



## City Council Agenda Form

Meeting Date: 11/28/2022  
 Department: Planning  
 Public Hearing:  Yes  No

For Clerk's Use Only  
AGENDA ITEM #

	X	
Consent Agenda	Regular Agenda	Closed Session

**Presenter:** Chris Wallace, AICP, Planning Director

**Request Type:**  Informational  Discussion  Action Item

**Does this item require legal review?**  Yes  No **City Attorney E-Mail attached?**  Yes  No

**Time Required for Request:** 5 Minutes

**Agenda Item Title:** Nolan Baker is requesting a five-foot variance from the buffer-yard requirement in the C-1, Commercial district.

**Attachment(s):**

Staff Report

**Brief Summary:**

Consider the Variance request for Nolan Baker for property located at 30 W. Live Oak.

**Action Requested:**

Staff respectfully requests motions for the following actions:

1. Approval to conduct a Public Hearing for the Variance request
2. Approve or deny the variance request.

### Issue Overview:

**Background Information & Issue Summary:**

The applicant is requesting a five-foot variance from the required fifteen-foot buffer requirement in the C-1, Commercial District. A 15' landscaped buffer is required with the installation of a fence, the applicant is proposing to provide a 10' landscaped buffer along with a fence. The Planning Board reviewed this request on October 3, 2022 and voted unanimously to recommend approval.

**Financial Impacts:**

To be determined.

**Staff Recommendations/Comments:**

Approval of all actions previously requested.

City of DeFuniak Springs  
71 US Highway 90 West  
DeFuniak Springs, FL  
32433



Planning Department  
35 US Highway 90 West  
DeFuniak Springs, FL  
32433

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M-E-M-O-R-A-N-D-U-M

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TO: City of DeFuniak Springs Planning Board

FROM: Chris Wallace, Planning Director

RE: 2022-VAR-03, Nolan Baker's request for a variance from the buffer requirement in a C-1 Commercial District

DATE: September 29, 2022

**(Planning Board meeting on Monday, October 3, 2022, 6:00 p.m.)**

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PART A. GENERAL INFORMATION

- |   |   |
|---|---|
| <u>Owner:</u><br>TLCR, LLC<br>PO Box 1718<br>Santa Rosa Beach, FL 32459 | <u>Applicant:</u><br>Nolan Baker, Baker Engineers<br>PO Box 522<br>DeFuniak Springs, FL 32435 |
|---|---|
- Requested Action: Nolan Baker is requesting a five-foot variance from the buffer requirement in the C-1, Commercial district. The subject property is located at 30 W. Live Oak Ave. (parcel # 3N-3N-19-19070-001-8740). Please see Exhibit A and Exhibit B, Site Layout
- Number of Notices Sent to Property Owners within 1000 feet: There will be 105 notices sent to property owners located within 1000 feet of the subject property.
- Existing Zoning: The subject property is currently zoned C-1, Commercial. The property to the south and east is zoned C-2, Commercial. The property to the west is zoned R-2, Multi-Family Residential and the property to the north across the railroad tracks is zoned LI, Light Industrial.
- Existing Future Land Use Map: The subject property is currently designated on the FLUM as Commercial as is the property to the east, west, and south. The property to the north across the railroad tracks is designated LDR, Low Density Residential

6. Existing Land Use: The subject property currently contains a large residential structure that is being converted into a hotel.

PART B: LAND DEVELOPMENT CODE EXCERPTS

Sec. 18-22. – Variances and Appeals.

In considering variances to the zoning code, the planning board shall, before making a decision in a specific case, first determine:

- (1) That the proposed variation does not constitute a change in the districts shown on the zoning map;
- (2) That the proposed variation will not significantly increase congestion in the public streets nor impair the public safety;
- (3) That the proposed variation will not impair the established values of property in the surrounding area;
- (4) 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;
- (5) That the special conditions and circumstances do not result from the actions of the applicant;
- (6) That granting the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other lands, buildings or structures in the same zoning district;
- (7) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by others in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant;
- (8) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
- (9) That the grant of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(b) Buffer zones.

