

2012-V-047

Project Name: n/a

Applicant and/or Property Owner: Julie Massey

Representative: Jason Taylor, Wetland Sciences, Inc.

Request: Variance to change the maximum allowable pier length from 300 feet to 430 feet (LDC 6.03.05.F)

Zoning District: PUD (Planned Unit Development)

STAFF ANALYSIS

Variance 2012-V-047

I. Applicant:

Julie Massey, represented by Jason Taylor, Wetland Sciences, Inc.

II. Request:

Variance to change the maximum allowable pier length from 300 feet to 430 feet

Note: The Santa Rosa County Board of Adjustments approved Variance request 2004-V-078 for this same parcel at their meeting on August 5, 2004. The property owner at that time was Phillip Napier, and the Variance request was to change the allowable pier length from 300 feet to 430 feet.

III. Land Development Code Criteria:

6.03.05 Accessory Activities: In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with and appropriately incidental and subordinate to the principal activity when located on the same zone lot as such principal activity and meet the additional conditions set forth below. Such accessory activities shall be controlled in the same manner as the principal activities within such zone except as otherwise provided in Section 2.10.06. Accessory activities include, but are not limited to, the activities indicated below:

F. Docks, Piers and Mooring Devices: Structures such as piers, docks, wharves, mooring devices, lifting and launching devices, the decking of which is no higher than three (3) feet above mean high water, are permitted as accessory structures. Such structures shall not extend seaward from the property line for more than three hundred (300) feet or fifteen (15) percent of the open water span at the point of installation whichever is less, except as provided in Section 6.03.05(F)(5.b). When structures are constructed on waterfront property and are to cross on or over areas of public access, this access may not be impeded or blocked by such structures. The owner of said structure must construct or provide public access. This provision shall apply only to water front property located on Escambia Bay south of Highway 90, Blackwater Bay south of Interstate 10, East Bay and Santa Rosa Sound. On all construction of docks, boathouses, piers, retaining walls, seawalls, and dolphin poles a zoning review and site plan must be filed and approved by the Community Planning, Zoning and Development Division before building permits can be obtained or construction begun.

The site plan must include:

1. A survey of the property showing all boundaries.
2. Permits or exemption letters from FDEP and Army Corps of Engineers.
3. A drawing of the proposed structure with exact dimensions and their placement on the property. The location, relative to the body of water including protrusion into or over the body of water, must be shown.

STAFF ANALYSIS

4. A plat, survey or other documentation to confirm the width or distance across the body of water.
5. All canal front construction must meet the following dimensions and setbacks.
 - a. Side setbacks will be fifteen (15) feet or fifteen (15) percent of the water frontage width whichever is less.
 - b. All construction including dolphin poles and/or moored watercraft shall be set back from the center line of the canal a distance equal to twenty-five percent (25%) of the canal width except for Polynesian Isles Subdivision canal system and the terminal ends of any canals. The requirements for those areas are as follows:

The terminal ends of the canals are considered special circumstances. In such cases the Planning and Zoning Department shall have discretion in determining the setbacks, configurations and distances into the canal for docks/piers and boatlifts. The goal will be to allow a property owner the ability to moor a boat in such a manner that does not deny nearby property owners similar mooring ability. Adjacent or affected property owners as determined by the Planning and Zoning Department will be consulted to determine the impact to them. If any such affected property owner has objections and a compromise can not be obtained, the applicant must apply for a variance from the Santa Rosa County Board of Adjustments. The SRCBOA decision shall be based upon the goal of allowing a property owner the ability to moor a boat in such a manner that does not deny nearby property owners similar mooring ability.

The Polynesian Isles Subdivision canal system shall consist of the following subdivisions: Polynesian Islands, Polynesian Islands First Addition, Bay Ridge Park Second Addition, Whisper Bay Seventh Addition, and Ebbtide Townhomes. A dock or pier may not extend more than five (5) feet into the canal past the platted or surveyed property line. The only thing that may be allowed to extend into the canal in addition to a dock/pier is a boat lift. A boat lift may extend an additional ten (10) feet past the platted or surveyed property line into the canal. The boat lift may be covered with a roof. There can be no walls extending down from the roof line enclosing any portion of the boat lift. No elements, members, catwalks, dock, roof overhangs or moored/docked watercraft can extend into the canal more than a combined total of fifteen feet past the platted or surveyed property line. All moored or docked watercraft must be inside the limits of the boatlift or along side and resting against the allowed dock.

- c. Decking shall be no more than three (3) feet above mean high water.

STAFF ANALYSIS

- d. Seawalls must be located on or behind the surveyed property line bordering the canal.
- e. No waterfront construction, except for seawalls may begin until the foundation for the residence has been completed and inspected.
- f. Building permits must be posted in accordance with the building code.
- g. Boat shelters or storage structures shall be unwallled and shall not have roofs exceeding twenty-five (25) feet above mean high water.

IV. **Proposed Location:**

1230 Ceylon Drive, Gulf Breeze; South of Gulf Breeze Parkway, on the south side of Ceylon Drive, directly on Santa Rosa Sound, in the Tiger Point Village Subdivision within the Gulf Breeze community (Parcel number 29-2S-28-5440-00J00-0100)

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 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 the length of piers, docks, and mooring devices. The riparian rights of the subject property located in Santa Rosa Sound are occupied by extreme shallowness and a vast amount of sea grass. This presents difficulties with construction

STAFF ANALYSIS

because of parameters within the current Land Development Code criteria.

Note: The Santa Rosa County Board of Adjustments approved Variance request 2004-V-078 for this same parcel at their meeting on August 5, 2004. The property owner at that time was Phillip Napier, and the Variance request was to change the allowable pier length from 300 feet to 430 feet.

-
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?

YES

Staff Analysis: This Variance request is necessary for the preservation and enjoyment of a substantial property right and does not serve as 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: 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 not expected that the authorization of this Variance will unreasonably diminish or impair established property values within the surrounding area.

