



**Agenda**  
**Special Meeting**  
**of the Mary Esther Local Planning Agency**  
**May 18, 2026 - 5:45 PM**  
195 Christobal Road – North, Mary Esther, FL 32569

1. **INVOCATION**
2. **CALL TO ORDER**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**
5. **ADMINISTRATION OF OATH TO THOSE PERSONS TESTIFYING**
6. **ITEMS FOR CONSIDERATION**
  - 6.1. **Variance — 22 Misty Water Lane**
7. **ADJOURN**

**\*\*\*\*\* PLEASE TURN OFF OR SILENCE ALL CELL PHONES \*\*\*\*\***

## VIEWING ONLINE

To watch the meetings virtually, citizens may log onto the city's website ([www.cityofmaryesther.com](http://www.cityofmaryesther.com)), click the "Public Meetings" section, and select the meeting they would like to watch.

### **NOTES:**

- 1) *Adjournment with continuation on the following day at 6:00 PM may be called if the meeting proceeds past 6:00 PM.*
  
- 2) *The City does not keep verbatim minutes as a matter of record. If a person decides to appeal any decision made by the Local Planning Agency with respect to any matter considered at this meeting, 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. See Florida Statute 286.0105*
  
- 3) *Any invocation that may be offered before the official start of the Local Planning Agency meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Local Planning Agency. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Local Planning Agency, and the Local Planning Agency is not allowed by law to endorse the religious beliefs or views of this or any other speaker.*

# AGENDA ITEM

## Agenda Item 6.1.

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**TO:** Honorable Mayor and Members of the City Council

**FROM:** Tyler Reed, Community Development Director

**DATE:** May 18, 2026

**SUBJECT:** Variance — 22 Misty Water Lane

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### BACKGROUND:

The subject property is located at 22 Misty Water Lane, zoned R-1 (Single-Family Residential), and situated along Santa Rosa Sound. Owners Estephan Daher and Azadeh Tayebi (hereinafter "Owners") submitted a variance application on April 24, 2026, accompanied by a certified foundation survey documenting the existing conditions of the property.

The application requests approval of a dimensional variance to allow a rear yard setback of approximately seventeen (17) feet along the eastern lot line, where the Land Development Code requires a minimum of twenty (20) feet pursuant to Sections 7.15.01 and 21-52. The certified foundation survey confirms that a portion of the Owners' existing structure encroaches approximately three (3) feet into the required rear yard setback, representing a fifteen percent (15%) reduction from the required twenty-foot (20') rear yard setback.

The subject property is subject to additional development constraints under Article 11 of the Land Development Code due to its location on Santa Rosa Sound, a designated coastal area. The lot is oriented parallel to Misty Water Lane, which creates a unique spatial relationship between the front and rear yard designations and contributes to the encroachment conditions documented in the survey.

### DISCUSSION:

For approval of a dimensional variance, the Local Planning Agency must find that the application satisfies the applicable criteria under the Land Development Code. Staff has evaluated the request against the following standards:

- (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, buildings, or structures in the same land use district;
- (2) That the special conditions and circumstances do not result from the actions of the applicant;
- (3) Except for the variance itself, granting the variance requested will not confer upon the

applicant any special privilege that is denied by this Code to other lands, buildings, or structures in the same land use district;

(4) That literal interpretation of the provisions of this Code would deprive the applicant of the rights commonly enjoyed by other properties in the same land use district under the terms of this Code and would work undue and unnecessary hardship on the applicant;

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

(6) That the grant of the variance will be in harmony with the general intent and purpose of this Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

A. Site-Specific Special Conditions: The encroachment documented in the certified foundation survey results from site-specific conditions unique to the subject property. The property's orientation parallel to Misty Water Lane, combined with the coastal development constraints applicable under Article 11 due to its location on Santa Rosa Sound, creates a configuration that is uncommon among standard residential lots in the R-1 zoning district. In addition, the adjacent property has an existing driveway encroaching onto the subject property, further constraining the site.

The coastal overlay provisions of Article 11 impose additional restrictions on development in the vicinity of Santa Rosa Sound, which may limit buildable area and have influenced the siting of the existing structure. These constraints distinguish the subject property from inland R-1 lots not subject to coastal development limitations.

B. Special Conditions Do Not Result from Actions of the Applicant: The rear yard encroachment was not a deliberate action of the Owners, and there is no evidence in the record that the Owners directed, authorized, or were aware of the setback encroachment before construction and inspection of the property with the submittal of the foundation survey. However, the encroachment was likely due to the unique site constraints listed above, which were not of the Owners' making.

Additionally, upon obtaining the foundation survey and becoming aware of the full extent of the encroachment, the Owners did not attempt to conceal the violation or continue it. They promptly initiated this variance proceeding, the appropriate regulatory mechanism for addressing such a condition. Staff views this good-faith disclosure and compliance effort as a mitigating factor.

C. No Special Privilege Conferred: Approval of the requested variance will not confer upon the Owners any special privilege denied to other lands, buildings, or structures in the same R-1 zoning district. The variance is narrowly tailored to address a specific, surveyed encroachment of approximately three (3') feet along the eastern lot line arising from site conditions unique to this property. It does not permit any use not otherwise allowed in the R-1 district.

Other property owners in the R-1 district who can demonstrate comparably unique site-specific

conditions — particularly those subject to the coastal development constraints of Article 11 — would be equally entitled to seek after-the-fact variance relief under the same standards. The requested relief is therefore consistent with the equitable application of the variance process and does not confer an advantage unavailable to similarly situated owners.

