

VERIFICATION

I hereby certify that I have read the foregoing *Verified* Complaint and that the facts stated therein are true and correct to the best of my information and knowledge. I am a Plaintiff herein, and I have personal knowledge of the circumstances, facts, and information asserted.

Dian L. Norris
DIAN L. NORRIS
Dated: 12/17/2018

STATE OF FLORIDA)
)ss
COUNTY OF Santa Rosa)

SWORN TO AND SUBSCRIBED before me on the 17th day of December, 2018, by DIAN L. NORRIS, who [] is personally well known to me, or [] produced the following identification _____.

[Seal]



ELLEN S. WOODY
MY COMMISSION # GG 015123
EXPIRES: August 2, 2020
Bonded Thru Budget Notary Services

Ellen S. Woody
NOTARY PUBLIC, STATE OF FLORIDA
Print Name: Ellen S. Woody
Commission No.: GG015123
My Commission Expires: 8-2-2020



EXHIBIT
"A"
Composite





EXHIBIT
"B"
Composite

tabbies













Case No. _____

STATE OF FLORIDA

Respondent _____

COUNTY OF OKALOOSA

Okaloosa County Code Enforcement Division
1804 Lewis Turner Blvd., Suite 200
Ft. Walton Beach, FL 32547
Ft. Walton Beach (850) 651-7180 Fax (850) 651-7706
Crestview (850) 689-5080 Fax (850) 689-5512

AFFIDAVIT OF COMPLAINT

DATE: 22 May 2017

NAME OF COMPLAINANT: DIAN L. NORRIS PHONE NUMBER (850) 830-1449

ADDRESS OF COMPLAINANT: 721 FOREST SHORES DRIVE
MARY ESTHER FL 32569
(CITY) (STATE & ZIP)

NATURE OF ALLEGED VIOLATION: VIOLATION OF ORDINANCE NO. 15-09 AND NO. 15-10,
KEEPING POULTRY IN R-1 ZONE WITHOUT ADMINISTRATIVE ADJUSTMENT.

LOCATION OF VIOLATION: 715 FOREST SHORES DRIVE MARY ESTHER FL 32569
(STREET ADDRESS) (CITY)

NAME AND ADDRESS OF VIOLATOR/RESPONDENT DOUGLAS S WEINMANN ER + MICHELLE M (M+W)
(NAME)
715 FOREST SHORES DRIVE MARY ESTHER FL 32569
(ADDRESS) (CITY) (STATE & ZIP)

Dian L. Norris
(AFFIANT'S SIGNATURE)

Subscribed before me this 22 Day of May, 20 17

Notary: Gina C. Nunn, TSgt, USAFR

USAF PARALEGAL
NOTARY BY FEDERAL STATUTE
10 U.S.C. 1044a
IAW AFI 51-504

My commission expires: 2 mar 19

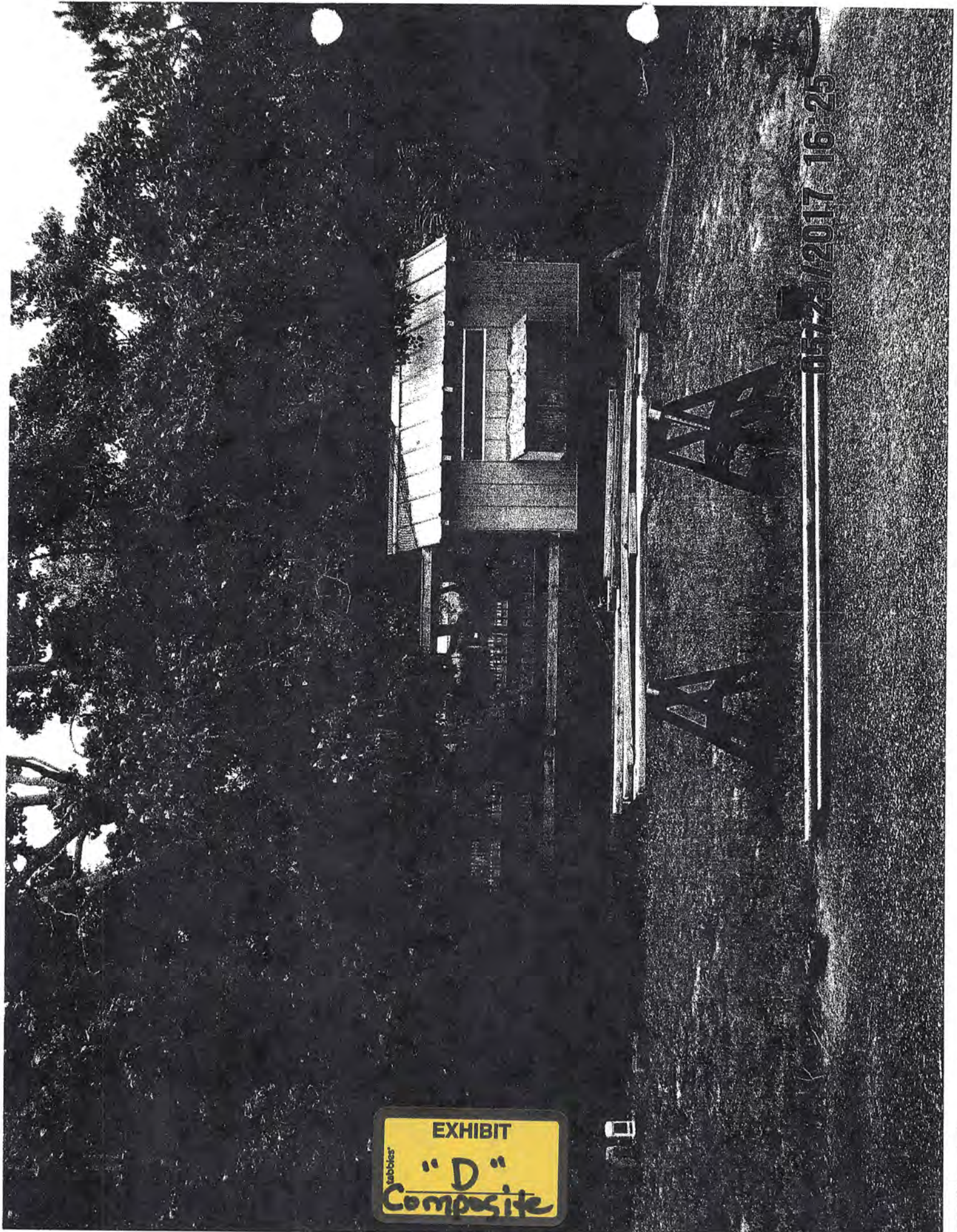
Vicky Coar
NAME OF STAFF MEMBER TAKING COMPLAINT

