

**CITY OF PANAMA CITY BEACH
PLANNING BOARD**

MEETING DATE: February 14, 2024
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. Register**
- ITEM NO. 3** **Approval of December 13, 2023, Planning Board Meeting Minutes**
- ITEM NO. 4** **Public Comments-Non-Agenda Items Limited to Three Minutes**
- ITEM NO. 5** **Alfredo and Donna Martin are requesting authorization of a variance from Land Development Code Section 5.02.03.A.1 to increase the maximum rear fence height from 8’ to 12’ for a variance of 4’ and a variance from Section 5.02.01.D.3 to decrease the required setback from 5’ to 3’ for an accessory structure (4’ wide walkover). The property is located at 116 Crane Street.**
- ITEM NO. 6** **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

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: ALFREDO AND DONNA MARTIN

Address: 116 CRANE ST.

City: PANAMA CITY BEACH State: FL Zip: 32413

Email: panamacitybeach@yahoo.com Telephone: 818-402-9242 Cell: _____

Name of Acting Agent: Same 818-402-6346

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: 5.02 .03.A.1.

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.

PLEASE SEE ATTACHED

Application Submittal Requirements: LDC Section 10.02.02

Plan or Plat Preparer Name: SEE ATTACHED SURVEYS

Address: _____

City: _____ State: _____ Zip: _____

Email: _____ Telephone: _____ Cell: _____

Date of Preparation: _____

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: _____

How many feet away are all adjacent structures (also on surrounding properties) from structure located on subject property? Name specific structures. _____

10 FEET FROM THE RESORT

EXISTING TIKI BAR DECK IS 3 FEET FROM PROPERTY LINE APPROX.

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 AT ALL

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: 1/24/24

DONNA MARTIN

Print Name



Signature

ALFREDO MARTIN

Print Name



Signature

We live at 116 Crane Street and we are the only home that is directly adjoining and impacted by the Margaritaville Beach Cottage Resort. At the original public meetings for this vacation resort we were assured and reassured that the houses to be built on Crane Street would not be adjacent to or directly impact our property, and specifically our backyard and pool and Tiki Bar area which, due to the triangular shape of our adjoining properties, was of great concern. We were also told we would be provided with a buffer zone to reduce any impact to our backyard and pool area and that the triangular extra piece of property adjacent to the east side of our home/bedroom would only be developed as a purely green buffer zone with tall trees and plants, not as a pedestrian or bike path area to be used by guests of the entire resort as they are now able to do and which could also be subject to change with any potential requested variance. The original brochures marketed these houses as 2,000 square feet, 4 bedroom vacation rental houses with no mention of huge decks or the additional square footage or bedroom and bathroom that was later added on. We were never told that we would have tall houses with 16-foot decks 10 feet from our property overlooking our pool and Tiki Bar which is what we now have. With the workers and their loud blasting music, yelling back and forth, joking while looking at and calling to us in the pool, it was almost impossible to ever use our pool this summer. We have had to continually call law enforcement and the Margaritaville office to beg to have their loud music turned down since we could not use our pool and backyard with all the noise and workers staring down at us.

We are requesting a variance to partially replace an existing 6-foot fence along the east side of our property with a 12-foot fence decreasing to 8-feet on the south east end of our lot adjacent to the property line and a variance to build a small 3-foot wide staircase with an elevated 4-foot wide walkover, parallel to and 3 feet from the new fence leading to an open, uncovered partial upper deck on top of our existing Tiki Bar deck to attempt to partially mitigate the view, noise, light, music, flying objects from the three houses which Margaritaville Beach Cottages Resort has built with very tall decks directly overlooking our pool and Tiki Bar.

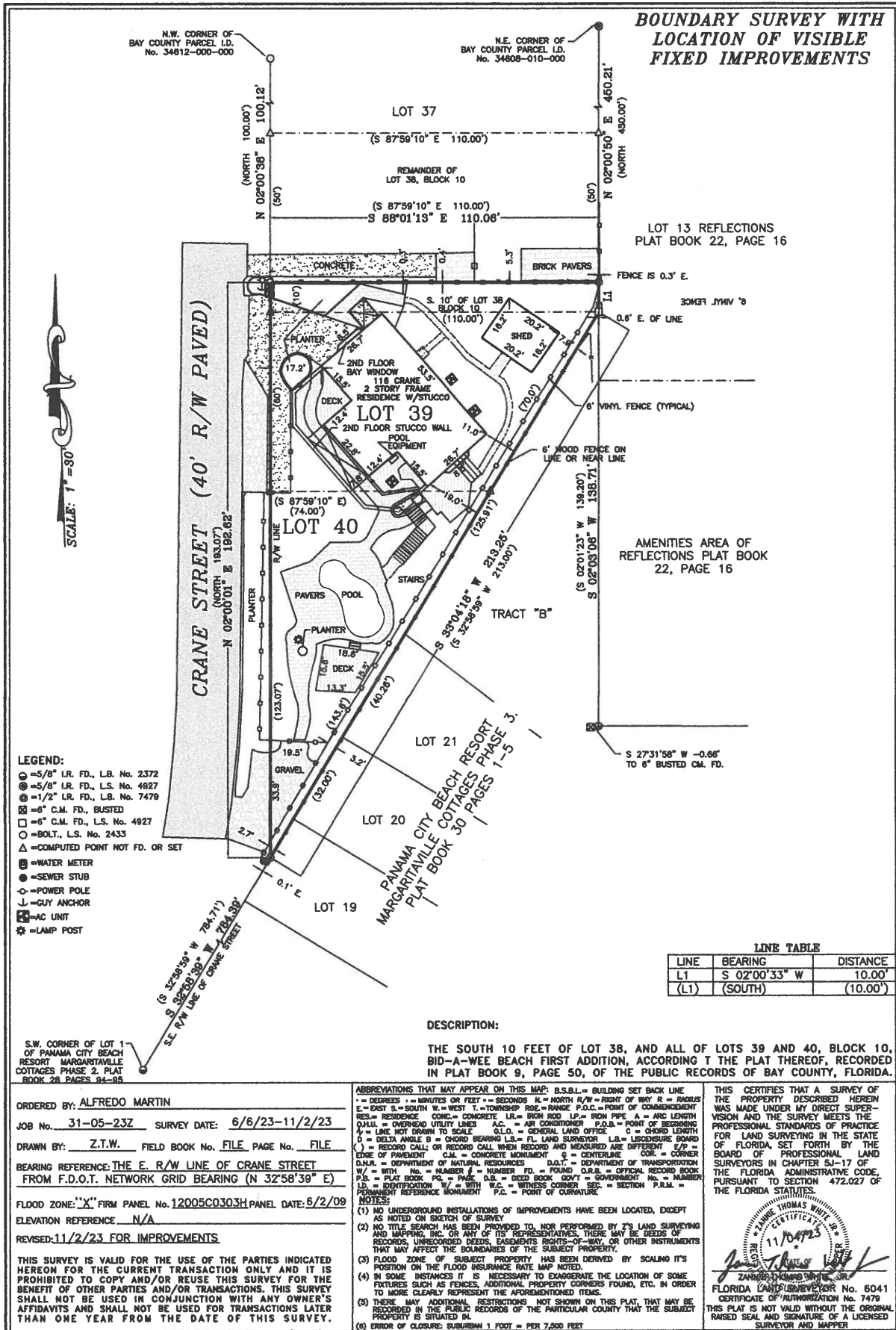
Right now three of these houses have been built directly next to and overlooking our backyard, pool and Tiki Bar. Along with the rest of this 13- acre vacation resort, these houses are marketed as short term, rental vacation homes with a three day rental minimum and will be rented to different groups of up to 12 people one after another, including spring breakers, who will be congregating on these decks with lights, drinking and smoking, talking and playing loud music, staring down into our pool, as well as flying objects since we have already had construction materials and nails fall into our pool and backyard. We can only imagine what this will be for us in the spring through fall months when these houses are fully rented if we do not attempt to block the view, noise, and light from these houses/decks into our backyard, pool, and Tiki Bar since as it stands now we have lost all privacy and quiet enjoyment of our home.

