

**RESOLUTION NO. 23-08-01**

**A RESOLUTION GRANTING A SPECIAL EXCEPTION TO THE LAND DEVELOPMENT CODE, SECTION 7.08.08 B TO ALLOW FOR A 4' SETBACK FROM THE RESIDENCE AND A 4' SETBACK FROM THE PROPERTY LINE AS OPPOSED TO THE REQUIRED 6' SETBACK FROM THE RESIDENCE AND 4' SETBACK FROM THE PROPERTY LINE AT 1157 DEER MOSS LOOP, NICEVILLE, FL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, application has been made to the City Council of the City of Niceville, Florida by Bryce and Molly Whetzel for a Special Exception to the Land Development Code, Section 7.08.08 B, to allow for a 4' setback from the residence and a 4' setback from the property line as opposed to the required 6' setback from the residence and 4' setback from the property line on the property located at 1157 Deer Moss Loop, Niceville, Okaloosa County, Florida 32578, and

**WHEREAS**, the City Council has received the recommendation of the Planning Board and notice of public hearing concerning same has been duly publicized and a hearing being held this date, and

**WHEREAS**, objections, if any, have been voiced and considered to the granting of such special exception request, and

**WHEREAS**, the City Council has determined that such request for a special exception should be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Niceville, Florida:

**Section 1.** That a Special Exception to the Land Development Code, Section 7.08.08 B, to allow for a 4' setback from the residence and a 4' setback from the property line as

opposed to the required 6' setback from the residence and 4' setback from the property line on the property located at 1157 Deer Moss Loop, Niceville, Okaloosa County, Florida 32578, is hereby granted on the following described property:

Lot 109 of HARTFIELD AT DEER MOSS CREEK PHASE 1A, according to the Plat thereof as recorded in Plat Book 29, Pages 36-38, of the Public Records of Okaloosa County, Florida.

- Parcel ID No. 11-1S-22-3000-0000-1090

Property Address: 1157 Deer Moss Loop, Niceville, FL 32578

**Section 2.** The City does not have authority to change, alter or disregard any restrictive covenants or restrictions in deeds pertaining to this subdivision and thus, this Resolution does not nullify any such covenants and restrictions.

**Section 3.** This Resolution shall become effective upon adoption and approval in accordance with the City Charter.

**ADOPTED** in regular session this 8<sup>th</sup> day of August, 2023.

  
MAYOR

ATTEST:

  
CITY CLERK

**Frankie A. Revell**

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**From:** malcolmspears <malcolmspears@gmail.com>  
**Sent:** Monday, January 23, 2023 4:25 PM  
**To:** Frankie A. Revell  
**Subject:** Re: 08-15-22-0610-0009-0000

Yes, that is correct.

On Mon, Jan 23, 2023 at 3:55 PM Frankie A. Revell <frevell@nicevillefl.gov> wrote:

So you need a 16' rear yard setback?

**From:** malcolmspears <malcolmspears@gmail.com>  
**Sent:** Monday, January 23, 2023 3:36 PM  
**To:** Frankie A. Revell <frevell@nicevillefl.gov>  
**Subject:** 08-15-22-0610-0009-0000

Hello,

The rear set back on this property is 20' and the only plan I can come up with that meets the corner lot setbacks is 54' deep, therefore I am requesting a variance of 4' across the back. I will maintain the side setbacks of 15' street side and 5' interior side as well as 25' front.

Thank you,

Malcolm Speasrs

1509 25th St.