



DEPARTMENT OF DEVELOPMENT & PLANNING

825 Ohio Avenue - Lynn Haven, FL 32444
(850) 248-0506

STAFF REPORT

Application for a Variance Request
Board of Adjustment Meeting
September 18, 2025

Application Information

Applicant:	Joshua David Cruse
Owner	Joshua David Cruse
Requested action:	Variance - Front Yard Fencing Maximum Height from 4' to 8'.
Location:	121 Cashel Mara Drive
Tax roll parcel number:	08582-110-000
Land Use Map category:	Mixed Use
Community Redevelop. District:	No
Corridor Overlay	No
Size:	0.27 ± acres

Summary of Request and Background Information

The applicant is requesting a variance from the requirements of the City's Unified Land Development Code, ULDC Section 5.01.06 Fences, Hedges, and Walls, specifically the requirement for front yard fence maximum height of four feet (4 ft).

Additional Information

The applicant does not wish to adhere to the four feet (4') maximum height requirement for their front yard fencing. Fencing was being installed at the property along the rear and side of the property, in which the maximum height of eight feet (8') is permissible. Front fencing was also being installed at eight foot (8') which is not permissible, as the ULDC Section 5.01.06 Fences, Hedges, and Walls the maximum front fence height is four feet (4').

On June 12th Code Enforcement contacted the Planning Department for the maximum front yard fence height as they had received a complaint that fencing was being installed along the front of the property that was more than four feet (4') in height, and along a City stormwater pond. Mr. Baker, Chief Infrastructure Director informed Code Enforcement that the stormwater pond belongs to the City, and the City did not want fencing installed on it. The property owner was notified to stop the fencing for the front yard, and to stop the fencing along the City stormwater pond.

The Millpoint Landing HOA documents, page 14 section twenty-three indicates fencing shall be approved in writing by the Architectural Control Committee. The City did not receive a copy of the approval.

At the June 24, 2025 City Commission meeting, Commissioner Tinder made a statement during her report regarding the camera concerns for the property owner at 118 Cashel Mara Drive.

Submitted by:
Vicki Harrison
September 18, 2025

Attachments: Application
 Survey
 Deed
 Aerial Maps
 Land Use Map
 Plat
 ULDC Section 9.02.02 Required Findings for a Grant of Variance
 ULDC Section 5.01.06 Fences, Hedges, and Walls
 Figure 1.1 Yards
 Email and documents – Mella Enterprises, Inc.
 City Commission Meeting Minutes June 24, 2025
 Millpoint Landing HOA Documents page 14, section twenty-three
 fencing.



DEPARTMENT OF DEVELOPMENT & PLANNING
 develop_plan@cityoflynnhaven.com
 (850) 248-0506

APPLICATION FOR A VARIANCE FROM THE LAND DEVELOPMENT REGULATIONS

Deadline to submit is 20 days prior to the third Thursday of the month

File Number 25-02
 Date Received 8-1-2025

Application Information

Property owner:	Joshua David Cruse
Agent/Contact (if different):	
Telephone Number:	704-526-9646
Requested action:	Variance
Location:	118 Cashel Mara Dr.
Bay County Parcel Number(s)	08582-110-000
Size:	.27 acres
Existing uses on the site:	Single Family Residence (SFR)
Future Land Use Map category:	SFR

Compatibility

Direction	Adjacent Existing Uses	Adjacent Future Land Use
North	Undeveloped	Bay County Commercial
South	Culdesac	Mixed Use
West	SFR	Mixed Use
East	Undeveloped	High Density Residential

Variance Request

Specify the variance request by checking all that apply:

- Front yard setback from _____ feet to _____ feet
- Rear yard setback from _____ feet to _____ feet
- Side yard setback from _____ feet to _____ feet
- Other Front yard fence from four feet to eight feet

Explain the reasons for requesting the variance

Being at the subdivisions property border, a taller fence is needed to enhance the safety for both residents and pets. This fence will prevent unauthorized access, deter trespassing into the subdivision, and keep children and pets safe from straying on to undeveloped lots.

A variance must be consistent with the *Unified Land Development Code Section 9.02.02 (copy attached to application) of the City of Lynn Haven.*

In considering variations from the terms of Section 9.02.02, the Board of Adjustment shall, before making a decision in a specific case, first determine that the proposed variation meets the following criteria. Please provide a brief, written justification explaining how each of the following criteria are being met.

- (1) Does not constitute a change in the districts shown on the land use map; will not impair an adequate supply of light and air to adjacent property;

The proposed fence height will not impede the sun or air quality.

- (2) 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 land use district.

The land elevation in the front yard setback is a four foot drop off, and will impact privacy and safety of all residents.

- (3) The special conditions and circumstances do not result from the actions of the applicant.

When purchasing the house, we were notified that the

land elevation cannot be changed due to flooding and drainage requirements.

- (4) 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 land use district.

This request is unique because, the property borders the subdivisions lot line. This does not provide special privilege; however, it enhances safety and privacy for all residents.

- (5) Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by others in the same land use district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

Due to the lot elevation and current ordinance, safety is hindered by neighboring properties exceeding the subdivision.

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

Yes, an eight foot fence would provide adequate security, safety, and privacy.

- (7) 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.

The fence will not impact other properties or individuals in a negative manner.

- (8) The granting of the variance is not based on economic circumstance.

No economic gain or loss will be a factor.

Deed Restrictions

Check the following category that applies:

This property is not bound by any subdivision covenants or deed restrictions; or

This variance request does not violate any subdivision covenant or deed restriction on this property and if required, approval from the Homeowners Association is attached; or

This variance request is in conflict with subdivision covenants or deed restrictions on this property and a release from the developer or subdivision Homeowners Association is attached.

Certification and Authorization

I do hereby authorize City staff to enter my property for the purpose of site inspection.

I do hereby authorize the placement of a public notice sign(s) on my property at a location(s) to be determined by City staff.

I hereby certify that the information submitted on this application is true and correct to the best of my knowledge at the time of application.



Owner's Signature ¹

8-1-2025

Date

Joshua David Cruse

Owner's Name (type or print)

Title and Company (if applicable)

Applicant's Signature, if not owner

Date

Applicant's Name (type or print)

Title and Company (if applicable)

