

2012-V-052

Project Name: n/a

Applicant and/or Property
Owner: Claude Duvall

Representative: n/a

Request: Variance to allow the construction of an
accessory building prior to the construction
of a single family residence

(LDC 2.10.05.A)

Zoning District: R-1M (Mixed Residential Subdivision
District)

STAFF ANALYSIS

Variance 2012-V-052

I. **Applicant:**

Claude Duvall

II. **Request:**

Variance to allow the construction of an accessory building prior to the construction of a residence

III. **Land Development Code Criteria:**

2.10.05 Accessory Buildings and Structures

- A. Timing of Construction and Use - No accessory building or structure shall be constructed upon a lot until the construction of a main building has been commenced, or in the case of a lot two (2) acres or greater in size, until the construction permit for a main building has been issued. Buildings used solely for agriculture purposes (such as for livestock or for storage of farm equipment) on those parcels located in Agriculture zoning districts shall be allowed to be constructed before the construction of the main dwelling.

IV. **Proposed Location:**

7201 Red Brick Road, East Milton; this property is located north of Highway 90, south of Cathy Street, on the south side of the Red Brick Road in the East Milton community (Parcel number 02-1N-28-0000-08800-0000)

V. **2.04.00 SPECIAL EXCEPTIONS AND VARIANCES:** The Zoning Board 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?

YES

Staff Analysis: Staff has determined that there are 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.

STAFF ANALYSIS

The applicant is seeking relief from the Ordinance which maintains that accessory structures may only be placed on a parcel after construction of the principle structure has begun.

Please refer to the letter from Rhonda Royals, Building Official, for the special circumstances surrounding this Variance request.

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 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?

YES

Staff Analysis: If authorized, a Variance with special circumstances would not impair the intent of the zoning ordinance.

STAFF ANALYSIS

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.

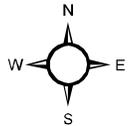
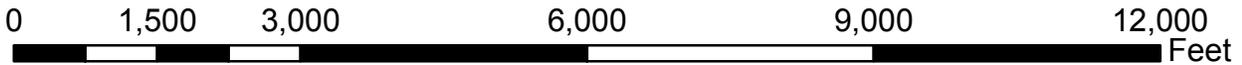
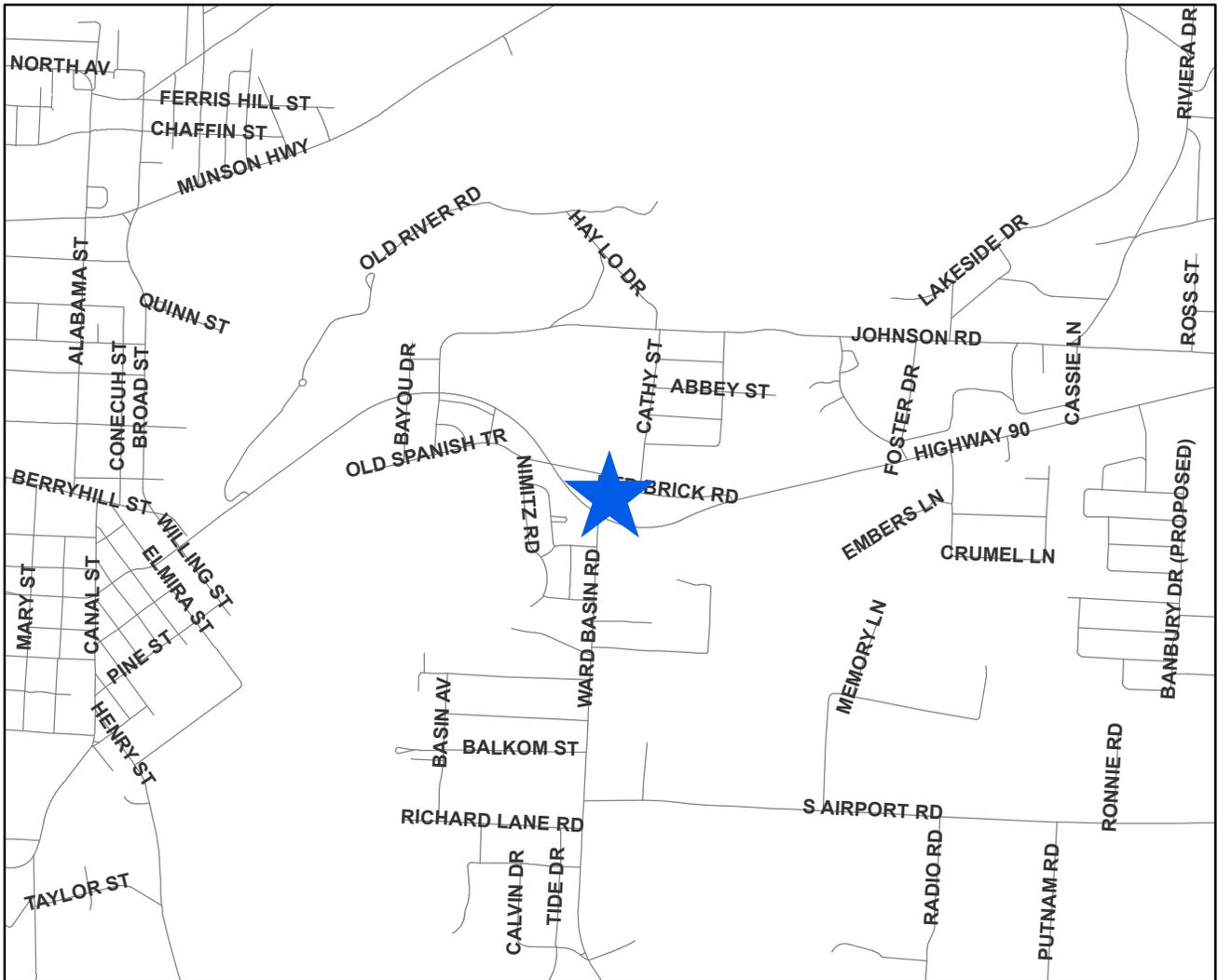
Additionally, variances from access management connection standards may be granted where the effect of the variance would be to enhance the safety or operation of the roadway.