D. Literal Interpretation Would Work Undue and Unnecessary Hardship: Literal enforcement of the (20') twenty-foot rear yard setback requirement would deprive the Owners of rights commonly enjoyed by other properties in the R-1 zoning district and would work undue and unnecessary hardship.

Requiring strict compliance would compel demolition and removal of portions of the existing structure. This result is disproportionate to the minor nature of the encroachment (three feet) and would impose a significant economic burden — including demolition costs, structural remediation, and resulting decrease in property value — without any commensurate benefit to public health, safety, or welfare. Additionally, such demolition would generate prolonged construction noise, vibration, dust, and debris, unnecessarily burdening the surrounding neighborhood.

E. Variance is the Minimum Necessary:

The requested variance is the minimum relief necessary to allow the continued reasonable use of the subject property without demolition of the existing improvements. The Owners seek only an approximate three (3) foot reduction in the rear yard setback — from twenty (20) feet to approximately seventeen (17) feet — which corresponds precisely to the encroachment documented in the certified foundation survey. No additional relief beyond what the survey establishes is requested.

The Owners have not sought a broader or more permissive setback than necessary. The request is limited in scope to the as-built condition of the existing structure as verified by a professional survey. No new construction or expansion is proposed. The requested variance thus represents the narrowest relief available to address the encroachment while preserving compliance with all other applicable development standards.

F. Harmony with Code; Not Injurious to Area or Public Welfare: Section 7.14.08 of the Land Development Code establishes the purposes of required yards, including ensuring adequate light, air circulation, and separation between structures. Staff finds that a 17-foot rear-yard setback continues to serve these purposes in a meaningful way. The three-foot reduction from the required setback is minimal and does not meaningfully alter the light, air, or separation conditions along the eastern lot line.

The encroachment is an existing condition that has not generated complaints from adjacent property owners and has not been identified as contributing to any nuisance, safety hazard, or adverse neighborhood condition. Approval of the variance will not alter the physical relationship between the subject structure and adjacent properties, as the encroachment already exists. The

grant of relief formalizes and documents an existing condition rather than creating a new one.

Based on the foregoing analysis, staff finds that the application satisfies all six required variance criteria and recommends that the Local Planning Agency recommend approval to the City Council, after the fact, rear yard setback variance.

**FINANCIAL IMPACT:**

Approval of the requested variance is not anticipated to have a direct financial impact on the local government. Standard application and processing fees associated with the variance request have been assessed in accordance with the adopted fee schedule.

No appropriation of public funds is required in connection with this application.

**RECOMMENDATION:**

Motion to recommend approval of the after-the-fact dimensional variance, authorizing a rear yard setback of approximately seventeen (17) feet in lieu of the required twenty (20) foot setback along the eastern line of the property at 22 Misty Water Lane.

**ATTACHMENT(S):**

1. A. Application
2. B. Variance Supplement
3. C. Foundation Survey
4. D. Affidavit



**CITY OF MARY ESTHER**

195 CRISTOBAL ROAD - N. ● MARY ESTHER, FLORIDA 32569  
TELEPHONE (850) 243-3566 - FAX (850) 243-0736

**Request For Variance**

Date of Application: 4/24/2026  
Name of Applicant: Estephan Daher Phone Number: (850) 863-3993  
Owner: Estephan Daher & Azadeh Tayebi Phone Number: \_\_\_\_\_  
Address: 22 Misty Water Lane Parcel # 16-2S-24-2630-0004-0180  
Legal Description: See Attached as Attachment A  
Zoning: R-1 Ordinance/Code Affected: 7.15.01(j); 11.01.01; 11.01.02; Sec. 21-1; Sec. 21-52

Briefly describe the requested variance for consideration:  
See Attached as Attachment A  
\_\_\_\_\_  
\_\_\_\_\_

ACKNOWLEDGMENTS

- 1. I understand that this request will be processed by the City and considered at the earliest available public hearing.
- 2. I understand that a non-refundable fee of \$50.00 is due before the application will be processed.
- 3. I understand that all costs of advertisement is the responsibility of the applicant/owner.
- 4. I understand that I must comply with all provisions of City Ordinance 21-16, 21-18 and the advertising/notice requirements as stated on the back of this application.

I, Estephan Daher, owner of 22 Misty Water Lane  
hereby request consideration by the City of Mary Esther for a variance to the Code of Ordinances or Land Development Code for the above described property and certify that I have read and understand the acknowledgments as stated within this application for a variance.

Signature: Estephan Daher Date: 04 / 24 / 2026

Sec. 21-16. Rezoning and variance request.

(a) Requests for rezonings and variances shall be presented to the planning/zoning department in a preliminary manner prior to formal submission of such request to the local planning agency and the city council. The planning/zoning director shall assist the applicant in discussing and coordinating the preliminary request with appropriate officials such as the building inspector, fire chief, engineer, attorney or other officials for the purpose of making a preliminary evaluation of the request to determine compliance with the building codes and safety procedures and other applicable regulations.

(b) After such preliminary evaluation, the planning/zoning director shall distribute to the applicant such documents as may be necessary to proceed with preparation of the application request.

(c) Once completed, the application shall be submitted to the local planning agency and the city council through the city clerk, at 195 Christobal Road North, Mary Esther, Florida 32569.

