



**SANTA ROSA COUNTY
DEVELOPMENT SERVICES**

6051 Old Bagdad Highway, Suite 202 | Milton, Florida 32583

BECKIE CATO
Planning and Zoning Director
beckiec@santarosa.fl.gov

RHONDA C. ROYALS
Building Official
rhondar@santarosa.fl.gov

2016-V-072

Project Name: N/A

**Applicant and/or
Property Owner:** Terry Kuykendall

Representative: N/A

Request: Variance to increase the height of a privacy fence from 4 feet to 6 feet within the front setback, in a R1M (Mixed Residential Subdivision) zoning district (LDC 7.01.10.D)

Zoning District: R1M (Mixed Residential Subdivision)

Part I. General Information:

Project/Applicant: Terry Kuykendall
Representative: N/A
Location: 6341 Matador Street, Bagdad, FL 32530
Parcel(s): 16-1N-28-2320-00100-0100
Zoned: R1M (Mixed Residential Subdivision)
Request: Variance to increase the height of a privacy fence from 4 feet to 6 feet within the front setback, in a R1M (Mixed Residential Subdivision) zoning district (LDC 7.01.10.D)
District: Commissioner District #2
Current Conditions: Residence

Part II. Land Development Code Criteria:

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

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

Part III. Variance Criteria

2.04.00 SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES: The ZB 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 requesting a variance to increase the height of a privacy fence from 4 to 6 feet at the front of the property. The applicant hopes to install a 6 foot chain link fence to match the neighbor's 6 foot fence for aesthetics and security purposes.

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 anticipated that the authorization of the Variance will impair an adequate supply of light and air to adjacent property, 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.

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.

Is this criterion met? N/A

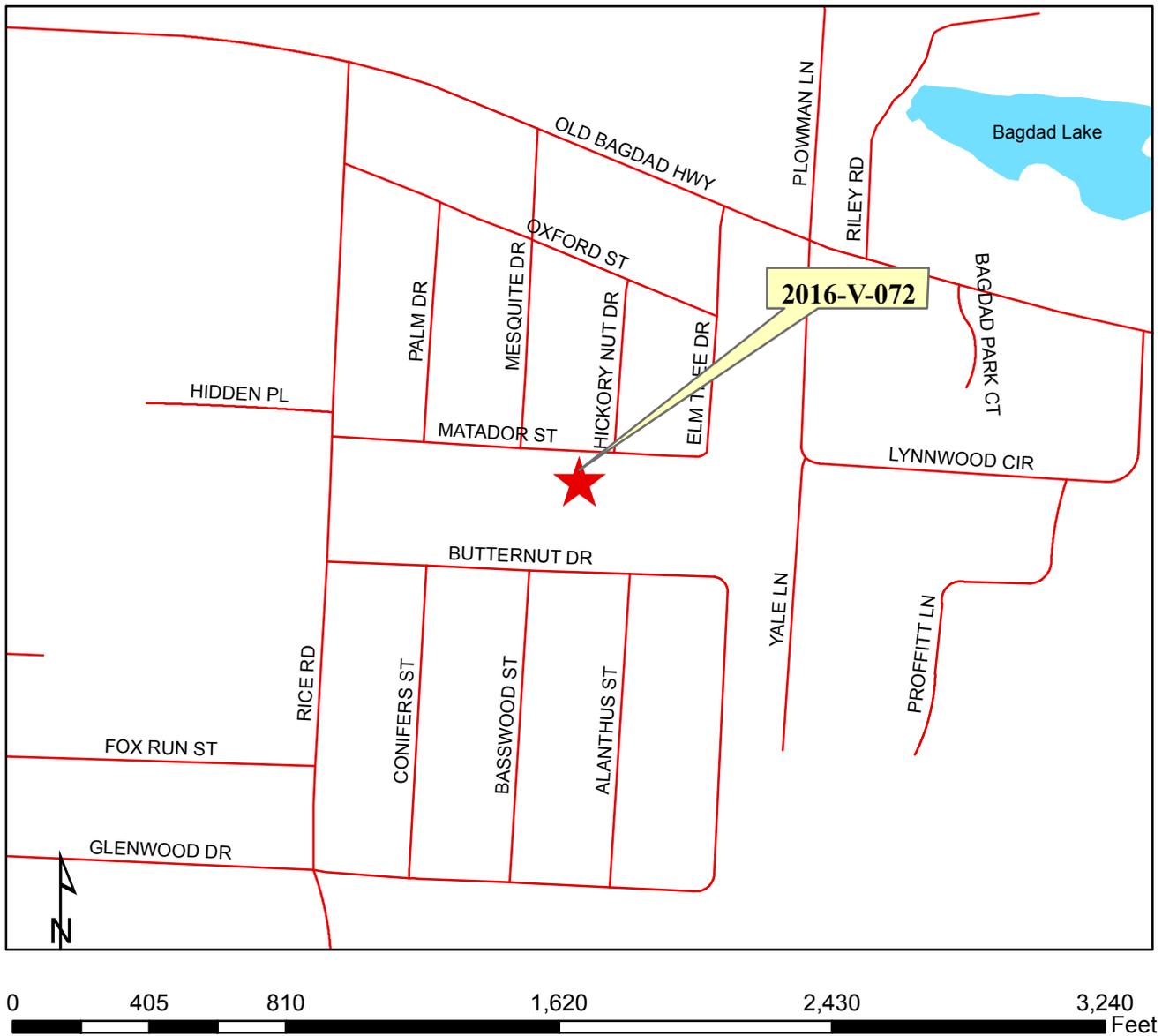
Staff Analysis: The proposed request does not apply to the reduction of parking or loading requirements nor does it apply to the access management standards which would affect the safety or operation of the roadway.

