

**CITY OF PANAMA CITY BEACH  
PLANNING BOARD**

**MEETING DATE:** December 14, 2022  
**MEETING TIME:** 1:00 P. M.  
**PLACE:** City of Panama City Beach City Hall

**AGENDA**

- ITEM NO. 1**      **Call to Order and Roll Call**
- ITEM NO. 2**      **Pledge of Allegiance – Mr. Scruggs**
- ITEM NO. 3**      **Approval of November 9, 2022, Planning Board Meeting Minutes**
- ITEM NO. 4**      **Public Comments-Non-Agenda Items Limited to Three Minutes**
- ITEM NO. 5**      **Rodney Parrish is requesting authorization of a variance from Land Development Code 4.02.00 to reduce the required 20’ rear setback to an 18’4” rear setback for a variance of 1’8”. The property is located at 102 East Gulf Court.**
- ITEM NO. 6**      **John Stark is requesting authorization of a variance from Land Development Code 5.02.07 and 4.02.02.A to allow a structure to be on the side yard and to reduce the required 5’ side setback to a 1’6” side setback for a variance of 3’6”. The property is located at 507 West Gulf Boulevard.**
- ITEM NO. 7**      **Discussion of Multi-Family (Apartments) as a Conditional Use continued from September 14, 2022, Planning Board meeting.**
- ITEM NO. 8**      **Code Enforcement Update**

All interested persons are invited to attend and to present information for the Board's consideration. Further information may be obtained from the Building & Planning Department at 233-5100. Anyone not appearing in person may submit written comments to the Building & Planning Department at 116 South Arnold Road, Panama City Beach, Florida 32413, any time prior to the stated meeting time. All comments received will be considered before final action is taken. If a person decides to appeal a decision of the Planning Board, a record of the proceedings will be needed. Such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Lynne Fasone, City Clerk at City Hall, 17007 Panama City Beach Parkway, Panama City Beach, Florida 32413 or by phone at (850) 233-5100. If you are hearing impaired and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay system which can be reached at (800) 955-8771 (TDD). Notice is hereby provided that one or more members of the City Council or other City boards may attend and speak at the meeting.

# ITEM NO. 5



# CITY OF PANAMA CITY BEACH

Building and Planning Department

116 S. Arnold Road, Panama City Beach, FL 32413

850-233-5100 ext. 2429

Fax: 850-233-5049

Email: [planningdivision@pcbfl.gov](mailto:planningdivision@pcbfl.gov)

## REQUEST FOR VARIANCE OR APPEAL

LDC Section 3.02.07 & 9.03.00

Application Submittal Requirements: LDC Section 10.02.01

Property Owner(s) Name: Rodney Parrish

Address: 102 E Gulf Ct

City: Panama City Beach State: FL Zip 32413

Email: dk@pctinc.biz Telephone: 850-744-0088 Cell: 870-715-2497

Name of Acting Agent: Precision Contracting Technologies Inc

Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner regarding the application and associated procedures. Attached to the application.

Requested Action

**Request Type:** Variance  or Appeal

Variance Request from the following section(s) of the LDC: 4.02.00

Administrative Appeal of application of the following sections: \_\_\_\_\_

**State specifically for Variance, the hardship to the subject property, or for Administrative Appeal, how has the specific regulation been incorrectly applied: Please see attached packet of information.**

The owner needs an addition to the existing structure that will meet the needs for "aging in place." To meet those needs the proposed addition will meet ADA requirements as defined in the Florida Building Code sections 402, 404, 603 & 604.

Application Submittal Requirements: LDC Section 10.02.02

Plan or Plat Preparer Name: MK Weber Structural Engineering

Address: 3200 W 23rd Street

City: Panama City State: FL Zip 32405

Email: info@mkweber.com Telephone: 850-640-4298 Cell: \_\_\_\_\_

Date of Preparation: 8/31/2022

Date(s) of any modifications: \_\_\_\_\_

Legal Description: (Consistent with the Required Survey) -please attach to application

Survey (Please provide a survey obtained no more than two (2) years prior to the filing of the application, containing legal description, land area and existing improvements located on the site. Please submit a total of 10 copies.

A vicinity map showing the location of the property and the Future Land Use Map designation for the property.

Future Land Use Map

Deed Restrictions or Private Covenants apply to this property:  Yes (please attach copy)  No

Payment Fee: \$500.00      Application Type: Variance  / Appeal       Date Collected: 11/15/2022

# AUTHORIZED AGENT AFFIDAVIT

I Rodney Parrish hereby grant authorization to Precision Contracting Technologies Inc. to act on my behalf with the City of Panama City Beach Planning Board while conducting activities related to the Variance Application and obtaining permits. These activities specifically include signing all documents requiring the signature of the owner.

Precision Contracting Technologies Inc. is to be considered an agent of my business and therefore the signature of said agent is binding and causes me to assume all responsibilities connected to or associated with the signature as they may relate to construction at 102 E Gulf Ct, Panama City Beach FL 32413

I Rodney Parrish relieve the City of Panama City Beach Planning Board of, and agree to hold the City of Panama City Beach Planning Board harmless from, any and all responsibility, claims or other actions arising from or related to the Division's acceptance of the above agent's signature for all Variance or permit-related activities. I further understand that it is my sole responsibility to grant and terminate any such authorization and to ensure that the Division receives timely notice of any such grant or termination.

Rodney W Parrish  
Property Owner Signature

[Signature]  
Signature of Agent/Contractor  
Precision Contracting Technologies Inc  
License # CGC1506794

### \*\*PLEASE NOTE: BOTH SIGNATURES MUST BE NOTARIZED\*\*

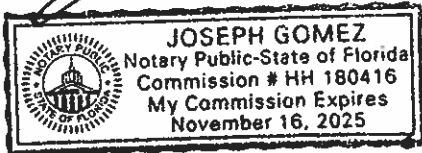
Notary for Owner's Signature:

State of Florida  
The foregoing was acknowledged

Before me this 18 day of  
October, 2022, by  
Rodney W Parrish.

Who produced FL DL  
As identification.

[Signature]  
Notary Public Signature  
Print, Type, or Stamp Name of Notary



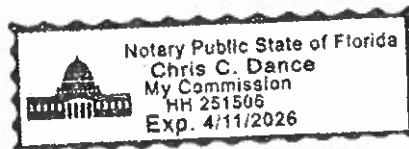
Notary for Agent's Signature:

State of Florida  
The foregoing was acknowledged

Before me this 26<sup>th</sup> day of  
October, 2022, by  
David Katrana.

Who produced FL DL  
As identification.

[Signature]  
Notary Public Signature  
Print, Type, or Stamp Name of Notary



## **Submittal Requirements for Requests for Variances – LDC Section 10.02.12 (B)**

A statement setting forth:

1. All facts and circumstances upon which the applicant intends to rely for the requested Variance; and
2. An analysis of each of the criteria set forth in section 9.03.03(A)(1)-(8)

### **Required Findings – LDC Section 9.03.03**

- A. In order for an application for a Variance to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:
1. There is a specific hardship affecting the Development of the Lot resulting from the strict application of the provisions of the LDC;
  2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce Development costs;
  3. The need for the proposed Variance is due to the physical shape, configuration or topographical condition of the Lot in such a manner as to distinguish it from other adjacent or nearby Lots or from other Lots in the district;
  4. The proposed Variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby Lots or other Lots in the district;
  5. The proposed Variance will not substantially increase congestion on surrounding Streets, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public;
  6. The proposed Variance will be compatible with adjacent and nearby Development and will not alter the essential character of the district;
  7. The effect of the proposed Variance is consistent with the purposes of the LDC; and
  8. The effect of the proposed Variance is consistent with the Comprehensive Plan.
- B. The applicant for a Variance has the burden of proof of demonstrating that the application for a Variance complies with each of the requirements of section 9.03.03A.

Explain how granting the variance will allow the hardship to be overcome? Is the request the minimum necessary to overcome the hardship? Allowing the variance will allow the construction of an additional bedroom and bathroom which will meet ADA requirements as defined in the Florida Building Code sections 402,404, 603, & 604 for accessibility. The proposed addition will also match the construction of the existing house, maintaining the aesthetic, and durability of the existing house.

How many feet away are all adjacent structures (also on surrounding properties) from structure located on subject property? Name specific structures. A garage on Lot 27 is approximately 13 feet from the existing house on lot 26.

A shed on Lot 4 is approximately 38 feet from the existing house on lot 26. A house on Lot 4 is approximately 56 feet from the existing house on Lot 26. A house on Lot 25 is approximately 12 feet from the existing house on Lot 26.

If variance is granted, how will it impact the adjacent properties? Please give specific examples of light, air, noise, congestion, general welfare of the public. if the variance is granted there will be no specific impact to any adjacent properties. The proposed addition will not increase the elevation of the roof of the existing structure. The light, air, noise, congestion, general welfare of the public will not be affected if the variance is granted.

**Restricted or Conditional Variance and Termination – LDC Section 9.03.04**

- A. The Planning Board may impose such conditions and restrictions as may be necessary to allow a positive finding for any of the factors listed in section 9.03.03(A)(5) and (6).
- B. After written notice of violation and reasonable opportunity to cure has been given to the property owner, the City Manager shall terminate a restricted or conditional Variance for a violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

**Limitation on Time to Use Variance – LDC Section 9.03.05**

Any Variance authorized by the Planning Board and not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest; within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed; the date on which the order becomes final, shall be deemed Abandoned and be void and of no further force and effect.

**Applicant's Name(s):**

**Date:** 11/9/2022

Rodney Parrish  
Print Name

Rodney Parrish  
Signature

Precision Contracting Technologies Inc. (agent)  
Print Name

[Signature] DARIO KATRANA  
Signature

## **PROCEDURES:**

### **Neighborhood Notice – LDC Section 10.03.02**

- A. When required by this LDC, the applicant shall provide Neighborhood Notice, by U.S. Postal Service certified mail return receipt requested. Within five (5) days after such mailing, the applicant shall provide sworn proof of mailing to the Building and Planning Department.
- B. The applicant shall be responsible, as part of the application process for sending certified letters to surrounding property owners whose names and addresses are known by reference to the most recent ad valorem tax rolls of Bay County, giving notice of the requested action along with the date, time and place of the hearing. The form of the letter shall be approved by the City prior to mailing. Notice letters shall be sent to all owners of surrounding property lying in whole or in part within such distance of the boundary of the subject property as shall be specified in the applicable procedures.

Notice letters shall be sent to the following surrounding owners:

- For Variance/Appeal request involving a structure(s) of forty (40) feet or less, notice shall be sent to all such owners of property living in whole or in part within 150' feet of a boundary of the subject property.
- For a variance/appeal request involving a structure (s) more than forty (40) feet in height, notice shall be sent to all such owners of property lying in whole or in part within 500' feet of a boundary of the subject property.

The Variance/Appeal Application must be submitted to the Building & Planning Department no later than twenty (20) days prior to the Planning Board meeting. The Planning Board will then place the request on the agenda to schedule the public hearing for the following month's Planning Board meeting.

- C. The notice letter shall be mailed at least twenty (20) days prior to the hearing and proof of mailing shall be submitted to the City as part of the application. A good faith effort to mail notice to all such owners whose names and addresses are shown on a list generated by the Bay County Property Appraiser's automated mass appraisal system by that system referring to its cadastral (tax) map shall be conclusively deemed in compliance with the requirement to mail notice. Failure of any such owner to receive such notice, even if never mailed, shall not affect the jurisdiction of the board to consider the issue or validity of the board's decision.
- D. Failure of such an owner to receive such notice shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.



### **Posted Notice – LDC Section 10.03.03**

- A. When required by the LDC, the Building and Planning Department shall post a sign on the property that is the subject of an application. The sign shall be located in a manner to ensure that it is visible on each portion of the subject property that fronts on a roadway.
- B. The sign shall contain a copy of the notice required by section 10.03.01.
- C. Failure to maintain or replace a sign properly posted shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.
- D. Posted Notice may be removed after conclusion of the hearing of which notice is given or as specified or if neither or if neither of the forgoing apply, thirty (30) days after it is first posted.

### **Published Notice – LDC Section 10.03.04**

When required by this LDC, the Building and Planning Department shall publish a notice in a standard size or tabloid size newspaper of general paid circulation in the City. The newspaper shall be of general interest and readership, not one of limited subject matter and shall be published at least five (5) days a week.

### **Mailed Notice – LDC Section 10.03.05**

- A. When notice by mail is permitted or required by the LDC, the notice shall be mailed with the US Postal Service Certified Mail, Return Receipt requested. Unless otherwise specified in this LDC, notice shall be mailed by the Building and Planning Department.
- B. Notice shall be deemed complete upon mailing regardless of receipt.

### **Roles and Responsibilities – LDC Section 8.03.03**

- A. The Planning Board shall have the following powers:
  - 1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination or interpretation made by the City Manager, or his designee or the City Engineer, which is related to the LDC, excepting building codes and other matters within the jurisdiction of the Examining Board; and
  - 2. To authorize a Variance from a provision of the LDC.

No decision of the board shall be final and enforceable until five (5) business days after it shall have been reduced to a written order containing conclusions of applicable law, findings of relevant fact, and the order of the board, signed by the chairman or vice-chairman and attested by the secretary of the board. During such five (5) day period, either the City, a citizen, or the party which invoked the jurisdiction of the board shall be entitled to file with the City Council a written request for a re-hearing to clarify, modify, or overturn the form or substance of the order, in which case the City Council shall within thirty (30) days grant or deny such request in whole or in part and the order shall not be final until the City Council has completed one of those actions. No additional hearing shall be required for the City Council to deny such request, but the City Council shall afford the City, the citizen, or the party invoking its jurisdiction an opportunity to be heard before clarifying, modifying, or overturning the order. Upon expiration of such five (5) day period without the filing of a request for a rehearing, or completion of one of those actions, the board, nor the City Council shall have no further jurisdiction in the matter.

## Request for Variance

### Required Findings - LDC Section 9.03.03

#### A.

1. The specific hardship is the limiting of size of the addition necessary for the owner to “age in place,” which is defined by the U.S. Centers for Disease Control and Prevention, as: **“the ability to live in one's own home and community safely, independently, and comfortably, regardless of age, income, or ability level.”** To be able to do this the owner has proposed an addition that will meet ADA standards in construction as defined in the Florida Building Code sections 402, 404, 603, & 604.
2. The hardship is not the result of the owner’s actions. The existing structure is a poured concrete wall house with two bedrooms and one bathroom. The sizes of the bedrooms, bathroom, and doorways do not meet Florida Building Codes for ADA accessibility.
3. The need for the variance is required due to the shape of the lot. The easement required by the shape of the Cul-de-sac has affected the setback requirements for lot 26. The southeast corner of the lot is rounded. The house is set as far forward as it can be and still meet the set back requirement of 20 feet.
4. This variance for 1 foot 8 inches of encroachment into the required setback in the rear of the property of 20 feet is not uncommon in the Open Sands development area of Panama City Beach. Examples include the addresses 208 & 210 Poinsettia which both have setback variances due to the shape of each lot.
5. The proposed variance of 1 foot 8 inches into the 20 foot setback requirement from the rear property line. This will not affect congestion on surrounding streets, will not increase the danger of fire or other hazards which could be detrimental to the health, safety or general welfare of the public.
6. The variance is compatible with adjacent and nearby development. As noted above 208 & 210 Poinsettia in the Open Sands development and within 150 feet of 102 E Gulf Ct, have variances for setbacks.
7. The proposed addition and requested variance will not affect the purpose of the LDC.
8. The Comprehensive Plan would not be affected by the 1 foot, 8 inch variance in the rear setback on Lot 26 (102 E Gulf Ct) for the proposed addition.



## CITY OF PANAMA CITY BEACH PUBLIC NOTICE OF VARIANCE REQUEST OR APPEAL

The City of Panama City Beach Planning Board will consider the following request:

**APPLICANT(S):** Rodney Parrish

**ADDRESS/LOCATION:** 102 E Gulf Ct

Panama City Beach FL 32413

The Variance/Appeal is being requested because, the proposed addition will encroach 1 foot 8 inches into the required 20 foot rear setback at 102 E Gulf Ct (Lot 26 Open Sands Development) Panama City Beach FL 32413.

The request is to reduce the required 20' rear setback for a variance of 1'8" to allow for an 18'4" setback from the rear property line.

### MEETING INFORMATION:

**Date:** 12/14/2022

**Time:** 1 pm

**Place:** **City Council Meeting Room**  
**17007 Panama City Beach Parkway**  
**Panama City Beach, FL 32413**

**The applicant for this variance/appeal request is required by the City of Panama City Beach to send you this letter because, the tax rolls show you own property, in whole or in part, within one hundred fifty (150) feet of the subject property.**

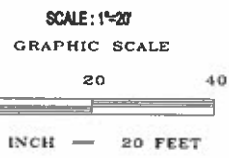
Any questions you may have regarding this request please contact someone at the City of Panama City Beach Building and Planning Department at 850-233-5100, ext. 2429.