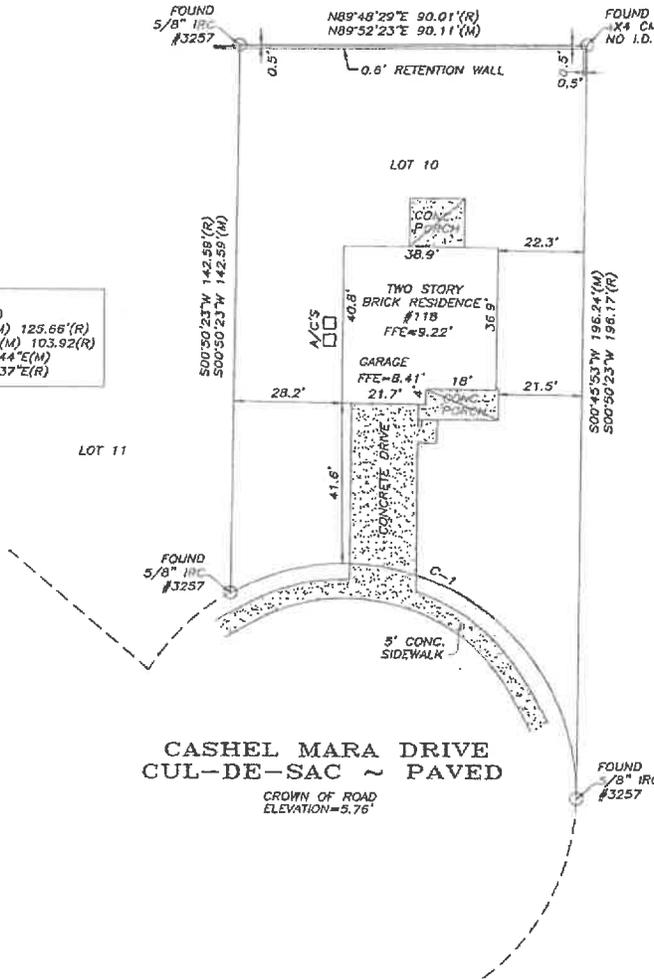
¹ A notarized agent authorization is required if the applicant is not the owner, and the owner is allowing the applicant to act on his/her behalf.

Please attach:

- Required Fee \$600.00
 - Survey
 - Location Map
 - Deed
 - A Legal Description (if different from the deed)
-

ADDRESS: 118 CASHEL MARA DRIVE

C-1
 R=50'(M)(R)
 L=126.44'(M) 125.66'(R)
 CH=104.31'(M) 103.92'(R)
 CB=559°10'44"E(M)
 CB=559°09'37"E(R)



**CASHEL MARA DRIVE
 CUL-DE-SAC ~ PAVED**
 CROWN OF ROAD
 ELEVATION=5.76'

SYMBOLS AND ABBREVIATIONS:

°= DEGREES WHEN USED IN A BEARING OR ANGLE, ' = MINUTES WHEN USED IN A BEARING OR ANGLE
 " = SECONDS WHEN USED IN A BEARING OR ANGLE, ' = FEET WHEN USED IN A DISTANCE
 N= NORTH, E= EAST, S= SOUTH, W= WEST, (R)= RECORD DATA, (M)= MEASURED DATA, R= RANGE
 FCN= FOUND CONCRETE MONUMENT, FIR= FOUND IRON ROD, c = CENTERLINE.

LEGAL DESCRIPTION (PROVIDED BY OTHERS)

LOT 10, MILLPOINT LANDING SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 18, PAGES 41 AND 42, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

SURVEYOR'S NOTES

- 1) SOURCE OF INFORMATION IS A DEED FURNISHED BY THE CLIENT.
- 2) BEARING BASE: S00°50'23"W ALONG WEST LINE OF LOT 10.
- 3) THIS IS A SURFACE SURVEY ONLY. ALL IMPROVEMENTS ARE VISIBLE AS SHOWN UNLESS NOTED. NO ATTEMPT WAS MADE TO LOCATE UNDERGROUND IMPROVEMENTS OR UTILITIES.
- 4) FIELD WORK WAS COMPLETED ON 9/19/2024.
- 5) THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED WITH A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING THE TITLE OR BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS OR OTHER INSTRUMENTS THAT COULD AFFECT THE BOUNDARIES. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE OR THE UNDERSIGNED SURVEYOR.
- 6) A REVIEW OF THE FLOOD INSURANCE RATE MAPS OF BAY COUNTY, FLORIDA, MAP NUMBER 1200500219H, INDICATES THAT THE PARCEL SHOWN HEREON IS WITHIN ZONE "AE".
- 7) THERE ARE NO VISIBLE ENCRDACHMENTS EXCEPT AS SHOWN HEREON.
- 8) THIS SURVEY NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 9) IN SOME INSTANCES IT IS NECESSARY TO EXAGGERATE THE LOCATION OF SOME FIXTURES, SUCH AS FENCES, ADDITIONAL PROPERTY CORNERS FOUND, ETC. IN ORDER TO MORE CLEARLY REPRESENT THE AFDREMENTIONED ITEMS.

SURVEYOR'S CERTIFICATE

THIS CERTIFIES THAT THE SURVEY SHOWN HEREON MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA, SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND SURVEYORS IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

(Signature)
 ROGER BLANK, M.G.I.
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NUMBER 5521
 DATE SIGNED: 10/10/24

CERTIFIED TO:
 JOSHUA DAVID CRUSE
 TRUSTMARK NATIONAL BANK
 WESTCOR LAND TITLE INSURANCE COMPANY
 DEFENDER TITLE AND ESCROW AGENCY LLC

**BOUNDARY SURVEY PREPARED BY ANGLIN SURVEYING, LLC
 FOR: JOSHUA DAVID CRUSE**

3712 CORNELIA LANE,
 PANAMA CITY, FLORIDA,
 32409
 (850) 271-4055

Prepared by:

Defender Title and Escrow Agency, LLC
2605 Thomas Drive, #105
Panama City Beach, FL 32408

File Number: 24-4751
Parcel ID: 08582-110-000

Warranty Deed

This Warranty Deed made this 17th day of January, 2025, between Saul Francisco, (henceforth referred to as "Grantor") whose post office address is 3117 10 Acre Road, Panama City, FL 32405, and Joshua David Cruse, a single man, (henceforth referred to as "Grantee") of 118 Cashel Mara Drive, Southport, FL 32409:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following land, situate, lying and being in Bay County, Florida to wit.

Lot 10, Millpoint Landing Subdivision, according to the Plat thereof, recorded in Plat Book 18, Page(s) 41 and 42, of the Public Records of Bay County, Florida.

Less the portion of Lot conveyed by Warranty Deed recorded in Official Records Book 4757, Page, 2202, a/k/a Less and Except the Portion Commence at the Northeast Corner of Lot 10, MillPoint Landing Subdivision, as per Plat recorded in Plat Book 18, Pages 41, and 42, of the Public Records of Bay County, Florida: Thence South 01°35'04" East, along the East Line of said Lot 10, for a distance of 174.86 Feet to the Point of Beginning; Thence continue South 01°35'04" East, along said East Line, for a Distance of 21.31 Feet to a Point on a Curve Concave to the West and having a Radius of 60.00 Feet; Thence Northerly, along said curve for an Arc Distance of 21.93 Feet, said Arc having a Chord of 21.81 Feet bearing North 11°52'38" West to the End of said Curve; Thence South 89°22'47" East, for a Distance of 3.90 Feet to the Point of Beginning. Said Lands Lying in and Being a Portion of Section 33, Township 2 South, Range 14 West, Bay County, Florida.

