



**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-075

Project Name: Lead Academy Learning Center

**Applicant and/or
Property Owner:** Frank and Nancy Lay

Representative: N/A

Request 1: Variance to reduce the rear setback from 25 feet to 19 feet. (LDC 6.05.15.I.4)

Request 2: Variance to eliminate landscape buffer "C" at the rear of the subject site. (LDC 7.01.05.E.1.c & 7.01.05.F)

Zoning District: HCD (Highway Commercial Development)

Part I. General Information:

Project/Applicant: Lead Academy Learning Center
Representative: Frank and Nancy Lay
Location: 4106 Berryhill Road, Pace, FL
Parcel(s): 28-2N-29-0000-00507-0000, 28-2N-29-0000-00508-0000, and 28-2N-29-0000-00509-0000
Zoned: Highway Commercial Development (HCD)
Request 1: Variance to reduce the rear setback from 25 feet to 19 feet. (LDC 6.05.15.I.4)
Request 2: Variance to eliminate landscape buffer “C” at the rear of the subject site. (LDC 7.01.05.E.1.c & 7.01.05.F)
District: Commissioner District #3
Current Conditions: School

Part II. Land Development Code Criteria:

6.05.15 HCD - Highway Commercial Development District

A. **Purpose:** This district is designed to provide for a wide range of uses in appropriate and easily accessible locations adjacent to major transportation corridors and having access to a wide market area. This district is intended to be situated along selected segments of major thoroughfares in the vicinity of major intersections.

Automobiles and other vehicular service establishments, motels and hotels, business and professional offices, general retail and eating and drinking establishments, primarily characterize this district. This district should be situated in the vicinity of existing general commercial uses and should be buffered from residential areas.

Additionally, this district is generally located adjacent to districts characterized by medium to high density residential development and areas of more intensive commercial use. Bulk regulations and site plan criteria within the district are designed to maximize compatibility with lesser intense use of land and buildings in the district and provide for smooth transition in areas where activities of varying intensity exist.

Similarly, it is intended that the site plan criteria assist in evaluating economic implications with a view toward generating a stable economy and efficient, timely and economical delivery of needed public facilities and services.

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.

E. Classification of Uses for Determining Buffer Requirements

1. Nonresidential Uses: For the purposes of determining landscaped buffer requirements, non-residential land uses are classified as either high, medium, or low impact uses as follows:

c. Low Impact Uses - Low impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a limited effect on abutting or adjacent uses. Low impact uses include but are not limited to the following examples:

1. Institutional uses;

F. Table of Landscaped Buffer Requirements

Abutting or Adjacent Use					
<u>Proposed Use</u>	<u>High Impact</u>	<u>Medium Impact</u>	<u>Low Impact</u>	<u>Residential Class I</u>	<u>Residential Class II</u>
High Impact	None	None	B	D or E	D or E
Medium Impact	None	None	None	C or E	C or E
Low Impact	B	None	None	C or E	B or E
Residential Class I	D or E	C or E	C or E	None	A or E
Residential Class II	D or E	C or E	B or E	A or E	None

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 to eliminate the requirement for landscape buffer “C” at the rear of the property. The adjacent property is vacant and vegetated. Several large oak trees have been preserved, but do not complete the buffer requirement.

The applicant is also requesting a variance to reduce the rear setback from 25 feet to 19 feet. The existing modules are currently 20 feet from the property line and would need to be moved.

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? Unknown

Staff Analysis: It is unknown 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.