SYMBOLS AND ABBREVIATIONS	
○ SET 5/8" IRON ROD AND CAP (R/S)	P.O.B. OR R/W RIGHT OF WAY
□ SET 4"x4" CONCRETE P.I.M. BLOCK	P.O.B. POINT OF BEGINNING
■ FOUND 3/4" ROD AND CAP (R/S)	P.C. POINT OF CURVATURE
● FOUND 4"x4" CONCRETE P.I.M.	P.T. POINT OF TANGENCY
— CENTERLINE	P.C.P. PERMANENT CONTROL POINT
— AERIAL POWER LINE	P.O.C. POINT OF COMMENCEMENT
— FENCE	P.R.C. POINT OF REVERSE CURVATURE
— DISTANCE IN FEET AND TENTHS OF A FOOT	P.C.C. POINT OF COMPOUND CURVATURE
— DEGREE	P.R.M. PERMANENT REFERENCE MONUMENT
— MINUTE	CONC. CONCRETE
— SECOND	C.M.P. CORRUGATED METAL PIPE

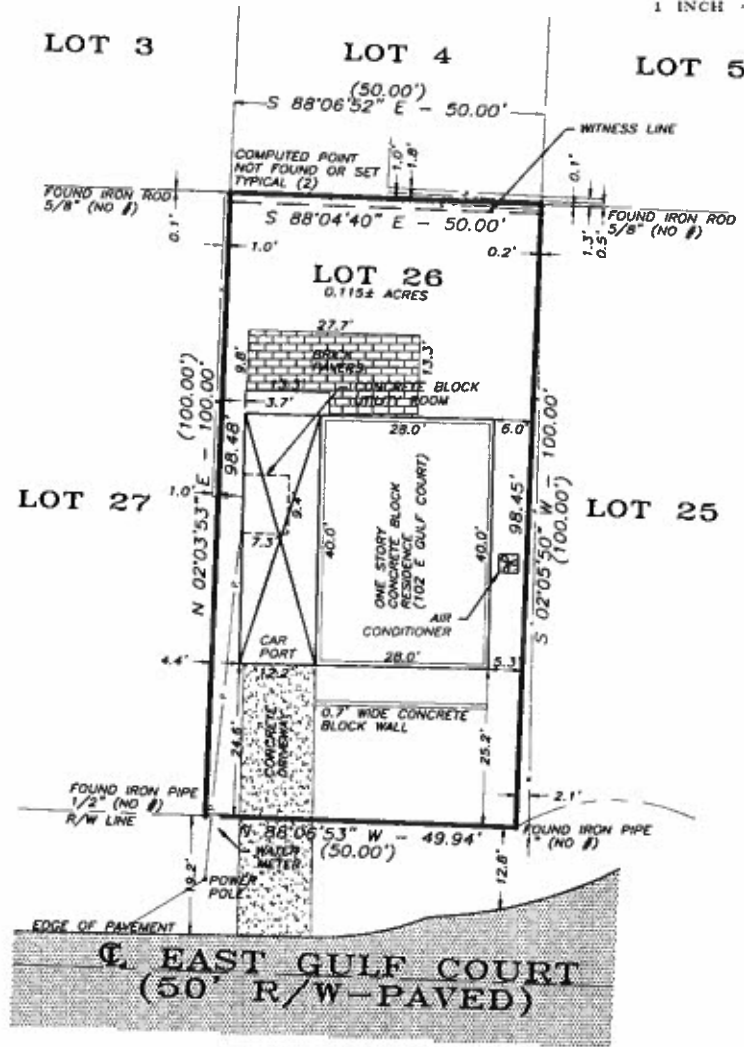
**FLOOD ZONE:**  
 "X"  
 MAP #12005C0303H EFFECTIVE 6/2/2009

**CERTIFIED TO:**  
 Precision Contracting Technologies, Inc.



**LEGAL DESCRIPTION:**  
 LOT 26, BLOCK "G", OPEN SANDS, ACCORDING TO PLAT ON FILE IN BAY COUNTY PLAT BOOK 8, PAGE 67.

BLOCK G

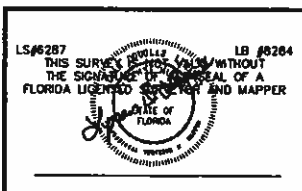


**SURVEYOR CERTIFICATION:**

I HEREBY CERTIFY THAT IN MY OPINION THIS IS A TRUE REPRESENTATION OF THE PROPERTY SHOWN HEREON. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 6J-17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

**NOTES:**

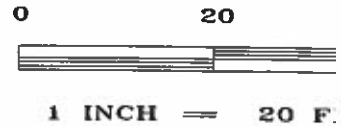
NO UNDER GROUND FOUNDATIONS, IMPROVEMENTS OR ENCROACHMENTS LOCATED DURING THIS SURVEY  
 A COMPARISON HAS BEEN MADE BETWEEN RECORD OR PLATED BEARINGS AND DISTANCES WITH FIELD MEASURED DIMENSIONS. WHEN A DIFFERENCE IS FOUND, RECORD OR PLATTED ARE SHOWN IN PARENTHESES.  
 BEARING BASED ON STATE PLANE FL NORTH  
 A TITLE SEARCH OF THE SUBJECT PROPERTY HAS NOT BEEN CONDUCTED BY THE UNDERSIGNED SURVEYOR. IT IS POSSIBLE THERE ARE DEEDS, (RECORDED OR UNRECORDED), EASEMENTS, RIGHT OF WAYS, STATE OR FEDERAL JURISDICTIONS WHICH COULD AFFECT THE BOUNDARIES AND/OR USE OF THE SUBJECT PROPERTY.



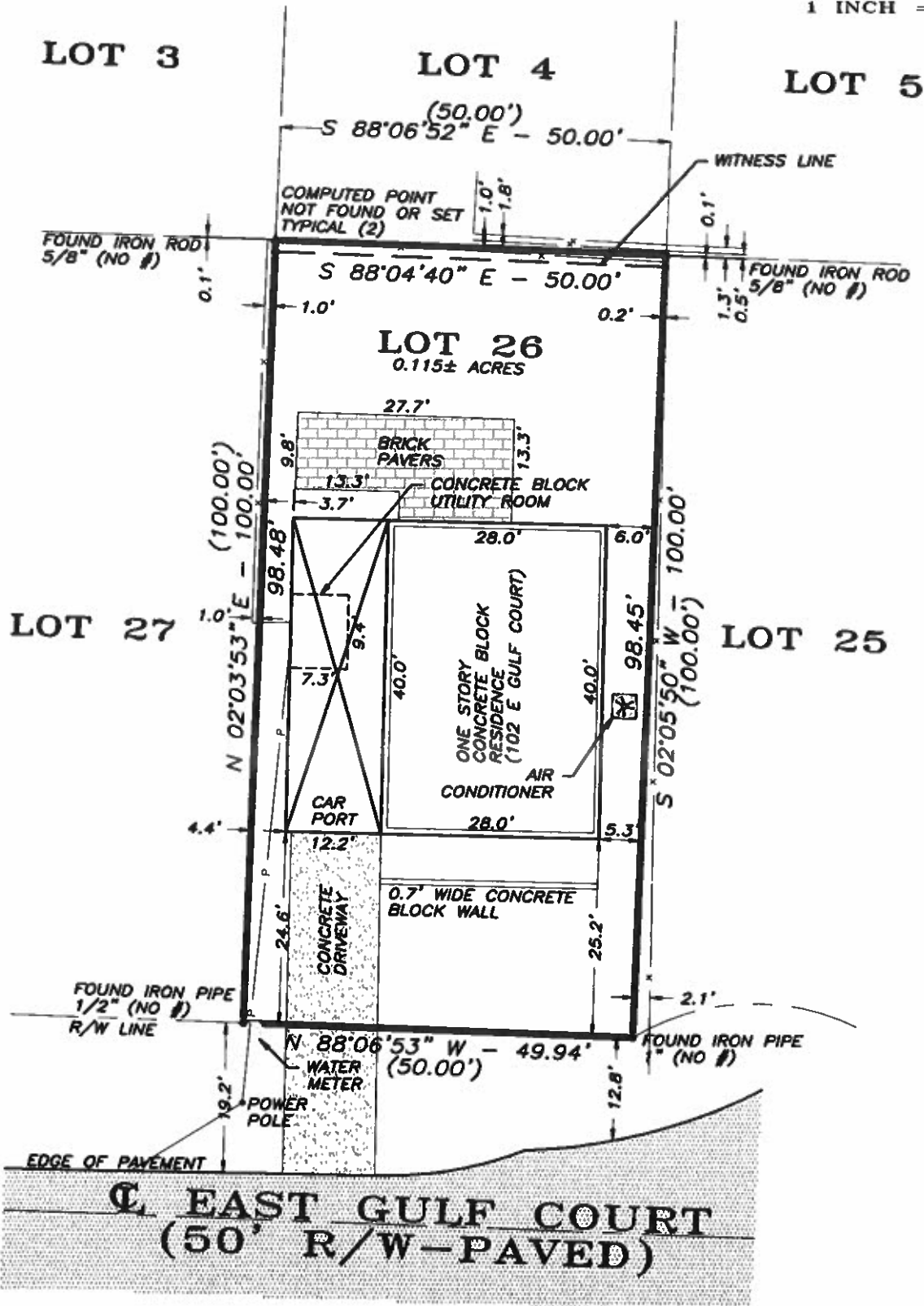
**BOUNDARY SURVEY**  
 OF  
 102 EAST GULF COURT  
 PANAMA CITY BEACH, FL.

Date Of Field Work - 08/11/2022  
 FIELD BOOK - 58 PAGE - 13  
 Drawn By - EAS  
 Job # - 440-22

**MTS Surveying and Mapping**  
 LB #2284  
 4819 ASHLAND WAY  
 PANAMA CITY, FL 32404  
 PHONE: 850-704-5775  
 mtsurveyingmapping@gmail.com



# BLOCK G

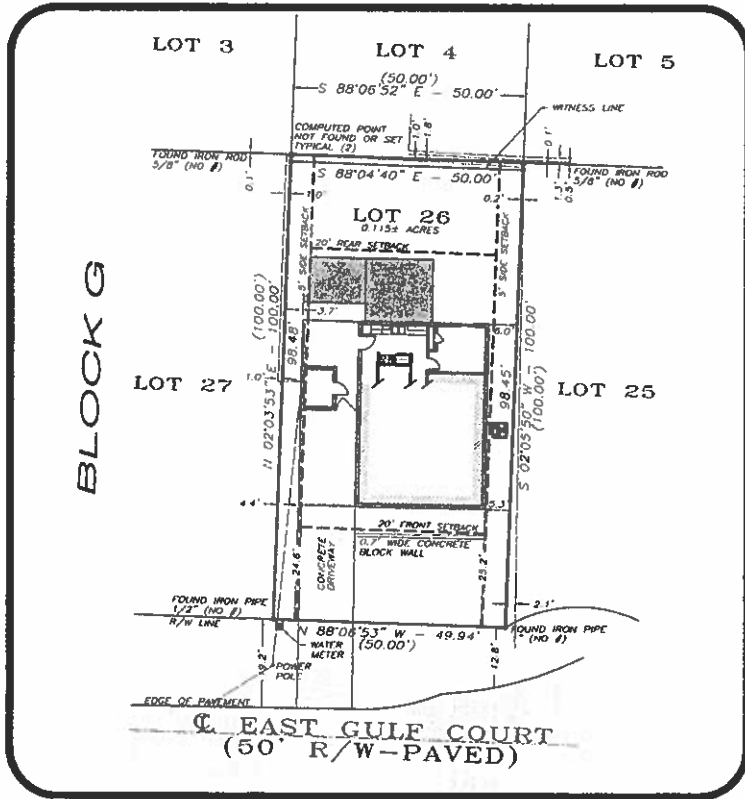


**SURVEYOR CERTIFICATION:**

I HEREBY CERTIFY THAT IN MY OPINION THIS IS A TRUE REPRESENTATION OF THE PROPERTY SHOWN HEREON. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE "STANDARDS OF PRACTICE"

**BOUNDARY SURVEY**  
OF  
102 EAST GULF COURT

An Addition for  
Rodney Parrish  
102 E. Gulf Ct.  
Panama City Beach, FL 32413  
Parcel # 33918-000-000



1 EXIST. SITE PLAN  
N.T.S.

OPEN SANDS LOT 26 BLK G  
ORB 648 P 643 ORB 2146 P 2334



2 LOCATION MAP  
N.T.S.

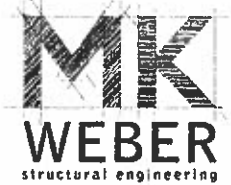


Site  
Location

**FLOOD ZONE "X" LAND USE ZONE: R-1c (PCB)**  
AREA OF LOT: 4,965.84 sq.ft.  
IMPERMEABLE AREA: 2,437 sq.ft.  
IMPERMEABLE AREA: 49.08%  
PERMEABLE AREA: 50.92%

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EXIST. SITE PLAN / LOCATION MAP	C000
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FLOOR PLAN / ELEVATIONS - PROPOSED	S101
FOUNDATION / ROOF FRAMING PLANS	S102
BUILDING SECTION	S200
DETAILS	S201
ELECTRICAL PLAN	E100

SQUARE FOOTAGE	
HEATED - EXIST.	1,120 sq.ft.
HEATED - ADDITION	289 sq.ft.
<b>HEATED TOTAL</b>	<b>1,409 sq.ft.</b>
EXIST. CARPORT	250 sq.ft.
EXIST. COVERED PATIO	165 sq.ft.
EXIST. STORAGE	71 sq.ft.
<b>TOTAL</b>	<b>1,898 sq.ft.</b>



3200 W. 23RD STREET  
PANAMA CITY, FL 32406  
850-840-4298

28050 PREDAZZER LANE  
DAPHNE, AL 36526  
251-234-3033

FL CERTIFICATE  
OF AUTHORIZATION  
# 33120

AL CERTIFICATE  
OF AUTHORIZATION  
# CA-6390-E

**PRELIMINARY:  
NOT FOR  
CONSTRUCTION**

EOR: MICHAEL K. WEBER P.E.  
STRUCTURAL ENGINEER  
FLORIDA P.E. # 75798

EXHIBIT/NET DRAW	DRAWN
SCANNED AND ELECTRONICALLY TRANSMITTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED BOUND AND BEHALF SIGNATURE ARE NOT CONSIDERED VALID WITHOUT THE PRESENCE OF BLUE INK	PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED BOUND AND BEHALF SIGNATURE ARE NOT CONSIDERED VALID WITHOUT THE PRESENCE OF BLUE INK

REV.	DATE	JOB NUMBER: 22160	
		DRAWN BY: DAT	CHECKED BY: MKW
1			
2			
3			
4			

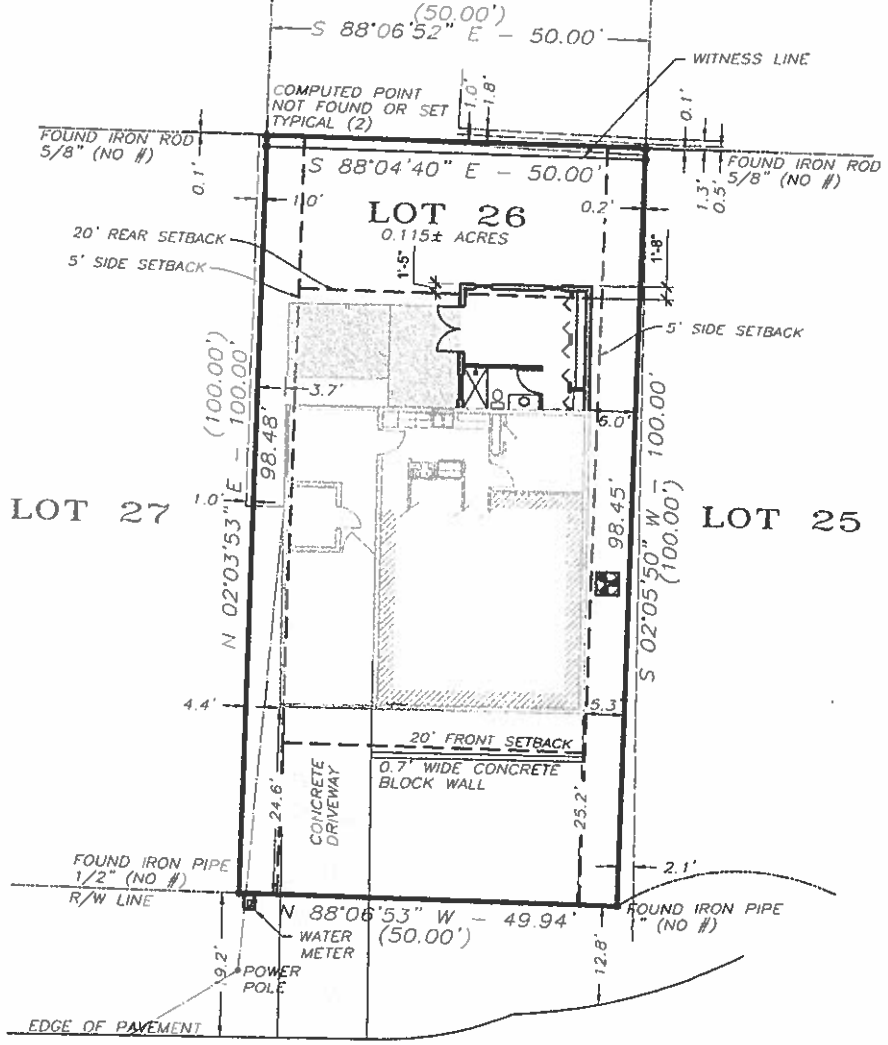
An Addition for  
Rodney Parrish  
102 E. Gulf Ct.  
Panama City Beach, FL 32413

PLOT DATE: 10/17/2022 7:58:24 AM

**NOTE OF STRUCTURAL MODIFICATIONS**  
ANY MODIFICATIONS, EITHER IN-FIELD OR PRIOR TO CONSTRUCTION, MUST BE SUBMITTED, REVIEWED, AND APPROVED BY THE EOR BEFORE MODIFICATIONS TAKE PLACE. IN THE EVENT OF ANY MODIFICATIONS, THE EOR MUST BE NOTIFIED IN WRITING AND A REVISION SET WITHOUT PRIOR APPROVAL. ANY REQUESTS FOR MODIFICATIONS, WHETHER PRIOR TO CONSTRUCTION OR IN-FIELD, MUST BE SUBMITTED TO THE EOR IN WRITING. THE OWNER AND/OR CONTRACTOR UNDERSTANDS THAT ANY REQUESTED MODIFICATIONS TO THE PLAN SET MAY HAVE AN IMPACT UPON THE PROJECT AND SHOULD BE APPROVED IN ADVANCE. THERE IS NO GUARANTEE THAT REQUESTED MODIFICATIONS WILL BE APPROVED. ANY MODIFICATIONS REQUESTED MUST BE REFLECTED IN A REVISED SET OF DRAWINGS THAT BEAR THE EOR'S SIGNATURE AND SEAL.

