

Zoning Board  
February 9, 2012  
Milton, Florida

The Zoning Board met on the above date with the following members present: Chairman Jim Waite, and members Bill Dubois, William Merrill, Robin Edwards, Rob Williamson, Lonnie Hawkins, David Powell, and Bill Seelman. Leslie Statler, Planner I, and Beckie Cato, Planning and Zoning Director, represented the Planning and Zoning Department. Randy Roy represented NAS Whiting Field.

The first item of business was the review of the minutes from the January 12, 2012 meeting. Waite moved approval without objection of the January 12, 2012 minutes.

**Old Business:**

1. 2012-V-003

Project/Applicant: Betty Fountain, F&T II, LLC

Location: 1836 Lindsey Magnolia Court, Navarre

Parcel(s): 24-2S-27-2349-00A00-0070

Zoned: R2 (Medium Density Residential)

Request: Variance to reduce the front building setback from 20 feet to 14 feet to accommodate a single family dwelling (LDC 6.05.08.I.2)

District: Commissioner District #4

Waite asked why the request is for the front setback instead of the rear setback. Statler said the rear setback is along Highway 98, which is a major arterial. She said the setback requirement of 50 feet along a major arterial is part of the Comprehensive Plan which cannot be changed.

Ken Fountain said the reason for this request is because the homeowner's elderly mother will be living in this home. He said the limited mobility of the applicant's mother will not allow for a two story residence. Fountain said he felt some of the comments in the staff analysis will not impact his request. He said the requested 6 foot variance will allow for 16 foot of parking. Waite asked the width of the pavement. Fountain said approximately 40 feet.

Hawkins moved approval of the request. Williamson seconded, and the motion passed by majority vote. Hawkins, Williamson, Edwards, Merrill, Waite, Powell, Seelman in favor. Dubois opposed.

**New Business:**

1. 2012-V-005

Project/Applicant: Nick H. Nasse

Location: 1200 block of Pine Street, Gulf Breeze

Parcel(s): 31-2S-28-0000-02800-0000

Zoned: HCD (Highway Commercial Development)

Request: Variances to change the following to accommodate the development of a boat & RV storage facility:

(1) To eliminate the landscape buffer along the east side of the property

(2) To allow the placement of a screening fence within the front and corner side setbacks, specifically 10' from the front and south side property lines and directly behind the required perimeter landscaping

(LDC 6.04.15, 7.01.05 & 7.01.10.B & D)

District: Commissioner District # 5

Nick Nasse said he made this request in 2008 and was told to leave the landscape buffer natural. Statler said the elimination of the landscape buffer requirement allows Nasse to scale back the landscape buffer. Nasse said he agrees to have a survey. Dubois said he felt the buffer should meet code requirements.

John Taylor said when he purchased his property he had to comply with setbacks. He said landscaping buffers maintain the property values. Taylor said this request will make a very narrow area to store boats and RV's. He said boat owners need to flush engines which will create a lot of noise. Taylor said people will work on their boats and leave grease and other chemicals on the ground which will create environmental concerns. He said this area is 90% residential.

Williamson asked if the landscape buffer requirement was in place when this lot was platted. Statler said no.

Seelman asked hours of operation for the proposed storage facility. Nasse said it will be normal business hours. Seelman asked if there will be size restrictions for the vehicles he intends to store. Nasse said this facility cannot accommodate a vehicle over 29 feet.

Merrill moved approval of Variance 1 with the condition the buffer remains naturally vegetated. Hawkins seconded, and the motion passed with Merrill, Hawkins, Edwards, Williamson, Seelman, and Powell in favor. Waite and Dubois opposed.

Hawkins moved approval of Variance 2. Merrill seconded, and the motion passed with Hawkins, Merrill, Dubois, Waite, Williamson, Seelman, and Powell in favor. Edwards opposed.

2. 2012-V-007

Project/Applicant: Michael & Jane Morgan

Location: 4556 Bayside Drive, Milton

Parcel(s): 32-1N-29-0228-00000-0080

Zoned: R1 (Single Family Residential)

Request: Variance to reduce the Shoreline Protection Zone setback from 50 feet to 34 feet to accommodate the construction of a single family residence (LDC 12.01.00.A, 12.01.02.B, 12.02.00.A )

District: Commissioner District # 1

Michael Morgan said he was going by an old survey and did not realize how much erosion the lot had suffered. He said his lot is unique because not many other lots have had a 44% decrease in the buildable area. Morgan said the position of the house will cause the house to encroach on the current setback line. He said he was not allowed to put in a seawall because he was not allowed to reclaim any of his submerged land.

