

2016-V-035

Project Name: N/A

**Applicant and/or
Property Owner:** Daniel Horan

Representative: Tom Gillespie, Pensacola Pools

Request: Variance request to reduce the Shoreline
Protection Zone setback from 50 feet from the
mean high water line to 30 feet from the mean
high water line to accommodate a pool.
(LDC 12.01.02.A)

Zoning District: R1 (Single Family Residential)

**Zoning Board
Decision:** **Denied with a vote of 5 – 0**

Variance #2016-V-035

Part I. General Information:

Project/Applicant: Daniel Horan
Representative: Tom Gillespie, Pensacola Pools
Location: 6655 Tidewater Drive, Navarre, FL
Parcel(s): 22-2S-27-0830-00B00-0010
Zone: R1 (Single Family Residential)
Request: Variance Request to reduce Shoreline Protection Zone setback from 50 feet from the mean high water line to 39 feet from the mean high water line to accommodate a pool. (LDC 12.01.02.A)
District: Commissioner District #5
Current Conditions: Single Family Residence and partially constructed pool

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

12.01.00 COASTAL DEVELOPMENT/SHORELINE PROTECTION:

12.01.02 Design Standards in Areas Adjacent to Shoreline Protection Zone

A. All development shall be setback greater than or equal to fifty (50) feet from the landward boundary of the Shoreline Protection Zone in Zone-1 and forty-five (45) feet from the landward boundary of the Shoreline Protection Zone in Zone-2.

Variance Criteria:

2.04.00 SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES: The BOA shall have the following duties and powers:

B. No variances shall be authorized under this provision unless the Board finds that all of the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such property and do not apply generally to other land or buildings in the vicinity.

Is this criterion met? No

Staff Analysis: Staff has determined that there are no special circumstances regarding the land 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 distance a pool can be constructed from the mean high water line. The pool was permitted and showed a distance of 50 feet from the mean high water line, when the inspectors went to inspect the construction, it was determined that the pool did not meet the required setbacks. The contractor was advised to stop construction until the variance process was completed. The construction of the pool has continued after the inspection was failed due to setbacks.

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: The Variance request to reduce the Shoreline Protection Zone setbacks is not necessary for the preservation and enjoyment of a substantial property right and is not merely a convenience to the applicant.

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 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, the Variances requested will 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?

