

BOARD OF ADJUSTMENT

MEETING AGENDA

April 10, 2024

1:30 P.M.

Okaloosa County Administrative Complex; 1250 Eglin Parkway N.,
1st Floor BCC Chambers, Shalimar, Florida.

Commissioner Robert Ambrose, District 1

Commissioner Payne Walker, District 2

Commissioner Scott Kearney, District 3
Vice-Chairman

Commissioner, District 4 Vacant

Commissioner Pat Byrne, District 5

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES – October 11, 2023

D. ANNOUNCEMENTS

E. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA

F. ACCEPTANCE OF AGENDA

G. OATH TAKING

H. DISCLOSURES

I. OLD BUSINESS

J. NEW BUSINESS

- 1. 546920-BOA-2024** Variance request from Section 6.05.074 Screening Specifications, of the Okaloosa County Land Development Code (LDC), Ordinance 91-1 as amended pertaining to Level 3 compatibility buffer. The applicant is proposing a reduction of the Level 3 requirements to the Level 2 buffer requirements. The property is located at 110 Hawkins Road, Fort Walton Beach, Florida. The site contains 0.48 acres more or less.

K. OTHER BUSINESS

- 1. The next regular meeting** of the Board of Adjustment is to be determined.

L. ADJOURNMENT

**BOARD OF ADJUSTMENT
MINUTES
October 11, 2023
1:30 P.M.**

Okaloosa County Administrative Complex; 1250 Eglin Parkway N.,
1st Floor BCC Chambers, Shalimar, Florida.

Commissioner Robert Ambrose, District 1
Commissioner Patricia Duggan, District 2
Commissioner Scott Kearney, District 3 – Vice-Chairman
Commissioner **VACANT** District 4
Commissioner Pat Byrne, District 5 – Chairman

Growth Management Staff present: Elliot Kampert, AICP – Director; Randy Woodruff, AICP – Deputy Director; Sherry Cadenhead – Planning Coordinator; Marissa Martinez – Planner 3; and Leslie Adams – Planner 1

Assistant Attorney Kristen Mood present by Zoom

A. CALL TO ORDER

Vice-Chairman Kearney called the meeting to order at 1:30 P. M.

B. ROLL CALL

Mrs. Cadenhead conducted roll call.

C. APPROVAL OF MINUTES FOR March 8, 2023 MEETING.

Motion to approve minutes made by Pat Byrne and second by Robert Ambrose; 4 ayes, Motion Passes.

D. ANNOUNCEMENTS - None

E. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA - None

F. ACCEPTANCE OF AGENDA- Motion to accept the agenda as written made by Robert Ambrose and second by Pat Byrne, 4 ayes, Motion Passes.

G. OATH TAKING – Sherry Cadenhead administered the oath for all speakers.

H. DISCLOSURES – Sherry Cadenhead read disclosures to the Board. All replied no.

I. OLD BUSINESS - None

J. NEW BUSINESS

AGENDA ITEM 1: 537832-BOA-2023 Consideration of a variance request from Section 6.00.08, Double Frontage Lots/Reverse Frontage Lots, of the Okaloosa County Land Development Code (LDC), Ordinance 91-1 as amended pertaining to allowing principal access onto a minor or residential street. The applicant is proposing a non-residential development having principal access off of Florence Avenue, Mary Esther, Florida. The site contains 2.41 acres more or less.

Mr. Woodruff presented Agenda Item 1 to the board.

Vice Chairman Kearney called for the applicant to speak.

Mr. Jonathan Green, Project Engineer came forward; along with the Developer, Ms. Carrie Bailey to address any questions of the board.

Discussion ensued.

Vice Chairman Kearney called for opposition.

Mrs. Claire Brandewie came forward and asked the commission to consider repaving the portion of Florence Avenue at Martin Luther King Blvd with turn lanes and restriping.

Mrs. Linda Larson came forward with traffic concerns about traffic backing up and possible installation of a traffic light.

Discussion ensued.

Mr. Jeffrey Clayton came forward about traffic & current mailbox locations for the existing subdivision.

Discussion ensued.

Vice Chairman Kearney asked if staff had any comments.

Mr. Randy Woodruff, Mr. Scott Bitterman, and Mr. Elliot Kampert replied.

Vice Chairman Kearney addressed the audience with the facts.

Discussion among the commission ensued.

Vice Chairman Kearney called for a motion.

Motion to approve Agenda Item 1 as written for a variance with the condition that the applicant will work with the Public Works Department about repaving & restriping Florence Avenue as feasible to ensure safe vehicular movement into and out of the property made by Pat Byrne; and seconded by Robert Ambrose: 4 ayes. Motion Approved

K. OTHER BUSINESS

1. Election of Officers.

Vice Chairman Kearney stated Commissioner Schor has stepped down from the District 4 position, and the seat remains to be filled and requested staff to speak with the Commissioner Trey Goodwin District 4 to fill the seat.

Discussion with staff ensued.

Motion by Robert Ambrose to table elections until the next meet; seconded by Patricia Duggan; 4 ayes. Motion approved.

2. The next regular meeting of the Board of Adjustment is to be determined.

L. ADJOURNMENT

Vice-Chairman Kearney called for a motion to adjourn the meeting at 1:39 P.M. **Motion by Pat Byrne; seconded by Robert Ambrose. 4 ayes. Motion Approved.**



BOARD OF ADJUSTMENT

AGENDA REQUEST

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

THROUGH: Elliot Kampert, AICP, Director

FROM: Randy Woodruff, AICP, Deputy Director

SUBJECT: 546920-BOA-2024 Variance Request

AGENDA DATE: April 10, 2024

APPLICANT(S): Allies Properties, LLC, Tyler Austin, Agent

OWNER(S): Allies Properties LLC

LOCATION: 110 Hawkins Road, Fort Walton Beach, FL

PARCEL INFORMATION:

- Property Appraiser's Parcel ID Number: 03-2S-24-0000-0155-0000
Property contains .48 acre more or less
- BCC District: (4) Commissioner Goodwin
- BOA District: (4) vacant
- Future Land Use Map Designation: Suburban Residential (SR)
- Zoning District: Suburban Residential (SR)
- Current Use: Duplex

SURROUNDING LAND USES:

- North: Single-Family Townhomes
- South: Single-Family Detached
- East: Single-Family Detached
- West: Duplex

REQUESTED VARIANCE: The applicant is requesting a Variance from a Level 3 Compatibility Buffer to a Level 2 Compatibility Buffer along the South property line for property located at 110 Hawkins Road, Fort Walton Beach, Florida.

