

2012-V-034

Applicant and/or Property

Owner: Craig & Howard Swilley

Representative: n/a

Request: Variances to the following to accommodate construction of a single family residence: (1) to reduce the Shoreline Protection Zone setback from 50 feet from the mean high water line (MHWL) to 40 feet from the MHWL, (2) to reduce the eastern side building setback from 9.4 feet to 7 feet, and (3) to reduce the front building setback from 25 feet to 15 feet

(LDC 12.01.02.A, 6.05.05.1.2 & 6.05.05.1.3)

Note: The Zoning Board requested the applicant modify his request to include a reduction in the front setback in an effort to lessen the encroachment into the Shoreline Protection Zone.

Zoning District: R-1 (Single Family Residential)

## **STAFF ANALYSIS**

### **Variance 2012-V-034**

#### **I. Applicant:**

Craig & Howard Swilley

#### **II. Proposed Location:**

2900 Block of Holley Point Road; this property is located south of Highway 87 South, east of Grady Tolbert Road, on the south side of Holley Point Road, on East Bay in the Navarre community (Parcel number 01-2S-27-0000-03908-0000)

#### **III. Request:**

Variances to the following to accommodate construction of a single family residence: (1) to reduce the Shoreline Protection Zone setback from 50 feet from the mean high water line (MHWL) to 40 feet from the MHWL, (2) to reduce the eastern side building setback from 9.4 feet to 7 feet, and (3) to reduce the front building setback from 25 feet to 15 feet

Note: The Zoning Board requested the applicant modify his request to include a reduction in the front setback in an effort to lessen the encroachment into the Shoreline Protection Zone.

#### **IV. Land Development Code Criteria:**

##### 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.

##### 6.05.05      R-1 - Single Family Residential District

#### **I. Minimum Required Setbacks:**

2. Front Setback: Except as provided in Section 4.03.03(B)(2)(b) and Section 2.10.02, there shall be a front building setback on every lot of not less than twenty-five (25) feet
  
3. Side Setback: There shall be a side building setback of seven (7) feet on each side of every main building when measured at the minimum front setback line for lots having widths between seventy (70) and ninety (90) feet. For lots wider than ninety (90) feet and narrower than seventy (70) feet, there shall be a side building setback of no less than ten percent (10%) of the lot width to a maximum requirement of fifteen (15) feet on each side of every main building.

## STAFF ANALYSIS

Modifications to this requirement shall be in accordance with Section 2.10.04. Lot widths shall be determined at the minimum front setback line.

V. **2.04.00 SPECIAL EXCEPTIONS AND VARIANCES:** 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?**

**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 applicants are seeking relief from the Ordinance which regulates the placement of structures from property lines. The applicants wish to construct a single family residence on this waterfront lot. The footprint of the proposed single family residence is approximately 1,200 square feet and depicted on the conceptual site plan.

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**

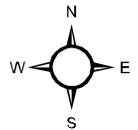
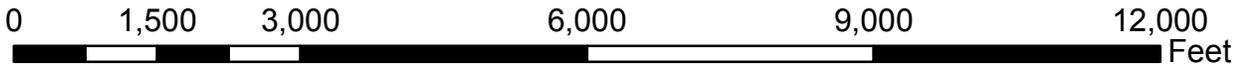
**Staff Analysis:** This Variance request is necessary for the preservation and enjoyment of a substantial property right and does not serve merely as a convenience to the property owners.

## STAFF ANALYSIS

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 will 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.
- 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.**

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.