(d) The applicant shall ensure that the property affected is posted with a sign approximately two (2) feet by three (3) feet and printed so it can be easily read from the street. A sufficient number of signs shall be placed on all street frontages. The sign should state in effect the following:  
**PUBLIC HEARING (PROPOSED REZONING) or (CHANGE OF PERMITTED USE OF) FROM**  
(Current use/purpose) **TO** (Proposed use/purpose); the date, time and place of the public hearing; and **FOR**  
**INFORMATION CALL** (Telephone Number).  
(Ord. No. 84-6, § 1, 7-2-84; Ord. No. 2005-08, § I, 11-7-05)

Sec. 21-18. Variance request.

(a) A variance is used in connection with this Code as a means of modifying or adjusting the provisions and requirements of the Code when such action will not be contrary to the public interest and when, owing to conditions peculiar to the property and that are not the result of actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship for the applicant.

(b) The application for a variance shall contain the following:

- (1) Evidence of title of applicant (copy of deed or contract to purchase).
- (2) Copy of subdivision restrictive covenants or restrictive covenants in applicant's deed or other title documents.
- (3) Letter of request stating reasons variance is needed.
- (4) Legal description of property, deed or sales contract, and plot plan.
- (5) Sketch showing dimensions of property, existing structures, and proposed structures, also showing all setback lines.
- (6) List of property owners within a three-hundred-foot radius of property affected, including their names and addresses. This information can be obtained through the tax assessor's office.
- (7) Notarized affidavit stating that subsection (6) above was obtained through the office of the tax assessor and that each of the property owners have been notified by certified mail of such variance request.
- (8) A fifty-dollar application fee for each variance requested, which is nonrefundable.
- (9) Notarized affidavit stating that signs have been posted on the affected property.

(c) In order to authorize a variance the local planning agency and the city council must find:

- (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, buildings or structures in the same land use district;
- (2) That the special conditions and circumstances do not result from the actions of the applicant;
- (3) That granting the variance requested will not confer upon the applicant any special privilege that is denied by this Code to other lands, buildings, or structures in the same land use district;

- (4) That literal interpretation of the provisions of this Code would deprive the applicant of the rights commonly enjoyed by other properties in the same land use district under the terms of this Code and would work undue and unnecessary hardship on the applicant;
  - (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
  - (6) That the grant of the variance will be in harmony with the general intent and purpose of this Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (Ord. No. 84-6, § 1, 7-2-84; Ord. No. 2005-08, § II, 11-7-05)

Notice procedures.

- (1) The City of Mary Esther will advertise (at the applicants expense) twice in a newspaper that is published at least five (5) days per week that a public hearing, public meeting, or public workshop, as the case may be, will be held to consider any of the matters for the proposed approval. The advertisement will include an identification of who is holding the hearing, meeting or workshop as well as the date, time, place and general subject of the hearing, meeting or workshop and the location where copies of the proposed matter may be obtained. To the extent possible, the advertisement will appear in a section of the newspaper other than the classified or legal sections. The advertisement will encourage the public to provide written and/or verbal comments on the matters under consideration.
- (2) The advertisements shall appear approximately fourteen (14) days prior to the hearing, meeting or workshop and no later than five (5) days prior to the hearing, meeting or workshop.
- (3) All public hearings and public meetings shall be held after 5:00 p.m., Monday through Thursday. Workshops may be held at other times deemed appropriate.
- (4) In addition to the advertising requirements described above, a notice of the hearing, meeting or workshop will be posted in a conspicuous place or places at City Hall at least seven (7) days prior to the hearing, meeting or workshop.
- (5) The city will also provide a direct notice of any hearing, meeting or workshop to any group, agency or government that registers with the city to receive such notice at least fourteen (14) days prior to the hearing, meeting or workshop. The group, agency or government receiving such notice shall be responsible to notify their membership of the particulars involved.
- (6) The city will periodically provide notification to the media regarding the status of matters under consideration.
- (7) In addition, the city will conform to the applicable notice requirements for adoption of the comprehensive plan as described in Chapter 163.3184 and 163.3187, Florida Statutes.

Prepared By and Return To:  
Vintage Title & Escrow, Inc.  
1234 Airport Rd #108  
Destin, Fl. 32541

File No. 20-3227A

Property Appraiser's Parcel I.D. (folio) Number(s)  
16-2S-24-2630-0004-0180

### WARRANTY DEED

THIS WARRANTY DEED dated August 21, 2020, by Binh T. Cao and Cristina Lee, as joint tenants with rights of survivorship, as to their separate and non-homestead property, whose post office address is 1853 Treeline Court, Fort Walton Beach, FL 32547, hereinafter called the grantor, to Estephan Daher a single man and Azadeh Tayebi a single woman, as joint tenants with rights of survivorship, whose post office address is 4507 Boca Drive, Niceville, FL 32578, hereinafter called the grantee:

(Wherever 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)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in OKALOOSA County, Florida, to wit:

Commencing at the Southwest corner of Lot 6, Block B, TIMBERLANE ESTATES, Plat Book 5, Page 113, Okaloosa County, Florida, proceed South 30 feet along Magnolia Avenue to point of beginning, thence East 100 feet, thence South 230 feet more or less to Santa Rosa Sound, thence meander Westerly 100 feet more or less to Magnolia Avenue, thence North 289 feet more or Less to point of beginning.

Subject to easements, restrictions, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee 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, and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2019.

Warranty Deed (Individual to Individual)

**WARRANTY DEED**

(Continued)

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]  
(Witness Signature)  
Stephanie R Lefebvre

[Signature]  
Binh T. Cao  
[Signature]  
Cristina Lee

[Signature]  
(Witness Signature)  
Sharon McAd, fle

1853 Treeline Court  
(Address)  
Fort Walton Beach, FL 32547  
(Address)

STATE OF FLORIDA

COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 27 day of August, 2020 by Binh T. Cao and Cristina Lee, who is personally known to me or who has produced [Signature] as identification.