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.

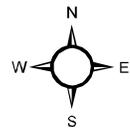
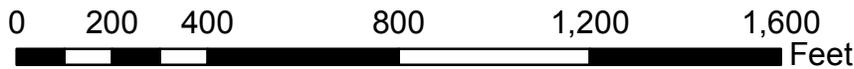
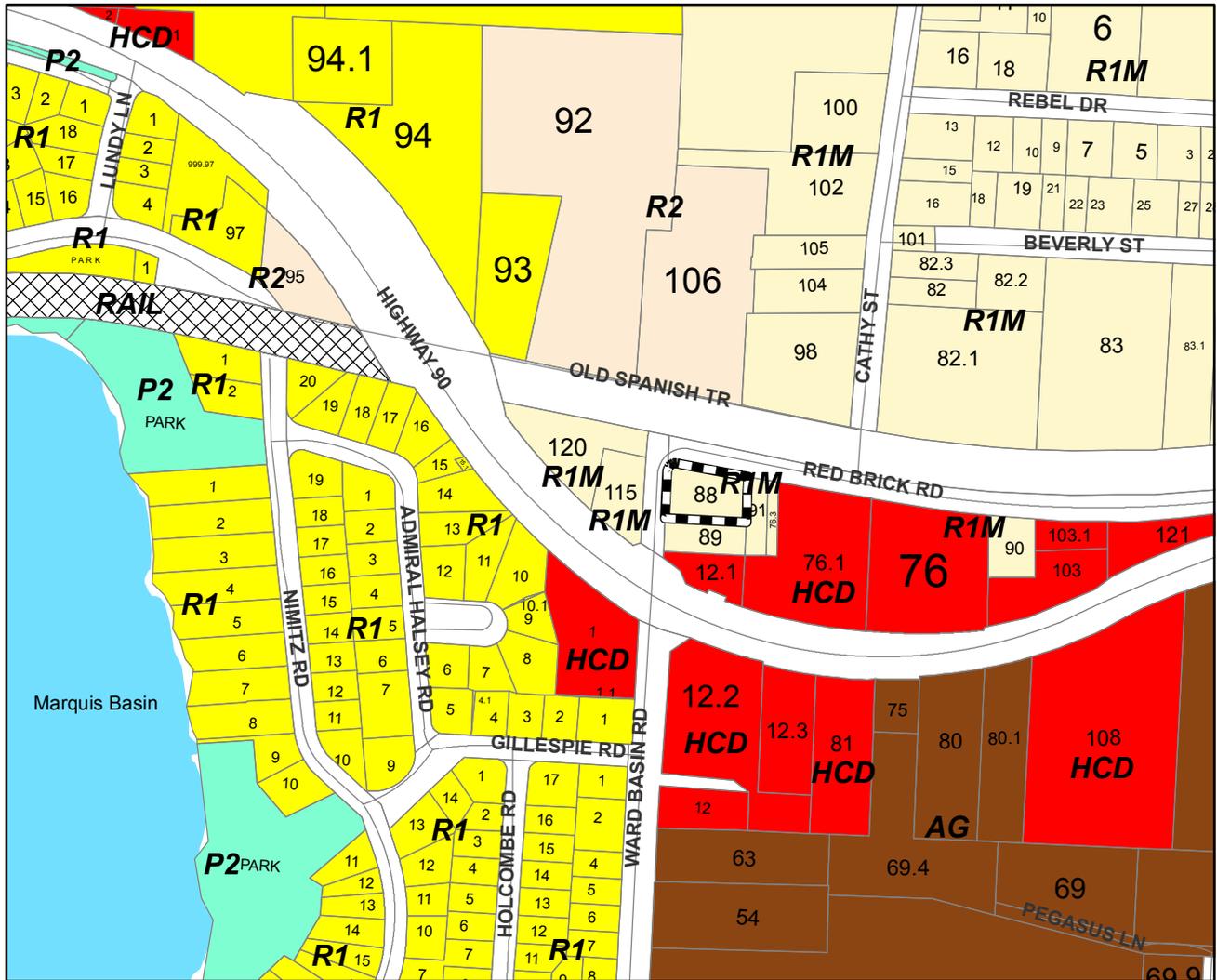
Location



