



BOARD OF ADJUSTMENTS
Regular Meeting Agenda

August 25, 2025
5:30 PM
6738 Dixon Street
Milton, FL 32570

- 1. Call Meeting to Order**
- 2. Invocation & Pledge of Allegiance**
- 3. Approval of Minutes**
 - Item # 2025-3538
 - Approval of Minutes from July 28, 2025, meeting
- 4. Citizen Comments**
- 5. New Business**
 - Item # 2025-3539
 - Variance - Jack's
- 6. Old Business**
- 7. Planning Department Update**
- 8. Adjournment**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the City at least 48 hours before the meeting by contacting City Hall, 6738 Dixon Street, Milton, or by calling 983-5410.

"If any person decides to appeal any decision made by the board, agency, or commission, with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." FS 286.0105



Agenda Item # 2025-3538

Approval of Minutes from July 28, 2025, meeting

MEETING DATE

August 25, 2025

PREPARED BY

BACKGROUND

SUMMARY

RECOMMENDATION

ATTACHMENTS

1. BOA July 28, 2025 minutes

BOARD OF ADJUSTMENT

July 28, 2025

The Board of Adjustment met on Monday, July 28, 2025, at 5:30 p.m. in the Council Chambers at City Hall.

PRESENT: Jay Camp
Dennis Rogers
Karra Graber
Howard Steele
Kristopher Long
Kyle Baker

Tim Milstead, Planning Director
Ian Rehrig, Current Planner
Melissa Short, Administrative Assistant

OTHERS: Wade and Teresa Shrecengost, Jim and Patti Hawthorne, Councilman Larry Mckee, Theresa Messick, Paul Salter, John Wood, Mayor Heather Lindsay

Jay Camp called the meeting to order at 5:31 p.m. Howard Steele made a motion to approve the minutes from June 30, 2025, meeting, seconded by Karra Graber; approved 6-0.

NEW BUSINESS:

Variance – 5900 Block of Dogwood Dr.

Ian Rehrig presented the case before the board regarding 5900 Block of Dogwood Dr. Variance. The City of Milton received a variance request submitted by Paul Salter, authorized agent of ABSE Investments LLC, the property owner of two vacant parcels located within 5900 Block of Dogwood Dr., Milton, FL 32570. The subject properties are identified as Parcel ID #28-2N-28-28-1970-00000-0051 and #28-2N-28-1970-00000-0050 and are situated on the east side of Dogwood Drive, between Rosasco Street and Magnolia Bend Boulevard. Both parcels are zoned C-1 (Neighborhood Commercial Zoning District).

The applicant is requesting a variance to exceed the maximum allowable impervious surface area permitted within the C-1 zoning district. According to Table 6.3.1 of the City of Milton’s Unified Development Code, the maximum impervious surface area for non-residential uses in the C-1 Zoning District is 60%. The applicant is requesting approval to increase the impervious surface area to 85%.

Denise Pat, 6100 Dogwood Dr, expressed his concerns of run-off water onto his property and wanted the developers to put a drainage trench on the north side of the property. John Wood, developer, provided information on the drain basins on the plans and will talk to the engineer about a drainage trench. Denise Pat has no objections after John Wood spoke. Larry McKee, 6005 Ridgeview Dr., recommended that the approval be contingent that the grading will continue to flow in that direction and will hit that 100%. Staff doesn’t have a specific objection to this variance and believes that a case can be made under the fourth hardship criteria, but staff will defer to the board to make that determination. Howard Steele made a motion to approve the variance application with the 85% impervious coverage with the design stipulation of the stormwater system to capture and retain 100% of the run-off with no discharge offsite, seconded by Kristopher Long; approved 6-0.

OLD BUSINESS:

Variance – 5500 Dogwood Dr.

Karra Graber made a motion to remove this from the table to be further discussed, seconded by Dennis Rogers; approved 6-0. Ian Rehrig presented the case before the board regarding 5500 Dogwood Dr. Variance. This property is otherwise known as Parcel # 33-2N-28-0000-01700-0000. This request, if approved, will allow the applicant to build an eight (8) foot privacy fence along the northern interior side yard and rear yard of the residential parcel. The property lies within the R-1A Single-Family Residential Zoning District. The applicant stated that the request is

needed due to the existing masonry wall that enables the dogs to climb over a standard six-foot privacy fence and the need for increased privacy from adjacent neighbors.

The City of Milton's Unified Development Code, Article 9.3 Accessory Structures and Uses states fences in residential districts are permitted in front, interior side, side, and rear yards. Also stated in Article 9.3, where fences are allowed in such yards, the fence is permitted up to a maximum height of six (6) feet when located within the interior side, side, and rear yards. Such language constitutes a request to be made to the Board of Adjustments for the construction of an eight (8) foot privacy fence, in the interior side yard and rear yard, within a residential zoning district.

