

**BOARD OF ADJUSTMENT
MEETING AGENDA
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
VACANT, District 4
Commissioner Pat Byrne, District 5

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES – March 8, 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. **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.

K. OTHER BUSINESS

1. **Election of officers**

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

L. ADJOURNMENT



AGENDA ITEM 1

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: 537832-BOA-2023 Variance Request

AGENDA DATE: October 11, 2023

APPLICANT(S): Jonathan Green, of McKim & Creed, Inc.

OWNER(S): Josemans Properties LLC

LOCATION: Corner of Martin Luther King Jr. Blvd. & Florence Avenue, Mary Esther, FL

PUBLIC HEARING: 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.

PARCEL INFORMATION:

- Property Appraiser's Parcel ID Number: 08-2S-24-0000-0001-0130 Property contains 2.41 acres more or less
- BCC District: (4) Commissioner Goodwin
- BOA District: (4) Vacant
- Future Land Use Map Designation: Commercial (C)
- Zoning District: General Commercial (C-3)
- Current Use: Vacant

SURROUNDING LAND USES:

TABLE 1 – FLUM & ZONING DESIGNATIONS		
	FLUM DESIGNATION	ZONING DESIGNATION
SUBJECT PROPERTY	Commercial (C)	General Commercial (C-3)
NORTH	Commercial (C)	General Commercial (C-3)
SOUTH	Commercial (C)	General Commercial (C-3)
EAST	Residential	Residential-1 (R-1)
WEST	Martin Luther King Jr. Boulevard	Martin Luther King Jr. Boulevard

REQUESTED VARIANCE: The applicant is requesting a variance 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 commercial development having principal access off of Florence Avenue, Mary Esther, Florida.

STAFF ANALYSIS: The applicant has submitted a Development Order for a proposed Woodspring Suites Hotel for property located on the southeast corner of Martin Luther King Jr. Boulevard and Florence Avenue (see **Attachment H**). The proposed site plan proposes principal access for the new commercial development from a minor roadway, Florence Avenue, without a proposed access from the commercial roadway, Martin Luther King Jr. Boulevard. Section 6.00.08, Double Frontage Lots/Reverse Frontage Lots, of the Okaloosa County Land Development Code (LDC), prohibits non-residential uses located on lots or parcels with reverse or double frontages, from having principal access onto a minor or residential street.

Martin Luther King Jr. Boulevard is a limited access highway that has a dedicated right turn lane along 76% of the subject property's frontage. There is an existing driveway connection stub-out on Martin Luther King Jr. Boulevard which straddles the subject property and the adjoining parcel to the south. The shared driveway connection is the only permittable access point to the subject property along Martin Luther King Jr. Boulevard due to minimum connection spacing requirements. The subject property and adjacent southern parcel are remnants of a previous lot split. There was no access agreement/ easement put into place at the time of the lot split. A shared use access easement/agreement between the two (2) parcels is required to utilize the connection as motorist will traverse across and onto each parcel when entering/exiting the development. However, the owner of the neighboring parcel is not willing to participate in such agreement/easement. Due to these circumstances, the parcel needs principal access onto a minor or residential street, Florence Avenue, to conduct business on the commercial property.

FINDINGS: In order to authorize any variance, the Board of Adjustment must and shall make findings based upon the following criteria and standards.

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

Recommendation Finding: The subject property and adjacent southern parcel are remnants of a previous lot split. There was no access agreement/ easement put into place at the time of the lot split. A shared use access easement/agreement between the two (2) parcels is required to utilize the connection as motorist will traverse across and onto each parcel when entering/exiting the development. As the owner of neighboring parcel is not willing to participate in such agreement/easement and cannot be compelled to enter into such an agreement, principal access to the subject parcel must be from a minor or residential street, Florence Avenue. Without such access, business cannot be conducted on the commercial property.

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

Recommendation Finding: Martin Luther King Jr. Boulevard is a limited access highway that has a dedicated right turn lane along 76% of the subject property's frontage. There is an existing driveway connection stub-out on Martin Luther King Jr. Boulevard which straddles the subject property and the adjoining parcel to the south. The shared driveway connection is the only permittable access point to the subject property along Martin Luther King Jr. Boulevard due to minimum connection spacing requirements. The subject property and adjacent southern parcel are remnants of a previous lot split. There was no access agreement/ easement put into place at the time of the lot split. A shared use access easement/agreement between the two (2) parcels is required to utilize the connection as motorist will traverse across and onto each parcel when entering/exiting the development. The neighboring parcel is not willing to participate in such agreement/easement. The conditions and circumstances necessitating the variance (i.e., Martin Luther King Jr. Blvd's status as a limited access road, the presence of the right turn lane, and the neighbor's unwillingness to grant an easement) are not due to any actions taken by the applicant. The parcel needs principal access onto a minor or residential street, Florence Avenue, to conduct business on the commercial property.

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

Recommendation Finding: Without a variance, the site cannot be accessed unless the secondary access connection from Florence Avenue is turned into the principal access connection. The right of access to the public road system is not

a "special privilege denied by the Land Development Code to other lands, buildings or structures in the same zoning district."

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

Recommendation Finding: *Without a variance, the site cannot be accessed unless the principal access connection is from Florence Avenue.*

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

Recommendation Finding: *The variance requested is the minimum in order to provide primary access to the subject property.*

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

Recommendation Finding: *A connection to Florence Avenue would be easily accessible from north and southbound MLK traffic as well as eastbound traffic from Transit Way.*

STAFF RECOMMENDATION: Based on the analysis and recommendation findings presented herein, staff recommends approval of the requested Variance as presented.

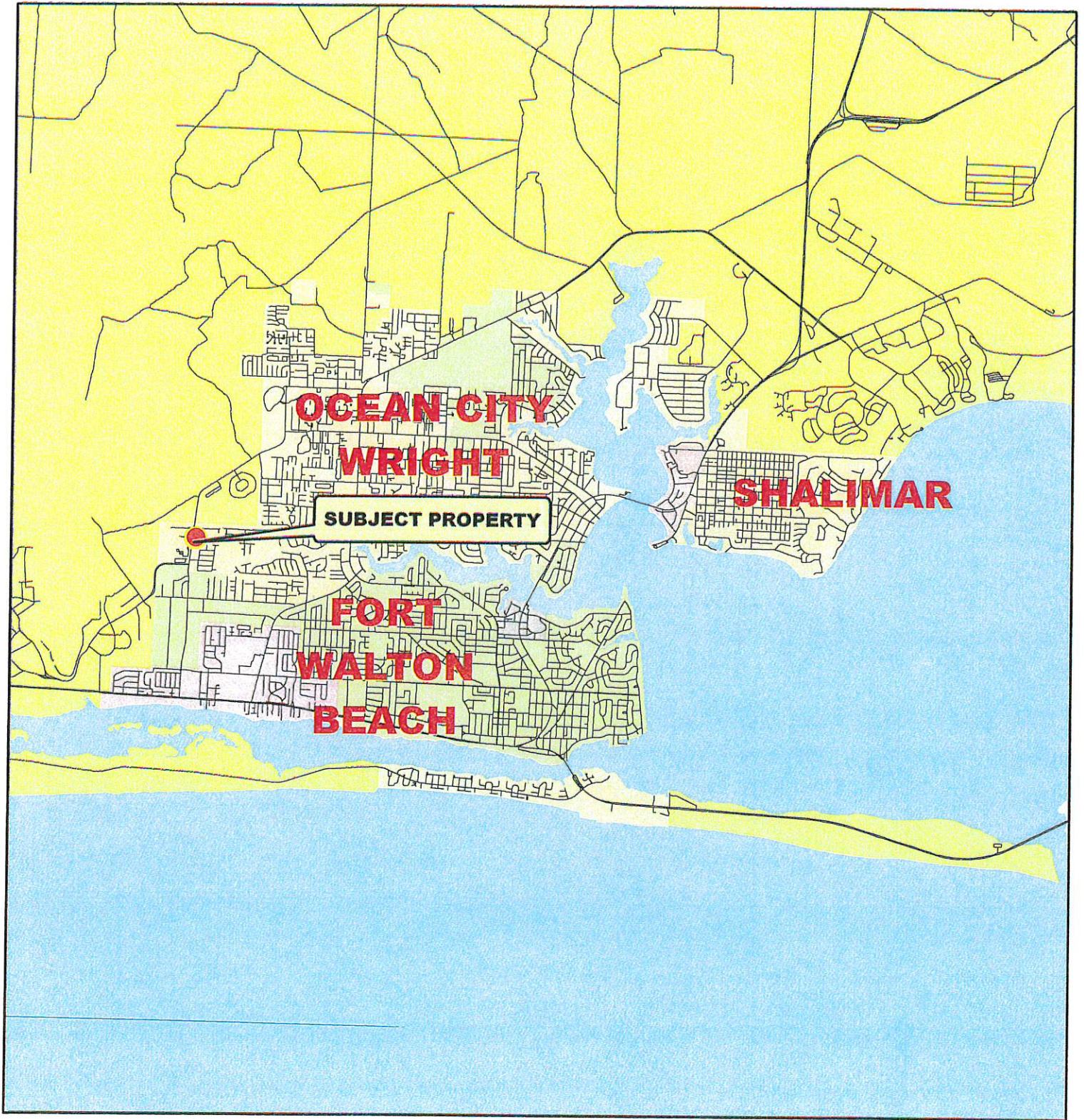
PUBLIC NOTICE: The proposed agenda item was properly advertised in the Northwest Florida Daily News on September 25, 2023 (see **Attachment I**).

