limited to exceptional physical characteristics inherent in the specific piece of property such as exceptional narrowness, shallowness, shape, adverse topographic conditions as would result in peculiar and practical difficulties. Any variance shall not be contrary to the public interest and when owing to conditions peculiar to the property and not of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardships. A variance can be authorized for any provision within the Land Development Code which does not impair the intent of the zoning ordinance, zoning district map, and/or amend the Comprehensive Plan. Variances shall not be authorized for such provisions as minimum lot size, maximum density, permitted and/or conditional uses, distance of vendors selling liquor, beer or wine for on premise consumption from a church or school, road frontage (except where permitted by special exception or as specifically provided below), and other similar provisions.

Variances for road frontage may be authorized only under the following conditions:

1. The parcel was established by contract for deed prior to the date that road frontage requirements were effective for the subject property. Such contract for deed must be in writing and properly witnessed to be considered valid for the purposes of this provision.
2. The applicant agrees to and coordinates joint access with such adjoining parcel as specified by the Planning Department. Any access for the parcel shall be designed and constructed to allow for and facilitate joint access by the adjacent parcel.
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.
4. The variance will not impair the intent of the zoning ordinance or zoning district map.
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.
6. 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.

B.

Special exceptions. To hear and decide special exceptions to the terms of this ordinance. The board is hereby authorized to grant special exceptions in appropriate cases and with appropriate safeguards to authorize the use of a premises for a purpose not generally permitted within the district in which said premises is located or to interpret specific provisions of this ordinance expressed in this Section whenever it finds sufficient facts to demonstrate to its satisfaction that such exception if granted would be substantially in harmony with the general purpose and intent of this ordinance.

The authority to decide special exceptions is limited to the following cases:

1. To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of passage of this ordinance, except in the case of unplatted subdivisions.
2. To interpret the location of a district line where the street layout on the ground varies from the street layout as shown on the zoning district map or in the event of any other ambiguity, except in the case of unplatted subdivisions.
3. To permit the reconstruction of a non-conforming building which has been destroyed or partially destroyed by fire or Act of God, where the Board shall find that the continuance of such non-conforming use is in harmony with the general welfare of the public.
4. [Reserved.]
5. To permit the construction, extension, structural alteration or operation of the following uses, which are otherwise prohibited from certain districts, upon finding by the board that proper safeguards and conditions have been provided to lessen congestion in the streets, to secure safety from fire, panic or other dangers, to promote health and general welfare, to provide adequate light and air and to prevent overcrowding of land. The Board may impose such additional reasonable conditions and safeguards as it shall deem appropriate to promote the general purposes of this ordinance. The Board shall have the authority to authorize the following uses in the districts specified, whenever it finds that the safeguards and conditions stipulated have been met:
 - a. Cemetery or mausoleum in any district, but provided that:
 - (1) No main or assembly building be located closer than fifty (50) feet to any lot line adjoining an "R" district.
 - (2) Direct access be provided to a collector or major thoroughfare street as differentiated from a local street which serves predominantly as access to residential property.
 - (3) No undertaking establishment or funeral home be operated as a part of such cemetery or mausoleum except in the district where such uses are permitted in this ordinance.
 - b. Off-street parking lot in R-2, R-2M, and R-3 "Multiple Family Districts" provided that at least one (1) boundary of such parking lot abuts a non-residential district and provided further that such parking lot is accessory to a permitted use located not more than three hundred (300) feet from the use served. In addition, site plan and landscaping requirements for all such off-street parking areas shall comply with

Section 6(B)(11) regarding required landscaping, except that neither a public hearing shall be required by the zoning board, nor shall a review thereof be required by the county commission.