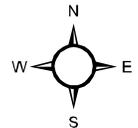
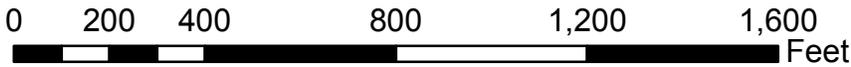
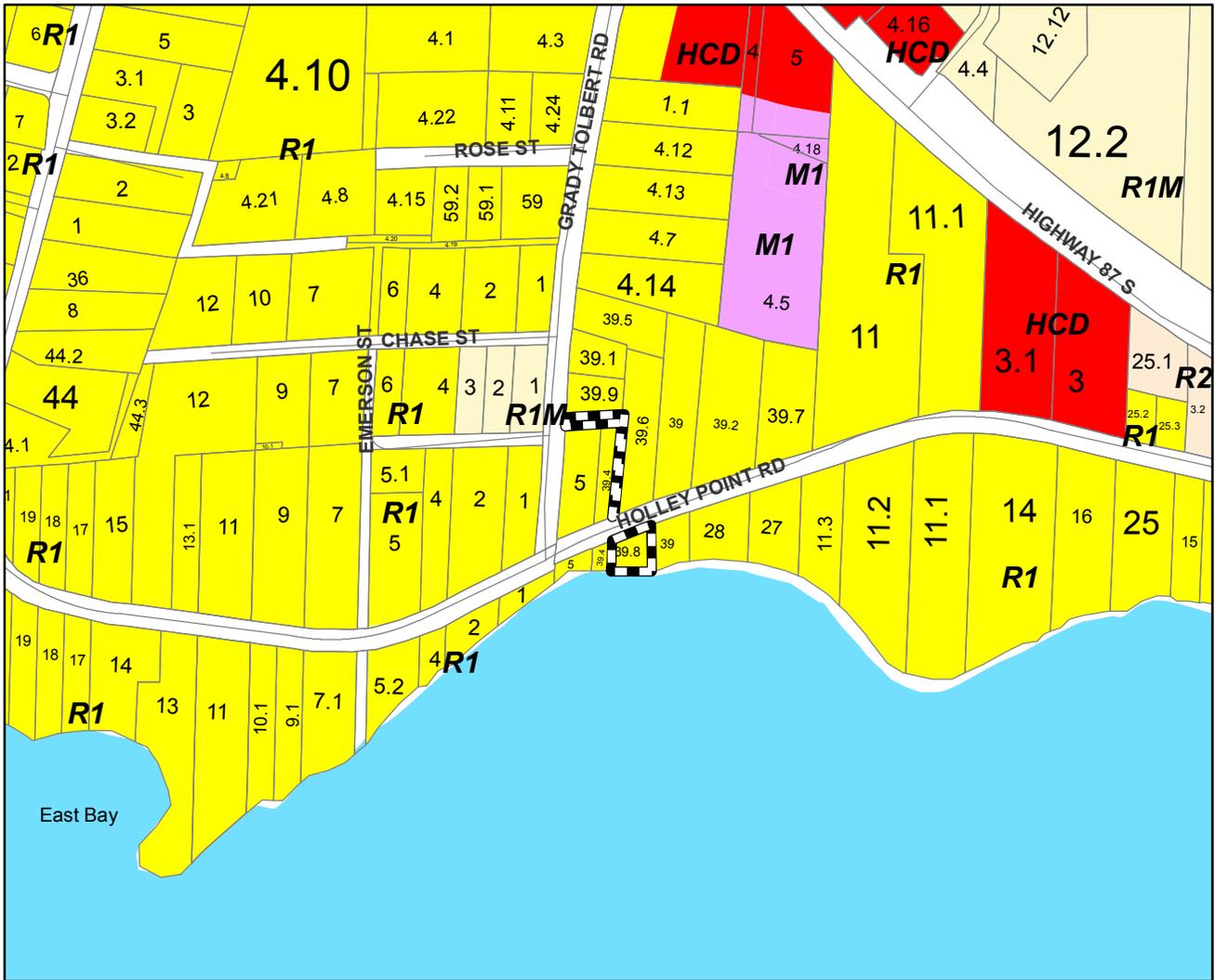
Location