SHEET TITLE  
EXIST. SITE PLAN  
LOCATION MAP  
DRAWING NUMBER  
**C000**

LOT 3                      LOT 4                      LOT 5

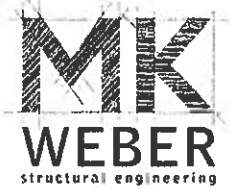


1 PROPOSED SITE PLAN  
 1/16" = 1' (11x17)  
 1/8" = 1' (24x36)



OPEN SANDS LOT 26 BLK G  
 ORB 648 P 643 ORB 2146 P 2334

**EAST GULF COURT**  
 (50' R/W - PAVED)



3200 W. 23RD STREET  
 PANAMA CITY, FL 32405  
 900-640-1290

28000 PREDAZZER LANE  
 DAPHNE, AL 36528  
 251-254-3033

FL CERTIFICATE  
 OF AUTHORIZATION  
 # 33120

AL CERTIFICATE  
 OF AUTHORIZATION  
 # CA-6380-E

**PRELIMINARY:  
 NOT FOR  
 CONSTRUCTION**

EOR: MICHAEL K. WEBER P.E.  
 STRUCTURAL ENGINEER  
 FLORIDA P.E. # 75798

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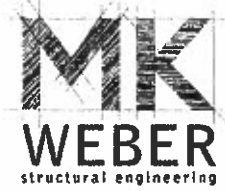
REV.	DATE			
	1	2	3	4

An Addition for  
 Rodney Parish  
 102 E. Gulf Ct.  
 Panama City Beach, FL 32413

JOB NUMBER: 22100  
 DRAWN BY: DAT  
 CHECKED BY: MKW  
 PLOT DATE: 06/17/2022 7:01:04 AM

SHEET TITLE  
 PROPOSED SITE PLAN  
 DRAWING NUMBER  
**C001**





3200 W. 23RD STREET  
PANAMA CITY, FL 32408  
904-840-4281

28080 PRIDAZZER LANE  
DAPHNE, AL 36628  
251-624-3053

FL CERTIFICATE  
OF AUTHORIZATION  
# 35120

AL CERTIFICATE  
OF AUTHORIZATION  
# CA4550-E

**PRELIMINARY:  
NOT FOR  
CONSTRUCTION**

EOR: MICHAEL K. WEBER P.E.  
STRUCTURAL ENGINEER  
FLORIDA P.E. # 75798

EXEMPT FROM SEAL

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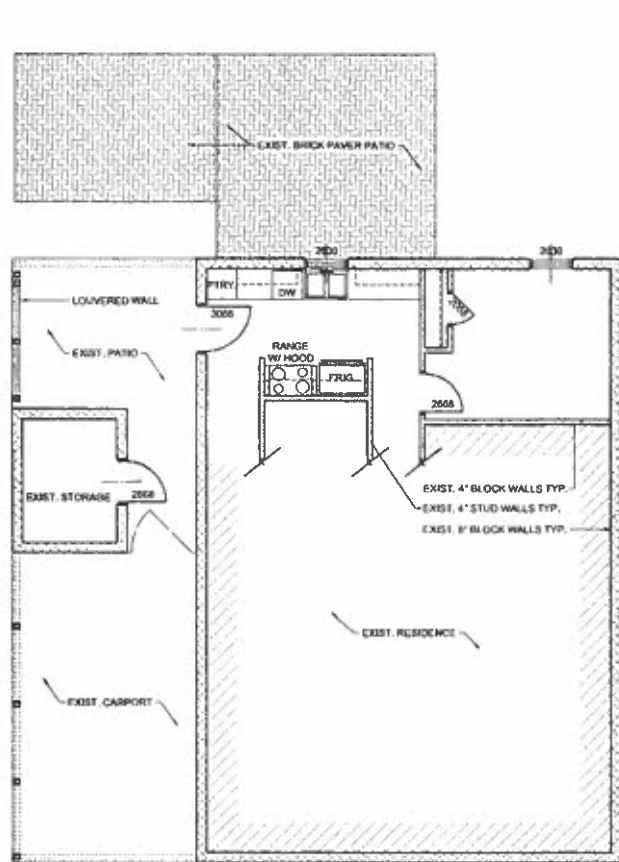
REV	DATE			
	1			
2				
3				
4				

An Addition for  
Rodney Parish  
102 E. Gulf Ct.  
Panama City Beach, FL 32413

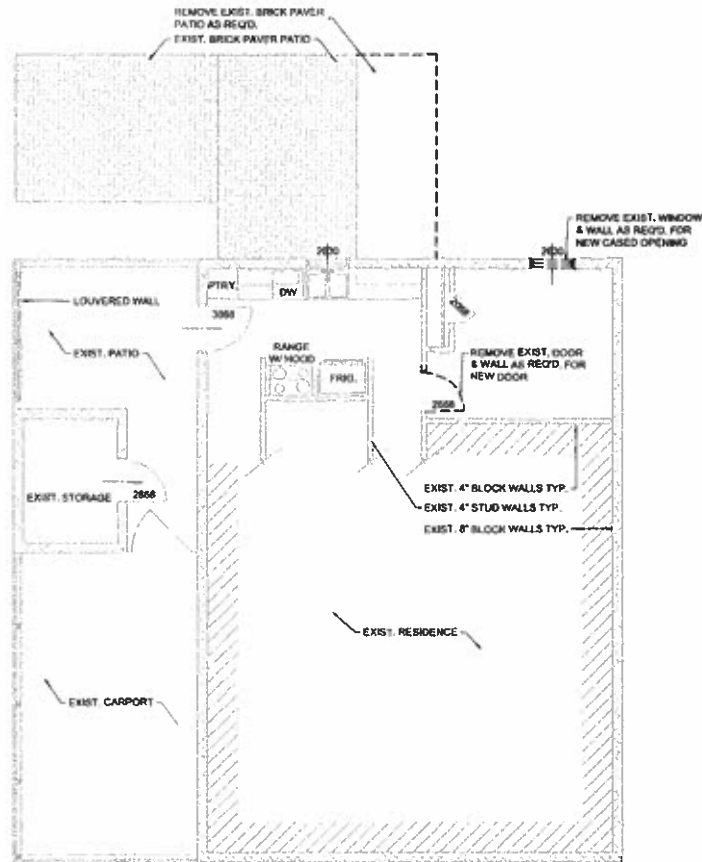
JOB NUMBER: 22180  
DRAWN BY: DAT  
CHECKED BY: MKW  
PLOT DATE: 10/17/2022 7:02:12 AM

SHEET TITLE  
FLOOR PLANS  
EXISTING / DEMO.

DRAWING NUMBER  
**S100**

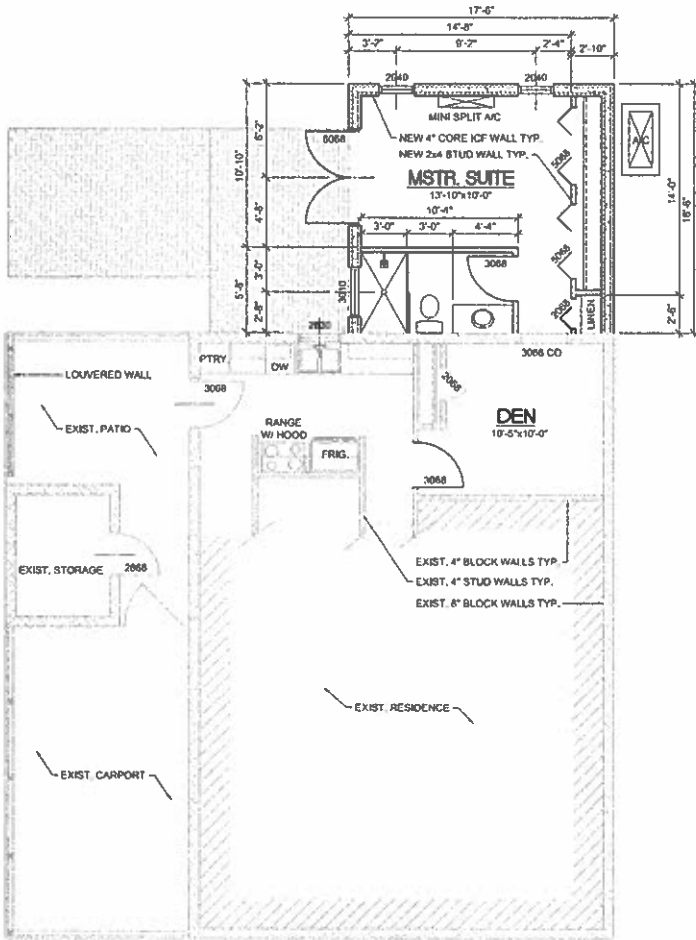


**1** FLOOR PLAN - EXIST.  
1/8" = 1'-0" (11x17)  
1/4" = 1'-0" (22x34)

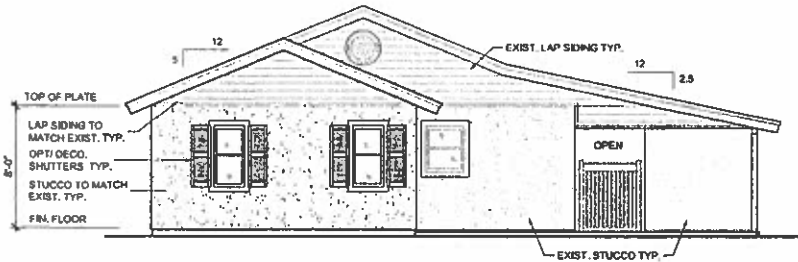


**2** FLOOR PLAN - DEMO.  
1/8" = 1'-0" (11x17)  
1/4" = 1'-0" (22x34)

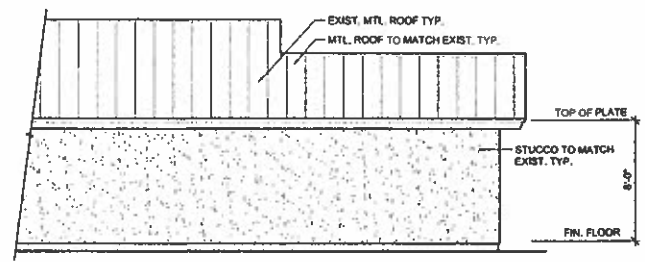
WALLS DRAWN AT 4"  
OR 8" RESPECTIVELY.



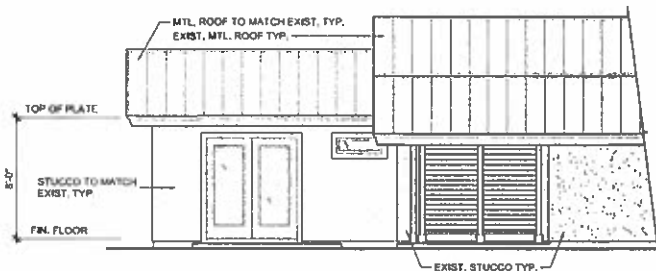
**1 FLOOR PLAN - PROPOSED**  
 $1/8" = 1'-0"$  (11x17)  
 $1/4" = 1'-0"$  (22x34)



**2 REAR ELEVATION - PROPOSED**  
 $1/8" = 1'-0"$  (11x17)  
 $1/4" = 1'-0"$  (22x34)

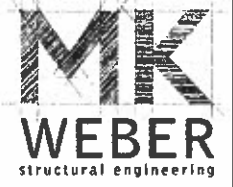


**3 RIGHT SIDE ELEVATION - PROPOSED**  
 $1/8" = 1'-0"$  (11x17)  
 $1/4" = 1'-0"$  (22x34)



**4 LEFT SIDE ELEVATION - PROPOSED**  
 $1/8" = 1'-0"$  (11x17)  
 $1/4" = 1'-0"$  (22x34)

WALLS DRAWN AT 4" OR 8" RESPECTIVELY



3200 W. 23RD STREET  
 PANAMA CITY, FL 32405  
 850-940-4298

28030 PREDAZZER LANE  
 DAPHNE, AL 36526  
 251-234-3833

FL CERTIFICATE OF AUTHORIZATION # 33120

AL CERTIFICATE OF AUTHORIZATION # CA-6380-E

**PRELIMINARY:  
 NOT FOR  
 CONSTRUCTION**

EOR: MICHAEL K. WEBER P.E.  
 STRUCTURAL ENGINEER  
 FLORIDA P.E. # 75798

EMERGENCY WEBSITE: [WWW.MKW.COM](#)

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REV.	DATE
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An Addition for  
 Rodney Parish  
 102 E. Gulf Ct.  
 Panama City Beach, FL 32413

JOB NUMBER: 22190  
 DRAWN BY: DAT  
 CHECKED BY: MKW  
 PLOT DATE: 11/20/22 7:52:43 AM

SHEET TITLE  
 FLOOR PLAN / ELEVATIONS  
 PROPOSED

DRAWING NUMBER  
**S101**



City of  
**Panama City Beach**

**PCB City Hall**  
17007 PCB Parkway  
PCB, FL. 32413  
P: (850) 233-5100  
F: (850) 233-5108  
[www.pcbfl.gov](http://www.pcbfl.gov)

**DATA AND ANALYSIS**

- I. **APPLICANT:** Rodney Parrish / Acting Agent – David Katrana  
Precision Contracting Technologies, Inc.
- II. **PROPERTY LOCATION:** Parcel ID# 33918-000-000, 102 E. Gulf Court
- III. **ZONING DISTRICT:** Single Family Residential – R-1c
- IV. **REQUEST:** The request is to reduce the required twenty (20) foot rear yard setback for a variance of one foot eight inches (1'- 8") to allow for an eighteen-foot four-inch (18'- 4") setback from the rear yard property line.
- V. **REASON FOR REQUEST:** The purpose of the request is to construct an additional bedroom and bathroom that will meet the ADA Standards for Accessible Design requirements to allow for the homeowner to "age in place."

**The proposed construction is contrary to the following section of the City's Land Development Code:** Table 4.02.02.A of the City's Land Development Code requires primary structures located in the R-1c zoning district to have a twenty (20) foot rear yard setback.

**STAFF COMMENTS:** The lot is located on the corner of the cul-de-sac at the end of E. Gulf Court which is a fifty (50) foot right-of-way. The originally constructed dwelling was pushed as close to the right-of-way as possible (20') but the bending of the right-of-way of the cul-de-sac at this location further restricted the placement. The home was built in 1982 as a two-bedroom, one bath home. The requested addition with the ADA facilities will allow the homeowner to remain in his home.

**CONCLUSION:** The Staff has reviewed the application with the Required Findings of Section 9.03.03 of the Land Development Code (attached) which is necessary to issue a variance. Staff recommends approval of the variance request.

- B. All applicable Site Design and *Development* Standards (other than those making the *Lot* a *Substandard Subdivision Lot* ), other requirements and standards in this *LDC* and other requirements and standards of law are satisfied; and
- C. If the *Lot* was part of a larger *Parcel* and *Building* site, neither its owner nor any predecessor in title to its owner conveyed or otherwise disposed of the right to incorporate any land adjoining the *Lot* into the *Parcel* and *Building* site subsequent to the adoption of this *LDC*.

## 9.03.00 VARIANCES

### 9.03.01 Generally

The Planning Board may authorize a *Variance* from the site and *Building* design or *Development* standards set forth in the *LDC* (except where expressly prohibited) where the Board has determined that the requirements of this subsection have been met. The Planning Board may not authorize a *Variance* from any standard, requirement or provision of the *Sign Code* except that the Board may authorize a *Variance* from the setback requirements for a *Sign* where the Board has determined that the requirements of this subsection have been met.

### 9.03.02 Procedure

#### A. Applications

1. An application for a *Variance* shall include the submittals required in Chapter 10.
2. The application for a *Variance* shall include a statement explaining how the *Variance* request conforms to the requirements listed in section 9.03.00.

#### B. Review of Applications

An application for a *Variance* shall be reviewed pursuant to the applicable procedures set forth in Chapter 10.

### 9.03.03 Required Findings

- A. In order for an application for a *Variance* to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:
  1. There is a specific hardship affecting the *Development* of the *Lot* resulting from the strict application of the provisions of the *LDC*;
  2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce *Development* costs;
  3. The need for the proposed *Variance* is due to the physical shape, configuration or topographical condition of the *Lot* in such a manner as to distinguish it from other adjacent or nearby *Lots* or from other *Lots* in the district;

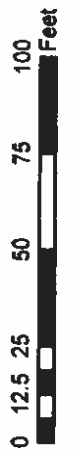
4. The proposed **Variance** is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby **Lots** or other **Lots** in the district;
  5. The proposed **Variance** will not substantially increase congestion on surrounding **Streets**, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public;
  6. The proposed **Variance** will be compatible with adjacent and nearby **Development** and will not alter the essential character of the district;
  7. The effect of the proposed **Variance** is consistent with the purposes of the **LDC**; and
  8. The effect of the proposed **Variance** is consistent with the Comprehensive Plan.
- B. The applicant for a **Variance** has the burden of proof of demonstrating that the application for a **Variance** complies with each of the requirements of section 9.03.03A.  
(Ord. #1254, 11/14/13)

#### **9.03.04 Restricted or Conditional Variance and Termination**

- A. The Planning Board may impose such conditions and restrictions as may be necessary to allow a positive finding for any of the factors listed in section 9.03.03A.5 and 6.
- B. After written notice of violation and reasonable opportunity to cure has been given to the property owner, the **City Manager** shall terminate a restricted or conditional **Variance** for a violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

#### **9.03.05 Limitation on Time to Use Variance**

Any **Variance** authorized by the Planning Board and not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed the date on which the order becomes final, shall be deemed **Abandoned** and be void and of no further force and effect.



Prepared by The  
City of Panama City Beach  
Planning Department

A retaining wall may be required for elevation changes of six (6) inches or more with an adjacent property.