At the very least, to be able to continue living in our home, we need to somehow mitigate this situation since the developers of Margaritaville have not created any form of buffer zone and have shown no interest in protecting our property. Please understand that this is not a situation of one residential home next to another residential home that is being rented short-term but this is a three-day short term, commercial vacation resort with all the elaborate vacation amenities of a resort and approximately 136 houses, three of which are directly overlooking our pool, Tiki Bar and backyard. We wish we did not have to request this variance for this remedial action which is really the minimum to help us mitigate this hardship that has been cast upon us and are only doing it as an absolute necessity that we never planned on but will need to do in order to be able to preserve the enjoyment, integrity, privacy, and livability of our home.

P.O. BOX 401
1142 PERA ROAD
SAMSON, ALABAMA 36477

**Z'S LAND SURVEYING
AND MAPPING, INC.**

PHONE No. 850-579-2315
CELLULAR No. 850-573-0941
zansswhite@yahoo.com



**BOUNDARY SURVEY WITH
LOCATION OF VISIBLE
FIXED IMPROVEMENTS**

SCALE: 1" = 30'

- LEGEND:**
- = 5/8" I.R. FD., L.B. No. 2372
 - ⊙ = 5/8" I.R. FD., L.S. No. 4827
 - ⊕ = 1/2" I.R. FD., L.B. No. 7478
 - ⊞ = 6" C.M. FD., BUSTED
 - ⊠ = 6" C.M. FD., L.S. No. 4827
 - = BOLT., L.S. No. 2433
 - △ = COMPUTED POINT NOT FD. OR SET
 - ⊕ = WATER METER
 - ⊙ = SEWER STUB
 - ⊞ = POWER POLE
 - ⊠ = GUY ANCHOR
 - ⊞ = A.C. UNIT
 - ⊕ = LAMP POST

LINE TABLE

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 02°00'33" W | 10.00' |
| (L1) | (SOUTH) | (10.00') |

DESCRIPTION:

THE SOUTH 10 FEET OF LOT 38, AND ALL OF LOTS 39 AND 40, BLOCK 10, BID-A-WEE BEACH FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 50, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

ORDERED BY: **ALFREDO MARTIN**
JOB No. **31-05-23Z** SURVEY DATE: **6/6/23-11/2/23**
DRAWN BY: **Z.T.W.** FIELD BOOK No. **FILE** PAGE No. **FILE**
BEARING REFERENCE: **THE E. R/W LINE OF CRANE STREET FROM F.D.O.T. NETWORK GRID BEARING (N 32°58'39" E)**
ELEVATION REFERENCE: **N/A**
FLOOD ZONE: **"X"** FIRM PANEL No. **12005C0303H** PANEL DATE: **6/2/08**
REVISED: **11/2/23 FOR IMPROVEMENTS**

ABBREVIATIONS THAT MAY APPEAR ON THIS MAP: B.S.B.L. = BUILDING SET BACK LINE
D.M. = DEGREES M = MINUTES OR FEET S = SECONDS N = NORTH R/W = RIGHT OF WAY R = RADIIUS
E = EAST S = SOUTH W = WEST T = TOWNSHIP R.C. = RANGE P.O.C. = POINT OF COMMENCEMENT
RES. = RESIDENCE CON. = CONCRETE I.R. = IRON ROD L.P. = IRON PIPE A = ARC LENGTH
O.U.L. = OVERHEAD UTILITY LINES A.C. = AIR CONDITIONER P.O.B. = POINT OF BEGINNING
L = LINE NOT DOWN TO SCALE G.L.O. = GENERAL LAND OFFICE C = CHORD LENGTH
D = DELTA ANGLE B = CHORD BEARING L.S. = FL. LAND SURVEYOR L.B. = LICENSURE BOARD
() = RECORD CALL OR RECORD CALL WHEN RECORD AND MEASURED ARE DIFFERENT E/P =
EDGE OF PAVEMENT C.M. = CONCRETE MONUMENT C = CENTERLINE COR. = CORNER
D.M.R. = DEPARTMENT OF NATURAL RESOURCES D.O.T. = DEPARTMENT OF TRANSPORTATION
W/ = WITH No. = NUMBER # = NUMBER FD. = FOUND O.R.B. = OFFICIAL RECORD BOOK
P.B. = PLAT BOOK P.G. = PAGE D.B. = DEED BOOK GOV'T = GOVERNMENT No. = NUMBER
I.D. = IDENTIFICATION W/ = WITH R.C. = WITNESS CORNER RES. = RESIDENCE
P.M.M. = PERMANENT REFERENCE MONUMENT P.C. = POINT OF CURVATURE

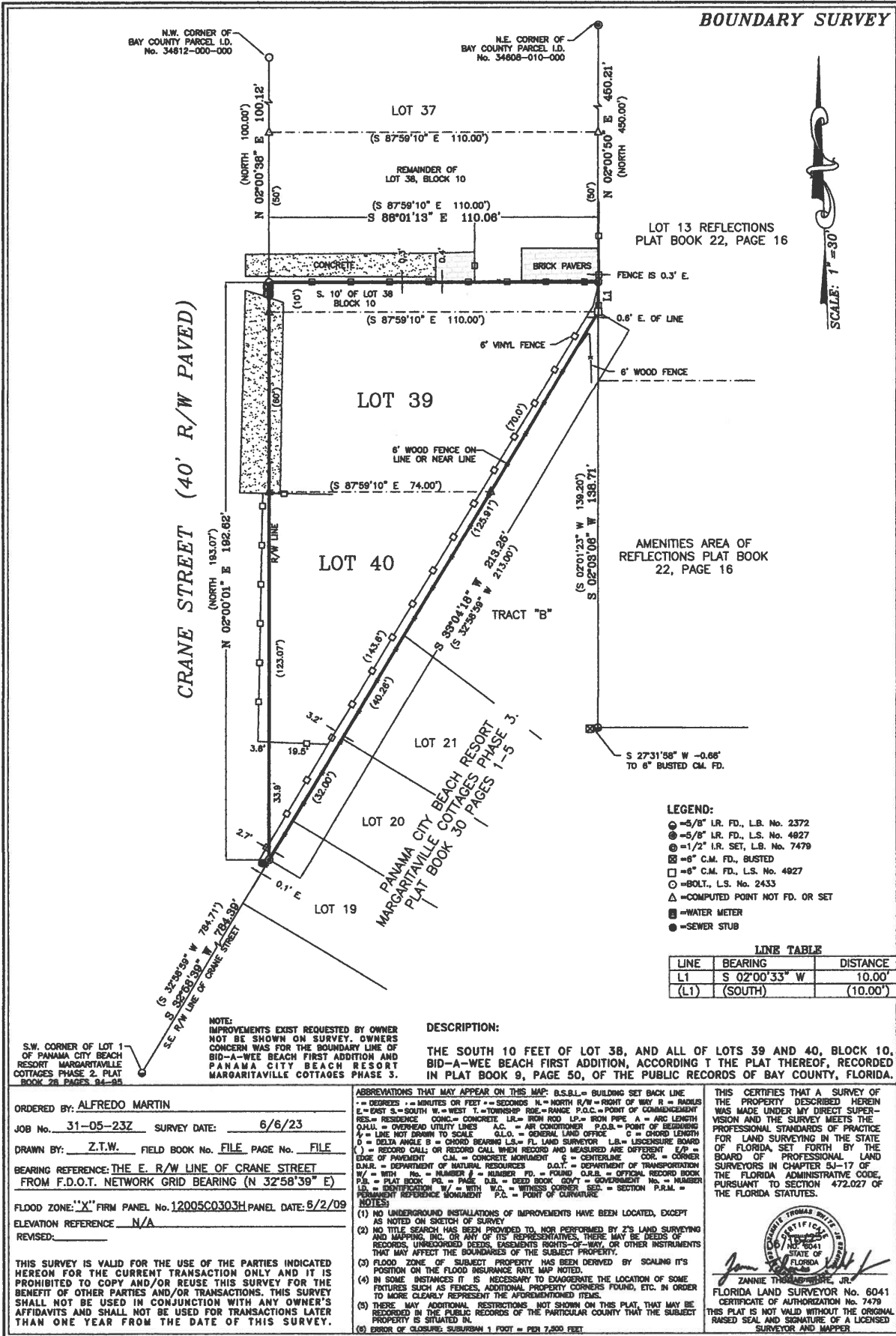
NOTES:

- (1) NO UNDERGROUND INSTALLATIONS OF IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS NOTED ON SKETCH OF SURVEY
- (2) NO TITLE SEARCH HAS BEEN PROVIDED TO, NOR PERFORMED BY Z'S LAND SURVEYING AND MAPPING, INC. OR ANY OF ITS REPRESENTATIVES, THERE MAY BE DEEDS OF RECORDS, UNRECORDED DEEDS, EASEMENTS RIGHTS-OF-WAY, OR OTHER INSTRUMENTS THAT MAY AFFECT THE BOUNDARIES OF THE SUBJECT PROPERTY.
- (3) FLOOD ZONE OF SUBJECT PROPERTY HAS BEEN DERIVED BY SCALING ITS POSITION ON THE FLOOD INSURANCE RATE MAP NOTED.
- (4) IN SOME INSTANCES IT IS NECESSARY TO ENLARGE THE LOCATION OF SOME FEATURES SUCH AS FENCES, ADDITIONAL PROPERTY CORNERS, FOUND, ETC. IN ORDER TO MORE CLEARLY REPRESENT THE AFFOREMENTIONED ITEMS.
- (5) THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS PLAT, THAT MAY BE RECORDED IN THE PUBLIC RECORDS OF THE PARTICULAR COUNTY THAT THE SUBJECT PROPERTY IS SITUATED IN.
- (6) ERROR OF CLOSURE: SUBURBAN 1 FOOT = PER 7,500 FEET

THIS CERTIFIES THAT A SURVEY OF THE PROPERTY DESCRIBED HEREIN WAS MADE UNDER MY DIRECT SUPERVISION AND THE SURVEY MEETS THE PROFESSIONAL STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA, SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 54-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

THOMAS W. ZANNE
11/04/23
ZANNE SURVEYING, INC.
FLORIDA LAND SURVEYOR No. 6041
CERTIFICATE OF AUTHORIZATION No. 7479
THIS PLAT IS NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A LICENSED SURVEYOR AND MAPPER

THIS SURVEY IS VALID FOR THE USE OF THE PARTIES INDICATED HEREON FOR THE CURRENT TRANSACTION ONLY AND IT IS PROHIBITED TO COPY AND/OR REUSE THIS SURVEY FOR THE BENEFIT OF OTHER PARTIES AND/OR TRANSACTIONS. THIS SURVEY SHALL NOT BE USED IN CONJUNCTION WITH ANY OWNER'S AFFIDAVITS AND SHALL NOT BE USED FOR TRANSACTIONS LATER THAN ONE YEAR FROM THE DATE OF THIS SURVEY.



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

A statement setting forth:

SEE ATTACHED

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

SEE ATTACHED

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? _____

SEE ATTACHED

SUBMITTAL REQUIREMENT FOR REQUESTS FOR VARIANCES-LDC Section 10.02.12(B)

1. Our home is the only one that is directly affected by the Margaritaville Beach Cottage Resort since they have built three very tall, short term, 3-day minimum rental vacation houses with very high double decks 10 feet from our backyard directly overlooking our pool and Tiki Bar. We have lost all enjoyment of our home all summer long since due to the view from their tall 16 foot decks directly overlooking our pool and Tiki Bar and the noise and lights coming from there as well as debris flying over we have not been able nor will we ever be able to use our pool and Tiki Bar again in peace unless we can get the following variances.

REQUIRED FINDINGS – LDC Section 9.03.03 (A)(1)-(8)

- A(1)**
- (a)** The requested variance for a partial 12- foot replacement fence, though will not totally block the view from the tall decks overlooking our pool, it will help to abate the noise, lights and any debris coming from them and from the lower decks that have large jacuzzis on them.
- (b)** With the intention of utilizing every inch of their property to build these vacation homes, the Margaritaville development has destroyed all nature and privacy separating our property from theirs and to further not having to cut down the two palm trees on our side, the requested variance is to build a small 3 foot wide staircase with an elevated 4 foot wide walkover, parallel to and 3 feet from the new fence leading to an open, uncovered, partial upper deck on top of our existing Tiki Bar deck to attempt to partially mitigate the noise, light, music and flying objects from these three houses which are directly overlooking our pool and Tiki Bar.
- (c)** The requested variance to build a top open, uncovered deck over our existing Tiki Bar deck (which was originally built with the house in 1997 and is at five feet from the property line) to attempt to gain a minimum amount of privacy from the noise, light and music on the second 18 ft decks of these houses which will be inhabited by up to 12 short term vacationers (possibly more with children) all summer long. The original bottom Tiki Bar deck is 5 feet from the property line but since we are requesting to have a 4 foot walkover (which will be 3 feet from the property line) leading into the top open, uncovered deck, this top deck will actually be 7 feet from the property line.
- A(2)** This hardship was not caused by us, the owners, but it was caused as a result of the Margaritaville Beach Cottage Resort developer building these very tall houses with very tall decks directly overlooking our pool and Tiki Bar without any consideration of the effect it would have on the privacy, quiet enjoyment and use its sole neighbor of their home.
- A(3)** Crane Street has an unusual shape as it curves directly where our property starts and due to the triangular shape of the way our lot was originally developed as well as that of the Margaritaville resort, the last three houses that they built on Crane Street going north are actually not on Crane Street but are actually bordering the east side of our backyard, pool and Tiki Bar. Please see attached photographs.
- A(4)** These variances are necessary to preserve a substantial property right as it is necessary at a minimum to preserve the quiet enjoyment of our property, specifically our pool and Tiki Bar from the noise, lights and debris on these very tall decks of these houses ten feet from and directly overlooking our pool and Tiki Bar.
- A(5)** The proposed variances will not increase congestion on surrounding streets or increase the danger of fire or other hazard and will not be detrimental to the health, safety, or general welfare of the public in any way

as the fence, walkover, and deck will only border the east side of our property and the adjoining Margaritaville property.

A(6) The proposed variances will be compatible with adjacent and nearby development and will not alter the essential character of the district since other than the Margaritaville Beach Cottage Resort there are only residential lot, where short term or commercial use is not permitted like ours in the area and none of them border our property on the subject side.

A(7))The effect of the proposed variances are consistent with the purposes of the LDC.

A(8))The effect of the proposed variances are consistent with the Comprehensive Plan.

B. These variances will allow this hardship that has been imposed upon us to be overcome since at a minimum we will be able to abate or minimize the view, noise and lights as well as any debris falling from these tall decks directly overlooking our pool and Tiki Bar and allow us to preserve the quiet enjoyment of our home as we have been doing for the past eleven years. Without these variances we will no longer be able to enjoy our home.



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): ALFREDO AND DONNA MARTIN
ADDRESS/LOCATION: 116 CRANE ST.
PANAMA CITY BEACH, FL 32413

The Variance/Appeal is being requested because, _____

the Margaritaville Beach Cottage Resort has built several very tall, minimum 3-day rental, short term vacation rental houses with very large, tall open decks to accommodate up to 12 guests at a time, 10 feet from the east side of our home directly overlooking our pool and Tiki Bar and to be able to use and enjoy our home we need to build a 12 foot replacement fence with a short elevated walkover to a partial open, uncovered deck on top of the existing deck of our Tiki Bar to attempt to partially block the view, noise, lights and any debris or flying objects into our pool and Tiki Bar from partying guests and spring breakers on these tall decks.

MEETING INFORMATION:

Date: February 14, 2024
Time: 1:00 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 (50) 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.