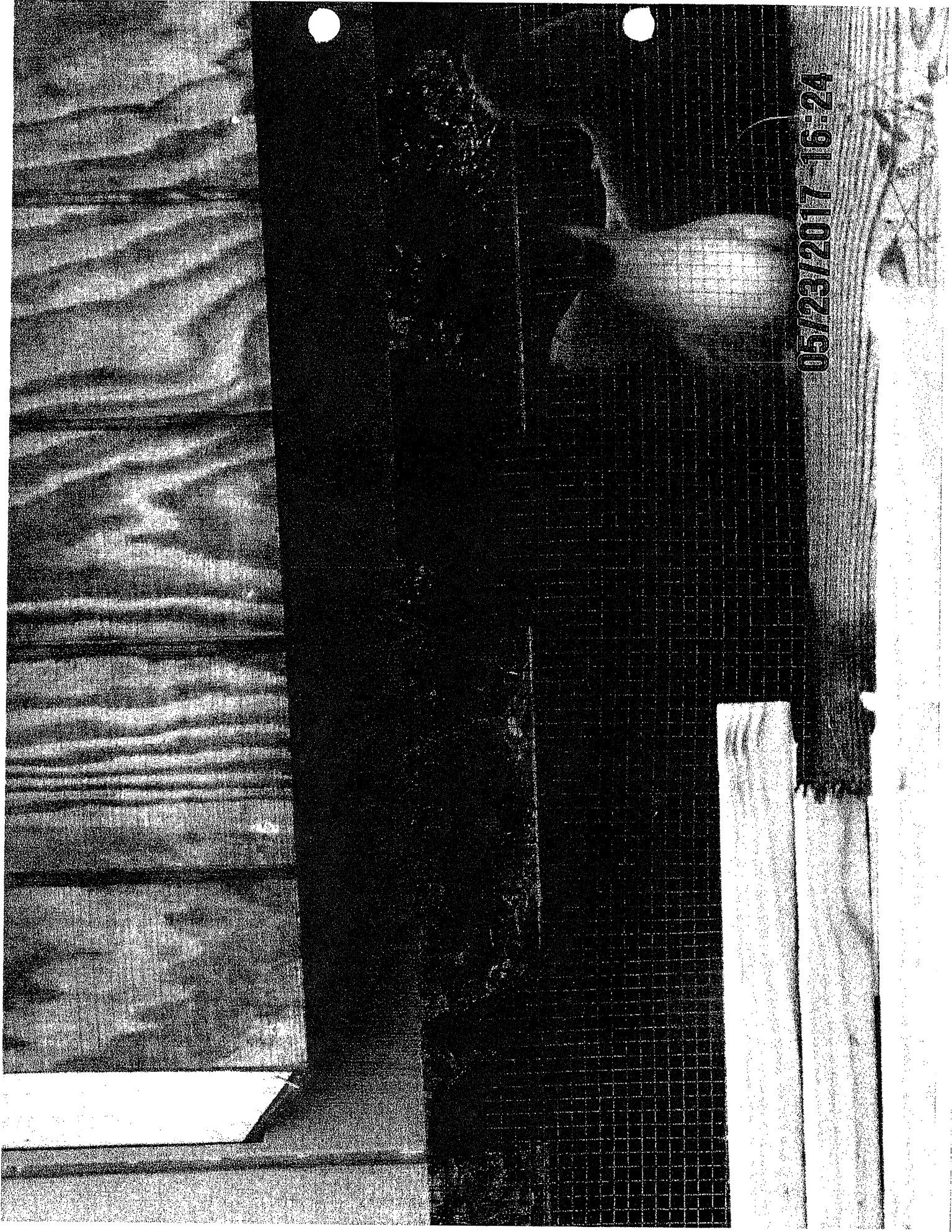
ACTION TAKEN BY CODE ENFORCEMENT DIVISION OR OTHER DEPARTMENT: (ALL NOTATIONS MUST BE SIGNED)