(1) A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements. The following landscape buffer areas shall be required for all new development or redevelopment which creates the indicated land use conflict.

- a. 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 city.

b. Where a commercial and/or industrial district abuts a residential district, a buffer shall be provided on the lot(s) which is located in the non-residential zone at the time such lot(s) is/are developed. This provision shall apply between residential uses where different mixed uses arise.

c. 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.

d. Where a single-family residential zone abuts a local or 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.

### PART C. ANALYSIS

The applicant is requesting a five-foot variance from the required fifteen-foot buffer requirement in the C-1, Commercial District. A 15' landscaped buffer is required with the installation of a fence, the applicant is proposing to provide a ten-foot landscaped buffer along with a fence.

With regards to the nine criteria the Board shall determine:

**(1) That the proposed variation does not constitute a change in the districts shown on the zoning map.**

The proposed variance request would not constitute a change in zoning districts.

**(2) That the proposed variation will not significantly increase congestion in the public streets nor impair the public safety.**

The proposed variance will not have an impact on traffic congestion as it is consistent with the surrounding land uses.

**(3) That the proposed variation will not impair the established values of property in the surrounding area.**

The proposed variance will not have a negative impact on property values in the neighborhood.

**(4) 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 contains a large residential structure built prior to zoning regulations being adopted, which is approximately 30' away from the western property line.

**(5) That the special conditions and circumstances do not result from the actions of the applicant.**

The structure was built prior to the current regulations, but expanding the property by adding additional structures and the driveway is a result of the applicant.

- (6) That granting the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other lands, buildings or structures in the same zoning district.**

All land owners have the same right to apply for a variance if similar circumstances exist, therefore no special privilege is being granted that others are not eligible to apply for.

- (7) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by others in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.**

The code is being interpreted as written, and the same buffer requirements apply to other commercial uses.

- (8) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.**

A five-foot variance is the minimum required to accommodate the layout of site.

- (9) That the granting of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

Granting the variance should not be injurious to the area or detrimental to the public welfare.



Baker Engineers, LLC  
P.O. Box 522  
DeFuniak Springs, FL 32435  
850-836-4970

Exhibit A

**August 8, 2022**

Mr. Chris Wallace  
City of DeFuniak Springs Planning Director  
35 US Highway 90  
DeFuniak Springs, FL 32433

Re: Variance Request  
Sunbright Inn – Parcel # 25-3N-19-19070-001-8740  
30 Live Oak Ave.  
DeFuniak Springs, FL 32435

Dear Mr. Wallace,

TLCR, LLC is requesting a variance of Article XI, Sec. 18-80(b) and Article XI, Sec. 18-81(3)a for the Sunbright Inn that is being constructed at 30 Live Oak Avenue. Specifically, the owner is seeking a variance of the side landscape buffer to allow for +/- 3 feet of driveway and parking within the buffer and to utilize the buffer for stormwater treatment.

The current historic home is being renovated and converted into an Inn. In order to provide adequate parking and ADA access, a loop driveway is being constructed around the existing building. Along the west side of the property a 15 ft landscape buffer is required which leaves only +/- 14 ft between the buffer and the corner of the porch. The National Historical Registration does not allow one to reduce the exterior footprint of a historical building, so the porch can not be modified.

It is not recommended to have the driveway immediately adjacent to the building due to vehicular and pedestrian safety issues. Therefore, a variance of the landscape buffer is being requested to a safe means of egress around the building. We are requesting to utilize +/- 3ft of the buffer for the driveway and parking. This would allow for driveway to be +/- 5 ft from the corner of the porch. The remaining buffer areas would be landscaped with landscape material that meets the requirements of the Code. Additionally, a privacy fence will be installed along the west property boundary.