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-
-
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

STAFF ANALYSIS

circumstances would not 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.

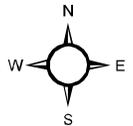
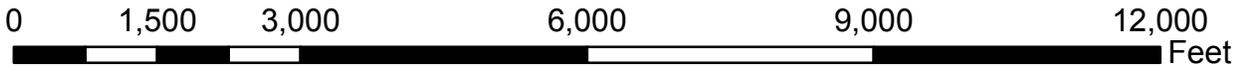
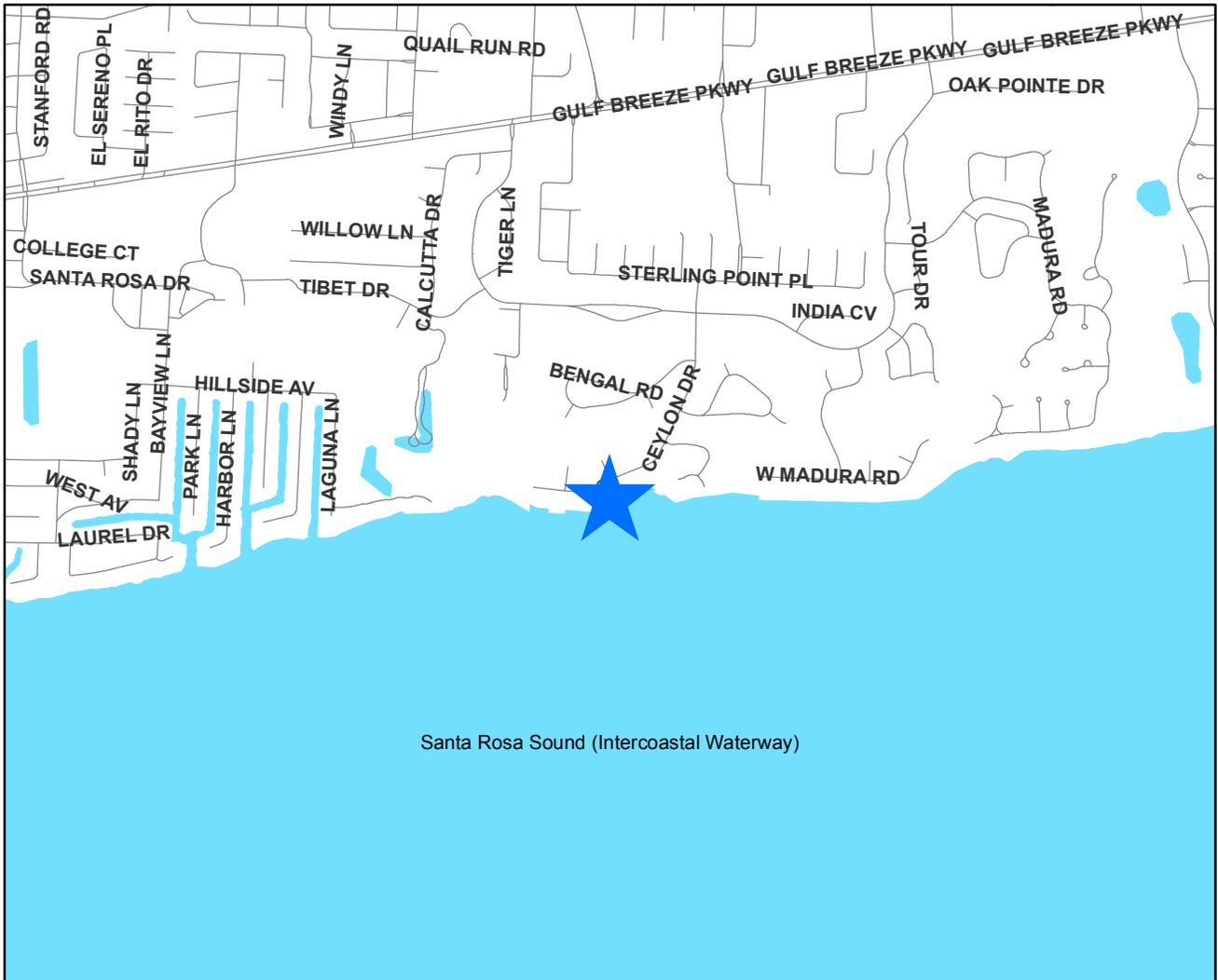
Is this criterion met?

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-047

Location



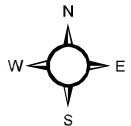
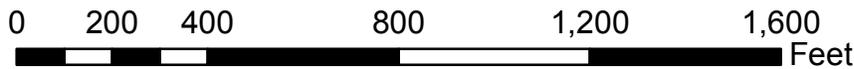
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2012-V-047 Zoning