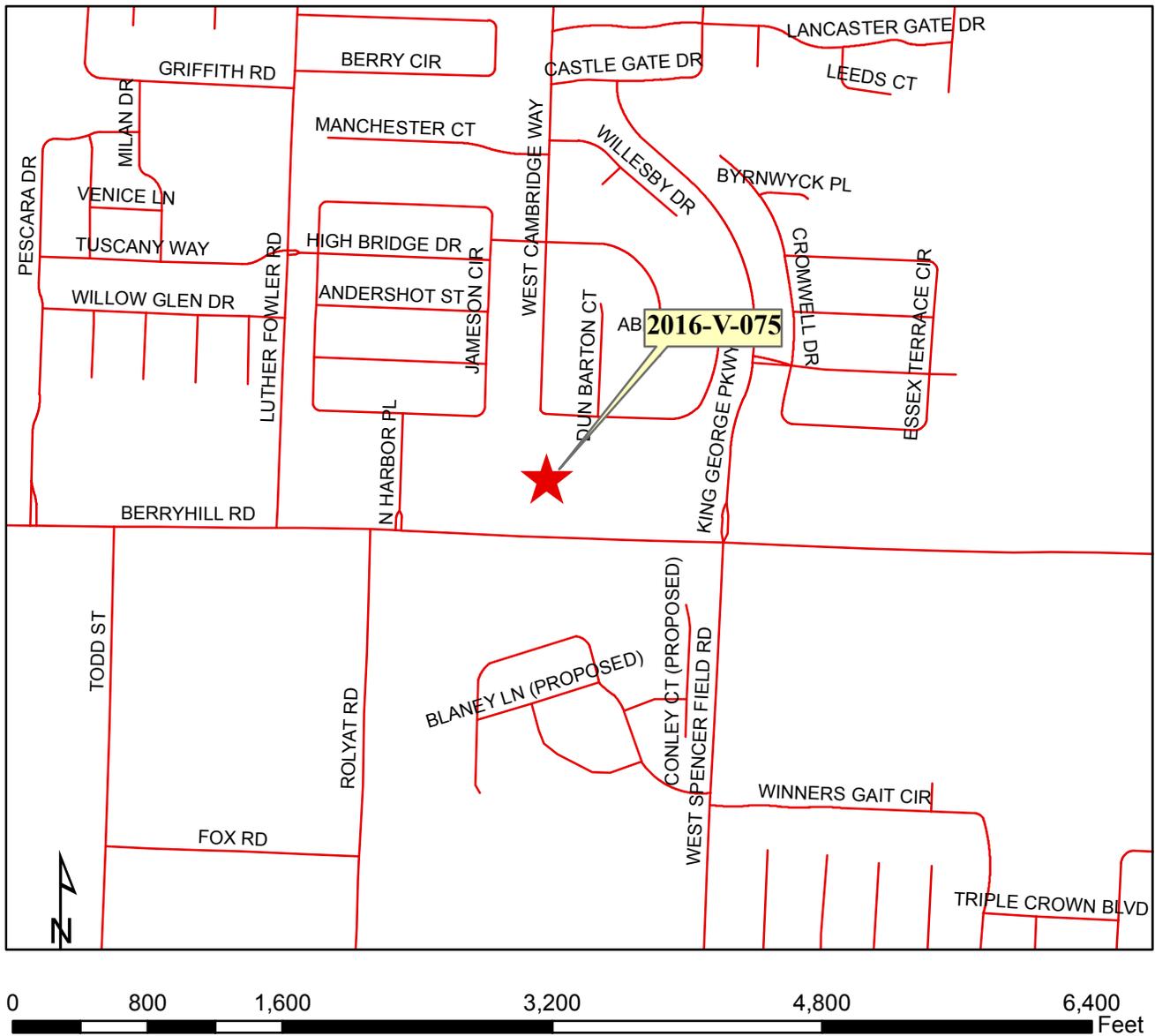
Is this criterion met? No

Staff Analysis: Staff anticipates that the proposed request to eliminate the requirement for interconnectivity to an adjacent parcel, may increase congestion, and diminish the safety and operation of the roadway.

