2012-V-043

Applicant and/or Property Owner:	Steven & Julie Decesare
Representative:	Cameron Rhodes, Cox Pools of the Southeast
Request:	Variance to reduce the Shoreline Protection Zone setback from 50 feet from the seawall/mean high water line (MHWL) to 31 feet from the seawall/mean high water line (MHWL) to accommodate a swimming pool and concrete pool area as indicated on the site plan (LDC 12.01.02.A)
Zoning District:	R-1 (Single Family Residential)

STAFF ANALYSIS

Variance 2012-V-043

I. Applicant:

Steven & Julie Decesare, represented by Cameron Rhodes, Cox Pools of the Southeast

II. Proposed Location:

3846 Paradise Bay Drive, Gulf Breeze; this property is located north of Gulf Breeze Parkway, east of Avalon Boulevard, and west of Bay Woods Road in the Paradise Bay Unit 1 Subdivision (Parcel No. **28-2S-28-3020-00K00-0010)**

III. Request:

Variance to reduce the Shoreline Protection Zone setback from 50 feet from the seawall/mean high water line (MHWL) to 31 feet to accommodate a swimming pool and concrete pool area as indicated on the site plan (LDC 12.01.00, 12.01.02, & 12.02.00)

IV. Land Development Code Criteria:

12.01.00 COASTAL CONSTRUCTION/SHORELINE PROTECTION:
Shoreline protection zone means the area that commences at the mean high water line and runs to and includes the primary dune system. The Shoreline Protection Zone in Santa Rosa County shall also be known as the "Beach Preservation Zone."

A. The following areas along the Gulf of Mexico and Santa Rosa Sound shall be considered within Shoreline Protection Zone-1:

1. The water-ward line shall run east-west along the line of mean high water.
2. The landward line shall run east / west at a location coterminous with the crest of the primary dune system extending along the Gulf-fronting shoreline of the Navarre Beach Planning Area. However, in no case shall any prohibitions apply landward of the Coastal Construction Control Line nor to any structure or activity permitted under F.S. 161.053 (5).
3. For sound-side properties the shoreline protection zone shall be the mean high tide line of Santa Rosa Sound.

B. Zone-2 is the Shoreline Protection Zone on Escambia Bay, Blackwater Bay, East Bay and the basins and bayous and shall be measured from the mean high water line to a point five (5) feet landward of the mean high water line.

C. Prohibitions - The following activities, unless specifically excepted, shall be prohibited within the shoreline protection zone:

1. Construction of buildings and structures, except for permitted minor structures;
2. Removal of vegetation for residential development is allowable by permit for vegetation five (5) inches and smaller in diameter.
3. Planting of new vegetation except for native, salt-resistant species suitable for beach and dune or area stabilization.

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.

12.02.00 SCOPE: The scope of this section shall apply to the following types of construction within the Shoreline Protection Zone, areas adjacent to the Shoreline Protection Zone, Navarre Beach, flood plain or flood prone areas as defined in Article 10, and any other shoreline or coastal areas of Santa Rosa County when topographic and/or elevation data require enhanced protection through regulation of construction.

A. New construction of, and improvements to, major and minor structures.

1. Major structure includes, but is not limited to, residential buildings including mobile homes, commercial, institutional, industrial and other construction having the potential for substantial impact on coastal and shoreline zones.
2. Minor structure includes, but is not limited to, pile-supported, elevated dune and beach walkover structures; seawalls/bulkheads; beach access ramps and walk ways; stairways; lifeguard support stands and sand fences. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, and wave and storm forces.
3. Non-habitable major structure includes, but is not limited to, swimming pools; seawalls/bulkheads; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures and other water retention structures; water and sewage treatment plans; electrical power plants, transmission and distribution lines, transformer pads, vaults and substations; roads, bridges, streets and highways; underground storage tanks; communications buildings and towers; flagpoles and signs over fifteen (15) feet in height.

STAFF ANALYSIS

V. **<u>2.04.00 SPECIAL EXCEPTIONS AND VARIANCES</u>**: The BOA shall have the following duties and powers:

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

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

Is this criterion met?

NO

Staff Analysis: Staff has determined that there are no special circumstances regarding the land or building in question, and that this parcel does not possess unique qualities with respect to size or exceptional shallowness that are peculiar to such property and not to other lots within the area.

The applicant is seeking relief from the Ordinance which regulates development within 50 feet of the shorelines within Santa Rosa County. The applicant wishes to construct a swimming pool and concrete pool area as indicated on the site plan. The setback for development is 50 feet from the mean high water line/seawall.

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 serves merely as 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: The authorization of this Variance will not impair an adequate supply of light and air to adjacent property, increase congestion to public streets, or impair the public's safety. It is unknown whether the authorization of this Variance will 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.

