

BOARD OF ADJUSTMENT

AGENDA REQUEST

TO: Honorable Chairman and Members of the Okaloosa County Board of Adjustment

THROUGH: Elliot Kampert, Director

FROM: Planning & Development Review Staff

SUBJECT: 401695-BOA-2016, Variance Request

AGENDA DATE: July 12, 2016

APPLICANT(S): Michael and Ashley Shelton

OWNER(S): Michael and Ashley Shelton

LOCATION: 2346 Twin Bay View, Fort Walton Beach

PARCEL INFORMATION:

- Property Appraiser's Parcel ID Number(s): 36-1S-24-0000-0040-0000
- Property contains .46 acres more or less
- BCC District: (3) Commissioner Boyles
- BOA District: (3) Scott Kearney
- Future Land Use Map Designation: Low Density Residential (LDR)
- Zoning District: Residential – 1 (R-1)
- Current Use: Single-family residence
- See attached GIS analysis for additional information

SURROUNDING LAND USES:

- North: Residence
- South: Don's Bayou
- East: Residence
- West: Residence

REQUESTED VARIANCE: The applicant is requesting relief from Section 2.03.06, R-1 Bulk Regulations, Okaloosa County Land Development Code as follows.

Table 2.3, Bulk Regulations, Minimum Building Setbacks, Side Setback 10 feet.

STAFF ANALYSIS:

- The property is a metes and bounds parcel which is not part of a recorded subdivision.

- The property is an irregular shape being long and narrow.
- The applicants are proposing to demolish an existing house so as to build a new house on the property.
- The side setbacks of the existing house are as close if not closer than those being requested by the applicant.
- As shown on the Aerial Photo (Attachment B) adjacent and nearby houses have side setbacks situated similarly to the requested setback.
- The house proposed for construction appears to be of similar size and nature as the existing adjacent and nearby houses.

FINDINGS:

In order to authorize any variance the Board of Adjustment must and shall make findings based upon the following criteria and standards. The response to each was taken from the application.

Section 11.02.09.3(a) "That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to the other lands, structures or buildings in the same zoning district".

As indicated on the attached survey performed by Panhandle Associates, Inc., the subject property is 52.5 feet wide and 389 feet deep. The subject property is located adjacent to Don's Bayou. The setback variance requested is not unique to the entire county, but is unique to the parcels in the immediate vicinity along Don's Bayou. Due to the dimensions of the subject parcel, the variance is needed in order to construct a home in conformity with the adjacent parcels and the neighborhood. The necessity for a variance exists as the zoning district requires a larger side yard setback; however, given the width of the subject property, a variance is necessary in order to build a residence in conformity with the surrounding neighborhood.

Section 11.02.09.3(b) "That the special conditions and circumstances do not result from the actions of the applicant."

The applicants purchased the subject property with the current residential home located upon the property as indicated by that survey performed by Panhandle Associates, Inc. dated 8/12/2011. The house as purchased currently rests 4.8 feet from the property line on the east side and 1.9 feet from the property line on the west side. This construction was not performed by the applicants, but was present at the time of the purchase of the property.

Section 11.02.09.3(c) "That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings or structures in the same zoning district."

There is no special privilege that will be obtained by the applicants if this variance is approved. The request of the applicants for the variance is done so to maintain the property in a similar manner as the other properties, buildings, and structures located

within the same zoning district. That is to say, the proposed structure to be placed within the proposed setbacks will be in conformity with the neighborhood and zoning district, as well as the adjacent properties.

Section 11.02.09.3(d) “That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.”

The applicants have expended an extensive amount of due diligence in the design of a Single family residence utilizing 5 foot side setbacks specifically for the subject property. The 52.5 foot lot width prevents design of such a house in keeping conformity with the surrounding neighborhood while simultaneously meeting side setback regulations. Denial of requested variance will cause the applicants undue hardship in the form of lost time and funds expended to design and redesign a residence, and force the applicants into construction of a residence peculiar and disharmonious to the neighborhood.

Section 11.02.09.3(e) “That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.”

The variance requested would be less of an encroachment to the property line than the property's current usage. The structure located upon the property is currently closer to the property line than is requested by the applicants. 5 feet have been requested, as that is the minimum variance it will take in order to construct a house upon the property.

Section 11.02.09.3(f) “That the grant of the variance will be in harmony with the general intent and purpose of the Land Development Code, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.”

The very purpose of this variance is to achieve construction of a single family residence for our family that will be in harmony with neighboring properties. We have worked extensively to design a home in conformity with our neighborhood and neighbors, and have come to a conclusion that a variance is the only way to achieve this. Allowing for this variance will achieve both harmony with the community and with the land development code in that it anticipates single exemptions when necessary, this being one of those necessary situations.

STAFF RECOMMENDATION: Based on the findings presented herein, and unless any other evidence is presented to the contrary, staff has no objection to granting the requested variance.

PUBLIC COMMENT/OPPOSITION: None to date.

ATTACHMENTS:

- A – Location Map
- B – Aerial Photo

C – Existing Land Use Map
D—Future Land Use Map
E – Application
F – Survey
G – House/site plan

TJ/tj

GIS ANALYSIS RESULTS

Date: 6/13/2016

Project: 36-1S-24-0000-0040-0000

Permit: 401695-BOA-2016

Property Address: LOCATED AT 2346 TWIN BAY VIEW, FORT WALTON BEACH

Zoning: R-1

FLU: LDR

1990 FLU: MDR

Fire District: OCEAN CITY-WRIGHT **Commissioner District:** 3 **Census Tract:** 21700

Soil Type: 12 –Lakeland sand – 0 to 5% slope, excessively drained, permeability is rapid, the available water capacity is very slow, and runoff is slow.