My commission expires:

[Signature]  
Printed name: \_\_\_\_\_  
Notary Public



## ATTACHMENT A

### **Legal Description:**

Commencing at the Southwest corner of Lot 6, Block B, TIMBERLANE ESTATES, Plat Book 5, Page 113, Okaloosa County, Florida, proceed South 30 feet along Magnolia Avenue to point of beginning, thence East 100 feet, thence South 230 feet more or less to Santa Rosa Sound, thence meander Westerly 100 feet more or less to Magnolia Avenue, thence North 289 feet more or Less to point of beginning.

### **Description of Requested Variance for Consideration:**

Estephan Daher and Azadeh Tayebi ("Owners") respectfully request a variance from the City of Mary Esther's ("City") Land Development Code ("LDC") and Code of Ordinances ("CO" and collectively "Code") to allow the eastern lot line of the property located at 22 Misty Water Lane, Mary Esther, Florida 32569 (the "Subject Property") to be recognized and defined as a side yard, rather than a rear yard, for zoning and setback purposes.

This variance is requested pursuant to Chapter 21, Section 21-18 of the CO, which authorizes the modification or adjustment of Code provisions where, owing to conditions peculiar to the property and not the result of actions by the applicant, literal enforcement would result in unnecessary and undue hardship, provided the relief is not contrary to the public interest and remains consistent with the general intent and purpose of the Code.

#### **I. Special Conditions and Circumstances Peculiar to the Property (Sec. 21-18(d)(1))**

##### *a. Unique Lot Orientation and Street Frontage*

The western boundary of the Subject Property runs parallel to Misty Water Lane, a public street providing access to a public boat launch at its waterfront termination point. As a result of such orientation, the Subject Property functions as having a street adjacent condition along its western boundary, notwithstanding that the lot does not meet the typical rectangular configuration assumed by standard yard classifications.

Article 7 of the LDC recognizes that residential districts must promote the most desirable use of land, conserve property values, and ensure appropriate development arrangements that protect neighborhood stability and public welfare. Sec. 7.00.01(h). The unusual orientation of the Subject Property is a condition inherent to the original subdivision and public roadway layout is not attributable to any action by the Owners.

##### *b. Waterfront Configuration and Functional Rear Yard*

The Subject Property is a waterfront lot abutting Santa Rosa Sound, and the portion of the property adjacent to the waterbody functions as the rear yard in practice and in accordance with the City's coastal development framework.

Article 11 of the LDC regulates development adjacent to the shoreline through the establishment of a Shoreline Protection Zone, measured from the mean high water line, and imposes substantial landward setbacks for residential structures. Secs. 11.01.01-2. These provisions expressly recognize that waterfront parcels have site-specific spatial constraints distinct from interior lots.

Rigid application of generalized yard definitions under CO Chapter 21, without accounting for the waterfront rear yard condition created under LDC Article 11, produces a result inconsistent with the integrated intent of the Code and creates an unreasonable one hundred twenty (120) foot setback on the Subject Property.

*c. Consistency with Adjacent Flag Lot and Neighborhood Pattern*

The immediately adjacent eastern parcel, Parcel No.: 16-2S-24-2630-0004-0170, is a flag lot, where the shared boundary with the Subject Property is already treated as a side yard. Treating the eastern lot line of the Subject Property as a side yard would create symmetrical, mirror-image consistency between the two parcels, preserving neighborhood cohesion and avoiding an abnormal zoning interpretation.

Such consistency advances the policy goals of LDC Article 7, including promoting appropriate land use arrangements and residential area stability. Secs. 7.00.01(h); 7.03.01.

**II. Hardship and Absence of Self-Created Conditions (Secs. 21-18(a), (d)(2), (d)(4))**

The circumstances described above are peculiar to the Subject Property and do not arise from any action or omission by the Owners. Instead, they stem from the original subdivision configuration, public street alignment, and the Subject Property's waterfront location subject to coastal protection regulations.

Literal enforcement of the yard classification definitions in CO Section 21-1, specifically the definitions of front yard, side yard, and rear yard, would deprive the Owners of property rights commonly enjoyed by other similarly situated waterfront properties within the same zoning district and would work an undue and unnecessary hardship, contrary to CO Section 21-18(a).

**III. Avoidance of Economic Wase and Community Disturbance**

Strict application of the current yard classification would require the demolition and removal of existing concrete pilings, which are documented on a certified foundation survey, enclosed. Requiring removal would result in extreme economic waste and generate significant and unnecessary impacts to the surrounding neighborhood, including prolonged construction noise, vibration, and debris, without any corresponding public health, safety or welfare benefit.

Such an outcome conflicts with the stated purpose of yards under LDC Section 7.14.08, which is to provide open space for health, safety, and aesthetic purposes, not to compel avoidable demolition where no public benefit is achieved.

#### **IV. Harmony with the Code and Public Interest (Sec. 21-18(d)(3-6))**

Approval of the requested variance: (i) will not confer any special privilege denied to other properties within the R-1 zoning district; (ii) constitutes the minimum variance necessary to permit reasonable use of the Subject Property; (iii) is consistent with the general intent and purpose of the LDC including Article 7's residential policy objectives and Article 11's coastal management framework; and (iv) will not be injurious to the surrounding area or detrimental to the public welfare.