Jack Bonney said he lives on Escambia Bay and tries to protect it. He said he sympathizes with the Morgan's. Bonney said the shoreline protection zone is in place to protect the bays. He said there is no reason the setback requirements cannot be met. Bonney discussed benefits of the shoreline protection area.

Cheryl Kulka said she represents the Homeowners Association for Bayside North. She said the Homeowners Associations vote was unanimous that they will allow the variance if it passes this board. Kulka said the Morgan's have interest in protecting the bay. She said this lot is very irregular. Kulka said the Homeowners Association was not able to allow the variance on the sides of the lot because of the closeness to the adjacent properties. She said the Morgan's will be an asset to the community.

Seelman asked if the Homeowners Association discussed allowing Morgan to move the house forward 8 feet and splitting the difference. Kulka said no. She said the Morgan's are making concessions to the house they intend to build in order to meet requirements.

Williamson asked if the code requires a 50 feet setback from Bayside Drive. Statler said no. She said the setback requirement on Bayside Drive is 25 feet. He said he felt an 8 foot compromise is acceptable.

Michael Thomas said he built a home in this area in 2004. He said he felt the variance request is not out of reason and he supports this variance.

Dubois said he felt new construction should stay within the shoreline protection zone.

Merrill moved approval of the request. Williamson seconded, and the motion passed with Merrill, Williamson, Edwards, Waite, Seelman, and Powell in favor. Hawkins and Dubois opposed.

### 3. 2012-V-009

Project/Applicant: William & Mary Rohan

Location: 1154 Oyster Bay Drive, Milton

Parcel(s): 25-1S-28-4914-00B00-0070

Zoned: R1 (Single Family Residential)

Request: Variance to allow the construction of a dock, boat house, and pier (accessory structures) prior to the construction of the single family residence (primary structure) (LDC 2.10.05.A)

District: Commissioner District # 2

William Rohan said the Corps of Engineers and Department of Environmental Protection (DEP) suggested building the pier and the rip rap seawall at the same time. He said the Corps of Engineers' permit will expire if construction does not begin by March 18. Rohan said their house in Polynesian Isles is currently on the market and being shown regularly.

Hawkins moved approval of this request. Seelman seconded, and the motion passed with Hawkins, Seelman, Merrill, Edwards, Williamson, Waite in favor. Dubois and Powell in objection.

### 4. 2012-V-012

Project/Applicant: "The Pier" Dorothy Slye

Location: 8579 Gulf Boulevard

Parcel(s): 28-2S-26-0000-00100-0000

Zoned: NB CON / NB REC (Navarre Beach Conservation/Recreation)

Request: Variance to allow a tent (temporary structure) from November thru February (LDC 6.04.06.C)

District: Commissioner District # 4

Statler said this request applies only to the tent currently in place and will not apply to future tents. Williamson said he felt comments regarding noise do not apply to this variance. Waite said this variance pertains to a temporary structure, and this is not the venue to discuss a noise issue. Powell said the noise is not what is being discussed, but it is something to be considered.

Dorothy Slye said she applied for a variance for a tent. She said this is not her property; it is Santa Rosa County property. Slye said she wants to preserve the rights of the people in Santa Rosa County. She said any music will be in the open area. Slye said there has been no music after 5:00 p.m. since Halloween. She said the tent area is for people who want to get out of the cold but do not want to sit at the bar. Waite asked how many visitors come to the pier in a given day. Slye said since June 2010 there have been 189,000 people who visit the pier. She said 5,000 people visited the pier in December. Slye said the winter has been warm. She said the pier patrons are 75% walkers and 25% fisherman. Slye said this tent allows people to have a place to warm up. Everett Ratliff said this is an area for people to get out of the elements.

Edwards said she felt this tent enhances the pier area. Powell asked how this tent is making the county money. Slye said most people who come to the beach will walk out on the pier. Powell asked what are the special circumstance surrounding this variance. Slye said this is the only pier in Santa Rosa County. She said she is creating an area for citizens to have a great experience on Navarre Beach.

Hawkins said this tent will only be in place three more weeks. Dubois said he felt this tent is tacky, but it serves a purpose. He said he would be willing to approve this variance for this year only. Waite said this variance request is for this season only. He said March 1st the tent structure will be taken down. Williamson said he does not feel the tent is the best solution to the problem. He said a permanent modification to allow citizens to get out of the elements should be considered. Williamson said the damage is already done for this season. He said the pier is a big win for the County. Waite said he agreed. He said he felt Slye could have been a better tenant. Waite said Slye needs to respect the regulations of the County. Waite said seasonal temporary structures are a part of the beach.