13 – Lakeland sand – 5 to 12% slope, excessively drained soils usually leads to drainage ways and around depressions, permeability is rapid, the available water capacity is very slow, runoff is slow.

Wind Zone: GREATER THAN 140 IN THE WIND BORNE DEBRIS AREA

Flood Zone: X 500 Year Flood Plain **Map Number:** 12091CO 453H

Storm Surge Area: YES CAT 4& 5

Urban Development Area: YES

Water Efficient Area: YES

Wells: None

Environmental Data: NO

Historical Data: None

Wetlands: Uplands

Water and Sewer: OCWS

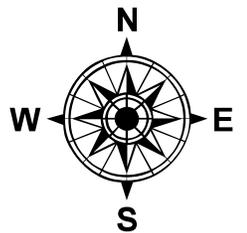
Within 3 mile of an Airport: NO

36-1S-24-0000-0040-0000



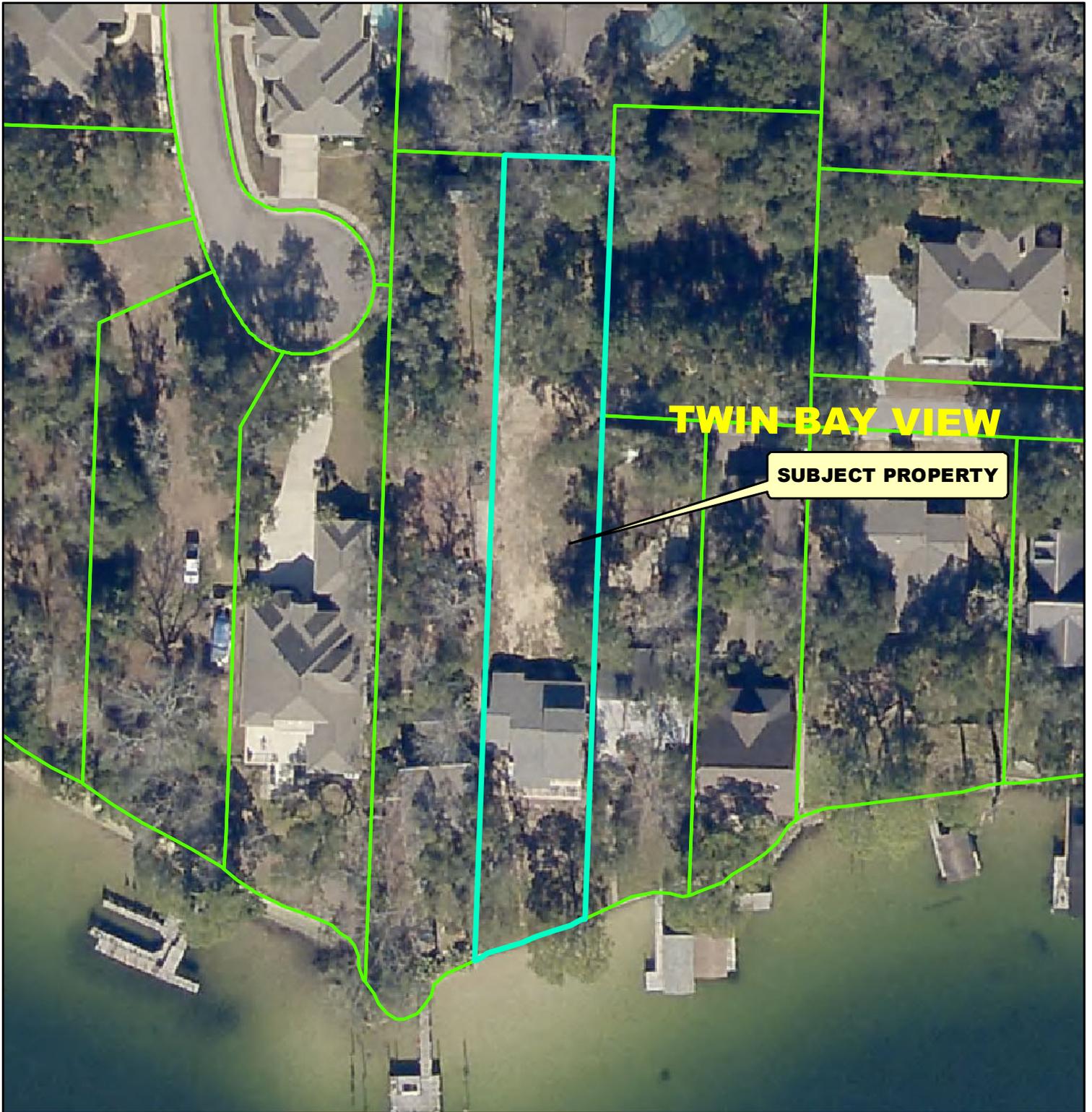
Legend

— Roads



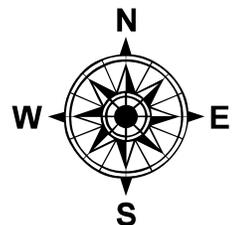
Location Map

36-1S-24-0000-0040-0000



Legend

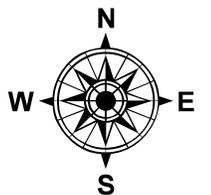
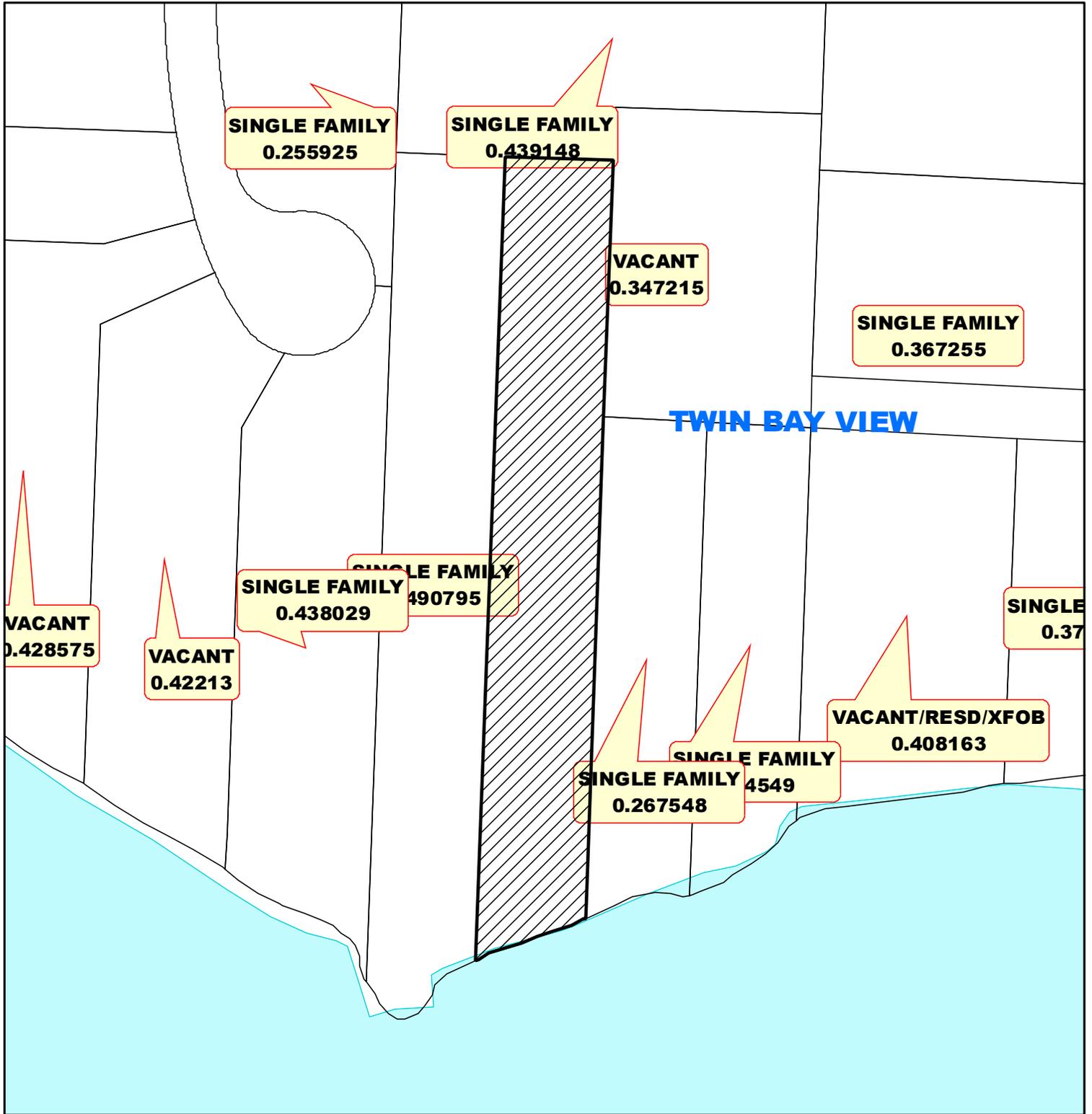
 Parcel Lines



