

AGENDA ITEM 1

BOARD OF ADJUSTMENT

AGENDA REQUEST

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

THROUGH: Randy Woodruff, AICP, MPA, Deputy Director

FROM: Daniel Stuart Campbell, Planner III

SUBJECT: VAR-0925-0001 Variance Request

AGENDA DATE: November 12, 2025

APPLICANT(S): Richard III & Bobbi Pawlik

OWNER(S): Richard III & Bobbi Pawlik

LOCATION: 21 Forest Grove Place, Fort Walton Beach, FL

PARCEL INFORMATION:

- Property Appraiser's Parcel ID Number: 10-2S-24-3020-000A-0220
- Property contains 0.35 acre more or less
- BCC District: (4) Commissioner Goodwin
- BOA District: (4) Commissioner Chavez
- Future Land Use Map Designation: Low Density Residential (LDR)
- Zoning District: Residential-1 (R-1)
- Current Use: Single-Family Residential Dwelling

SURROUNDING LAND USES:

- North: Single-Family Residential Detached
- South: Single-Family Residential Detached
- East: Multi-Family Apartments, Single-Family Residential Detached
- West: Single-Family Residential Detached

REQUESTED VARIANCE: The applicant is requesting a Variance from Section 2.21.05(2) – Limitations and Restrictions, of the Okaloosa County Land Development Code, to reduce the required rear yard setback along the eastern property line for a proposed attached pool enclosure from 5 feet to 0 feet.

STAFF ANALYSIS:

- The subject property is located at 21 Forest Grove Place, Fort Walton Beach, FL.
- The subject property has a Low Density Residential (LDR) Future Land Use Map (FLUM) designation and is in the Residential-1 (R-1) zoning district.
- The applicant is requesting a Variance from Section 2.21.05(2) – Limitations and Restrictions, of the Okaloosa County Land Development Code, to reduce the required rear yard setback along the eastern property line for a proposed attached pool enclosure from 5 feet to 0 feet.
- Please find below Section 2.21.05(2) – Limitations and Restrictions, Okaloosa County Land Development Code (**Attachment E**):
 - 2.21.05 Limitations and Restrictions: Permitted accessory uses and structures shall be subject to the following limitations and restrictions.
 - 2. Accessory uses or structures located in side or rear yards shall be no closer than five (5) feet to any property line, except as otherwise specified herein.
- Policy Determination Titled: Swimming Pools Enclosure Setbacks (**Attachment G**) clarifies how the Land Development Code will be interpreted and enforced when reviewing side and rear yard setbacks for attached pool enclosures.

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;

Recommendation Finding: *The subject parcel is abnormally shaped, and that creates a circumstance that is peculiar to the land, and the proposed pool enclosure structure which is not applicable to other lands, structures or buildings within the R-1 zoning district.*

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

Recommendation Finding: *The special condition, to reduce the required rear yard setback along the eastern property line for a proposed attached pool enclosure from 5 feet to 0 feet is the result of the abnormal shape of the lot.*

- 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: *The proposed pool enclosure would not confer a special privilege on the applicant, but it would enhance safety and provide additional security to his pool area.*

- 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: *the literal interpretation of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the R-1 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

Recommendation Finding: *The proposed variance is the minimum variance possible to allow a pool enclosure to be built around the existing pool and will make possible the reasonable use and security of the 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.

Recommendation Finding: *Granting the variance to reduce the required rear yard setback along the eastern property line for a proposed attached pool enclosure from 5 feet to 0 feet will be in harmony with the general intent and purpose of the Land Development Code.*

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

PUBLIC NOTICE: The proposed agenda item was properly advertised in the Northwest Florida Daily News on October 28, 2025 (see **Attachment J**).