Tim Milstead read an email into the record from Councilwoman Marilyn Farrow, who is opposed to the eight-foot privacy fence variance request. Jim Hawthorne, 5510 Dogwood Dr, went over objections, concerns, possible solutions, and provided additional pictures. Heather Lindsay, 6361 Starhill Dr., supports Hawthorne's objections and has compassion for the owner's next door, but as a lawyer who represented a similar board for five years in Pensacola cautioned the board about following ordinances as they are stated, and expressed if property owners don't think the rules are fair and want to change the law they should complain and express their concerns to the Council. Larry Mckee, 6005 Ridgeview Dr., is opposed to the eight-foot privacy fence variance request. Theresa Messick, 6830 Pine St., is opposed to the eight-foot privacy fence variance request and changing the rules. Wade Schrecengost, 5500 Dogwood Dr., spoke in favor of the variance request, expressed his concerns, his dogs safety, added a few more informational items that was presented, stopped construction of his eight-foot fence, and was willing to only put the eight-foot fence along the smaller section where the concrete walls are located on the property, if approved. Teresa Shrecengost, 5500 Dogwood Dr., expressed the importance of her dog's safety and refute what has been said. Howard Steele discussed possible solutions and actions for keeping the dog from jumping over fence and feels keeping their dogs safe is not a hardship. There were discussions about possible solutions. Larry McKee, 6005 Ridgeview Dr., feels the camera is not a criterion of hardship and feels the dog's safety is the only one with special conditions and circumstances.

Ian Rehrig explained that staff doesn't have an expressed objection to the variance request and will defer the decision to the board whether hardship criterion is met or not. Karra Graber made a motion to approve with a condition that the eight-foot fence variance is around the green section with the existing knee wall and remaining of the fence be six-foot, seconded by Kyle Baker. There was discussion of stipulations to the variance request. Patti Hawthorne, 5510 Dogwood Dr., was very disturbed by the accusations that were made. Karra Graber amended the motion for the eight-foot fence to be placed as outlined in drawing until house is sold, leased, rented, or fence is destroyed. In any of those cases, it will have to be removed, or a variance request be resubmitted, seconded by Kyle Baker; approved 5-1. Tim Milstead updated the board that Walmart will be opening soon, and Grover's recently opened.

There being no further items to discuss, the meeting was adjourned at 7:45 p.m.



Agenda Item # 2025-3539
Variance - Jack's

MEETING DATE **PREPARED BY**

August 25, 2025

BACKGROUND

SUMMARY

RECOMMENDATION

ATTACHMENTS

1. Jack's Public Notice Letter
2. Jack's Variance Application



City of Milton

August 8, 2025

PUBLIC NOTICE

TO WHOM IT MAY CONCERN

This letter is to inform you that the City of Milton has received a variance request application submitted by Ross Binkley, authorized agent for the property owner of a vacant parcel located in the 6600 Block of Caroline Street, Milton, FL 32570. The subject property is identified as Parcel ID #03-1N-28-0000-01400-0000 and is situated on the south side of Caroline Street, between Chavers Street and Stewart Street. The property is zoned C-2 (General Commercial Zoning District).

The applicant is requesting a variance to exceed the maximum front building setback allowed within the C-2 zoning district. According to Table 6.3.1 of the City of Milton's Unified Development Code, the maximum permitted front building setback for non-residential uses in the C-2 Zoning District is 55 feet. The applicant is requesting approval to increase the front building setback to 90.75 feet.

The City's Board of Adjustments will take this request into consideration, but before a request can be granted, the property must be posted and all abutting property owners and property owners directly across the street from the subject property must be notified, and a Public Hearing held.

YOU ARE HEREBY NOTIFIED that the application will be considered at the Board of Adjustments meeting on **Monday August 25th, starting at 5:30 p.m.** in the Council Chambers at City Hall, 6738 Dixon Street, Milton, FL 32570. Should you be unable to attend this Public Hearing, a letter expressing your views will be considered. A complete lack of response to this notice will be construed as implied consent to the granting of this request. For additional information regarding this request, please contact the City of Milton's Planning and Development Department at (850) 983-5440. Thank you.