If the Variance is approved, are there any potential building code issues?

There are no potential building code issues.

2016-V-072

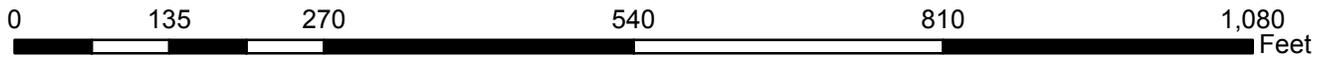
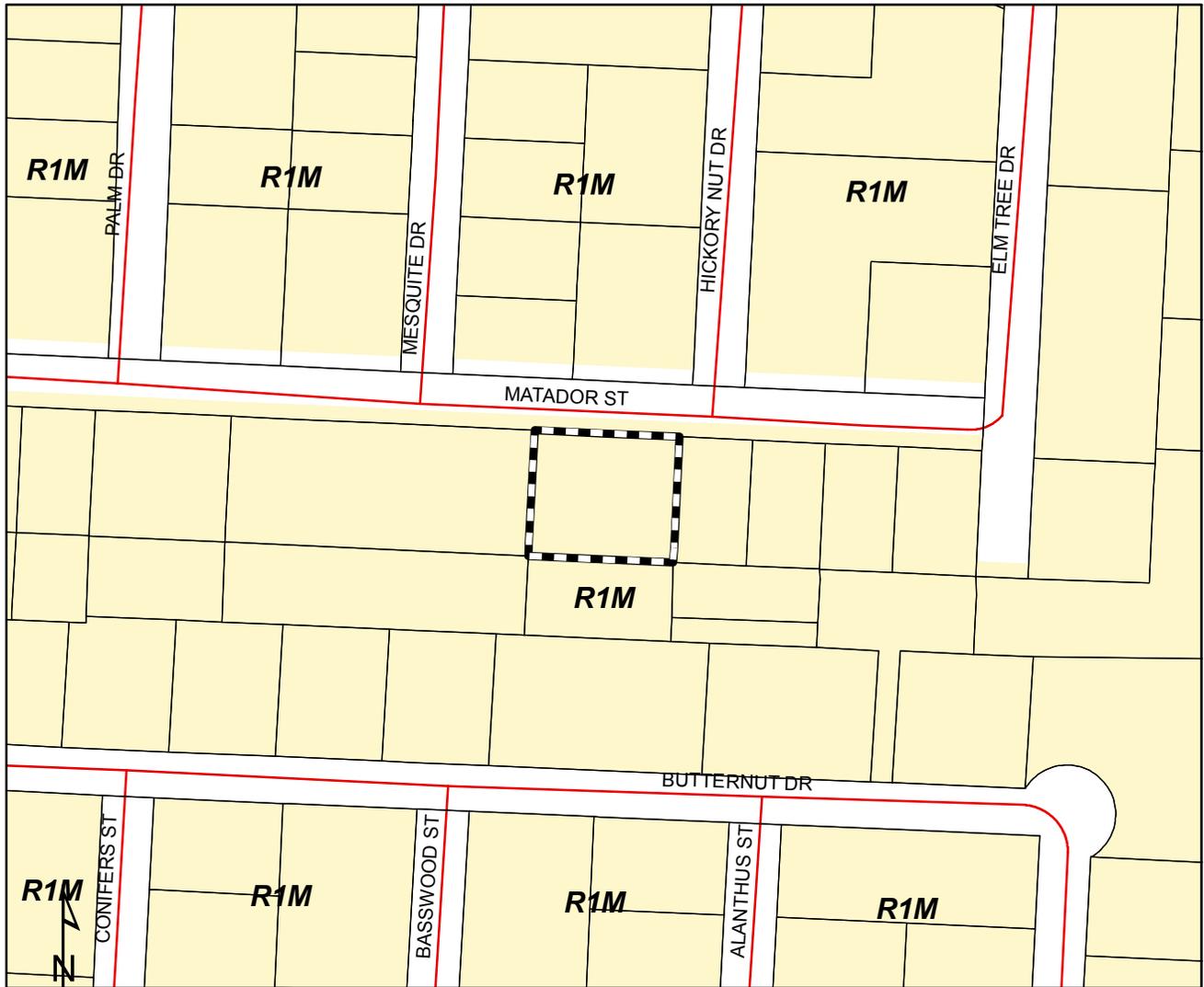
Location