POWERED BY ●

esri

1543304.80, 439737.04 

Property line

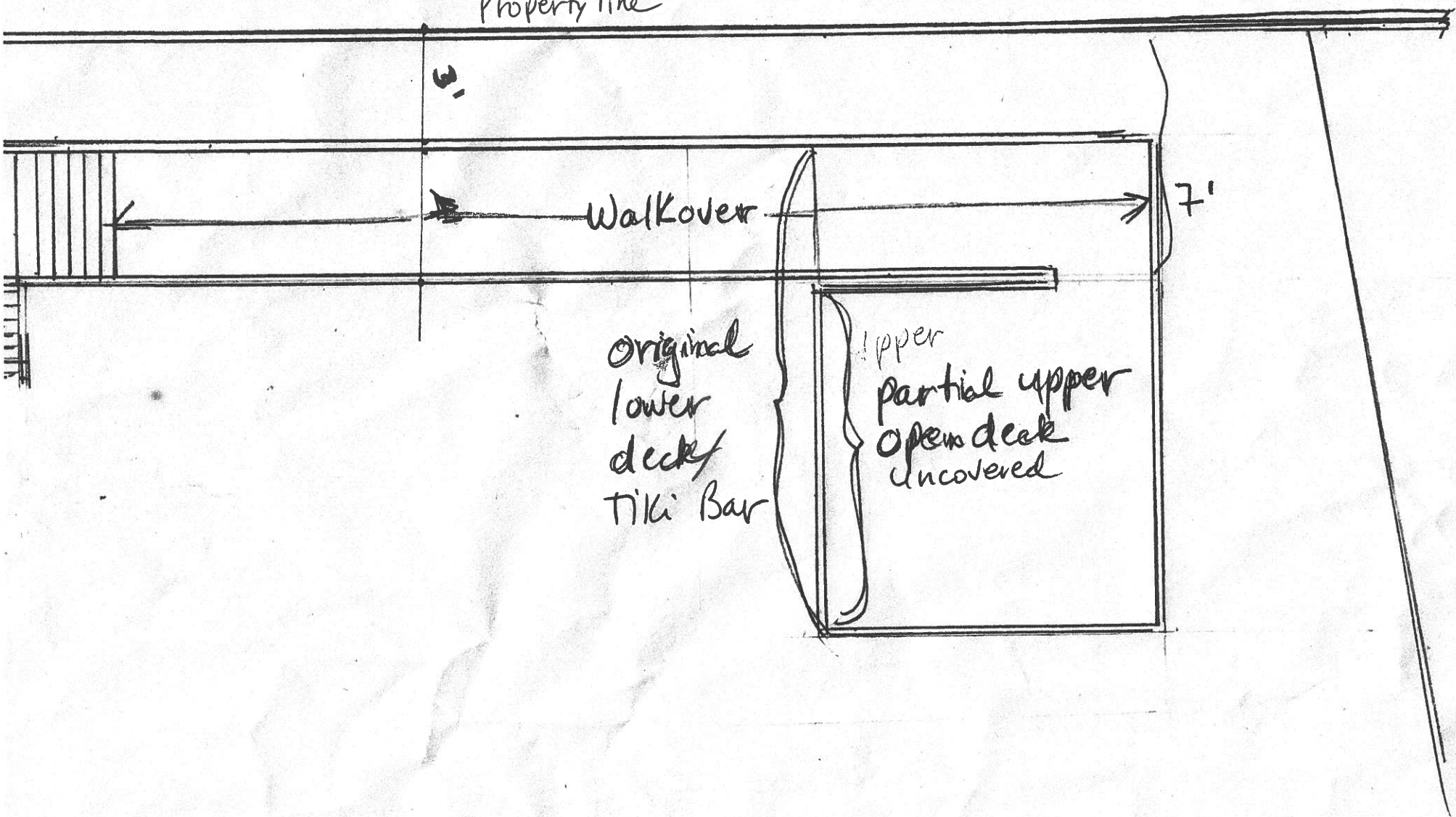
6'

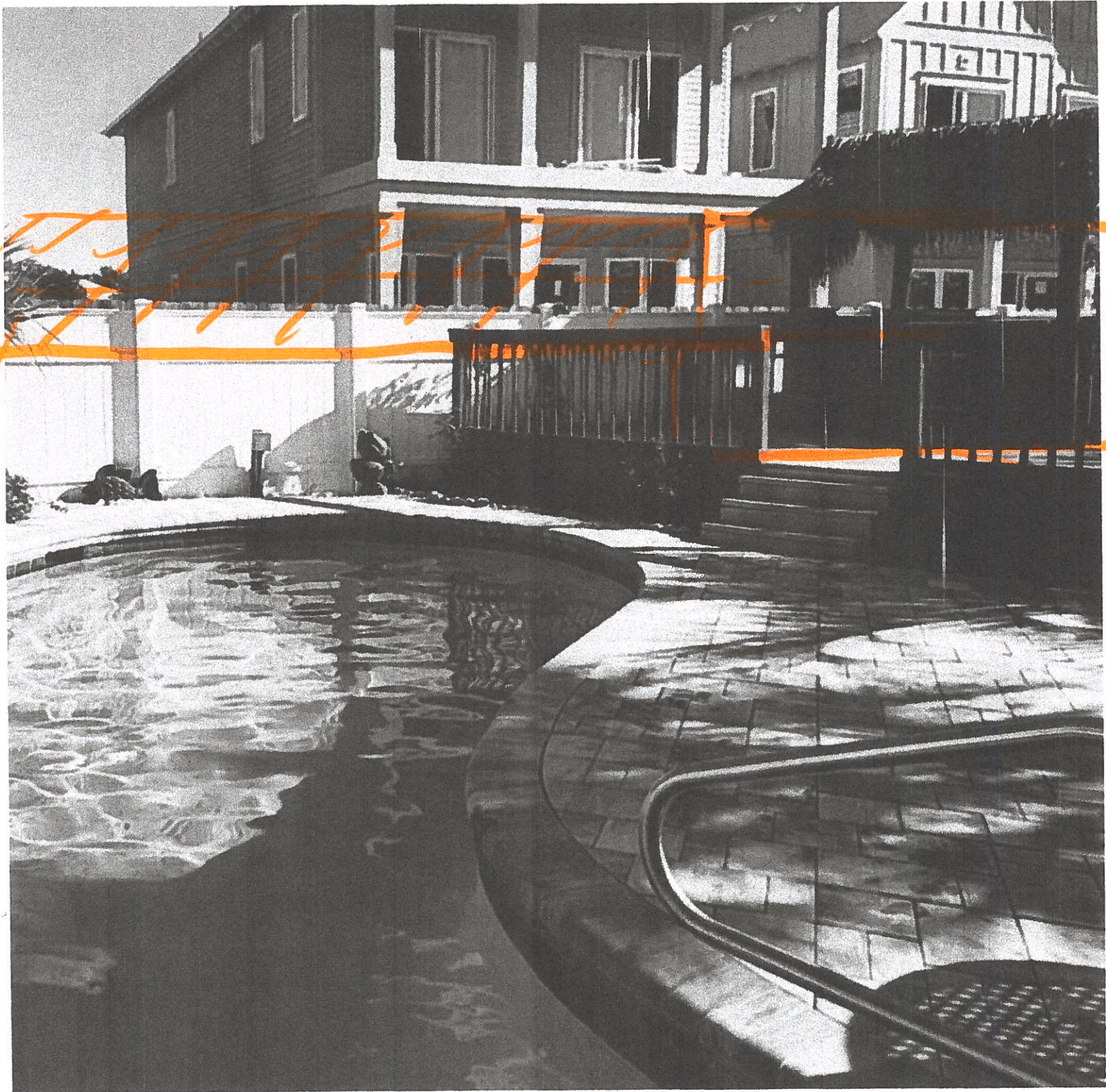
Walkover

7'