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 6.00.08, Double Frontage Lots/Reverse Frontage Lots, of the Okaloosa County Land Development Code (LDC)
- H – Copy of Variance Application
- I – Legal Advertisement

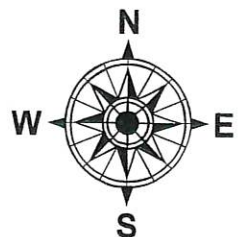
08-2S-24-0000-0001-0130



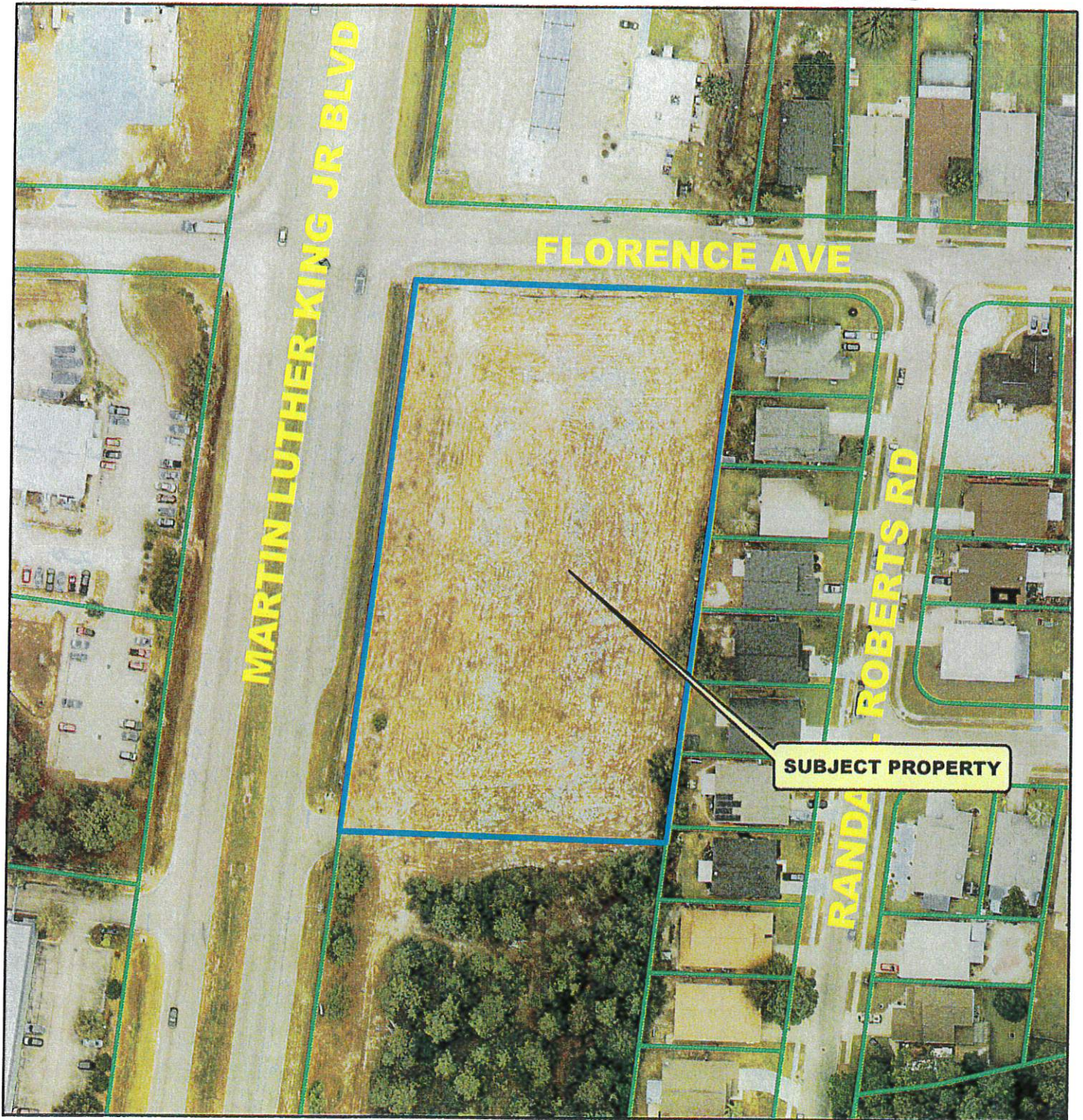
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— Roads

Location Map



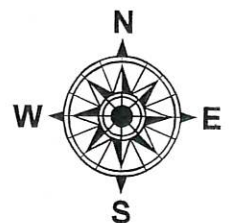
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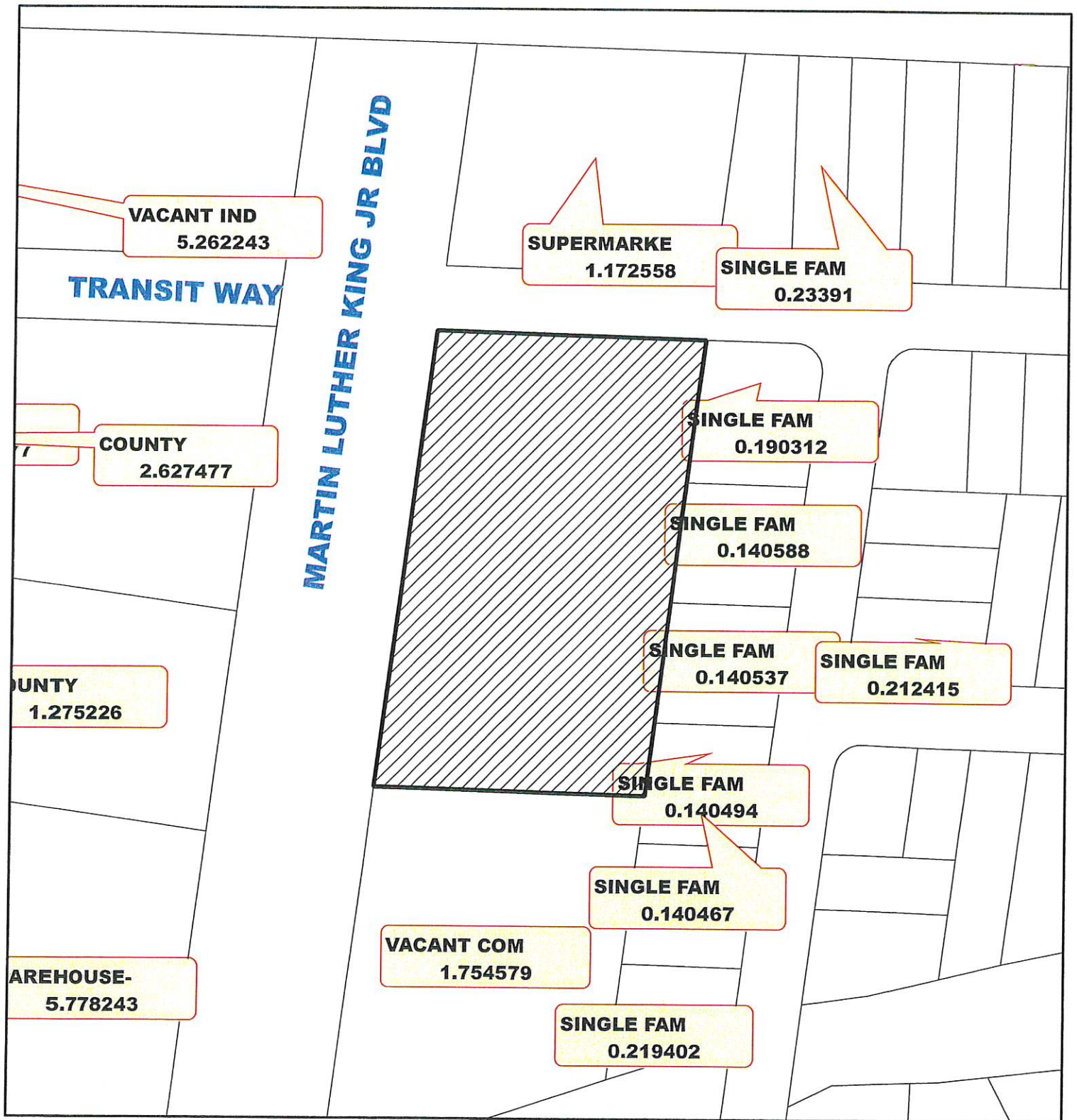
Legend