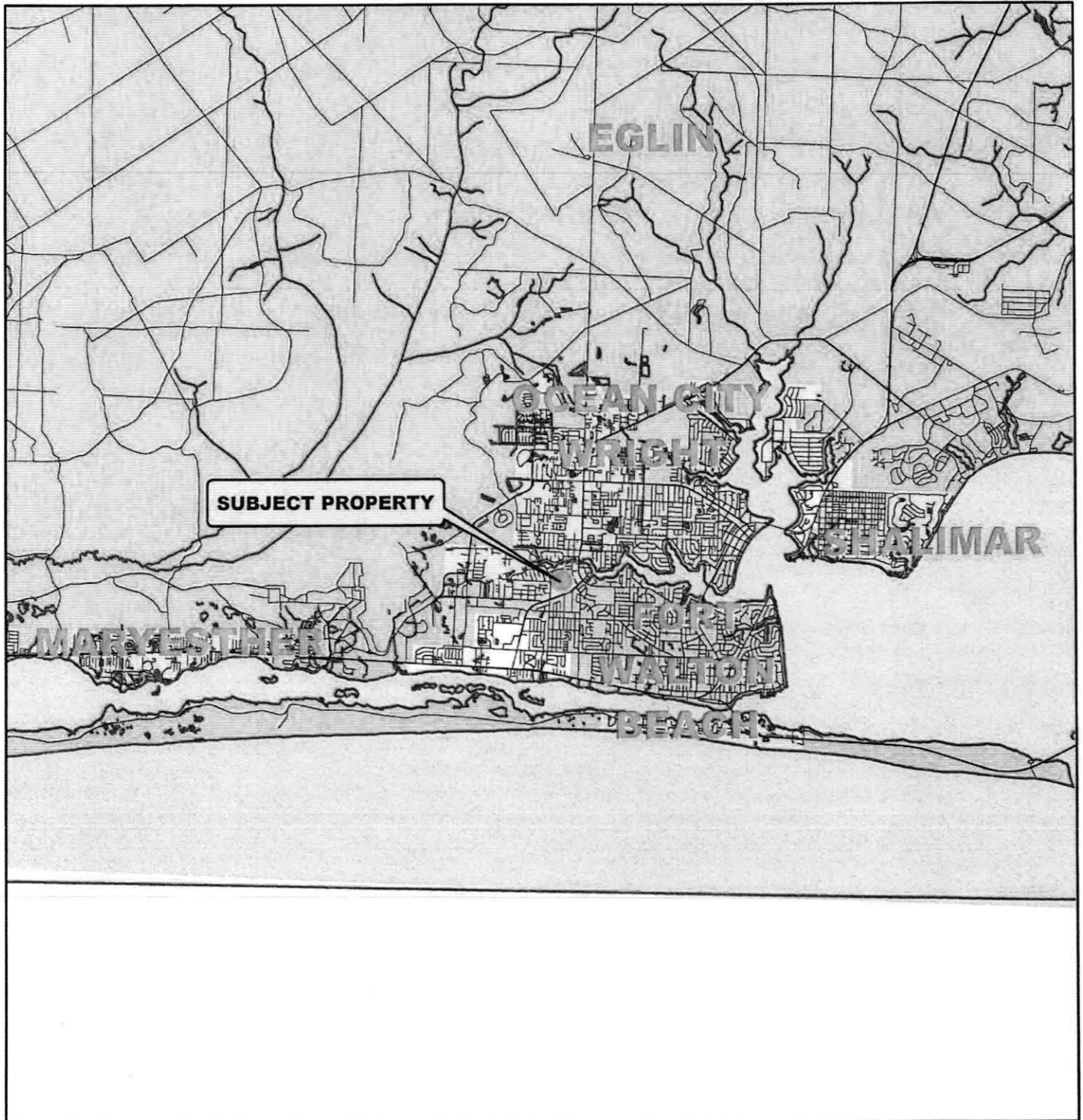
PUBLIC COMMENT/OPPOSITION: No public comment/opposition has been provided to date.