(Ord. #1560, 8/26/21)

**Table 4.02.02.A: Building Height and Setback Standards**

Zoning District	Maximum Building Height (in feet) <sup>#1</sup>	Minimum Setbacks from Property Lines (in feet)					
		Front	Side	Side Adjacent to Street	Rear	General	Adjacent Residential Districts Above <sup>5</sup>
AR	35	25	50 <sup>1</sup>	50 <sup>1</sup>	50		
R-1a	35	30	12	25	30		
R-1b	35	25	7.5	20	25		
R-1c	35	20	5	15	20		
R-1cT	35	20	5	15	20		
R-O	35	20	0 <sup>1,2</sup>	10 <sup>1</sup>	20		
RTH	35	25	7.5	15	20		
R-2	35	25	5 <sup>1</sup>	15	25		
			General	Adjacent Residential Districts Above <sup>5</sup>		General	Adjacent Residential Districts Above <sup>5</sup>
R-3	55	25	5 <sup>1</sup>	15	15 <sup>4</sup>	15 <sup>3</sup>	25
CL	35	25	5 <sup>1</sup>	15	15	10	15
CM	55	25	5 <sup>1</sup>	15	15 <sup>4</sup>	10 <sup>3</sup>	15
CH	65	25	5 <sup>1</sup>	15	15 <sup>4</sup>	10 <sup>3</sup>	15
M-1	55	25	5 <sup>1</sup>	15	5 <sup>1</sup>	5 <sup>3</sup>	15
C	10	25	5 <sup>1</sup>	15	15	10	15
R	55	25	5 <sup>1</sup>	15	15 <sup>4</sup>	10 <sup>3</sup>	15
PF	55	25	5 <sup>1</sup>	15	15 <sup>4</sup>	10 <sup>3</sup>	15

<sup>1</sup> The *Side Yard Setbacks* shown apply to one-story *Buildings*. For each story above the first story, the *Side Yard Setback* shall increase 2.5 feet.

<sup>2</sup> A zero *Side Yard Setback* is allowed, but shall apply to only one *Side Yard*. The second *Side Yard* shall have a *Setback* of eight (8) feet.

<sup>3</sup> The minimum *Rear Yard Setback* shall increase four (4) feet for each *Story* above the third story. In the M-1 district the *Rear Yard Setback* shall increase six and one-half (6.5) feet for every *Story* above the first *Story*.

<sup>4</sup> The minimum *Side Street Setback* shown applies to 1-3 story *Buildings*. For each *Story* above the third *Story*, the *Side Street Setback* shall increase 2.5 feet.

<sup>5</sup> The minimum *Setback* for a *Side* or *Rear Yard*, adjacent to an R-2 district or above (R-2 through AR), shall be as shown in the table. For each *Story* above the first, such *Side* and *Rear Yard Setback* shall increase by one (1) foot for every foot of height beginning at fifteen (15) feet from the side or rear property line as applicable.

<sup>6</sup> Maximum height may be affected by *Setback* or overlay district requirements.



# Bay County Property Appraiser - Dan Sowell, CFA

Main Office | 860 W. 11th St, Panama City, FL 32401 | 850-248-8401  
 Beach Office | 301 Richard Jackson Blvd, Panama City Beach, FL 32407 | 850-248-8470

## Parcel Summary

Parcel ID: 33918-000-000  
 Location Address: 102 GULF CTE  
 PANAMA CITY BEACH 32413  
 Brief Tax Description\*: OPEN SANDS LOT 26 BLK G ORB 643 ORB 2146 P 2334  
 \*The Description above is not to be used on legal documents.  
 Property Use Code: SINGLE FAM (000100)  
 Sec/Twp/Rng: 21-35-16W  
 Tax District: City of Panama City Beach (District 13)  
 2022 Final Millage Rate: 10.6126  
 Acreage: 0.114  
 Homestead: Y

[View Map](#)

## Owner Information

Primary Owner  
 Parrish, Rodney W  
 102 E Gulf Court  
 Panama City Beach, FL 32413

## Valuation

	2023 Working Values	2022 Certified Values	2021 Certified Values
Building Value	\$60,267	\$60,740	\$58,297
Extra Features Value	\$817	\$817	\$817
Land Value	\$76,650	\$76,650	\$72,450
Land Agricultural Value	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0
Just (Market) Value	\$137,734	\$138,207	\$131,564
Assessed Value	\$71,034	\$68,965	\$66,956
Exempt Value	\$46,034	\$43,965	\$41,956
Taxable Value	\$25,000	\$25,000	\$25,000
Save Our Homes or AGL Amount	\$66,700	\$69,242	\$64,608

\*Just (Market) Value\* description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

## Building Data

Building 1  
 Type: SFR AVERG  
 Total Area: 1,600  
 Heated Area: 1,120  
 Exterior Walls: CB STUCCO  
 Roof Cover: MODULAR MT  
 Interior Walls: DRYWALL  
 Frame Type: N/A  
 Floor Cover: SHT VINYL; CARPET  
 Heat: AIR DUCTED  
 Air Conditioning: CENTRAL  
 Bathrooms: 1  
 Bedrooms: 2  
 Stories: 1  
 Actual Year Built: 1982  
 Effective Year Built: 1982

## Extra Features

Code	Description	Number of Items	Length x Width x Height	Units	Unit Type	Effective Year Built
0240	DRIVE	1	18 x 36 x 0	648	SF	1992
0144	DECO FENCE	1	28 x 0 x 4	28	LF	1999
1500	PATIO A NV	1	0 x 0 x 0	1	UT	2011

## Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000100	SFR	50.00	FF	50	100

## Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	01/02/1996	\$100	WD	2146	2334	Unqualified (U)	Improved	WILMER G PARRISH & MERLE W	RODNEY W PARRISH

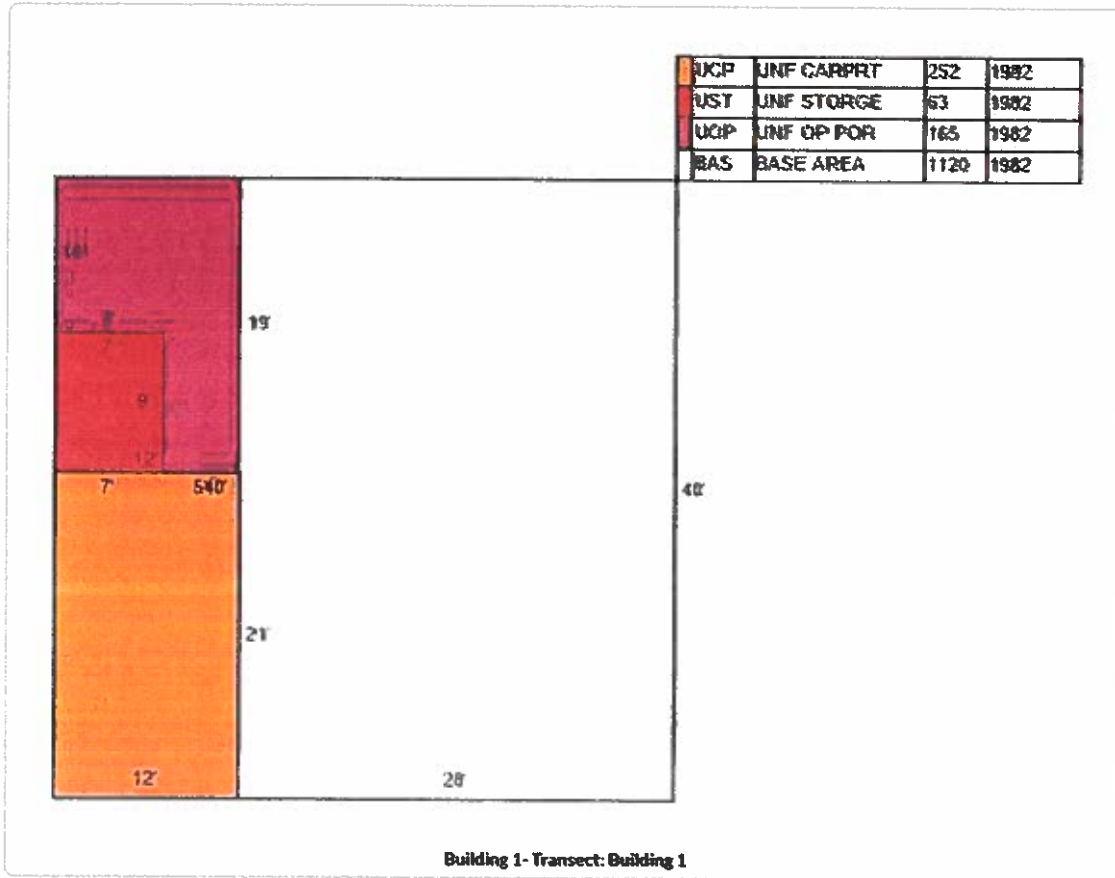


### Permits

Issued	Permit Number	Type	Description	Amount
19951120	6766	ROOF	ROOF	\$2,000

The permit information provided on this website is strictly for informational purposes only. For detailed permit information, please contact the applicable taxing authorities building department.

### Sketches

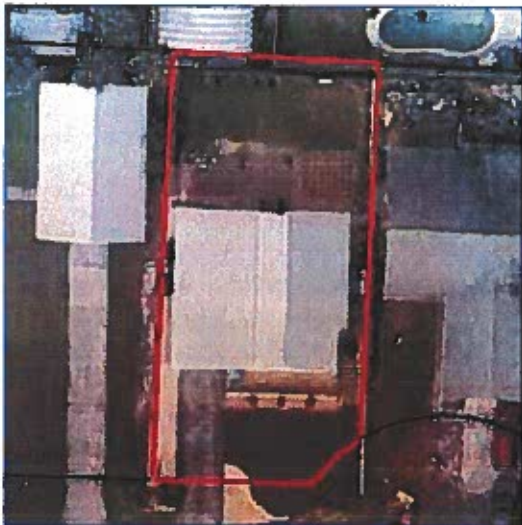


### Assessment Notice

[33918-000-000 \(PDF\)](#)

Adobe Acrobat Reader is required to view, open or print this notice.

### Map



No data available for the following modules: Condo Information.

# ITEM NO. 6



# CITY OF PANAMA CITY BEACH

Building and Planning Department

116 S. Arnold Road, Panama City Beach, FL 32413

850-233-5100 ext. 2429

Fax: 850-233-5049

Email: [planningdivision@pcbfl.gov](mailto:planningdivision@pcbfl.gov)

## REQUEST FOR VARIANCE OR APPEAL

LDC Section 3.02.07 & 9.03.00

Application Submittal Requirements: LDC Section 10.02.01

Property Owner(s) Name: John & Donna Stark

Address: 507 W Gulf BLVD

City: Panama City Beach State: FL Zip 32413

Email: john@starkavionics.com Telephone: 706-681-9682 Cell: same

Name of Acting Agent: Owner- John Stark

Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner regarding the application and associated procedures. Attached to the application.

Requested Action

**Request Type:** Variance  or Appeal

Variance Request from the following section(s) of the LDC: Section 5.02.07 (C) & table 4.02.02.A

Administrative Appeal of application of the following sections: \_\_\_\_\_

**State specifically for Variance, the hardship to the subject property, or for Administrative Appeal, how has the specific regulation been incorrectly applied: Please see attached packet of information.**

The hardship is that I need a safe and secure location to park my golf cart

Application Submittal Requirements: LDC Section 10.02.02

Plan or Plat Preparer Name: Mitch Baxley

Address: 16500 PCB PRKWY

City: Panama City Beach State: FL Zip 32413

Email: beachnole1@aol.com Telephone: 850.235.0191 Cell: 850.819.3487

Date of Preparation: 12/10/2018

Date(s) of any modifications: 12/19/18

Legal Description: (Consistent with the Required Survey) -please attach to application

Survey (Please provide a survey obtained no more than two (2) years prior to the filing of the application, containing legal description, land area and existing improvements located on the site. Please submit a total of 10 copies.

A vicinity map showing the location of the property and the Future Land Use Map designation for the property.

Future Land Use Map

Deed Restrictions or Private Covenants apply to this property:  Yes (please attach copy)  No

Payment Fee: \$500.00      Application Type: Variance  / Appeal       Date Collected: 11/21/2018

## **Submittal Requirements for Requests for Variances – LDC Section 10.02.12 (B)**

A statement setting forth:

1. All facts and circumstances upon which the applicant intends to rely for the requested Variance; and
2. An analysis of each of the criteria set forth in section 9.03.03(A)(1)-(8)

### **Required Findings – LDC Section 9.03.03**

- A. In order for an application for a Variance to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:
1. There is a specific hardship affecting the Development of the Lot resulting from the strict application of the provisions of the LDC;
  2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce Development costs;
  3. The need for the proposed Variance is due to the physical shape, configuration or topographical condition of the Lot in such a manner as to distinguish it from other adjacent or nearby Lots or from other Lots in the district;
  4. The proposed Variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby Lots or other Lots in the district;
  5. The proposed Variance will not substantially increase congestion on surrounding Streets, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public;
  6. The proposed Variance will be compatible with adjacent and nearby Development and will not alter the essential character of the district;
  7. The effect of the proposed Variance is consistent with the purposes of the LDC; and
  8. The effect of the proposed Variance is consistent with the Comprehensive Plan.
- B. The applicant for a Variance has the burden of proof of demonstrating that the application for a Variance complies with each of the requirements of section 9.03.03A.

Explain how granting the variance will allow the hardship to be overcome? Is the request the minimum necessary to overcome the hardship? Granting the 2 variances will allow a secure place for my golf cart.

---

---

How many feet away are all adjacent structures (also on surrounding properties) from structure located on subject property? Name specific structures. 10 feet. Neighbors house. at 601 W. Gulf Blvd.

If variance is granted, how will it impact the adjacent properties? Please give specific examples of light, air, noise, congestion, general welfare of the public. No impact whatsoever. 8 foot fencing encompasses it.

**Restricted or Conditional Variance and Termination – LDC Section 9.03.04**

- A. The Planning Board may impose such conditions and restrictions as may be necessary to allow a positive finding for any of the factors listed in section 9.03.03(A)(5) and (6).
- B. After written notice of violation and reasonable opportunity to cure has been given to the property owner, the City Manager shall terminate a restricted or conditional Variance for a violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

**Limitation on Time to Use Variance – LDC Section 9.03.05**

Any Variance authorized by the Planning Board and not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest; within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed; the date on which the order becomes final, shall be deemed Abandoned and be void and of no further force and effect.

**Applicant's Name(s):**

**Date:** 10/4/2022

John Stark  
Print Name

John Stark  
Signature Digitally signed by John Stark  
Date: 2022.10.04 15:38:48 -0500

Donna Stark  
Print Name

Donna Stark  
Signature Digitally signed by Donna Stark  
Date: 2022.10.21 13:19:29 -0500

### **Posted Notice – LDC Section 10.03.03**

- A. When required by the LDC, the Building and Planning Department shall post a sign on the property that is the subject of an application. The sign shall be located in a manner to ensure that it is visible on each portion of the subject property that fronts on a roadway.
- B. The sign shall contain a copy of the notice required by section 10.03.01.
- C. Failure to maintain or replace a sign properly posted shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.
- D. Posted Notice may be removed after conclusion of the hearing of which notice is given or as specified or if neither or if neither of the forgoing apply, thirty (30) days after it is first posted.

### **Published Notice – LDC Section 10.03.04**

When required by this LDC, the Building and Planning Department shall publish a notice in a standard size or tabloid size newspaper of general paid circulation in the City. The newspaper shall be of general interest and readership, not one of limited subject matter and shall be published at least five (5) days a week.

### **Mailed Notice – LDC Section 10.03.05**

- A. When notice by mail is permitted or required by the LDC, the notice shall be mailed with the US Postal Service Certified Mail, Return Receipt requested. Unless otherwise specified in this LDC, notice shall be mailed by the Building and Planning Department.
- B. Notice shall be deemed complete upon mailing regardless of receipt.

### **Roles and Responsibilities – LDC Section 8.03.03**

- A. The Planning Board shall have the following powers:
  - 1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination or interpretation made by the City Manager, or his designee or the City Engineer, which is related to the LDC, excepting building codes and other matters within the jurisdiction of the Examining Board; and
  - 2. To authorize a Variance from a provision of the LDC.

No decision of the board shall be final and enforceable until five (5) business days after it shall have been reduced to a written order containing conclusions of applicable law, findings of relevant fact, and the order of the board, signed by the chairman or vice-chairman and attested by the secretary of the board. During such five (5) day period, either the City, a citizen, or the party which invoked the jurisdiction of the board shall be entitled to file with the City Council a written request for a re-hearing to clarify, modify, or overturn the form or substance of the order, in which case the City Council shall within thirty (30) days grant or deny such request in whole or in part and the order shall not be final until the City Council has completed one of those actions. No additional hearing shall be required for the City Council to deny such request, but the City Council shall afford the City, the citizen, or the party invoking its jurisdiction an opportunity to be heard before clarifying, modifying, or overturning the order. Upon expiration of such five (5) day period without the filing of a request for a rehearing, or completion of one of those actions, the board, nor the City Council shall have no further jurisdiction in the matter.

## PROCEDURES:

### Neighborhood Notice – LDC Section 10.03.02

- A. When required by this LDC, the applicant shall provide Neighborhood Notice, by U.S. Postal Service certified mail return receipt requested. Within five (5) days after such mailing, the applicant shall provide sworn proof of mailing to the Building and Planning Department.
- B. The applicant shall be responsible, as part of the application process for sending certified letters to surrounding property owners whose names and addresses are known by reference to the most recent ad valorem tax rolls of Bay County, giving notice of the requested action along with the date, time and place of the hearing. The form of the letter shall be approved by the City prior to mailing. Notice letters shall be sent to all owners of surrounding property lying in whole or in part within such distance of the boundary of the subject property as shall be specified in the applicable procedures.

Notice letters shall be sent to the following surrounding owners:

- For Variance/Appeal request involving a structure(s) of forty (40) feet or less, notice shall be sent to all such owners of property living in whole or in part within 150' feet of a boundary of the subject property.
- For a variance/appeal request involving a structure (s) more than forty (40) feet in height, notice shall be sent to all such owners of property lying in whole or in part within 500' feet of a boundary of the subject property.