 Parcel Lines

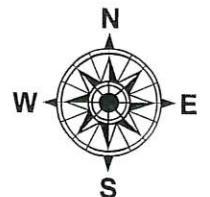
Aerial Photo



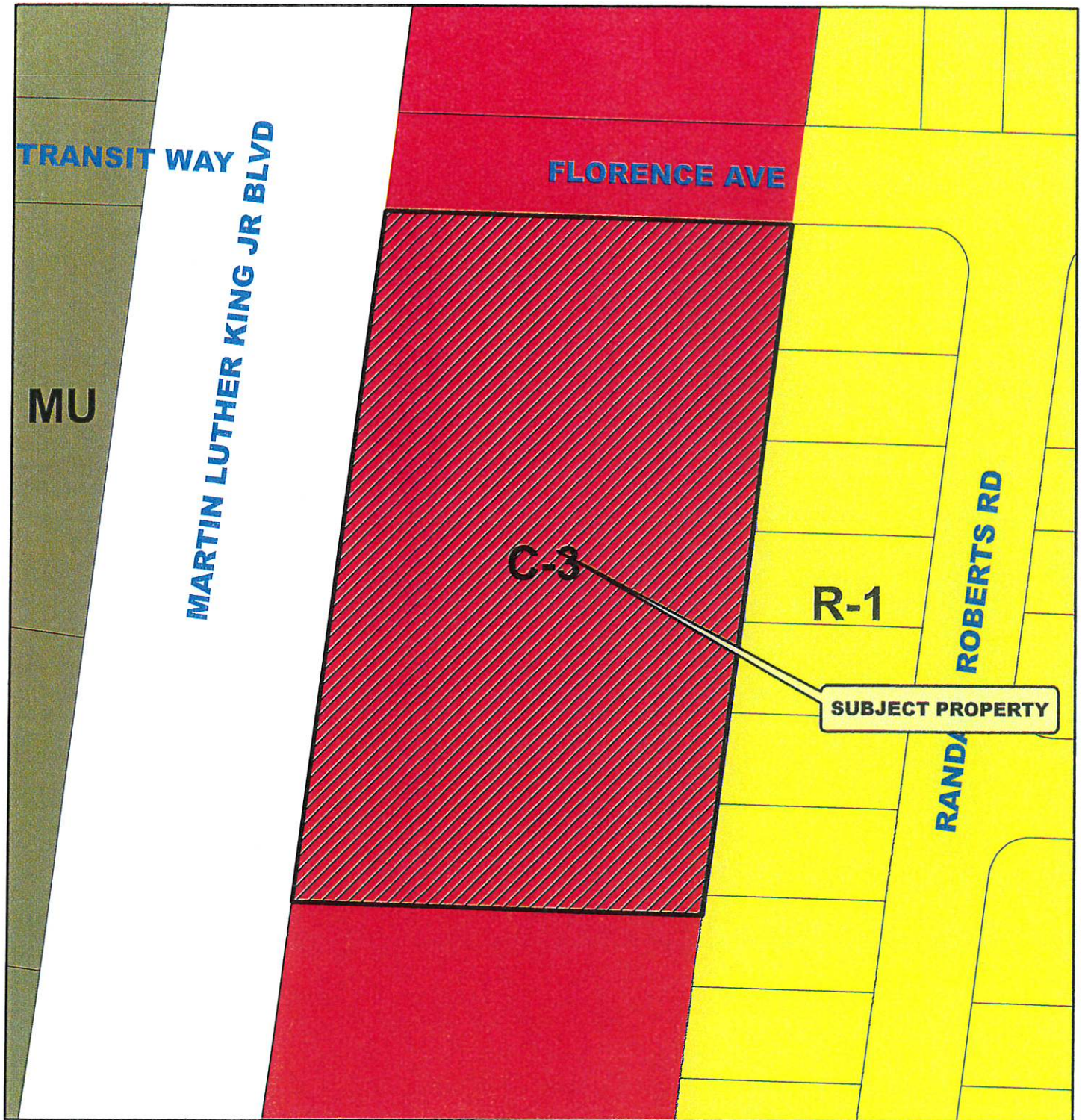
08-2S-24-0000-0001-0130



Existing Land Use Map

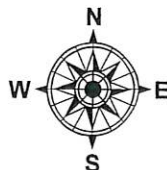


08-2S-24-0000-0001-0130



FLUM Legend

- C
- MU
- LDR



ZONE Legend

- GENERAL COMMERCIAL
- MIXED USE
- RESIDENTIAL-1

FLUM & Zoning Map

GIS ANALYSIS RESULTS

Date: 9/20/2023

Project: PIN 08-2S-24-0000-0001-0130

Permit: 537832-BOA-2023 - WOODSPRING SUITES HOTEL

Property Address: LOCATED ON THE SE CORNER OF MARTIN LUTHER KING JR & FLORENCE AVE FORT WALTON BEACH FL 32547

Zoning: C-3

FLU: C

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

Soil Type: 4 – Chipley Foxworth – nearly level and gently sloping, somewhat poorly drained and moderately well drained soils that are sandy throughout
15 - Leon Sand – poorly drained, 0 to 2% slope, seasonally high water table.

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

Flood Zone: X 500 YEAR

Map Number: 12091CO 441J

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

4. Attachment of Accessory Buildings to Principal Buildings: When an accessory building is attached to the principal building by a breezeway, passageway, or similar means it shall comply with the yard requirements of the principal building to which it is attached, as well as all applicable building codes.
5. Exceptions to Height Regulations: The height limitations contained in the Schedule of Dimensional Requirements do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
6. Structures to Have Access: Every building hereafter erected or moved shall be on a lot adjacent to a street or easement as specified in this ordinance, and all structures shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
7. Travel Trailers, Campers and Motorhomes: Travel trailers, campers and motorhomes shall not be used as a dwelling unit in residential districts.

6.00.05 Environmental Permits: Environmental permits required by F.D.E.P, the U.S. Corps of Engineers, and any other agencies exercising jurisdiction, together with any required submerged lands leases, must be submitted to the County prior to the issuance of county permits and before land development activity occurs.

6.00.06 Commercial and Multi-Family Projects: The developer shall file a completed application for concurrency and development permit review. The application must be supported by a site plan, landscape plan, stormwater management plan, traffic analysis, location map, concurrency form for water and wastewater disposal or on-site disposal system, solid waste disposal, and plan approval for fire protection. No development activity shall occur prior to receiving plan approval and a development order. Projects shall be reviewed as either major or minor developments as defined in this ordinance.