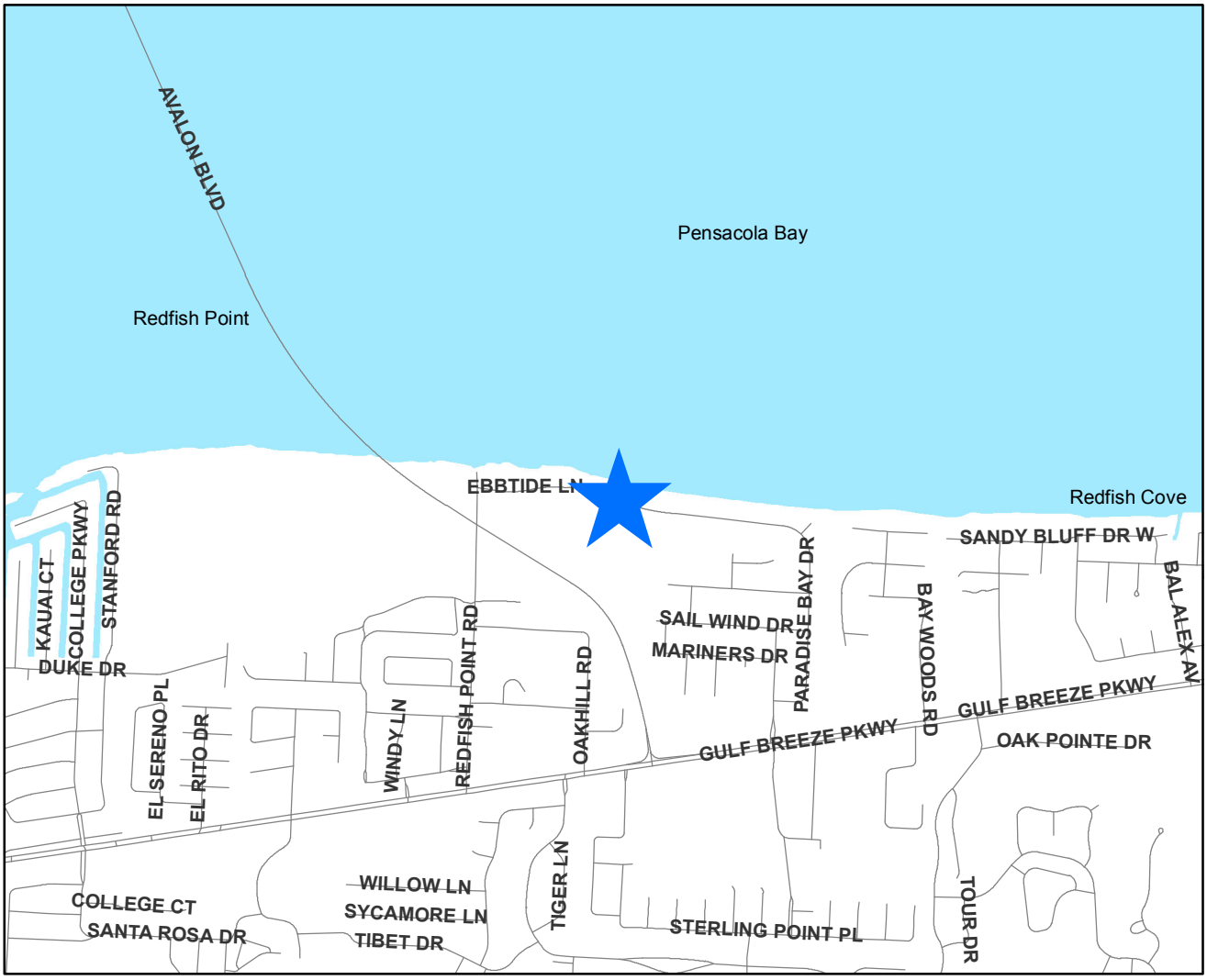
   Additionally, variances from access management connection standards may be granted where the effect of the variance would be to enhance the safety or operation of the roadway.

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.