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.

2012-V-052 Zoning



Legend

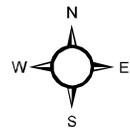
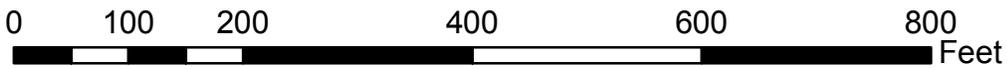
Pending BOA	M1 within the Heart of Navarre (M1-HON)	R1 within the Heart of Navarre (R1-HON)	Navarre Beach - Commercial
Agriculture/Rural Residential (AG)	General Industrial (M-2)	Single Family Residential (R-1A)	Hotel - Navarre Beach
AG within an Accident Potential Zone (AG-APZ)	M2 within an Accident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

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2012-V-052

Aerial



Legend



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Santa Rosa County Development Services



Beckie Gato, AICP
Planning and Zoning Director

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

Rhonda C. Royals
Building Official

Variance Application

* Application Instructions begin on Page 5

** For Official Use Only **	
Application No. <u>2012 -v- 052</u>	Date Received: _____
Review Fee: _____	Receipt No.: _____
Zoning District: <u>R1M</u>	FLUM Designation: _____

VD2

**Property
Owner**

Property Owner Name: Claude Duvall
 Address: 7517 Casa Grande Circle
Milton, FL 32583
 Phone: 850-393-4828 Fax: _____
 Email: claude3258@bellsouth.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.

Company: _____
 Contact Name: _____
 Address: _____
 Phone: _____ Fax: _____
 Email: _____

2012 OCT 19 AM 9 07

**Property
Information**

Parcel ID Number(s): 02-1N-28-000088000000
 -OR-
 Street Address of property for which the Variance is requested:
7201 Red Porick Road
Milton, FL

Variance Request

What is the present use of the property? Storing items in accessory building.

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

Variance request for an accessory structure on property prior to the construction of a main dwelling.

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

It is my opinion that special circumstances do apply. Please see the attached timeline.

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

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

The expense would be the hardship in this case. It took me approximately \$20,000 to build the accessory building.

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.

CLAUDE DIVALL

Applicant Name (Type or Print)

Claude Divall

Applicant Signature

Title (if applicable)

10-19-12
Date



Beckle Cato, AICP
Planning and Zoning Director

Santa Rosa County Development Services

Tony Gomillion
Public Service Director



Rhonda C. Royals
Building Official

MEMORANDUM

TO: Zoning Board of Adjustments and Appeals

FROM: Rhonda Royals, Building Official *RR*

THRU: Tony Gomillion, Public Services Director

SUBJECT: Variance Request – 7201 Red Brick Rd

DATE: October 29, 2012

DISCUSSION

It was brought to my attention on October 17, 2012, that this department issued a zoning approval and building permit for the construction of an accessory structure on vacant property located at 7201 Red Brick Rd, Milton, FL. At one time, a single family home had been located on this parcel but was recently torn down after being deemed to be an unsafe structure.