Further, the requested relief does not alter any numerical setback requirements contained in LDC Section 7.15.01 or CO Section 21-52 but merely clarifies the appropriate yard classification necessary to apply those setbacks in a manner consistent with the actual physical and regulatory context of the lot.

#### **V. Alternative Request: Seventeen (17) Foot Setback Variance**

In the alternative, should the City determine that the eastern lot line of the Subject Property cannot be designated as a side yard, the Owners respectfully request a dimensional variance to reduce the required setback along the eastern lot line from twenty (20) feet to seventeen (17) feet, consistent with the standards for relief set forth in Chapter 21, Section 21-18 of the CO.

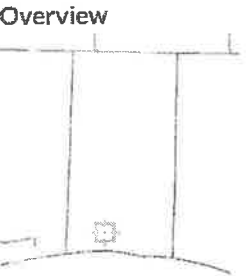
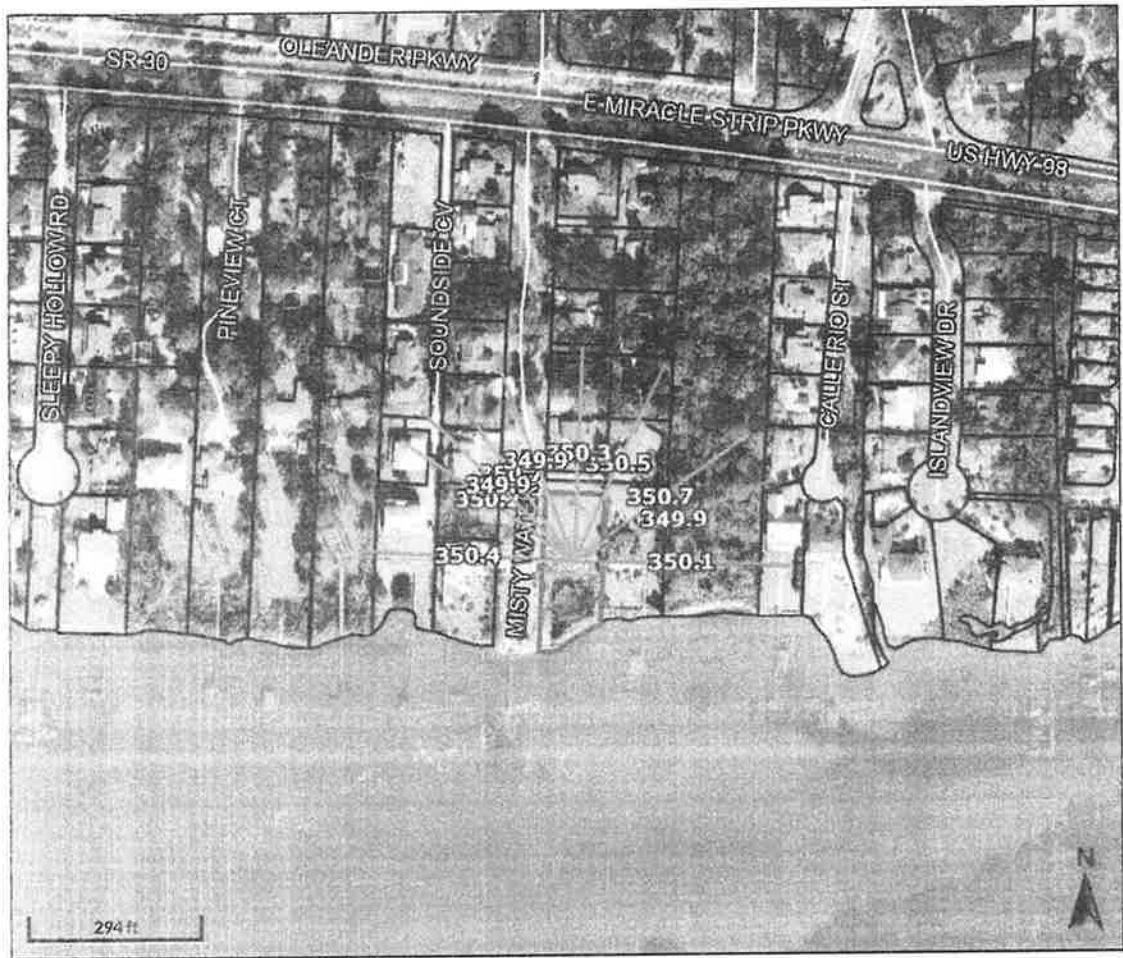
This limited setback reduction is necessary to allow the reasonable use of the Subject Property given its irregular lot configuration, waterfront constraints governed by Article 11, and the placement of existing improvements documented by a certified foundation survey included in the record. The conditions giving rise to this request are not self-created, are peculiar to the Subject Property, and result from the interaction of coastal setback requirements, subdivision geometry, and neighboring development patterns. The requested three-foot reduction constitutes the minimum variance necessary to avoid unnecessary economic waste, including the demolition of existing concrete pilings, while preserving adequate open space consistent with the purpose of yards set forth in Section 7.14.08.

Granting this alternative variance would not confer any special privilege denied to other properties within the R-1 district, would remain fully consistent with the intent of Article 7 (Residential Districts) and Article 11 (Coastal Management and Conservation), and would not be injurious to the surrounding neighborhood or the public welfare. Accordingly, approval of this alternative request independently satisfies each of the findings required under Section 21-18(d).

#### **VI. Conclusion**

For the foregoing reasons, and pursuant to Chapter 21 of the City of Mary Esther Code of Ordinances, the Owners respectfully request approval of the variance to designate the eastern lot line as a side yard for the Subject Property, or, in the alternative, approval of a dimensional variance reducing the eastern setback from twenty (20) feet to seventeen (17) feet.