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

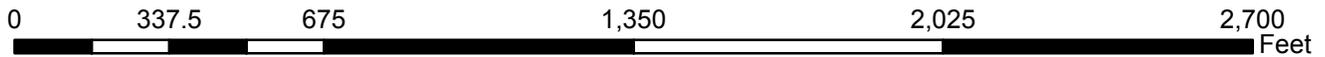
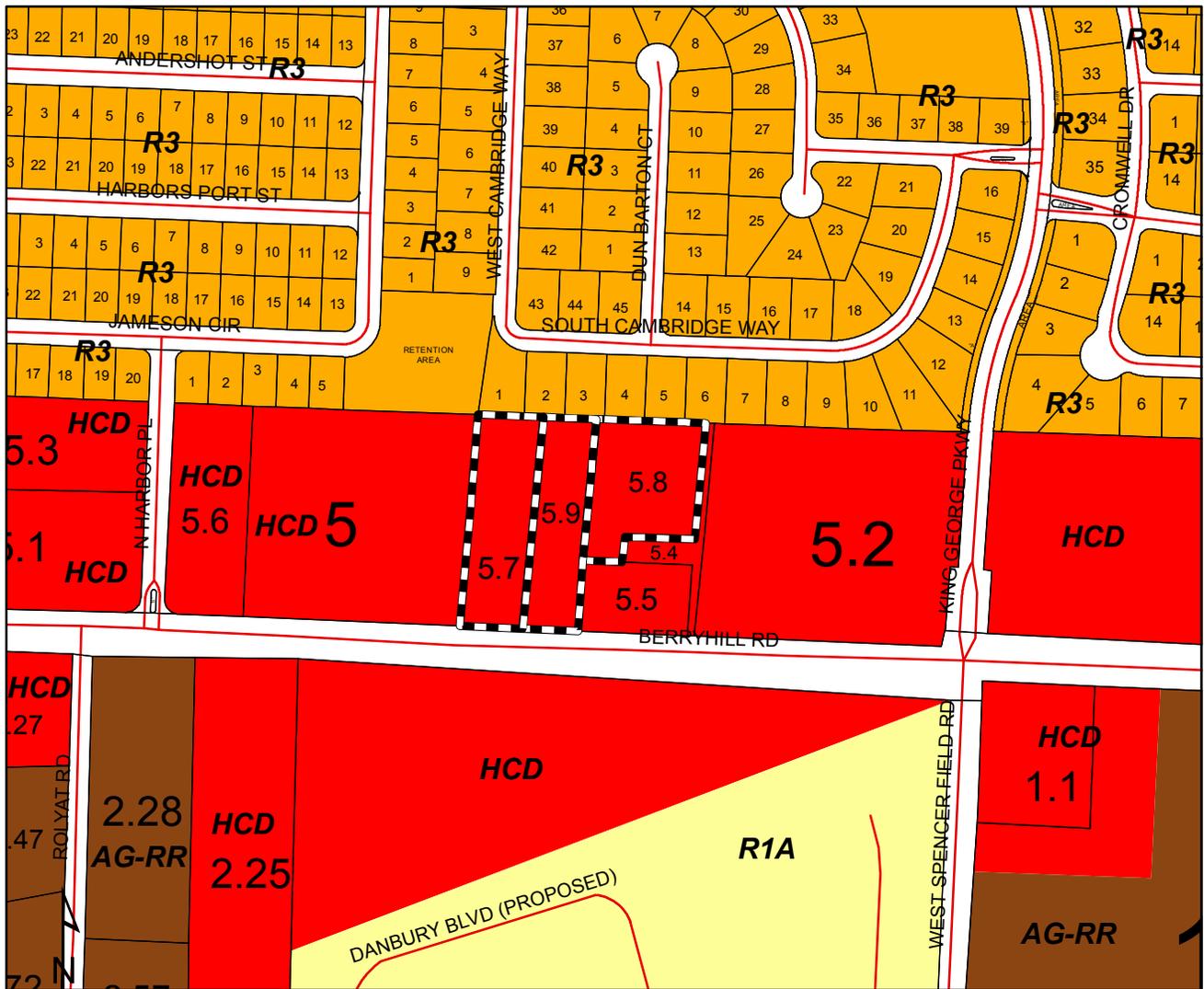
It is not anticipated that there will be any potential building code issues.

2016-V-075 Location



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2016-V-075 Zoning

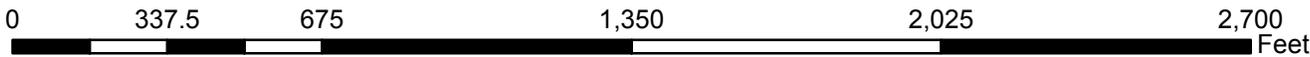


Legend

Pending Nov ZB	Zoning	HR2	NC	R1M
AG-RR	DISTRICT	M1	NC-APZ or CZ	R1M-APZ or CZ
AG-RR-APZ1; AG-RR-APZ2; AG-RR-CZ	AG1	M1-APZ or CZ	NC-HON	R1M-HON
AG2	AG2-APZ or CZ	M1-HON	P1	R2
C1M	C2M	M2	P1-HON	R2-APZ or CZ
CITY	HC1	M2-APZ or CZ	P2	R2-HON
HCD	HCD-APZ or CZ	MID	P2-APZ or CZ	R2M
HCD-HON	HNB	MIL	P2-HON	R2M-APZ or CZ
HR1	HR2	NB-C	PBD	R3
	M1	NB-CON/REC	PID	RAIL
	M1-APZ or CZ	NB-HD	PUD	RR1
	M1-HON	NB-MD	R1	RR1-APZ or CZ
	M2	NB-MHD	R1-APZ or CZ	STATE
	M2-APZ or CZ	NB-PMUD	R1-HON	STATE-APZ or CZ
	MID	NB-SF	R1A	TC1-HON
	MIL	NB-U	R1A-HON	WATER