ATTACHMENTS:

- A – Location Map
- B – Aerial Photo Map
- C – Existing Land Use Map
- D – Future Land Use & Zoning Map
- E - GIS Analysis Results
- F – LDC Section 2.21.05(2) – Accessory Uses or Structures
- G – Written Determination – Swimming Pool Enclosure Setback.
- H – Proposed Site Plan
- I - Variance Application
- J - Legal Advertisement

ATTACHMENT - A

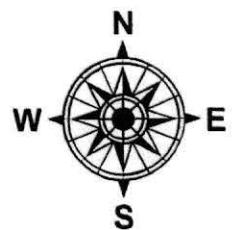
10-2S-24-3020-000A-0220



Legend

— Roads

Location Map



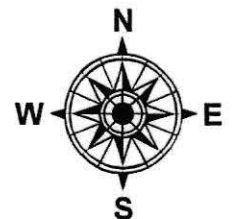
ATTACHMENT - B
10-2S-24-3020-000A-0220



Legend

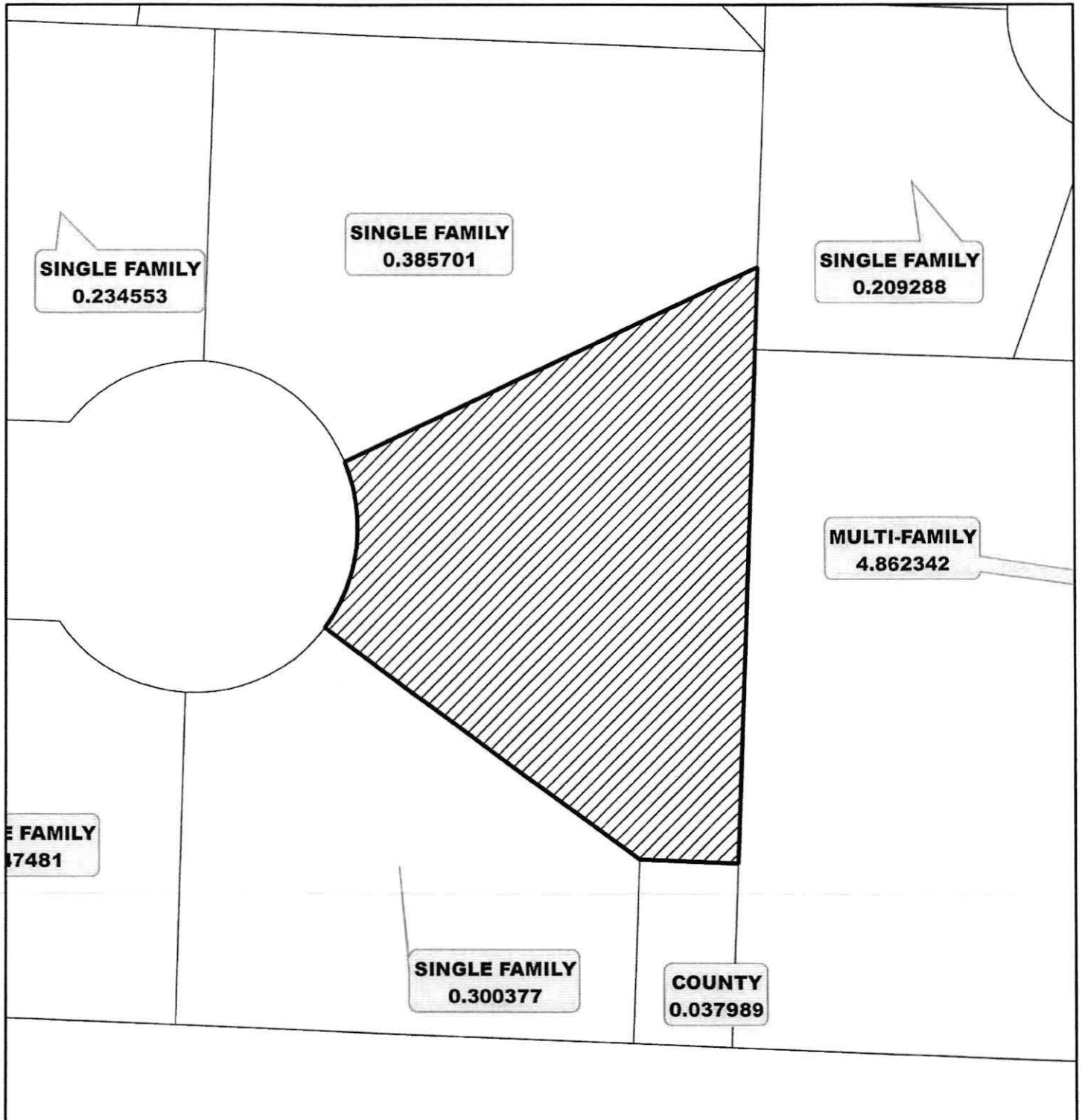
 Parcel Lines

Aerial Photo

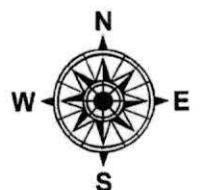


ATTACHMENT - C

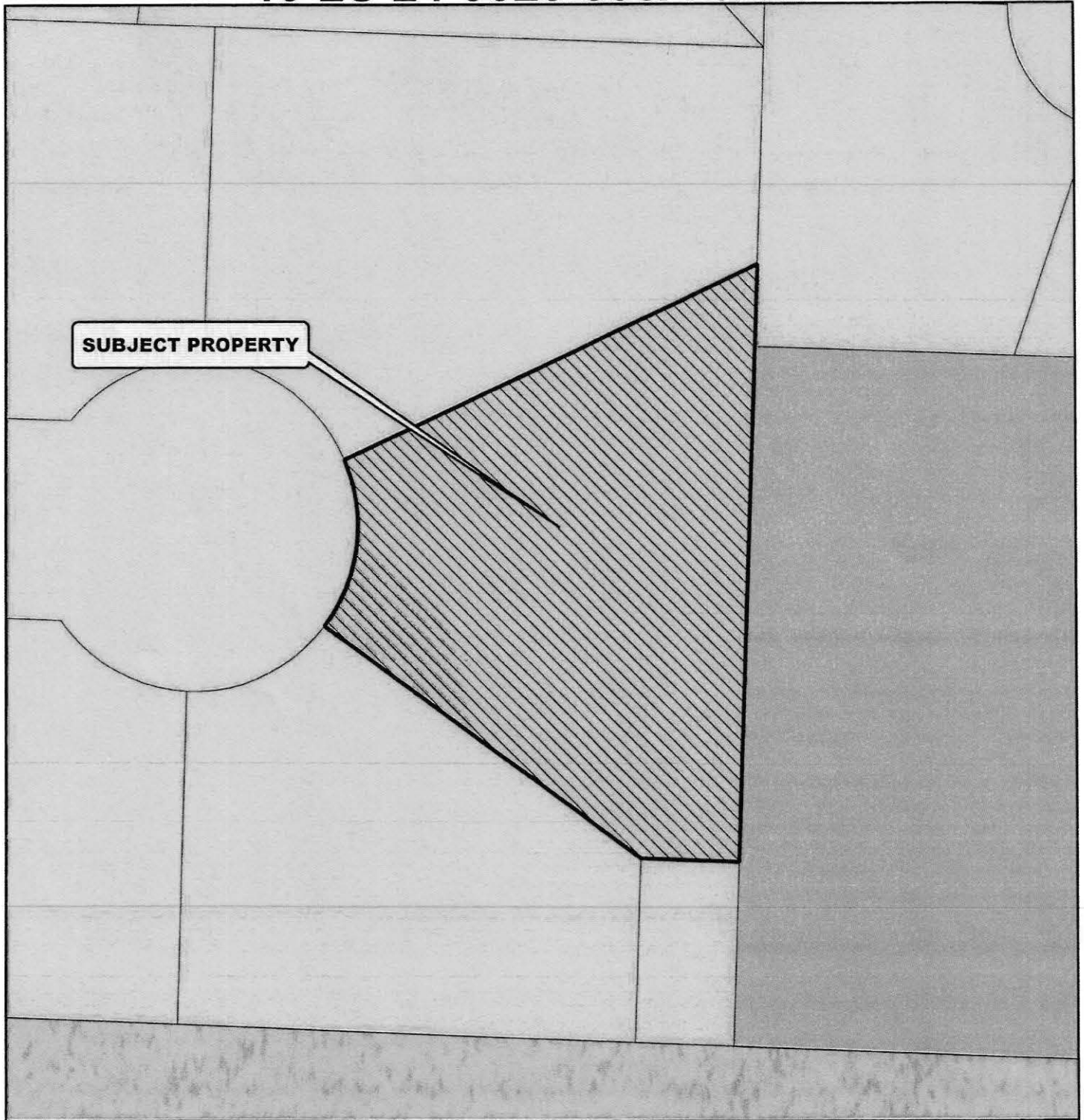
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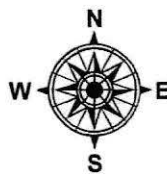
Existing Land Use Map