STAFF ANALYSIS:

- The subject property is located at 110 Hawkins Road, Fort Walton Beach, FL.
- The subject property has a Suburban Residential (SR) Future Land Use Map (FLUM) designation and is zoned Suburban Residential (SR). Duplexes are a permitted use within the SR FLU and Zoning designations.
- The applicant is requesting a Variance from Section 6.05.074, Screening and Specifications, of the Okaloosa County Land Development Code (LDC), Ordinance 91-1 as amended for the purpose of reducing the proposed compatibility buffer from a Level 3 to a Level 2 for the construction of two (2) additional duplexes on the subject property (see **Attachment G**).
- Below please find the tables found in the Okaloosa County Land Development Code, Ordinance 91-1, as amended, Section 6.05.074

6.05.074 Screening Specifications: Screening may be in the form of natural plantings, planted berms, walls, and/or fences. Screening shall be encouraged, however, in the form of natural plantings. Existing plantings may be used in whole or in part to satisfy the requirements of this section. Screenings in the form of a planted berm, wall or fences may be used provided that such structures comply with all other applicable sections of this chapter.

Natural Plantings: Where natural plantings are used, a buffer strip in accordance with Table 1 shall be planted. This area shall be free of all encroachment by structure, parking areas or other impervious surfaces. The amount and type of buffer materials to be planted per one hundred (100) linear feet shall be as indicated herein. The use of plant materials other than trees and shrubs shall not be permitted unless approved by the County.

Walls or Fences: Any wall shall be constructed in a durable fashion with a finished surface of brick, stone, wood, metal, or other decorative material approved by the County. a. Fences shall be constructed in a durable fashion with weather resistant wood and be of a consistent pattern. All materials used in the construction of a fence shall be designed and intended for such use. Notwithstanding the foregoing, the County may approve a buffer fence constructed of other materials provided the materials and finish will provide generally the same degree of opacity, durability, and aesthetic compatibility with adjoining residential areas as weather resistant wood. A finished side of all walls or fences shall face the common property line boundary. No wall or fence used for screening purposes shall be less than six (6) feet nor greater than eight (8) feet in height above grade. All walls or fences used for screen purposes shall be generally opaque at a distance of ten (10) feet.

Berms: All berms shall be planted with both shrubs and ground covers to leave no clearance area. All shrubs shall be a species that can be expected to materially screen the development site within two (2) years of planting. The slope of a berm shall be of a grade that is suitable for maintenance and soil stability while taking into consideration the type of plantings and ground cover that will be utilized by in no case shall a berm be less than three feet in height. The use of Pueraria lobate (kudzu) and other nuisance vining plants that will have a tendency to spread to other properties, for berm ground cover is prohibited.

TABLE 1 REQUIRED BUFFER LEVELS							
	C-1 Uses	C-2 Uses	C-3 Uses	Industrial Uses	Multi-Family Residential	Single-Family Detached Residential	Single-Family Attached Residential
Residential Zones*							
Single-Family Detached Residential	Level 2	Level 3	Level 4	Level 5	Level 3	N/A	N/A
Single-Family Attached Residential	Level 2	Level 3	Level 4	Level 5	Level 2	N/A	N/A
Multi-Family Residential	Level 1	Level 1	Level 3	Level 4	N/A	Level 3	Level 2

*Level of required screening between a residential zone and a non-residential zone

2. Buffer Level Options:

Buffer	Level 1	Level 2	Level 3	Level 4	Level 5
Plantings	8' wide	12' wide	22' wide	30' wide	40' wide
Canopy*	N/A	3	5	5	5
Understory	N/A	3	4	6	6
Shrubs**	20	20	40	50	50
Plantings & Wall or Fence	Fence only	6' wide	12' wide	20' wide	30' wide
Canopy	N/A	4	3	3	4
Understory	N/A	4	3	4	4
Shrubs	N/A	15	22	30	40
Plantings & Berm	N/A	10' wide	14' wide	20' wide	30' wide
Canopy	N/A	2	3	3	4
Understory	N/A	2	3	4	5
Shrubs	N/A	18	30	35	40

*Level of required screening between a residential zone and a non-residential zone

- Level 3 Buffer Required by code:
See above (3 available buffer options for Level 3)
- Level 2 Buffer Requested by applicant:
6' wide buffer consisting of plantings, wall or fence, 4 canopy, 4 understory, and 15 shrubs)

FINDINGS:

Variances: Conditions governing applications, procedures; to authorize upon appeal such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this ordinance, the Board of Adjustment must and shall find:

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

Recommended Finding: There is an existing duplex on the subject property. The applicant has stated that, in order to meet the width requirement for a Level 3 buffer, the parking area for the new buildings would be out of alignment with the existing parking area and driveway, creating a potentially dangerous condition for on-site vehicular movement. If this were a vacant piece of property, the applicant would simply design according to the Code; however, since there is an existing parking area, the applicant is requesting to be allowed to align the new parking with the existing, thereby necessitating the need for the variance. Notwithstanding, because the property could, technically, be developed in accordance with the Code, it may be said that the need for the variance is self-imposed. Therefore, while there are somewhat unusual circumstances associated with the property, they could be applicable to other lands in the same SR zoning district (there are many properties with existing improvements), so the variance is hereby deemed as self-imposed.