To Have and To Hold, the same in fee simple forever.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

The Grantor hereby covenants with said Grantee, his heirs and/or assigns, that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

Subject to easements, restrictions, and covenants of record, and real property taxes for the current year which are prorated.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

[Handwritten Signature]

Witness 1
Printed Name: Meg Y Loehr

Address: 2503 Martin Luther King Jr. Blvd.
Suite A Panama City FL 32405

[Handwritten Signature]

Saul Francisco

[Handwritten Signature]

Witness 2
Printed Name: Jac Wright

Address: 2503 Martin Luther King Jr. Blvd.
Suite A Panama City FL 32405

STATE OF FLORIDA

ACKNOWLEDGMENT

COUNTY OF BAY

The foregoing instrument was acknowledged before me by means of (X) physical presence or () online notarization, this 14 day of January, 2025 by Saul Francisco who () was/were personally known to me, or (X) presented the following identification:

FL DL

[Handwritten Signature]

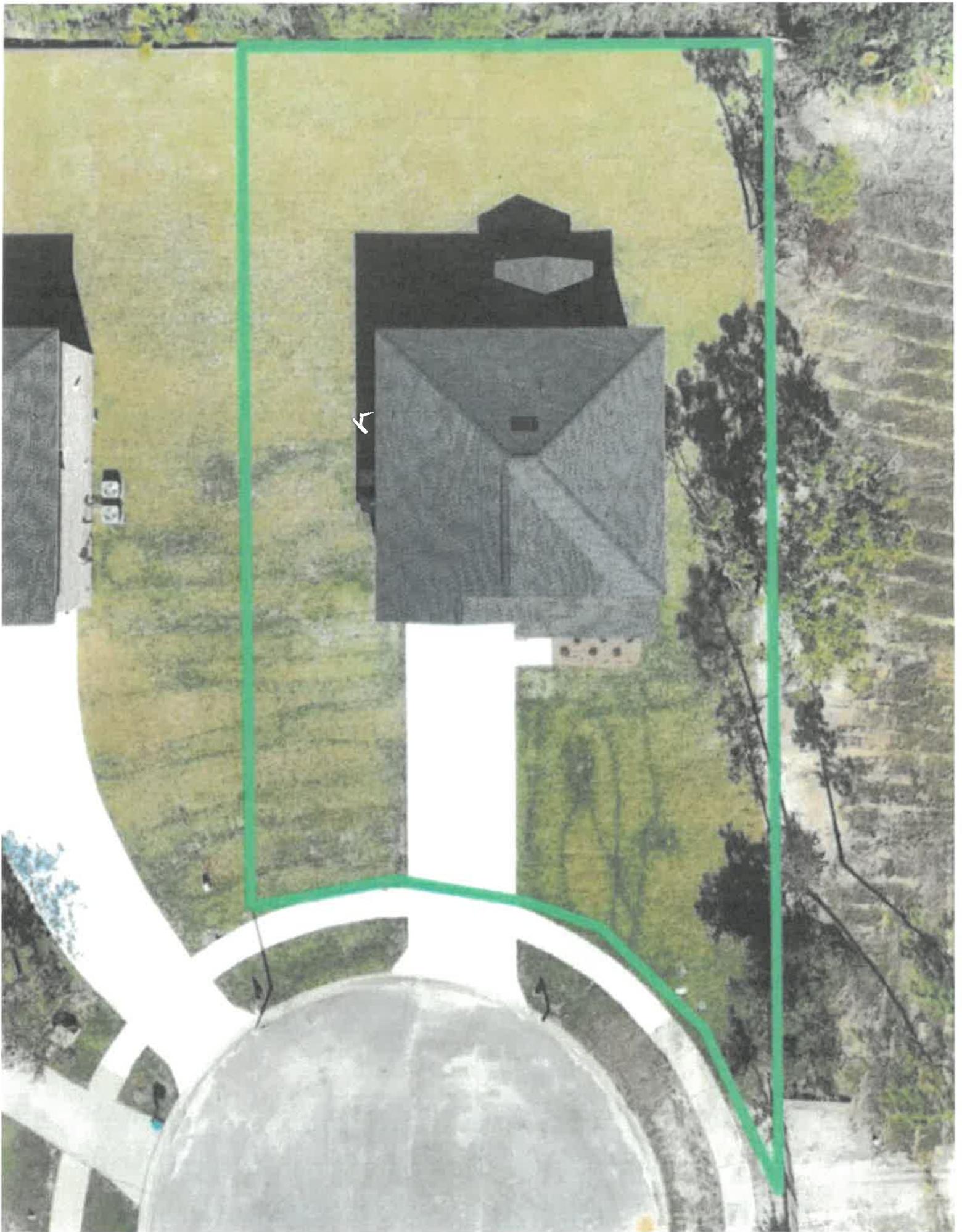
Notary Public
My Commission Expires: Aug 7, 2028

(Notary Stamp)



Megan Y Loehr
Comm.: HH 579772
Expires: Aug. 7, 2028
Notary Public - State of Florida

WARRANTY DEED





Bay County Property Appraiser - Dan Sowell, CFA

Main Office | 860 W. 11th St, Panama City, FL 32401 | 850-248-8401

Beach Office | 301 Richard Jackson Blvd, Panama City Beach, FL 32407 | 850-248-8470



Overview



Legend

- Parcels
- Roads
- Lots

Parcel ID 08582-110-000
 Class Code SINGLE FAMILY
 Taxing District 06
 SOUTHPORT
 Acres n/a

Owner CRUSE, JOSHUA DAVID
 118 CASHEL MARA DR
 SOUTHPORT, FL 32409
 Physical Address 118 CASHEL MARA DR
 Just Value Value \$462537

Last 2 Sales			
Date	Price	Reason	Qual
2/14/2025	\$100	n/a	U
1/16/2025	\$100	n/a	U