- Legend**
- Parcels
  - Roads
  - Water
  - City Labels

Parcel ID 16-25-24-2630-0004-0180	Physical Address 22 MISTY WATER LN	Land Value \$230,878	Last 2 Sales Date 8/21/2020	Price \$185000	Reason QUAL/DEED EXAMINATION	Qual Q
Acres 0.56 (GIS)	Mailing Address DAHER ESTEPHAN & TAYEBI AZADEH	Ag Land Value \$0	Date 6/15/2017	Price \$115000	Reason QUAL/CREDIBLE,VERIF/DOC/EVIDEN	Qual Q
Property Class VACANT	Address 4507 BOCA DR	Building Value \$0				
Taxing District 5	NICEVILLE, FL 32578	Misc Value \$0				
		Just Value \$230,878				
		Assessed Value \$228,238				
		Exempt Value \$0				
		Taxable Value \$228,238				

Date created: 4/21/2026  
Last Data Uploaded: 4/21/2026 12:09:04 PM

Developed by SCHNEIDER GEOSPATIAL

**List of Property Owners and Addresses within three hundred fifty (350) of Subject Property**

Name	Address	Mailing Address (if different)	Notes
Nicholas and Tanya Papadopoulos	551 E Miracle Strip Parkway, Mary Esther, Florida 32569		
Stewart M. and Michelle A. Roberts	5 Soundside Cove, Mary Esther, Florida 32569		
Douglas B. and Kristin C. White	7 Soundside Cove, Mary Esther, Florida 32569	9 Soundside Cove, Mary Esther, Florida 32569	
Douglas B. and Kristin C. White	9 Soundside Cove, Mary Esther, Florida 32569		
Brian D. Koval	7 Misty Water Lane, Mary Esther, Florida 32569		
Edward E. and Sandie M. Hall	9 Misty Water Lane, Mary Esther, Florida 32569		
Shawn and Charlotte R. Barauskas	10 Misty Water Lane, Mary Esther, Florida 32569	7901 4th Street North, Unit number 300, St. Petersburg, Florida 33702	
Milesmaide LLC	11 Misty Water Lane, Mary Esther, Florida 32569		
Carolyn Hawkins Nunnery	12 Misty Water Lane, Mary Esther Florida, 32569		Entity of the Owners of the Subject Property
Daher Residence LLC	13 Misty Water Lane, Mary Esther, Florida 32569	877 Brande Court, Shalimar, Florida 32579	
Malcolm C. Hightower Trust	14 Misty Water Lane, Mary Esther, Florida 32569		
Daniel C. Leaphart Trust	15 Misty Water Lane, Mary Esther, Florida 32569		Owners of the Subject Property
Estephani Daher and Azadeh Tayebi	16 Misty Water Lane, Mary Esther, Florida 32569		
Katherine Moll Trust	18 Misty Water Lane, Mary Esther, Florida, 32569	4507 Boca Drive, Niceville, Florida 32578	
James R. Gathen Trust	20 Misty Water Lane, Mary Esther, Florida 32569		
Binh T. Cao and Christina Lee	24 Misty Water Lane, Mary Esther, Florida 32569		
Cory M. and Shyla D. Scott	Parcel No.: 16-2S-24-2630-0004-0030		
Paul W. and Jackie Storey	11 Calle Rio, Mary Esther, Florida 32569	159 Beal Parkway, Fort Walton Beach, Florida 32548	Undevelopment property; No address assigned
John D. and Cynthia L. Vorreiter	13 Calle Rio, Mary Esther, Florida 32569		

## SUPPLEMENT TO 22 MISTY WATER LANE VARIANCE APPLICATION

This supplement is submitted in response to staff comments requesting additional supporting rationale specifically addressing the rear yard encroachment variance. This supplement does not replace or supersede any previous supporting documentation provided by Estephan Daher and Azadeh Tayebi (“Owners”) regarding the 22 Misty Water Lane (“Subject Property”) variance application and is solely for the purpose of bolstering the rear yard encroachment variance request and clarifying that only this variance is to be forwarded for consideration.

Accordingly, Owners request approval of a dimensional variance to allow a rear yard setback of seventeen (17) feet where twenty (20) feet is otherwise required, resulting in a three (3) foot rear yard encroachment variance along the eastern lot line.

The Subject Property is zoned R-1 and is subject to the rear yard setback requirements as contained in Section 7.15.01 and Section 21-52. Based on the existing conditions documented by the certified foundation survey, *provided with application submitted on Friday, April 24, 2026*, a portion of Owners’ existing structure encroaches **approximately three (3) feet** into the required rear yard setback.

Owners seek approval of this limited variance solely to allow the continued reasonable use of the Subject Property without demolition of existing improvements.

The rear yard encroachment results from site specific conditions unique to the Subject Property, including the Subject Property being located parallel to Misty Water Lane and the Subject Property’s interaction with coastal development constraints as provided under Article 11 due to the Subject Property being located on Santa Rosa Sound. These conditions are not common and generally applicable to other properties in the zoning district and distinguish the Subject Property from standard residential lots.

The encroachment is not the result of any actions by Owners. Requiring strict compliance with the full twenty-foot rear yard setback would deprive Owners of reasonable use of existing improvements and necessitate extreme economic waste and generate significant and unnecessary

impacts to the surrounding neighborhood, including prolonged construction noise, vibration, and debris that is disproportionate to the minimal nature of the encroachment, and without any corresponding public health, safety, or welfare benefit.