Sincerely,

Ian Rehrig
Current Planner/Zoning Officer

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the City at least 48 hours before the meeting by contacting City Hall, 6738 Dixon Street, Milton, Florida or by calling (850) 983-5440. "If any person decides to appeal any decision made by the board, agency, or commission, with request to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based." FS286.01015

CITY OF MILTON
APPLICATION TO BOARD OF ADJUSTMENT

REQUEST 2508-01

APPLICATION DATE: _____

The undersigned applicant requests that the Board of Adjustment consider this application for:


Administrative Review _____ Special Exception _____ Variance X

Determination of Compatibility _____

1. NAME OF APPLICANT: Ross Binkley
2. NAME OF BUSINESS: Binkley Engineering, PA
3. ADDRESS OF PROPERTY: Caroline Street
4. LEGAL DESCRIPTION OF PROPERTY: See attached

APPLICANT'S SIGNATURE: 

<u>434 Benning Drive</u>	<u>Destin</u>	<u>FL</u>	<u>32541</u>	<u>(850) 974-5421</u>
ADDRESS	CITY	STATE	ZIP	PHONE #

OWNER'S SIGNATURE: 

<u>200 Galleria Pkwy SE</u>	<u>Atlanta</u>	<u>GA</u>	<u>30339</u>	<u>770-431-7600</u>
ADDRESS	CITY	STATE	ZIP	PHONE #

OFFICIAL ACTION:

DATE: _____

ACTION: _____

A:\Forms\Application\BOAdisk

ADMINISTRATIVE APPEAL

1. DESCRIBE ACTION OF PLANNING AND DEVELOPMENT DEPARTMENT BEING APPEALED: _____

2. EXPLAIN WHY THE ACTION OF THE PLANNING AND DEVELOPMENT DEPARTMENT IS CONSIDERED IN ERROR: _____

3. IDENTIFY THE PROVISION OF THE LAND USE DEVELOPMENT REGULATIONS THAT IS INVOLVED IN THIS APPEAL.

ARTICLE _____ SECTION _____ PAGE _____

SPECIAL EXCEPTION

1. PRESENT LAND USE ZONE: _____

2. PRESENT USE OF PROPERTY: _____

3. DESCRIBE SPECIAL EXCEPTION REQUESTED: _____

4. EXPLAIN WHY THE GRANTING OF THIS SPECIAL EXCEPTION WOULD NOT BE DETRIMENTAL TO THE GENERAL WELFARE NOR TO THE PROPERTY RIGHTS OF OTHERS IN THE VICINITY: _____

5. IDENTIFY THE PROVISIONS OF THE LAND USE DEVELOPMENT REGULATIONS WHICH AUTHORIZED THE GRANTING OF THE SPECIAL EXCEPTION.

ARTICLE _____ SECTION _____ PAGE _____

VARIANCE

1. PRESENT LAND USE ZONE: C-2

2. PRESENT USE OF PROPERTY: Vacant

3. DESCRIBE REQUESTED VARIANCE: According to Table 6.3.1 in the City of Milton Unified Development Code, the "minimum front setback" is listed as 55 feet MAXIMUM. Planning & Development has interpreted this to mean that the proposed building must be closer than 55' to the front property line (state right-of-way line). We are proposing a front building setback of 90.75' from the state right-of-way.

4. DESCRIBE THE SPECIAL CONDITIONS AND CIRCUMSTANCES WHICH EXIST THAT ARE PECULIAR TO THE LAND, STRUCTURE OR BUILDING INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS, STRUCTURES OR BUILDINGS IN THE SAME DISTRICT:
See attached

5. EXPLAIN WHY LITERAL INTERPRETATION OF THESE REGULATIONS WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME DISTRICT UNDER THE REGULATIONS:
See attached

6. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES WHICH EXIST A RESULT OF ACTIONS OF THE APPLICANT? YES NO

7. EXPLAIN WHY THE GRANTING OF THIS VARIANCE WILL NOT GIVE THE APPLICANT SPECIAL PRIVILEGES THAT ARE SPECIFICALLY DENIED BY THESE REGULATIONS TO OTHER LANDS, STRUCTURES OR BUILDINGS IN THE SAME DISTRICT: There are several existing buildings along Caroline Street that are setback more than 55' from the front property line. These include: Burger King to the east (60'), Community Health of NW Florida to the east (65'), the Gateway Shopping Center to the west (260'), Hardee's to the west (97'), CVS to the west (80'), Southstate Bank to the west (80'), Walgreens to the west (70'), Regions Bank across the street (82')

DETERMINATION OF COMPATIBILITY

1. PRESENT LAND USE ZONE: _____
2. PRESENT USE OF PROPERTY: _____

3. SIZE OF STRUCTURE TO BE OCCUPIED: _____
4. WOULD YOU CONSIDER THIS BUSINESS HIGH, MEDIUM, OR LOW TRAFFIC: _____

5. ANTICIPATED NUMBER OF EMPLOYEES OR PERSONS WORKING AT THIS LOCATION: _____
6. HOW MANY VEHICLES WILL BE PARKED AT THIS LOCATION DURING NORMAL BUSINESS HOURS: _____
7. WILL THERE BE ANY NOISE, FUMES, ODORS, OR OTHER UNUSUAL FEATURES OF THIS BUSINESS: _____ IF YES, PLEASE EXPLAIN: _____