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2016-V-075
2014 Aerial

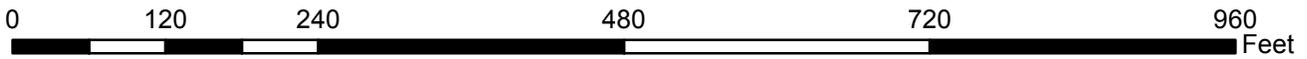


Legend

 Pending Nov ZB

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2016-V-075
2014 Closeup Aerial

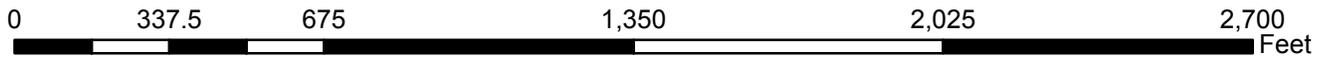
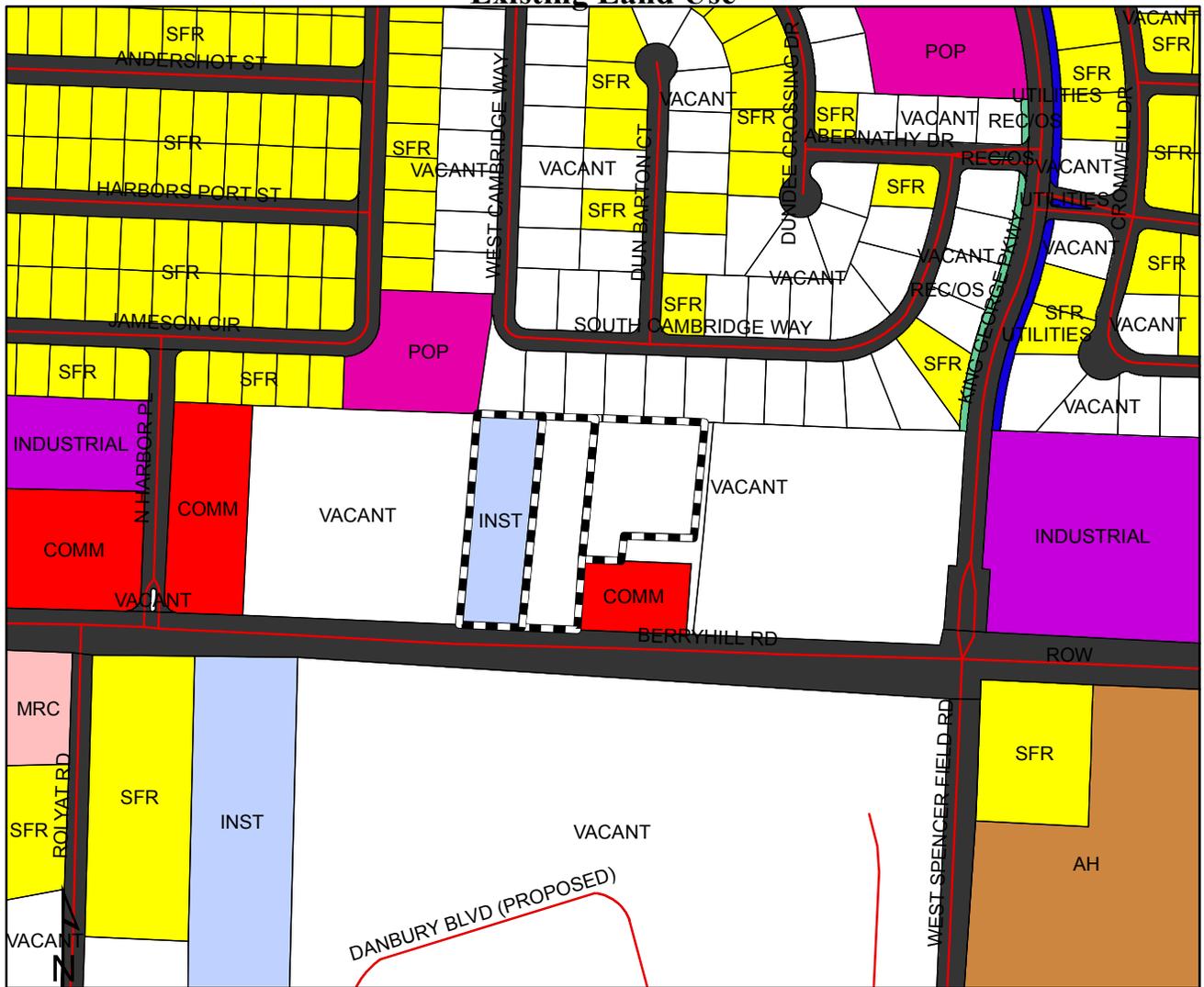