The requested variance is limited to a three (3) foot reduction in the rear yard setback from twenty (20) feet to seventeen (17) feet. This represents the minimum relief necessary to address the encroachment while preserving the overall intent of rear yard setback regulations.

Approval of this rear yard setback variance:

1. Will **not** confer any special privilege denied to other properties;
2. Will remain fully consistent with the purpose of yards under Section 7.14.08;
3. Will **not** negatively impact adjacent properties or the surrounding neighborhood; and
4. Will prevent unnecessary economic waste and avoid significant construction disturbance that would otherwise result from demolition and removal of existing improvements.

Owners' requested relief is therefore in harmony with the general intent and purpose of the Land Development Code and the Code of Ordinances and will not be detrimental to public welfare.

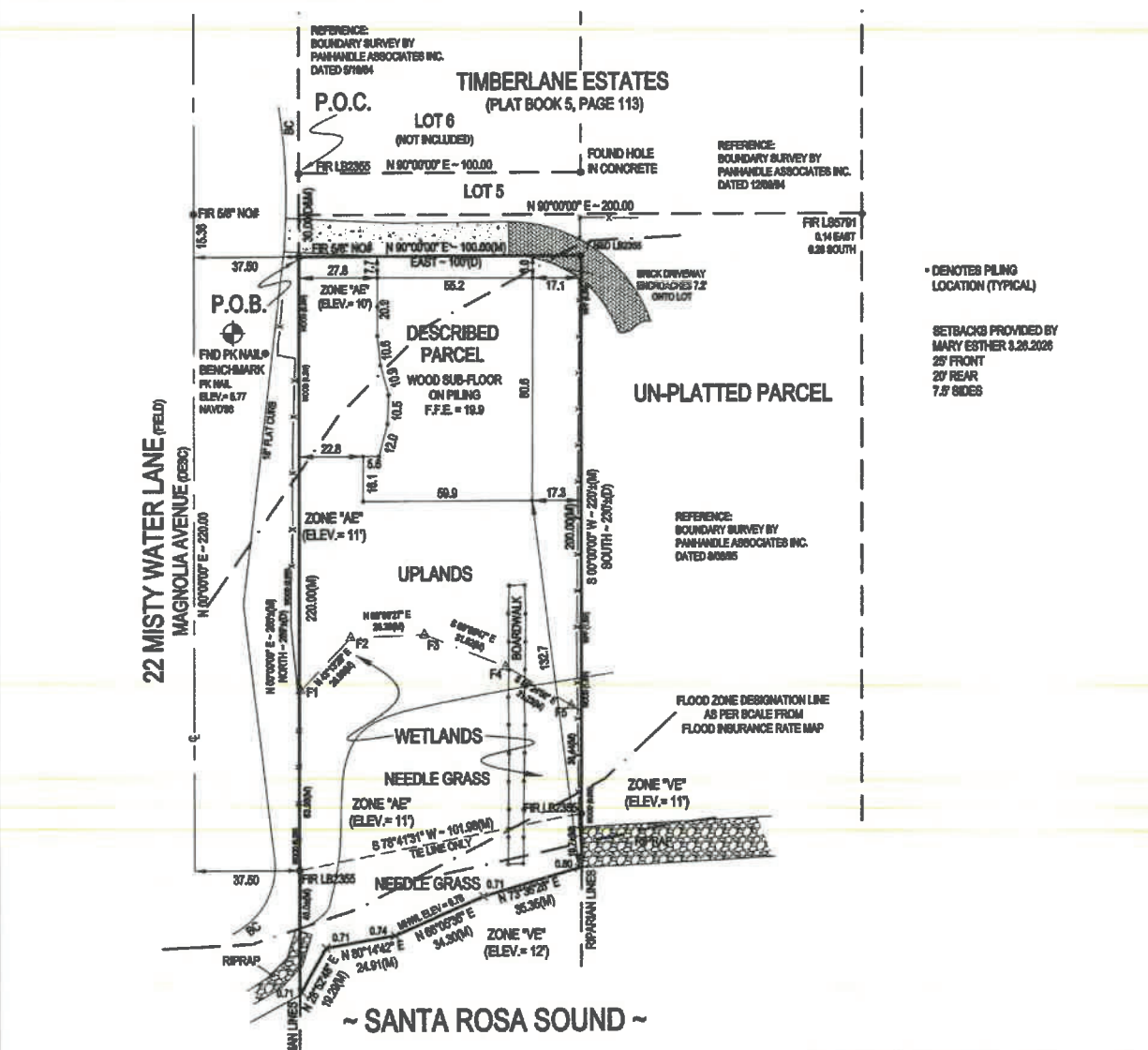
For the reasons stated above, Owners respectfully request approval of the rear yard setback variance allowing a three (3) foot encroachment, resulting in a rear yard setback of seventeen (17) feet in lieu of twenty (20) feet.

This is to certify that I have consulted National Flood Insurance Rate Map, effective March 9, 2021, for Okaloosa County, Florida, Map No. 12091C0442 J, and found the property described hereon to be located in ZONE "AE" (Elev 10 ft.), a special flood hazard area, ZONE "AE" (Elev 11 ft.), a special flood hazard area, ZONE "VE" (Elev 11 ft.), a special flood hazard area, AND in ZONE "VE" (Elev 12 ft.), a special flood hazard area.