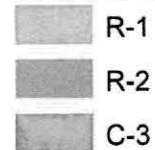
10-2S-24-3020-000A-0220



FLUM Legend



ZONE Legend



FLUM & Zoning Map

GIS ANALYSIS RESULTS ATTACHMENT E

Date: 9/16/2025

Project: 10-2S-24-3020-000A-0220

Permit: VAR 0925-0001 - PAWLIK RICHARD III

Property Address: LOCATED 21 FOREST GROVE PL FORT WALTON BEACH FL 32547

Zoning: R-1

FLU: LDR

Fire District: OCEAN CITY-WRIGHT **Commissioner District:** 4 **Census Tract:** 021900

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 MPH IN THE WIND-BORNE DEBRIS AREA

Flood Zone: X 500 Year Flood Plain **Map Number:** 12091CO 442J

Storm Surge Area: NO

Urban Development Area: YES

Water Efficient Area: YES

Wells: None

Environmental Data: None

Historical Data: None

Wetlands: Uplands

Water and Sewer: OCWS

Within 3 mile of an Airport: NO



LAND DEVELOPMENT CODE

Chapter 2 Zoning Regulations

6. Home or kitchen garden;
7. Other similar uses and structures.

2.21.04 Agriculture Accessory Uses and Structures: Agriculture accessory uses and structures commonly associated with agricultural permitted uses are permitted in the AA zoning district as follows.

1. General Agriculture: Barn; stable; keeping farm animals, livestock, poultry, bees (see paragraph 10); produce/vegetable stand; equipment and storage shed; silo; windmill; fuel tank; water tank; poultry house; animal pen; irrigation devices, and; other similar uses.
2. Conservation, Outdoor Recreation, Public/Institutional: Uses and structures commonly associated with these permitted uses.

2.21.05 Limitations and Restrictions: Permitted accessory uses and structures shall be subject to the following limitations and restrictions.