- b. That the special conditions and circumstances do not result from the actions of the applicant;

Recommended Finding: According to the Property Appraiser's records, the existing structure was built in 1971, predating not only the current development standards and buffer requirements, but also the County's first zoning ordinance which was adopted in 1974. The applicant had no part in deciding the location of the existing building and in particular its associated driveway and parking area. While a parking area for the new buildings could be constructed with a Level 3 buffer, the applicant is requesting relief to enable construction of a parking area that aligns better with the existing parking. However, since the new parking area could be constructed in accordance with the current standards, the special condition (constructing in alignment with the existing parking area) does result from the action of the applicant.

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

Recommended Finding: The applicant is not requesting an exemption to the buffer requirement, but rather to be allowed to use a Level 2 Buffer with a fence as opposed to a Level 3 buffer with a fence. It should be noted that, while the Level 3 Buffer requires more shrubs and a greater width, the Level 2 buffer actually requires more canopy and understory plantings which will actually be visible above the fence. Notwithstanding, by allowing a different buffer, granting the variance will confer a special privilege to the applicant.

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

Recommended Finding: Literal interpretation of the provisions of the Land Development Code would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance

- e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

Recommended Finding: The variance requested is the minimum variance that would make possible for the addition of two (2) additional duplex buildings on the subject property.

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

Recommended Finding: If the Board of Adjustment grants the requested variance, the resulting development will still be required to install a compatibility buffer which will result in more vegetation being visible above the fence line than the required buffer. The granting of the variance will not be injurious to the area, and is generally in harmony with the general intent and purpose of the Land Development Code which is to ensure orderly development consistent with the Comprehensive Plan.

STAFF RECOMMENDATION: Based on the analysis and recommendation findings presented herein, staff recommends denial of the variance as presented.

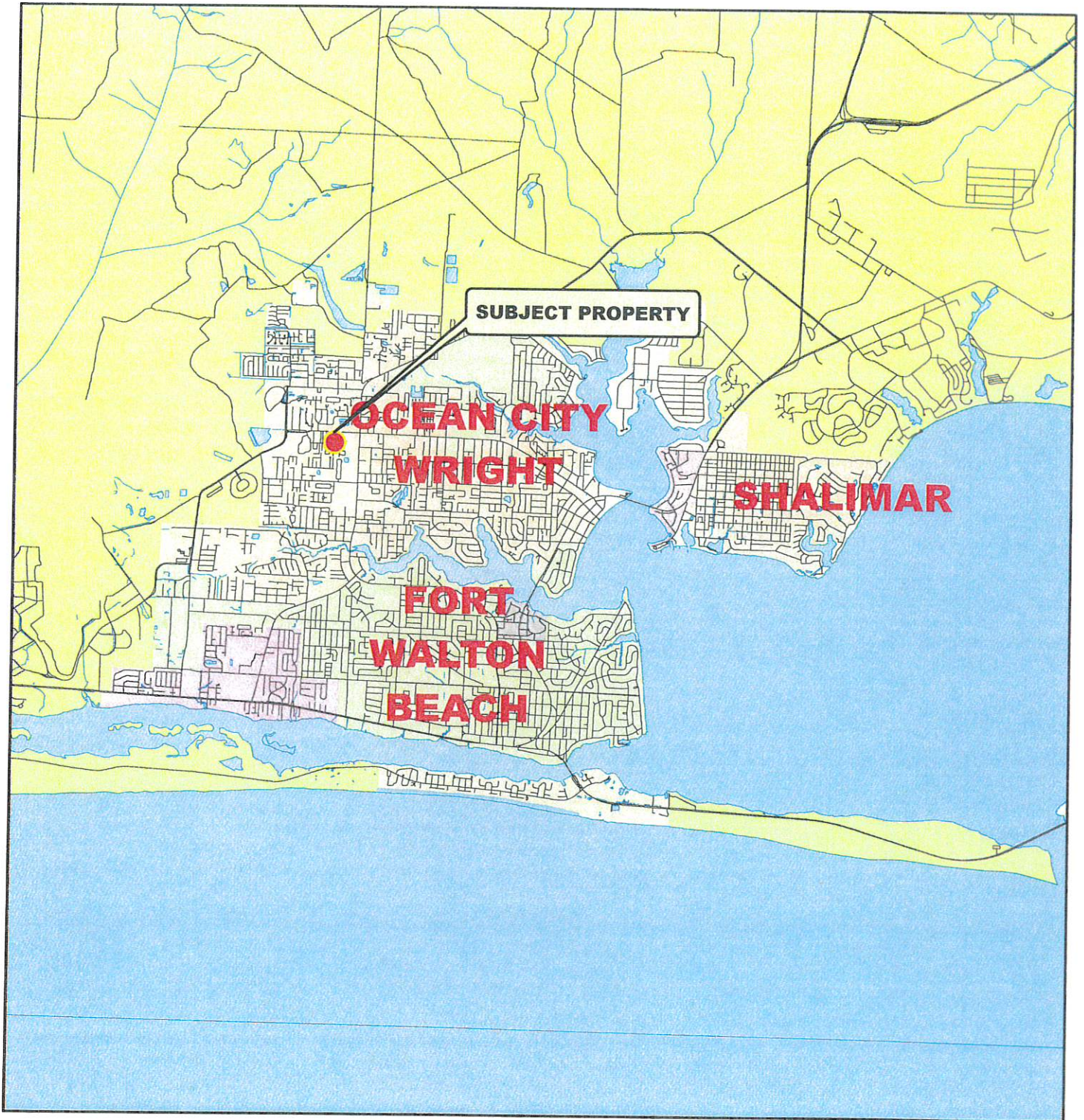
PUBLIC NOTICE: The proposed agenda item was properly advertised in the Northwest Florida Daily News on March 26, 2024 (see **Attachment I**).