2012-V-043
Location



Legend

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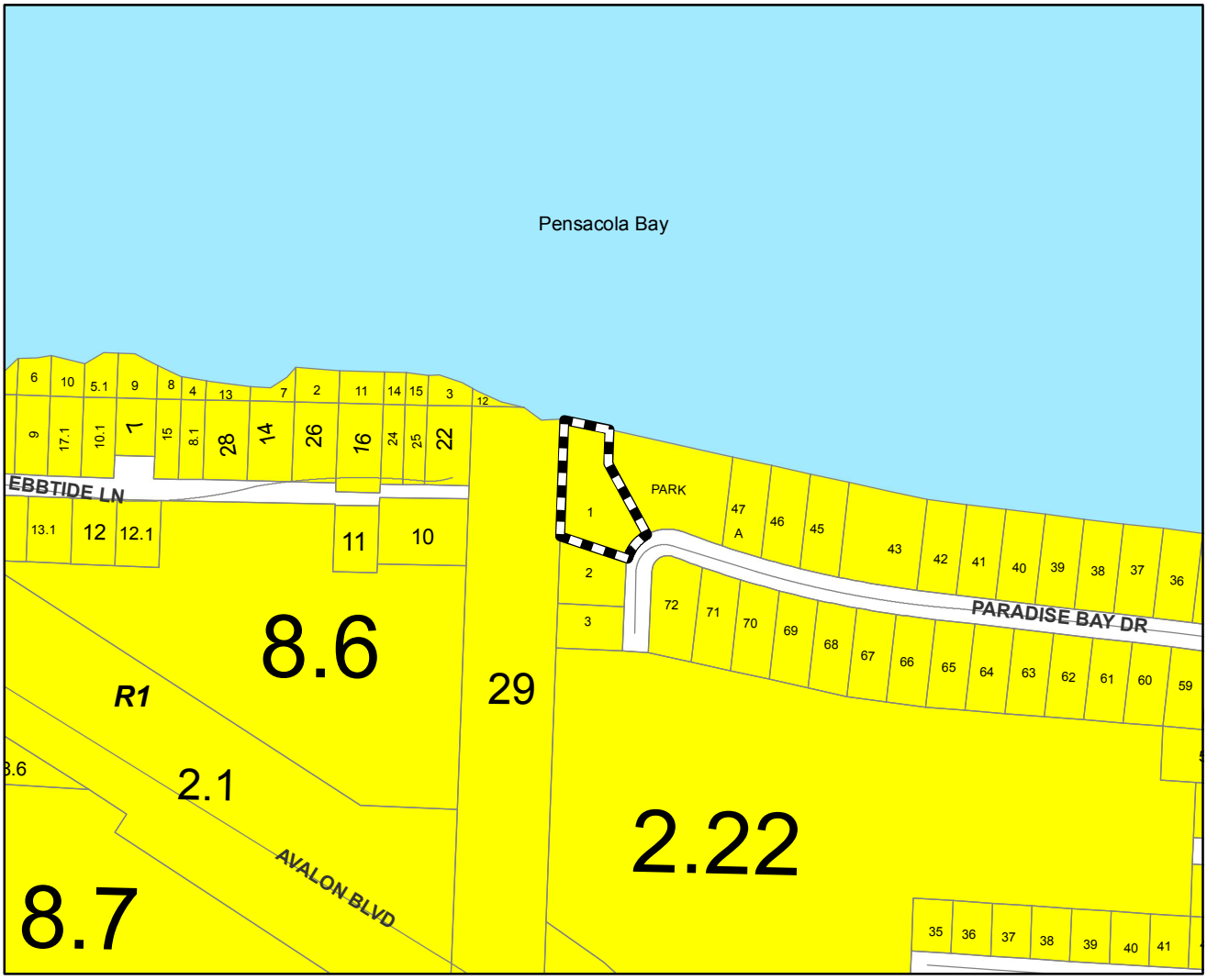
2012-V-043
Zoning



Legend

- Agriculture/Rural Residential (AG)
- AG within an Accident Potential Zone (AG-APZ)
- Agriculture (AG2)
- AG2 within an Accident Potential Zone (AG2-APZ)
- Marina (C-1M)
- Marina and Yacht Club (C-2M)
- Historical/Commercial (HC-1)
- Highway Commercial Development (HCD)
- HCD within an Accident Potential Zone (HCD-APZ)
- HCD within the Heart of Navarre (HCD-HON)
- HCD with the Navarre Town Center (HCD-NTC)
- Historical/Single Family (HR-1)
- Historical/Multiple Family (HR-2)
- Restricted Industrial (M-1)
- M1 within an Accident Potential Zone (M1-APZ)
- M1 within the Heart of Navarre (M1-HON)
- General Industrial (M-2)
- M2 within an Accident Potential Zone (M2-APZ)
- Planned Industrial Development (PID)
- Neighborhood Commercial (NC)
- NC-APZ
- NC within the Heart of Navarre (NC-HON)
- Passive Park (P-1)
- P1 within the Heart of Navarre (P1-HON)
- Active Park (P-2)
- P2 within an Accident Potential Zone (P2-APZ)
- P2 within the Heart of Navarre (P2-HON)
- Planned Business District (PBD)
- Planned Unit Development (PUD)
- Single Family Residential (R-1)
- R1 within an Accident Potential Zone (R1-APZ)
- R1within the Heart of Navarre (R1-HON)
- Single Family Residential (R-1A)
- Mixed Residential Subdivision (R-1M)
- R1M within an Accident Potential Zone (R1M-APZ)
- R1M within the Heart of Navarre (R1M-HON)
- Medium Density Residential (R-2)
- R2 within an Accident Potential Zone (R2-APZ)
- R2 within the Heart of Navarre (R2-HON)
- Medium Density Mixed Residential (R-2M)
- R2M within an Accident Potential Zone (R2M-APZ)
- R2M within the Navarre Town Center (R2M-NTC)
- Medium High Density Residential (R-3)
- Rural Residential Single Family (RR-1)
- RR1 within an Accident Potential Zone (RR1-APZ)
- Navarre Town Center 1 (TC1)
- Navarre Town Center 2 (TC2)
- Navarre Beach - Commercial
- Hotel - Navarre Beach
- Navarre Beach - High Density
- Navarre Beach -Medium Density
- Navarre Beach - Planned Mixed Use Development
- Navarre Beach - Conservation/Recreation
- Navarre Beach - Single Family
- Navarre Beach - Medium High Density
- Navarre Beach - Utilities
- State
- State within an Accident Potential Zone (STATE-APZ)
- RAIL
- Right of Ways
- Military
- Water
- Municipal Boundaries