The Variance/Appeal Application must be submitted to the Building & Planning Department no later than twenty (20) days prior to the Planning Board meeting. The Planning Board will then place the request on the agenda to schedule the public hearing for the following month's Planning Board meeting.

- C. The notice letter shall be mailed at least twenty (20) days prior to the hearing and proof of mailing shall be submitted to the City as part of the application. A good faith effort to mail notice to all such owners whose names and addresses are shown on a list generated by the Bay County Property Appraiser's automated mass appraisal system by that system referring to its cadastral (tax) map shall be conclusively deemed in compliance with the requirement to mail notice. Failure of any such owner to receive such notice, even if never mailed, shall not affect the jurisdiction of the board to consider the issue or validity of the board's decision.
- D. Failure of such an owner to receive such notice shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.

# Required findings

1. After realizing I needed a simple car port I hired a local company to make one. They said I didn't need a permit. Since side structures are all over my neighborhood I assumed they were correct and knew what they were talking about. Then comes code enforcement. A neighbor complained that the water run off on my property rolled down my drive way and jumped over the road and flooded her property. Code enforcement came out and verified that this wasn't true. She lived on a low lying lot that floods. It has nothing to do with my new house. I even checked during the worst down pours. Then came the real problem. Code enforcement said while I'm here, you must remove this side structure.

Strict adherence to the LDC amounts to a 50% loss of property. I have a normal size lot. 100' X 60". It's not large and it's not small. When you factor 5' side setbacks, a 20' rear setback and a 15' front setback that leaves you with 3000sq feet of the total 6000 sq feet that you can actually use. The city literally restricts the use of half of my property. I can't do anything with it. With a medium size house and a pool what's left over? What do my neighbors do? They do exactly what I have done. If they want a side structure they just do it. While technically not allowed by the LDC it is common place. The hardship is simple. **I am being discriminated against.** When 98% of my neighbors are allowed to have side structures and I am not, that is discrimination pure and simple. I counted 60 side structure in my small Open Sands subdivision alone. And that's just a few streets. Only 10 of them could be considered "grandfathered in". That leaves 50. 1 in 50 is 98%, not an exaggeration. That number would be in the hundreds if I went throughout PCB.

\*PCB planning has the legal right to make a LCD.

\*PCB code enforcement has the legal right to enforce the LCD.

**\*PCB does not have the legal right to only enforce code on just 2% of the population.**

2. No cost consideration in this project.

3. No

4. Yes this structure is using property rights that my neighbors share. I am being excluded form this right.

5. No not in any way.

6. This variance would actually put me in line with my neighborhood. Not make me different. I'm being asked to remove the carport from my property and the neighbors keep theirs.

7. Yes. The purpose of the LDC is to provide some sort of neighborhood norm. Side structures are the norm. The LDC unfortunately does not reflect the real life norm.

8. Yes.

**Important note. This new carport took the place of a shed that was "grandfathered in". See survey I have provided.**





## CITY OF PANAMA CITY BEACH PUBLIC NOTICE OF VARIANCE REQUEST OR APPEAL

The City of Panama City Beach Planning Board will consider the following request:

**APPLICANT(S):** John Stark

**ADDRESS/LOCATION:** 507 W Gulf BLVD

Panama City Beach, FL 32413

The Variance/Appeal is being requested because, Section 5.02.07 & Table 4.02.02.A. Reduction of the  
5 foot side setback to 1.5 feet. This is for a Golf Cart Car Port.

### MEETING INFORMATION:

**Date:** 12/14/2022

**Time:** 1 P.M.

**Place: City Council Meeting Room**  
**17007 Panama City Beach Parkway**  
**Panama City Beach, FL 32413**

The applicant for this variance/appeal request is required by the City of Panama City Beach to send you this letter because, the tax rolls show you own property, in whole or in part, within \_\_\_\_\_ hundred (150) feet of the subject property.

Any questions you may have regarding this request please contact someone at the City of Panama City Beach Building and Planning Department at 850-233-5100, ext. 2429.

# A NEW RESIDENCE for MR & MRS JOHN STARK

LOT 3, BLOCK F, OPEN SANDS S/D  
507 WEST GULF BLVD  
PANAMA CITY BEACH, FLORIDA

PARCEL #: 33916-025-010

### GENERAL NOTES:

1. ALL DIMENSIONS SHOWN ARE APPROXIMATE AND SHOULD BE VERIFIED BY THE CLIENT.
2. THE PROPOSED RESIDENCE IS TO BE CONSTRUCTED ON THE EXISTING LOT.
3. THE PROPOSED RESIDENCE IS TO BE CONSTRUCTED ON THE EXISTING LOT.
4. THE PROPOSED RESIDENCE IS TO BE CONSTRUCTED ON THE EXISTING LOT.
5. THE PROPOSED RESIDENCE IS TO BE CONSTRUCTED ON THE EXISTING LOT.
6. THE PROPOSED RESIDENCE IS TO BE CONSTRUCTED ON THE EXISTING LOT.
7. THE PROPOSED RESIDENCE IS TO BE CONSTRUCTED ON THE EXISTING LOT.
8. THE PROPOSED RESIDENCE IS TO BE CONSTRUCTED ON THE EXISTING LOT.
9. THE PROPOSED RESIDENCE IS TO BE CONSTRUCTED ON THE EXISTING LOT.
10. THE PROPOSED RESIDENCE IS TO BE CONSTRUCTED ON THE EXISTING LOT.

### LEGAL DESCRIPTION:

THE SUBJECT PROPERTY IS A BLOCK OF LAND SITUATED IN THE CITY OF PANAMA CITY BEACH, FLORIDA, AND IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

### INDEX OF SHEETS

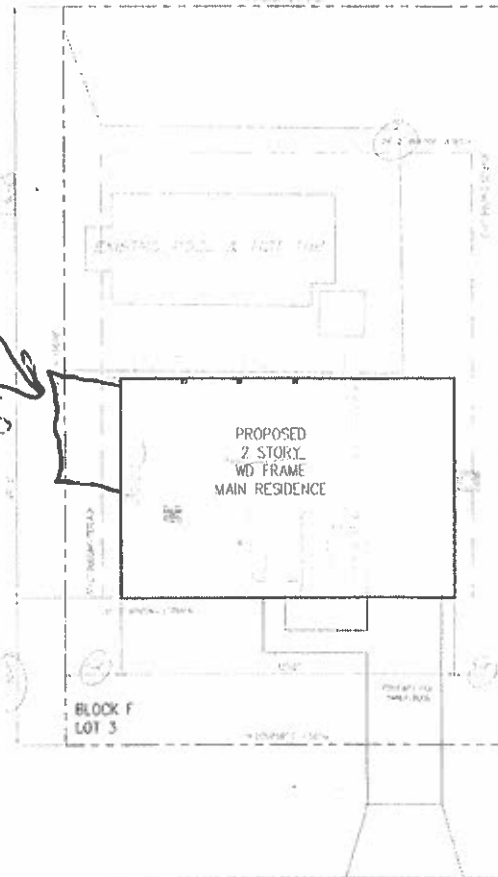
1. GENERAL NOTES
2. SITE PLAN
3. FLOOR PLAN
4. ELEVATIONS
5. SECTION
6. FOUNDATION
7. MECHANICAL
8. ELECTRICAL
9. PLUMBING
10. PAINT

### BUILDING DATA

NO. OF STORIES	2
NO. OF UNITS	1
NO. OF APARTMENTS	0
NO. OF GARAGES	0
NO. OF DRIVEWAYS	0
NO. OF PORCHES	0
NO. OF TERRACES	0
NO. OF BALCONIES	0
NO. OF PATIOS	0
NO. OF STAIRS	0
NO. OF ELEVATORS	0
NO. OF LIFTS	0
NO. OF RAMPWAYS	0
NO. OF MECHANICAL ROOMS	0
NO. OF ELECTRICAL ROOMS	0
NO. OF PLUMBING ROOMS	0
NO. OF PAINT ROOMS	0
NO. OF MECHANICAL ROOMS	0
NO. OF ELECTRICAL ROOMS	0
NO. OF PLUMBING ROOMS	0
NO. OF PAINT ROOMS	0



*Handwritten:* Golf Cart Port



WEST GULF BOULEVARD  
STATE ROAD 19

SITE PLAN  
DATE: 11/15/11



OFFICE COPY

Mitch Baxley  
Design & Drafting Services  
1903 Panama City Beach Parkway  
Panama City Beach, Florida 32413  
950-235-0191

A NEW RESIDENCE FOR

MR. & MRS. JOHN STARK

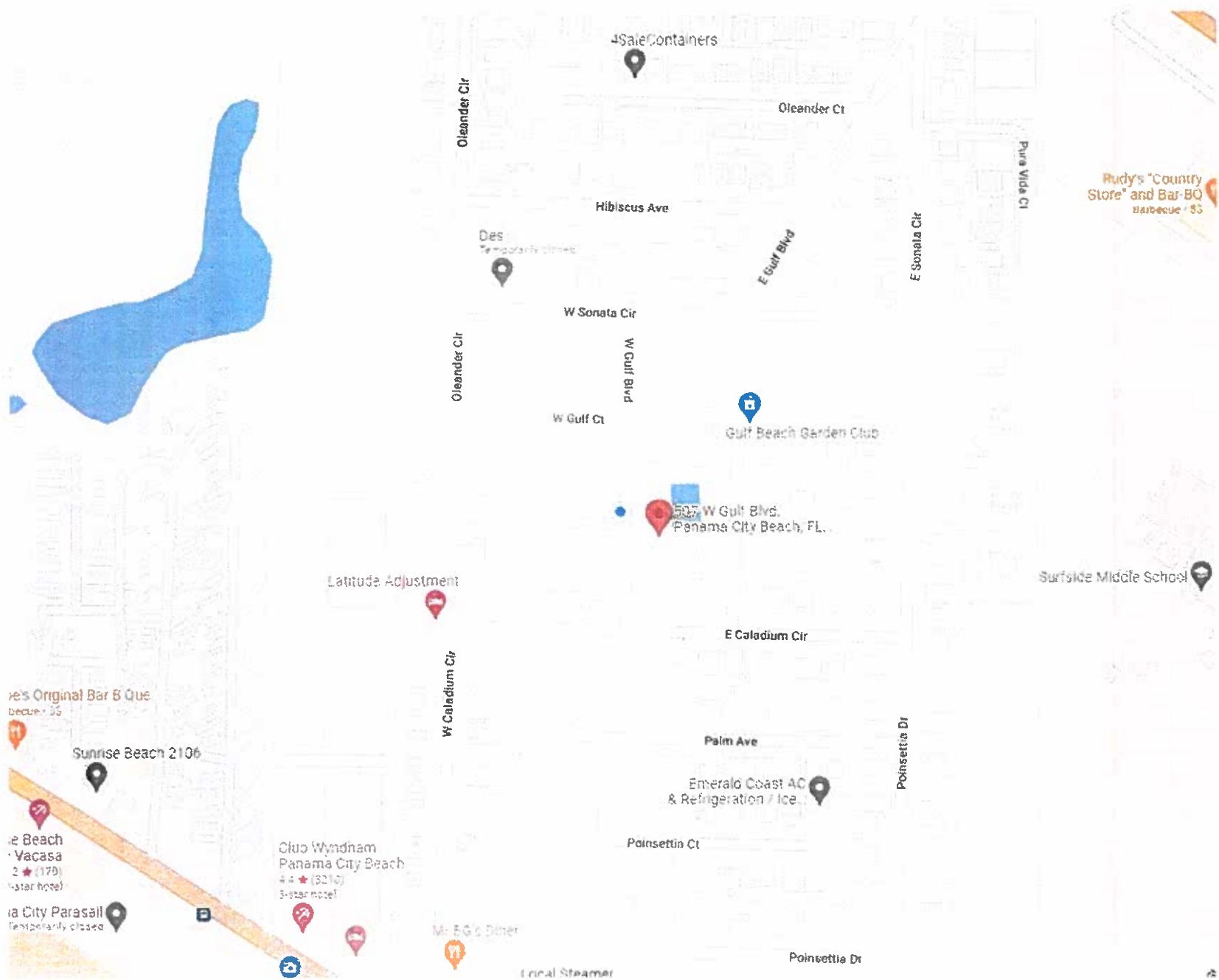
1903 PANAMA CITY BEACH PARKWAY  
PANAMA CITY BEACH, FLORIDA

A.1

**Legal description:**

**OPEN SANDS REPLAT OF BLK F  
S 57.5' OF LOT 3 & N 2.5' LOT 2  
ORB 3923 P 375  
BLK F**

**Vicinity map**





## **DATA AND ANALYSIS**

**APPLICANT:** John and Donna Stark

**PROJECT ADDRESS:** 507 W. Gulf Boulevard

**ZONING DISTRICT:** R-1C (Single Family Residential, High Density – Minimum lot square footage of 6,000sf)

**REQUESTED ACTION:** The applicants are proposing to re-establish an accessory structure to store their golf cart.

The variance request is to reduce the required minimum side yard setback of 5 feet to 1.5 feet for a variance of 3.5 feet and to locate a storage building in the side yard when such structures are permissible only in the rear yard. Additionally, the Land Development Code requires a storage building to be no closer than 5 feet to any other structures. The current storage building is attached to the house.

**The location of the structure is contrary to the following section of the City's Land Development Code:**

Table 4.02.02.A, Section 5.02.00 and 5.02.07 of the City's Land Development Code (attached) establishes a side yard setback of 5 feet in the R-1C district; only allows sheds and storage buildings in the rear yard, and such structures must be at least 5 feet from any other building.

### **CONCLUSION:**

Staff has reviewed the application and it does not appear the standards of LDC Section 9.03.03.A (Required Findings) have been met, specifically numbers 1, 2, 3, 4, 7, and 8.

#### 4. Site Design and Development Standards

A retaining wall may be required for elevation changes of six (6) inches or more with an adjacent property.

(Ord. #1560, 8/26/21)

**Table 4.02.02.A: Building Height and Setback Standards**

Zoning District	Maximum Building Height (in feet) <sup>6</sup>	Minimum Setbacks from Property Lines (in feet)					
		Front	Side		Side Adjacent to Street	Rear	
AR	35	25	50 <sup>1</sup>		50 <sup>1</sup>	50	
R-1a	35	30	12		25	30	
R-1b	35	25	7.5		20	25	
R-1c	35	20	5		15	20	
R-1cT	35	20	5		15	20	
R-O	35	20	0 <sup>1,2</sup>		10 <sup>1</sup>	20	
RTH	35	25	7.5		15	20	
R-2	35	25	5 <sup>1</sup>		15	25	
			General	Adjacent Residential Districts Above <sup>5</sup>		General	Adjacent Residential Districts Above <sup>5</sup>
R-3	55	25	5 <sup>1</sup>	15	15 <sup>4</sup>	15 <sup>3</sup>	25
CL	35	25	5 <sup>1</sup>	15	15	10	15
CM	55	25	5 <sup>1</sup>	15	15 <sup>4</sup>	10 <sup>3</sup>	15
CH	65	25	5 <sup>1</sup>	15	15 <sup>4</sup>	10 <sup>3</sup>	15
M-1	55	25	5 <sup>1</sup>	15	5 <sup>1</sup>	5 <sup>3</sup>	15
C	10	25	5 <sup>1</sup>	15	15	10	15
R	55	25	5 <sup>1</sup>	15	15 <sup>4</sup>	10 <sup>3</sup>	15
PF	55	25	5 <sup>1</sup>	15	15 <sup>4</sup>	10 <sup>3</sup>	15

<sup>1</sup> The **Side Yard Setbacks** shown apply to one-story **Buildings**. For each story above the first story, the **Side Yard Setback** shall increase 2.5 feet.

<sup>2</sup> A zero **Side Yard Setback** is allowed, but shall apply to only one **Side Yard**. The second **Side Yard** shall have a **Setback** of eight (8) feet.

<sup>3</sup> The minimum **Rear Yard Setback** shall increase four (4) feet for each **Story** above the third story. In the M-1 district the **Rear Yard Setback** shall increase six and one-half (6.5) feet for every **Story** above the first **Story**.

<sup>4</sup> The minimum **Side Street Setback** shown applies to 1-3 story **Buildings**. For each **Story** above the third **Story**, the **Side Street Setback** shall increase 2.5 feet.

<sup>5</sup> The minimum **Setback** for a **Side** or **Rear Yard**, adjacent to an R-2 district or above (R-2 through AR), shall be as shown in the table. For each **Story** above the first, such **Side** and **Rear Yard Setback** shall increase by one (1) foot for every foot of height beginning at fifteen (15) feet from the side or rear property line as applicable.

<sup>6</sup> Maximum height may be affected by **Setback** or overlay district requirements.

# Chapter 5. Standards for Special Situations

(Standards for *Uses* and *Structures* that are *Accessory*, *Temporary* or have *Special Design Requirements* are established in this Chapter)

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### 5.01.00 GENERALLY

Certain *Land Uses* have characteristics that require the imposition of *Development* standards in addition to those otherwise required by this *LDC*. Such standards are provided for *Accessory Uses* and structures (Section 5.02.00), temporary *Uses* and structures (5.03.00), communication towers (5.05.00), *Signs* (5.07.00) and other specific *Land Uses* (5.04.00). Certain other *Land Uses* have an even greater potential detriment and therefore cannot be permitted as a matter of right, but may be permitted if certain standards are met through the imposition of conditions tailored to the specified *Use*, location and potential detriment. These are referred to here as *Conditional Uses* (5.06.00). The regulation of *Signs* is treated in this chapter because the careful balance between free speech and the avoidance of public nuisances and safety hazards requires detailed and special design requirements of outside *Signs*.

### 5.02.00 ACCESSORY USES AND STRUCTURES

#### 5.02.01 Generally

- A. It is the intent of this section to regulate the installation, configuration and *Use* of *Accessory Structures* and the conduct of *Accessory Uses*. Regulation is necessary in order to ensure that *Accessory Uses* and structures are compatible with the

## 5. Standards for Special Situations

surrounding neighborhood and are consistent with the character and intent of the zoning district in which the **Accessory Uses** and structures are located.