Robert Smith said he supports this variance. He said he visits the pier regularly. He said the management of the pier has done an impeccable job supplying the needs of the patrons.

Laurie Gallup said she rents the office space to the west of the Pier. She said she asks the board to deny this variance because the sole purpose of this tent is to keep bar patrons warm. Gallup said the music and noise is a continuing problem. She said it is also her job to make money for the County through the vacation rentals she manages. Gallup said this bar is destroying the beaches family friendly reputation. She said this tent has been in place since October of 2011. Gallup said the variance application states there are no existing violations on the property. She said this is not true because of the non-conforming tent. Gallup said the applicant knowingly made a false statement on the application. She said it was not until the County Attorney sent a letter to the applicant that this issue was addressed. Gallup asked the Board not to reward bad behavior by approving this variance.

Williamson asked Gallup her solution to allowing people to get out of the elements during the winter months. Gallup said this has never been a problem before. She said there is no problem with people coming to the pier. Gallup said she would like the County to construct a boardwalk or shops on the beach.

Pam Wingate said she is the President of the Homeowners Association of the Inn at Summerwind. She said almost all of her owners have appealed to her to ask this board to deny this variance. Wingate said the applicant lied about the code violation on the variance application. She said this should be tabled until the Board of Commissioners can be involved in this issue.

Powell asked staff if there is a violation. Cato said yes. She said staff did not feel it was necessary to open an official code enforcement case on this issue because this is County owned property and being handled by the County Attorney.

Waite asked Wingate's opposition to this variance. Wingate said the noise coming from the pier bar. She said she is asking the Board to deny this because the applicant lied on the application. Wingate said the fishermen do not use they tent. She said fishermen can go into the pier store to warm up.

Slye said she received guidance from the County Attorney as to how to fill out the variance application.

Powell said he finds the tent uninviting and an eyesore. He said approving this variance encourages bad behavior. Powell said he felt the tent serves bar patrons.

Hawkins said if this variance is denied there will be a 30 day appeal window. He said the time frame makes this a mute point. Williamson said he does not like the look of a tent on the pier. He said this issue needs a better solution. Seelman said the pier is a work in progress.

Williamson moved approval of the variance. Dubois seconded, and the motion passed with Williamson, Dubois, Edwards, Merrill, Hawkins, Waite, Seelman in favor. Powell objected.

#### 5. 2012-CU-002

Project/Applicant: "April Showers Pet Grooming" April Collier

Location: 3211 Gulf Breeze Parkway, Gulf Breeze

Parcel(s): 32-2S-28-4820-00300-0840

Zoned: HCD (Highway Commercial Development)

Request: Conditional Use to allow a dog boarding/kennel facility to be located within an HCD zoning district (LDC 6.09.02.X)

District: Commissioner District #5

#### 2011-V-008

Project/Applicant: "April Showers Pet Grooming" April Collier

Location: 3211 Gulf Breeze Parkway, Gulf Breeze

Parcel(s): 32-2S-28-4820-00300-0840

Zoned: HCD (Highway Commercial Development)

Request: Variance to allow a 6-foot wood privacy fence along the sides and rear of the exercise area and a 6-foot chain link fence along the front of the exercise area in lieu of the required 8-foot screening fence or wall (LDC 6.09.02.X.2)

District: Commissioner District #5

April Collier said the outings of the dogs will be between 7 a.m. and 9 p.m. She said the building is sound proof. Collier said she is requesting a 6 foot chain link fence instead of an 8 foot privacy fence. She said she plans on putting a 2 foot arch along the top of the fence to prohibit dogs from escaping. Collier said the chain link will be placed one foot underground so the dogs cannot dig out. Waite asked why she is choosing chain link fencing. Collier said price. She said chain link also allows her to see who is coming to her shop.

Seelman asked if dog groomers are regulated at the state or federal levels. Collier said no. Seelman said his concern is how many dogs will be on the premises at one time. Collier said there will be no more than ten dogs at a time. Edwards said she does not see a problem with this request; however she feels an 8 foot privacy fence is necessary.

Seelman moved approval of the conditional use. Hawkins seconded, and the motion passed with Seelman, Hawkins, Edwards, Merrill, Williamson, Waite, and Powell in favor. Dubois opposed.

Merrill moved denial of the variance. Dubois seconded, and the motion passed with Merrill, Dubois, Edwards, Williamson, Seelman, and Powell in favor. Waite and Hawkins opposed.