Aerial Photo

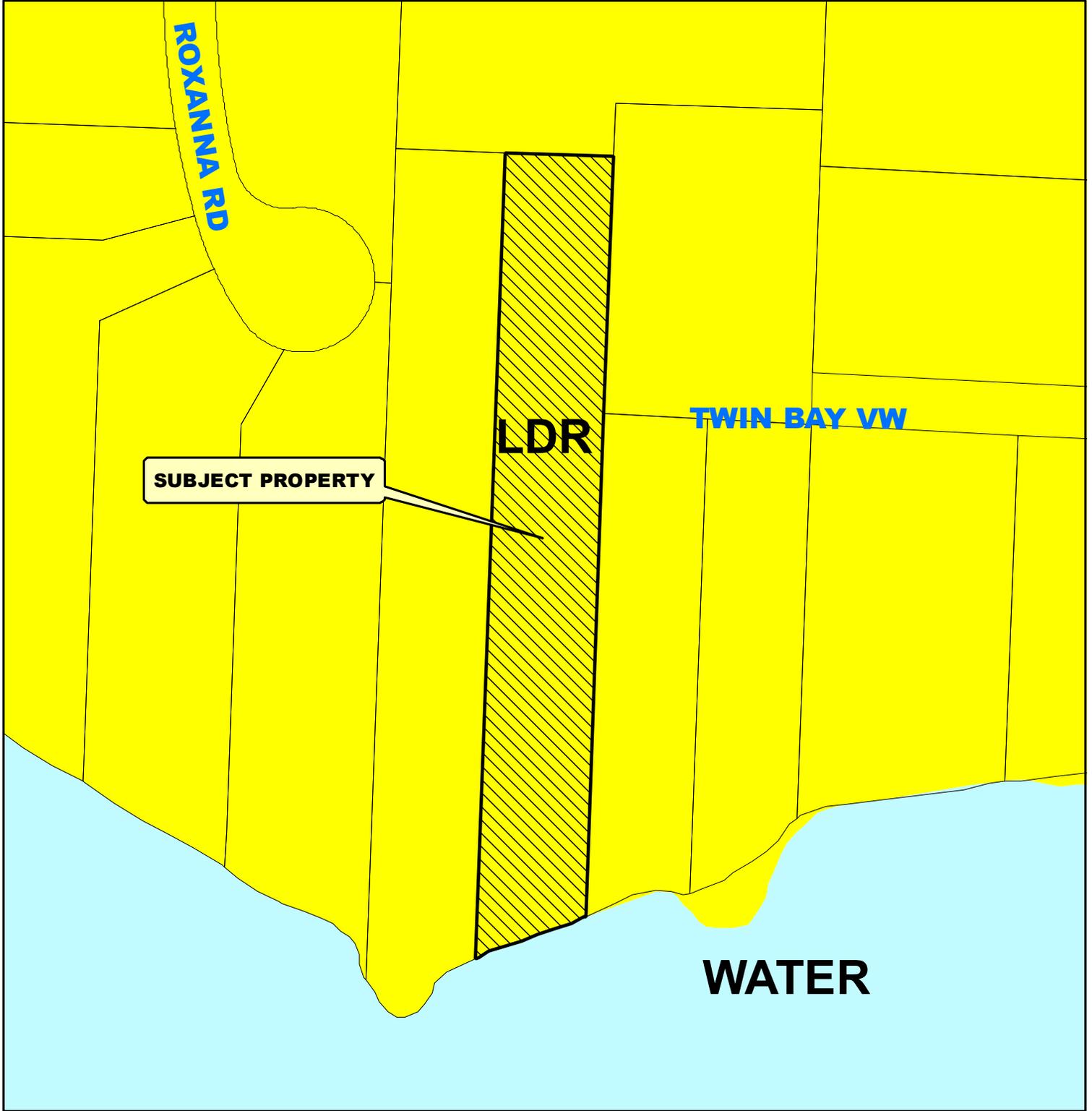
ATTACHMENT - C

36-1S-24-0000-0040-0000



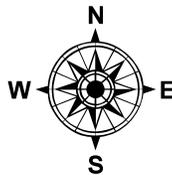
Existing Land Use Map

36-1S-24-0000-0040-0000



FLUM Legend

 LDR



ZONE Legend

 R-1

FLUM & Zoning Map

Michael & Ashley Shelton
1622 Ella Ruth Drive
Fort Walton Beach, FL 32547
(618) 670 - 8918
Michael.shelton.11@us.af.mil

ATTACHMENT
E

JUNE 6, 2016

Okaloosa County Board of Adjustment

1250 N. Eglin Parkway, Suite 301
Shalimar, FL 32579

Dear Board of Adjustment,

We, Michael and Ashley Shelton, petition the board for consideration of setback variance for 2346 Twin Bay View. Specifically, the variance request is to reduce the side setback from 10 feet to 5 feet, for the purpose of building a new residence for our family that will be in conformity with the surrounding beautiful neighborhood.

Your favorable consideration of our request would be greatly appreciated.

Sincerely,



Michael Shelton



Ashley Shelton

401695-BOA-2016

OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT
APPLICATION FOR VARIANCE
Revised August, 2005

Applicant name: Michael & Ashley Shelton

Applicant is: Property owner X Authorized agent*
*Attach verification

Applicant address: 1622 Ella Ruth Drive
Fort Walton Beach FL 32547

Applicant telephone: (618) 670-8918 FAX

Name of property owner if different than applicant: N/A

Address of property involved: 2346 Twin Bay View
Fort Walton Beach FL 32547

Property ID Number: 36-1S-24-0000-0040-0000

Land use information: FLUM category LDR
Zoning district Residential - 1

Size of property: 0.46 acres OR sq. ft.

Variance request:

1. Specific section of the Land Development Code from which the variance is requested 2.03.06

2. Describe exactly what the variance is for.
The variance request is to reduce the side setback from 10 feet to 5 feet. There is currently a house placed upon the subject property described above, and the undersigned applicants desire to remove the existing single family residence and replace it with a new home in harmony with the surrounding waterfront community.

Standards of review: Describe in as much detail as possible how the variance request meets **each** of the following standards. Attach additional sheets if necessary.