6. To allow the dividing of a parcel in the residential zoning districts, resulting in a parcel which does not possess the required road frontage, if the following provisions are met:
 - a. The divided land shall only be given without valuable consideration to a member of the donor's immediate family. (Immediate family being defined as spouse, father, mother, brother, sister, son, daughter, stepchild, grandchild, or grandparent.
 - b. Property being divided shall not be located within a recorded, platted subdivision.
 - c. The maximum allowable density of the parcel created shall not exceed the allowable density of the respective zone.
 - d. Except for frontage and that which is herein contained, all other requirements of this ordinance shall be adhered to.
 - e. An easement maintenance agreement between property owners is required or; an access easement (minimum width twenty (20) ft.) must be included in each newly created deed.
 - f. No new county maintained roads are created.
 - g. The parcels created are compatible with neighboring properties. The following criteria will be utilized in determining compatibility: social compatibility (to be accomplished through neighboring property owner notification per Section 2.04.03 and citizen review); disposition and orientation of any proposed buildings on the newly created lot(s); scale; and visual integrity.
7. To permit a limited range of commercial uses strictly in conjunction with residential uses in Agricultural districts only and located on the same lot and limited to the following provisions:
 - a. Maximum number of employees other than family members limited to four (4).
 - b. The maximum sized structure allowed for commercial uses limited to one thousand two hundred (1,200) square feet of total gross floor area.
 - c. Commercial activities limited to: woodworking, welding, professional services such as day care, modeling, dancing, and photography studios, hair care and similar services, plumbing and electrical contractors and similar services, and limited retail sales.
 - d. Insure the health, safety and welfare of the surrounding community by imposing additional, reasonable safeguards as it shall deem appropriate.
8. To permit the dividing of a parcel in the Highway Commercial Development District resulting in a parcel which does not possess the required road frontage, provided that:
 - a. Joint access is provided and established through a joint access agreement between property owners. The joint access agreement must specify responsibility for access improvements necessitated by the development of either lot;
 - b. Except for road frontage, all other requirements of this ordinance shall be adhered to; and
 - c. No more than one (1) non-conforming lot is created and that parcel is deed restricted such that it cannot be further subdivided unless all of the platting requirements are met; and

- d. The parent parcel must conform to the road frontage requirements of this ordinance and must abut a state or county approved roadway; and
 - e. The division of the parent parcel does not result in the creation of a flag lot; and
 - f. An access management plan for the minor subdivision must be approved by the county engineer as provided in Section 4.04.03(D)(11).
- [9.] To permit the dividing of a parent parcel in the RR-1, R-1, R1-M, and R1-A zoning districts, resulting in a parcel(s) which will not possess the required road frontage. A parent parcel is defined as those lots of record as of October 22, 1998. A parent parcel may be subdivided with the following provisions:
- (a) A parent parcel may only be subdivided to create a maximum of three (3) new lots which do not meet minimum road frontage requirements. The three (3) new lots will include the remainder of the parent parcel if road frontage requirements [cannot] be met;
 - (b) No new county roads are created;
 - (c) An easement maintenance agreement between property owners or an access easement (minimum width twenty (20) feet) included in the deed is required;
 - (d) Property being divided shall not be located within a recorded platted subdivision;
 - (e) The maximum allowable density of the parcel created shall not exceed the allowable density of the respective zone;
 - (f) Except for street frontage and that which is herein contained, all other requirements of this ordinance shall be adhered to; and
 - (g) The new parcel size, use and configuration must be consistent with existing residential uses in the vicinity.
- [10.] To allow the temporary use of a mobile home as a guest residence within any residential zoning district due to medical hardship if the following conditions are met:
- A. The need for medical care must be certified in writing by a physician licensed in the State of Florida stating the medical hardship and specifying the extent of the need for in-house medical care and approximate length of time for the in-house medical need.
 - B. A mobile home for temporary use shall not exceed one thousand three hundred (1,300) square feet in size.
 - C. Both the primary residence and the mobile home must be located on a parcel with the same property identification number.
 - D. Either the caregiver and their immediate family, or the person in need of medical care may occupy the mobile home.
 - E. To avoid overcrowding on a parcel, the minimum lot size for the primary dwelling and mobile home shall be one-quarter ($\frac{1}{4}$) acre in all zoning districts for those parcels utilizing public sewer, as long as lot coverage and setback requirements of the relevant zoning district are met. For those parcels utilizing septic tanks, the minimum lot size shall be one-half ($\frac{1}{2}$) acre, as long as lot coverage and setback requirements of the relevant zoning district are met.
 - F.

The mobile home must have available adequate water, sewer (septic tank), solid waste removal, and electric service. The building inspections department shall inspect the utility connections and shall verify that the mobile home complies with hurricane safety requirements.