- B. Excepting **Residential Community Accessory Uses**, **Accessory Uses** and structures are not permissible on **Lots** or **Parcels** that do not contain a **Principal Use** or **structure**.
- C. **Accessory Uses** are identified in Table 2.03.02. Design standards for these **Accessory Uses** are provided in section 5.02.02.

D. **Accessory Structures** may be allowed in any zoning district, provided that they comply with the standards of the zoning district and that the following general standards are met, along with specific standards for the structure as provided in sections 5.02.03 through 5.02.09:

1. All **Accessory Structures** shall be located on the same **Lot** as the **Principal Use**.
2. All **Accessory Structures** shall be included in all calculations for **Parking Space** requirements, **Impervious Surface** ratio standards, stormwater runoff standards and **Lot** coverage standards.
3. All **Accessory Structures**, other than fences and walls located in compliance with the requirements of section 5.02.03, shall be located in compliance with all site design requirements, except the rear **Yard Setback**. A single-story **Accessory Building** shall be located a minimum of five (5) feet from a **Rear Yard** line. An **Accessory Building** greater than one-**Story** in height shall be located a minimum of ten (10) feet from a **Rear Yard** line.
4. Within the following zoning districts, there shall be no more than two (2) **Accessory Structures** permissible (excluding fences, walls and unenclosed pools): R-1a, R-1b, R-1c, R-1c-T, R-2, R-O and RTH. All other zoning districts may have any number of **Accessory Structures**, so long as such structures are located in compliance with the site design requirements of the zoning district and the applicable requirements of this section.
5. There shall be no off-site signs pertaining to allowable **Accessory Uses**.
6. The aggregate area of all permissible **Accessory Structures** and **Accessory Use** shall consist of no more than 90% of the size and area of the **Principal Use**.
7. The height of an **Accessory Structure** shall not exceed the height of the **Principal Structure**.
8. An **Accessory Structure** may be used for human habitation if its **Use** as an additional **Dwelling** is permitted by the underlying zoning district. An **Accessory Structure** used or useable for human habitation which is two or more **Stories** in height shall not have windows on the second or third **Story** facing the rear or side property lines.

(Ord. #1441, 1/4/18)

END

END

### 5.02.02 Accessory Uses

**Accessory Uses**, identified in Table 2.03.02, shall comply with the following requirements:

- C. Where screening is provided by landscaping, the **Access** to the dumpster shall be a wooden or other opaque gate.
- D. Dumpsters shall be **Setback** a minimum of fifty (50) feet from any property zoned or used for **Residential** purposes.
- E. A dumpster located on properties on a designated **Scenic Corridor** shall not be visible from view at ground level by pedestrian traffic and shall not be located on the side of the **Building** abutting the **Scenic Corridor**.

(Ord. #1254, 11/14/13)

#### 5.02.05 *Reserved*

#### 5.02.06 **Dock Facilities**

(Reserved)

#### 5.02.07 **Sheds, Storage Buildings, Detached Garages and Greenhouses**

Sheds, storage **Buildings** and greenhouses, other than those located in the AR zoning district, shall:

- A. Not be used for the storage of hazardous, incendiary or noxious materials;
- B. Not be located within any easement;
- C. Be located only in the **Rear Yard**;
- D. Not exceed seventeen and one-half (17.5) feet in height, measured to the peak of the **Roof**;
- E. Not exceed thirty (30) percent of the area within the **Rear Yard**; and
- F. Be separated from any other **Building** on the same **Lot** by a minimum of five (5) feet.

END

END

#### 5.02.08 **Swimming Pools**

- A. Swimming pools shall:
  - 1. Be located only in **Side** or **Rear Yards**, or within or under the principal structure;
  - 2. Be completely surrounded with a wall or fence not less than four (4) feet in height and sufficient to prohibit unrestrained admittance to the pool area; and
- B. Where a swimming pool is attached to the **Dwelling**, the pool enclosure shall be considered a part of the **Principal Structure** and shall comply with all site design and **Building** location requirements for the zoning district.
- C. The nearest opening into an unenclosed swimming pool shall be located no closer than five (5) feet from any side or rear **Lot Line**.



## 9. Variation from Code Requirements

- B. All applicable Site Design and **Development** Standards (other than those making the **Lot** a **Substandard Subdivision Lot** ), other requirements and standards in this **LDC** and other requirements and standards of law are satisfied; and
- C. If the **Lot** was part of a larger **Parcel** and **Building** site, neither its owner nor any predecessor in title to its owner conveyed or otherwise disposed of the right to incorporate any land adjoining the **Lot** into the **Parcel** and **Building** site subsequent to the adoption of this **LDC**.

### 9.03.00 VARIANCES

#### 9.03.01 Generally

The Planning Board may authorize a **Variance** from the site and **Building** design or **Development** standards set forth in the **LDC** (except where expressly prohibited) where the Board has determined that the requirements of this subsection have been met. The Planning Board may not authorize a **Variance** from any standard, requirement or provision of the **Sign Code** except that the Board may authorize a **Variance** from the setback requirements for a **Sign** where the Board has determined that the requirements of this subsection have been met.

#### 9.03.02 Procedure

##### A. Applications

1. An application for a **Variance** shall include the submittals required in Chapter 10.
2. The application for a **Variance** shall include a statement explaining how the **Variance** request conforms to the requirements listed in section 9.03.00.

##### B. Review of Applications

An application for a **Variance** shall be reviewed pursuant to the applicable procedures set forth in Chapter 10.

### 9.03.03 Required Findings

- A. In order for an application for a **Variance** to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:
  1. There is a specific hardship affecting the **Development** of the **Lot** resulting from the strict application of the provisions of the **LDC**;
  2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce **Development** costs;
  3. The need for the proposed **Variance** is due to the physical shape, configuration or topographical condition of the **Lot** in such a manner as to distinguish it from other adjacent or nearby **Lots** or from other **Lots** in the district;

## 9. Variation from Code Requirements

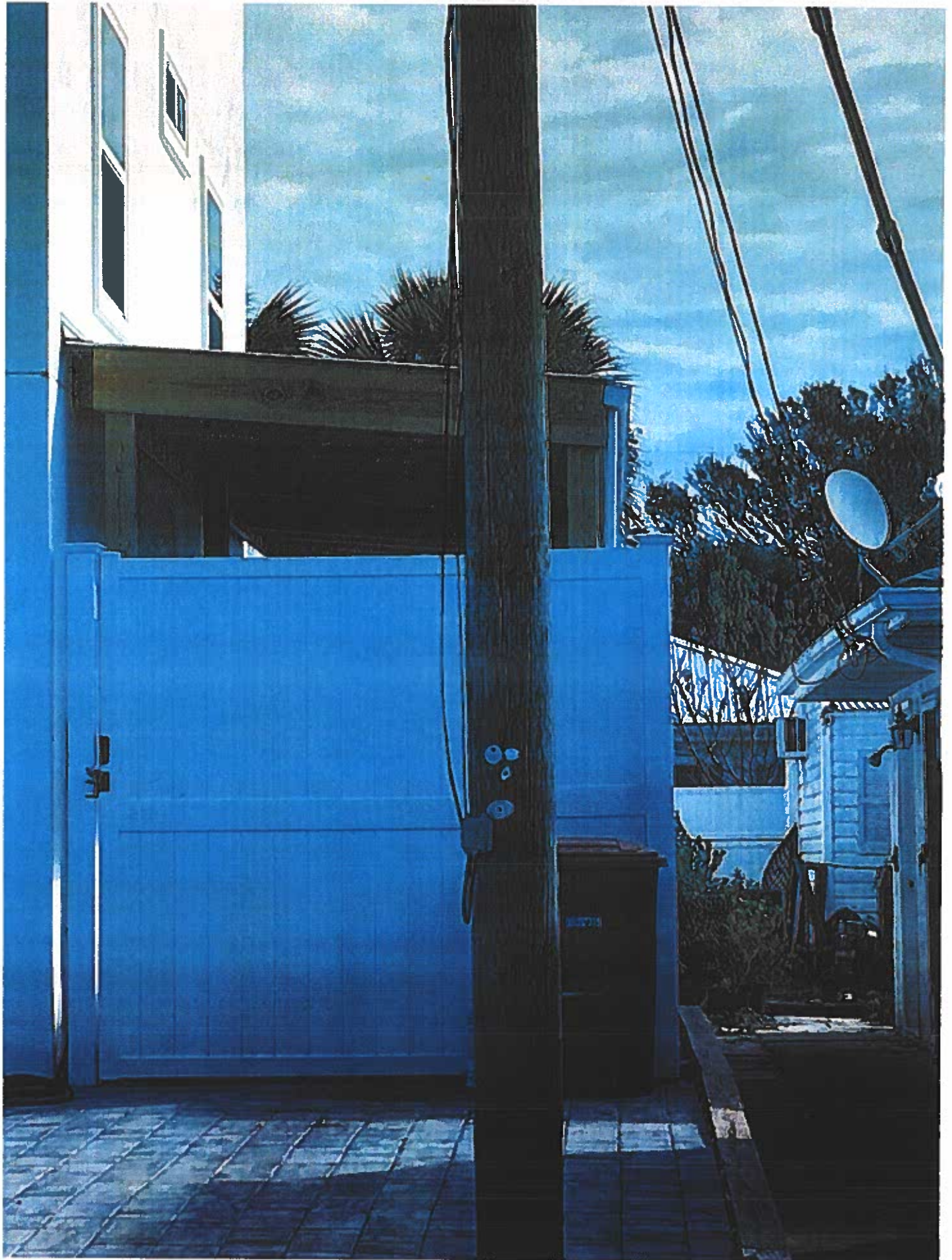
4. The proposed **Variance** is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby **Lots** or other **Lots** in the district;
  5. The proposed **Variance** will not substantially increase congestion on surrounding **Streets**, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public;
  6. The proposed **Variance** will be compatible with adjacent and nearby **Development** and will not alter the essential character of the district;
  7. The effect of the proposed **Variance** is consistent with the purposes of the **LDC**; and
  8. The effect of the proposed **Variance** is consistent with the Comprehensive Plan.
- B. The applicant for a **Variance** has the burden of proof of demonstrating that the application for a **Variance** complies with each of the requirements of section 9.03.03A.  
(Ord. #1254, 11/14/13)

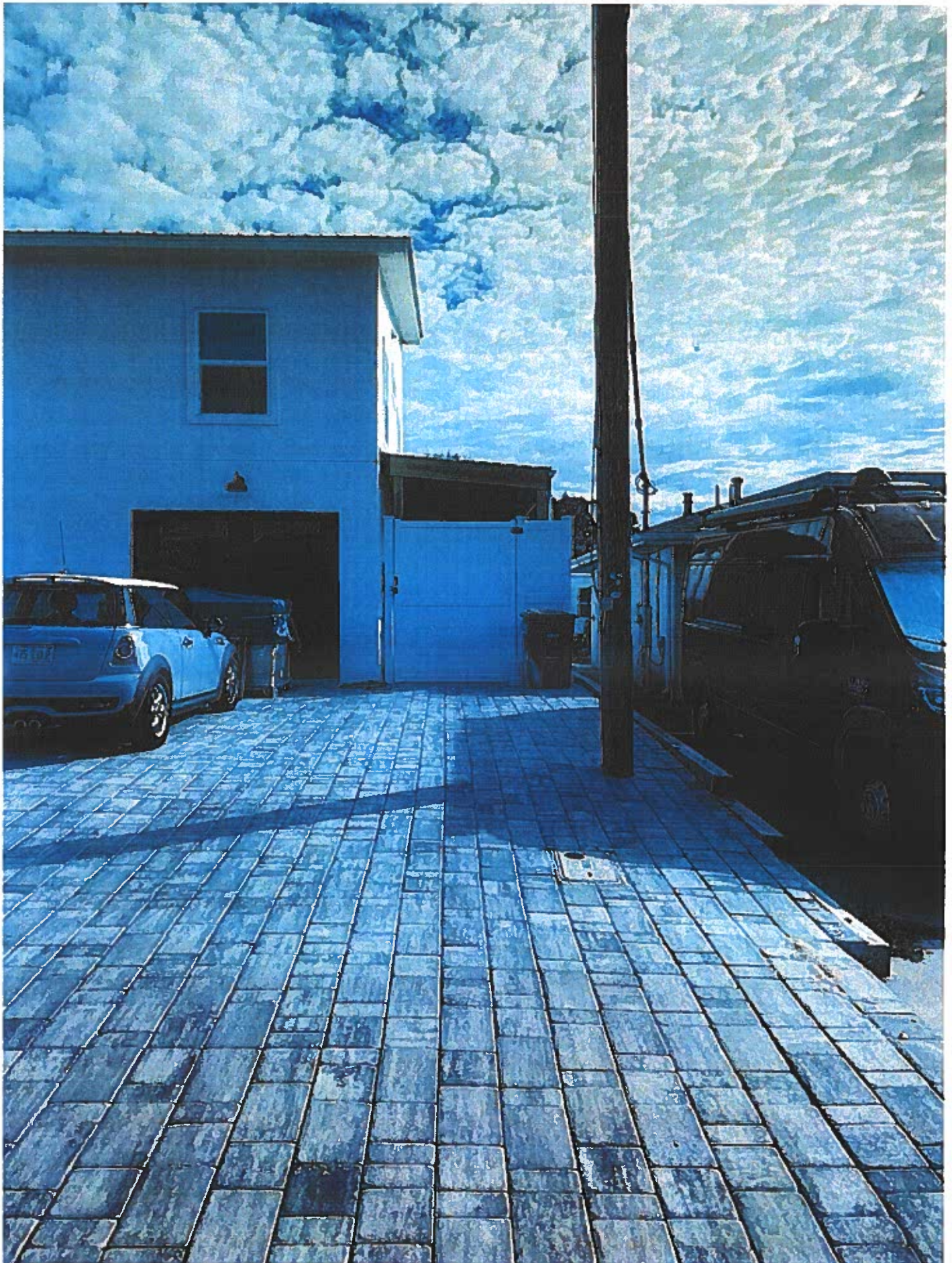
### 9.03.04 Restricted or Conditional Variance and Termination

- A. The Planning Board may impose such conditions and restrictions as may be necessary to allow a positive finding for any of the factors listed in section 9.03.03A.5 and 6.
- B. After written notice of violation and reasonable opportunity to cure has been given to the property owner, the **City Manager** shall terminate a restricted or conditional **Variance** for a violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

### 9.03.05 Limitation on Time to Use Variance

Any **Variance** authorized by the Planning Board and not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed the date on which the order becomes final, shall be deemed **Abandoned** and be void and of no further force and effect.





# 507 W. Gulf Boulevard Variance Request





# Bay County Property Appraiser - Dan Sowell, CFA

Main Office | 860 W. 11th St, Panama City, FL 32401 | 850-248-8401

Beach Office | 301 Richard Jackson Blvd, Panama City Beach, FL 32407 | 850-248-8470



Overview



Legend

□ Parcels

?								
<b>Parcel ID</b>	33916-025-010	<b>Owner</b>	STARK, DONNA W & JOHN	<b>Last 2 Sales</b>				
<b>Class Code</b>	SINGLE FAMILY		507 W GULF BLVD	<b>Date</b>	<b>Price</b>	<b>Reason</b>		<b>Qual</b>
<b>Taxing</b>	13		PANAMA CITY BEACH, FL	10/4/2022	\$100	UNQUAL/CORRECTIVE/QCD,TD		U
<b>District</b>	PANAMA CITY BEACH	<b>Physical Address</b>	507 GULF BLVD W	7/10/2017	\$79900	UNQUAL/PERSPROP, NONTYPCL		U
<b>Acres</b>	0.137	<b>Just Value</b>	Value \$325261			AMTS		
				<b>MLS</b>				

(Note: Not to be used on legal documents)

Date created: 11/23/2022

Last Data Uploaded: 11/23/2022 1:09:17 PM

Developed by Schneider GEOSPATIAL

# PUBLIC COMMENTS ON ITEM NO. 6

## Melissa Deese

---

**From:** Nancy Abood <nancy@hausofabood.com>  
**Sent:** Wednesday, November 30, 2022 12:21 AM  
**To:** Melissa Deese; Deborah Jones; lynne.fasone@pcb.gov  
**Cc:** mel.ponder@pcbfl.gov; Lanie Smith; Wyatt Rothwell; Phil Chester; paul.caston@pcbfl.gov  
**Subject:** 507 W. Gulf Blvd, Panama City Beach, FL / Stark Variance Request

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Some people who received this message don't often get email from nancy@hausofabood.com. [Learn why this is important](#)

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Melissa –

*First and foremost, thank you for taking the time to meet with me to discuss Mr. Stark's Variance / Appeal request scheduled to be heard on 12/14/2022 at 1:00 P.M. in the City Hall Meeting Room. I am formally requesting to be put on the Agenda to discuss the hardship Mr. Stark has caused me and numerous others In Open Sands.. As you are aware I first filed this as a Code Enforcement issue with Ms. Jones mainly stemming from the fact that the recently completed home at 507 W Gulf was flooding my yard (which had never occurred before this home was completed and issued a CO (before he added as very large brick paved driveway (impervious surface) that required a retaining wall for the amount of fill he brought in to raise his home which is least five feet above the end of my driveway (600 W. Gulf Blvd). This has caused flooding, but even worse when he proceeded to erect an attached "golf cart carport" with an 8' fence without a permit to also include more brick pavers under his new "golf carport" which is now an attached structure causing massive flooding. He not only attached a structure to his home without a permit, but to make matter worse built it well above his 8' fence with a sloped metal roof adding a gutter and downspout which sits on top of his "Impervious surface" (surfaces that allow little or no stormwater infiltration into the ground. Other than exposed natural rock cropping's, impervious surfaces are completely human-created and are an unnatural part of most ecosystems) causing massive amounts of water running straight down his "hill" to my yard and the entire street. If he had installed the French drain which he assured me he was going to do when I questioned him it would've lessened the amount of water runoff to my house, but now all the other issues this has caused is so disappointing.*