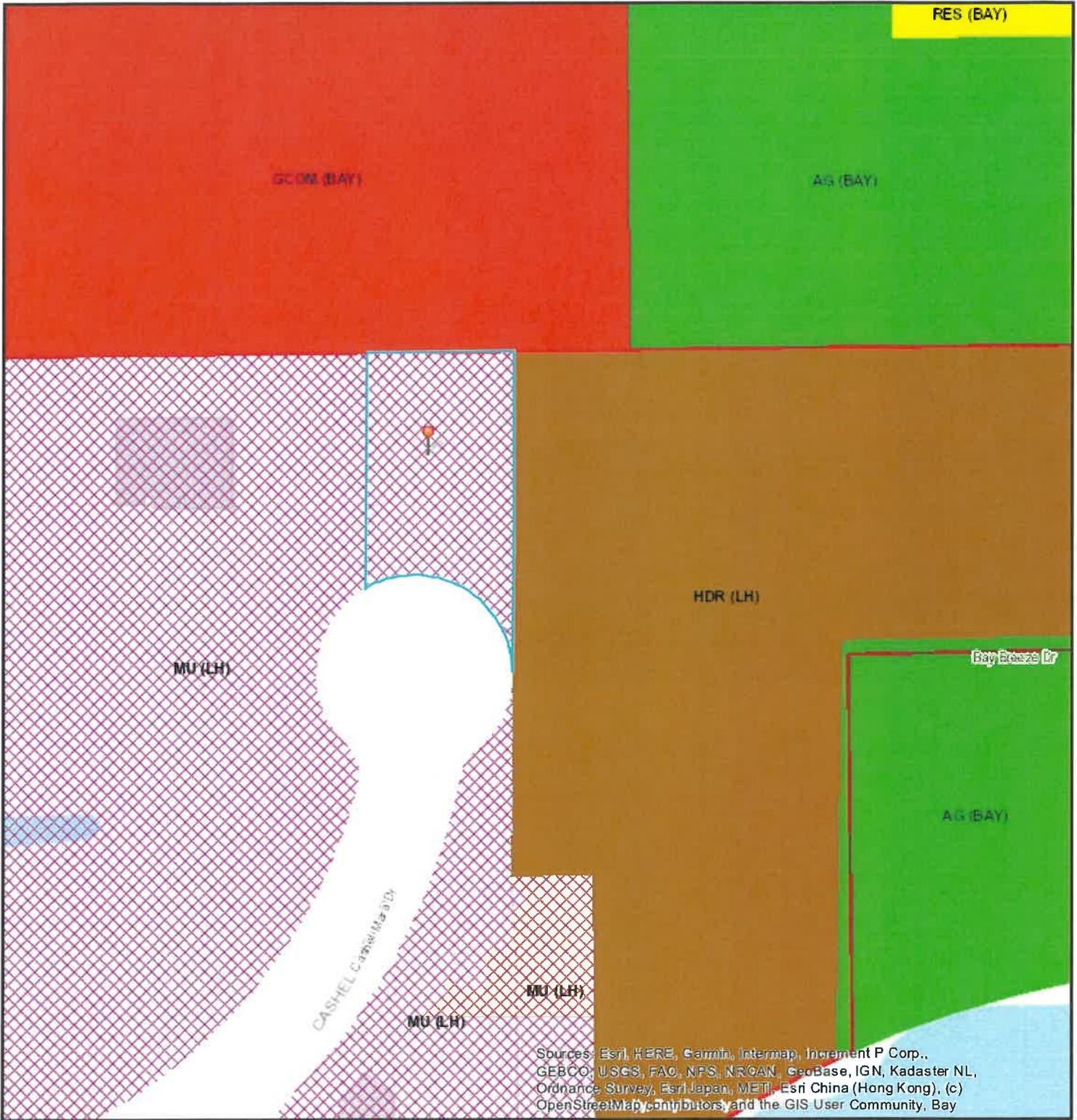
MLS

(Note: Not to be used on legal documents)

Maps have been compiled from the most authentic information available and are to be used for assessment purposes only. Bay County Property Appraiser's Office assumes NO responsibility for errors and/or omissions that may be contained herein. THIS MAP IS NOT A SURVEY

Date created: 9/11/2025
 Last Data Uploaded: 9/11/2025 2:45:26 AM

Developed by SCHNEIDER
 GEOSPATIAL



Bay County Web Map



Roads

- Major Road
- Minor Road
- ⋮ Lynn Haven City Limits

MILLPOINT LANDING SUBDIVISION
 A RESUBDIVISION OF A PORTION OF LOT 98
 OF ST. ANDREWS BAY PECAN & FIG GROVE
 COMPANY'S SUBDIVISION OF SECTION 33 & 34, TOWNSHIP
 2 SOUTH, RANGE 14 WEST, BAY COUNTY, FLORIDA,
 ALSO A RESUBDIVISION OF A PORTION OF SECTION 4,
 TOWNSHIP 3 SOUTH, RANGE 14 WEST, BAY COUNTY, FLORIDA.

JULY 2001
 0 50 100 150
 SCALE: 1" = 50.0'

PREPARED BY:
COUNTY WIDE SURVEYING, INC. LB No. 3929
 858 JENKS AVENUE PANAMA CITY, FLORIDA 32401 (850) 769-0345

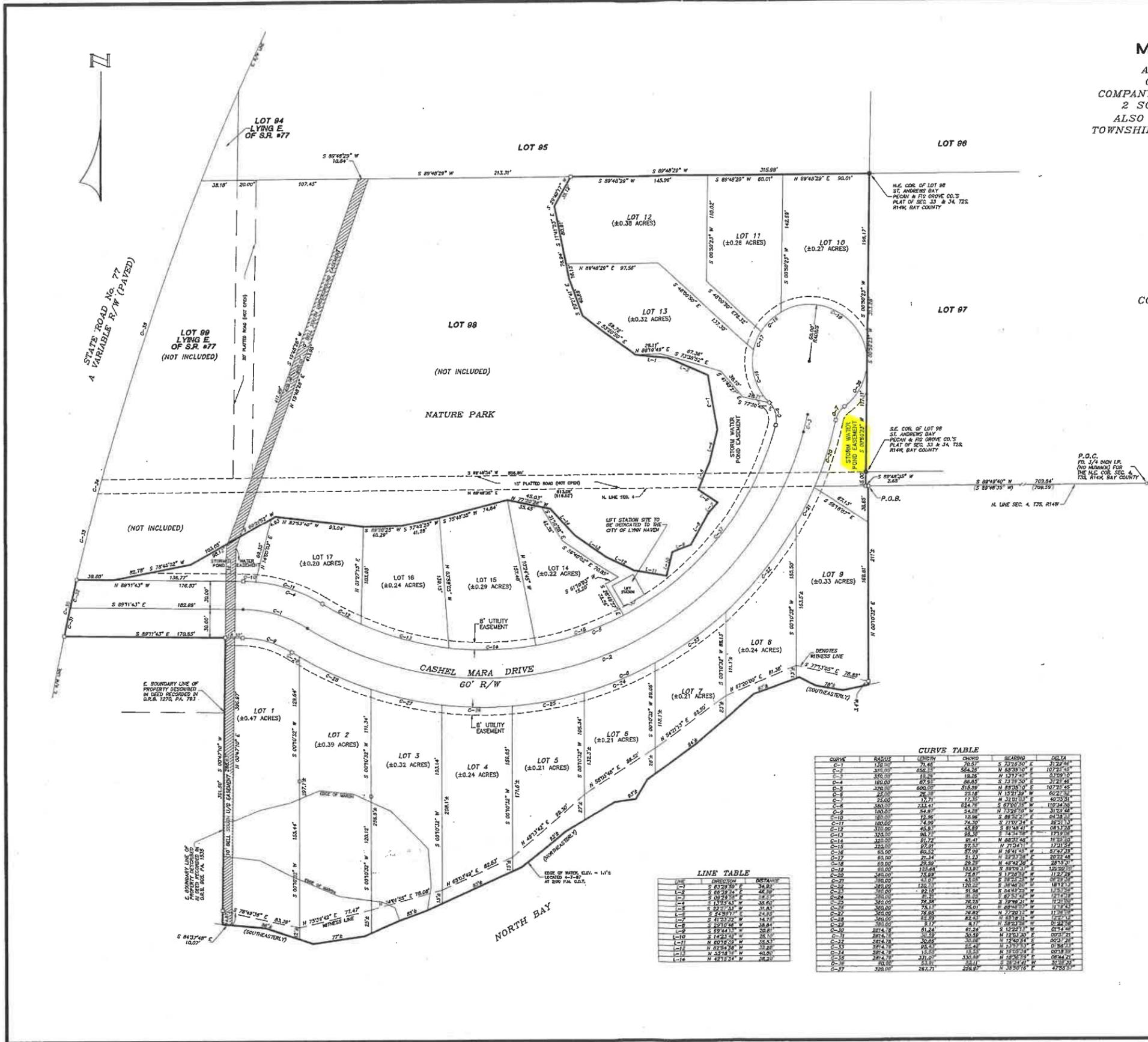
SHEET 2 OF 2 SHEETS

NOTE:
 THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL
 DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL
 IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY
 OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.
 THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED
 ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF
 THIS COUNTY.