1. No accessory use or structure shall be installed, constructed, or placed so as to prevent the safe use of any driveway, or to cause a vision obstruction in any intersection vision triangle, or otherwise create a hazard by obstructing the view of pedestrians, cyclists, or motorists.
2. Accessory uses or structures located in side or rear yards shall be no closer than five (5) feet to any property line, except as otherwise specified herein.
3. Accessory uses and structures located in front yards must conform to the front minimum building setback requirement for the zoning district in which it is located, except as otherwise specified herein.
4. Fences: Fences are permitted in any zoning district subject to the following restrictions.
 - a. Fences may be installed or constructed along or within any property line.
 - b. Fences must be constructed using customary fencing materials such as wood, metal, wire, or masonry.
 - c. Use of barbed wire, razor wire, or chicken wire is prohibited in residential districts.
 - d. Fences shall not exceed eight (8) feet in height.
 - e. No fence shall be placed across any public right-of-way or public easement unless permission is granted by the agency of jurisdiction.
 - f. Certain uses may be subject to state fencing laws including, but not be limited to: game preserves (s. 379.302, F.S.); open pits (s. 768.10, F.S.); waste disposal (s. 62-701, FAC); junkyards (s. 339.241, F.S.); swimming pools (Ch. 515, F.S.); livestock fences (Ch. 588, F.S.).
5. Dumpsters: Dumpsters are permitted in all zoning districts except R-1 and R-2 subject to the following restrictions.
 - a. Temporary construction dumpsters are permitted in R-1 and R-2 zoning districts.

Policy Title: Swimming pools, Hot tubs, and similar use enclosure setbacks
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Policy Number: 15-01

Effective date: Upon Approval

Approved by:



Approved date:

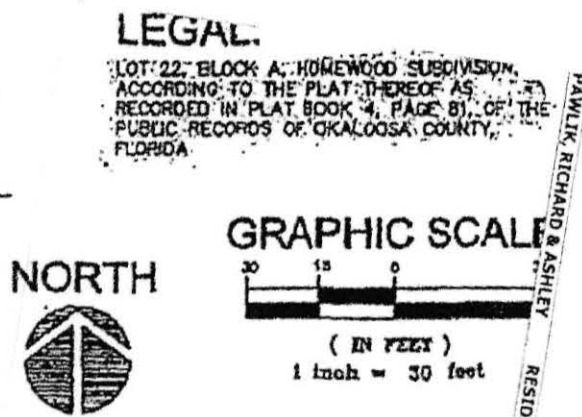
6/21/2015

STATEMENT OF ISSUE/PURPOSE OF DETERMINATION: It is unclear whether the setback referenced in Section 6.00.04 (4) of the Land Development Code, reproduced below, applies to a proposed swimming pool enclosure. The purpose of this determination is to clarify how Section 6.00.04 (4) of the Land Development Code will be interpreted and enforced by the Growth management Department WHEN REVIEWING PRIVATE SWIMMING POOL/HOT TUB/SIMILAR USE ENCLOSURES. Readers are cautioned that *public* swimming pools and similar uses are subject to additional regulations that are not the subject of this determination.

Section 6.00.04 (4) Attachment of Accessory Buildings to Principle 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.

DETERMINATION: As provided by the Definitions (Appendix A) of the Land Development Code, a building is "any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building." This definition is consistent with that used in the Florida Building Code definitions (2010), which states that a building shelters an intended occupancy. Sheltered is interpreted to mean an enclosed roof; while a pool enclosure may be referred to as a building, a pool enclosure is a *structure* due to not having an enclosed roof and therefore is not considered a building. The setback as listed within Section 6.00.04 (4) of the Land Development Code **will not apply** to this type of structure. Thus, the setback for accessory uses or structures, as stated in Section 2.21.05 (2) Land Development Code, **will apply** and reads "*accessory uses or structures located in side or rear yards shall be no closer than five (5) feet to any property line, except as otherwise specified herein.*" This determination applies only to Section 6.00.04 (4) of the Land Development Code and should not be construed to in any way exempt enclosures associated with pools, hot tubs, and similar uses from the provisions of any other local (e.g., Florida Building Code), State, or other applicable codes.