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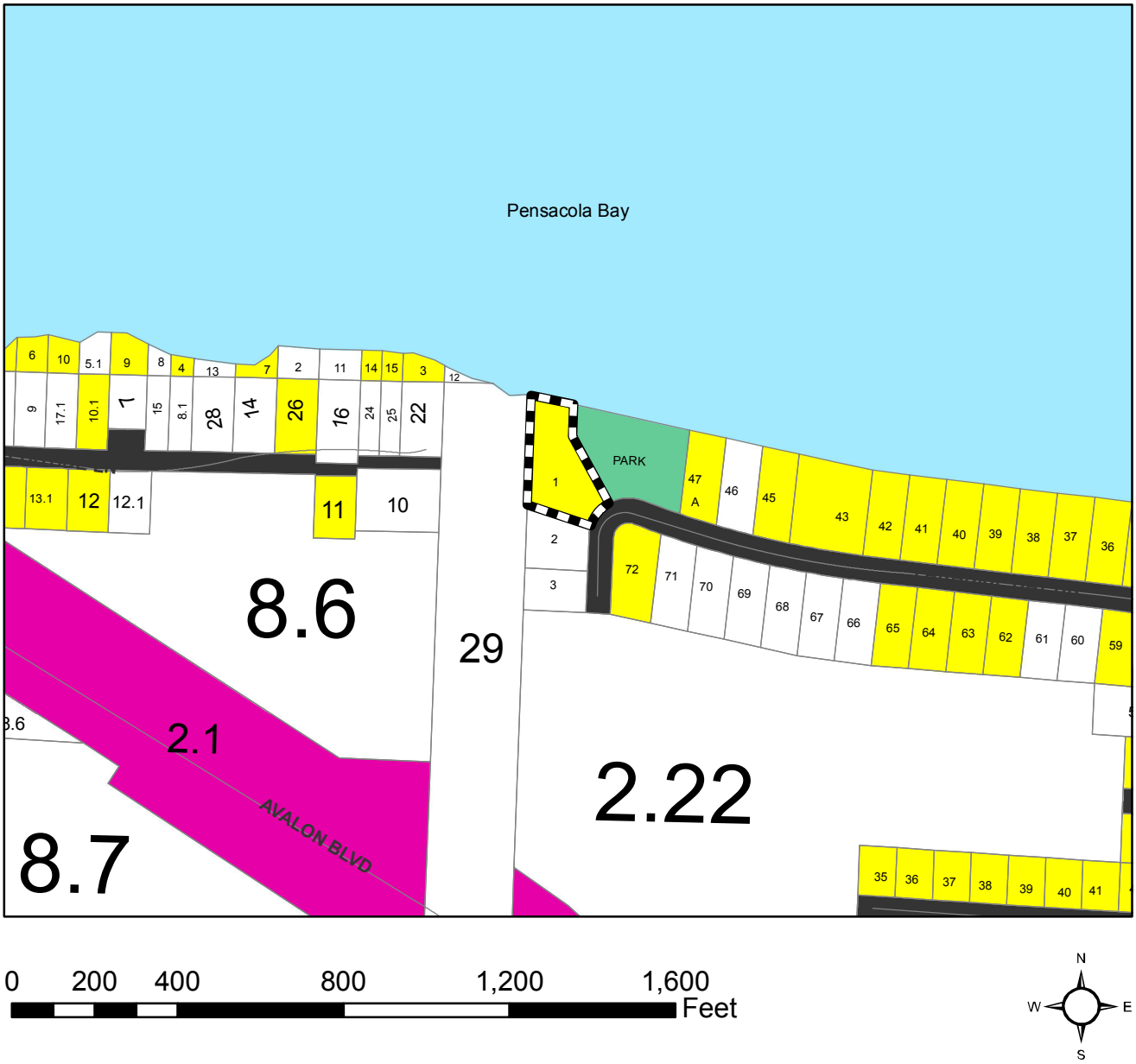
2012-V-043
Existing Land Use Map



Legend

PendingBOA

Existing Land Use

CATEGORY

- Agriculture (AG)
- Agriculture, Homestead (AH)
- Condo's/Townhomes (C/T)
- City
- Commercial (COMM)
- Industrial
- Institutional (INST)
- Multi-Family Residential <5 (MFR<5)
- Multi-Family Residential >5 (MFR>5)
- Military
- 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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2012-V-043
Aerial

0 50 100 200 300 400 Feet

N
W E
S

Legend

PendingBOA

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Santa Rosa County
Development Services

Beckie 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.	2012 -V- 45	Date Received:	
Review Fee:		Receipt No.:	
Zoning District:	R1	FLUM Designation:	R1

2012 SEP 3 PM 4 16

2012 DEC 05 PM 1 21

VD#5

Property Owner

Property Owner Name: DECESARE, STEVEN & JULIE

Address: 3846 Paradise Bay Dr.
Gulf Breeze, FL 32563

Phone: 572-0474 Fax:

Email: JULIEZEMAITIS@HOTMAIL.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: Cox Pools of the Southeast

Contact Name: Cameron Rhodes

Address: 3496 Gulf Breeze Parkway
GB, FL 32563

Phone: 393-7688 Fax:

Email: cameron@coxpoolsse.com

Property Information

Parcel ID Number(s): 28-25-28-3020-00K00-0010

-OR-

Street Address of property for which the Variance is requested:
3846 Paradise Bay Drive, GB

What is the present use of the property? RESIDENTIAL - Single Family

Variance Request

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

THE REQUEST VARIANCE IS for the 50' SETBACK To Be Reduced to a 31' SETBACK from the existing seawall

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

THE LOT IS AN UNUSUAL shape + contains a large Amount of Conservation Easement (wet lands) AT THE front of the property

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

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

THE usable area left does NOT provide Adequate Space for a swimming Pool Based on the 50' SETBACK while it would conform to the STANDARD 9' SETBACK AND ~~the~~ would meet the SETBACK AT THE TIME THE HOME WAS BUILT

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.

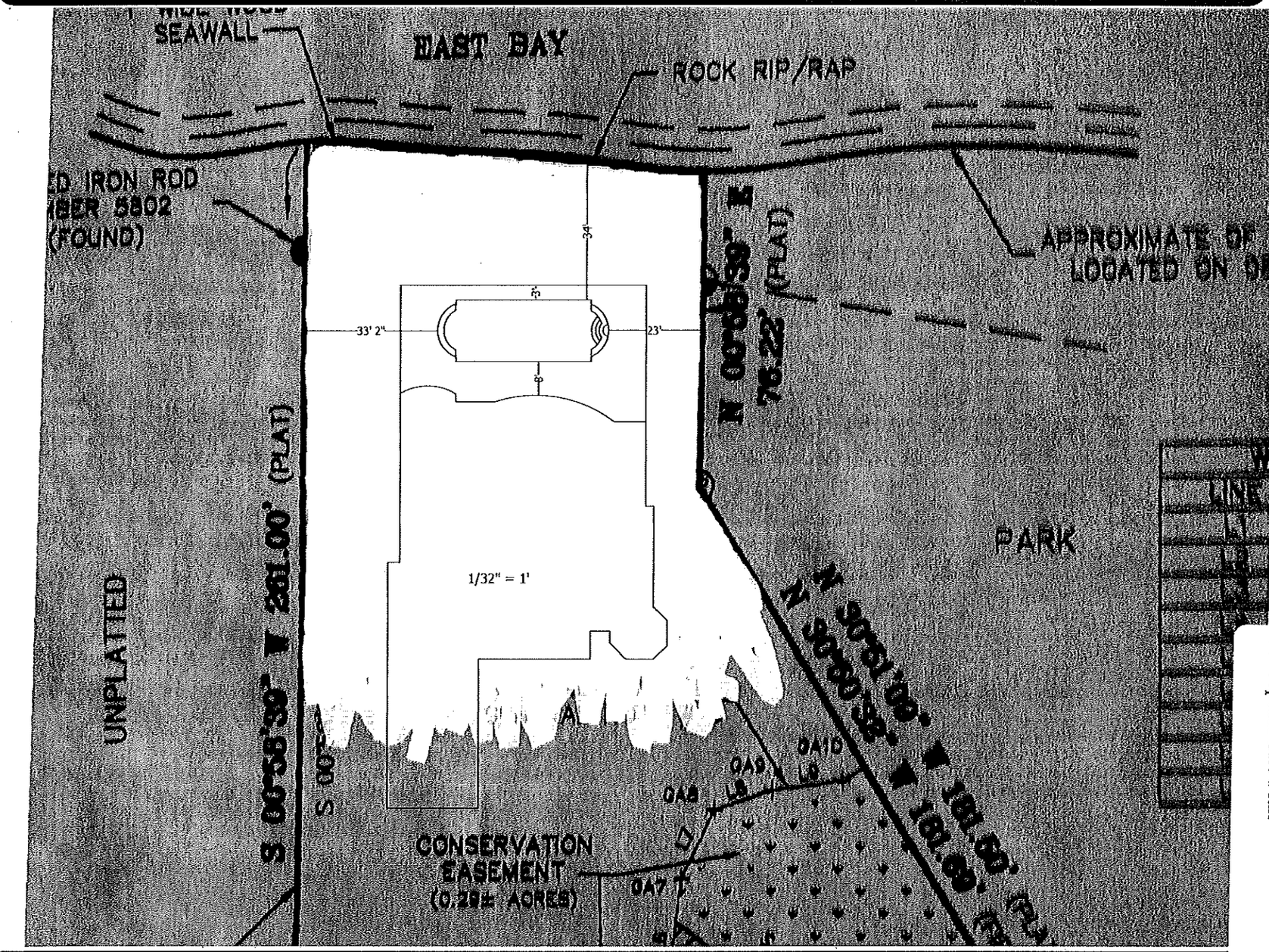
Julie DeCesare
Applicant Name (Type or Print)