SURVEYOR'S NOTES
 1. THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A
 CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING THE
 TITLE OR BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE
 THAT THERE ARE DEEDS OF RECORD, UNRECORDED DEEDS,
 EASEMENTS OR OTHER INSTRUMENTS THAT COULD AFFECT THE
 BOUNDARIES.
 2. BEARINGS ARE RELATIVE TO THE EAST LINE OF SECTION 10,
 T3S, R14W. REFERENCE BEARING: N00°30'25"E
 3. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT
 SHOWN ON THIS PLAT THAT MAY BE RECORDED IN THE PUBLIC
 RECORDS OF BAY COUNTY, FLORIDA.
 4. MEASUREMENTS ARE MADE TO THE UNITED STATES STANDARD (FEET).
 5. THE FRONT MINIMUM SETBACK LINE SHALL BE TEN FEET (10').
 THE REAR MINIMUM SETBACK LINE SHALL BE FIFTY FEET (50').
 THE SIDE MINIMUM SETBACK LINE SHALL BE SEVEN AND 1/2 FEET (7.5').
 6. ALL BAY FRONT LOTS SHALL HAVE SEAWALL.
 7. ■ - DENOTES FOUND PERMANENT REFERENCE MONUMENT No. LS 3257
 8. □ - DENOTES SET PERMANENT REFERENCE MONUMENT No. LS 3257
 9. ○ - DENOTES SET PERMANENT CONTROL POINT No. LS 3527
 10. ○ - DENOTES SET 5/8 INCH I.R. & GAP No. LS 3527

SYMBOLS & ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT	No.	NUMBER
P.O.B.	POINT OF BEGINNING	CONC.	CONCRETE
N.	NORTH	R/W	RIGHT OF WAY
E.	EAST	STATE ROAD	STATE ROAD
S.	SOUTH	I.P.	IRON PIPE
W.	WEST	R.P.	ROUND PIPE
SEC.	SECTION	M&D	MAIL AND DISK
TOWNSHIP	TOWNSHIP	CHORD BEARING	CHORD BEARING
R.	RANGE OR RADII	P.C.	POINT OF CURVATURE
P.C.	POINT OF CURVATURE	P.T.	POINT OF TANGENT
P.R.C.	POINT OF REVERSE CURVE	Brg.	BEARING
P.L.C.	POINT OF LONGITUDINAL CURVE	CHORD	CHORD
P.P.M.	PERMANENT REFERENCE MONUMENT	(NW)	NON-RADIAL LOT LINE
PERM.	PERMANENT REFERENCE MONUMENT	(N)	RADIAL LOT LINE
CONC.	CONCRETE		
I.P.	IRON PIPE		
R.P.	ROUND PIPE		
M&D	MAIL AND DISK		
CHORD BEARING	CHORD BEARING		
P.C.	POINT OF CURVATURE		
P.T.	POINT OF TANGENT		
Brg.	BEARING		
CHORD	CHORD		
(NW)	NON-RADIAL LOT LINE		
(N)	RADIAL LOT LINE		



LINE TABLE

LINE	DIRECTION	BEARING	DISTANCE
L-1	S 89°40'29" W	213.31'	
L-2	S 89°40'29" W	145.09'	
L-3	S 89°40'29" W	80.01'	
L-4	S 89°40'29" W	316.99'	
L-5	N 89°40'29" E	90.01'	
L-6	S 89°40'29" W	145.09'	
L-7	S 89°40'29" W	80.01'	
L-8	S 89°40'29" W	316.99'	
L-9	N 89°40'29" E	90.01'	
L-10	S 89°40'29" W	145.09'	
L-11	S 89°40'29" W	80.01'	
L-12	S 89°40'29" W	316.99'	
L-13	N 89°40'29" E	90.01'	
L-14	S 89°40'29" W	145.09'	
L-15	S 89°40'29" W	80.01'	
L-16	S 89°40'29" W	316.99'	
L-17	N 89°40'29" E	90.01'	
L-18	S 89°40'29" W	145.09'	

CURVE TABLE

CURVE	RADIUS	CHORD	BEARING	CHORD
C-1	75.00'	71.44'	S 23°26'50" E	31.25'
C-2	100.00'	96.24'	N 10°10'00" E	40.71'
C-3	150.00'	142.88'	N 10°10'00" E	61.07'
C-4	200.00'	188.56'	N 10°10'00" E	81.43'
C-5	250.00'	234.24'	N 10°10'00" E	101.79'
C-6	300.00'	279.92'	N 10°10'00" E	122.15'
C-7	350.00'	325.60'	N 10°10'00" E	142.51'
C-8	400.00'	371.28'	N 10°10'00" E	162.87'
C-9	450.00'	416.96'	N 10°10'00" E	183.23'
C-10	500.00'	462.64'	N 10°10'00" E	203.59'
C-11	550.00'	508.32'	N 10°10'00" E	223.95'
C-12	600.00'	554.00'	N 10°10'00" E	244.31'
C-13	650.00'	600.00'	N 10°10'00" E	264.67'
C-14	700.00'	646.00'	N 10°10'00" E	285.03'
C-15	750.00'	692.00'	N 10°10'00" E	305.39'
C-16	800.00'	738.00'	N 10°10'00" E	325.75'
C-17	850.00'	784.00'	N 10°10'00" E	346.11'
C-18	900.00'	830.00'	N 10°10'00" E	366.47'
C-19	950.00'	876.00'	N 10°10'00" E	386.83'
C-20	1000.00'	922.00'	N 10°10'00" E	407.19'
C-21	1050.00'	968.00'	N 10°10'00" E	427.55'
C-22	1100.00'	1014.00'	N 10°10'00" E	447.91'
C-23	1150.00'	1060.00'	N 10°10'00" E	468.27'
C-24	1200.00'	1106.00'	N 10°10'00" E	488.63'
C-25	1250.00'	1152.00'	N 10°10'00" E	508.99'
C-26	1300.00'	1198.00'	N 10°10'00" E	529.35'
C-27	1350.00'	1244.00'	N 10°10'00" E	549.71'
C-28	1400.00'	1290.00'	N 10°10'00" E	570.07'
C-29	1450.00'	1336.00'	N 10°10'00" E	590.43'
C-30	1500.00'	1382.00'	N 10°10'00" E	610.79'
C-31	1550.00'	1428.00'	N 10°10'00" E	631.15'
C-32	1600.00'	1474.00'	N 10°10'00" E	651.51'
C-33	1650.00'	1520.00'	N 10°10'00" E	671.87'
C-34	1700.00'	1566.00'	N 10°10'00" E	692.23'
C-35	1750.00'	1612.00'	N 10°10'00" E	712.59'
C-36	1800.00'	1658.00'	N 10°10'00" E	732.95'
C-37	1850.00'	1704.00'	N 10°10'00" E	753.31'
C-38	1900.00'	1750.00'	N 10°10'00" E	773.67'
C-39	1950.00'	1796.00'	N 10°10'00" E	794.03'
C-40	2000.00'	1842.00'	N 10°10'00" E	814.39'
C-41	2050.00'	1888.00'	N 10°10'00" E	834.75'
C-42	2100.00'	1934.00'	N 10°10'00" E	855.11'
C-43	2150.00'	1980.00'	N 10°10'00" E	875.47'
C-44	2200.00'	2026.00'	N 10°10'00" E	895.83'
C-45	2250.00'	2072.00'	N 10°10'00" E	916.19'
C-46	2300.00'	2118.00'	N 10°10'00" E	936.55'
C-47	2350.00'	2164.00'	N 10°10'00" E	956.91'
C-48	2400.00'	2210.00'	N 10°10'00" E	977.27'
C-49	2450.00'	2256.00'	N 10°10'00" E	997.63'
C-50	2500.00'	2302.00'	N 10°10'00" E	1017.99'