Commercial projects, except projects of area wide impact (projects one hundred thousand (100,000) square feet or greater), require approval by Okaloosa County Growth Management, Public Works, Water and Sewer Departments, fire district, and all other concerned local, state and federal agencies.

6.00.07 Split Zoned Lots: Non-Residential zoned lots containing some portion of residential zoning may be used for commercial development provided the residential portion is limited in use to landscaping or stormwater facilities. No commercial development activity or access way shall be permitted.

6.00.08 Double Frontage Lots/Reverse Frontage Lots: Non-residential uses located on lots or parcels with reverse or double frontages established after the adoption of this ordinance shall limit principal access to the commercial frontage and shall not have principal access onto a minor or residential street.

6.00.09 Erosion Control Plan: Proposed temporary and permanent erosion and sediment control plans shall be submitted with each application for construction plan approval. These plans

**OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT**

BOARD OF ADJUSTMENT

PERMIT NUMBER: 537832-BOA-2023

ISSUED DATE:

MASTER PERMIT:

ISSUED LOCATION: FWB (850) 651-7180

PERMIT TO BE POSTED THROUGHOUT CONSTRUCTION

OWNER: JOSEMANS PROPERTIES LLC
704 SPRING LAKE DR
DESTIN FL 32541

FEE

AMOUNT

Variance application

800.00

Recording Fee

10.00

Public Hearing Sign Fee

32.00

Convenience Fee

19.38

Total:

861.38

~~CONTRACTOR:~~

~~LICENSE:~~

~~BUSINESS TYPE:~~

~~JOB ADDRESS:~~

PARCEL ID: 08-2S-24-0000-0001-0130

LEGAL DESCRIPTION: BEG AT NW COR LOT 1 BLK A EMERALD VILLAGE S/D S 5 DEG W 420 FT W 251.2 FT TO E
R/W N 5

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>ITEM</u>	<u>DESCRIPTION</u>
BOA_Type	var		
Zoning Type	c-3		
Future Land Use	C		
Okaloosa Island Project	N		
AFV prior to 1993	N		
Commercial Y/N?	Y		

PROJECT DESCRIPTION: Variance request from Section 6.00.08 of the LDC - Double Frontage Lots/Reverse Frontage Lots. Non residential development shall limit principal access onto minor residential street. The proposed development is proposing a full access off of Florence Avenue as noted on the attached site plan.
MM

~~**WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF
COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR
IMPROVEMENTS TO YOUR PROPERTY, IF YOU INTEND TO OBTAIN
FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE
RECORDING YOUR NOTICE OF COMMENCEMENT.**~~

OKALOOSA CO. DEPT OF GROWTH MANAGEMENT

Permit Receipt

RECEIPT NUMBER 00244221

Customer Number 045832 martinez Date 9/12/2023
Applicant MCKIM & CREED
Description September 2023
Tender Type Charge 655518

Permit Number	Fee Description	Amount
537832-BOA-2023	Convenience Fee	19.38
537832-BOA-2023	Variance application	800.00
537832-BOA-2023	Public Hearing Sign Fee	32.00
537832-BOA-2023	Recording Fee	10.00
	Total:	861.38

OKALOOSA COUNTY OFFICE

1250 N EGLIN PKWAY #301

SHALIMAR, FL 32579

09/12/2023

16:05:55

CREDIT CARD

VISA SALE

Card # XXXXXXXXXXXX0871
SEQ #: 1
Batch #: 503
INVOICE 1
Approval Code: 655518
Entry Method: Manual
Mode: Online
Tax Amount: \$0.00
Cust Code: 00
Avs Code: YYY

SALE AMOUNT \$861.38

CUSTOMER COPY

**OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT
APPLICATION FOR VARIANCE**

Revised August, 2005

Applicant name: Jonathan Green

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

Applicant address: McKim & Creed, Inc.
1206 N. Palafox Street
Pensacola, Florida 32501

Applicant telephone: (850) 994-9503 FAX _____

Name of property owner if
different than applicant: Josemans Properties, LLC

Address of property involved: SE corner of Martin Luther King, Jr.
Blvd and Florence Ave.

Property ID Number: Parcel ID 08-2S-24-0000-0001-0130

Land use information: FLUM category C

Zoning district C-3

Size of property: 2.41 acres OR _____ sq. ft.

Variance request:

1. Specific section of the Land Development Code from which the variance is requested 6.00.08 Double Frontage Lots/Reverse Frontage Lots

2. Describe exactly what the variance is for.

For a double frontage parcel, provide a single principal access to a new commercial development from a minor roadway (Florence Ave) without a proposed access from the commercial roadway (Martin Luther King, Jr. Blvd.)

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

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

MLK, Jr. is a limited access highway that has a dedicated right turn lane along 76% of the subject property's frontage. There is an existing driveway connection stub-out on MLK which straddles the subject parcel and the adjoining parcel to the south. The shared driveway connection is the only permissible access point to our parcel along MLK due to minimum connection spacing requirements.

The subject parcel and adjacent southern parcel are the remnants of a previous lot split. There was no access agreement/easement put into place at the time of the split. A shared use access easement/agreement between the two parcels is required to utilize the connection as motorist will traverse across and onto each parcel when entering/exiting the development. The neighboring parcel is not willing to participate in such agreements/easements.

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

MLK, Jr. is a limited access highway that has a dedicated right turn lane along 76% of the subject property's frontage. There is an existing driveway connection stub-out on MLK which straddles the subject parcel and the adjoining parcel to the south. The shared driveway connection is the only permissible access point to our parcel along MLK due to minimum connection spacing requirements.

The subject parcel and adjacent southern parcel are the remnants of a previous lot split. There was no access agreement/easement put into place at the time of the split. A shared use access easement/agreement between the two parcels is required to utilize the connection as motorist will traverse across and onto each parcel when entering/exiting the development. The neighboring parcel is not willing to participate in such agreements/easements.

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.

Without a variance nor access easement agreement, the site cannot be accessed unless the secondary access connection on Florence Ave. is turned into the principal access connection.

The parcel needs a functional approved principal access connection to conduct business on its commercial property utilizing its own land.

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.

Without a variance nor access easement agreement, the site cannot be accessed unless the secondary access connection on Florence Ave. is turned into the principal access connection.

The parcel needs a functional approved principal access connection to conduct business on its commercial property utilizing its own land.

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

The requested variance is the minimum in order to provide primary access to the parcel.

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 connection to Florence Ave. would be easily accessible from north and southbound MLK traffic, as well as eastbound traffic from Transit Way.
- The access point is will not promote increased trips into the neighborhood.
- The gas station located across Florence Ave has much more trip demand and the connection spacing is much less then the proposed.
- Sidewalks, signage and striping are proposed to promote pedestrian access and safety.

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.

Jonathan Green

Applicant typed or printed name

Applicant signature

9/11/23
Date

Corporate officer

Street Lee, President & CEO of McKim & Creed, Inc.

Corporate seal





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Foreign Profit Corporation

MCKIM & CREED, INC.