Applicant Signature

Dr.
Title (if applicable)

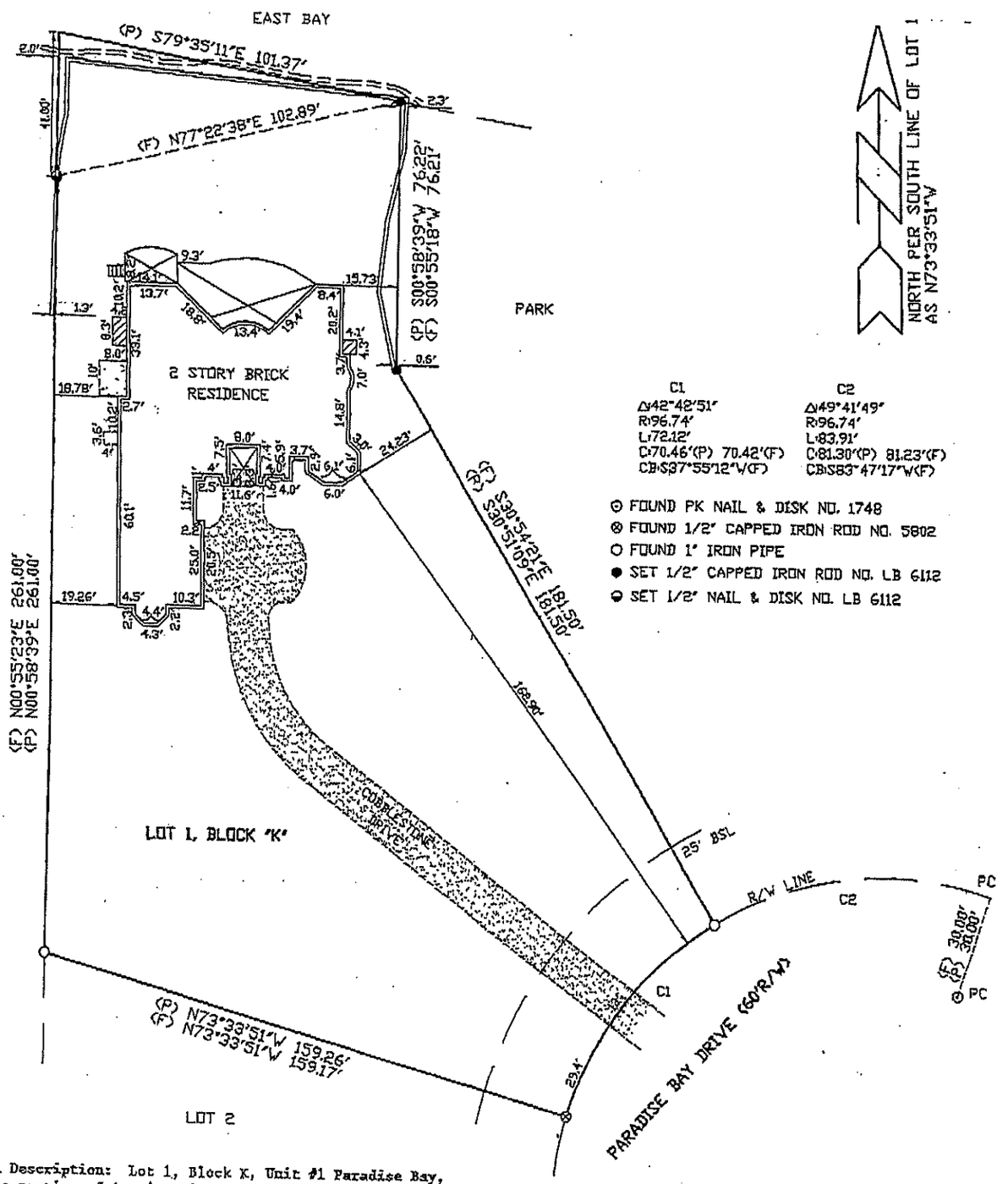
6/28/12
Date

Variance



2012-V-043
Conceptual Site Plan

2012-V-043
Survey issued 12-24-2006



Legal Description: Lot 1, Block K, Unit #1 Paradise Bay, being a portion of Section 28, Township 2 South, Range 28 West, Santa Rosa County, Florida according to plat recorded in Plat Book C at Page 163 of the Public Records of said County.

Certified To:
Ticor Title Insurance Company
Denis A. Draslow, Attorney at Law
AmSouth Bank
Steven L. DeCesare
Julie Zemaitis DeCesare

Property Address: 3846 Paradise Bay Drive

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Lands shown hereon were not abstracted for easements and / or right of way, recorded or unrecorded, by this firm. No search of the public records has been performed by this firm to determine any defects and / or ambiguities in the title. Underground portions of foundations, footings, or any other underground structures were not located unless otherwise noted. Measurements were made in accordance with United States standards. Property is subject to rights, easements and restrictions of record. This drawing only reflects setback lines which appear on the recorded plat. This property may also be subject to setback lines mandated by zoning ordinances and/or restrictive covenants of record. This survey and/or sketch does not reflect or determine ownership. Federal and State copyright laws protect this survey and/or sketch from unauthorized use. This map is not to be copied or reproduced in whole or part and is not to be used for any other transaction. This survey and/or sketch cannot be used for the benefit of any other person, company or firm without prior written consent of the copyright owner and is to be returned upon request.