Not Applicable

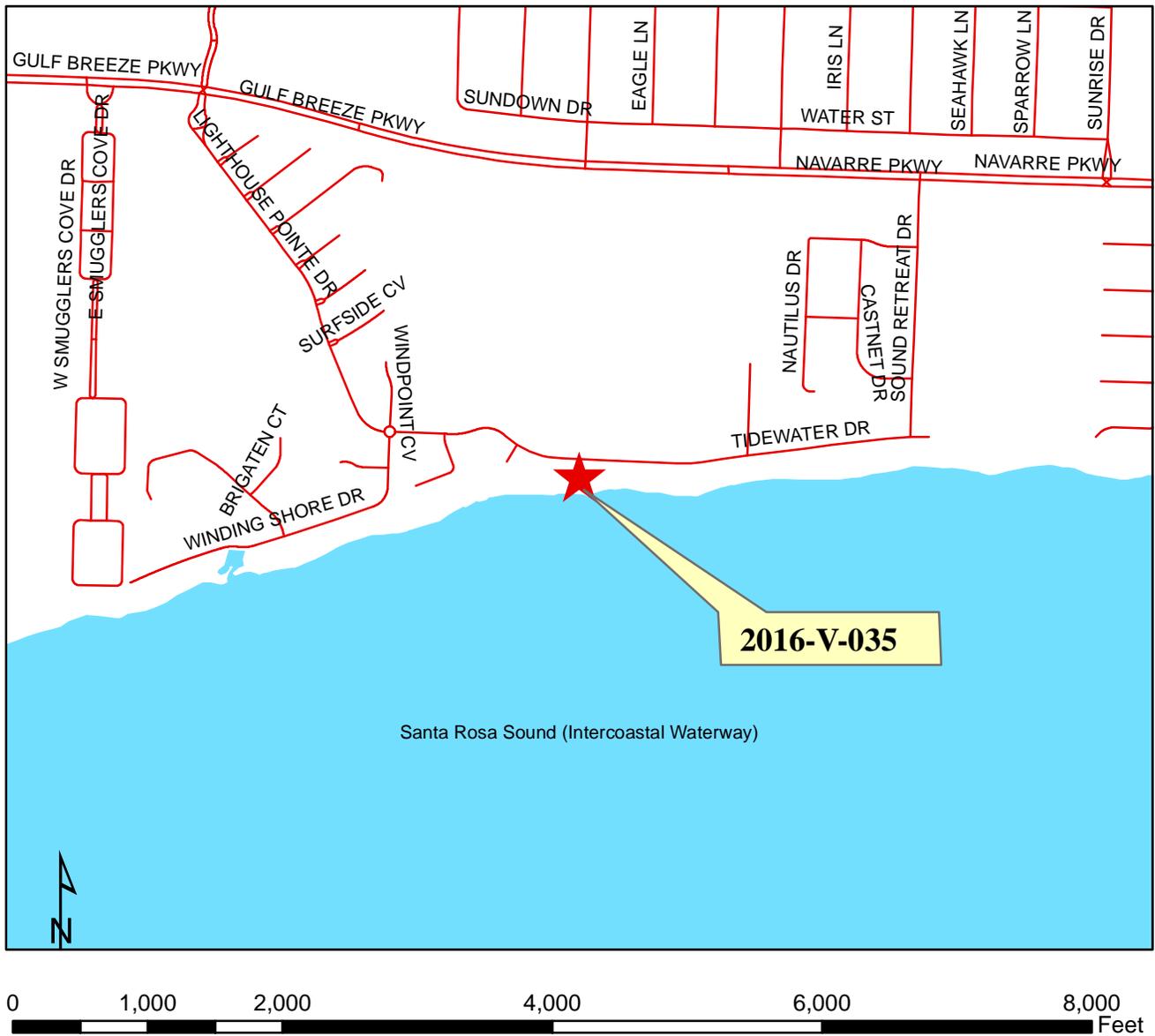
Staff Analysis: This request does not pertain to parking or loading requirements or access management standards.