We are also seeking a variance request, if applicable, to utilize the landscape buffer for a dry or underground stormwater treatment system. Article XI, Sec. 18-80(b) states “This area shall be free of all encroachment by structure, parking areas or other impervious surfaces.” and Article XI, Sec. 18-81(3) states “This does not prohibit the combining of compatible functions such as landscaping and drainage facilities.” as it relates to the usage of the perimeter landscape areas. The proposed stormwater treatment system would be considered pervious and it appears that this



**Baker Engineers, LLC**

P.O. Box 522

DeFuniak Springs, FL 32435

850-836-4970

is a permitted use of the landscape area. However, if the City interprets this as a use that is not allowed, we would like to request a variance for such use. This is primarily due to the limited space available on the site and the fact that we are working around an existing historical building footprint.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

**Baker Engineers, LLC**

A handwritten signature in blue ink, appearing to read 'Nolan V. Baker', is written over a light blue rectangular background.

Nolan V. Baker, P.E.

Project Manager

**SITE SUMMARY**

OWNER: TRCR, LLC  
 PARCEL #: 25-3N-19-19070-001-8740  
 TOTAL PROJECT AREA = 28,323 S.F. (+/- 0.65 AC)

FLU: COMMERCIAL  
 ZONING: C-I COMMERCIAL REDISTRICTED

**BUILDING REQUIREMENTS:**  
 FRONT SETBACK: REQUIRED = 25 FT MIN. PROVIDED = 61 FT  
 REAR SETBACK: REQUIRED = NONE PROVIDED = 1 FT  
 SIDE YARD SETBACK: REQUIRED = NONE PROVIDED = 1 FT MIN.  
 HEIGHT: REQUIRED = NONE PROVIDED = +/- 40'-8", 3 STORIES

**DENSITY REQUIREMENTS:**  
 REQUIRED: 24 UNITS/ACRE MAXIMUM = 24 X 0.65 = 15 UNITS  
 PROVIDED: 12 UNITS / 0.65 ACRES = 18 UNITS/AC.

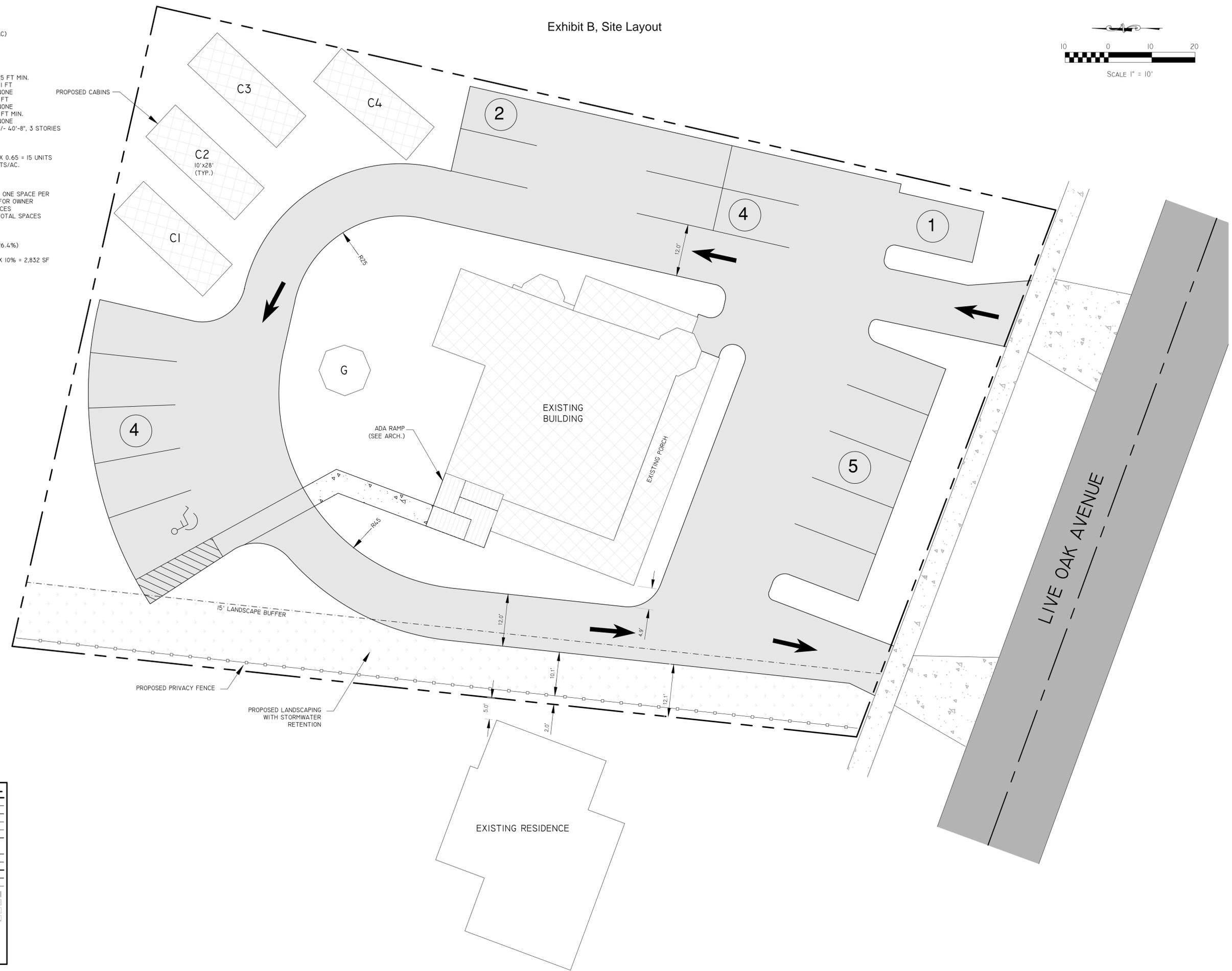
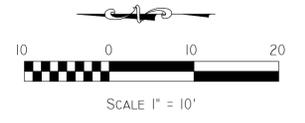
**PARKING REQUIREMENTS:**  
 REQUIRED: TOURIST HOME/GUEST CABIN = ONE SPACE PER DWELLING UNIT + ONE SPACE FOR OWNER = 12 UNITS + 1 OWNER = 13 SPACES  
 PROVIDED: 16 SPACES + 1 HANDICAP = 17 TOTAL SPACES