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-072 Zoning



Legend



Pending Nov ZB **Zoning**

DISTRICT

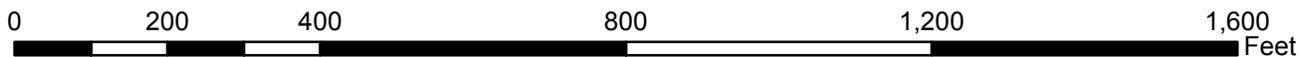
- AG-RR
- AG-RR-APZ1; AG-RR-APZ2; AG-RR-CZ
- AG1
- AG2
- AG2-APZ or CZ
- C1M
- C2M
- CITY
- HC1
- HCD
- HCD-APZ or CZ
- HCD-HON
- HNB
- HR1

- HR2
- M1
- M1-APZ or CZ
- M1-HON
- M2
- M2-APZ or CZ
- MID
- MIL
- NB-C
- NB-CON/REC
- NB-HD
- NB-MD
- NB-MHD
- NB-PMUD
- NB-SF
- NB-U
- NC
- NC-APZ or CZ
- NC-HON
- P1
- P1-HON
- P2
- P2-APZ or CZ
- P2-HON
- PBD
- PID
- PUD
- R1
- R1-APZ or CZ
- R1-HON
- R1A
- R1A-HON
- R1M
- R1M-APZ or CZ
- R1M-HON
- R2
- R2-APZ or CZ
- R2-HON
- R2M
- R2M-APZ or CZ
- R3
- RAIL
- RR1
- RR1-APZ or CZ
- STATE
- STATE-APZ or CZ
- TC1-HON
- WATER

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2016-V-072
2014 Aerial



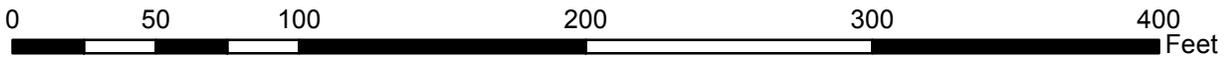
Legend

 Pending Nov ZB

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2016-V-072 Closeup Aerial



Legend

 Pending Nov ZB

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2016-V-072 Existing Land Use



Legend



Pending Nov ZB **Existing Land Use**

Category

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

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Variance Application

* Application Instructions begin on Page 3

** For Official Use Only **	
Application No. <u>2016 -V - 072</u>	Date Received: <u>9/20/16</u>
Review Fee: <u>235 + 26.55</u>	Receipt No.: _____
Zoning District: <u>R1m</u>	FLUM Designation: <u>SFR</u>

+ 0.385

VD# 2

Property Owner Property Owner Name: Terry Kuykendall

Address: 862 Scallop Court, Unit 101

Fort Walton Beach, FL 32548

Phone: 850-598-1251 Fax: _____

Email: takuykenda@aol.com

Applicant Check here and skip this section if the applicant is the Property Owner. Otherwise, complete this section and provide authorization from the Property Owner giving the Applicant the authority to pursue variance approvals.

Company: _____

Contact Name: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Information Parcel ID Number(s): 16-1N-28-2320-00100-0100
-OR-

Street Address of property for which the Variance is requested:

6341 Matador Street, Bagdad, FL, 32530

Variance Request

What is the present use or the property? Vacant buildings; previous, used as a church.

Please describe the requested variance, including exact dimensions and purpose of the variance.
The neighbor adjacent (West) to this property has a 6 ft. chain link fence that is placed all the way to the front of the property. We would like to install a chain link fence that also is 6 ft. tall to the front of our property.

Please describe the special circumstances or conditions that apply to the building or land in questions which necessitate the variance request.
The regulations for fencing requires that the first 25 ft. (from the road back) of chain link fencing be no higher than 5 ft.; we would like to use 6 ft. fencing to match the neighbor's fence and tie in for esthetics and for security purposes. (see attached sheet).