**Disclaimer:**

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# 2012-V-034 Zoning



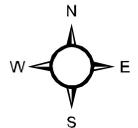
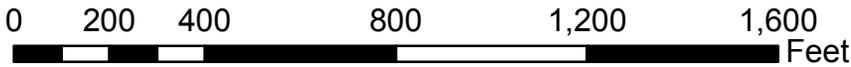
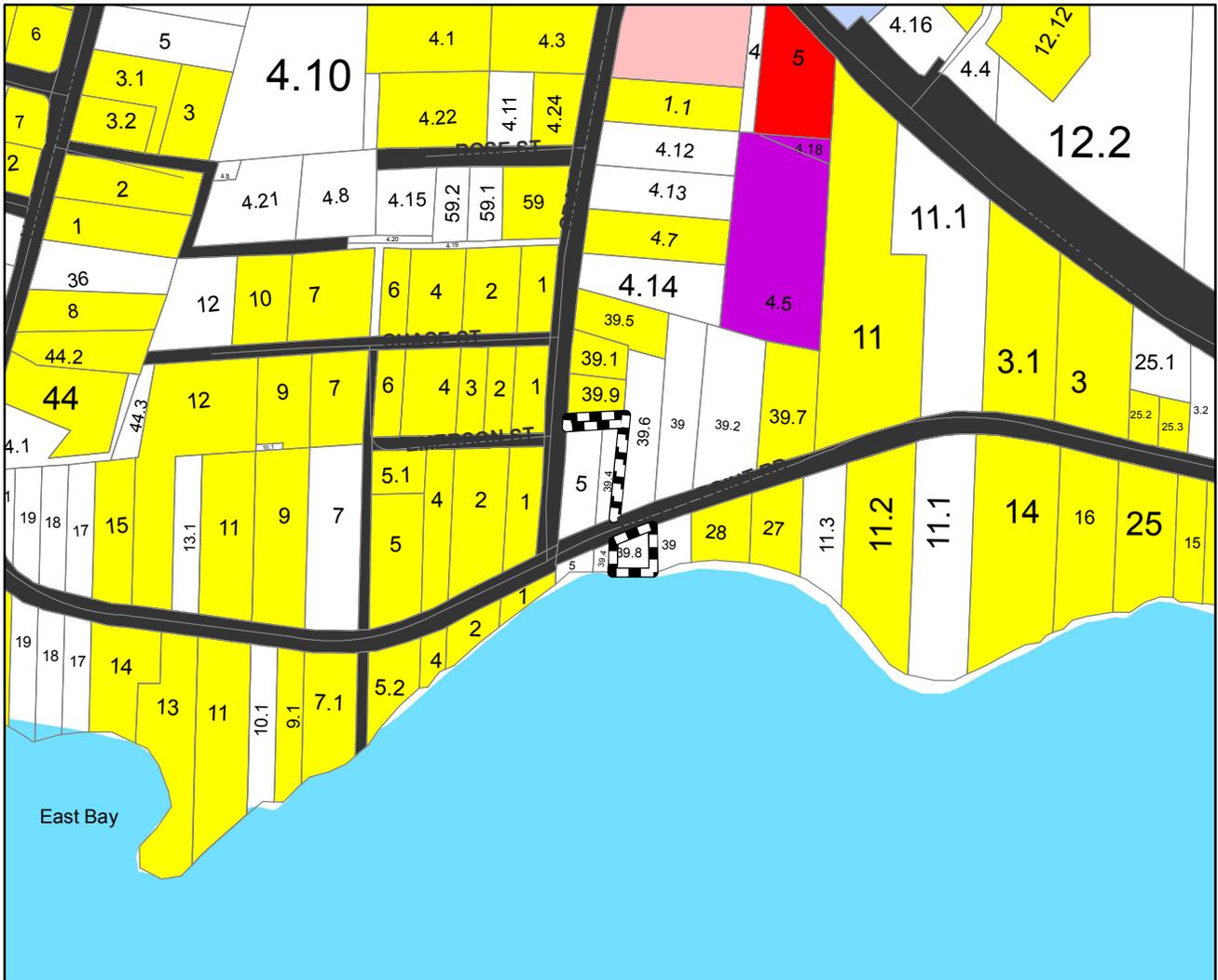
**Legend**

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
M1 within the Heart of Navarre (M1-HON)	R1 within the Heart of Navarre (R1-HON)	Navarre Beach - Commercial	

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# 2012-V-034 Existing Land Use



**Legend**

**Existing Land Use**

**CATEGORY**

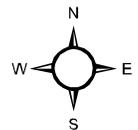
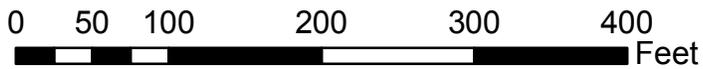
- |                                     |                                  |
|-------------------------------------|----------------------------------|
| Agriculture (AG)                    | Office                           |
| Agriculture, Homestead (AH)         | Public Owned Property (POP)      |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

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2012-V-034

Aerial

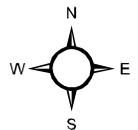
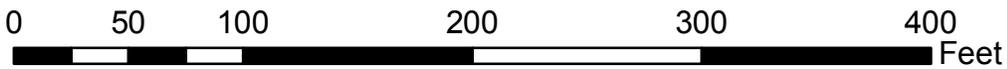