Filing Information

Document Number F11000001885

FEI/EIN Number 56-2136769

Date Filed 05/02/2011

State NC

Status ACTIVE

Last Event AMENDMENT

Event Date Filed 08/11/2011

Event Effective Date NONE

Principal Address

1730 VARSITY DRIVE, SUITE 500
RALEIGH, NC 27606

Mailing Address

1730 VARSITY DRIVE, SUITE 500
RALEIGH, NC 27606

Registered Agent Name & Address

BUSINESS FILINGS INCORPORATED
1200 South Pine Island Road
Plantation, FL 33324

Address Changed: 06/10/2015

Officer/Director Detail

Name & Address

Title CEO

LEE, A. STREET
1365 HAMLET AVENUE
CLEARWATER, FL 33756

Title VP

Garland, Robert
551 North Cattlemen Rd
106
Sarasota, FL 34232

Title VP

POLLARD, EDWARD N
1730 VARSITY DRIVE, SUITE 500
RALEIGH, NC 27606

Title Senior Vice President

Jones, David
242 North Front Street
Wilmington, ND 28401

Title Senior Vice President

Ruschkewicz, Tom
3903 Northdale Blvd
Tampa, FL 33624

Title VP

Bosshart, Christopher
3903 Northdale Blvd
Tampa, FL 33624

Title VP

Wudte, William
551 North Cattleman Rd
Sarasota, FL 34232

Annual Reports

Report Year	Filed Date
2021	01/07/2021
2022	01/11/2022
2023	01/11/2023

Document Images

01/11/2023 -- ANNUAL REPORT	View image in PDF format
01/11/2022 -- ANNUAL REPORT	View image in PDF format
08/11/2021 -- AMENDED ANNUAL REPORT	View image in PDF format
01/07/2021 -- ANNUAL REPORT	View image in PDF format
01/22/2020 -- ANNUAL REPORT	View image in PDF format
01/07/2019 -- ANNUAL REPORT	View image in PDF format
02/16/2018 -- ANNUAL REPORT	View image in PDF format

10/26/2017 -- AMENDED ANNUAL REPORT	View image in PDF format
07/11/2017 -- AMENDED ANNUAL REPORT	View image in PDF format
02/02/2017 -- AMENDED ANNUAL REPORT	View image in PDF format
01/11/2017 -- ANNUAL REPORT	View image in PDF format
01/12/2016 -- ANNUAL REPORT	View image in PDF format
02/04/2015 -- ANNUAL REPORT	View image in PDF format
01/03/2014 -- ANNUAL REPORT	View image in PDF format
01/22/2013 -- ANNUAL REPORT	View image in PDF format
09/20/2012 -- ANNUAL REPORT	View image in PDF format
01/04/2012 -- ANNUAL REPORT	View image in PDF format
08/11/2011 -- Amendment	View image in PDF format
06/20/2011 -- Name Change	View image in PDF format
06/13/2011 -- Amendment	View image in PDF format
05/02/2011 -- Foreign Profit	View image in PDF format

Florida Department of State, Division of Corporations

This Instrument Prepared By:
Shiraz A. Hosein, Esq.
ANCHORS SMITH GRIMSLEY, PLC
909 Mar Walt Drive, Suite 1014
Fort Walton Beach, FL 32547
(850) 863-4064

THE PREPARER HEREOF HAS NOT BEEN REQUESTED TO PROVIDE TITLE INSURANCE, TO RENDER ANY OPINION AS TO TITLE, OR TO INSURE THE TITLE AND ASSUMES NO LIABILITY FOR ANY TITLE DEFECTS.

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 24th day of September, 2019 by BEAL PAINT & BODY, INC., a Florida corporation, whose address for purposes hereof is 99 Fetting Avenue, Fort Walton Beach, FL 32547, **First Party**, to JOSEMANS PROPERTIES, LLC, a Florida limited liability company, whose address for purposes hereof is 704 Spring Lake Drive, Destin, FL 32541, **Second Party**.

WITNESSETH: That the said First Party, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Second Party forever, all the right, title, interest, claim and demand which the said First Party has in and to the that certain land situate, lying and being in Okaloosa County, State of Florida, more particularly described as follows:

**SEE LEGAL DESCRIPTION MARKED AS EXHIBIT "A" ATTACHED HERETO
AND MADE A PART HEREOF**

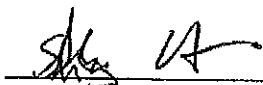
Parcel Identification Number 08-2S-24-0000-0001-0130.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances, thereunto belonging or in anywise appertaining, and the estate, right, title, interest, lien, equity and claim conveyed herein of the said First Party, either in law or equity, to the only proper use, benefit and behoof of the said Second Party forever.

IN WITNESS WHEREOF, the said First Party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSES:


Print witness name: Shiraz A. Hosein

BEAL PAINT & BODY, INC., a Florida
Corporation

By: 
MICHAEL R. JOSEMANS, President

Bonnie McLoVich
Print witness name: Bonnie McLoVich

STATE OF FLORIDA
COUNTY OF OKALOOSA

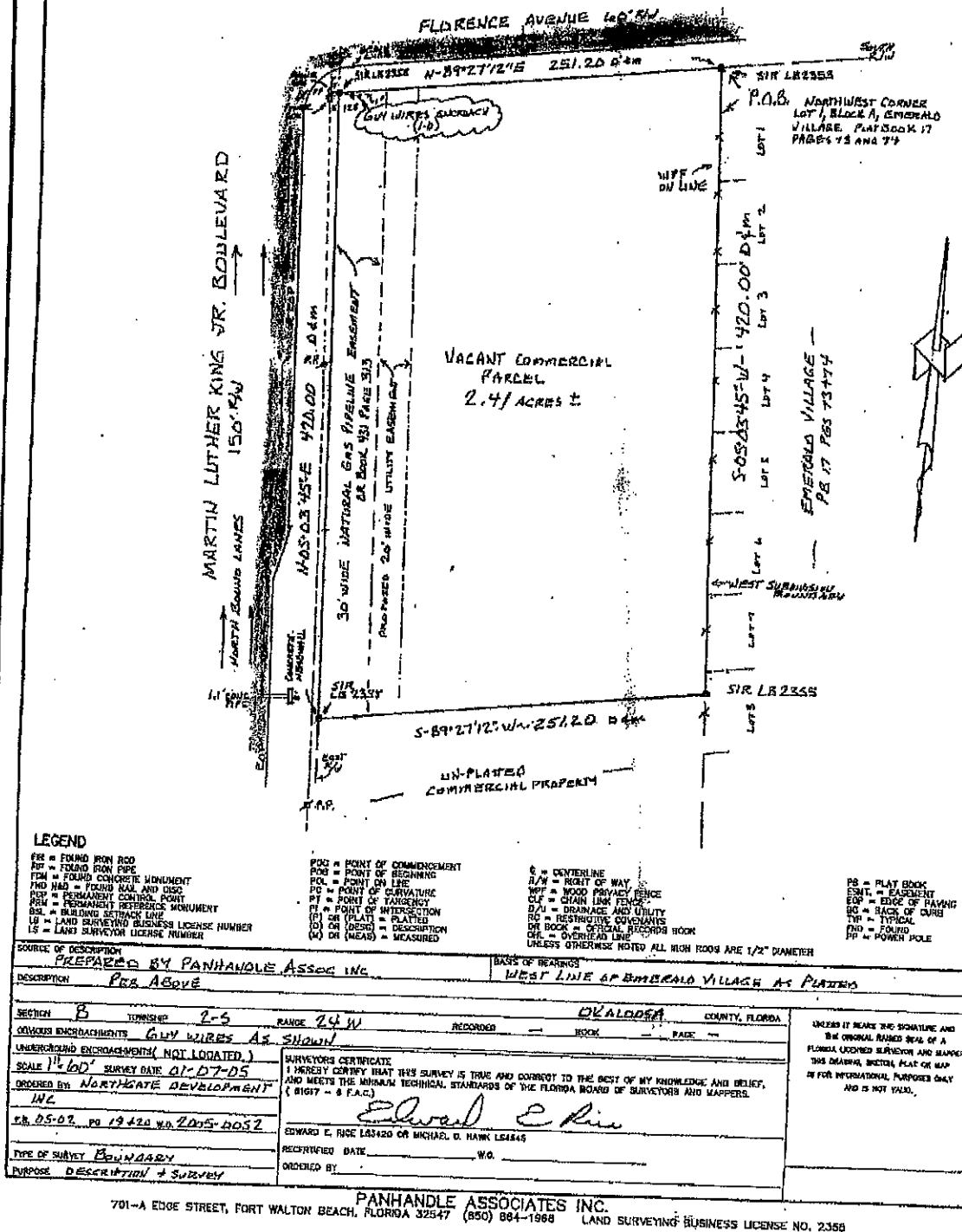
The foregoing instrument was acknowledged before me this 24th day of September, 2019
by Michael R. Josemans, _____ who is personally known to me or X who produced the following
FL Driver License as identification.