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-035 Location

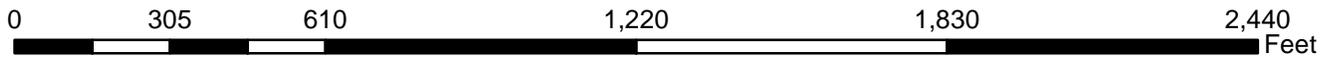
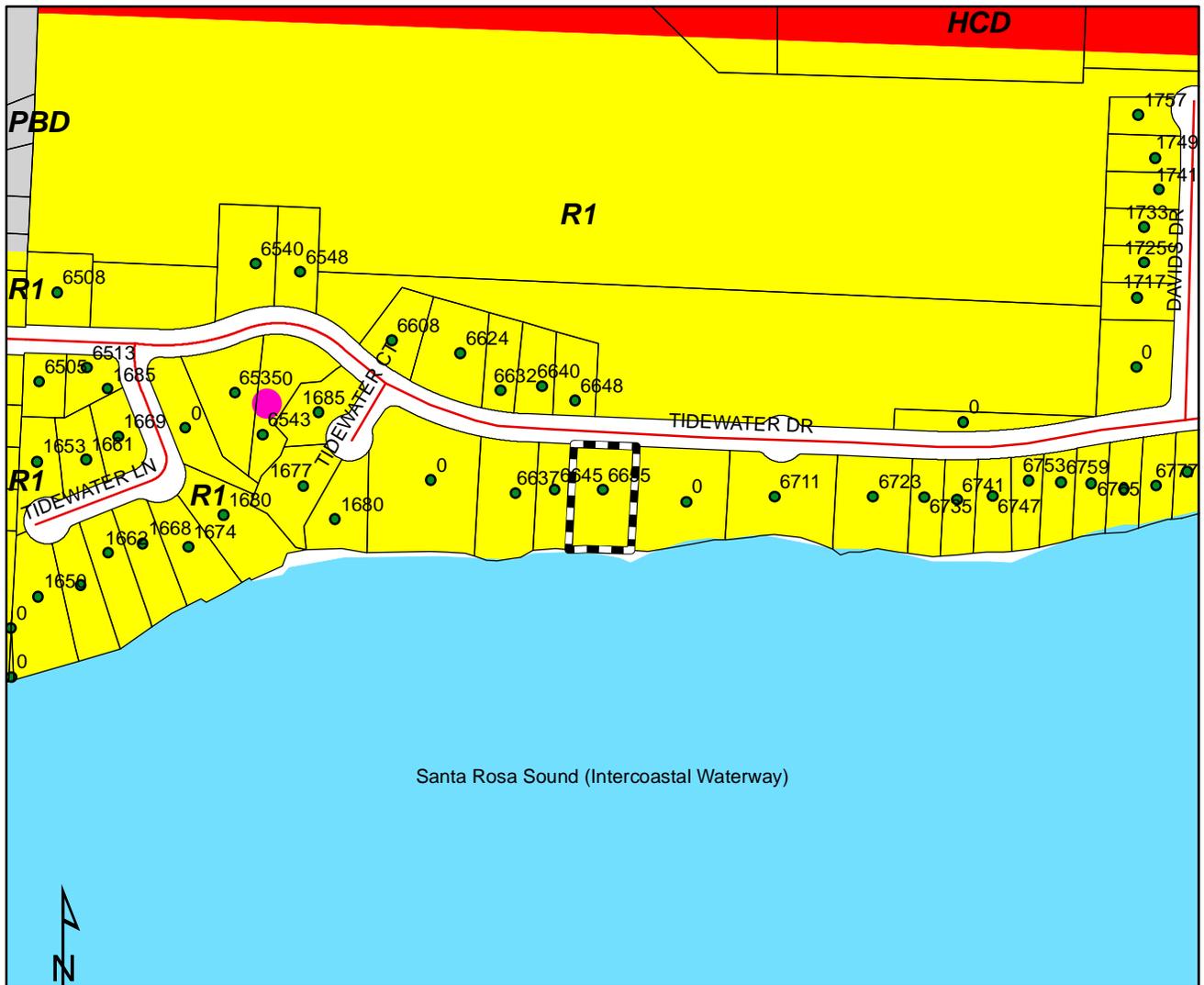


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2016-V-035 Zoning



Legend

Pending May ZB

Zoning

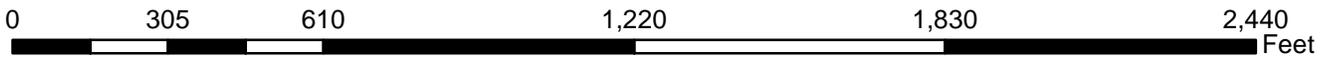
DISTRICT

- 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 | NB-CON/REC | P2-APZ or CZ | R2 |
| HCD-HON | NB-HD | P2-HON | R2-APZ or CZ |
| HNB | NB-MD | PBD | R2-HON |
| HR1 | NB-MHD | PID | R2M |
| HR2 | NB-PMUD | PUD | R2M-APZ or CZ |
| M1 | NB-SF | R1 | R3 |
| M1-APZ or CZ | NB-U | R1-APZ or CZ | RAIL |
| M1-HON | NC | R1-HON | RR1 |
| M2 | NC-APZ or CZ | R1A | RR1-APZ or CZ |
| M2-APZ or CZ | NC-HON | R1A-HON | STATE |
| MID | P1 | R1M | STATE-APZ or CZ |
| MIL | P1-HON | R1M-APZ or CZ | TC1-HON |
| NB-C | P2 | R1M-HON | WATER |