SCALE	TYPE	ISSUE DATE	FIELD DATE	ORDER NO.	FIELD BOOK
1" = 30'	Bound/Asbuilt	3/24/06	3/21/06	06-03-077	1075/24-27

REVISIONS	ISSUE DATE	FIELD DATE	FB./PG.

CERTIFICATE
I HEREBY STATE THAT THIS SURVEY AND/OR SKETCH OF THE ABOVE DESCRIBED PROPERTY WAS MADE UNDER MY SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER

Florida Corporate No. LB 6112

°	Degree	P.R.C.	Point of Reverse Curvature	B.S.L.	Building Setback Line	H/T	Hub and Tack
'	Feet or Minutes	P.C.C.	Point of Compound Curvature	D	Deed	C.M.	Concrete Monument
"	Inches or Seconds	P.R.M.	Permanent Reference Monument	P	Plat	O/S	Offset Point
N	North	R/W	Right of Way	F	Field Measurement	O.H.W.	Overhead Utility Wires
S	South	R.P.	Radius Point	P.O.C.	Point of Commencement		Concrete or Pavement
E	East	Δ	Central Angle	P.O.B.	Point of Beginning		Wooden Decking
W	West	R	Radius	I.R.	Iron Rod		Covered Area
P.C.P.	Permanent Control Point	L	Length of Arc	C.I.R.	Capped Iron Rod		Wire or Chain Link Fence
P.C.	Point of Curvature	C	Chord	I.P.	Iron Pipe		Wooden Privacy Fence
P.T.	Point of Tangency	C.B.	Chord Bearing	N/D	Nail and Disk		

BUTLER AND ASSOCIATES OF PENSACOLA, INC.
PROFESSIONAL SURVEYORS AND MAPPERS
Commercial • Residential • Boundary • Topographic • Mortgage Surveys

PENSACOLA
2420 East Olive Road, Suite "A", Pensacola, FL 32514
P.O.Box 15147, Pensacola, FL 32514
(850) 476-4760
Fax (850) 476-4845

William T. Butler, PLS
Professional Surveyor and Mapper No. 3774

SOUTHERN SURVEYING, INC.

LAND SURVEYORS * LAND PLANNERS

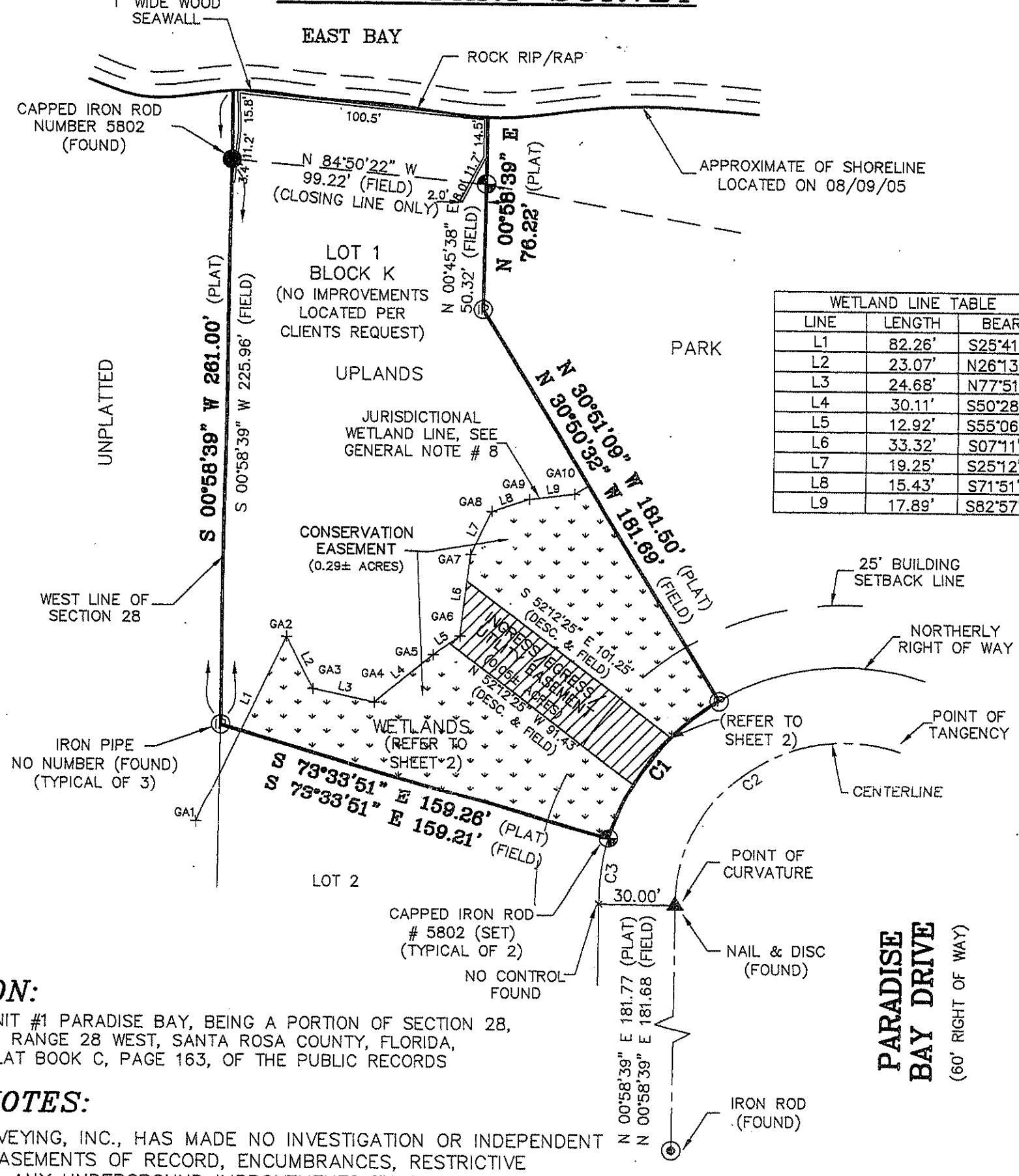
2200 SOUTH HIGHWAY 87
NAVARRE, FLORIDA 32566