[Signature]
Notary Public
(Seal)

LEGAL DESCRIPTION: (PREPARED BY UNDERSIGNED)
 BEGIN AT THE NORTHWEST CORNER OF LOT 1, BLOCK A, EMERALD VILLAGE, AS RECORDED IN PLAT BOOK 17, PAGES 73, 74, PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA; THENCE S-89°27'12"E ALONG WEST LINE OF SAID EMERALD VILLAGE A DISTANCE OF 420.00 FEET; THENCE S-89°27'12"W A DISTANCE OF 251.20 FEET TO THE EAST RIGHT-OF-WAY OF MARTIN LUTHER KING, JR. BOULEVARD (150 FOOT RIGHT-OF-WAY); THENCE N-45°03'45"E ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 420.00 FEET TO THE SOUTH RIGHT-OF-WAY OF FLORENCE AVENUE (50 FOOT RIGHT-OF-WAY) AS PER PLAT OF SAID EMERALD VILLAGE; THENCE N-89°27'12"E ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 251.20 FEET TO THE POINT OF BEGINNING, SAID TRACT LYING AND BEING IN SECTION 8, TOWNSHIP 2 SOUTH, RANGE 24 WEST, OKALOOSA COUNTY, FLORIDA AND CONTAINS 2.41 ACRES MORE OR LESS. THE WEST 30.0 FEET OF SAID PARCEL BEING SUBJECT TO NATURAL GAS PIPELINE EASEMENT AS PER OFFICIAL RECORDS BOOK 431, PAGE 313, PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

This is to certify that I have consulted National Flood Insurance Rate Map, effective December 6, 2002, for Okaloosa County, Florida, Map No. 12091C0441 H, and found the property described herein to be located in Zone "X", area determined to be outside 500-year flood plain;



EXHIBIT



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
JOSEMANS PROPERTIES, LLC

Filing Information

Document Number L19000157799
FEI/EIN Number 59-1551657
Date Filed 06/24/2019
State FL
Status ACTIVE

Principal Address

704 SPRING LAKE DR.
DESTIN, FL 32541

Mailing Address

704 SPRING LAKE DR.
DESTIN, FL 32541

Registered Agent Name & Address

JOSEMANS, MICHAEL R
704 SPRING LAKE DR.
DESTIN, FL 32541

Authorized Person(s) Detail

Name & Address

Title AMBR

JOSEMANS, MICHAEL R
704 SPRING LAKE DR.
DESTIN, FL 32541

Annual Reports

Report Year	Filed Date
2020	04/02/2020
2021	01/27/2021
2022	01/23/2022

Document Images

[01/23/2022 -- ANNUAL REPORT](#)

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[01/27/2021 -- ANNUAL REPORT](#)

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[04/02/2020 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[06/24/2019 -- Florida Limited Liability](#)

[View image in PDF format](#)

AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

As owner of the property located at the southeast corner of Martin Luther King, Jr Blvd. and Florence Ave., property reference number(s) Parcel ID 08-2S-24-0000-0001-0130, I hereby designate McKim & Creed, Inc.

McKim & Creed, Inc. for the sole purpose of completing this permit application and to act on my behalf during the Authority Having Jurisdiction (AHJ)'s processing of the permit application on the above referenced property.

This Limited Power of Attorney is granted on this 11 day of Sept the year of 2023 and is effective until the AHJ has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the AHJ.

Michael Josemans 9-11-2023
Signature of Property Owner Date

Michael Josemans
Printed Name of Owner

STATE of FLORIDA
COUNTY of OKALOOSA

The forgoing instrument was acknowledged before me this 11 day of September year of 2023 by MICHAEL JOSEMAN who () did (☒) did not take an oath.

He/she is () personally known to me, (☒) produced current Florida/Other driver's license, and/or () produced current Florida Drivers License as identification.

Carol Ann Oliver 09/11/23
Signature of Notary Public Date

Carol Ann Oliver
Printed Name of Notary

02/16/2026
My Commission Expires

229948
Commission No. (Notary seal must be affixed)



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

STATE OF FLORIDA
COUNTY OF OKALOOSA

BEFORE ME, the undersigned authority, personally appeared
Jonathan Green, Authorized Agent for the owner(s) of: _____
(property tax identification number and address or property of street name)
Parcel ID 08-2S-24-0000-0001-0130 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.

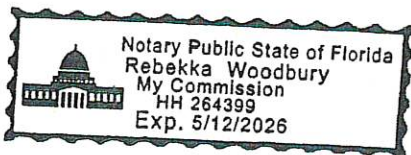
AFFIANT FURTHER SAYETH NOT.


APPLICANT'S SIGNATURE

9/11/23
DATE OF SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS 11th DAY
OF September, 2023.

 5/12/2026
NOTARY PUBLIC MY COMMISSION EXPIRES
STATE OF FLORIDA



MACK BUSBEE, CFA
Okaloosa County Property Appraiser

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



OFFICE OF THE
OKALOOSA COUNTY
PROPERTY APPRAISER

PLEASE REPLY TO:

1250 Eglin Pkwy N, Suite 201
Shalimar, FL 32579-1296
(850) 651-7240
FAX (850) 651-7244
www.okaloosapa.com

Date: 9/5/2023

RE: Adjacent Property Owner's Listing:

Parcel ID Number: 08-2S-24-0000-0001-0130

Owner: JOSEMANS 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 _____ ft radius from the above listed parcel.



Other: _____

Person requesting information: LUCINA SELVA

Email Address: LSELVA@MCKINCREED.COM

Phone Number: 850-994-9503 EXT 3112 Fax Number: _____

































arine@okaloosa.com

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

Okaloosa County Property Appraiser

Results

16 Results

Parcel ID	Owner	Property Address	City	Homestead	Legal Description	Last Sale	Map
 08-25-24-0000-0001-000A	 NORTHGATE DEV CO INC	MARTIN LUTHER KING JR BLVD	FT WALTON BEACH	N	BEG NW COR OF NE1/4 S 753.67 FT	1/2/1977	Map
 08-25-24-0000-0001-000B	 NP ASSETS LLC	MARTIN LUTHER KING JR BLVD	FT WALTON BEACH	N	COM NW COR LOT 1 BLK A EMERALD	1/21/2022	Map
 08-25-24-0000-0001-0040	 EMERALD COAST SHOOTING SPORTS BURKHART LYLE K VOLK TAMI L	601 TRANSIT WAY	FT WALTON BEACH	N	COM NW COR OF NE1/4 E625	11/8/2017	Map
 08-25-24-0000-0001-0050	 JR FOOD STORES OF WEST FL	1605 FLORENCE AVE	FT WALTON BEACH	N	COM NE COR W482 FT TO POB	7/28/1998	Map
 08-25-24-0000-0001-0060	 BCC OKALOOSA COUNTY	600 TRANSIT WAY	FT WALTON BEACH	N	COM NW COR OF NE1/4 E 1774.21	10/5/2001	Map
 08-25-24-0000-0001-0110	 BCC OKALOOSA COUNTY	MARTIN LUTHER KING BLVD	FT WALTON BEACH	N	PARCEL 3: COM NW COR OF NE1/4		Map
 08-25-24-0000-0001-0130	 JOSEMANS PROPERTIES LLC	MLK JR BLVD	FT WALTON BEACH	N	BEG AT NW COR LOT 1 BLK A	9/24/2019	Map
 09-25-24-1222-000A-0010	 CLAYTON SHEILA & JEFFREY B CLAYTON JEFFREY B	770 RANDALL ROBERTS RD	FT WALTON BEACH	Y	EMERALD VILLAGE S/D	12/30/2019	Map
 09-25-24-1222-000A-0020	 LAYUGAN IAN	768 RANDALL ROBERTS RD	FT WALTON BEACH	Y	EMERALD VILLAGE S/D	10/6/2020	Map
 09-25-24-1222-000A-0030	 PRITCHETT ANDREWS & ASHLEY N PRITCHETT ASHLEY N HOLZ ASHLEY N	766 RANDALL ROBERTS RD	FT WALTON BEACH	Y	EMERALD VILLAGE S/D	5/16/2022	Map
 09-25-24-1222-000A-0040	 BRANDEWIE KEVIN M & CLAIRE E BRANDEWIE CLAIRE E	764 RANDALL ROBERTS RD	FT WALTON BEACH	Y	EMERALD VILLAGE S/D	12/28/2021	Map
 09-25-24-1222-000A-0050	 VAZQUEZ GAMIZ JUAN C VAZQUEZ GEIVY E	762 RANDALL ROBERTS RD	FT WALTON BEACH	N	EMERALD VILLAGE S/D	1/21/2021	Map
 09-25-24-1222-000A-0060	 GORE LINDA L	760 RANDALL ROBERTS RD	FT WALTON BEACH	Y	EMERALD VILLAGE S/D	11/13/2006	Map
 09-25-24-1222-000A-0070	 ALLEN JONATHAN & SARA J ALLEN SARA J	758 RANDALL ROBERTS RD	FT WALTON BEACH	Y	EMERALD VILLAGE S/D	4/26/2019	Map
 09-25-24-1222-000A-0080	 JUSTINIANO KENNY (LIFE ESTATE) ****	756 RANDALL ROBERTS RD	FT WALTON BEACH	Y	EMERALD VILLAGE S/D	6/25/2023	Map
 09-25-24-1222-000B-0010	 JUSTINIANO KENNY TRUST BELSER KENNETH D & ATHENA T BELSER ATHENA T	1611 FLORENCE AVE	FT WALTON BEACH	Y	EMERALD VILLAGE S/D	9/28/2007	Map