BACKGROUND

- 06/05/12 – A demo permit was issued to Joiner Fill Dirt, Inc., for the demolition of a single family residence, located at 7201 Red Brick Rd, Milton, FL. At that time, Ms. Marianne Baker was the listed property owner.
- 06/12/12 – Property purchased by current owner, Mr. Claude Duvall.
- 06/20/12 – Final inspection passed for removal of a single family residence.
- Unknown date but approx 3 to 4 weeks prior to plan submission of a detached residential accessory structure at this location – A contractor telephoned our office and spoke with Darliene Stanhope, Planner II, with questions he had before bidding the job to make sure the accessory structure would fit on the lot. They discussed setbacks, size and the distance from the home. She asked how far the accessory structure would be from the home and was told it would be approximately 12 feet. Based on that information, the contractor was given the required setbacks.

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6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583

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Office: (850) 981-7000

- 09/27/12 – An application for the construction of an accessory structure received from JAT General Contractors. A zoning approval was issued with required setbacks listed. Note: During Ms. Stanhope’s zoning review, the Geographic Information System map data (GIS) she used still showed an aerial view of the home on the property.
- 10/01/12 – Plans were approved and a building permit was issued.
- 10/02/12 – Footing inspection requested. Inspector turned down footing inspection due to no plans on job site and questioned allowance of accessory structure without main residence. When he got back into the office Ms. Stanhope was not available so he spoke with one of our permit techs who checked the permit application and conveyed that a zoning approval had been issued so the inspector didn’t question it further.
- 10/15/12 - Project completed. Final inspection passed.
- 10/17/12 - Application for an electrical permit was submitted which brought out that the residence was no longer there. I called the property owner (Mr. Duvall) to find out whether or not the home was going to be rebuilt and the intended use of the accessory structure. He stated he does not intend to rebuild the residence and will utilize accessory building for storage purposes only. I advised Mr. Duvall that a variance would be required.

POTENTIAL BUILDING CODE ISSUES

None, since the Florida Building Code will allow the structure to be constructed at 5 feet from the property line without having to provide fire-resistance construction.

SUMMARY

Staff has been counseled, coached and will continue to be educated to ensure encroachments are identified before development is approved. Additionally, we are reviewing our processes and have made symbology changes in our GIS program in order to improve the identification of vacant property since our GIS layer is the primary tool being utilized by permitting and planning staff for these types of decisions.



**Building Inspection Department
Residential Building
Permit Application**

2. Property Owner Information		1. Proposed Improvement Location	
Name: <u>Claude Duval</u>		<input checked="" type="checkbox"/> Same as owner's address	
Address: <u>7201 RED BRICK RD</u>		Physical Address:	
Address 2:		City: _____ Zip: _____	
City: <u>MILTON</u>		Subdivision:	
State: <u>FL</u> Zip: <u>32583</u>		Parcel ID #:	
Phone #: <u>850-393-4828</u>		Driving Directions:	
Fee Simple Title Holder's Name & Address:			
3. Contractor Information		4. Description of Proposed Improvements	
<input type="checkbox"/> If Owner/Builder (Please see Owner/Builder Disclosure)		<input type="checkbox"/> New Single Family Residence	
Applicant: <u>JAT GENERAL CONTRACTORS</u>		<input type="checkbox"/> New Single Family Residence with Roof -FPA # _____	
Contractor State Registration #: <u>CBC1257501</u>		<input type="checkbox"/> New Single Family Residence with Detached Garage	
Company Name: <u>JAT GENERAL CONTRACTORS</u>		<input checked="" type="checkbox"/> New Accessory Structure	
Mailing Address: <u>590 US Hwy 98 SUITE 3</u>		<input type="checkbox"/> Remodel/Repair _____	
City: <u>DAPHNE</u>		<input type="checkbox"/> Hurricane Shutters <input checked="" type="checkbox"/> Windows/ Doors	
State: <u>AL</u> Zip: <u>36526</u>		FL Product Appr # _____ FL Product Appr # _____	
Phone #: <u>251-379-8042</u>		Other:	
Fax #: <u>251-626-6220</u>			
5. Single Family Residence Information			
Is this a corner lot? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Number of Bedrooms <u>0</u> Number of Bathrooms <u>0</u>	
Road Impact Fee: <input type="checkbox"/> Pay in full <input type="checkbox"/> Pay in payments		Length <u>30'</u> Width <u>24'</u> Height <u>10'</u>	
Name public water provider:		# of Stories: <u>1</u> Total Sq. Ft. Per Bldg: <u>720</u>	
Fireplace: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes: <input type="checkbox"/> Gas <input type="checkbox"/> Wood <input type="checkbox"/> Electric		Estimated Cost of Construction Per Bldg: <u>\$15,491.00</u>	
6. Driveway Information			
Is the road: <input checked="" type="checkbox"/> County Paved <input type="checkbox"/> County Dirt <input type="checkbox"/> State <input type="checkbox"/> Private <input type="checkbox"/> City			
Is the driveway: <input type="checkbox"/> New <input checked="" type="checkbox"/> Existing <u>NO DRIVEWAY</u>			
What is the end of the driveway type: <input type="checkbox"/> Culvert <input type="checkbox"/> Swale <input type="checkbox"/> Curb & Gutter <input checked="" type="checkbox"/> Flat			
Looking from the road toward your property, where is the driveway located? <u>N/A</u>			
Front <input type="checkbox"/> Right <input type="checkbox"/> Left <input type="checkbox"/> Center Side <input type="checkbox"/> Right <input type="checkbox"/> Left <input type="checkbox"/> Center <input type="checkbox"/> Circle Drive			