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2016-V-075 Existing Land Use



Legend



Existing Land Use

Category

- Agriculture (AG)
- Agriculture, Homestead (AH)
- Condo's/Townhomes (C/T)
- City
- Commercial (COMM)
- Industrial (INDUS)
- Institutional (INST)
- Multi-Family Residential (MFR <5)
- Multi-Family Residential (MFR >5)
- Military (MIL)
- Mixed Residential/Commercial (MRC)

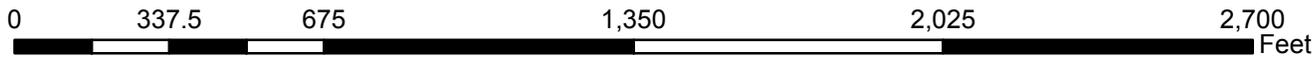
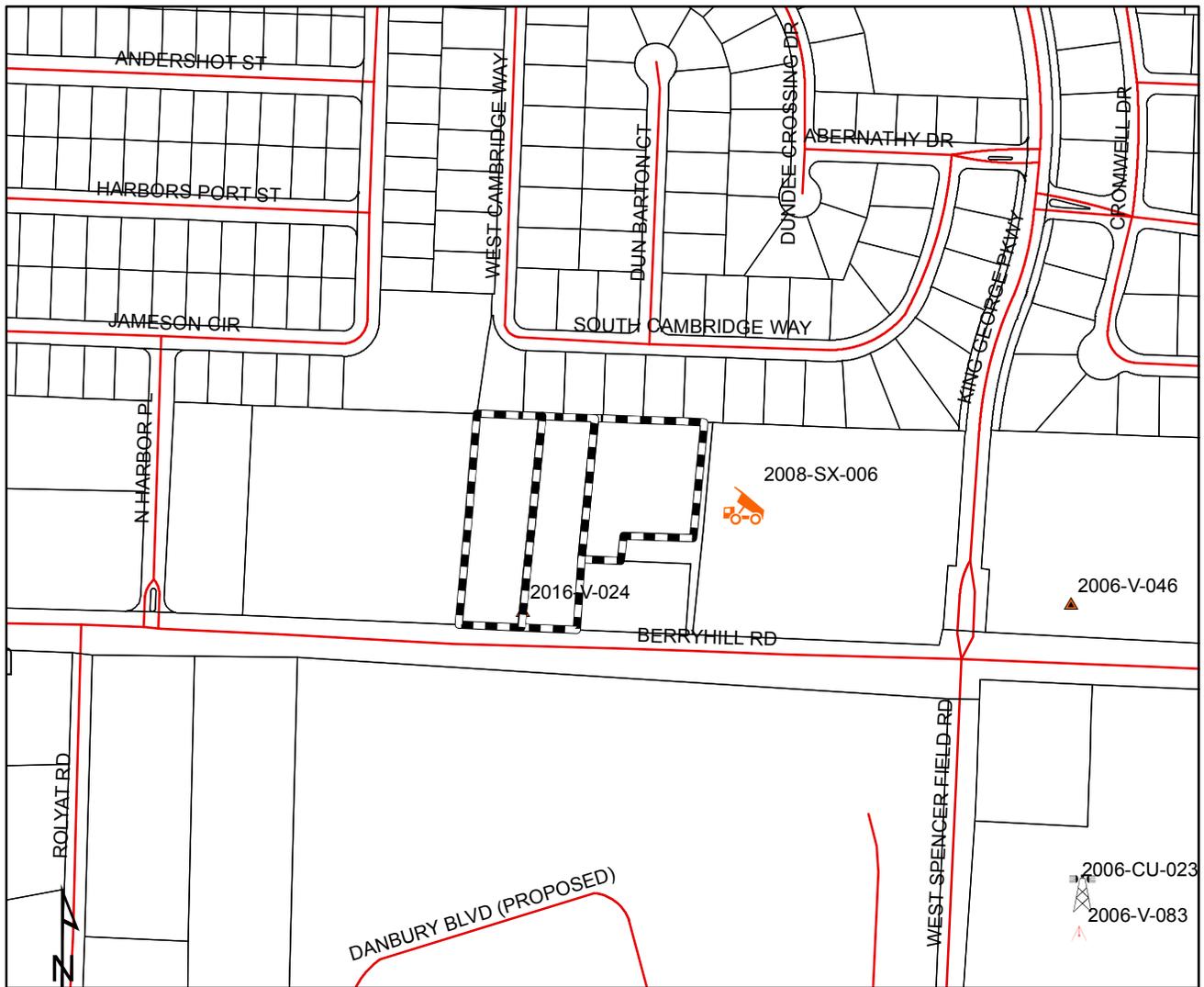
- Office
- Public Owned Property (POP)
- Rail
- Recreation/Commercial (REC/COMM)
- Recreation/Open Space (REC/OS)
- Right of Way (ROW)
- Single Family Residential (SFR)
- Silviculture (SILVICUL)
- Uncategorized (UNCAT)
- Utilities
- Vacant
- Water