original
lower
deck
Tiki Bar

upper
partial upper
open deck
uncovered











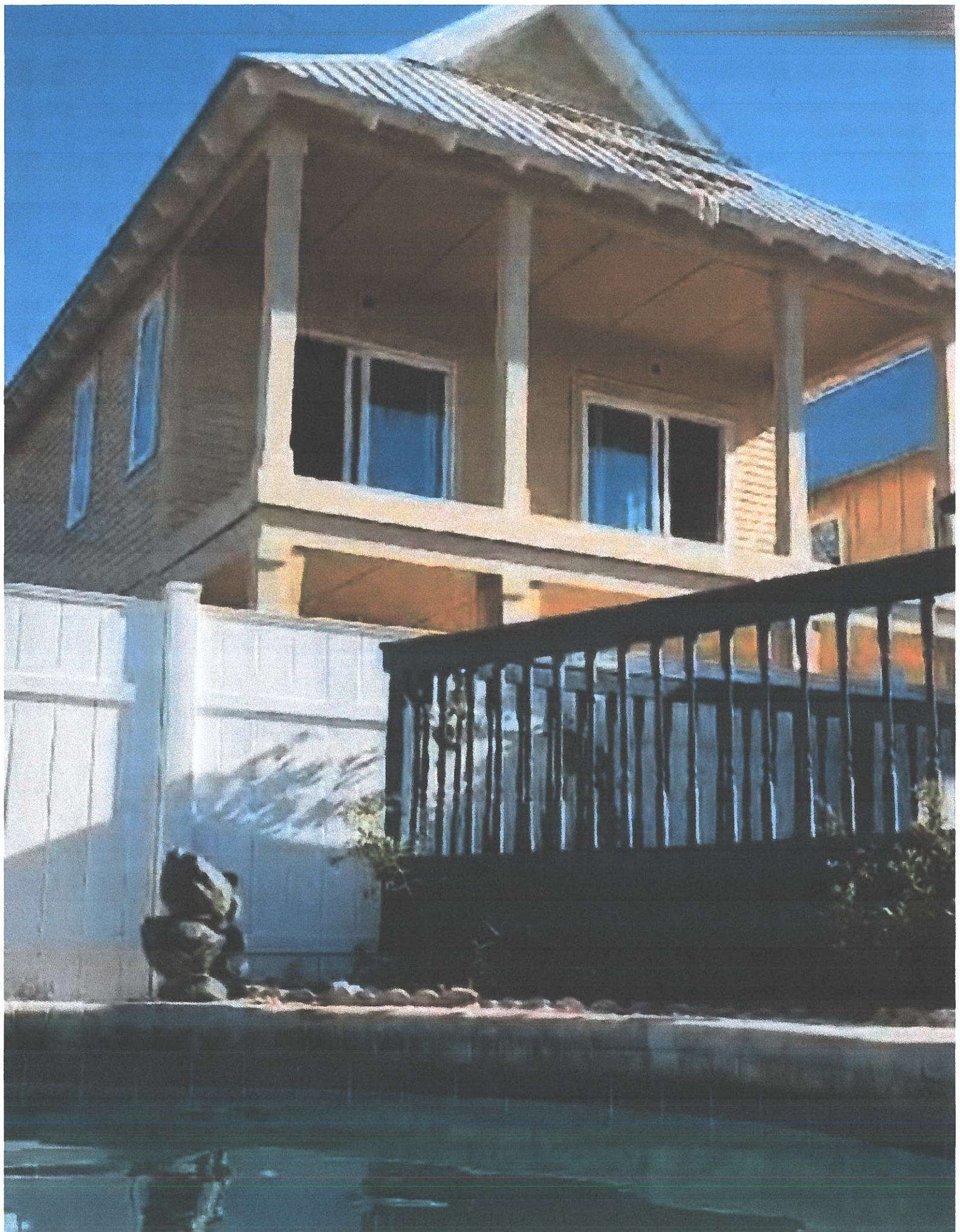












trash accumulating from Maunatani







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

DATA AND ANALYSIS

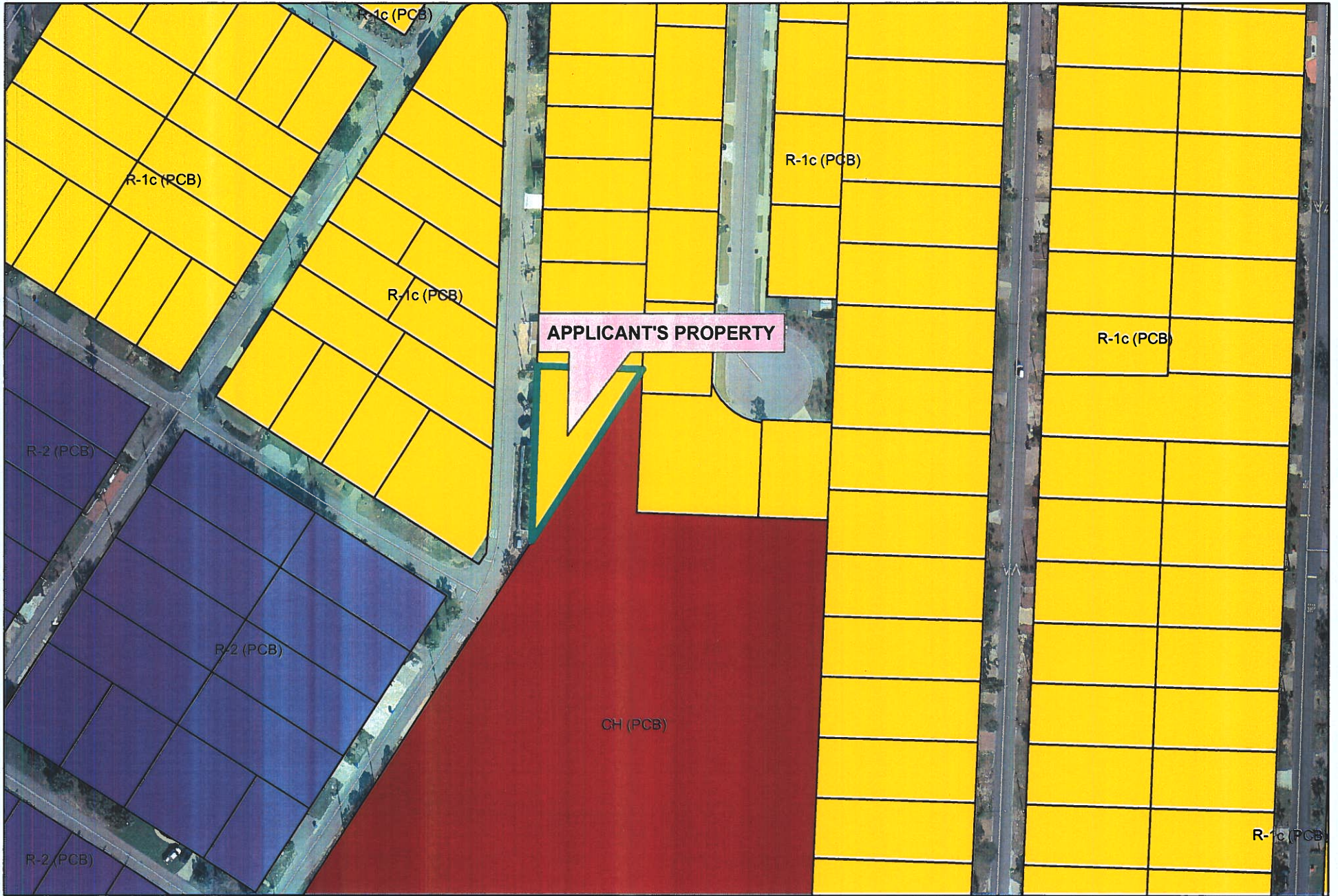
- I. **APPLICANT:** Alfredo and Donna Martin
- II. **PROPERTY LOCATION:** Parcel ID# 34613-000-000, 116 Crane Street
- III. **ZONING DISTRICT:** Single Family Residential – R-1C
- IV. **REQUEST:** The request is to increase the maximum allowable rear/side yard fence height from 8 feet to 12 feet and to reduce the required side yard setback from 5 feet to 3 feet.
- V. **REASON FOR REQUEST:** The purpose of the request is to construct improvements in order to create more buffer between the applicant's single family residence and pool from the adjacent two-story short term rental units that were recently constructed as part of the Margaritaville development at Front Beach Road near the intersection of Hutchison Boulevard (adjacent to Crane Street in Bid-A-Wee).