8. STATE OTHER USES WITHIN THE DISTRICT WHICH ARE SIMILAR TO THE PROPOSED USE: _____

9. STATE THE REASON YOU FEEL THE PROPOSED USE IS COMPATIBLE WITH USES PERMITTED: _____

10. IDENTIFY THE PROVISION OF THE LAND USE DEVELOPMENT REGULATIONS THAT IS INVOLVED IN THIS APPEAL.

ARTICLE _____ SECTION _____ PAGE _____

PARCEL NO. 1:

THE PROPERTY BEING SO MUCH OF THE NORTH HALF OF GOVERNMENT LOT 4 OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 28 WEST OF THE TALLAHASSEE MERIDIAN IN FLORIDA, SOUTH OF RIGHT OF WAY OF U.S. ROAD (HIGHWAY) 90, AS SAME LIES EAST 100 FEET OF THE WEST 300 FEET OF SAID PORTION OF SAID DESCRIBED PROPERTY LYING SOUTH OF SAID US HIGHWAY 90 RIGHT OF WAY, AS SAME IS NOW LOCATED AND SITUATED.

LESS AND EXCEPT THE WEST 50 FEET THEREOF.

PARCEL NO. 2:

THE PROPERTY BEING SO MUCH OF THE NORTH HALF OF GOVERNMENT LOT 4 OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 28 WEST OF THE TALLAHASSEE MERIDIAN IN FLORIDA, SOUTH OF THE RIGHT OF WAY OF U.S. ROAD (HIGHWAY) 90, AS SAME LIES EAST 100 FEEL OF THE WEST 400 FEET OF SAID PORTION OF SAID DESCRIBED PROPERTY LYING SOUTH OF SAID U.S. HIGHWAY 90 RIGHT OF WAY, AS SAME IS NOW LOCATED AND SITUATED.

BEING THAT SAME PROPERTY AS DESCRIBED IN OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY FILE NO. CM2512220 WITH AN EFFECTIVE DATE OF MARCH 21, 2025.

DESCRIBE THE SPECIAL CONDITIONS AND CIRCUMSTANCES WHICH EXIST THAT ARE PECULIAR TO THE LAND, STRUCTURE OR BUILDING INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS, STRUCTURES OR BUILDINGS IN THE SAME DISTRICT:

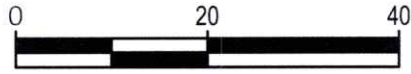
- The building must be within 55' of the front property line and there is also a 20' wide front landscape buffer required. FDOT will allow one driveway access that must be aligned with an existing median opening on the east side of the property. Therefore, traffic flow must be routed across the front of the building but there is not enough room between the maximum setback and front buffer to provide access in front of the building. The current site plan meets Fire Department requirements for truck access. These requirements cannot be provided if the building is moved to within 55' of the front property line.
- Also, if the building is required to move within 55' of the front property line, the City of Milton parking requirement cannot be provided. Due to poor existing soil conditions, the stormwater retention pond located on the south side of the property cannot be reduced. If the building is moved closer to the front property line, additional parking will be required behind the building and the retention area will be significantly reduced and will not meet FDOT and City of Milton stormwater requirements.

EXPLAIN WHY LITERAL INTERPRETATION OF THESE REGULATIONS WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME DISTRICT UNDER THE REGULATIONS:

From Article 2. General Definitions and Rules of Measurement (2.2.S.(1)):

*Front Yard and Front Setback. A front yard is located between a principal building line and the front lot line. A front setback is the required **minimum** distance per the zoning district that a principal building must be located from the front lot line. The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.*

The definitions set forth in the Unified Development Code do not include a "maximum" front setback definition. The "Front Setback" is defined as a "minimum" distance. Table 6.3.1 lists the "minimum front setback" as "maximum 55 feet". A literal interpretation of these requirements would mean that the largest minimum front setback required by code is 55' but this may be reduced. The applicant is requesting a front setback of 90.74'.



SCALE: 1"=20'

NJ WHOLESALERS, LLC
PARCEL # 031N283370002000020
OR BOOK 4404, PAGE 713
ZONING: R-2

28" LIVE OAK

N87°08'16"W 150.49'

10' LANDSCAPE BUFFER

DUMPSTER ENCLOSURE WITH GATES (SEE ARCH. PLANS FOR DETAILS)

12" FLAT CURB

14.16'

20.5'

10'

26'

25'

4.33'

20'

12'

12'

R2'

25'

12'

12'

12'

12'

12'

10' S

CONC PAVE

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