PUBLIC COMMENT/OPPOSITION: None to date of this writing.

ATTACHMENTS:

- A – Location Map
- B – Aerial Photo
- C – Existing Land Use Map
- D – Future Land Use & Zoning Map
- E - GIS Analysis
- F – Section 6.05.074
- G – Proposed Site Plan
- H – Copy of Variance Application
- I - Legal Advertisement

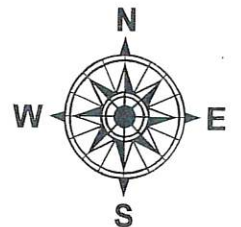
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Legend

— Roads

Location Map



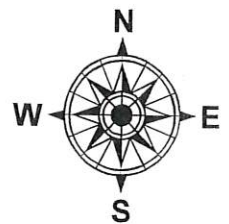
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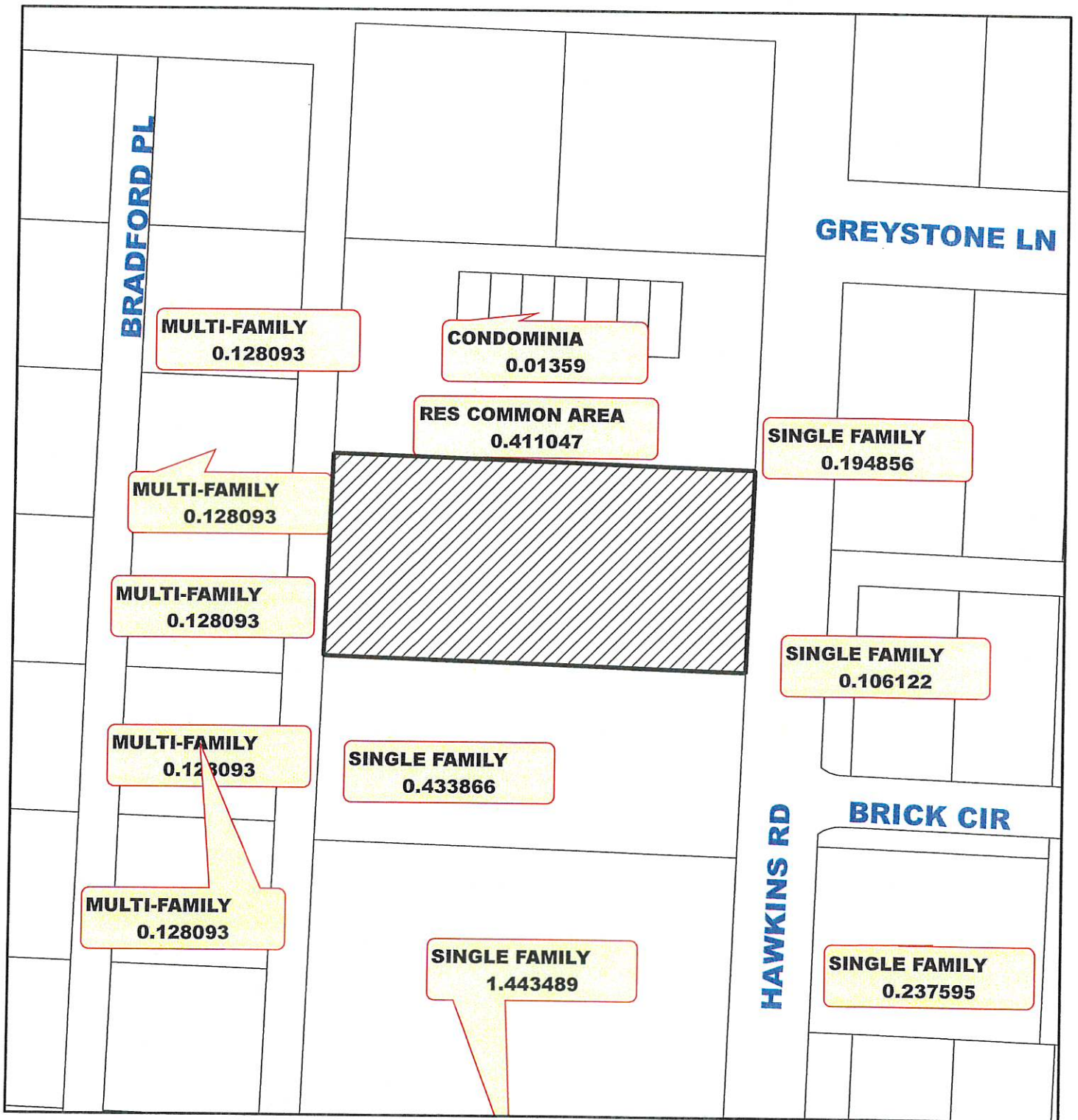
Legend