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2016-V-035
2014 Aerial

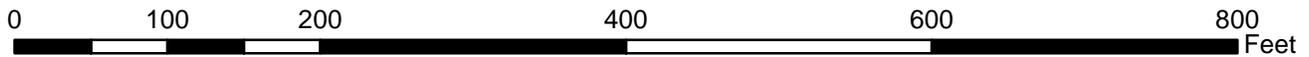


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 Pending May ZB

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2016-V-035 2014 Close Up Aerial

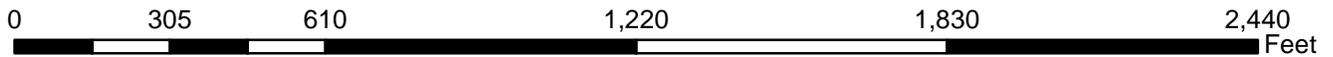
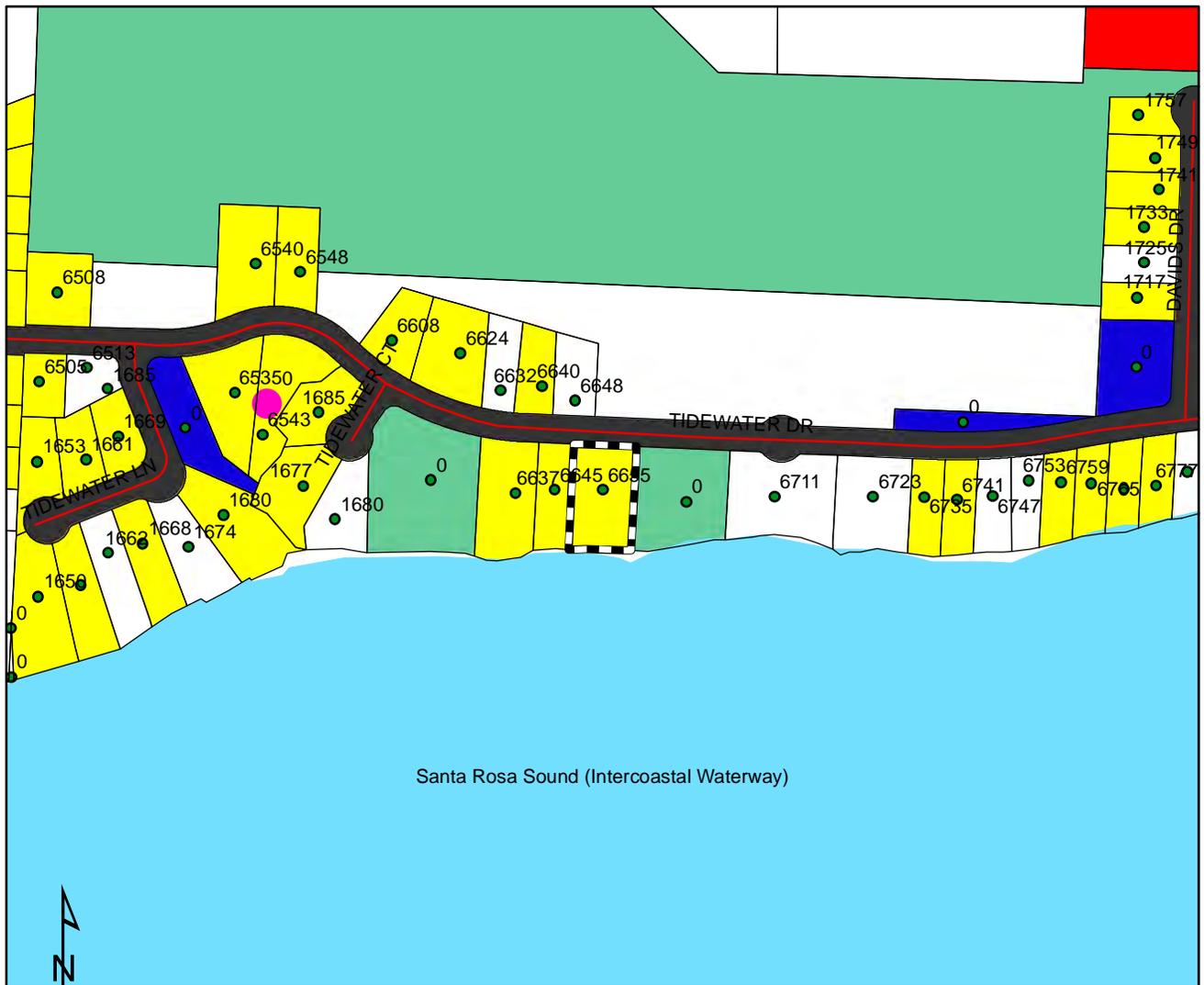