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2016-V-075

Previous Zoning Board Decisions in the Area



Legend

Pending Nov ZB

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Variance Application

* Application Instructions begin on Page 3

** For Official Use Only **			
Application No.	<u>2016 -V- 075</u>	Date Received:	<u>9/30/16</u>
Review Fee:	<u>235 + 10.00</u>	Receipt No.:	_____
Zoning District:	<u>HCO / B3</u>	FLUM Designation:	<u>Comm</u>

VP# 3

Property Owner Property Owner Name: Frank & Nancy Lay

Address: 4106 Berryhill Road

Pace, FL 32571

Phone: 850-995-1900 Fax: _____

Email: oldpmcpal@gmail.com

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

Company: _____

Contact Name: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Information

Parcel ID Number(s): 28-2N-29-0000-00504-0000 & 28-2N-29-0000-00507-0000, 28-2N-29-0000-00509-0000

-OR-
Street Address of property for which the Variance is requested:
4106 Berryhill Rd, Pace, FL 32571, no address, no address

Variance Request

What is the present use of the property? SCHOOL

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

- 1. Reduction in rear BSL requirement to 19 feet. < parcel west
- 2. Eliminate rear landscape buffer requirement. ~ All of them

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

- 1. Building is currently 20 feet from rear property line. See survey.
- 2. Adjacent property is vacant and wooded. A number of large oak trees have been preserved but do not count toward buffer requirement.

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

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

- 1. The building would have to be relocated.
- 2. Extraordinary expense for little or no benefit.

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.