Field Export

16 Results

Select export file format:

Excel (.xlsx)

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The Okaloosa County Property Appraiser's Office (OCPA) makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price. Current year assessments are as of January 1st and are based on previous year sales activity. All website information is subject to change.

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Last Data Upload: 9/5/2023, 11:41:15 AM

Contact Us

Developed by




REQUIRED SIGNS WILL BE POSTED
AFFIDAVIT

STATE OF FLORIDA
COUNTY OF OKALOOSA

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

1). That pursuant to the petition of Application for Variance for
Parcel ID 08-2S-24-0000-0001-0130 dated,
September 12, 2023 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.




Applicant's Signature

9/11/2023

Date of Signature

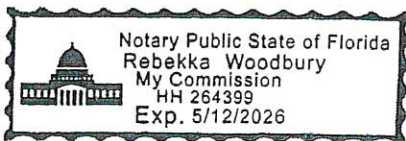
SWORN TO AND SUBSCRIBED BEFORE ME THIS 11th DAY
OF September, 2023.

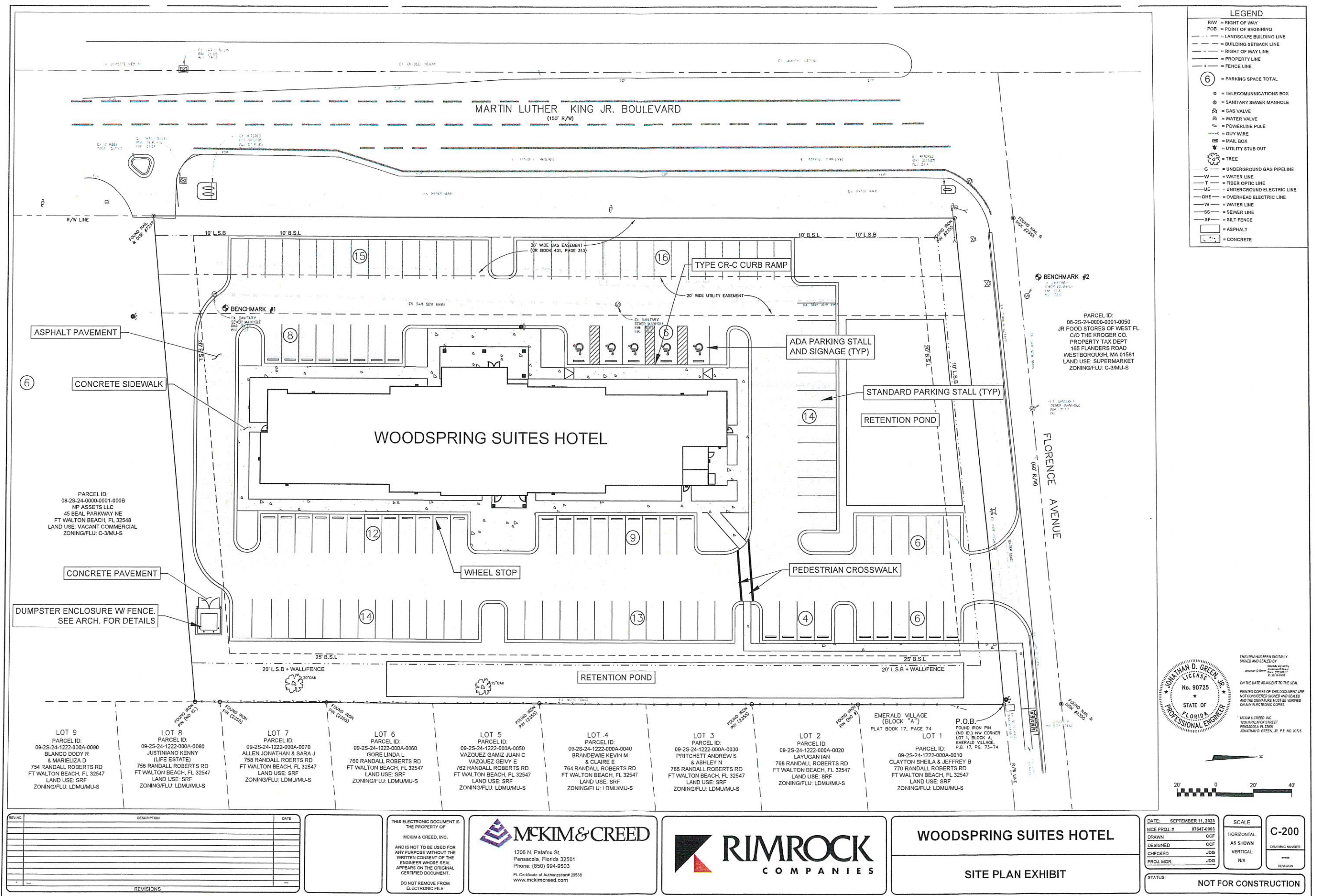


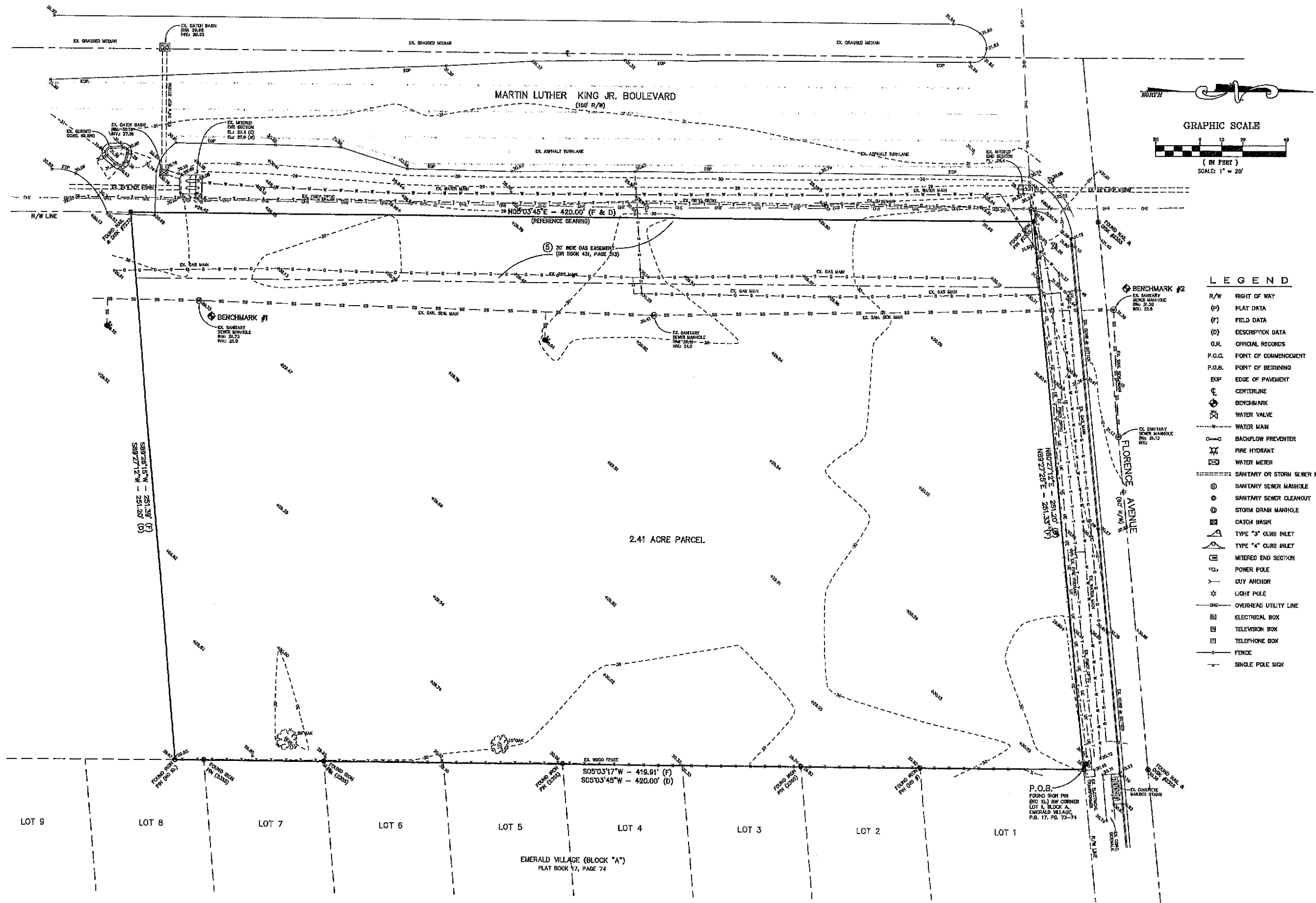
NOTARY PUBLIC
STATE OF FLORIDA

5/12/2026

MY COMMISSION EXPIRES







- LEGEND**
- R/W RIGHT OF WAY
 - (P) PLAT DATA
 - (F) FIELD DATA
 - (D) DESCRIPTION DATA
 - O.R. OFFICIAL RECORDS
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - EOP EDGE OF PAVEMENT
 - C/L CENTERLINE
 - BENCHMARK
 - WATER VALVE
 - WATER MAIN
 - BACKFLOW PREVENTER
 - FIRE HYDRANT
 - WATER METER
 - SANITARY OR STORM SEWER MAIN
 - SANITARY SEWER MANHOLE
 - SANITARY SEWER CLEANOUT
 - STORM DRAIN MANHOLE
 - CATCH BASIN
 - TYPE "3" CURB INLET
 - TYPE "4" CURB INLET
 - MITERED END SECTION
 - POWER POLE
 - CUY ANCHOR
 - LIGHT POLE
 - OVERHEAD UTILITY LINE
 - ELECTRICAL BOX
 - TELEVISION BOX
 - TELEPHONE BOX
 - FENCE
 - SINGLE POLE SIGN

LEGAL DESCRIPTION: (PER TITLE COMMITMENT NO. RIMROCK-JOSEMAN)
BEGIN AT THE NORTHWEST CORNER OF LOT 1, BLOCK A, EMERALD VILLAGE, AS RECORDED IN PLAT BOOK 17, PAGES 73, 74; PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA; THENCE S05°03'45"W ALONG WEST LINE OF SAID EMERALD VILLAGE A DISTANCE OF 420.00 FEET; THENCE S69°27'12"W A DISTANCE OF 251.20 FEET TO THE EAST RIGHT-OF-WAY OF MARTIN LUTHER KING, JR. BOULEVARD (100 FOOT RIGHT-OF-WAY); THENCE N05°03'45"E ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 420.00 FEET TO THE SOUTH RIGHT-OF-WAY OF FLORENCE AVENUE (60 FOOT RIGHT-OF-WAY) AS PER PLAT OF SAID EMERALD VILLAGE; THENCE N05°27'12"E ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 251.20 FEET TO THE POINT OF BEGINNING, SAID TRACT LYING AND BEING IN SECTION 8, TOWNSHIP 2 SOUTH, RANGE 24 WEST, OKALOOSA COUNTY, FLORIDA.

B-II EXCEPTIONS: (PER TITLE COMMITMENT POLICY)
(5) NATURAL GAS PIPELINE EASEMENT RECORDED IN O.R. BOOK 43, PAGE 313, PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA. (PLOTTED)
CERTIFICATION OF ZONE AREA FOR FLOOD INSURANCE
I CERTIFY THAT I HAVE CHECKED THE NATIONAL FLOOD INSURANCE RATE MAP OF OKALOOSA COUNTY, FLORIDA, MAP NO. 120810-0441-H AND COMMUNITY PANEL NO. 120173-0441-H DATED 09 MARCH 2023 AND DETERMINED THIS PROPERTY TO BE SITUATED IN ZONE "X".