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

Plas explain why the literal enforcement of the provisions of the Land Development Code will result in unnecessary hardship.
The tie-in with existing fencing would be uneven and would require special connections. Also, given recent vandalism of this property, the extra foot of fencing height would provide added security and safety.

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

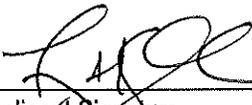
I understand that approval by the Zoning Board of Adjustments does not authorize construction and/or land clearing to occur on this site and that additional approvals and Building Permits may be required. Yes No

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.

Terry Kuykendall
Applicant Name (Type or Print)


Applicant Signature

Title (if applicable)

09/15/2016
Date

**REQUEST FOR FENCE HEIGHT VARIANCE FOR
6341 MATADOR STREET, BAGDAD, FL 32530**

This request is for a variance of the Santa Rosa County Development, Building & Improvements Fence Requirements for Residential Zoning Districts that states:

Walls and fences constructed within the 25 foot front yard setback are limited to a maximum height of four (4) feet, with the exception of chain link fences which may be five (5) feet in height.

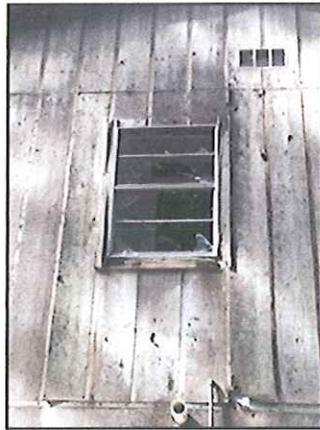
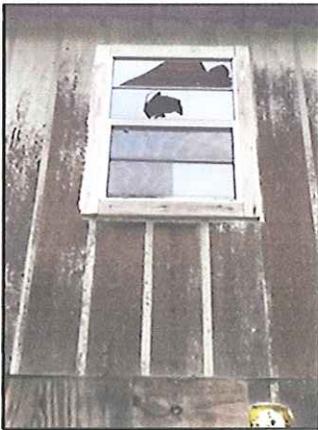
This variance requested for the subject address is for an allowance to utilize chain link fencing that is six (6) feet in height [rather than the specified five (5) feet height] for the 25-foot setback in front of this property. This variance requested is based on the following circumstances:

1. **Existing 6-foot Fencing by Adjacent Neighbor** -- precedence is established for a 6 foot tall fence extending all the way to the front of the property by the neighbor adjacent to, and immediately to the west of, our property. This neighbor, at 6329 Matador Street, has a 6-ft. chain link fence that extends all the way to the front of the property on Matador Street, as shown in the following photos:



It would be advantageous to be able to tie in a new fence with the existing 6-ft tall fencing to provide a contiguous security line, and to be consistent with the neighboring fencing.

2. **Security Against Further Vandalism** – Our property was vandalized (broken windows) recently as was reported to the Santa Rosa County Sheriff's Office on 09/12/16, and as shown in the following photos:



Neighbors reported that three young males were responsible for the damage, and these neighbors intervened to prevent further vandalism. Neighbors have also informed us that this type of vandalism, along with theft and other

forms of invasive and detrimental actions, are common in this area. While it is understood that an extra foot of fence height may not necessarily prevent all forms of neighborhood crime, it would make it somewhat more difficult for young offenders to scale and enter the posted property area.

3. **No Functional or Esthetic Impacts** – The concerns associated with the regulation of fence height typically involve impacts on the day-to-day life of his neighbors by blocking light, air flow, or view to their home, among other things. Also, some roads tend to border properties and taller fences can obscure the vision of drivers. However, none of these conditions apply for the location of the intended fence, as shown in this GIS depiction from the Santa Rosa County Property Appraiser website:



Since there would be no impacts detrimental to the neighborhood or vehicle traffic, there shouldn't be any opposition to the additional one foot of height for the proposed fence.

4. **Prior Building Use and Purpose** – The buildings on our property at 6341 Matador Street are more properly described as concrete-block industrial purpose construction rather than typical residential housing, as shown in the following photo:



These buildings were used as a church and sanctuary prior to our acquisition. The western building was constructed in 1961, prior to most of the residential construction in the area, and the eastern building was constructed in 1978. Given the age of these industrial-style buildings and their existence prior to the development of the area, a 6 feet tall security fence would not be inappropriate for such industrial/commercial construction and could be considered as a grandfathered feature for a multi-purpose construction.

Terry Kuykendall
862 Scallop Court, Unit 101
Fort Walton Beach, FL, 32548
850-598-1251, takuykenda@aol.com