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCE, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Handwritten signature/initials



Santa Rosa County Development Services



Beckle Cato, AICP
Planning and Zoning Director

Tony Gomillion
Public Service Director

Rhonda C. Royals
Building Official

October 17, 2012

Memo to File

From: Darliene Stanhope

RE: 2012-2690 Accessory Structure

The Contractor contacted me concerning the accessory structure being constructed on the site prior to bidding the job to make sure that the accessory structure would fit on the lot and we discussed setbacks, size and the distance from the home. The biggest concern was the setbacks and size of the accessory structure. I asked how far from the home the accessory structure would be and was told the accessory structure would be about 12 feet. I explained that since the property was a corner lot the setbacks would be 15 feet from the secondary street, 25 feet from the front property line, 5 feet from the rear and other side property line. The 5 feet from the side and rear property line was arrived at because the accessory structure was over 10 feet from the home. I also explained that the accessory structure had to be subordinate in size and height than the home.

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



Zoning Review

Residential Construction

Santa Rosa County Community Planning, Zoning Development Division
6051 Old Bagdad Highway

Phone: (850) 981-7075 Fax: (850) 983-9874

E-Mail: planning@santarosa.fl.gov

This is not a Construction Plan Review nor is it a Building Permit. These must be obtained from the Building Inspection Department before construction can begin.

Date: 9/27/2012 **Zoning District** R-1M

Parcel Number 021N280000088000000 **Permit No.:** 2012-2690

Contractor: JAT General Contractors

Subdivision Name

Project Address 7201 Red Brick Rd

Dwellings on Lot 0

Corner Lot

- | | |
|---|--|
| 1. <input type="checkbox"/> Single Family Structure | 4. <input checked="" type="checkbox"/> Accessory Structure |
| 2. <input type="checkbox"/> Duplex | Type Storage Shed |
| 3. <input type="checkbox"/> Mobile Home | 5. <input type="checkbox"/> Other |
| | Type |

(F) Front 25'

(L) Left 5'

(B) Back 5'

(R) Right 15'

Approved

Denied

Planner Darliene Stanhope

The following items were checked by the reviewer. If any of these items need to be addressed, they will be addressed in the comments section.