ZONES ABOVE ARE INDICATED ON SURVEY

LEGAL DESCRIPTION: (O.R. BK 1035, PG 344)

COMMENCING AT THE SOUTHWEST CORNER OF LOT 6, BLOCK B, TIMBERLANE ESTATES, PLAT BOOK 5, PG 113, OKALOOSA COUNTY, FLORIDA, PROCEED SOUTH 30 FEET ALONG MAGNOLIA AVENUE TO POB, THENCE EAST 100 FEET, THENCE SOUTH 230 FEET MORE OR LESS TO SANTA ROSA SOUND, THENCE MEANDER WESTERLY 100 FEET MORE OR LESS TO



\* DENOTES PILING LOCATION (TYPICAL)

SETBACKS PROVIDED BY MARY ESTHER 3.28.2026  
25' FRONT  
20' REAR  
7.5' SIDES

**LEGEND**

- |  |   |  |  |
|--|---|--|--|
| <p>FND = FOUND<br/>FNB = FOUND BENCH MARK<br/>FPI = FOUND IRON PIPE<br/>FIR = FOUND IRON ROD<br/>FIP = FOUND IRON PIPE<br/>FND = FOUND NAIL &amp; DISC<br/>TYP = TYPICAL<br/>ELEV = ELEVATION<br/>CL = CENTERLINE<br/>UNLESS OTHERWISE NOTED ALL IRON RODS ARE 1/2" DIAMETER</p> | <p>RHW = RIGHT OF WAY<br/>CLF = CHAIN LINK FENCE<br/>WFF = WOOD FENCE<br/>DU = DRAINAGE &amp; UTILITY<br/>PB = PLAT BOOK<br/>SBMT = SUBMIT<br/>EOP = EDGE OF PAVING<br/>BC = BACK OF CURB<br/>FP = FURNISH POLE<br/>OHL = OVERHEAD LINES<br/>FFE = FINISHED FLOOR ELEVATION</p> | <p>LS = LAND SURVEYOR NUMBER<br/>LBS = LAND SURVEY BUSINESS NUMBER<br/>COE = CORPUS OF ENGINEERS<br/>MHW = MEAN HIGH WATER LINE<br/>POC = POINT OF COMMENCEMENT<br/>POL = POINT OF BEGINNING<br/>POL = POINT ON LINE<br/>PT = POINT OF TANGENCY<br/>PRC = POINT OF REVERSE CURVE<br/>BCL = BUILDING SETBACK LINE<br/>RCL = RESTRICTIVE COVENANTS</p> | <p>PI = POINT OF INTERSECTION<br/>P/ OR (PLAT) = PLATTED<br/>S/ OR (DEED) = SUBSCRIPTION<br/>S/ OR (DEED) = MEASURED<br/>OR BOOK = OFFICIAL RECORDS BOOK<br/>PCP = PERMANENT CONTROL POINT<br/>PRM = PERMANENT REFERENCE MONUMENT<br/>MVD = NORTH AMERICAN VERTICAL DATUM<br/>MVD = NATIONAL GEODETIC VERTICAL DATUM<br/>DOT = DEPARTMENT OF TRANSPORTATION<br/>DEP = DEPARTMENT OF ENVIRONMENTAL PROTECTION</p> |
|--|---|--|--|

SOURCE OF DESCRIPTION: WARRANTY DEED (O.R. BOOK 1035, PAGE 344)      BASIS OF BEARINGS: ASSUMED N-00°00'00"-E ON RIGHT OF WAY OF MISTY WATER LANE

DESCRIPTION	PER ABOVE	OKALOOSA COUNTY, FLORIDA											
SECTION	16	TOWNSHIP	2-S	RANGE	24W	RECORDED	O.R.	BOOK	1035	PAGE	344	UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.	
OBVIOUS ENCROACHMENTS	BRICK DRIVEWAY AS SHOWN (FENCE OWNERSHIP NOT DETERMINED)												
UNDERGROUND ENCROACHMENTS (NOT LOCATED)	SURVEYORS CERTIFICATE I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEETS THE STANDARDS OF PRACTICE OF THE FLORIDA BOARD OF SURVEYORS AND MAPPERS. (5J-17 .050 - .052 F.A.C.)												
SCALE	1"=40'	SURVEY DATE	12/30/2009										
ORDERED BY:	WIMCO REALTY, CENTURY 21												
F.B.	09-8	PG	103-104									W.D.	2009-0875
FILE COPY	EDWARD E. RICE LS3420												
TYPE OF SURVEY	BOUNDARY												
PURPOSE	UPDATE FOUNDATION												
												CAD - T TIMBERLANE EST WORKING 2026-0149 FNDN	

**PANHANDLE ASSOCIATES INC.**

701-A EDGE STREET, FORT WALTON BEACH, FLORIDA 32547 (850) 864-1988 LAND SURVEYING BUSINESS LICENSE NO. 2355

**AFFIDAVIT**

I, ALEC CHRISM, hereby swear and affirm that all property owners within 300 feet of 22 MISTY WATER LAKE, Mary Esther, FL 32569 as listed on the address list document provided by the Okaloosa County Property Appraisers Office, have been mailed the public notice letter provided to me by the City of Mary Esther, by certified mail return receipt requested. Attached hereto is a copy of the certified mail receipts for the above-mentioned properties.

[Signature]  
ATTORNEY FOR APPLICANT  
Applicant Signature

APRIL 28, 2026  
Date

STATE OF FLORIDA  
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me by means of  physical presence OR  online notarization this 28<sup>th</sup> day of April, 2026, by Alec Chrism.  
 Personally Known  
 Produced Identification Type: \_\_\_\_\_

[Signature]  
Notary Public