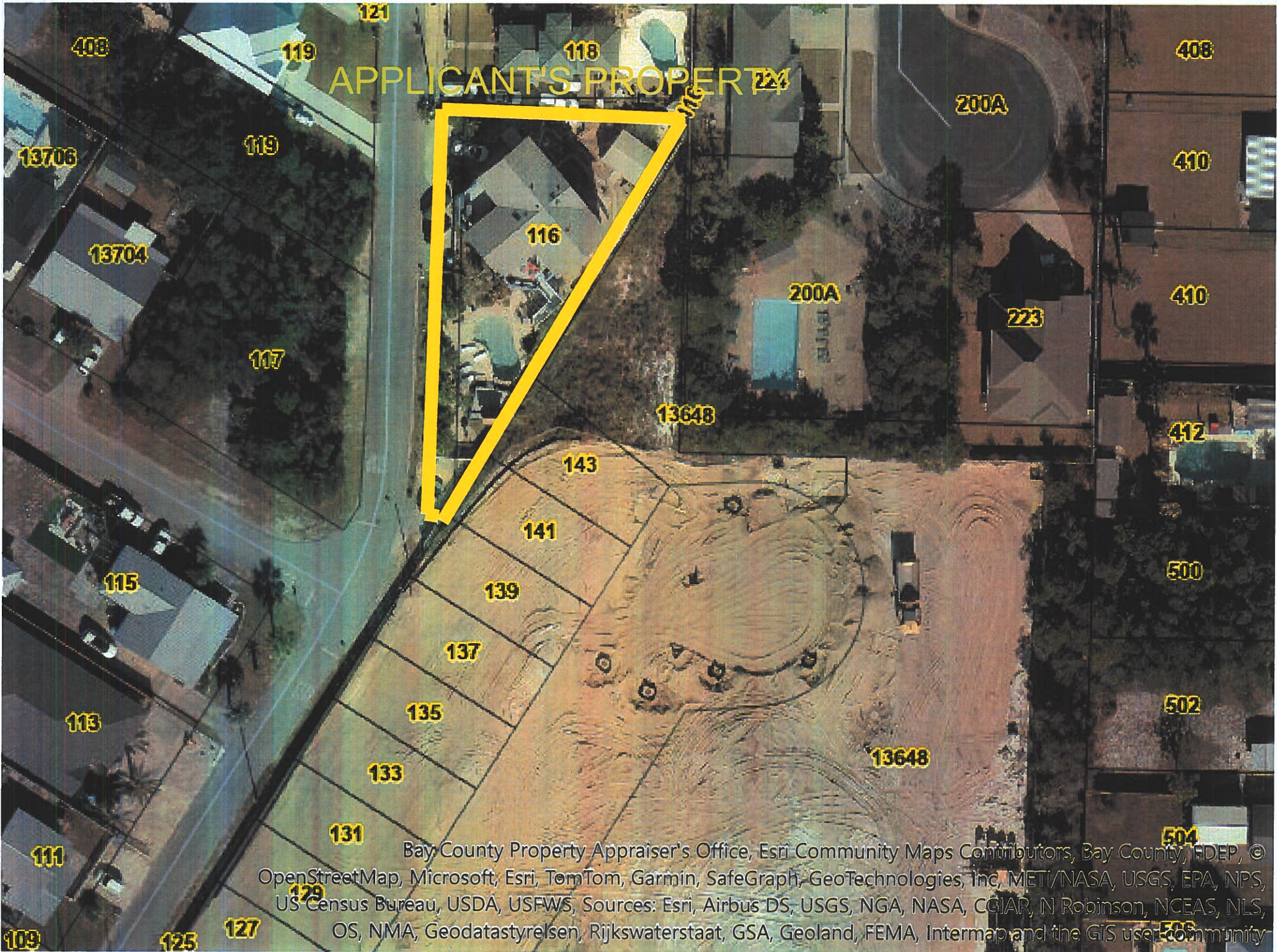
The proposed construction is contrary to the following sections of the City's Land Development Code: Section 5.02.03.A.1 and A.2 (maximum of 8 foot fence height) and Section 5.02.01.D.3 (5 foot side yard setback for accessory structures).

STAFF COMMENTS: The single-family residence was originally built in 1997 on an irregularly shaped lot. Recently, three two-story short-term rentals have been constructed adjacent to the applicant's property. There is very little room between the applicant's improvements and the newly constructed short-term rentals making it difficult to use landscaping as a buffer. The applicants have requested approval to increase the fence height adjacent to the rentals from a maximum of 8 feet to 12 feet. Additionally, the applicants request approval to construct an elevated walkway between their residence and their tiki hut. The proposed location of the elevated walkway is 3 feet from the property line rather than a minimum of 5 feet as required. The applicants feel these improvements, as requested, will help mitigate potential nuisances from the short-term rentals including but not limited to noise, trash, and loss of privacy.

CONCLUSION: The staff has reviewed the application along with the Required Findings (attached) and finds the request meets the City's Land Development Code, Section 9.03.03, which are necessary to issue a variance.

116 CRANE STREET





APPLICANT'S PROPERTY

Bay County Property Appraiser's Office, Esri Community Maps Contributors, Bay County, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

- 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.

2. All retail activity shall be conducted within a **Building** serving the principal industrial **Use**. Retail activity shall not be conducted in a free-standing **Building**.
3. **Retail Sales** and **Services** shall be limited to no more than fifteen (15) percent of the total floor area of the **Principal Use**.

K. Self-service laundries in R-3, CL and CM:

1. The facility shall be provided solely as a convenience to the residents of the **Residential Development**.
2. The facility shall be limited to **Use** by the residents of the **Residential Development**.
3. The facility shall be located within a **Principal Structure** within the **Residential Development**.
4. The facility may be combined with a laundry or dry cleaning pick-up facility.
5. There shall be no off-site signs advertising the presence of the facility.

L. Single Family Dwellings in M-1:

1. One (1) **Single Family Dwelling Unit** may be provided for a caretaker or security person for the principal industrial **Use**.
2. The **Dwelling Unit** shall clearly be subordinate to the **Principal Use**. It shall not be used as a rental unit or for any purpose other than security or caretaker personnel required to live on the **Premises** of the principal industrial **Use**.
3. The **Dwelling Unit** shall be limited to no more than 1,500 square feet in gross floor area.

5.02.03 Fences and Walls

A. Site design standards for all fences

1. The maximum height for fences located along rear **Lot Lines** shall be eight (8) feet.
2. The rear **Lot Line** fence may be extended along or parallel to the side **Lot Lines** up to a line extended from the front face of a lawfully permitted principal **Building**, parallel to the rear **Lot Line** and may cross the **Side Yards** and tie into the front face of the principal **Building**.
3. The maximum height for fences located along the front **Lot Line** shall be four (4) feet.
4. The front **Lot Line** fence may be extended along or parallel to the side **Lot Lines** up to a line extended from the front face of a lawfully permitted principal **Building**, parallel to the front **Lot Line** and may cross the **Side Yards** and tie into the front face of the principal **Building**.

5. No fence otherwise permitted by this section may be constructed or situated so as to obstruct the field of view at any **Intersection** and thereby create a danger for drivers or pedestrians.
6. A fence or wall required by law shall not be subject to the height limitations of this section.
7. The finished side of the fence shall face outward when adjacent to a **Street**.
8. A permit is required prior to the construction of any fence.
9. Fences must at all times be in good repair as defined by the following standards:
 - (a) fences must be in a vertical position;
 - (b) rotten boards must be replaced;
 - (c) support posts or footers must be solidly attached to the ground;
 - (d) fence stringers must be securely attached to the support posts and fence stringer;
 - (e) each fence must be securely attached to the support posts and fence stringer;
 - (f) fence or wall surfaces must be painted, stained, treated or otherwise maintained so as to present a uniform appearance and to prevent glare or other nuisance to surrounding properties.

10. Design standards for fences to be located in Front Yards along Front Beach Road, Arnold Road or South Thomas Drive are established in Section 7.02.03G.

