

CITY OF LYNN HAVEN
BOARD OF ADJUSTMENT
REGULAR MEETING
May 19, 2022

A Regular Meeting of the Lynn Haven Board of Adjustment was held on Thursday, May 19, 2022, at 5:30 p.m. at the Garden Club.

Present: Thomas Cox, Acting Chairman
Erik Nolte
Jerry Whitworth
Amanda Richard, Planning Director
Vicki Harrison, Board Secretary

2. Mr. Whitworth made a motion to approve the February 18, 2021, Minutes.

Second to motion: Mr. Nolte,

On vote: Whitworth: aye
Nolte: aye
Cox: aye

approved 3-0

#3. VAR-22-01: Bonnie and Jeffrey Werrick, 1804 Country Club Drive: Ms. Richard stated the applicants/owners are Bonnie and Jeff Werrick, and they are requesting a variance for the side setback requirement. The property location is 1804 Country Club Drive, and parcel #08732-725-000. The land use is Medium Density Residential, and the parcel is not located within the Community Redevelopment Area or Corridor overlay. The parcel is approximately 0.2± acres and is currently vacant.

Ms. Richard stated the applicants/owners are requesting a variance on the required setback on the east side for primary structures within the Medium Density Residential Future Land Use districts. The required side yard setback for primary structures is five (5) feet, unless adjacent to a street when it is ten (10) feet. For this property, the required setback is five (5) feet.

The applicants are requesting that they be allowed a zero side yard setback instead of the required five (5) feet on the east side of their property when they construct their new home because the east side is adjacent to an easement. The Country Club Homeowners Association has a required setback of seven (7) foot side setback, which the City allows for as it is more stringent than the City's required five (5) feet.

The HOA has given permission for them to construct their home to a zero side setback on the east side as Article IX; Section 2 of their 'Declaration of Covenants, Conditions and Restrictions' allows for this when the side lot line is adjacent to an easement, however the HOA cannot give them permission to go below the City's requirement. The Country Club was originally being developed

in Bay County but was annexed into the City of Lynn Haven by Ordinance #360 during 1984.

Ms. Richard stated the applicants are present to answer any questions. Ms. Richard stated in February 2020, Jamie and Kim Britton had a similar request for a side variance request from 5' to one-foot for a golf cart garage. The Board of Adjustment members (3 present) approved the request.

Mr. Nolte stated for disclosure that he knows the Werrick's from the community and church, and he has no personal or business gains from their request.

Ms. Harrison stated letters were mailed on May 3, 2022 to residents that live within 100' of the requested variance.

Ms. Harrison stated she had received two (2) phone calls, and one (1) email with questions, and no opposition.

Mr. Werrick addressed the board and thanked them for serving and volunteering their time. Mr. Werrick shared a thirty-five (35) year history of variance request within the country club and stated the first house was built in 1987 lot line to lot line.

Mr. Werrick stated he had identified eleven (11) properties that are exactly what Ms. Richard read from the Covenants. He stated since Hurricane Michael, in 2019 and 2021 that two (2) homes were permitted and built to zero lot lines. He stated he has met with city officials to address the issues before coming to the board for a variance request. He has received an approval letter from the HOA architectural committee, and an approval letter from the HOA Board President.

Mr. Werrick thanked the board and everyone for their time.

Mr. Cox asked why he wanted a zero lot line setback. Mr. Werrick stated because they were told they could do that; it doesn't impede on neighboring property because there is a 20' easement between the properties. Mr. Werrick stated he could build a townhome on the two (2) 30' to adjoin an existing townhome, and that would allow zero lot line setbacks, and a permit would be issued for that.

Mr. Whitworth asked if the 20' easement is a gully, ditch, or piped. Mr. Werrick stated the easement is not a ditch, gulley or piped, it is flat and maintained. The original development allowed the 20' easements for townhomes that were built to zero lot lines so people could have access to the rear of the townhomes.

Mrs. Werrick addressed the board and stated that the 7' setback is a requirement of the Country Club for single family homes if not against an easement.

Ms. Debbie Grant addressed the board and stated she lived across the street, and per her private survey, someone has built 1.5' onto her property.

Mr. Brian Dick addressed the board and presented them with a copy of the HOA approval letter

from the Board President, and a copy of the property from the Property Appraisers website. Mr. Dick stated when the City took over the oversight of the easements, the HOA maintains the top of the easement and the City maintains under the easement, utility lines, etc. He stated since this property was bought prior to the changes, the property should be grandfathered in.

Ms. Eleanor Thompson addressed the board and stated she purchased her home in 2012, and the neighbor on one side did not install a fence. Now both neighbors have a fence, and she has no easement on either side of her home.

Mr. Thomas Lynch, 1806 Country Club Drive addressed the board and stated he is very complimentary of the Werrick's. He stated he had asked them to see their drawings to see what was going on. He stated he is opposed to the zero side setback request and feels the home should be built to meet the HOA 7' side setback. He stated he spends his own money to maintain the easement and he does not want to see the easement change. He feels the Werrick's can build within their lot lines, as he wants it no closer to him than it has to be.

Mr. Werrick addressed the board and stated the home will not impinge on the easement. The single family home will have less impact than a townhome. Mr. Werrick stated he had several conversations with Mr. Lynch, and he never asked us to share our plans with him. This is a beautiful place to live, and he wants to be a good neighbor.

Mr. Lynch addressed the board and stated he rebuilt to the same footprint.

Mr. Bill Bryant, 3227 Country Club Drive stated the Country Club development allows townhomes on 30' lots, and people purchase two (2) 30' lots so they can build a single family home. He stated he serves on the board to bring common sense and enforce the CCR. He feels the request for the single family home is fair and reasonable because of the history, and people want to be good neighbors.

Mr. Lynch asked what could be done to protect the easement. Mr. Werrick addressed the board and stated that speaking as a contractor, barriers, silt fencing, etc., are required, but acknowledges that wind can blow things out and sometimes into a dumpster. He stated that when Mr. Lynch's home was being rebuilt, his stacks of bricks were stored on his property and debris was on his property. "I did not ask him for rent for his items that were on my property during that time. After construction of our home, the easement will look as good as it does today. I can't promise if the wind blows and debris might scatter around, it happens. I will follow the code requirements and keep property as clean as possible during construction".

Mrs. Werrick stated they are building another house in Lynn Haven, and they approached their neighbor to let them know construction would start, and provided their phone number to the neighbor, so they could be reached if there were any issues with the workers, as she would like a good relationship with her neighbors. She thanked the board for their time.

Mr. Whitworth made a motion to approve the variance request,

Second to motion: Mr. Nolte

On vote: Whitworth: aye
 Nolte: aye
 Cox: aye

approved 3-0

With there being no further business or discussion, the meeting adjourned at 6:08 p.m.



Thomas Cox, Acting Board Chair