 Parcel Lines

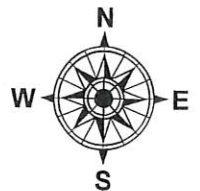
Aerial Photo



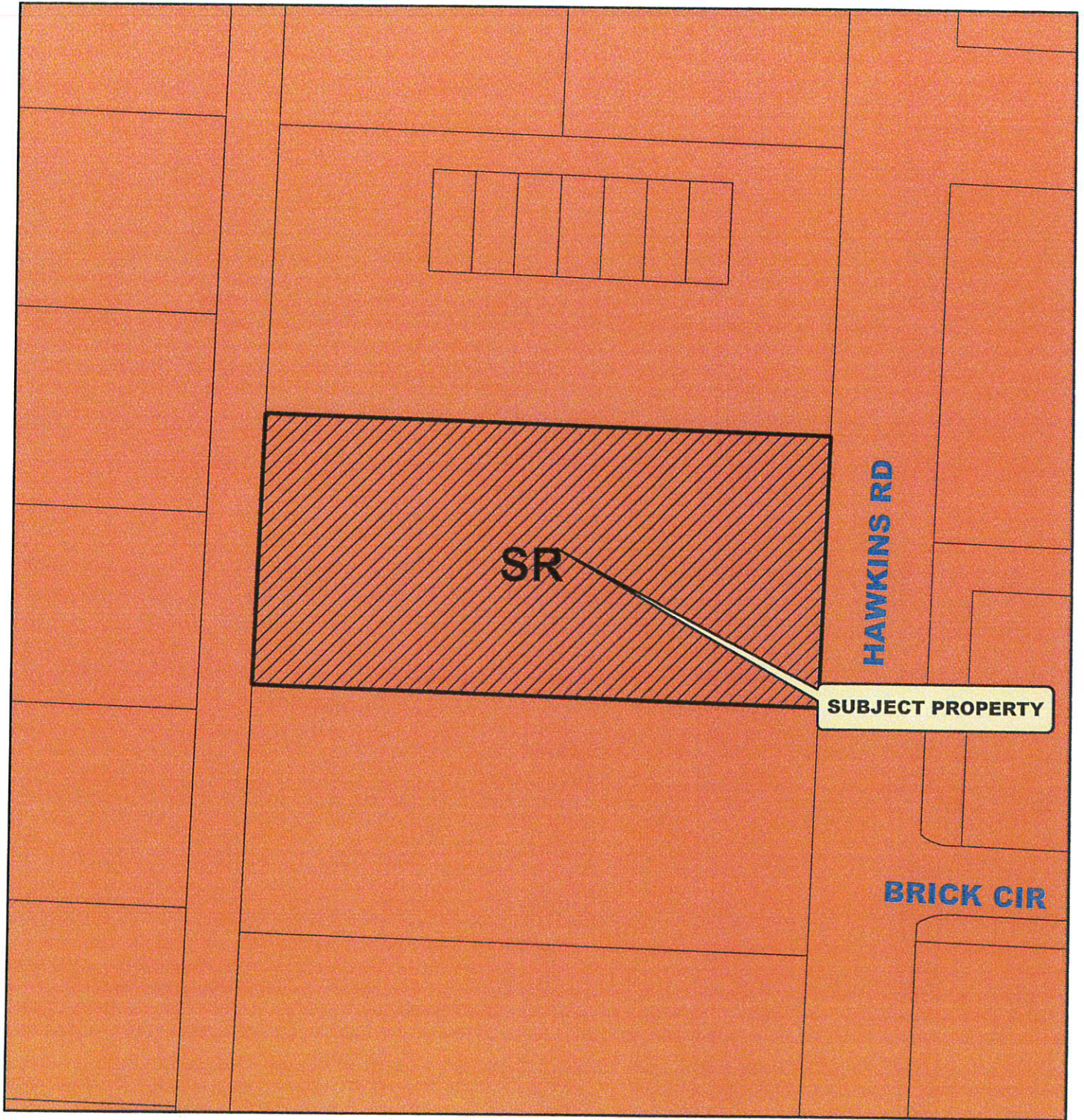
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Existing Land Use Map



03-2S-24-0000-0155-0000

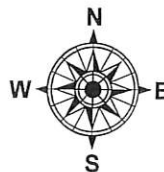


FLUM Legend

 SUBURBAN RESIDENTIAL

ZONE Legend

 SUBURBAN RESIDENTIAL



FLUM & Zoning Map

GIS ANALYSIS RESULTS

ATTACHMENT

E

Date: 3/14/2024

Project: 03-2S-24-0000-0155-0000

Permit: 533333-PLT-2023 - TIDWELL BAYOU TOWNHOMES

Property Address: LOCATED AT 135 BAYOU VIEW DR FORT WALTON BEACH FL 32547

Zoning: SR

FLU: SR

Fire District: OCEAN CITY-WRIGHT **Commissioner District:** 4 **Census Tract:** 21900

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

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

Flood Zone: X 500 YEAR

Map Number: 12091CO 435J

Storm Surge Area: NO

Urban Development Area: YES

Water Efficient Area: YES

Wells: None

Environmental Data: NO

Historical Data: None

Wetlands: Uplands

Water and Sewer: OCWS

Within 3 mile of an Airport: NO



LAND DEVELOPMENT CODE

Chapter 6
Development Design
Standards

ATTACHMENT

F

event an application is denied, the County shall specify to the applicant in writing the reason for said action. If no final action with respect to a completed application is taken within the required thirty (30) working days, the application shall be deemed to have been approved.

6.05.07 Compatibility Screening and Buffering: The following landscape buffer areas shall be required for all new development or redevelopment which creates the indicated land use conflict:

6.05.071 Between Residential, Non-Residential Districts and Incompatible Uses: Where an office and institutional, business and/or industrial district abuts a residential district, screening shall be provided on the lot(s) which is located in the non-residential zone at the time such lot(s) is developed. This provision shall apply between residential uses when there exists a compatibility problem with adjacent residential use in mixed use or between single family detached and multi-family dwelling units.

Where a residential use adjoins a non-residential use and both are located in a non-residential zone, minimal screening shall be required. A solid fence or wall shall be constructed as part of any new development or construction.

Where a single-family residential zone abuts a residential local or residential collector street and a non-residential use is adjacent to the right-of-way, screening shall be located on the property developed for non-residential purpose, to the extent that the non-residential use is generally screened from residential view.

6.05.072 Open Storage and Open Structures: Within all non-residential zoning districts screening from residential zones shall be required for the open storage of any goods, materials, products, wastes or equipment including dumpsters but excluding vending machines, retail goods left outside only during business hours, vehicles, trailers, and other equipment capable of being driven on a roadway. Screening for storage areas shall consist of any one or combination of more than one of the following: An opaque fence meeting the requirements of this section or wall, or a dense planted screen which will generally screen the storage.