- G. A survey or site plan is required and must be drawn to scale and show the location of all existing structures, the proposed location of the mobile home, and all required setback distances.
 - H. The mobile home must be located behind the principle dwelling, be separated from the principle dwelling by at least ten (10) feet, and shall observe all setback requirements for the main building.
 - I. Once the mobile home is placed upon the property, the wheels and axles shall not be removed, and no building permit shall be approved for additions to the mobile home, except for handicapped access ramps.
 - J. The Zoning Board shall determine that the temporary use is the minimum necessary to afford relief due to a medical hardship which is defined as a condition of health whereby a person requires temporary in-house medical care and assistance by another but where circumstances make it difficult or impossible for the caregiver to reside in the same dwelling as the person in need of such care.
 - K. The Zoning Board shall make a compatibility finding that the temporary use will not have an adverse impact on the use of surrounding properties.
 - L. The temporary use of a mobile home as a guest residence due to medical hardship may be initially granted for a period of up to two (2) years. One (1) additional extension of up to two (2) years may be granted by the Zoning Board based on a physician's confirmation of the continuation of the hardship, and a finding of no changed circumstances, which would alter prior findings made by the BOA, filed prior to the two-year expiration date. The fee for notice, signage, and legal advertisement requirements shall apply to such extensions.
 - M. When the medical hardship ends, or an extension is denied, or upon expiration of the initial approval, or upon expiration of the additional two-year extension, the mobile home must be removed from the site within sixty (60) days. Thereafter, code enforcement procedures will be instituted against the property owner to remove the mobile home. Only the Zoning Board, based on competent and substantial evidence or just cause, may extend the sixty-day period.
 - N. Prior to the placement of the mobile home on the property, the owner of the parcel shall execute a "hold harmless agreement" acknowledging the county's right to remove the mobile home at the owner's expense if the owner, or his or her heirs and assigns, fail to remove the mobile home within the specified 60-day time period or extended period.
- [11.] To allow the temporary (seasonal) use of recreational vehicles (RVs) located in the Agriculture Rural Residential (AG-RR), Estate Residential (AG-1), or Agriculture-2 (AG-2) districts on parcels less than five (5) acres in size, subject to the following requirements:
- a. The recreational vehicle must be owned by the property owner or an immediate family member.
 - b. The property owner shall provide for the lawful disposal of all waste.

- c. Commercial use of recreational vehicles in Agriculture or Agriculture-2 districts is prohibited. RVs or RV space may not be leased.
- d. The recreational vehicle must adhere to the setback requirements for accessory building and structures found in Section 2.10.05.
- e. The placement of the RV shall not have any adverse impact upon adjoining or nearby properties.
- f. The Zoning Board may impose additional criteria or restrictions, including, but not limited to, time limits and number of units, based on site-specific circumstances and characteristics to assure compatibility with adjacent uses.

[C]. *Conditional uses.* To hear and make a recommendation to the Board of County Commissioners regarding land uses which are conditional within each zoning district. The Board shall be charged with considering the criteria, general and specific (as specified in Section 6.09.00), with respect to the proposed use and assessing the impact said use may have on the surrounding area.

2.04.01 Consideration by the Zoning Board.

In considering all proposed variations to this ordinance, the Board shall, before making any finding in a specific case, first determine that the proposed variance or special exception will not constitute any change in the districts shown on the zoning map and will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase public danger of fire safety, or materially diminish or impair established property values within the surrounding area, or in any respect impair the public health, safety, morals and general welfare of Santa Rosa County. All approved variances and special exceptions shall be developed and maintained as approved by the Zoning Board or Board of County Commissioners as applicable. Failure to do so shall constitute a violation of this ordinance.

2.04.02. Additional considerations and requirements in review of coastal setback variance request (protective shoreline structures).

- A. *Explanation of need.* Protective shoreline structures waterward of the setback line shall not receive a variance unless the applicant demonstrates to the Board's satisfaction that the subject property is critically imperiled due to the imminent probability of the projected wave uprush predicted in the study by the University of Florida Coastal and Oceanographic Engineering Department, endorsed by the Florida Department of Environmental Protection (DEP) pursuant to F.S. § 161.053, or as amended.

The applicant shall present a description of the exceptional physical conditions of the property and other special conditions which render compliance with the construction setback line a demonstrable hardship. The applicant shall submit scaled drawings showing the location of upland and adjacent structures, mean high water line, and the construction setback line referenced to DEP monuments if applicable.

- B. *Impact on shoreline preservation and stability of adjacent property.* Prior to application for a Department of Environmental Protection (DEP) permit, the applicant shall prove to the Board's satisfaction that the location, alignment and general design of the structure shall not reasonably impair shoreline stability and shall minimize the erosive tendency of hardened shoreline structures.

The applicant shall provide a design concept prepared by an engineer registered in the State of Florida with experience in shoreline erosion problems and solutions. The said engineer shall certify that the location, alignment and design of the structure shall minimize adverse impacts to the shoreline system and adjacent properties; and that the location and alignment of the structure shall be as far landward as possible to provide maximum opportunity for natural dissipation of energy arising from wave uprush. An approved DEP permit or detailed engineering including design or revetment to dissipate energy; methods of anchoring and tie-in, and other structural features shall be examined by the County Zoning Board as part of site plan review if variance requests are being considered.