1. *That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.*

As indicated on the attached survey performed by Panhandle Associates, Inc., the subject property is 52.5 feet wide and 389 feet deep. The subject property is located adjacent to Don's Bayou. The setback variance requested is not unique to the entire county, but is unique to the parcels in the immediate vicinity along Don's Bayou. Due to the dimensions of the subject parcel, the variance is needed in order to construct a home in conformity with the adjacent parcels and the neighborhood. The necessity for a variance exists as the zoning district requires a larger side yard setback; however, given the width of the subject property, a variance is necessary in order to build a residence in conformity with the surrounding neighborhood.

2. *That the special conditions and circumstances do not result from the actions of the applicant.*

The applicants purchased the subject property with the current residential home located upon the property as indicated by that survey performed by Panhandle Associates, Inc. dated 8/12/2011. The house as purchased currently rests 4.8 feet from the property line on the east side and 1.9 feet from the property line on the west side. This construction was not performed by the applicants, but was present at the time of the purchase of the property.

3. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings, or structures in the same zoning district.*

There is no special privilege that will be obtained by the applicants if this variance is approved. The request of the applicants for the variance is done so to maintain the property in a similar manner as the other properties, buildings, and structures located within the same zoning district. That is to say, the proposed structure to be placed within the proposed setbacks will be in conformity with the neighborhood and zoning district, as well as the adjacent properties.

4. *That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.*

The applicants have expended an extensive amount of due diligence in the design of a single family residence utilizing 5 foot side setbacks specifically for the subject property. The 52.5 foot lot width prevents design of such a house in keeping conformity with the surrounding neighborhood while simultaneously meeting side setback regulations. Denial of requested variance will cause the applicants undue hardship in the form of lost time and funds expended to design and redesign a residence, and force the applicants into construction of a residence peculiar and disharmonious to the neighborhood.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

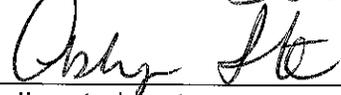
The variance requested would be less of an encroachment to the property line than the property's current usage. The structure located upon the property is currently closer to the property line than is requested by the applicants. 5 feet have been requested, as that is the minimum variance it will take in order to construct a house upon the property in keeping with the harmony of the neighborhood and adjacent land owners.

6. That the grant of the variance will be in harmony with the general intent and purpose of the Land Development Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The very purpose of this variance is to achieve construction of a single family residence for our family that will be in harmony with neighboring properties. We have worked extensively to design a home in conformity with our neighborhood and neighbors, and have come to a conclusion that a variance is the only way to achieve this. Allowing for this variance will achieve both harmony with the community and with the land development code in that it anticipates single exemptions when necessary, this being one of those necessary situations.

Certification: I do hereby certify and affirm that the information represented in this application is true and correct to the best of my knowledge. I also give my permission for county staff to enter upon the property involved at any reasonable time for purposes of inspections or posting of notices.

Michel Shelton & Ashley Shelton
Applicant typed or printed name



Applicant signature

6 June 2016
Date

Corporate officer

Corporate seal



This is to certify that I have consulted National Flood Insurance Rate Map, effective December 6, 2002, for Okaloosa County, Florida, Map No. 12091C0453 H, and found the residence on the property described hereon to be located in Zone "X", area determined to be outside 500-year flood plain.

LEGAL DESCRIPTION:
 BEGIN 1132 FEET NORTH AND 2176.5 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 24 WEST; THENCE EAST 52.5 FEET; THENCE SOUTH 366 FEET TO THE NORTH EDGE OF DON'S BAYOU; THENCE SOUTHWESTERLY ALONG SAID BAYOU A WEST DISTANCE OF 52.5 FEET; THENCE NORTH 396 FEET TO POINT OF BEGINNING, OKALOOSA COUNTY, FLORIDA.

TOGETHER WITH RIGHT OF INGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED EASEMENT (TWIN BAY VIEW) PER O.R. BOOK 1460 PG. 1305.