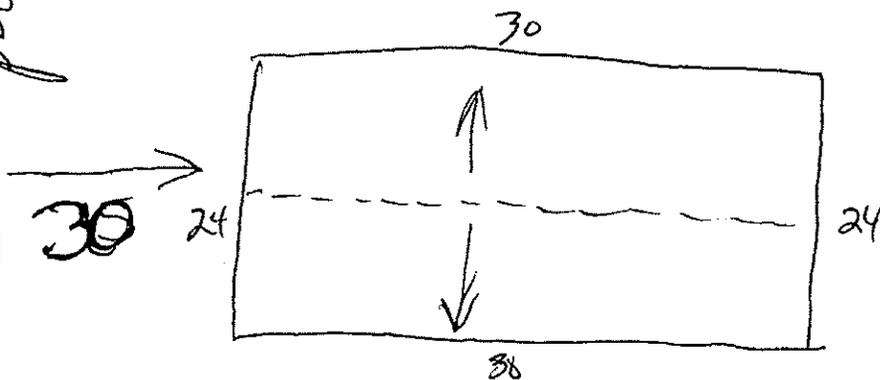
- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> JLUS Checked | <input checked="" type="checkbox"/> Archeological Sites Checked | <input checked="" type="checkbox"/> Bagdad Historic District Checked |
| <input checked="" type="checkbox"/> Wetlands Checked | <input checked="" type="checkbox"/> Navarre Town Center Checked | <input checked="" type="checkbox"/> Waterfront Property Review |
| <input checked="" type="checkbox"/> Roof Overhang Checked | | |

Comments The average roof height cannot exceed the height of the home and according to the plans the average roof height is 11 feet.

Site Plan

(7201) ~~7701~~ Claude Duvall
Red Brick Rd.
Milton, Fla. 32583
24 x 30 x 10

Red Brick Road



oak

15' Dale Street

Project Information
2012-2690

Issued Date: **06/05/2012**
 Ran Date: **10/17/2012- 04:43 PM**

Parcel Number: **02-1N-28-0000-08800-000** Residential Zone: **R1M TL Units: 1 Area: EML**
 Owner: **BAKER MARIANNE B** 7201 RED BRICK RD , MILTON
 Directions/Notes: **HWY 90E T/L DALE ST CURVES AROUND TO RED BRICK RD ON RIGHT**

BUILDING PERMIT: 2012-2690-000-B-0 **DEMOLITION** **SINGLE FAMILY** Width: **0** Length: **0**

Address: **7201 RED BRICK RD , MILTON 32583**
 Cont: **JOINER FILL DIRT INC - DEM264827** Phone: **(850) 623-5062** SW/SP: BSB: **0** FSB: **0**
 Cost: **\$2,000.00** Eng Final: Life Safe: RSB: **0** LSB: **0**
 Fuel: STR: Corner Lot: **YES** Zoning:
 Flood Z: **Area of Minimal Flooding** FloodT: **X** Elev Req: Elev Rec: **N**
 BAW: BAW Area: FPA: NRF: APF:
 Permit Issued: **06/05/2012** Balance: **\$0.00**
 Flood Notes: ******

Inspection Code	Date Called	Date Inspected	Inspection	Inspector ID
FIN	06/20/2012	06/20/2012	PASS	18

SYSTEM NOTES: **06/05/2012 (108) 6/5/12 PLNS APVD BI6*TO USE EXIST SEPTIC TANK GI* ****
 INSPECTOR NOTES:

BUILDING PERMIT: 2012-2690-001-B-0 **NEW** **ACCESSORY** Width: **24** Length: **30**

Address: **7201 RED BRICK RD ACC 1 ACC 1, MILTON 32583**
 Cont: **J A T GENERAL CONTRACTORS LLC - CBC1257501** Phone: **(251) 379-8042** SW/SP: **NONE** BSB: **5** FSB: **25**
 Cost: **\$15,441.00** Eng Final: Life Safe: RSB: **15** LSB: **5**
 Fuel: **ELECTRIC** STR: **V-B** Corner Lot: **YES** Zoning:
 Flood Z: **Area of Minimal Flooding** FloodT: **X** Elev Req: Elev Rec: **N**
 BAW: BAW Area: FPA: NRF: APF:
 Permit Issued: **10/01/2012** Balance: **\$0.00**
 Flood Notes: ******

Inspection Code	Date Called	Date Inspected	Inspection	Inspector ID
FIN	10/12/2012	10/15/2012	PASS	04
SLB	10/03/2012	10/03/2012	PASS	04
FOT	10/02/2012	10/03/2012	149	04
FOT	10/01/2012	10/02/2012	999	04

SYSTEM NOTES: **10/01/2012 (105) PLANS APPROVED BI06, NO NOC, PRETREAT, BI29. ** 10/01/2012 (105) IF POSSIBLE PM INSPECTION, IF CANNOT PLEASE CALL JOHN 251-379-8042, BI29. ** 10/05/2012 (2776) NOC REC & RECDD EXP 10/01/2013 *JT* ****
 INSPECTOR NOTES: **(91) -10-02-12 PRETREAT LETTER RCVD BI-4****