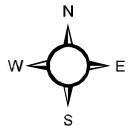
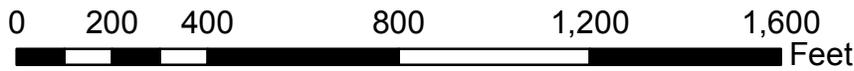
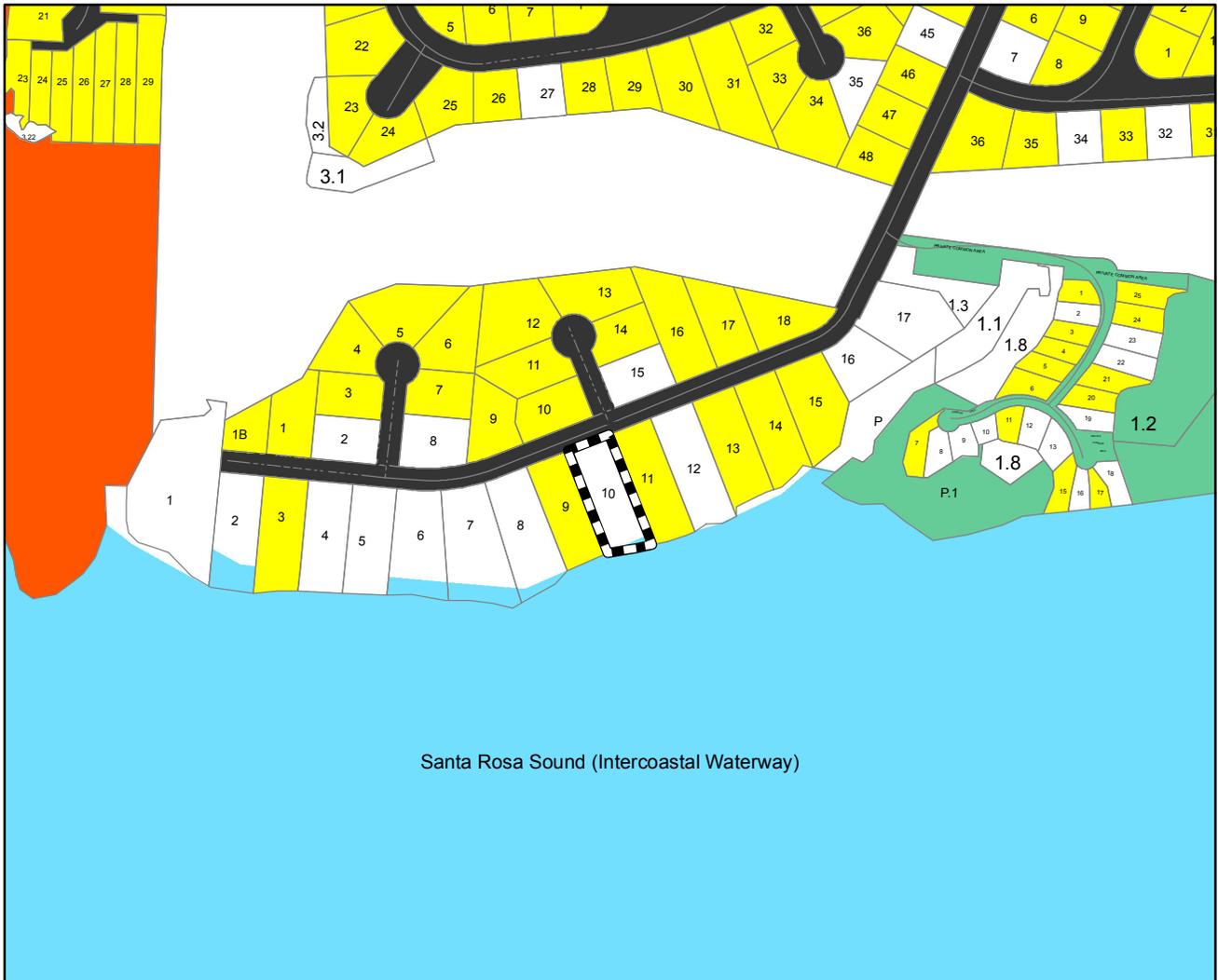
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Pending BOA	M1 within the Heart of Navarre (M1-HON)	R1 within the Heart of Navarre (R1-HON)	Navarre Beach - Commercial
Agriculture/Rural Residential (AG)	General Industrial (M-2)	Single Family Residential (R-1A)	Hotel - Navarre Beach
AG within an Accident 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-047 Existing Land Use



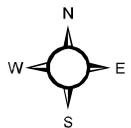
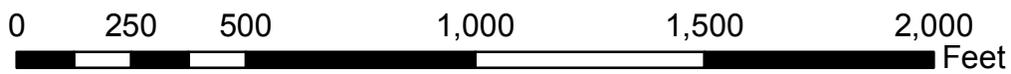
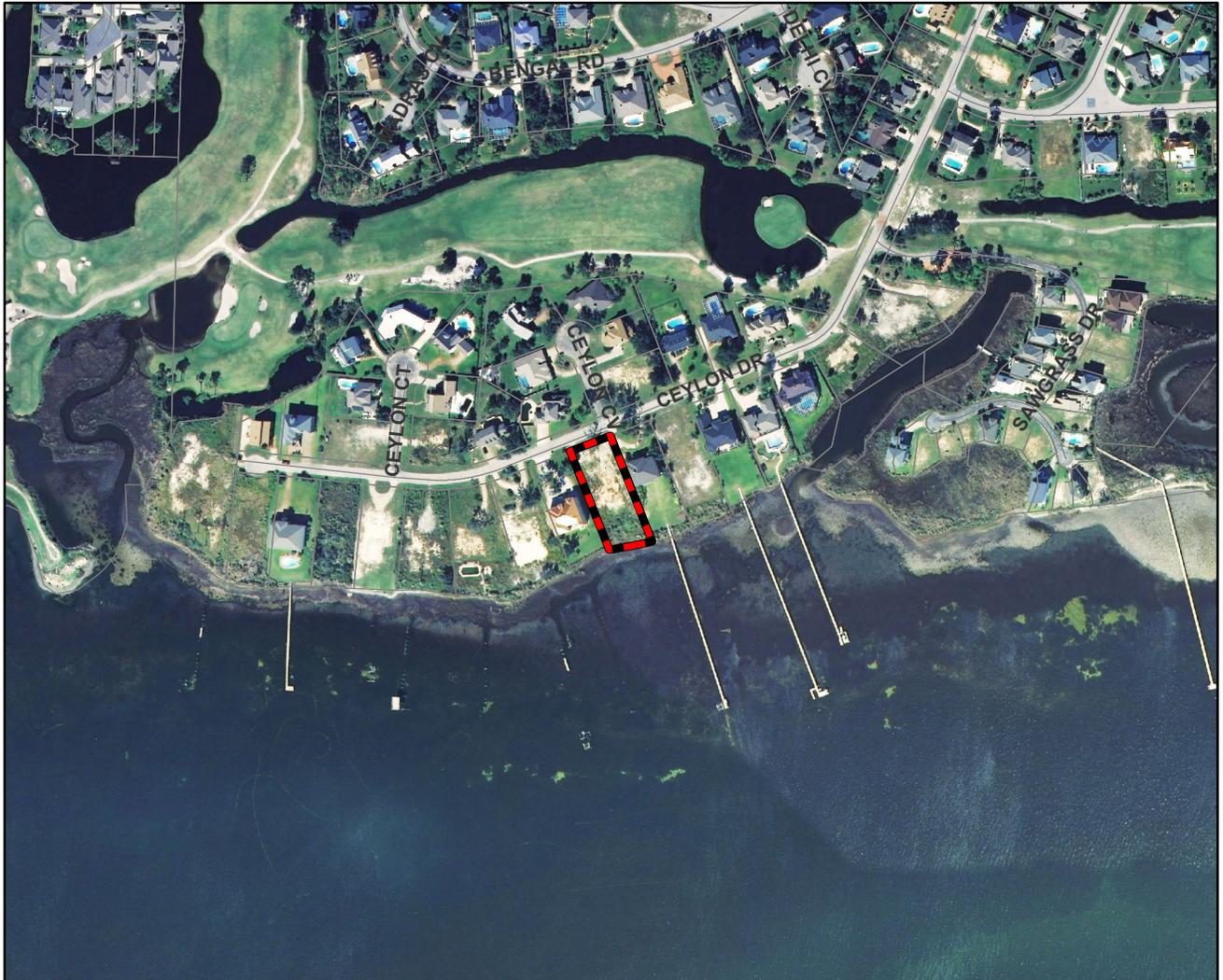
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Pending BOA	Commercial (COMM)	Office	Silviculture (SILVICUL)
Existing Land Use	Industrial	Public Owned Property (POP)	Uncategorized (UNCAT)
CATEGORY	Institutional (INST)	Rail	Utilities
Agriculture (AG)	Multi-Family Residential <5 (MFR<5)	Recreation/Commercial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