6.05.073 Location of Screening: Any screening required by this section shall be located along side and/or rear property lines of the lot(s) containing the use subject to screening. If screening is required along the right-of-way it shall be located behind such right-of-way so as not to obstruct vision. In addition, where a private driveway intersects a street, visibility shall be maintained within a site distance triangle which is formed by joining two (2) points. The points shall be located twenty (20) feet from the intersection for the driveway and thirty (30) feet from the intersection for the street.

No structure other than a wall or fence shall be permitted within a required screen area. No off-street parking may be permitted within any required screen area. Where plant materials are required the required amount shall be installed on the side of any wall or fence opposite the new development unless a waiver of such requirements is granted.

6.05.074 Screening Specifications: Screening may be in the form of natural plantings, planted berms, walls, and/or fences. Screening shall be encouraged, however, in the form of natural



LAND DEVELOPMENT CODE

Chapter 6
Development Design
Standards

plantings. Existing plantings may be used in whole or in part to satisfy the requirements of this section. Screenings in the form of a planted berm, wall or fences may be used provided that such structures comply with all other applicable sections of this chapter.

1. **Natural Plantings:** Where natural plantings are used, a buffer strip in accordance with Table 1 shall be planted. This area shall be free of all encroachment by structure, parking areas or other impervious surfaces. The amount and type of buffer materials to be planted per one hundred (100) linear feet shall be as indicated herein. The use of plant materials other than trees and shrubs shall not be permitted unless approved by the County.

TABLE 1 REQUIRED BUFFER LEVELS							
	C-1 Uses	C-2 Uses	C-3 Uses	Industrial Uses	Multi-Family Residential	Single-Family Detached Residential	Single-Family Attached Residential
Residential Zones*							
Single-Family Detached Residential	Level 2	Level 3	Level 4	Level 5	Level 3	N/A	N/A
Single-Family Attached Residential	Level 2	Level 3	Level 4	Level 5	Level 2	N/A	N/A
Multi-Family Residential	Level 1	Level 1	Level 3	Level 4	N/A	Level 3	Level 2

*Level of required screening between a residential zone and a non-residential zone

2. **Buffer Level Options:**

Buffer	Level 1	Level 2	Level 3	Level 4	Level 5
Plantings	8' wide	12' wide	22' wide	30'wide	40'wide
Canopy*	N/A	3	5	5	5
Understory	N/A	3	4	6	6
Shrubs**	20	20	40	50	50
Plantings & Wall or Fence	Fence only	6' wide	12' wide	20'wide	30'wide
Canopy	N/A	4	3	3	4
Understory	N/A	4	3	4	4
Shrubs	N/A	15	22	30	40
Plantings & Berm	N/A	10'wide	14'wide	20'wide	30' wide
Canopy	N/A	2	3	3	4
Understory	N/A	2	3	4	5
Shrubs	N/A	18	30	35	40

*Level of required screening between a residential zone and a non-residential zone



LAND DEVELOPMENT CODE

Chapter 6 Development Design Standards

ATTACHMENT

F

**Level of required screening between a single-family residential use and a non-residential use located in a non-residential zone.

3. Walls or Fences: Any wall shall be constructed in a durable fashion with a finished surface of brick, stone, wood, metal, or other decorative material approved by the County.
 - a. Fences shall be constructed in a durable fashion with weather resistant wood and be of a consistent pattern. All materials used in the construction of a fence shall be designed and intended for such use. Notwithstanding the foregoing, the County may approve a buffer fence constructed of other materials provided the materials and finish will provide generally the same degree of opacity, durability, and aesthetic compatibility with adjoining residential areas as weather resistant wood. A finished side of all walls or fences shall face the common property line boundary. No wall or fence used for screening purposes shall be less than six (6) feet nor greater than eight (8) feet in height above grade. All walls or fences used for screen purposes shall be generally opaque at a distance of ten (10) feet.
4. Berms: All berms shall be planted with both shrubs and ground covers to leave no clearance area. All shrubs shall be a species that can be expected to materially screen the development site within two (2) years of planting. The slope of a berm shall be of a grade that is suitable for maintenance and soil stability while taking into consideration the type of plantings and ground cover that will be utilized by in no case shall a berm be less than three feet in height. The use of *Pueraria lobata* (kudzu) and other nuisance vining plants that will have a tendency to spread to other properties, for berm ground cover is prohibited.

6.05.08 Maintenance, Preservation and Use Standards:

1. Maintenance:
 - a. All required plant material shall be maintained in a healthy and viable condition.
 - b. Structural elements relating to non-living landscape material shall be maintained in good condition at all times.
 - c. Right-of-way landscape areas installed by the developer will be maintained by the developer as agreed upon by the County.
 - d. An irrigation system or a readily available water supply system shall be supplied for all landscaped areas
2. Replacement: Dead plant material shall be replaced in accordance with the provisions of this chapter and within a time period appropriate to the growing season of the species in question, not exceeding one year.
3. Use of Landscape Area: No required landscape area shall be used for parking; except as provided in this chapter; or for accessway to structures, garbage or trash collection or any functional uses contrary to the intent and purposes of this ordinance.

PREPARED BY AND RETURN TO:

Name: The Closing Agency-Emerald Coast

Address: 142 Eglin Pkwy SE, Suite 100
Fort Walton Beach, FL 32548

Parcel No.: 03-2S-24-0000-0155-0000

(Space Above This Line For Recording Data)

Non-Homestead Quitclaim Deed

COUNTY OF OKALOOSA
STATE OF FLORIDA

THIS QUITCLAIM DEED is made as of this 7th day of April, 2023, by Tyler Austin, a married man ("Grantor"), whose post office address is 215 Hollywood Blvd NE, Fort Walton Beach, FL 32548, given to second party, Allies Properties, LLC, a Florida Limited Liability Company ("Grantee"), whose post office address is 215 Hollywood Boulevard Northeast, Fort Walton Beach, FL 32548.