GLAST HDM LLC
H & S TITLE AND ESCROW, INC.
FIDELITY NATIONAL TITLE INSURANCE COMPANY



1. NO SEARCH OF THE PUBLIC RECORDS WAS MADE. EASEMENTS WILL BE SHOWN HEREON, BUT NO CERTIFICATE THAT EASEMENTS, DEED OVERLAPS, UNDERGROUND IMPROVEMENTS OR APPARENT USES DO NOT EXIST.
2. NO ENVIRONMENTAL JURISDICTIONAL LINES HAVE BEEN DETECTED AND APPARENT USES ARE AS SHOWN.
3. BEARINGS SHOWN HEREON ARE REFERENCED TO REAR LINE OF 22, BLOCK A, & SHOWN AS **.
4. ALL MEASUREMENTS ARE IN U.S. FEET.
5. THIS SURVEY DEPICTS DEED OR PLATTED LINES THAT MAY NOT CORRESPOND WITH ACTUAL FIELD MEASURED LINES AND THIS SURVEY DOES NOT CONSTITUTE ANY UNWRITTEN TITLE OR PRESCRIPTION.
6. FLOOD STATEMENT: PANEL NO. 12091C0442 H, DATED 11/1/88, ZONE X.
7. VERY LITTLE BEARINGS AND CURVE DATA ON PLAT.

32' x 67' Pool End
Rear 15' / 10.7'
Side 43'

I hereby acknowledge that I have reviewed and received a copy of this survey and understand that the encroachment as shown will be an exception to title.

d M. B. B. 21 Feb 17
Date

21 FORE
FORT W
FLORIDA

VAR-0925-0001

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

Revised August, 2005

Applicant name: Richard & Bobbi PawlikApplicant is: Property owner ☒Authorized agent* ☐

* Attach verification

Applicant address: 21 Forestgrove Place
Fort Walton Beach FL 32548Applicant telephone: 850-533-2249 FAX Name of property owner if
different than applicant: Address of property involved: 21 Forestgrove Place
Fort Walton Beach, FL 32548Property ID Number: 10-25-24-3020-00A-0220Land use information: FLUM category LDRZoning district R-1Size of property: 0.35 acres OR sq. ft.

Variance request:

1. Specific section of the Land Development Code from which the variance is
requested 2.21.02F 2.21.05(2)

2. Describe exactly what the variance is for.

pool enclosure

swimming pool and enclosure,

pool house

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.

apartment complex behind us

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

pool
property line close to enclosure

requesting permit

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.

it would not effect other properties
or grant us special privilege

It would provide safety for neighbors kids
since its over a pool.

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.

would not allow us to protect ourselves
from possible accidents due to the pool
being exposed to neighbors.

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

without the granted variance our
pool won't be safe for possible
accidents.

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.

grant of variance will not negatively
affect neighbors. It provides safety to
neighbors

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.

Richard L. Paulilett
Applicant typed or printed name


Applicant signature

September 2nd 2015
Date

Corporate officer

Corporate seal

LOCALiQ

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AFFIDAVIT 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; with circulation in Okaloosa and Walton Counties; that the attached copy of advertisement, being a , was published on the publicly accessible website of Okaloosa and Walton Counties, Florida, or in a newspaper by print in the issues of, on:

FTW NW Florida Daily News 10/28/2025

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 10/28/2025

D. Roberts
Legal Clerk

Kongmeng Yang
Notary, State of WI, County of Brown

9-3-21
My commission expires

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KONGMENG YANG
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

ATTACHMENT
J

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

VAR-0925-0001 Variance request from Richard III & Bobbi Pawlik from Section 2.21.05 (2) Limitations and Restrictions from 5' to 0' East rear setback for a proposed pool enclosure to be attached to the existing home. The property is currently zoned **RESIDENTIAL 1 (R-1)** with a Future Land Use of **LOW DENSITY RESIDENTIAL (LDR)**. The property is located at 21 Forest Grove Place, Fort Walton Beach, Florida. The site contains .35 acre more or less.

The public hearing has been scheduled for 1:30 PM on November 12, 2025 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

10-2S-24-3020-000A-0220