END

END

(Ord. # 1334, 12-26-14)

B. Site design standards for retaining walls. Nothing in this **LDC** shall be construed to prohibit or to prevent the erection of a retaining wall on any property, provided that such retaining wall does not adversely affect the natural flow of surface water or create any other adverse effect upon adjacent or adjoining properties. All retaining walls shall comply with the standards set forth in the Engineering Technical Manual.

5.02.04 Dumpsters/Solid Waste Containers

Dumpsters shall be screened as follows:

- A. All four (4) sides shall be screened.
- B. Screening may be in the form of evergreen trees and **Shrubs** or a solid wooden or masonry fence. Where screening is provided by landscaping one (1) tree for each twenty-five (25) linear feet shall be required. **Shrubs** shall be planted in a double-staggered row to form a continuous hedge.

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-1 a, R-1 b, 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)

5.02.02 Accessory Uses

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

ITEM NO. 6



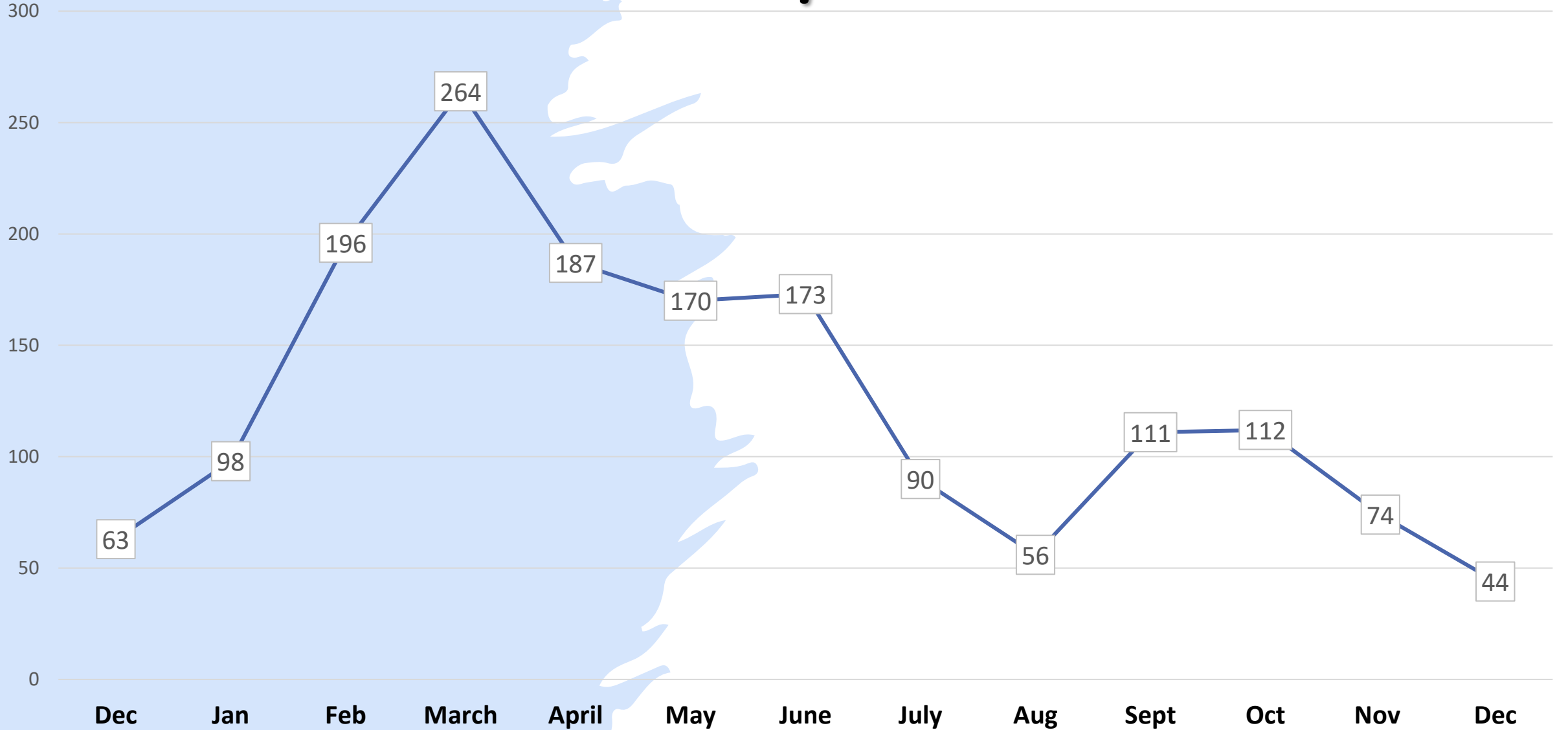
CODE ENFORCEMENT

Dec 16th – Jan 15th

Cases opened
Jan 2023 – Jan 2024: 1577

| | |
|-----------------------------|-----------------------|
| Cases opened MTD: | 44 |
| Citations issued: | 11 |
| | 09 upland properties |
| | 01 on the sandy beach |
| Fines collected: | \$950 |
| Fines not collected: | \$2,250 |

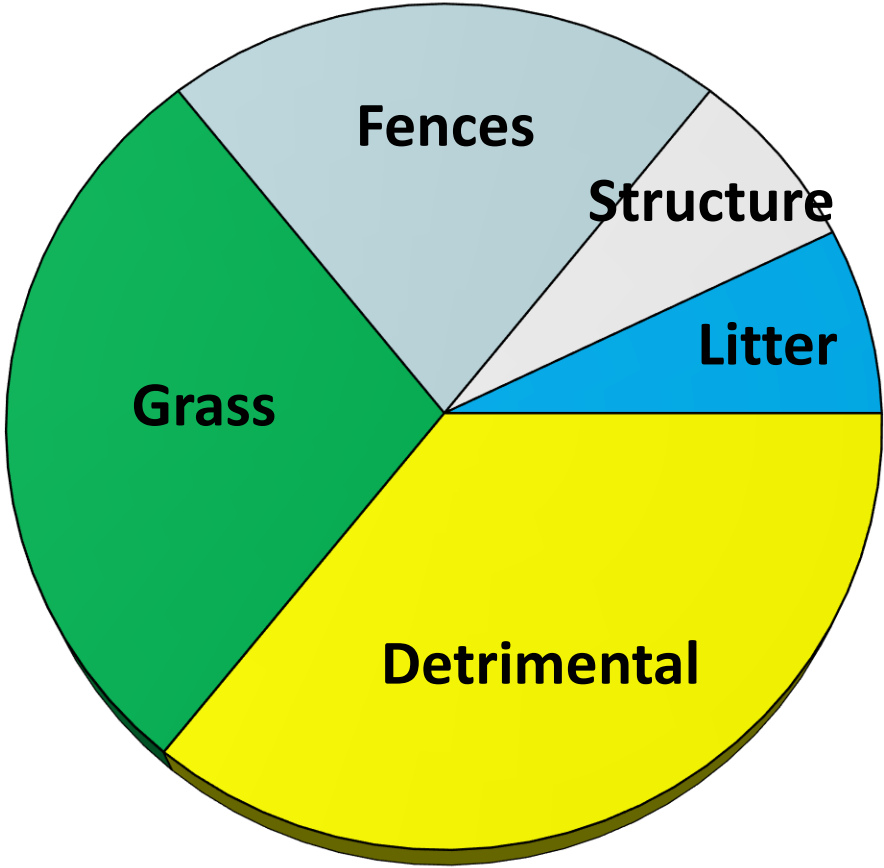
Cases Opened



General Enforcement

(most common violations)

| Ordinance / Code | Description | Opened |
|-------------------------|------------------------|---------------|
| Code 15-18, 15-17 (3) | Detrimental Conditions | 5 |
| Code 15-18, 15-17 (6) | Tall grass | 4 |
| Code 5.02.03 | Fence issues | 3 |
| LDC 5.02.01 D | Accessory Structure | 1 |
| Code 12-4,6,7 | Litter | 1 |