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 Pending May ZB

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2016-V-035 Existing Land Use



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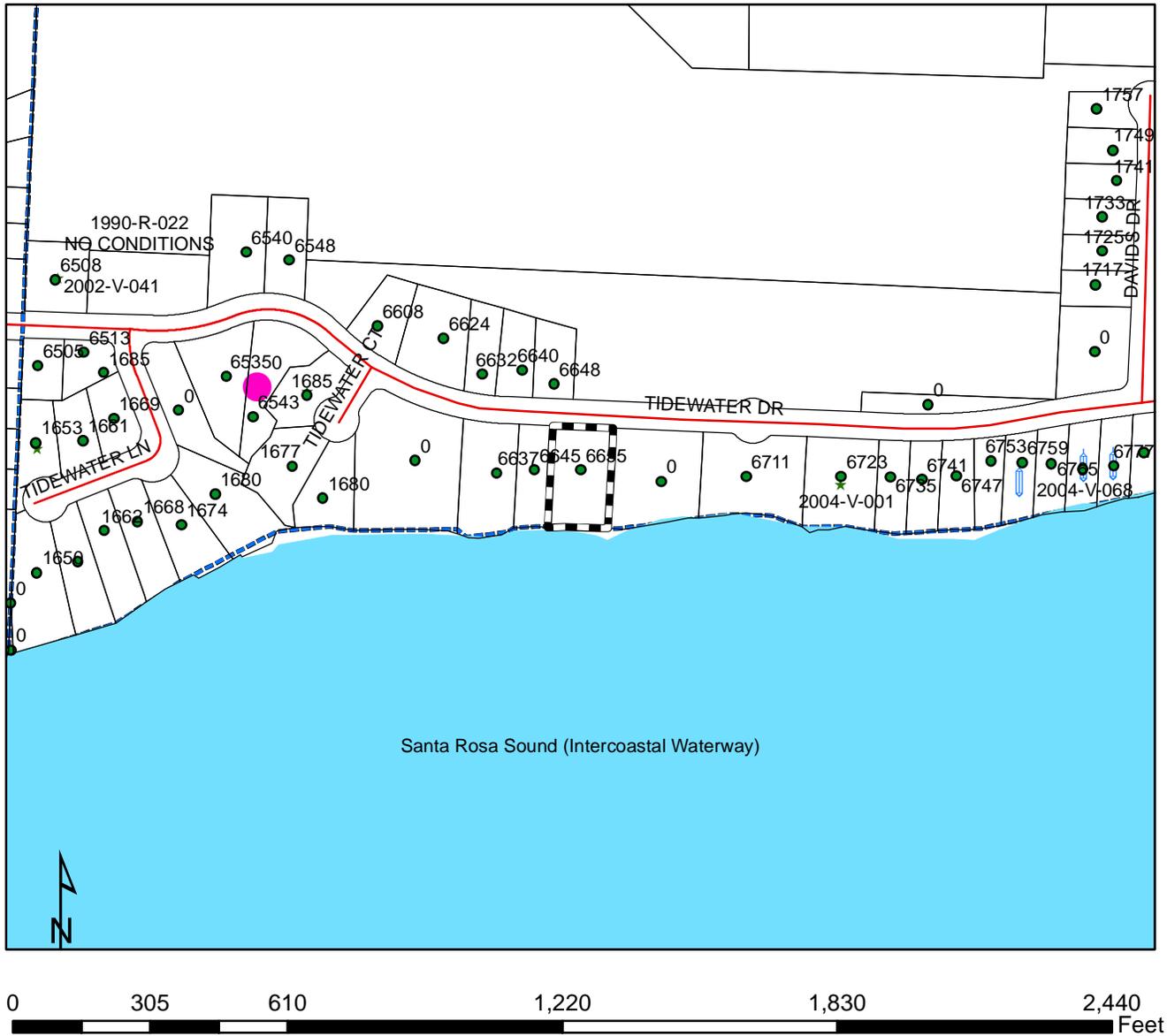
Pending May ZB	Commercial (COMM)	Office	Silviculture (SILVICUL)
Existing Land Use	Industrial (INDUS)	Public Owned Property (POP)	Uncategorized (UNCAT)
Category	Institutional (INST)	Rail	Utilities
Agriculture (AG)	Multi-Family Residential (MFR <5)	Recreation/Commercial (REC/COMM)	Vacant
Agriculture, Homestead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