- C. *Subgrade revetments; sand and vegetative cover; and sand replenishment.* The Board shall require where reasonable and practical the use of subgraded revetments, sand cover and vegetative cover over all shoreline structures together with a sand replenishment program to maximize natural dissipation of energy from wave uprush, decrease scour and generally minimize erosive tendencies of hardened structures. All subgraded structures shall be required.
- D. *Removal of structures.* Any shoreline protective structure approved by the Board for a variance and subsequently constructed shall be displaced and removed if either the subject structure or the primary protected upland structure is destroyed or damaged to an extent greater than fifty (50) percent and variance for reconstruction of the same is not subsequently granted waterward of the setback line by both the Board and the State of Florida Department of Environmental Protection.

2.04.03. *Procedure for filing applications.*

All applications to the Board for granting of variances, conditional uses or special exceptions to this ordinance shall be filed with the Planning Department, no later than thirty (30) business days prior to the next regularly scheduled meeting and thereupon the Board shall consider such application. At the time of filing such applications, the applicant shall deposit with the Planning and Zoning Division a fee in an amount as prescribed by the Board of County Commissioners. For appeals, variances, conditional uses and special exceptions letters shall be sent via certificate of mailing explaining the nature of the appeal, variance, conditional use or special exception and the time, date, and location of the meeting to be held to consider such variance, conditional use or special exception. For appeals and variances, letters shall be sent to all property owners within one hundred and fifty (150) feet of the property where said variance, conditional use or special exception is proposed. However, if the variance, conditional use, or special exception is for a structure greater than 35' in height, the notice shall be sent to property owners within five hundred (500') feet, or for any type of borrow pit, C&D, or LCD disposal facility, the notice shall be sent to property owners within fifteen hundred (1,500) feet of the property where said request is made. If the variance, conditional use, or special exception is located in the Rural Protection Zone, as identified by the Rural Development Plan, notice shall be sent to property owners within 500 (500') feet of the boundary of the subject property, or 1,500 feet for structures 35 feet in height. For conditional uses or special exceptions, letters shall be sent to all property owners within five hundred (500) feet; however if the property is located within the Rural Protection Zone, the notification range shall be fifteen hundred (1,500) feet.

Additionally, a sign no smaller than twenty (20) inches by thirty (30) inches shall be posted on said property clearly readable from the nearest road and stating the same information as the letters. The sign and letters must be completed fourteen (14) days prior to said meeting. Determinations made by the Zoning Board shall be valid for a period not to exceed thirty-six (36) months and must, therefore, be used by the applicant within the said thirty-six-month period.

(Ord. No. 93-04, § 1, 2-11-93; Ord. No. 98-06, § 1, 5-14-98; Ord. No. 98-17, § 1, 10-22-98; Ord. No. 99-11, § 1, 6-10-99; Ord. No. 2000-5, § 1, 4-13-00; Ord. No. 2000-17, § 1, 8-24-00; Ord. No. 2003-06, § 1, 4-7-03; Ord. No. 2003-13, § 1, 5-28-03; Ord. No. 2003-26, § 1, 10-23-03; Ord. No. 2003-28, § 1, 12-8-03; Ord. No. 2004-07, § 1, 2-26-04; Ord. No. 2004-10, § 1, 3-29-04; Ord. No. 2004-25, § 1, 8-13-04; Ord. No. 2007-18, § 1, 6-28-07; Ord. No. 2007-26, § 1, 8-23-07; Ord. No. 2008-29, § 1, 7-24-08; Ord. No. 2011-05, 4-28-11; Ord. No. 2011-19, § 1, 7-28-11; Ord. No. 2015-22, § 1, 9-24-15)

Editor's note— Ord. No. 2002-13, § 1, adopted May 28, 2003, provided for the inclusion of special exceptions for the Highway Commercial Development District. Said provision has been renumbered to read as set out in subsection 2.04.00 B.8.

Subsequently, Ord. Nos. 2003-26 and 2003-28, provided for additional special exceptions that have been renumbered as subsections 2.04.00B. 9. and 10.

Subsequently, Ord. No. 2004-07 provided for additional special exceptions that has been renumbered as subsection 2.04.00B.[11].

Editor's note— Ord. No. 2011-05, adopted Apr. 28, 2011, changed the title of § 2.04.00 from special exceptions and variances to special exceptions, variances and conditional uses.