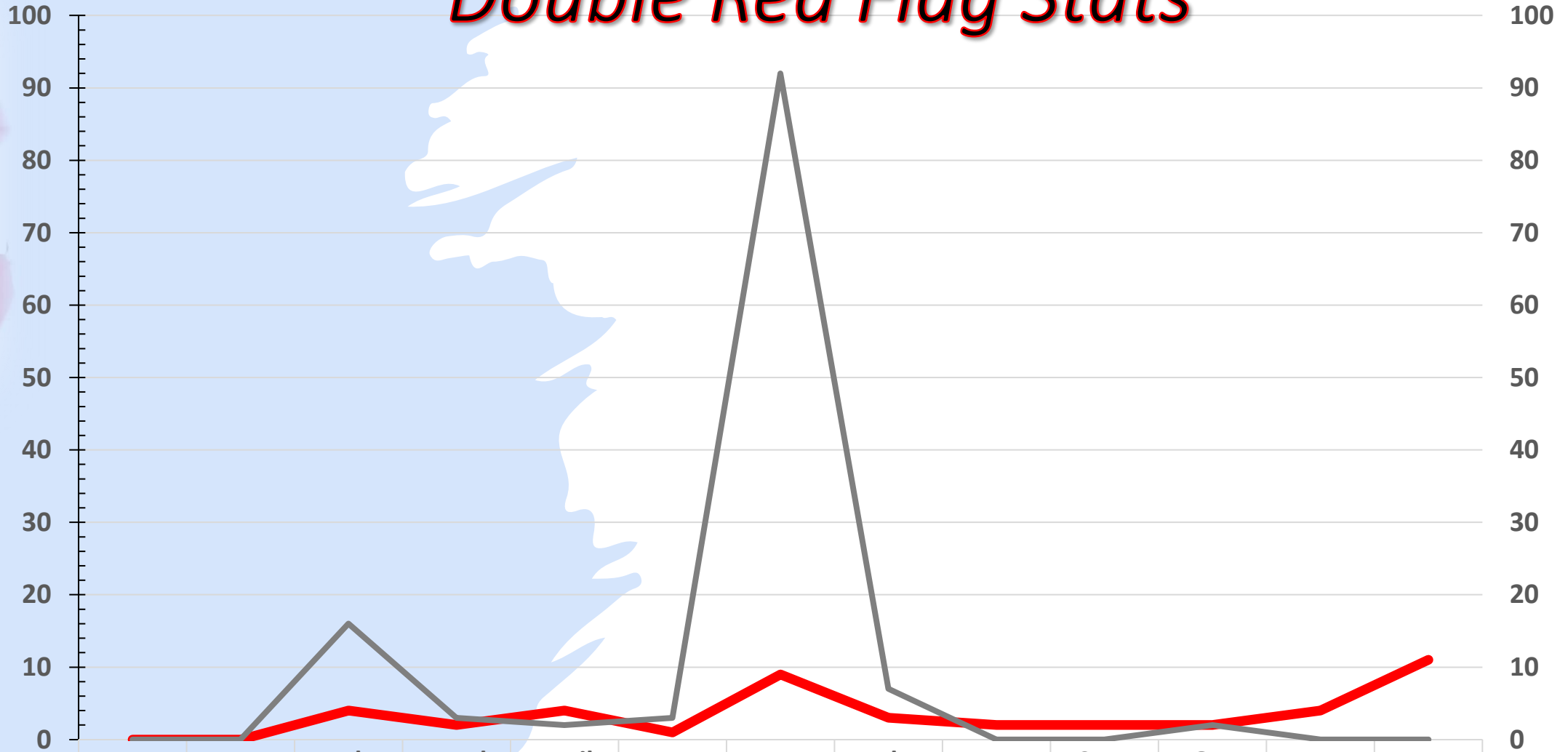
Sandy Beach Enforcement



(most common violations)

| Ordinance / Code | Description | Opened |
|-------------------------|----------------------|---------------|
| Code 7-9 | Dog on beach | 17 |
| AOA | Assist Other Agency | 1 |
| Code 7-101 | Driving on the beach | 1 |
| Code 7-2 | Glass on the beach | 1 |

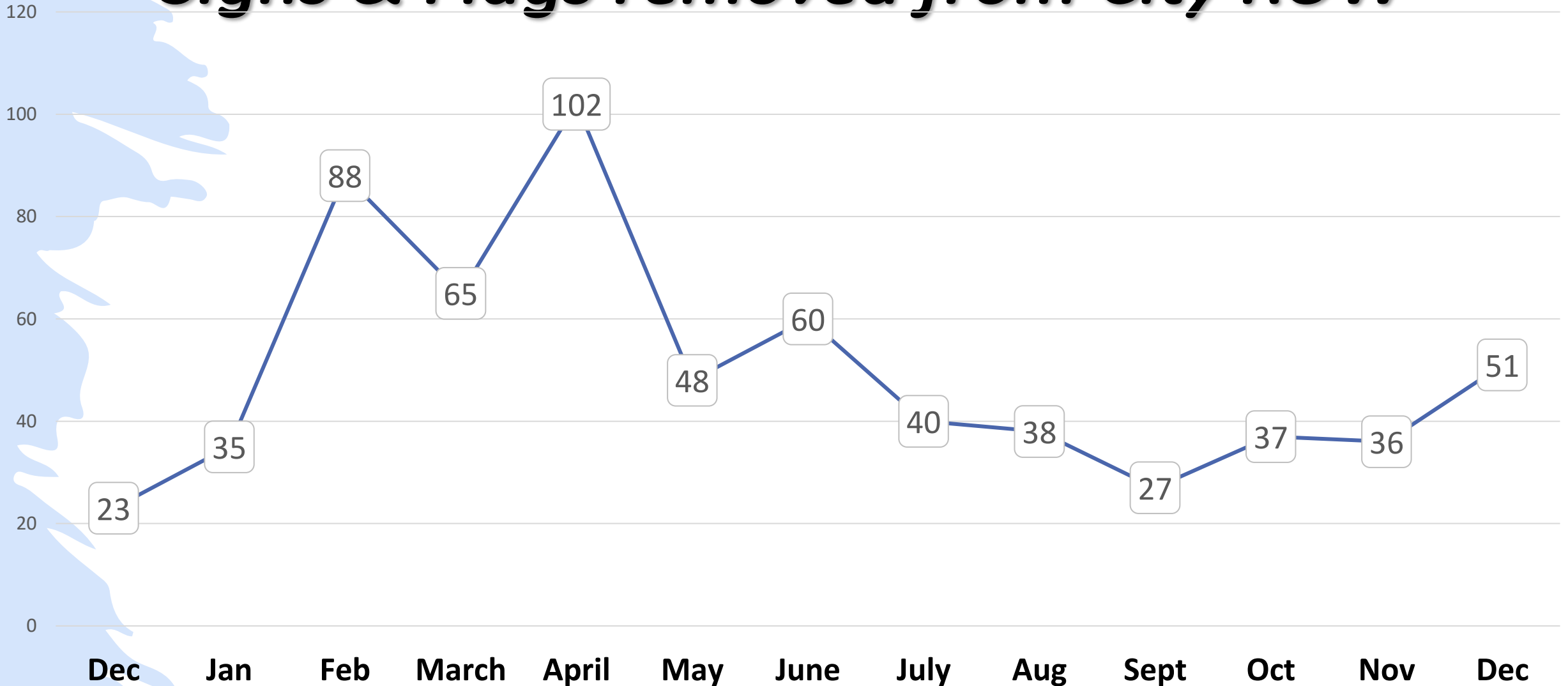


Double Red Flag Stats



| | | | | | | | | | | | | | |
|---|---|---|----|---|---|---|----|---|---|---|---|---|----|
|  Double Red Flag Days | 0 | 0 | 4 | 2 | 4 | 1 | 9 | 3 | 2 | 2 | 2 | 4 | 11 |
|  Citations Issued | 0 | 0 | 16 | 3 | 2 | 3 | 92 | 7 | 0 | 0 | 2 | 0 | 0 |

Signs & Flags removed from City ROW



Serving the community better.

- Evaluating Sea Turtle Lighting with beach front properties.
- Assisting with renewing Doggie Dining permits.





*Questions?
Concerns?
Complaints?*