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2016-V-035

Previous Zoning Board Decisions in the Area

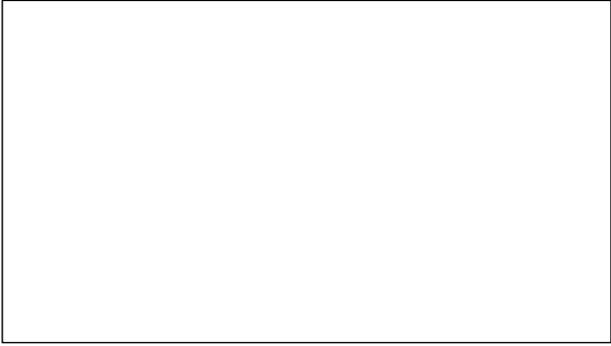


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West on Tidewater Dr.



East on Tidewater Dr.



The subject property



Single family residential adjacent west



Panning northwest across Tidewater Dr.



Recently installed pool



Looking east. The pool is on the left with the shoreline on the right.



Erosion control measures between the pool and shoreline.



Looking west at the shoreline and the pool



View looking southwest from the side yard at the pool and Santa Rosa Sound.



PENSACOLA POOLS INC.

8514 Pensacola Boulevard • Pensacola, FL 32534 • 850/477-4977
3480 Gulf Breeze Parkway • Gulf Breeze, FL 32561 • 850/934-0077
4412 Highway 90 • Pace, FL 32571 • 850/994-0662
3310 South McKenzie Street • Foley, AL 36535 • 251/943-8346
501 E. Hollywood Boulevard • Mary Esther, FL 32569 • 850/244-0989
197 W. Oakdale Avenue • Crestview, FL 32536 • 850/682-4540
www.pensacolapools.com

Santa Rosa County Development Services
6051 Old Bagdad Highway
Milton FL 32583

Re: Variance #2016-V-035

Dear Ms. Stanhope,

The purpose of this letter is to appeal the decision of the Santa Rosa County Zoning Board on May 12, 2016 relating to the pool built at 6655 Tidewater Dr. Please let me know if I can be of assistance.

Sincerely,

A handwritten signature in blue ink that reads "Tom Gillespie". The signature is written in a cursive style.

Tom Gillespie
Agent, Pensacola Pools
850-324-4283

ATTN: U LIKE



Beckie Cato, AICP
Planning and Zoning Director

Santa Rosa County Development Services



Rhonda C. Royals
Building Official

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

Variance Application

* Application Instructions begin on Page 5

Application No.	<u>2014-V-035</u>	Date Received:	<u>3/30/16</u>
Review Fee:	<u>235</u>	Receipt No.:	
Zoning District:	<u>R1</u>	FLUM Designation:	<u>SFR</u>

VD#5

Property Owner Property Owner Name: Daniel Horan
 Address: 6655 Tidewater Dr
Navarre Fl 32566
 Phone: 817-291-2388 Fax: 850-478-3633
 Email: jbullardppi@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: Pensacola Pools
 Contact Name: Tom Gillespie
 Address: 8514 Pensacola Blvd
Pensacola Fl 32534
 Phone: 850-324-4283 Fax: 850-478-3633
 Email: gb@pensacolapools.com

Property Information Parcel ID Number(s): 22-2s-0830-00B00-0010
 -OR-
 Street Address of property for which the Variance is requested:
6655 Tidewater Dr

Variance Request What is the present use of the property? residential

Please describe the requested variance, including exact dimensions and purpose of the variance.
The pool we're building is ~41' from the mean high tide water line. We need a 9' variance.