Legend

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**2012-V-034**  
**Potential Wetlands**  
**as indicated by the National Wetlands Inventory**



**Legend**

**Potential Wetlands**

**DESCRIPT**

- ESTUARINE
- LACUSTRINE
- PALUSTRINE
- RIVERINE
- MARINE

**Legend**

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# Santa Rosa County Development Services



Beckle 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

2012 JUN 27 PM 3 29

Rhonda C. Royals  
Building Official

## Variance Application

\* Application Instructions begin on Page 5

** For Official Use Only **			
Application No.	<u>2012-V-034</u>	Date Received:	_____
Review Fee:	_____	Receipt No.:	_____
Zoning District:	<u>RL</u>	FLUM Designation:	<u>SFR</u>

VD4

**Property Owner**

Property Owner Name: Noble Eloise (instead) Yeager  
2745 Star Dust Dr  
Address: 10541 Winding Way  
Tuscaloosa, AL 35405

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**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: Craig Swilley / Howard Swilley

Address: 622 Legion Ct  
Destin, FL 32541

Phone: 409-504-1025 Fax: \_\_\_\_\_

Email: Swilley97@aol.com

**Property Information**

Parcel ID Number(s): 01-23-27-0000-03908-0000  
-OR-

Street Address of property for which the Variance is requested:

.16 acre XXX Holley Point Rd

**Variance Request**

What is the present use of the property? vacant land

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

50 Variance to reduce the eastern side bldg setback from 9.4' to 7' and the rear setback from 40' to 30'

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

build a home

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.

**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.

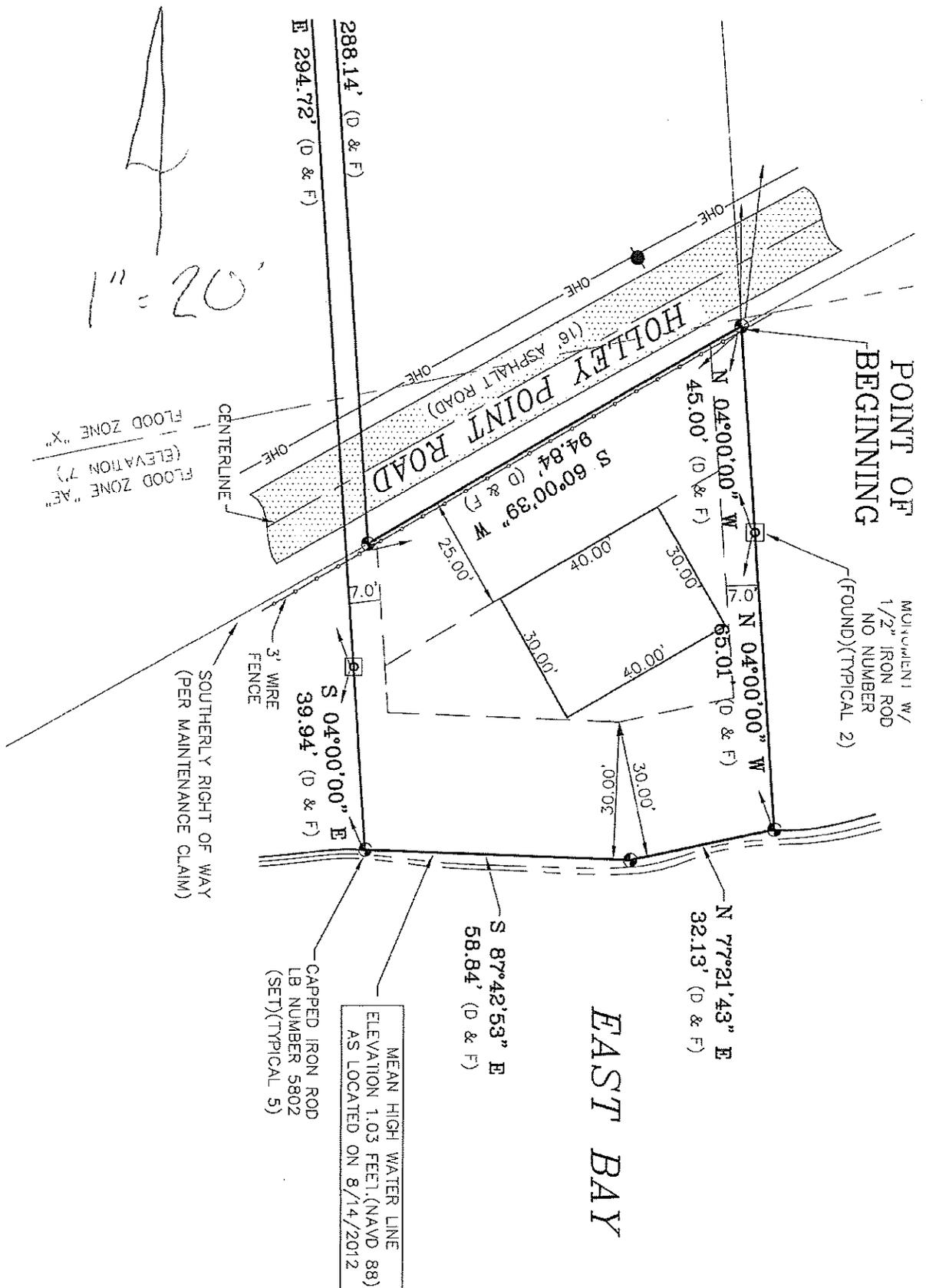
Howard Swilley  
Applicant Name (Type or Print)