9.02.02 - Required Findings for a Grant of Variance

In considering variations from the terms of this ULDC, the grant of a variance shall be based on an affirmative response for each of the following:

Table 9.02.02 Findings for Grant of a Variance.

Variance Findings	
A.	The proposed variation does not constitute a change in the districts shown on the Official Land Use Map;
B.	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 land use district;
C.	The special conditions and circumstances do not result from the actions of the applicant;
D.	Granting the variance requested will not confer on the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same land use district;
E.	Literal interpretation of the provisions of the ULDC would deprive the applicant of rights commonly enjoyed by others in the same land use district under the terms of the ULDC and would work unnecessary and undue hardship on the applicant;
F.	The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
G.	The grant of the variance will be in harmony with the general intent and purpose of this ULDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
H.	Is not based on economic circumstances; and
I.	That the variance, if granted, is based on the findings required by this section.

5.01.06 - Fences, Hedges, and Walls

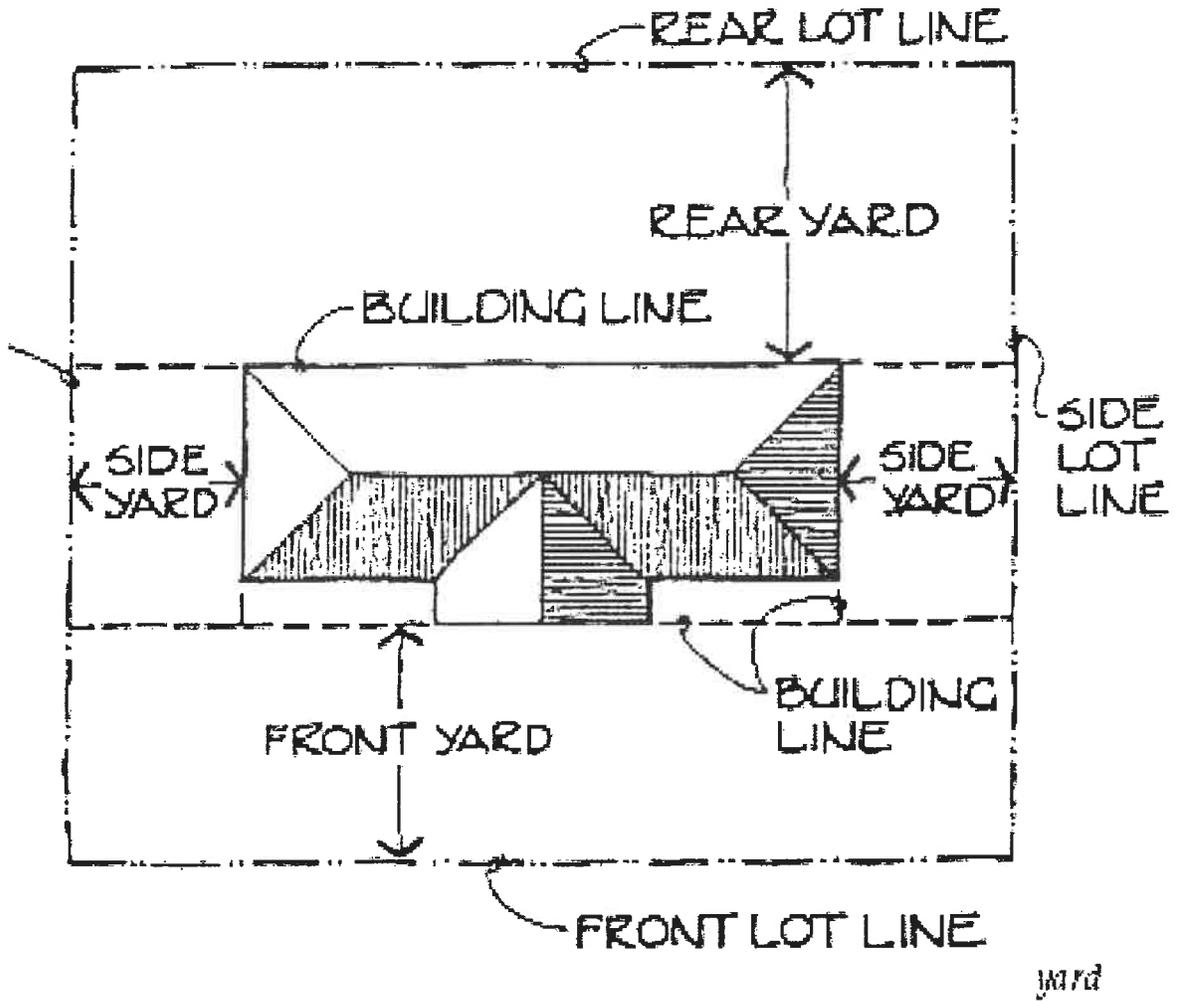
All fences, hedges, or walls erected, placed or altered shall conform to the following regulations.

Table 5.01.06. Fences, Hedges, and Walls.

Yards ¹ :	Residential	Non-Residential
	Maximum Height	Maximum Height
Front	4 ft.	4 ft. for all districts except IND 8 ft. for all IND
Rear and side	8 ft.	8 ft.
Corner	Fences shall not interfere with the visibility triangle as required in Section <u>6.05.04</u> .	
Materials	<ul style="list-style-type: none"> • Open wire fabric • Wood, open picket design • Rot & termite resistive 	Open weave construction

¹ Measured the length of the required setback line.

Figure 1.1. Yards



Vicki Harrison

From: Mella Ent Inc. <mellaentinc@hotmail.com>
Sent: Wednesday, September 10, 2025 11:04 AM
To: Vicki Harrison
Subject: 118 Cashel Mara Dr Variance - Public Commentary Letter
Attachments: IMG_2556 - My camera view.PNG; 118 Cashel mara Front Facing Cameras.jpg; Response to Variance - 118 Cashel Mara.pdf; 118 Cashel mara Front Facing Cameras - 2.jpg; 118 Cashel Mara Side Rear Facing Camera.jpg

Hi Vicki,

I have attached my Letter in response to the Variance applied by Josh Cruse - 118 Cashel Mara Dr Lynn Haven that I would like to have given to the board at the City's Board of Adjustment Meeting on 9/18/25.