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2012-V-047
Aerial (2010)



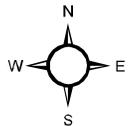
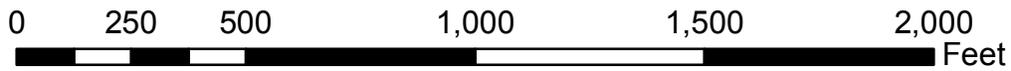
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2012-V-047
Aerial (2001)



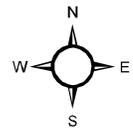
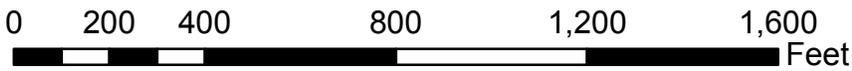
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2012-V-047 Storm Surge Data



Legend



Pending BOA
Santa Rosa County Storm Surge

Category Level

- 1
- 2
- 3
- 4
- 5

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Santa Rosa County Development Services



Beckie Cato, 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-047</u>	Date Received: _____
Review Fee: _____	Receipt No.: _____
Zoning District: <u>R1</u>	FLUM Designation: _____

Dist 5

Property Owner Property Owner Name: JULIE MASSEY 2012

Address: 2529 SHADOWRIDGE CT SEP

GULF BREEZE, FL 32563 25

Phone: _____ Fax: _____ PM

Email: navarreVacation@gmail.com 2

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: WETLAND SCIENCES, INC.

Contact Name: JASON TAYLOR

Address: 1829 BAINBRIDGE AVE

PENSACOLA, FL 32507

Phone: 850.453.4700 Fax: _____

Email: jtaylor@wetlandsciences.com

Property Information Parcel ID Number(s): 79-25-28-5440-00300-0100

-OR-

Street Address of property for which the Variance is requested:

1230 CEYLON DR, GIB

Variance Request

What is the present use of the property? SINGLE-FAMILY RESIDENTIAL

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

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

PLEASE SEE ATTACHED LETTER OF REQUEST

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.

PLEASE SEE ATTACHED LETTER OF REQUEST

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.

JASON TAYLOR
Applicant Name (Type or Print)

[Signature]
Applicant Signature

ENVIRONMENTAL SCIENTIST
Title (if applicable)

9/17/2012
Date

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 1230 Ceylon Drive, Santa Rosa County, Florida, Property Reference Number 29-2S-28-5440-00J00-0100, I hereby designate Jason Taylor of Wetland Sciences, Inc., for the sole purpose of completing this application and making a presentation to the Board of Adjustment to request a Variance.

This Limited Power of Attorney is granted on the 17th day of September, the year of 2012, and is effective until the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written notarized notice to the Planning and Zoning Department.

Julie Massey
Signature of Property Owner

Julie Massey
Printed Name of Property Owner

STATE OF FLORIDA
COUNTY OF SANTA ROSA

The foregoing instrument was acknowledged before me this 20 day of September, year of 2012 by Julie Pecora Massey who did () did not take an oath. He/she is () personally known to me, produced Florida/Other Driver's License, and/or () produced current _____ as identification.

[Signature]
Signature of Notary Public

Danielle French
Name of Notary Public Printed

9/20/12
Date

Feb 20, 2016
My Commission Expires

EE 165363
Commission Number – Notary Seal must be affixed





September 17, 2012

Kelly Hobbs
Zoning Board
Santa Rosa County Planning and Zoning
6051 Old Bagdad Highway, Suite 202
Milton, FL 32583

Re: Letter of Request, Variance Application
Project: Massey Residential Dock & Boatlift
Applicant: Julie Massey
WSI Project #2012-222

Ms. Hobbs,

Julie Massey (herein referred as the applicant) request a variance to change the allowable pier length from 300 feet to 430 feet per Santa Rosa County Land Development Code (LDC) 6.03.05.F. in Santa Rosa Sound at the applicant's property located at 1230 Ceylon Drive. **LDC 6.03.05.F, Accessory activities: Docks, piers, and mooring devices. Structures such as piers, docks, wharves, mooring devices, lifting and launching devices, the decking of which is no higher than three feet above mean high water, are permitted as accessory structures. Such structures shall not extend seaward from the property line for more than 300-ft or fifteen percent of the open water span at the point of installation whichever is less...** The property is zoned as PUD. Authorization is being sought to construct a 410.0' x 4.0' access pier, a 20.0' x 8.0' terminal platform, and 4-pole topless boatlift. Total preempted area is 1,944.0 sq. ft.