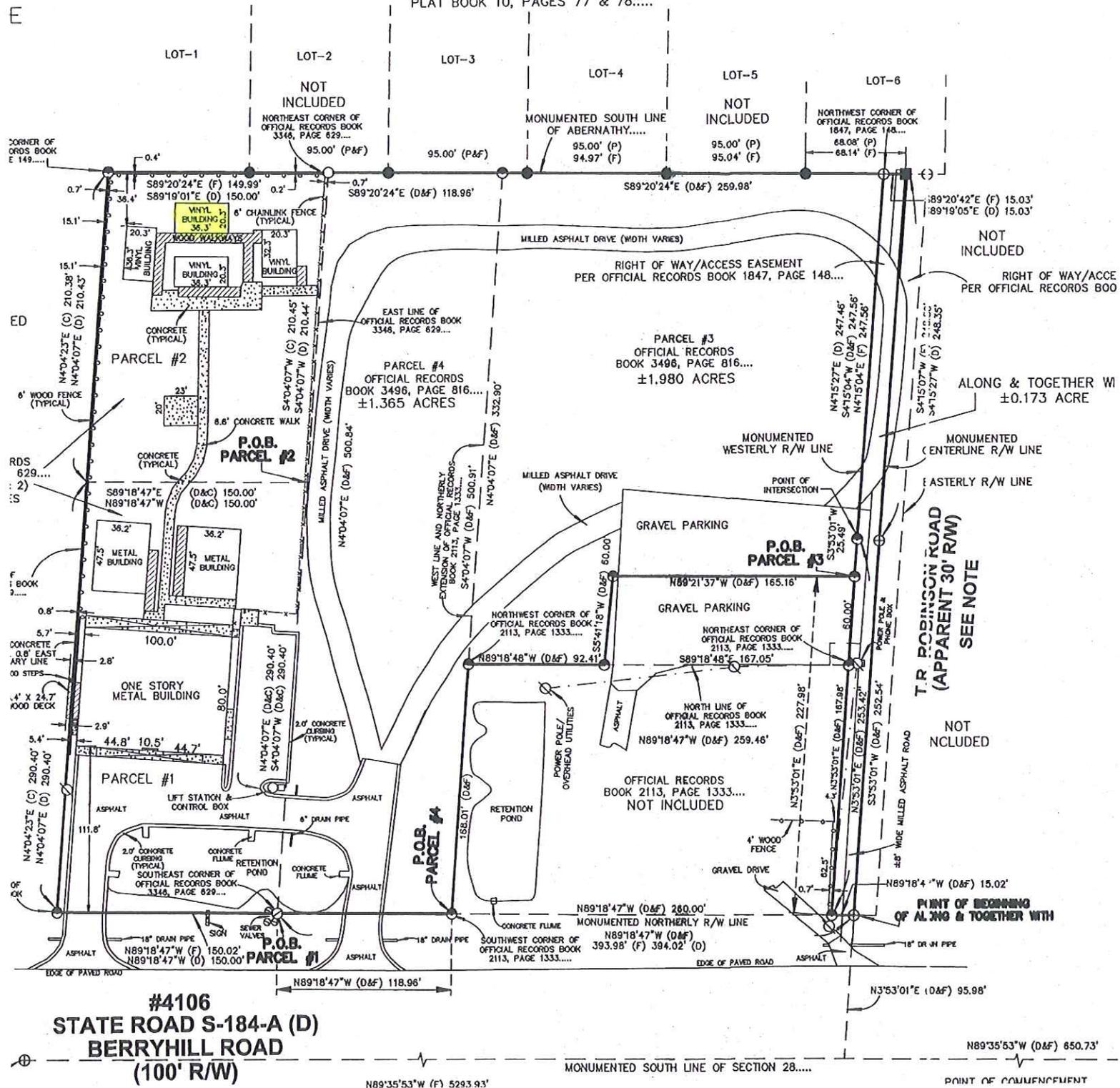
HENRY FRANK LAY
Applicant Name (Type or Print)

[Signature]
Applicant Signature

Principal
Title (if applicable)

9-30-16
Date

BLOCK "D"
ABERNATHY
PLAT BOOK 10, PAGES 77 & 78.....



E

ED

RDS

F

CONCRETE

OF

POINT OF COMMENCEMENT

#4106
STATE ROAD S-184-A (D)
BERRYHILL ROAD
(100' R/W)

N89°35'53"W (F) 5293.93'

MONUMENTED SOUTH LINE OF SECTION 28.....

POINT OF COMMENCEMENT

N89°35'53"W (D&F) 850.73'

T.R. ROBINSON ROAD
(APPARENT 30' R/W)
SEE NOTE

NOT INCLUDED

NOT INCLUDED

RIGHT OF WAY/ACCESS PER OFFICIAL RECORDS BOO

ALONG & TOGETHER W
±0.173 ACRE

MONUMENTED (ENTERLINE R/W LINE

EASTERLY R/W LINE

PARCEL #3
OFFICIAL RECORDS
BOOK 3496, PAGE 816....
±1.980 ACRES

PARCEL #4
OFFICIAL RECORDS
BOOK 3496, PAGE 816....
±1.365 ACRES

PARCEL #2

PARCEL #1

CORNER OF
ORDS BOOK
E 149.....