I also included:

IMG 2556 which is the viewpoint of my Camera (which is facing a Public Street, not intruding into anyones expectation of privacy.)

The last three photos are of the Applicant's cameras which are positioned above the fenceline and facing into my property.

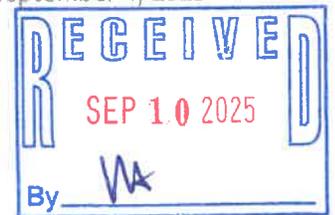
Thank you,

Sal Mella

MELLA ENTERPRISES INC

City of Lynn Haven Florida
Department of Planning & Development
Board of Adjustment
825 Ohio Avenue
Lynn Haven, FL 32444

September 4, 2025



To whom it may Concern,

This letter is in response to Variance Request dated August 29, 2025 applied by Property Owner at 118 Cashel Mara Dr. Owner requests a variance for front yard fence height from the allowed 4 to 8 feet, However there is currently an encroachment of fence posts intruding onto the City's Utility Easement which is a violation and needs to be removed. His request does not show literal interpretation of the regulations that would result in unnecessary and undue hardship due to special conditions specific to the land. There is no hardship, or uncontrollable reasons as to why the increase in fence height and added disallowed location is needed.

I own a parcel next to the applicant, and the reason he is choosing to apply for this variance is my security camera which is facing a public street and never has and never will be facing towards his home. His request behind increasing the front and side fence beyond front of the home height from 4 to 8 feet having to do with cameras is not a legitimate reason and would open a pandora's box allowing every Lynn Haven resident going forward to use this reason, also authorizing a flood of variance requests to increase fence heights based on security cameras other neighbors have on their property and allow for the crossing into Lynn haven's Utility and other Easements.

In addition, every property owner on Cashel Mara Dr. including the Applicant has security cameras, some are pointed at the public street, some are on the corners and rears of their homes aimed towards other people's properties. The Applicant himself has multiple cameras located on the corners and rear of his home which are aimed over an existing 8 foot side fence directly into my property, this I find to be a violation of my privacy and will address at later date in court.

A major concern I have is that if he continues his fence line where intended, encroaching into Lynn Haven's Utility Easement would have a negative impact on Utilities on that street, also denying me access would be great cause for litigation against the city. When I originally installed my gate at this location it was about 6 to 8 inches into the City's Easement, I was informed of that and promptly moved it about 12 inches inside my property to comply. I would expect that the Applicant follow the same rules as I had to and keep any fence and or structures out of the City's Utility Easement. The expectations by not doing so would permit everyone including myself to do the same and encroach onto the City's easement. I simply ask that every Lynn Haven resident be made to follow the same rules and Standards.

In conclusion the true reasoning behind this variance is that the applicant and a couple of residents have an issue with my recently approved development's access through this public street and are doing everything possible to try to deny it.

I appreciate your time and consideration,

A handwritten signature in blue ink, appearing to read 'Sal Mella', with a stylized flourish at the end.