PHONE: (850) 939-4299
FAX # (850) 939-1960

N

SCALE: 1"= 50'

A BOUNDARY SURVEY



CURVE DATA

C1 (PLAT)
RADIUS = 96.74'
ARC = 72.12'
DELTA = 42°42'51"
CHORD = 70.46'
CHORD BEARING = N 37°47'35" E

C1 (FIELD)
RADIUS = 96.74'
ARC = 72.12'
DELTA = 42°42'51"
CHORD = 70.43'
CHORD BEARING = N 37°46'22" E

C2 (PLAT)
RADIUS = 66.74'
ARC = 125.65'
DELTA = 107°52'06"

C3 (PLAT)
RADIUS = 96.74'
ARC = 76.18'
DELTA = 15°30'19"
CHORD = 26.10'

WETLAND LINE TABLE		
LINE	LENGTH	BEARING
L1	82.26'	S25°41'12"W
L2	23.07'	N26°13'56"W
L3	24.68'	N77°51'14"W
L4	30.11'	S50°28'08"W
L5	12.92'	S55°06'03"W
L6	33.32'	S07°11'55"W
L7	19.25'	S25°12'38"W
L8	15.43'	S71°51'59"W
L9	17.89'	S82°57'43"W

DESCRIPTION:

LOT 1, BLOCK K, UNIT #1 PARADISE BAY, BEING A PORTION OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 28 WEST, SANTA ROSA COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK C, PAGE 163, OF THE PUBLIC RECORDS OF SAID COUNTY.

GENERAL NOTES:

1) SOUTHERN SURVEYING, INC., HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR ANY UNDERGROUND IMPROVEMENTS THAT MIGHT EXIST. VISIBLE EVIDENCE OF EASEMENTS WILL BE SHOWN HEREON.
2) MEASUREMENTS ARE MADE TO U.S. STANDARDS.
3) PROPERTY IS SUBJECT TO ZONING SETBACKS AND RESTRICTIONS OF RECORD.
4) THE ACCURACY OF MEASUREMENTS PERFORMED MEETS THE RELATIVE ERROR OF CLOSURE PERMISSIBLE IN A SUBURBAN LAND AREA.
5) NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
6) BEARING REFERENCE: THE WEST LINE OF SECTION 28 BEING S 00°58'39 W AS PER RECORDED PLAT.
7) BUILDING SETBACKS, WHEN SHOWN, ARE PER PLAT. CHECK RESTRICTIVE COVENANTS FOR ANY DISCREPANCIES.
8) THE JURISDICTIONAL WETLAND LINE AS SHOWN HEREON WAS STAKED BY JOE A. EDMISTEN, INC. & ASSOCIATES AND LOCATED BY SOUTHERN SURVEYING INC. ON 04/04/03.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THE SURVEY SHOWN HEREON TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS ACCORDING TO STATE OF FLORIDA RULE 61G17-6 AS ADOPTED BY THE BOARD OF LAND SURVEYORS AND MAPPERS

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

KATHI T. MARTIN
PROFESSIONAL LAND SURVEYORS AND MAPPERS NUMBER 4649

DATE: 8/24/05

CORP. NO. 5802

SHEET 1 OF 2

REQUESTED BY: **JULIE DeCESARE**

SCALE: 1" = 50' | DRAWN BY

A BOUNDARY SURVEY OF LOT 1, BLOCK K, UNIT #1 PARADISE BAY

FIELD BOOK: 1177 PAGE: 68
FIELD DATE: 08/09/05

DRAWING NUMBER **03-114-2**

2012-V-043
Boundary Survey dated 08-24-05