NORTHEAST CORNER OF
OFFICIAL RECORDS BOOK
3348, PAGE 829.....

MONUMENTED SOUTH LINE
OF ABERNATHY.....
95.00' (P)
94.97' (F)

NOT INCLUDED

NORTHWEST CORNER OF
OFFICIAL RECORDS BOOK
1847, PAGE 148.....

89°20'42"E (F) 15.03'
89°19'05"E (D) 15.03'

MILLED ASPHALT DRIVE (WIDTH VARIES)

RIGHT OF WAY/ACCESS EASEMENT
PER OFFICIAL RECORDS BOOK 1847, PAGE 148.....

EAST LINE OF
OFFICIAL RECORDS BOOK
3348, PAGE 829.....

MONUMENTED
WESTERLY R/W LINE

MILLED ASPHALT DRIVE
(WIDTH VARIES)

POINT OF
INTERSECTION

GRAVEL PARKING

P.O.B.
PARCEL #3

GRAVEL PARKING

NORTHWEST CORNER OF
OFFICIAL RECORDS BOOK
2113, PAGE 1333.....

NORTHEAST CORNER OF
OFFICIAL RECORDS BOOK
2113, PAGE 1333.....

NORTH LINE OF
OFFICIAL RECORDS BOOK
2113, PAGE 1333.....

OFFICIAL RECORDS
BOOK 2113, PAGE 1333....
NOT INCLUDED

NORTHWEST CORNER OF
OFFICIAL RECORDS BOOK
2113, PAGE 1333.....

N89°18'48"W (D&F) 92.41'

N89°18'48"W (D&F) 167.05'

N89°18'48"W (D&F) 259.46'

N89°18'47"W (D&F) 280.00'

MONUMENTED NORTHERLY R/W LINE
N89°18'47"W (D&F)
393.98' (F) 394.02' (D)

SOUTHWEST CORNER OF
OFFICIAL RECORDS BOOK
2113, PAGE 1333.....

N89°18'47"W (D&F) 118.96'



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BECKIE CATO
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beckiec@santarosa.fl.gov

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Building Official
rhondar@santarosa.fl.gov

August 17, 2016

Mr. Paul McLeod, P.E.
Via email: ssudpaul@gmail.com

Re: LEAD Academy (2016-SP-034)

Mr. McLeod,

Zoning and engineering site inspections of the above referenced development were conducted on August 12, 2016. The following deficiencies are noted:

1. An as-built plan is required to show the change in the location of the dumpster location, fence, buildings and retention area. The additional 5 parking spaces locations must also be altered to reflect the drive aisle/parking space depth relationship as it exists onsite. This plan has not been submitted.
2. Wheel stops have not been put in place for the 5 parking spaces.
3. The landscape buffer on the north property line is inadequate. After a thorough review of the existing conditions, I count 13 existing Canopy trees, 1 Understory tree, and 15 Shrubs in the buffer area. Required plantings for the 530 feet of type "B" buffer are 19 Canopy trees, 8 Understory trees, and 53 Shrubs. Remaining plantings for the buffer include:
 - a. 6 Canopy trees
 - b. 7 Understory trees
 - c. 38 Shrubs (note that the shrub count excludes 150 feet of privacy fence on the west side)
4. An illegal driveway/access onto Berryhill Road has been created on the east property line. As per an email sent from SRC Engineering, the access improvements must be removed.

The release of a Certificate of Occupancy (CO) is contingent upon several approvals, including approval of the site inspection. The above site inspection deficiencies are considered minor. Therefore, a 30 day temporary CO, subject to all other necessary approvals, has been issued. Please submit a letter of intent to correct the above deficiencies, signed by the owner. If the above deficiencies are not corrected or a request for an extension of the temporary CO is not received within the temporary CO period, the case will be turned over to Code Compliance for enforcement. A permanent Certificate of Occupancy will be granted after all of the above deficiencies have been corrected and inspected and all other necessary approvals have been given. A re-inspection is required. The fee for a re-inspection is \$135.00. If you wish to discuss any of the above findings, please call or schedule an appointment with our office

If you wish to discuss any of the above findings please call or schedule an appointment with our office.

Respectfully,

A handwritten signature in blue ink that reads "Jason McLarty".

Jason McLarty
Planner II

Mr. Frank & Nancy Lay
4106 Berryhill Rd
Pace, FL 32571