[Signature]  
Applicant Signature

\_\_\_\_\_  
Title (if applicable)

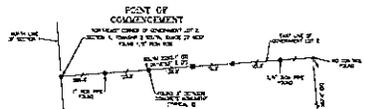
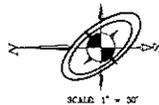
6/27/12  
Date

2012-V-034-Conceptual site plan showing dimensions of single family residence to be located on the property



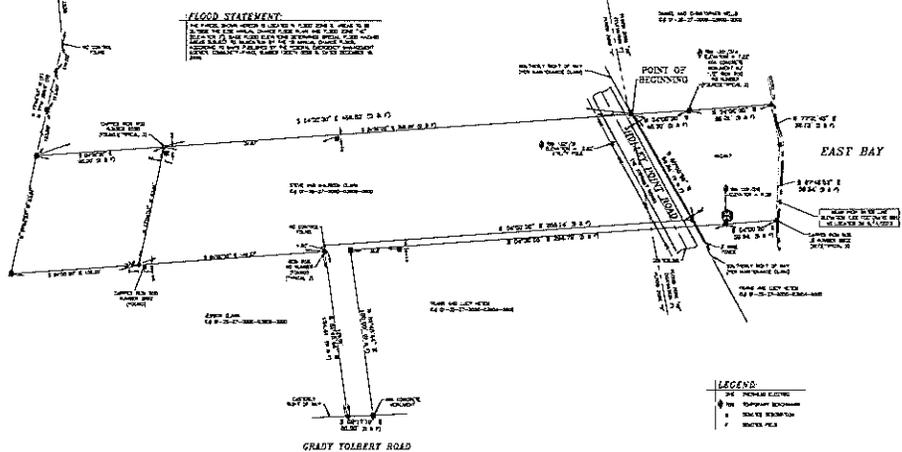
A MEAN HIGH WATER LINE SURVEY

BING A PORTION OF SECTION 1,  
TOWNSHIP 2 SOUTH, RANGE 27 WEST,  
SANTA ROSA COUNTY, FLORIDA.



**FLOOD STATEMENT:**  
A FLOOD STATEMENT IS REQUIRED BY LAW TO BE MADE IN ALL SURVEYS OF LANDS SUBJECT TO FLOODING. THE SURVEYOR HAS BEEN ADVISED BY THE CLIENT THAT THE LANDS SHOWN ON THIS SURVEY ARE SUBJECT TO FLOODING AND THAT THE MEAN HIGH WATER LINE HAS BEEN DETERMINED BY THE CLIENT'S REPRESENTATIVE.

VICINITY MAP  
NOT TO SCALE



- GENERAL NOTES:**
1. THIS SURVEY WAS MADE BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.
  2. THE MEAN HIGH WATER LINE WAS DETERMINED BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.
  3. THE MEAN HIGH WATER LINE WAS DETERMINED BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.
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  14. THE MEAN HIGH WATER LINE WAS DETERMINED BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.
  15. THE MEAN HIGH WATER LINE WAS DETERMINED BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.
  16. THE MEAN HIGH WATER LINE WAS DETERMINED BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.
  17. THE MEAN HIGH WATER LINE WAS DETERMINED BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.
  18. THE MEAN HIGH WATER LINE WAS DETERMINED BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.
  19. THE MEAN HIGH WATER LINE WAS DETERMINED BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.
  20. THE MEAN HIGH WATER LINE WAS DETERMINED BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.