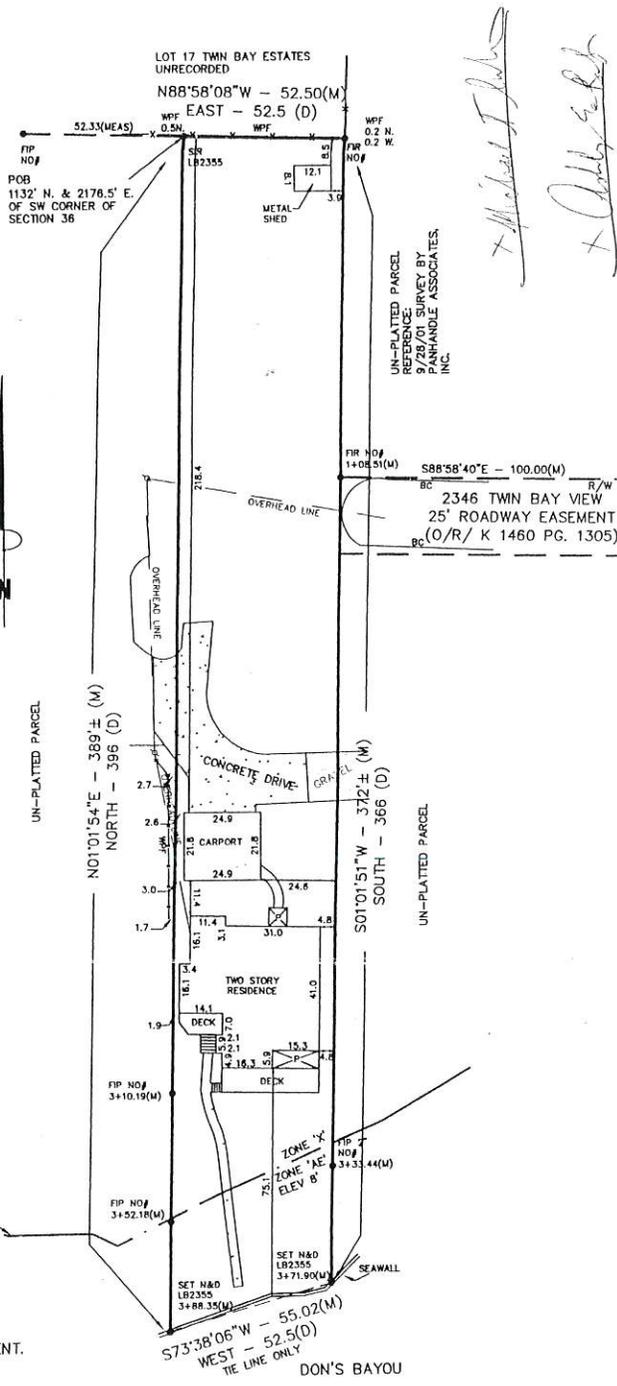
LEGAL DESCRIPTION:
 A 25 FOOT EASEMENT FOR INGRESS/EGRESS, UTILITIES AND DRAINAGE IN SECTION 36, TOWNSHIP 1 SOUTH, RANGE 24 WEST, OKALOOSA COUNTY, FLORIDA. SAID EASEMENT LYING 12.5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
 COMMENCE AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 24 WEST, OKALOOSA COUNTY, FLORIDA; THENCE SOUTH 89°05'00" EAST ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 2,649.24 FEET TO A PIPE AND BRASS CAP BEING THE SOUTH ONE-QUARTER SECTION CORNER PER 1937 GOVERNMENT RESURVEY; THENCE N 01°18'30" E ALONG THE LINE DIVIDING GOVERNMENT LOTS 5 AND 6, A DISTANCE OF 996.06 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF TWIN BAY VIEW (25 FT. INGRESS EASEMENT); THENCE N 88°58'40" W ALONG SAID SOUTH R/W A DISTANCE OF 402.41 FEET; THENCE N 01°01'20" E A DISTANCE OF 12.50 FEET TO THE POINT OF BEGINNING OF CENTERLINE HEREIN DESCRIBED; THENCE S 88°58'40" E ALONG THE CENTERLINE OF TWIN BAY VIEW (25' FT. EASEMENT) A DISTANCE OF 445.72 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF TWIN BAY DRIVE (25 FT. EASEMENT); THENCE N 11°49'00" W ALONG THE CENTERLINE OF SAID TWIN BAY DRIVE A DISTANCE OF 350.86 FEET TO THE P.C. OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 169.87 FEET AND A CENTRAL ANGLE OF 27°30'00"; THENCE NORTHWESTERLY ALONG AND WITH SAID CURVE AND CENTERLINE A DISTANCE OF 81.53 FEET (CHORD BEARING N 25°34'00" W, CHORD DISTANCE OF 80.75 FT.) TO THE P.T. OF SAID CURVE; THENCE N 39°19'00" W ALONG SAID CENTERLINE A DISTANCE OF 187.28 FEET MORE OR LESS TO THE SOUTHERLY R/W OF MOONEY ROAD (EXISTING COUNTY ROAD) AND THE TERMINUS OF THIS CENTERLINE AND DESCRIPTION. CONTAINS 0.61 ACRES, MORE OR LESS, ALL LYING IN SECTION 36, TOWNSHIP 1 SOUTH, RANGE 24 WEST, OKALOOSA COUNTY, FLORIDA. BEARINGS BASED ON SOUTH LINE OF SECTION 36.

CERTIFIED TO:
 OLD SOUTH LAND TITLE COMPANY
 CHICAGO TITLE INSURANCE COMPANY
 MICHAEL T. SHELTON AND ASHLEY E. BYRD
 MORTGAGE ONE OF THE SOUTH, INC.

FLOOD ZONE DESIGNATION LINE AS SCALED FROM FLOOD INSURANCE RATE MAP

- REFERENCES:**
 1) ADJACENT SURVEYS BY PANHANDLE ASSOCIATES INC.
 2) UNRECORDED PLAT OF TWIN BAY ESTATES

REVISED 8/18/2011: ADDED DESCRIPTION FOR TWIN BAY VIEW INGRESS EASEMENT.