*After my meeting today with Ms. Jones and Mr. Smith I understand there is also an open "Code Enforcement" case, of which I formally filed a Records Request today with Ms. Fasone, City Clerk. There are far more issues with this new home that are clear building / code violations. We all know Owners wait to get a c.o. then make major changes that are clear code violations. I've personally seen developers get around parking requirements by calling the hall alcove an "office with desk" to then convert to a bunk bed to have more heads in the beds though the building clearly does not have enough parking with another "bedroom".*

*Unless a citizen or a neighbor is aware of the planning, zoning, building, permitting process and file a complaint (fortunately I do, having worked under the City Manager in Destin, understanding the requirements needed to side setbacks requirements, height restrictions, engineering, flooring, codes, ordinances and variance request) these matters*



*go unaddressed. Owner's / Developer's come forward after the fact asking for forgiveness instead of permission knowing they clearly violated the City Building requirements and ordinances. Mr. Stark pulled the original building permit to build his new home and knew what the setback requirements were but now is requesting essentially a zero lot line after the fact! Because of his clear disregard for codes and ordinances the taxpayers, not to mention staffs time, are paying for him to be heard and ask for a variance that is very far reaching affecting not only his neighbors but setting a precedence for every builder and homeowner to thus do the same.*

*Again, thank you all for meeting with me so I can be prepared for his upcoming Variance request but I can also inform all the neighbors of Open Sands that are outside of the 150' feet who don't even know what a variance is 😊.*

*Warmest Regards,*

*Nancy Abood*  
*(850) 259-6151 cell*  
*www.hausofabood.com*

# ITEM NO. 7

- C. The height of a **Small Wireless Facility** may only extend 10 feet above the utility pole or structure upon which the **Small Wireless Facility** is to be Collocated.  
(Ord. # 1430, 10/12/17)

#### **5.05.10 Additional Requirements for Small Wireless Poles Located in a Right-of-Way**

- A. The height for a new **Small Wireless Pole** is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a height waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the **Small Wireless Facility**. If there is no utility pole within 500 feet, the **Small Wireless Pole** shall be no taller than 50 feet.
- B. New **Small Wireless Poles** must be **Stealth Facilities** designed to look and function like light poles. If there are multiple existing light poles within 500 feet of the proposed location in the same right-of-way that have a consistent design, then the new **Small Wireless Pole** must look substantially like the existing light poles and be the same color as the existing light poles, except for its height, which is controlled by 1. above. Minor design deviations that maintain the same or better aesthetic quality may be approved by City staff.
- C. New **Small Wireless Poles** in right-of-way under the jurisdiction of the Florida Department of Transportation requires the consent of the Florida Department of Transportation, but still shall comply with the City's placement and design requirements.  
(Ord. # 1430, 10/12/17)

### **5.06.00 CONDITIONAL USES**

#### **5.06.01 Generally**

Specific **Uses** are identified in Table 2.03.02, as allowable subject to conditional **Use** approval because they have a greater potential detriment than other **Uses**. Conditional **Uses** are not of right; these **Uses** must comply with the standards applicable to the zoning district as well as the standards contained in this section and the specific standards contained in the following sections, as applicable. Because conditional **Uses** may intrude on the right to enjoy adjacent properties, the Planning Board, or City Council when reviewing Conditional **Uses** located on parcels involving more than three (3) acres, has the discretion to impose conditions it determines to be necessary to satisfy required approval findings. Where there is conflict between a standard applicable to the zoning district and the following conditional **Use** standards, the stricter standard shall be required. A conditional **Use** shall be permitted by the Planning Board, or City Council when reviewing Conditional **Uses** located on parcels involving more than three (3) acres, provided that the Board or Council finds that, in light of any conditions imposed:

- A. The proposed **Use** is so designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
- B. The proposed **Use** will not have an adverse effect on existing traffic patterns.

- C. The proposed **Use** will not impair an adequate supply of light and air to adjacent properties.
- D. The proposed **Use** will not materially increase congestion in the public **Streets** in the surrounding area.
- E. The proposed **Use** conforms to all applicable **Setback, Building Height, Lot coverage** and all other applicable regulations of the zoning district in which the **Use** is to be located.
- F. **Off-Street** parking and all other General Provisions of the Zoning Ordinance are met.
- G. The proposed **Use** will not impair the established values of the property in the surrounding area.
- H. The hours of **Use** will not be offensive to adjacent property owners, taking into consideration other surrounding **Uses**.
- I. There is adequate shielding to protect adjacent property owners from noise, lights and other obnoxious elements and activities, taking into consideration other surrounding **Uses**.
- J. The existing or proposed improvements and facilities are adequate for the **Use** intended.
- K. There will be no adverse effect on water, sewage and drainage in the surrounding area.
- L. The proposed **Use** satisfies any applicable, specific criteria stipulated for such **Use** as described below.

After written notice of violation and reasonable opportunity to cure has been given to the property owner, the City Manager shall terminate a conditional Use for violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

(Ord. # 1271, 4-25-13)

#### **5.06.02 Amusement Park, Amusements Not Otherwise Specified and Zoos.**

**Amusements, Amusement parks and Zoos** may be allowed in the CH zoning district subject to conditional use approval and compliance with the following conditions. **Zoos** also may be allowed in the AR zoning district subject to conditional use approval. **Zoos** are not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive.

(Ord. #1254, 11/14/13)

- A. **Amusements and Amusement parks** may include, but not be limited to, tourist-oriented attractions such as water slides; tracks for go-carts or other similar

#### **Discussion - Conditional Use 5.06.01**

**Planning Board and City Council approval on three (3) acres or more  
Community Meeting Required for three (3) acres or more.**

**Building Height for R-3 Multi-Family 55'**

**Setbacks – Front 25'**

**Side – 15' (Adjacent Single-Family Residential)**

**Rear – 25' (Adjacent Single-Family Residential)**

#### **4.06.03 Buffer Requirements**

1. Landscaped buffers and a *Solid Faced* masonry or wooden wall or fence shall be required to separate property zoned for commercial or industrial Use from adjacent property zoned or used for *Residential* purposes (*Single Family* or *Multi-family*) and to separate property zoned for *Multi-family Use* from adjacent property zoned or used for *Single Family Residential Use*. The minimum buffer width shall be twenty feet (20') and be planted with one (1) large or medium tree for each twenty (20) linear feet of property on the boundary separating the adjacent Uses. The wall or fence shall be at least six (6) feet and not more than eight (8) feet in height and be located no more than one (1) foot from the property line.

#### **Proposed Conditions for Buffer Requirements**

1. Require Fence Height of 8' for a Solid Faced Fence
2. Require the Buffer adjacent to a Single-Family Residential Use and the location of the Fence along the interior boundary (parking lot or open space area) of the entire development.
3. Increase the vegetative buffer requirements from 20' to 30' for building height over 35' (3 Story or Above).
4. Maintain the current buffer of mature trees in the 20' or 30' buffer if possible.
5. Require the vegetative buffering to be increased of every fifteen (15) linear feet of property with large and medium trees from LDC Section 4.06.02 Street Trees.

#### **4.02.04 Performance Standards for Zoning Districts – Current LDC**

**C. Wastes – Solid waste containers are required and shall be located at least fifty (50) feet from any property zoned or used for Residential purposes.**

**5.02.04 Dumpsters/Solid Waste Containers – A. All four sides shall be screened.**

#### **Proposed Conditions for Solid Waste Locations**

1. Require the solid waste container(s) located on the development site to be one hundred (100) feet from any property zoned Single-Family Residential.

#### **4.02.04 Performance Standards for Zoning Districts - Continued**

**G. Glare and Light – there shall be no direct glare visible from any property zoned or used for Residential, public, recreation or conservation purposes caused by unshielded floodlights or other sources of high intensity lighting. Light measured from the closest Setback line of a parcel zoned or used for residential, public, recreation or conservation purposes and shall not exceed one-half (0.5) foot candles illumination unless required to meet minimum requirement for sidewalk lighting.**

#### **Proposed Conditions for Lighting**

1. Require all lighting on the development to be downlit.
2. Any building height over 35' (3 Story or Above) require "approved lighting" for building architecture or balconies facing parcels zoned Single-Family Residential. (Turtle Lighting Requirements preferred on third and fourth story.

**5.04.33 Transient Residential Rentals – rentals are allowable in R-2, R-3, R-TH, CL, CM and CH zoning districts. A minimum of three (3) days in the R-2 and R-3 districts, and any time period in the CL, CM and CH districts.**

#### **Proposed Conditions for Transient Residential Rentals**

1. Prohibited in developments that are within 100' of zoned Single-Family Residential property.

**5.04.10 Multi-family Buildings – Accessory Uses – 1. Building Management Office, 2. Restaurant, 3. Day-Care/Child Care Facility, 4. Laundry/Dry-Cleaning Stations, 5. Newsstands, 6. Parks and Recreation facilities (Pools and Outdoor Play Areas) and 7. Self-service laundry.**

#### **Proposed Conditions for Accessory Uses**

1. Parks and Recreation facilities – increase the required fifty (50) feet from property zoned or used for Single Family Residential to one hundred fifty (150) feet.
2. Currently pools and active outdoor play areas shall be full screened through the Use of Decorative Fencing or vegetation.

# ITEM NO. 8

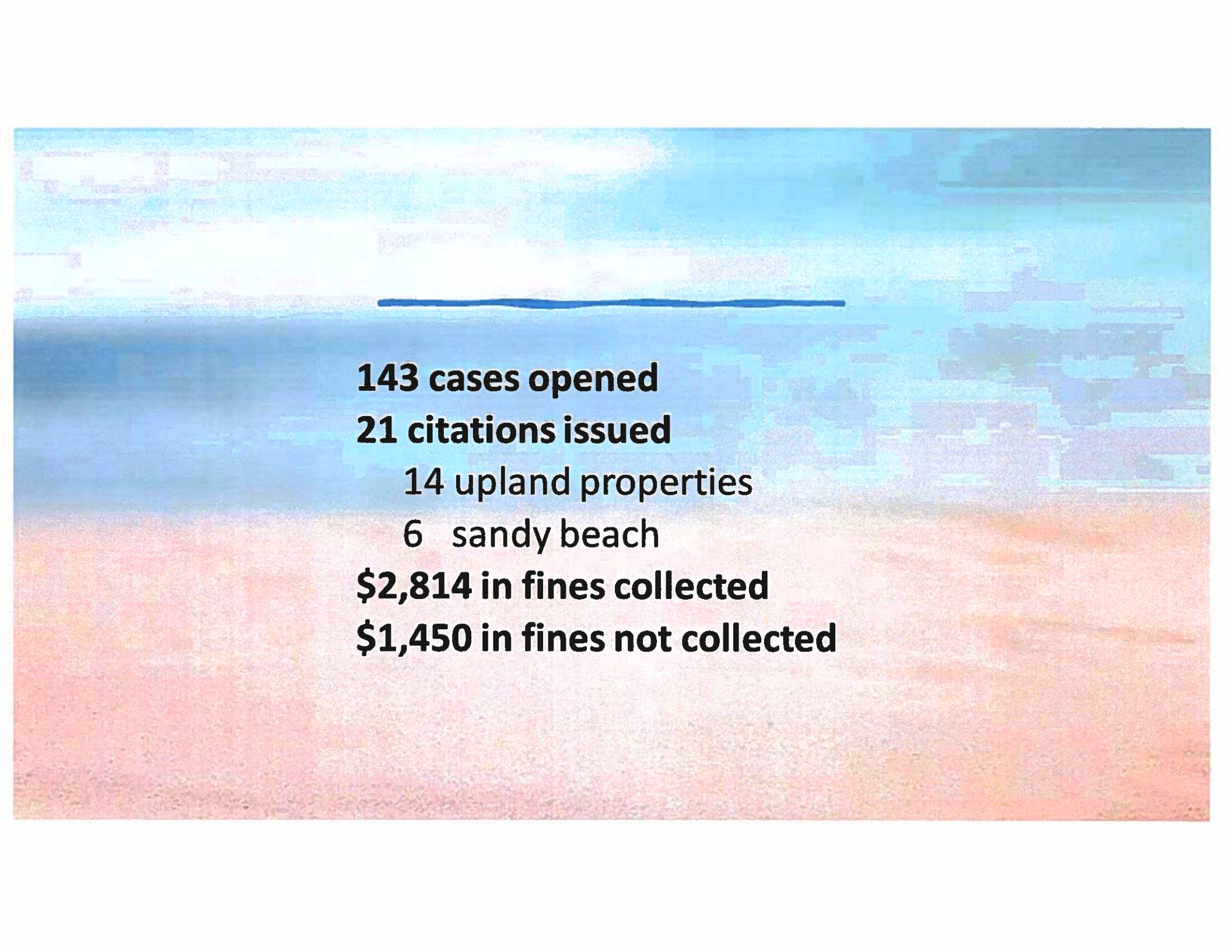


# *CODE ENFORCEMENT*

**November 2022 Report**

(October 16 – November 15)



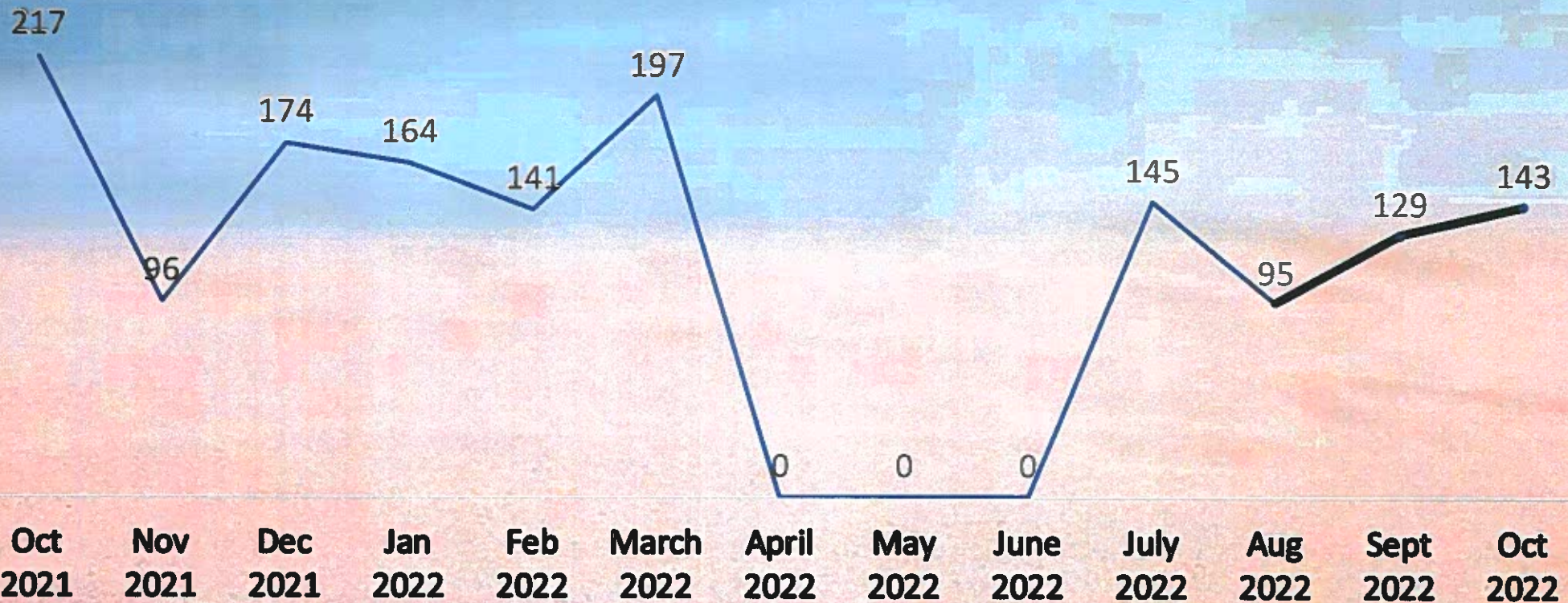


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**143 cases opened**  
**21 citations issued**  
    14 upland properties  
    6 sandy beach  
**\$2,814 in fines collected**  
**\$1,450 in fines not collected**

# Total cases

- Only cases opened during this time period, not including closed cases during this timeframe.
- Open & closed cases during this time period, which include cases opened in previous months.