A pier of similar design was presented to the Santa Rosa County Board of Adjustments on August 5, 2004 (2004-V-078) to change the allowable pier length from 300 feet to 430 feet. The variance was granted, but the dock was never built.

Land Development Code of Santa Rosa County, Florida, Section 2.04.00 requires the applicant to demonstrate that the variance request meets the criteria outlined in code. The following is a summary detailing how the request meets each criterion.

Criterion A

That there are special circumstances or conditions applicable to the building or land in question that are peculiar to such property that do not apply generally to other land or buildings in the vicinity.

Section 2.04.00 of the Land Development Code defines special circumstances or conditions specifically as follows: "Such special conditions shall be limited to unusual physical characteristics inherent in the specific piece of property and not common to properties similarly situated. Such physical characteristics include, but are not limited to, exceptional narrowness, shallowness, shape, topographic conditions, or the presence of sensitive environmental resources, any or all of which will result in peculiar or practical difficulties in the quite enjoyment and use of the property".

As shown on the attached site plan drawings, the riparian rights of the subject property located in Santa Rosa Sound is occupied by extreme shallowness and vast expanse of seagrasses. The presence of these limiting factors results in practical difficulties in the construction of a dock and boat lift.

Criterion B

The variance is necessary for the preservation and enjoyment of a substantial property right as defined herein and not only to serve as a convenience to the applicant.

In the context of variance applications, a "property right" is the ability to use or improve land in such a manner as would be lawful except for (1) the special circumstance or condition applicable to the building or land and (2) the particular land development regulation, from which a variance is sought, that prohibits such use or improvement. A property right is "substantial" if it involves a use or improvement of real worth and importance which is or may be enjoyed by other similarly situated land owners in the vicinity.

The dock and boatlift are necessary to allow the applicant to permanently store a recreational watercraft along the waterfront of a soon to be homesteaded property. There are several properties along Santa Rosa Sound that contain dock structures similar in design and configuration as proposed by the applicant. This is a use that is enjoyed by other similarly situated land owners in the vicinity of the property. With this said it is my opinion the proposed use meets the definition of a substantial property right and the requested variances are necessary for the preservation and enjoyment of a substantial property right.

Criterion C

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, or general welfare of the inhabitants of Escambia County.

Public interest criteria that should be considered in evaluating this variance request should include navigation and protection of marine resources. The proposed activity has been submitted to the Florida Department of Environmental Protection (DEP) and Department of the Army Corps of Engineers. These agencies review the project and ensure that navigation and water quality is maintained on the water body affected.

In summary the authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or waterways, the danger of fire, imperil public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Santa Rosa County.

Criterion D

The variance will not impair the intent of the zoning ordinance or zoning district map.

The variance will not, in any manner, alter other provisions of this Code or the zoning district map.

Criterion E

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 of the roadway.

The proposed activity does not apply to the reduction of parking or loading requirements or access management standards.

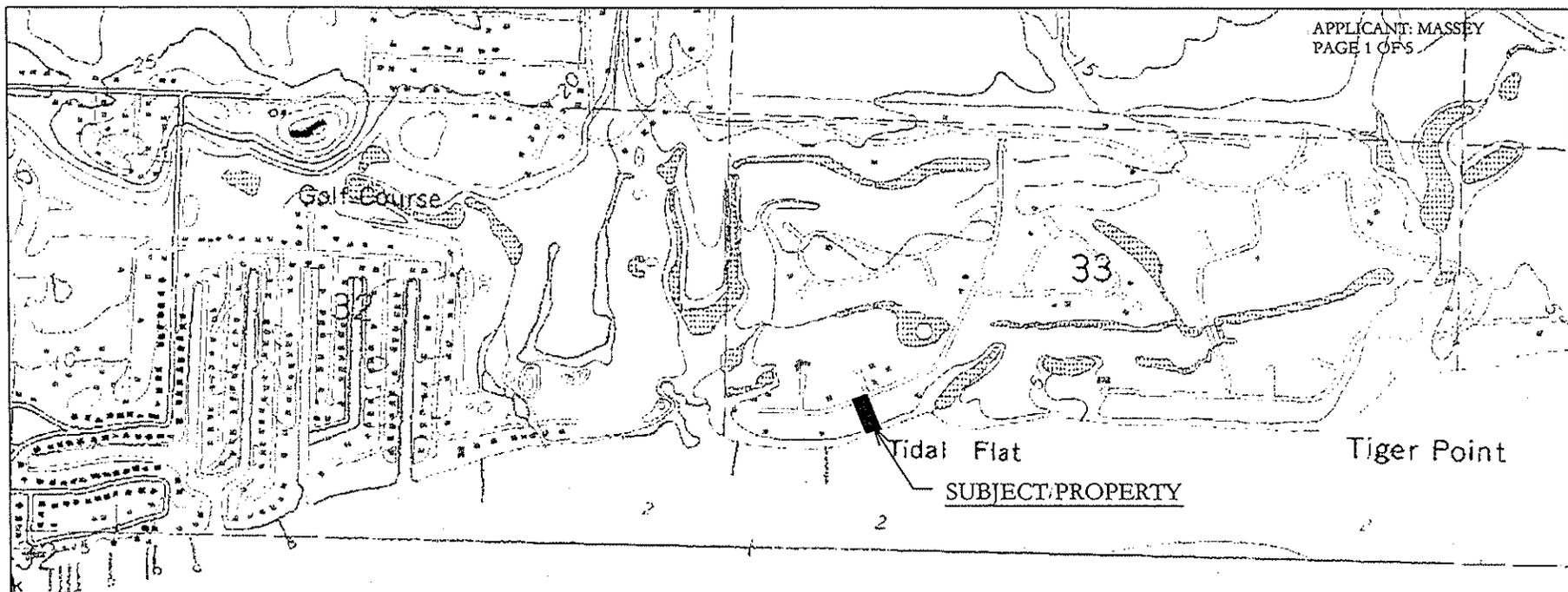
In summary the variance is the minimum necessary to make possible use of the waterfront and to enjoy a substantial property right expected with waterfront property fronting Santa Rosa Sound.