WITNESSETH: The Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, do hereby remise, release, convey and quitclaim unto the Grantee all the right, title, interest, claim, and demand which the Grantor has in and to that certain land situated in Fort Walton Beach, Florida, described as follows:

BEGINNING AT THE SW CORNER OF THE NE 1/4 OF THE NW 1/4 OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 24 WEST, AND RUN NORTH 291.0 FEET TO THE POINT OF BEGINNING OF LAND HEREIN CONVEYED AND CONTINUE NORTH 97.0 FEET, THENCE EAST 210.0 FEET, THENCE SOUTH 97.0 FEET, THENCE WEST 210.0 FEET TO THE POINT OF BEGINNING. ALL THE LAND LYING IN THE NE 1/4 OF THE NW 1/4 OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 24 WEST. OKALOOSA COUNTY, FLORIDA.

AND

BEGINNING AT THE SW CORNER OF THE NE 1/4 OF THE NW 1/4 OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 24 WEST, AND RUN NORTH 388.0 FEET TO THE POINT OF BEGINNING OF LAND HEREIN CONVEYED. CONTINUE NORTH 92.0 FEET, THENCE EAST 210.0 FEET, THENCE SOUTH 92.0 FEET, THENCE WEST 210.0 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE NE 1/4 OF THE NW 1/4 OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 24 WEST, OKALOOSA COUNTY, FLORIDA.

LESS AND EXCEPT

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 3, TOWNSHIP 2 SOUTH, RANGE 24 WEST, OKALOOSA COUNTY, FLORIDA, RUN NORTH 291.0 FEET TO THE POINT OF BEGINNING OF LAND HEREIN CONVEYED, THENCE CONTINUE NORTH 90.0 FEET, THENCE EAST 210 FEET, THENCE SOUTH 90 FEET, THENCE WEST 210 FEET TO THE POINT OF BEGINNING. ALL OF THE LAND LYING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 24 WEST, OKALOOSA COUNTY, FLORIDA.

TOGETHER WITH all of the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THE ABOVE described property is not the constitutional homestead of the Grantor, nor is it contiguous as such.

FURTHER SUBJECT TO taxes for the year 2022 and subsequent years, restrictions, reservations, covenants and easements of record, if any.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents, to be executed and delivered the day and year first above written.

Signed, sealed and delivered in the presence of:

Dalisse Dittmar Chulk
WITNESS
PRINT NAME: Dalisse Dittmar Chulk

Harol Gage
WITNESS
PRINT NAME: Harol Gage

By: [Signature]
Tyler Austin

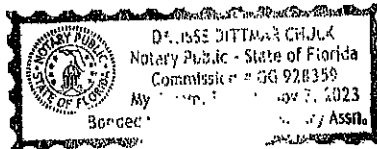
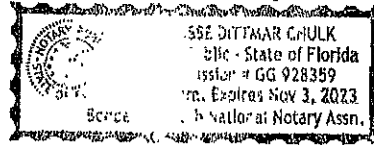
STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization this 7th day of April, 2023 by Tyler Austin.

Dalisse Dittmar Chulk
Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally known:
OR Produced Identification: _____

Type of Identification Produced: _____



**LIST OF ADJACENT/ACROSS THE STREET PROPERTY OWNERS
AFFIDAVIT**

STATE OF FLORIDA
COUNTY OF OKALOOSA

BEFORE ME, the undersigned authority, personally appeared Tyler Austin, the owner(s) of: 110 Hawkins rd
(property tax identification number and address or property of street name)
Fort Walton Beach FL 325 who,
under oath, deposes and says as follows:

1. That the following is a list of all property owners being adjacent to the property described above.
2. I understand that I or a representative must attend the hearing in order for the request to be heard.

AFFIANT FURTHER SAYETH NOT.

[Signature]
APPLICANT'S SIGNATURE

7 March 2024
DATE OF SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th
OF March, 2024

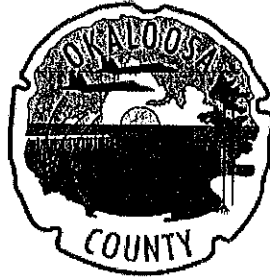
[Signature]
NOTARY PUBLIC
STATE OF FLORIDA

MY COMMISSION EXPIRES



MACK BUSBEE, CFA
Okaloosa County Property Appraiser

302 N Wilson St, Suite 201
Crestview, FL 32536
(850) 689-5900
FAX (850) 689-5906



PLEASE REPLY TO:
1250 Eglin Pkwy N, Suite 201
Shallmar, FL 32579-1296
(850) 651-7240
FAX (850) 651-7244
www.okaloosapa.com

OFFICE OF THE
OKALOOSA COUNTY
PROPERTY APPRAISER

Date: 03/07/2024

RE: Adjacent Property Owner's Listing:

Parcel ID Number: 03-2S-24-0000-0155-0000

Owner: ALLIES PROPERTIES LLC



This is to certify that the attached list of owners is adjacent to and across the street from the above listed parcel.



This is to certify that the attached list of owners pertains to a 300 ft radius from the above listed parcel.