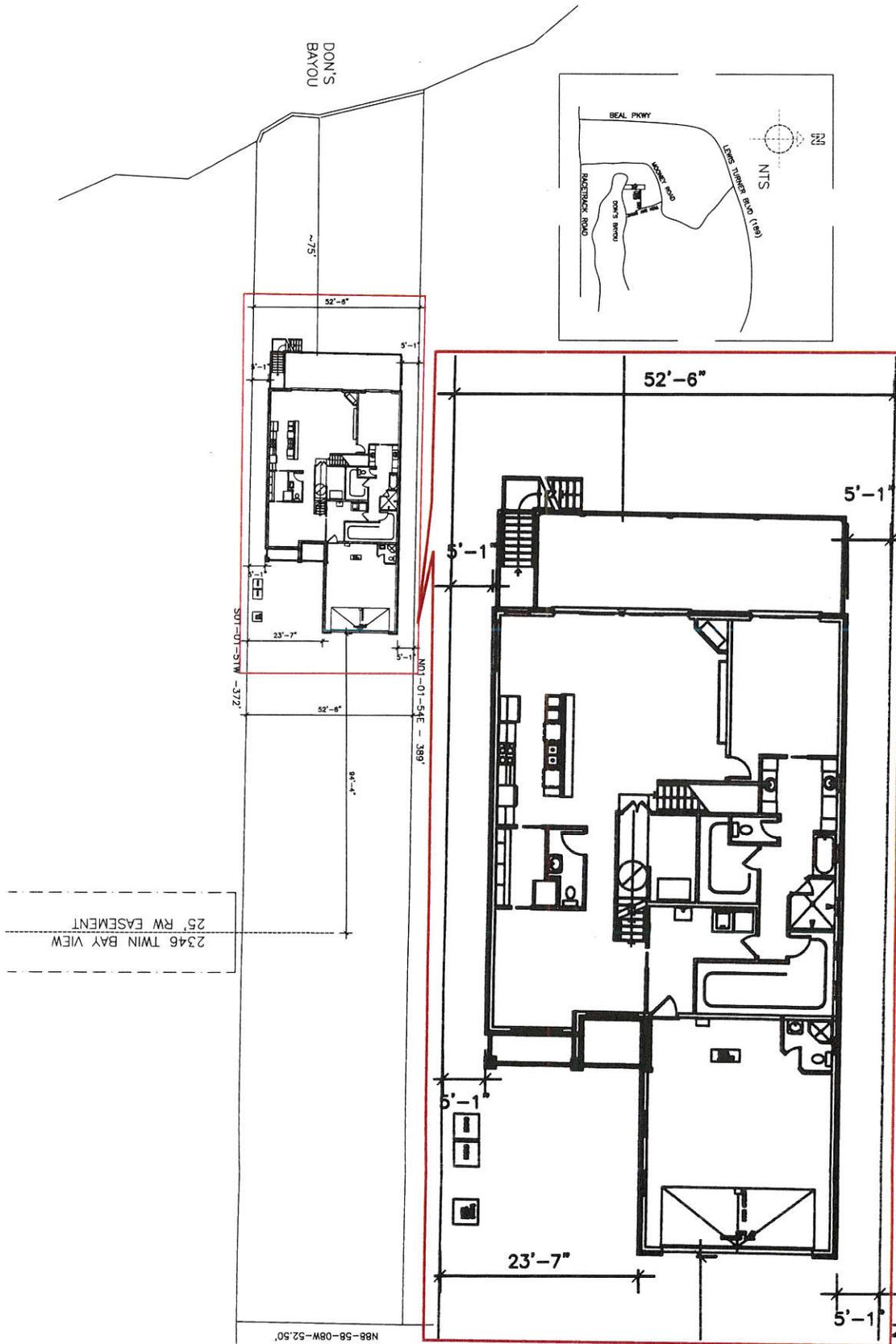
THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

LEGEND

- | | | | |
|--|--|--|--|
| <p>FND = FOUND
 FMN = FOUND MAZE NAIL
 FR = FOUND IRON ROD
 FIP = FOUND IRON PIPE
 F N&D = FOUND NAIL & DISC
 TYP = TYPICAL
 ELEV = ELEVATION
 CL = CENTERLINE</p> | <p>R/W = RIGHT OF WAY
 CLF = CHAIN LINK FENCE
 WPF = WOOD PRIVACY FENCE
 D/U = DRAINAGE & UTILITY
 PB = PLAT BOOK
 ESMT = EASEMENT
 EOP = EDGE OF PAVING
 BC = BACK OF CURB
 PP = POWER POLE
 OHL = OVERHEAD LINES
 FFE = FINISHED FLOOR ELEVATION</p> | <p>LS = LAND SURVEYOR NUMBER
 LB = LAND SURVEY BUSINESS NUMBER
 COE = CORPS OF ENGINEERS
 MHW = MEAN HIGH WATER LINE
 POC = POINT OF COMMENCEMENT
 POB = POINT OF BEGINNING
 POL = POINT ON LINE
 PC = POINT OF CURVATURE
 PT = POINT OF TANGENCY
 PRC = POINT OF REVERSE CURVE
 BSL = BUILDING SETBACK LINE
 RC = RESTRICTIVE COVENANTS</p> | <p>PI = POINT OF INTERSECTION
 (P) OR (PLAT) = PLATTED
 (D) OR (DESC) = DESCRIPTION
 (M) OR (MEAS) = MEASURED
 OR BOOK = OFFICIAL RECORDS BOOK
 PCP = PERMANENT CONTROL POINT
 PRM = PERMANENT REFERENCE MONUMENT
 NAVD = NORTH AMERICAN VERTICAL DATUM
 NGVD = NATIONAL GEODETIC VERTICAL DATUM
 DOT = DEPARTMENT OF TRANSPORTATION
 DEP = DEPARTMENT OF ENVIRONMENTAL PROTECTION</p> |
|--|--|--|--|