Your consideration in this matter would be greatly appreciated. If should any questions arise, please feel free to contact the undersigned at either the letterhead address or by telephone at 850-453-4700.

Sincerely,

WETLAND SCIENCES, INC.

Jason Taylor
Environmental Scientist



DIRECTIONS TO THE SITE FROM DOWNTOWN PENSACOLA: START OUT GOING EAST ON CHASE STREET/US-98 TOWARDS GULF BREEZE. CONTINUE TO FOLLOW US-98 FOR APPROXIMATELY 10.6 MILES. TURN RIGHT ONTO TIGER POINT BLVD. TURN RIGHT ONTO CEYLON DR. SUBJECT PROPERTY WILL BE LOCATED ON THE LEFT HAND SIDE OF THE ROAD WITH AN ADDRESS OF 1230 CEYLON DR. PLEASE CALL 850-453-4700 WITH ANY QUESTIONS.

SUBJECT PROPERTY

PARCEL ID#
29-2S-28-5440-00J00-0100
PROPERTY OWNER
JULIE MASSEY
2529 SHADOWRIDGE CT
GULF BREEZE, FL 32563

PROJECT LOCATION

1230 CEYLON CT
GULF BREEZE, FL 32563
SEC 33 - TWN 2S - RNG 28W

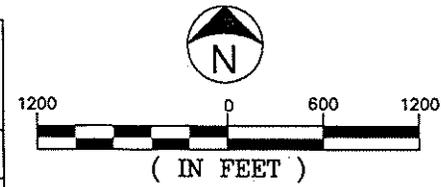
INDEX OF SHEETS

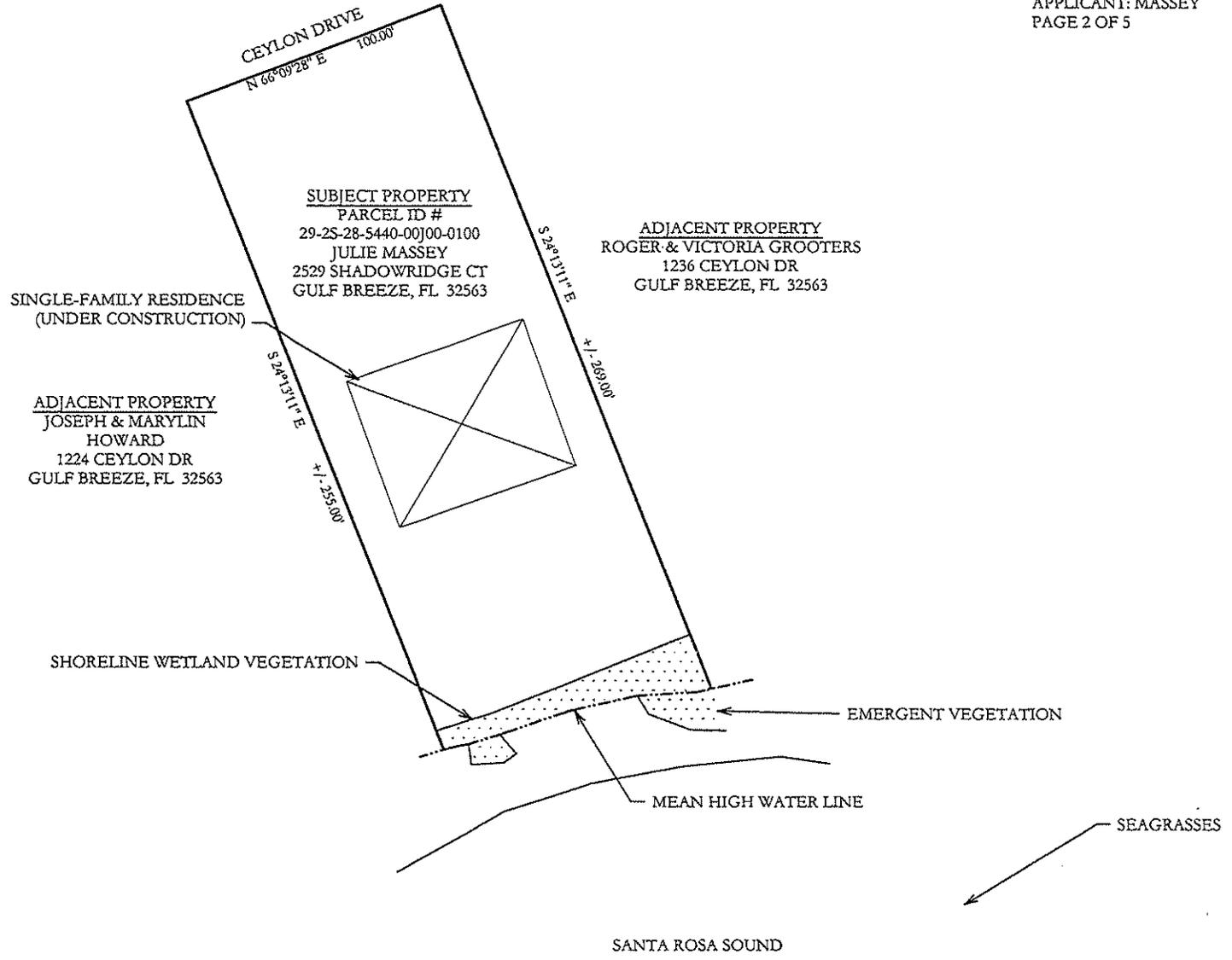
<u>SHEET NO.</u>	<u>DESCRIPTION</u>
1	SITE LOCATION MAP
2	EXISTING SITE CONDITIONS
3	PROPOSED SITE CONDITIONS OVERLAID ONTO AERIAL
4	PROPOSED ACTIVITY
5	DOCK PROFILE