**FLOOR AREA RATIO:**  
 REQUIRED = 1.0 MAX.  
 PROVIDED = 7,484 SF/28,232 SF = 0.264 (26.4%)

**OPEN SPACE:**  
 REQUIRED: 10% OF SITE MIN. = 28,323 SF X 10% = 2,832 SF  
 PROVIDED: 11,543 SF (40.8%)

**IMPERVIOUS AREA:**  
 REQUIRED: NONE  
 PROVIDED: 16,760SF/28,323 SF = 59.2%

Exhibit B, Site Layout



LEGEND	
PROPERTY LINE	---
BUILDING/LANDSCAPE SETBACK	- - - -
PROPOSED EDGE OF PAVEMENT	— · — ·
EXISTING TELEPHONE	— T — T
EXISTING FIBER OPTIC	— F — F
EXISTING WATER LINE	— W — W
EXISTING OVERHEAD ELECTRIC	— OE — OE
EXISTING UNDERGROUND ELECTRIC	— UE — UE
EXISTING ROW	— · — ·
EXISTING ROAD CENTERLINE	— · — ·
EXISTING CHAIN LINK FENCE	— X — X
PROPOSED CHAIN LINK FENCE	— X — X
EXISTING ASPHALT	▨
PROPOSED ASPHALT	▨
EXISTING CONCRETE	▩
PROPOSED CONCRETE	▩
EXISTING LIGHT POLE	□
PROPOSED LIGHT POLE	□
EXISTING POWER POLE	⊠
PROPOSED SIGN	—



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 P.O. Box 522  
 Defuniak Springs, FL 32435  
 Telephone: (850) 836-4970

SUNBRIGHT INN  
**SITE PLAN**  
 DeFuniak Springs, Florida

Notes
Scale AS NOTED
Project Number 2101
Drawn By NVB
Reviewed By NVB
Issue Date JULY 20, 2022
Sheet Number <b>C 3.1</b>