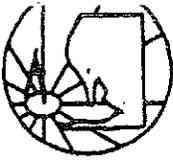
**DESCRIPTION:** (SEE LISTING OF RECORDS REFERRED TO)  
A PORTION OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 27 WEST, SANTA ROSA COUNTY, FLORIDA, AS SHOWN ON THE PLAT OF THE SURVEY OF THE MEAN HIGH WATER LINE, MADE BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.

- LEGEND:**
- MEAN HIGH WATER LINE
  - GRADY TOLBERT ROAD
  - POINT OF COMMENCEMENT
  - POINT OF BEGINNING
  - SURVEY POINT
  - BENCH MARK
  - WATER PILE

**SURVEYOR'S CERTIFICATE:**  
I, THE SURVEYOR, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT STATEMENT OF THE MEAN HIGH WATER LINE AS DETERMINED BY MEANS OF THE FOLLOWING INSTRUMENTS: THEODOLITE, TRANSIT, LEVEL, AND STAFFS.

**SOUTHERN SURVEYING, INC.**  
LAND SURVEYORS - LAND PLANNERS  
1000 W. UNIVERSITY BLVD., SUITE 100  
TALLAHASSEE, FLORIDA 32304  
PHONE: 904-833-1111  
FAX: 904-833-1112

Surveyed by: **MR. CRAIG SWILEY**  
Date: **12-15-08**  
Scale: **1" = 50'**  
Sheet: **1** OF **1**  
Project: **12-158**



DIRECTOR  
Mel R. Leonard, AICP

PLANNER  
Christine Early  
Tim Durbin

PLANNING / ZONING  
Evelyn Clemans  
Tanya Riley

CODE ENFORCEMENT  
H. Wayne Stewart  
Nanette Mathews  
Connie King

CARTOGRAPHER  
Darlene Nespor, MCF

August 7, 1998

R. Earl Winstead  
10541 Winding Way  
Tuscaloosa, Alabama 35405

RE: Variance  
98-V-036

Dear Mr. Winstead:

The application # 98-V-036 was approved by the Board of Adjustments at their meeting on August 6, 1998. The approval reduces the front setback of the subject property from 25' to 12' and the rear setback from 50' to 40'.

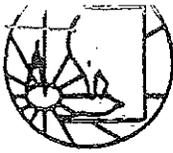
**Please bring this letter when obtaining your permits.**

Please remove your public hearing sign and if you have any questions give me a call.

Santa Rosa County Land Development Code # 91-24, Article 2.03.01(E) states that any person aggrieved by any decision of the Board of Adjustments may appeal a decision of the board by filing an appeal with the Board of County Commissioners. Such appeal shall be filed with the County Clerk in writing fifteen (15) calendar days of the decision or action appealed.

Sincerely,

Christine Early  
Planner  
Community Planning, Zoning,  
and Development Division.



DIRECTOR  
Mel R. Leonard, AICP

PLANNER  
Christine Early  
Tim Durbin

PLANNING / ZONING  
Evelyn Clemons  
Tanya Riley

CODE ENFORCEMENT  
H. Wayne Stewart  
Nanette Mathews  
Connie King

CARTOGRAPHER  
Darlene Nespor, MCF

November 6, 1998

R. Earl Winstead  
10541 Winding Way  
Tuscaloosa, Alabama 35405

RE: Variance  
98-V-047

Dear Mr. Winstead:

The application # 98-V-047 was **approved** by the Board of Adjustments at their meeting on November 5, 1998. The approval reduces the front setback of the subject property from 12' to 7' and the rear setback from 40' to 30'.

**Please bring this letter when obtaining your permits.**

Please remove your public hearing sign and if you have any questions give our office a call.

Santa Rosa County Land Development Code # 91-24, Article 2.03.01(E) states that any person aggrieved by any decision of the Board of Adjustments may appeal a decision of the board by filing an appeal with the Board of County Commissioners. Such appeal shall be filed with the County Clerk in writing fifteen (15) calendar days of the decision or action appealed.

Sincerely,

Mel Leonard  
Director