Sincerely,
Sal Mella

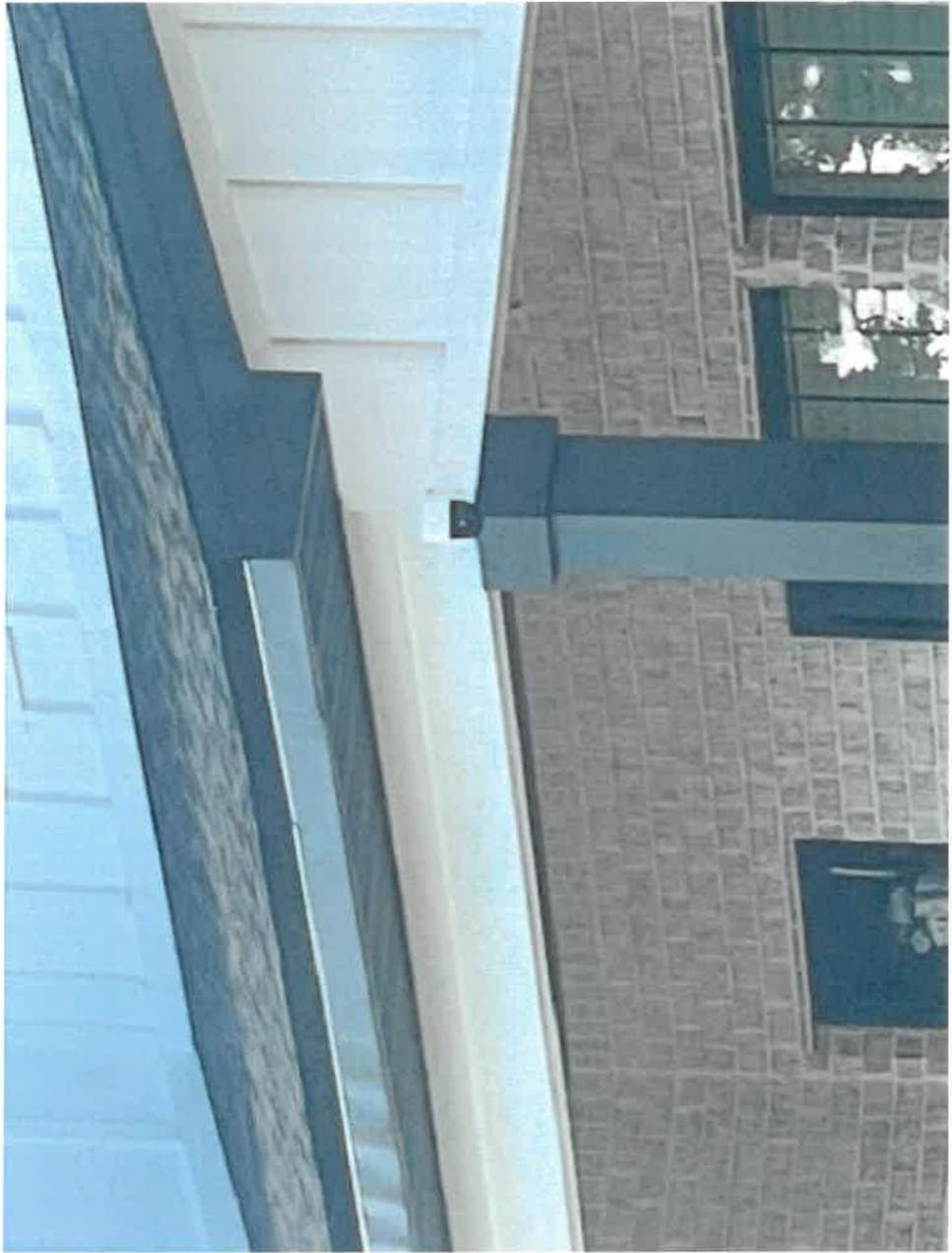
850.814.4675

1817 Bay Breeze Dr
Lynn Haven, FL

MellaEntInc@hotmail.com











Commissioner Warrick – thanked everyone for coming to the meeting. Regarding the \$170k fine from DEP, when the decision was made to do the in-kind project, it should have come to them to decide that. Commissioner Perno said he doesn't know of any other municipality that votes on consent orders. He remembered the city did bring it to them for discussion and he thought their decision was quite strategic. Commissioner Warrick feels it should have still come to them to be voted on. Commissioner Perno asked then what is the City Manager for? She is doing her job. Commissioner Warrick said that the other thing he has addressed with the City Manager is his desire to see the department heads present their budgets to the commission. He wanted to know what the other commissioner's thoughts are on that. Commissioner Perno said that is what the department heads do every year during their strategic planning session. He is sure that they can do it in whatever format he would prefer. Commissioner Warrick said he would like them to follow a similar process as Panama City, and he would like to start the budget process earlier. The Mayor – each department does cover that, and the commission gets a folder with all that information in it, from a one-year range into mid-year and long-term. He is happy to start the process earlier if they want. They are still working on their budgets in preparation for the strategic planning process. Commissioner Peebles – are you saying that on July 17 we get the department heads to come up and present their budgets. The City Manager said that we started working on the budgets in May. We all agreed that on July 9th we will go over the short-range and long-range goals. The department heads will tell you as they usually do, including their capital improvement list that goes out to 2030. They will have their goals, accomplishments and what they hope to accomplish over the short, med and long term. Commissioner Warrick – will the department heads be presenting their budgets at the budget workshop? The City Manager said they will be giving their presentations at the strategic planning workshop. During the budget workshop the Finance Director will go through line by line as usual, and the Department Heads will be available to answer questions as their budget is reviewed.

Commissioner Tinder – so many residents have reached out to her, so she has a lot to cover in this report. Firstly, would you consider changing all commission meetings to nighttime meetings to we can have working people attend? Secondly, property on the corner of 11th and Alabama – has a pile of debris since Hurricane Michael (HM). Commissioner Perno – he got assistance from the state last time. Commissioner Warrick – he was told he couldn't put debris on vacant lots. Commissioner Perno – thought he had got everything removed. He will knock on his door and talk with him. Commissioner Tinder will give Commissioner Perno his number. Third – gave a photo to the City Manager of the position where she would like the mailbox to go for the senior center. Mayor – can we add that to the agenda for discussion at the next meeting? Yes. Fourth – would like to request a forensic financial audit. Fifth – potholes from 5th to 9th street on Georgia? Mr. Baker – yes, Georgia Ave from 5th to 9th is on the legislative list if we get the money from the state. Sixth – CO for the city hall – she would like to get it finalized. Seventh – streetlights on 1300 block Texas, on the same side of the street are apparently not coming on. Mr. Baker will have it looked at. Eighth – Cashel Mara - right after Bailey Bridge is one block long and the homes are half million-dollar homes. Could not believe what she saw, a tri-pod camera set up on the property behind a young couple's that faces the back of their house. They went and put up a fence. The photos show one of a blue Porche and you can see the camera on the far left and it actually follows a person who moves. She feels this cannot be a positive thing. The city apparently stopped the young couple from putting up a fence higher than 4ft. She feels that as a commission it is their duty to protect their residents. Feels the fence ordinance should have an exemption to allow them to extend their 8ft fence. City Attorney – there is a Fl. Statute that speaks to voyeurism. If it focuses in their property or house, then it is absolutely able to be addressed. She suggested that it was also within the commission authority to revisit ordinances and codes if needed. More discussion ensued on this topic. The Mayor asked if anyone has asked the camera owner why he is using his camera. No one had. Ms. Myers is not aware of violation of any city codes here. There appears their may be a violation of state law, so that is not the city's action to take. The Mayor asked if the City Manager, City Attorney, and relevant city staff would be able to follow up with the property owners to get clarity on the reason he is videoing and the other property owners regarding the

completion of their fence. Ms. Richard – overhead them talking about setbacks. She took them to her office and gave them the information they needed. Commissioner Tinder – Did Vicki make the comment that they can come and ask for a variance that will cost \$600 and the answer will still be no? Ms. Richard said she did not hear that.

Item # 7. City Manager’s Report.

A. Warrant list: Commissioner Tinder - \$24k for shade, is that one location? Ms. Roman – a variety of locations, so several shades. Garber fleet \$113k? – Ms. Roman - two police vehicles. Panhandle Engineering \$33k? – water and stormwater projects. Culpepper \$342k? – paying Pay App 27 for this building. There is still a balance of \$317k outstanding. Commissioner Tinder – we paid \$87k in one month for streetlights? The FPL bill was \$87k this month and that also covers all the electrical needs for the entire city, and it fluctuates depending on usage. Commissioner Perno - \$113k for the two police vehicles – was that also for them being fully equipped? Yes

The City Manager – We still have the \$980k in for the pumper truck, and the \$500k for the feasibility study for the WWTP that are going to the Governor’s desk. We met with the county about two weeks ago about the sewer feasibility study and hopefully we will bring this to the commission in a few months after the budget year. July 22nd Jessica Graham will be here from the estuary program to present to the citizens what they are doing. Table talk this Thursday at 5.30pm about RV and Accessory structures – what can and cannot be done. She had presented at CPAR. Don’t forget July 4th starting at 8am, with parade at 9am, and flyover at 9.15am by two F35s. we do have some great basketball and summer camps – please check out the website.

Item # 7. City Attorney’s Report.

City Attorney – nothing to report.

The Mayor asked the owners from Cashel Mara to come and speak about their issue. The couple said that they had been told that he was watching the wife walking the dog. They said that Vicki was quite rude to them and that the variances are not for fences. They are happy to file a variance for what they have already built. The person is not part of their subdivision, so he has no reason to actually video that road that he is not part of. Apparently, the reason they the other property owner has the camera is if anyone were to go onto their property they won’t get sued. He appeared to be paranoid. She contacted the law enforcement who said it was a civil matter. The Mayor asked him to leave him his name and number so he can follow up with them.

The City Manager advised that this is Amanda Richard’s last meeting as she is retiring. Everyone recognized her for the work she has done for the city.

CONSENT AGENDA

Item # 8. Approval of Minutes dd 06/10/25 - Regular meeting minutes.

Item # 9. Approval to appoint Jeff Snyder to the Finance Review Committee.

Motion by Commissioner Perno to approve all items on the consent agenda.

Second to the Motion: Commissioner Peebles

On Vote:

Perno	aye
Peebles	aye
Tinder	aye
Warrick	aye
Nelson	aye

Motion passed: 5-0

Section Eighteen. Except for landscaping sprinklers, no individual water supply shall be permitted on any Lot for any purpose. All sewage from any building on any Lot must be disposed of through the sewage collection lines provided in the development.

Section Nineteen. No television or radio antennas or satellite dishes shall be visible from any street or adjacent Lot, and shall be concealed in a manner approved by the Architectural Control Committee.

Section Twenty. Temporary or permanent clothes drying lines are not permitted on any Lot.

Section Twenty-one. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any Lot, nor shall oil wells, tank tunnels or mineral excavations be permitted upon or in any Lot.

Section Twenty-two. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any Lot within ten (10) feet from the intersection of the street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances or such intersections unless the foliage line is maintained at sufficient height to prevent obstructions of such sight lines.

Section Twenty-three. No fence or wall shall be erected or placed upon any Lot unless the same shall be constructed of wood; and the design, construction and location of such fence shall be approved in writing by the Architectural Control Committee.