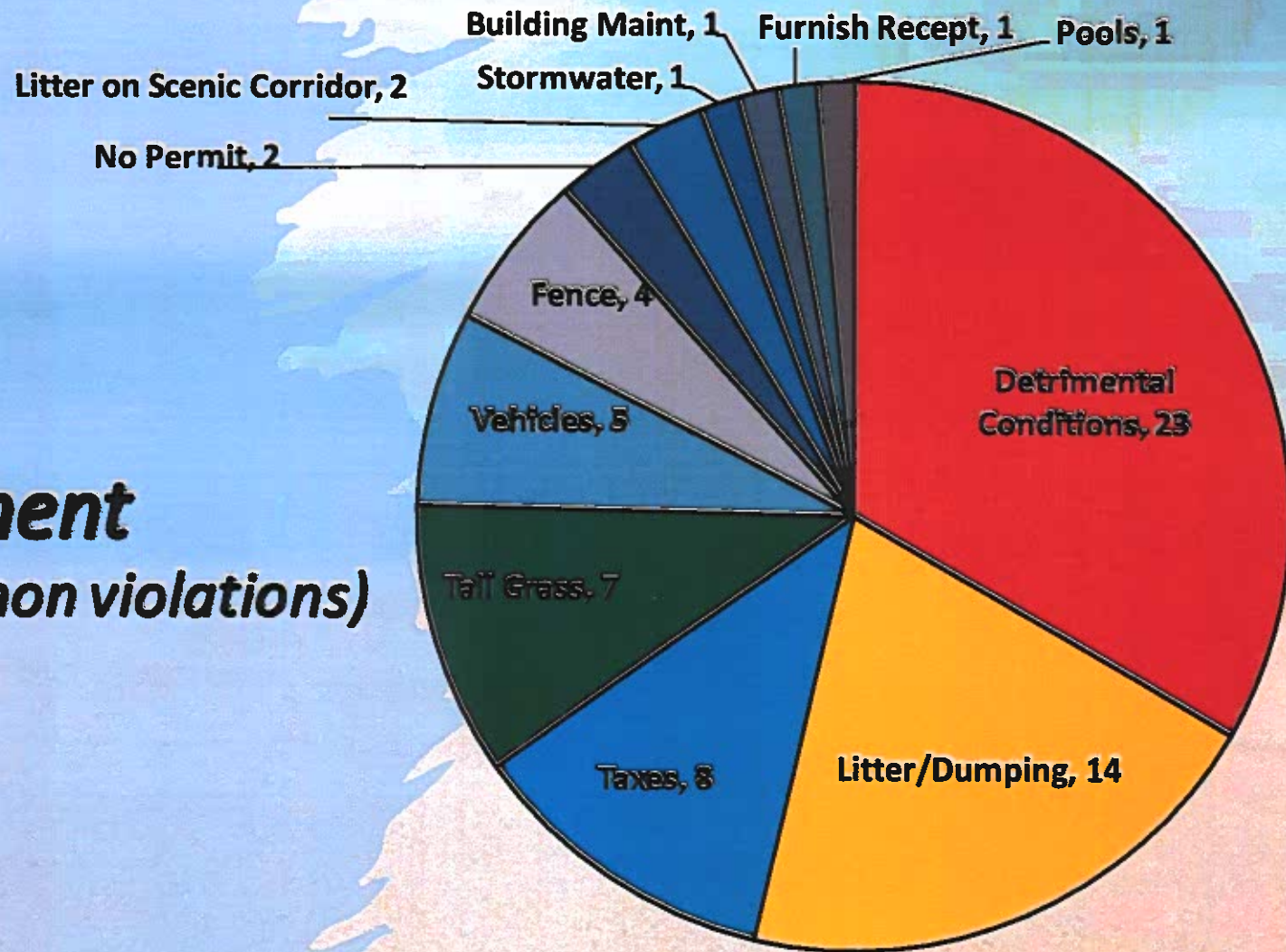
## ***General Enforcement (most common violations)***

<b>Code</b>	<b>Description</b>	<b>Opened</b>	<b>Citations</b>
CODE 15-18, 15-17 (3)	Detrimental Conditions	23	5
CODE 12-6	Litter / Dumping	14	0
CODE 14-2 / 14-6	Delinquent or non-payment of Business Taxes	8	0
CODE 15-18, 15-17(6)	Tall grass	7	5
CODE 15-18, 15-17 (2)	Storage of junk vehicle	5	0
CODE 5.02.03	Fence in need of repair	4	2
CODE 8-75 (a)	Work without a permit	2	1

## ***General Enforcement (most common violations)***

<b>Code</b>	<b>Description</b>	<b>Opened</b>	<b>Citations</b>
CODE 12-7	Litter Scenic Corridor	1	0
LDC 3.05.08	Stormwater Runoff	1	0
CODE 8-7	Building Maintenance	1	0
CODE 12-2	Furnish Receptacle	1	0
LDC 5.02.08 (a2)	Unsecured Pool	1	0
LDC 5.07.05	Unpermitted signs/flags not in ROW	0	0
LDC 5.07.04	Unpermitted signs/flags in ROW	1	1
LDC 4.02.04	Short Term Rental	0	0

# **General Enforcement (most common violations)**

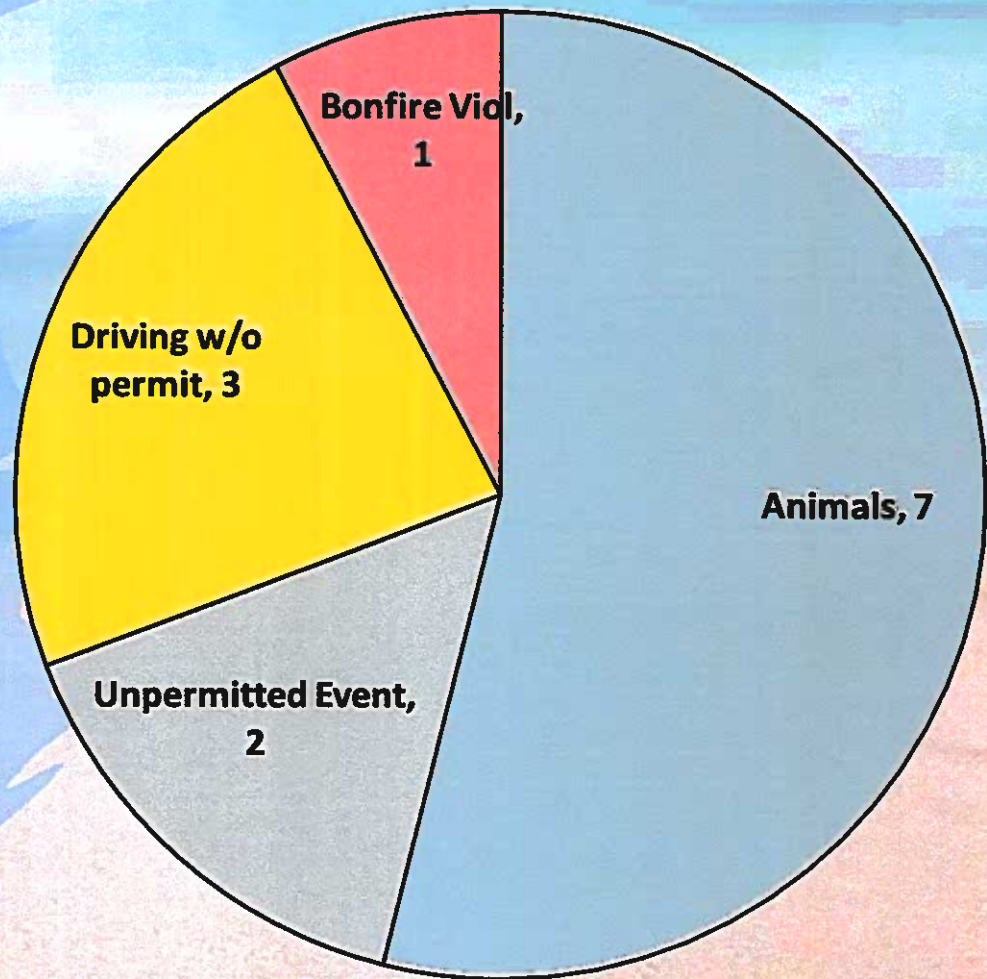


# ***Sandy Beach Enforcement***

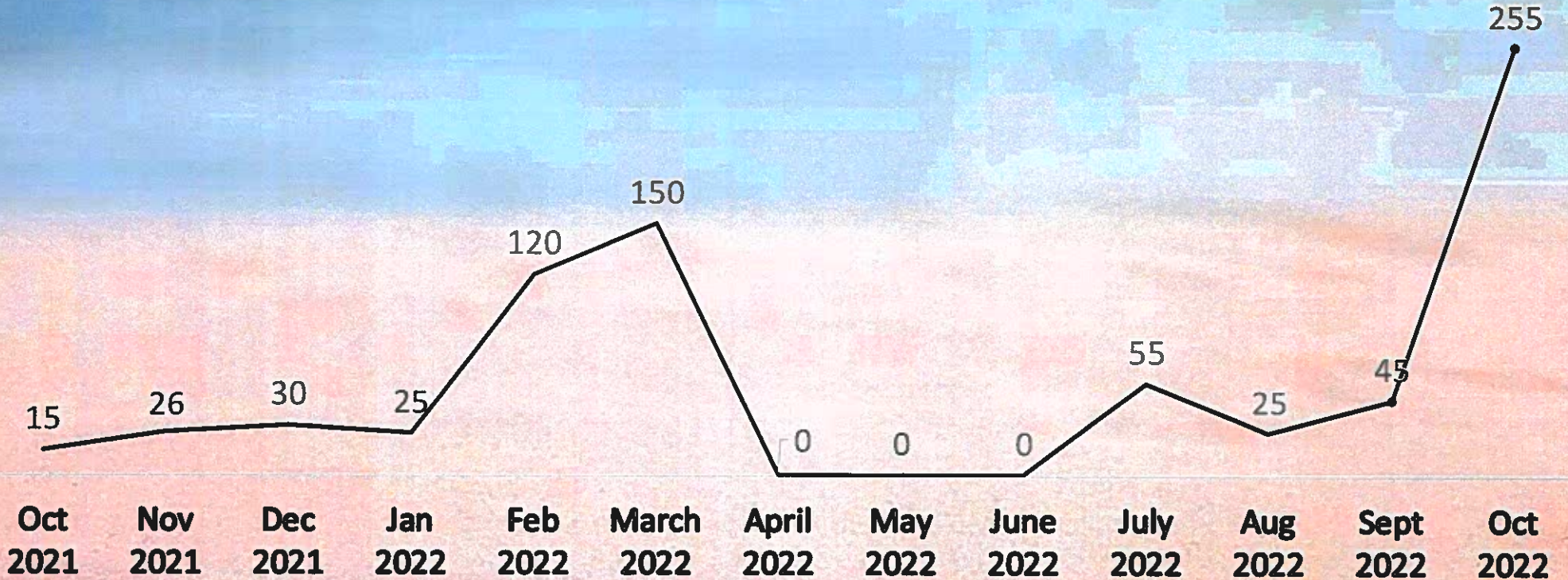
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<b>Code</b>	<b>Description</b>	<b>Opened</b>	<b>Citations</b>	<b>Warning</b>
CODE 7-9	Animals on beach	7	3	4
CODE 7-101	Driving on beach	3	3	0
CODE 10.14.02	Event without permit	2	0	2
CODE 7-11 (a)(6)	Bonfire violation	1	0	1

# ***Sandy Beach Enforcement***



**Signs & Flags removed from city ROW.**





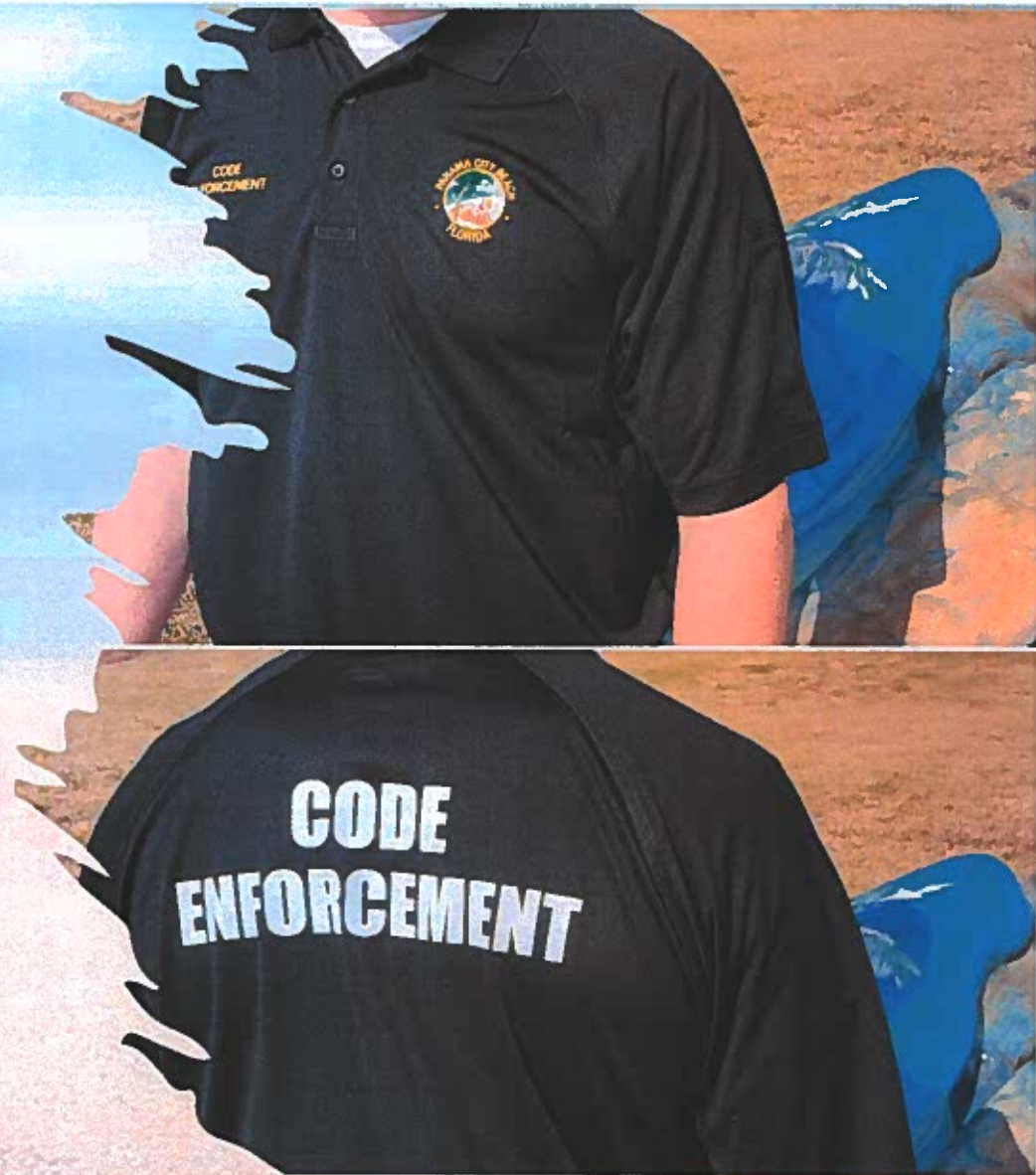
## ***Serving the public better by:***

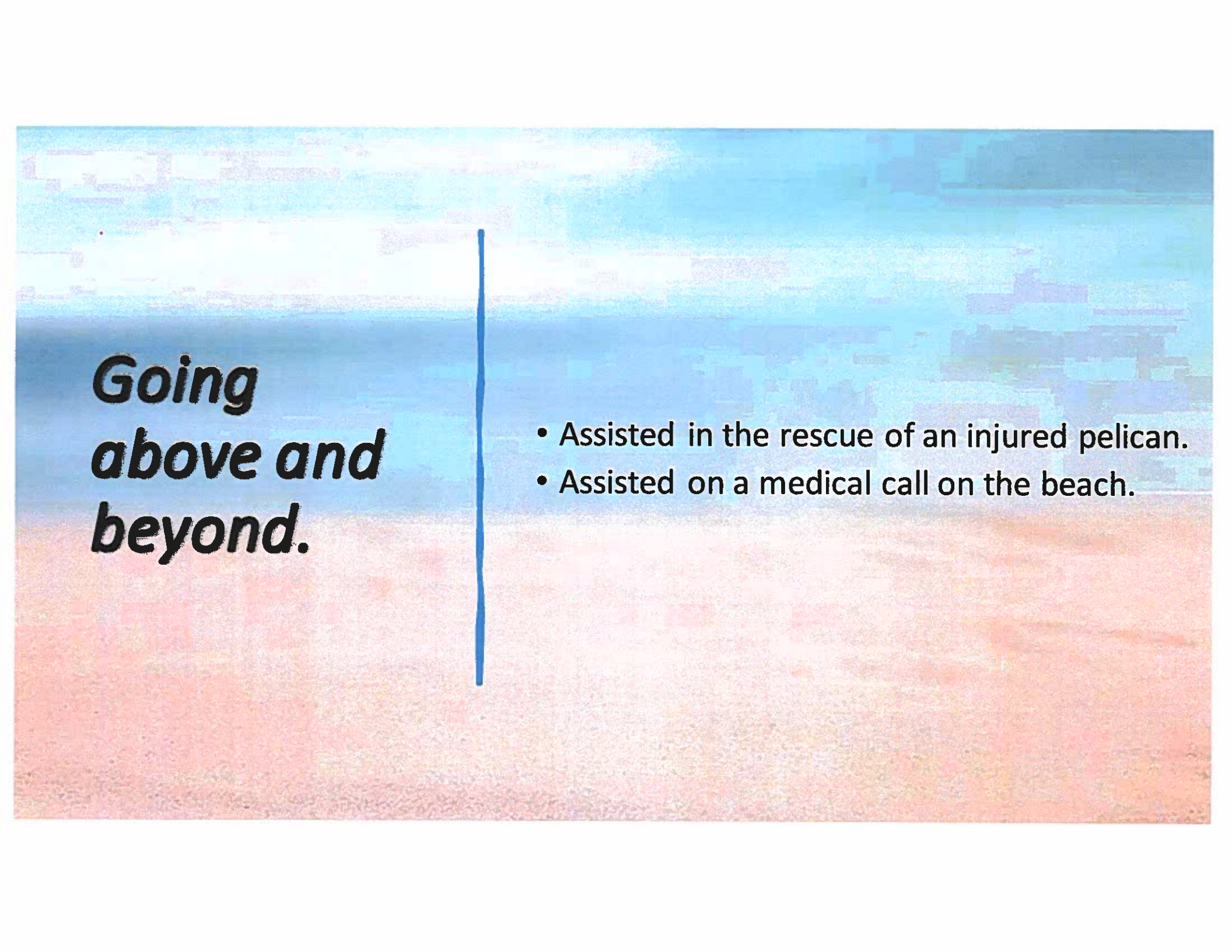
- Continuing to evaluate Code Enforcement processes.
- Taking an active role with Police and Fire with inspections of larger special events.
- Ensuring wedding and bonfires are permitted.
- All officers have now received their Code Enforcement Fundamentals certification.
- Staff continuing education on topics such as:
  - All officers have now received their Code Enforcement Fundamentals certification.
  - Reducing risks associated with drug contact exposure
  - Department Of Environmental Protection website and research



## ***Serving the public better by:***

- Code Enforcement (CE) Officers are now in standard, clearly identifiable uniforms, jackets, and hats.
  - Easier for the public identify CE in neighborhoods and on the beach.
  - Visually states CE authority and limitations.
  - More professional image for CE.





***Going  
above and  
beyond.***

- Assisted in the rescue of an injured pelican.
- Assisted on a medical call on the beach.



# **CODE ENFORCEMENT**

*Questions?  
Concerns?  
Complaints?*