SITE LOCATION MAP

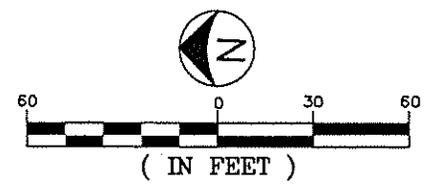
PROJECT #2012-222	DATE: AUGUST 28, 2012
DRAWN BY: JAT	SCALE: 1" = 1200'

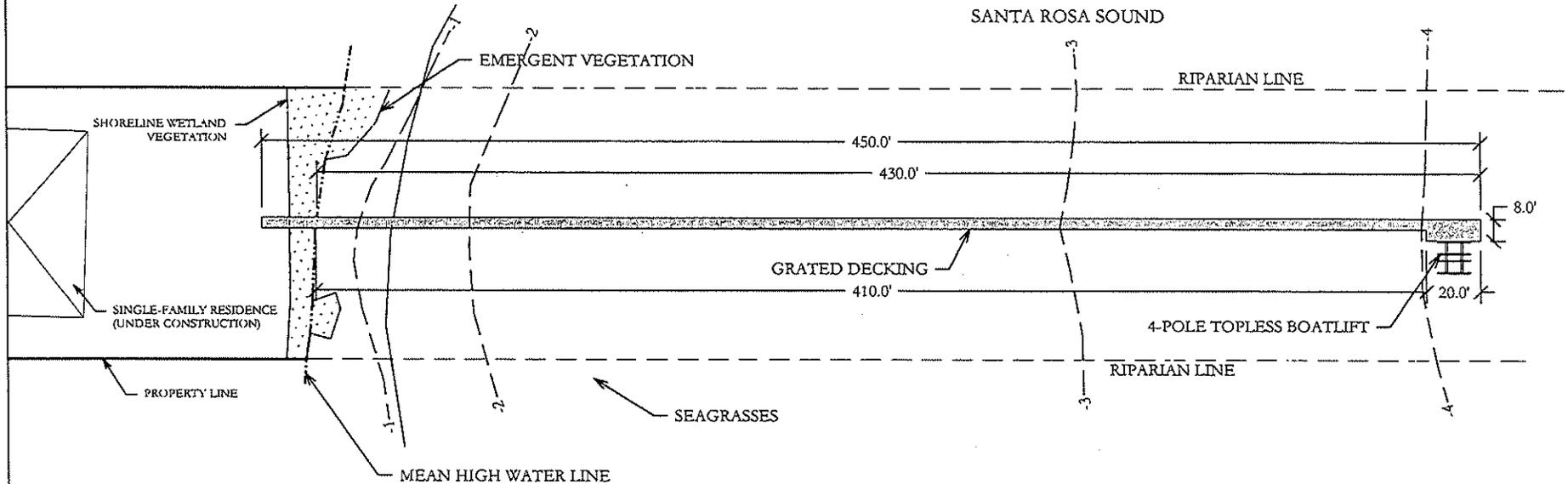




PLAN VIEW OF EXISTING SITE
CONDITIONS

PROJECT #2012-222	DATE: AUGUST 28, 2012
DRAWN BY: JAT	SCALE: 1" = 60'





PREEMPTED AREA CALCS:

410' x 4' ACCESS PIER = 1,640 SQ. FT.
 20' x 8' TERMINAL PLATFORM = 160 SQ. FT.
 12'x12' BOATLIFT = 144 SQ. FT.

TOTAL = 1,944 SQ. FT.

APPLICANT OWNS 100 LINEAR FEET OF SHORELINE



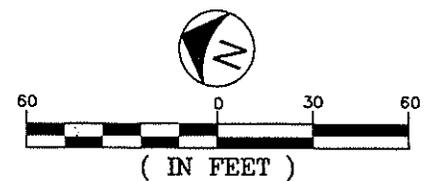
PLAN VIEW OF PROPOSED SITE
CONDITIONS

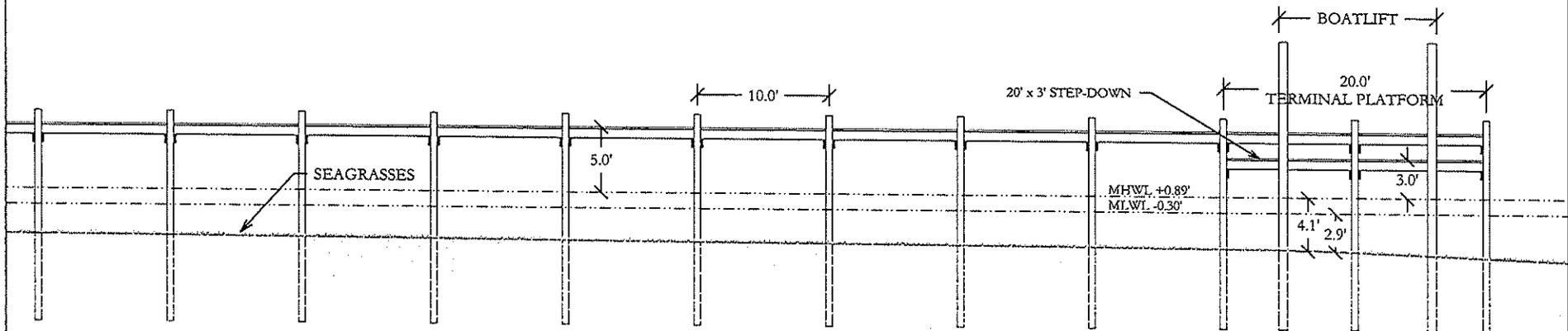
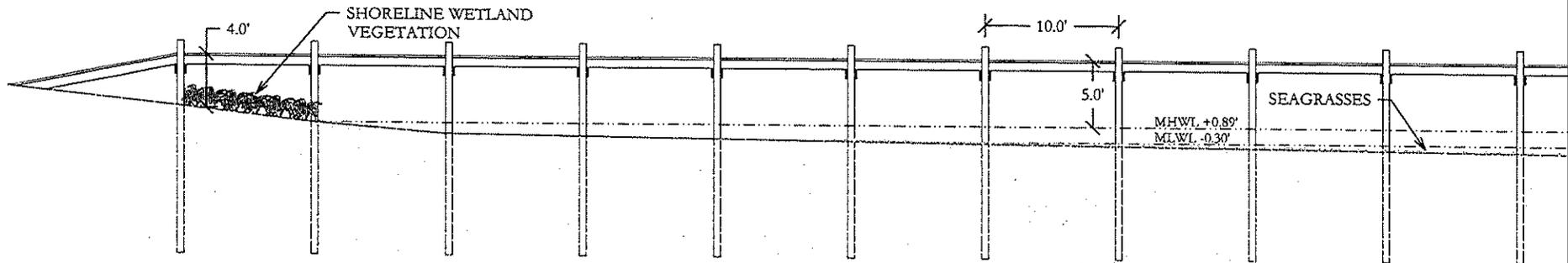
PROJECT #2012-222