SOURCE OF DESCRIPTION FURNISHED BY CLIENT		BASIS OF BEARINGS S 88°58'40" E ALONG R/W OF TWIN BAY VIEW	
DESCRIPTION PER ABOVE		OKALOOSA COUNTY, FLORIDA	
SECTION 36	TOWNSHIP 1-S	RANGE 24-W	RECORDED BOOK PAGE
OBVIOUS ENCROACHMENTS NONE			
UNDERGROUND ENCROACHMENTS (NOT LOCATED)			
SCALE 1" = 40' SURVEY DATE 8/12/2011			
ORDERED BY OLD SOUTH LAND TITLE COMPANY			
F.B. 11-5 PG 158-16 W.O. 2011-0607		SURVEYORS CERTIFICATE I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEETS THE MINIMUM TECHNICAL STANDARDS OF THE FLORIDA BOARD OF SURVEYORS AND MAPPERS. (5J-17 .050 - .052 F.A.C.) <i>Edward E. Rice</i>	
11-6 PG 4-5		EDWARD E. RICE LS3420 OR MICHAEL D. HAWK LS4545	
TYPE OF SURVEY BOUNDARY		RECERTIFIED DATE _____ W.O. _____	
PURPOSE MORTGAGE		ORDERED BY _____	
		UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.	
		TWIN BAY UNREC	

PANHANDLE ASSOCIATES INC.



2346 TWIN BAY VIEW
25' RW EASEMENT

SITE PLAN:
NEW RESIDENCE
2346 TWIN BAY VIEW
FT. WALTON BEACH, OKALOOSA, FL

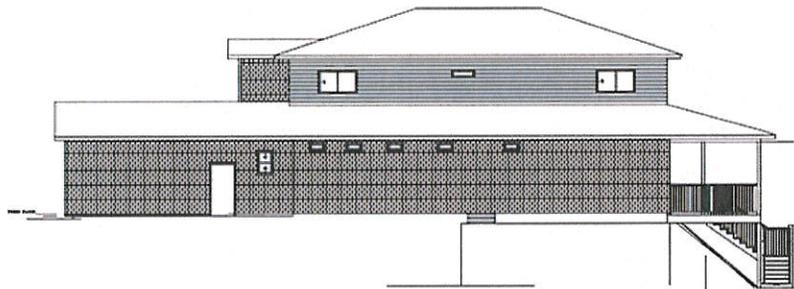
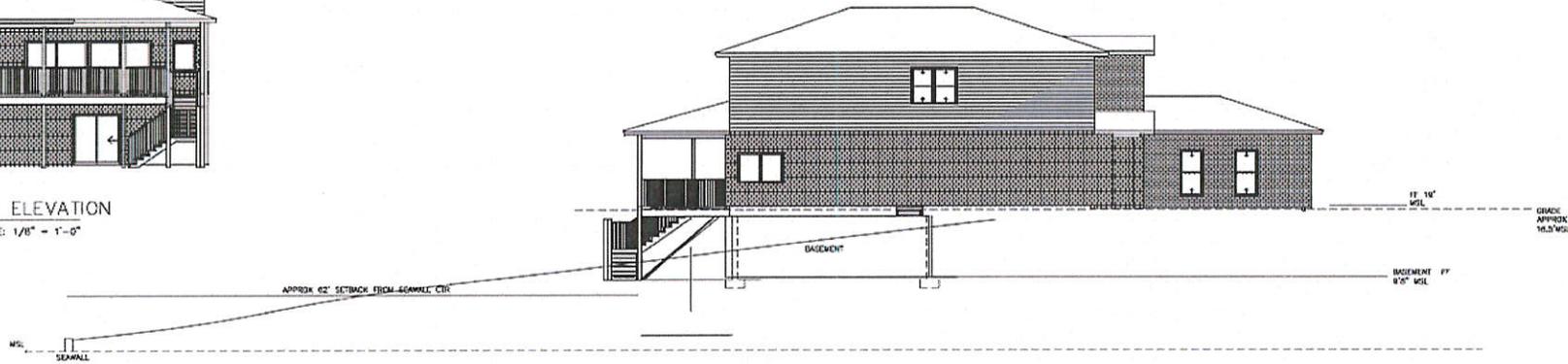
OKALOOSA COUNTY, FL

PREPARED FOR:
MICHAEL AND ASHLEY SHELTON
2346 TWIN BAY VIEW
FT. WALTON BEACH, OKALOOSA, FLORIDA

DATE: 2012	DRAWN BY: SLC
REVISIONS:	
NO.	DATE
BY	FM



REAR ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

LANEY'S CONSTRUCTION SERVICES

DALE L. COON
8 WARBLER WAY
CRESTVIEW, FL 32539
850.682.3204 / 850.612.3898

NOTED: THE ARCHITECT AND ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN OF ALL STRUCTURAL ELEMENTS OF THIS BUILDING. CONSULT WITH THE ARCHITECT AND ENGINEER FOR ALL STRUCTURAL REQUIREMENTS. ALL STRUCTURAL ELEMENTS SHALL BE DESIGNED TO MEET ALL APPLICABLE CODES AND REGULATIONS.

PROJECT: MICHAEL AND ASHLEY SHELTON
2346 TWIN BAY VIEW
FT. WALTON BEACH, OKALOOSA, FL

DATE: 2016

DRAWING NO: E.L.C.

16-1001

REVISIONS:

NO. DATE BY

ENGINEER/ARCHITECT

PRELIM

ELEVATIONS

SH 3