Other: _____

Person requesting information: Tyler Austin

Email Address: Tyler@TeamAllies.com

Phone Number: 850-420-8700 Fax Number: _____

DESIREE DANIELS

Customer Service/Exemptions Specialist
Okaloosa County Property Appraiser's Office

BARNETT LATRELL A II & LYNAE R, BAR
1882 GREYSTONE LANE
FT WALTON BEACH, FL 32547

BEACH VIEW ACQUISITIONS LLC
782 CAMERON DR
ORANGE PARK, FL 32073

BP APTS LLC
813 LOBLOLLY CT
FT WALTON BEACH, FL 32548

DIAZ SHON Y & TIFFANIE, DIAZ TIFFANI
5340 W KENNEDY BLVD #429
TAMPA, FL 33609

HAWKINS KELLEY & HUDSON JULIE, HL
112 HAWKINS RD
FT WALTON BEACH, FL 32547

JONES KELLY C & SARAH R, JONES SA
1800 BRICK CIRCLE
FT WALTON BEACH, FL 32548

MITCHUM JENNIFER LEIGH
2815 EISENHOWER AVE
ALEXANDRIA, VA 22314

SNIPES HILARY L, ****
108 HAWKINS RD UNIT F
FT WALTON BEACH, FL 32547

THU TRUONG DAVID PROPERTIES LLC
27 TAYLOR RD
BELMONT, MA 02478

TORRES CHRISTINA L
14271 LAKE PRESERVE BLVD
ORLANDO, FL 32824-4447

TYLAKY LLC
295 ELDREDGE RD
FT WALTON BEACH, FL 32547

REQUIRED SIGNS WILL BE POSTED
AFFIDAVIT

STATE OF FLORIDA
COUNTY OF OKALOOSA

BEFORE ME, the undersigned authority, personally appeared
Tyler Austin, who under
oath, deposes says as follows:

1). That pursuant to the petition of _____ dated, _____ will be posted 15 days prior to the public hearing before the Okaloosa County Board of Adjustments. The posting of the property will be with a 2' X 3' weatherproof sign with not less than 1" lettering. The posting of the sign shall remain posted for 15 days in a conspicuous place on the property involved in the hearing. (Information to be placed on the sign is attached).

AFFIANT FURTHER SAYETH NOT.

[Signature]
Applicant's Signature

7 March 2024
Date of Signature

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY
OF March, 2024

[Signature]
NOTARY PUBLIC
STATE OF FLORIDA

MY COMMISSION EXPIRES
CHRISTIANE EVERHART
MY COMMISSION EXPIRES
JULY 23, 2025
#RH 154660
NOTARY PUBLIC, STATE OF FLORIDA

G

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

The property currently has a duplex and parking area. The owner wants to add 2 more duplexes and additional parking. The new parking will connect to the existing. The existing parking aisle is less than 5' from the southern property line. The level 3 buffer is 12' wide min. Shifting the drive aisle 7' or more to accomodate the 12' buffer width would create an unsafe condition.

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

The existing duplex was built in 1971, predating the Comprehensive plan and LDC.

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

The variance will not increase the density, the building height, the impervious surface ratio, or the floor area ratio, or confer any other special privileges for the property.

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

Future development would be hindered by the connection to the existing parking, and would likely require the demolition of the existing building and parking area to maintain a 12' compatibility along the southern property line.

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

A level 1 buffer is just a privacy fence with no minimum width. A level 1 buffer currently exists along the southern property line. Section 6.05.074 of the LDC requires a level 3 buffer. Maintaining the level 1 buffer as existing would be ideal. Adjusting to a level 2 buffer is feasible but not ideal. Providing a level 3 buffer is not feasible.

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

A level 3 compatibility buffer is 12' wide minimum with a fence, and 3 canopy trees, 3 understory trees, and 22 shrubs per 100'. A level 2 compatibility buffer is 6' wide minimum, with a fence and 4 canopy trees, 4 understory trees, and 15 shrubs per 100'. The level 2 buffer will actually provide a better screen for the adjacent property because it has more trees. The shrubs will be hidden by the fence.

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

Tyler Austin

Applicant typed or printed name


Applicant signature

7 March 2024
Date

Corporate officer

Corporate seal

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune | News Herald
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Deborah Clabaugh
Okaloosa County Growth Management Department
812 E James Lee BLVD
Crestview FL 32539-3118

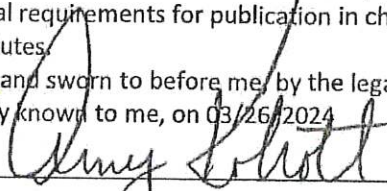
STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Northwest Florida Daily News, published in Okaloosa County, Florida; with circulation in Okaloosa and Walton Counties; that the attached copy of advertisement, being a Main Legal CLEGL, was published on the publicly accessible website of Okaloosa and Walton Counties, Florida, or in a newspaper by print in the issues of, on:

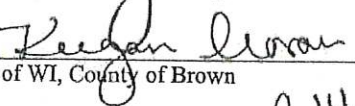
03/26/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/26/2024



Legal Clerk



Notary, State of WI, County of Brown

2-14-28

My commission expires

Publication Cost: \$431.20

Order No: 9987600

Customer No: 718670

PO #:

of Copies:
1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KEEGAN MORAN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

ATTACHMENT

I

The Okaloosa County Board of Adjustment will hold a public hearing to consider the following action.

546920-BOA-2024 Variance request from Section 6.05.074 Screening Specifications, of the Okaloosa County Land Development Code (LDC), Ordinance 91-1 as amended pertaining to Level 3 compatibility buffer. The applicant is proposing a reduction of the Level 3 requirements to the Level 2 buffer requirements. The property is located at 110 Hawkins Road, Fort Walton Beach, Florida. The site contains 0.48 acres more or less.

The public hearing has been scheduled for 1:30 PM on April 10, 2024 in the Okaloosa County Administration Building, Commission Meeting Room, 1250 N. Eglin Pkwy., Shalimar, FL

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD REGARDING THIS ACTION.

The application may be inspected by the public at the Department of Growth Management offices in Shalimar, 1250 N. Eglin Pkwy., Suite 301, (850) 651-7180 or in the Growth Management offices located in Crestview, 402 Brookmeade Dr., (850) 689-5080.

If any person decides to appeal any decision made with respect to any matter considered at these hearings, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

Okaloosa County adheres to the Americans with Disabilities Act and will make reasonable modifications for access to these hearings upon request. Requests may be made to the Growth Management offices described above and must be made at least 48 hours in advance of the hearings in order to provide the requested service.

Attachment
A

03-2S-24-0000-0155-0000