Please describe the special circumstances or conditions that apply to the building or land in questions which necessitate the variance request.
The pool is nearly finished and it would not be feasible to start over.

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

Please explain why the literal enforcement of the provisions of the Land Development Code will result in unnecessary hardship.
It would be impossible to move the pool from it's present location

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.

Tom Gillespie
Applicant Name (Type or Print)

Tom Gillespie
Applicant Signature

Agent
Title (if applicable)

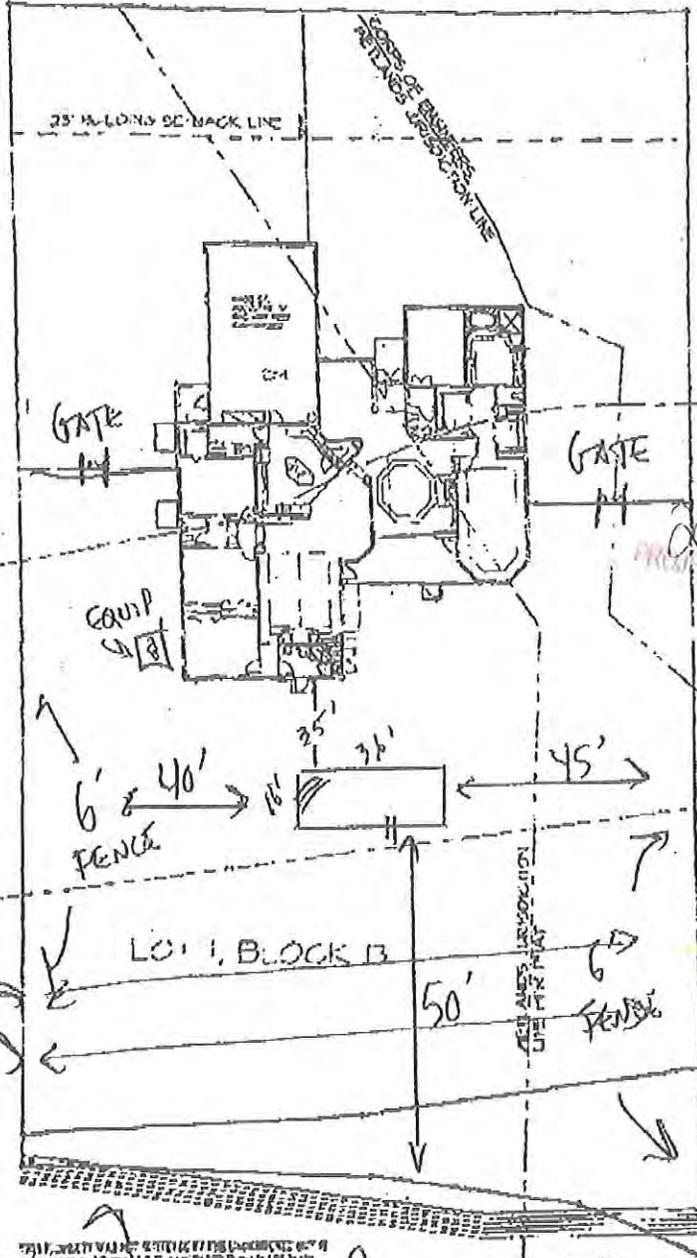
3-29-2016
Date

HORAN RESIDENCE

ATTN: GORDON

TIDEWATER DRIVE

APPROXIMATE LOCATION OF CURB AND CUTTER



100% REVISION
 PROJECT NO. 1463
 DATE RECEIVED 3/21/06

SILT FENCE

2 SILT FENCING
 W/ 2 ROWS OF
 HAY BALES ON
 EACH SIDE

RIP-RAP