- GENERAL NOTES:**
- TITLE COMMITMENT POLICY PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, NO. RIMROCK-JOSEMAN, DATED 23 MAY 2023, DEEDS, EASEMENTS, DESCRIPTIONS, OR OTHER INSTRUMENTS MAY EXIST THAT EFFECT THE SUBJECT PROPERTY.
 - BEARING REFERENCE: N 05°03'45" E ALONG WEST BOUNDARY LINE, ALSO BEING THE EAST RIGHT OF WAY MARTIN LUTHER KING JR. BOULEVARD.
 - VERTICAL DATUM SHOWN HEREON IS REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA ZONE NORTH NAD 83/07, U.S. SURVEY FEET NAD 1986 DATUM, AS ESTABLISHED BY USE OF THE FLORIDA PERMANENT NETWORK (PRN). SITE BENCHMARKS AS SHOWN.
 - PROPERTY ADDRESS: MLK JR. BOULEVARD, FORT WALTON BEACH, FL 32547.

PSM PASCOE SURVEYING & MAPPING, INC.
15 TWENTY OAK VALLEY, FORT WALTON BEACH, FLORIDA 32547
PHONE: 850-661-4900
FAX: 850-661-4338
EMAIL: brian@pascoesurveying.com
CERTIFICATE OF AUTHORIZATION No. 7287

CHOCTAW ENGINEERING, INC.
ENGINEERING • ENVIRONMENTAL • SURVEYING
112 TRILITON AVENUE
FORT WALTON BEACH, FLORIDA 32547
PHONE: 850-662-6811
FAX: 850-662-8059
EMAIL: ce@choctaweng.com
CERTIFICATE OF AUTHORIZATION No. 1682

CEI
PREPARED FOR:
RIMROCK DEVELOPMENT HOLDINGS, LLC
2.41 ACRE (METES & BOUNDS) PARCEL IN
SECTION 8 & 9, TOWNSHIP 2 SOUTH, RANGE 24
WEST, OKALOOSA COUNTY, FLORIDA
Revisions:

I hereby certify that this survey was made under my responsible charge and meets the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers in chapter 5J-17.050, 5J-17.051 and 5J-17.052, pursuant to Section 472.027, Florida Statutes.
Not valid unless bearing Surveyor's & Mapper's embossed seal
BRIAN E. PASCOE, Professional Surveyor & Mapper
FL Certificate No. 5930

Job No.: 19-142-B
Date: 17 JULY 2023
Fid. Vol.: 82/11-12
Scale: 1" = 30'
Disk No.: 19142B-SUR
Designed: N/A
Drawn: MCS
Checked: BEP
Sheet
1 of 1

THIS SHEET IS THE PROPERTY OF CEI & IS NOT TO BE REPRODUCED WITHOUT WRITTEN CONSENT FROM CEI

LOCALiQ

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

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Sherry Cadenhead
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; that the attached copy of advertisement, being a Main Legal CLEGL, was published on the publicly accessible website of Okaloosa County, Florida, or in a newspaper by print in the issues of, on:

09/26/2023

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 09/26/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$436.20

Order No: 9313059

Customer No: 718670

PO #:

of Copies:
1

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Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

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

537832-BOA-2023 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 development having principal access off of Florence Avenue, Mary Esther, Florida. The site contains 2.41 acres more or less.

The public hearing has been scheduled for 1:30 PM on October 11, 2023 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.

08-2S-24-0000-0001-0130