#### 6. 2012-R-006

Applicant: David C. Thomas

Agent: David C. Thomas

Parcel(s): 36-2N-27-0000-00216-0000

Location: 9934 Shangri La West, Milton

Existing Zone: RR1 (Rural Residential Single Family)

Requested Zone: AG (Agriculture)

Current FLU: SFR (Single Family Residential)

Proposed FLU: No Change

Area size: 2.4 +/- acres

District: Commissioner District # 2

There was no one in attendance to represent this request. Statler said she spoke with the applicant earlier today and he intended on attending the meeting.

Joyce Todd said if this was her property she would have made it a point to be at this meeting. She said the parcel is only 2.4 acres which is not enough area to farm. Todd said the reason for this request is an oversight in permitting. She asked the board to find a way to leave the zoning as is but allow the applicant to use his mobile home on this lot. Statler said this variance was the only option for the applicant.

Waite asked what AG zoning will change for Todd. Todd said her concern is that this may set precedent. There was continued discussion about zoning options for this property.

Dubois said this area is notorious for spot zoning. He said another way is to condition this parcel to one mobile home.

Ronald Taylor said this is his retirement property, and he does not want mobile homes on this property beside him.

Glyn Smith said he does not want this zoning in his neighborhood.

Seelman said this is not the applicant's fault. Merrill said it is clear everyone wants to allow the applicant to have the mobile home without allowing more mobile homes on the surrounding property. He said the mechanics of how to accomplish that is the question. Hawkins said he felt this should be tabled until next month to allow staff time to work on this with the applicant.

Hawkins moved to table this request. Williamson seconded, and the motion passed unanimously.

7. Proposed text amendment to the Santa Rosa County Land Development Code presented by Beckie Cato:

Amending Land Development Code Section 6..09.02; Adding the provision to allow recreational vehicles as temporary living quarters in residential districts during the construction of a principal residence; and Establishing the criteria for such requests.

Waite said this item was discussed last month but the board decided to table this item until wording adjustments could be made to the amendment. Cato said she reworked this amendment based on the boards input. She said the County does not allow citizens to live in an RV in any district other than recreational districts. Cato said this amendment allows a conditional use to be approved or denied on a case by case basis.

Seelman asked if this will apply when a house is burned or damaged by hurricane. Edwards said last month the board members felt a two year time limit was excessive. Dubois said he recommends a 12 month limit. Hawkins suggested a 12 month limit with two optional 6 month extensions at staff level if necessary. Powell said he would like to add the words "and not occupied" to section 6.04.04.

Williamson moved approval with the following changes:

- Add the text "and not occupied" to section 6.04.04
- Maximum time of allowed use will be 12 months with 2 six month extensions granted by staff if necessary.

Hawkins seconded, and the motion passed unanimously.

8. Information and Recommendation for a workshop to discuss changes to the Santa Rosa County Land Development Code presented by Beckie Cato and Paul Miller:

Amending the Land Development Code Section 6.05.25, Fairpoint Regional Utility System Wellfield Protection area, including the expansion of the district boundaries, modifications to the allowed land uses

Cato said because this item will take a considerable amount of time to discuss. She said she would like for the board to have a workshop to discuss this item. She said in August 2010 the County adopted a Wellfield Protection Area in the East Milton area. She said Wallis Mahute found an EPA (Environmental Protection Agency) grant the County can apply for to do an analysis of this area. She said the county contracted with Advanced Geo Spatial Inc. to do this analysis. Cato said Advanced Geospatal recommended the area be expanded and land use restrictions be applied. She said proposed dates for the workshop are February 28th or March 1st. After discussion the board decided March 1st will be the best date for the workshop.

Wallis Mahute said the protection of the aquifer is important, and her main goal is to protect the water.

Jack Bonney asked if the workshop will be a public meeting. Cato said yes. She said she anticipates the public will come. She said a suggestion was made to invite the Board of Commissioners to this workshop. Waite said the Board of Commissioners are always invited to public meetings. Bonney asked if the board will be voting at the end of this meeting. Waite said if this is the case the meeting will need to be a "Special Meeting" and not a "Workshop". Waite said he would like a workshop so he can be better informed prior to making any decisions. Dubois said this will take time. Hawkins said the regularly scheduled Zoning Board meeting is only one week later, so this gives the board time to digest the information.

**Planning Department Matters:**

Review of BOCC January 26, 2012 meeting results.

1. Conditional Use 2012-CU-001

Statler said the applicant narrowed her request to 4 Recreational Vehicle campsites.

2. Rezoning 2012-R-001, 2012-R-002, and 2012-R-003

Statler said all three items were passed as recommended by this board.

**Next Meeting:**

The next Zoning Board meeting will be held March 8, 2012.

**Adjournment:**

There being no further business to come before the board at this time, the meeting adjourned.