DATE: AUGUST 28, 2012

DRAWN BY: JAT

SCALE: 1" = 60'





DOCK PROFILE

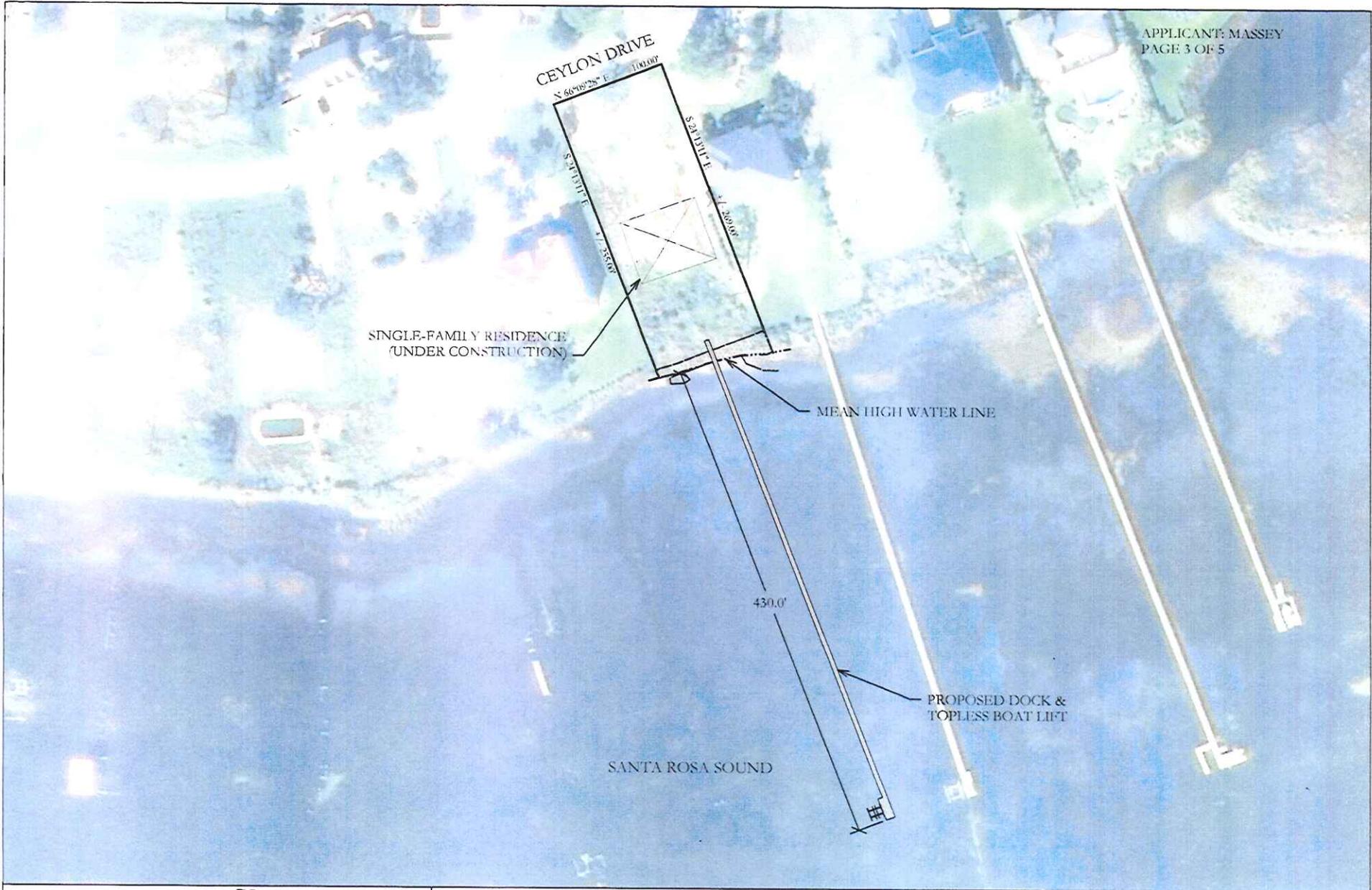
PROJECT #2012-167

DATE: AUGUST 28, 2012

DRAWN BY: JAT

SCALE: 1"= 12'





PLAN VIEW OF PROPOSED SITE
CONDITIONS DEPICTED ONTO AERIAL

PROJECT #2012-222	DATE: AUGUST 28, 2012
DRAWN BY: JAT	SCALE: 1" = 120'