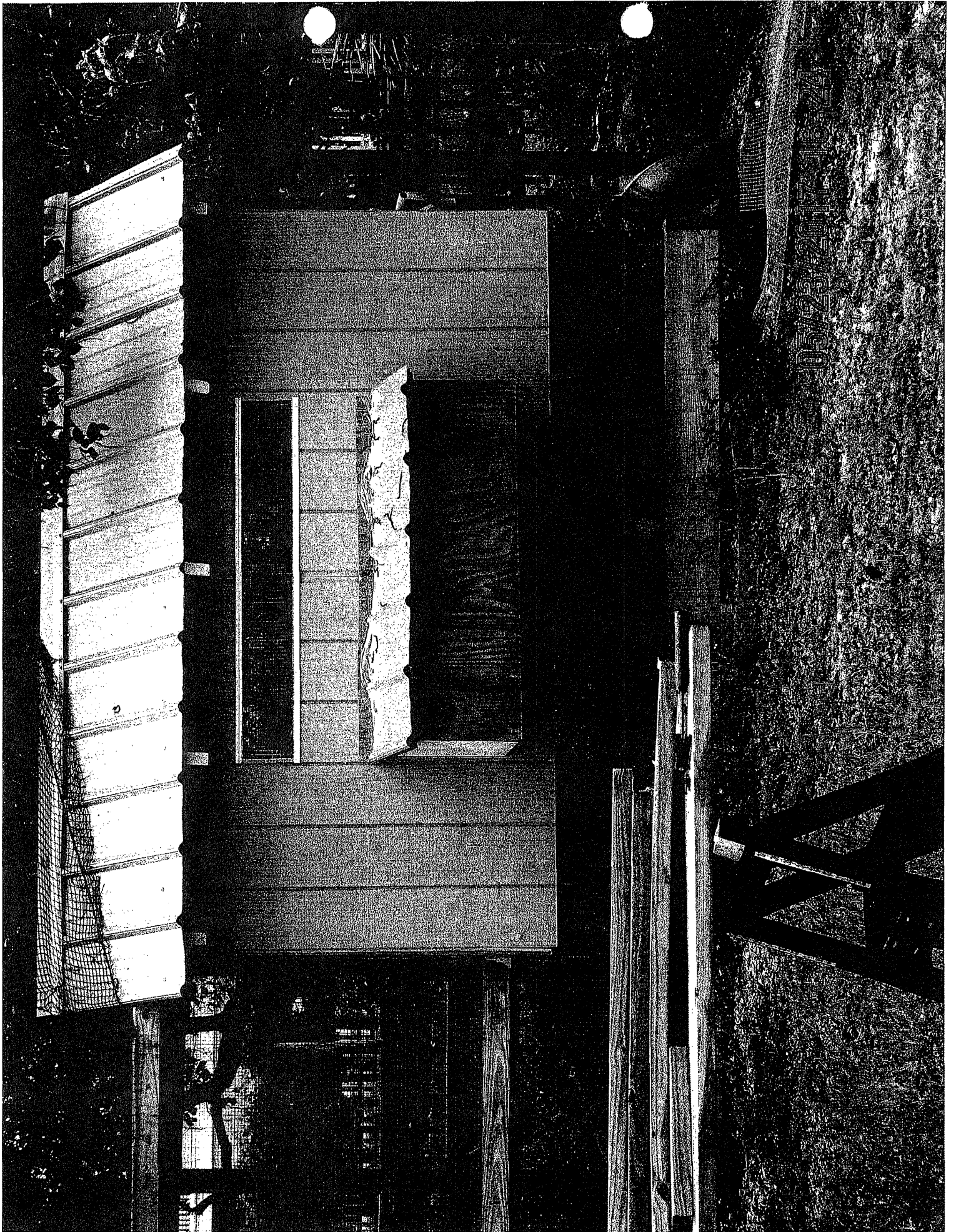
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"D"
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05/23/2017 16:25





05/23/2017 16:24





Okaloosa County
Code Enforcement Division
Correction Notice

Board of County Commissioners

Location of Violation: 715 Forest Shores Drive. Mary Esther, FL.

Contact: Douglas WEINMANN

Description of Violation: ordinance # 15-09 / Section 2.21.05.10

Chickens Not Zoned For Parcel Usage.

Corrective Action Required: Chickens / Roosters Must be removed from parcel.

Please Give me a call!

Failure to correct this violation no later than (CS) 06-~~14~~¹³-2017 may result in issuance of a citation or mandatory court appearance with civil penalty not to exceed \$500 per infraction, and/or appearance before the Okaloosa County Code Enforcement Board.

Questions may be directed to the Code Enforcement Division at (850) 609-6662.

Date: 5-30-2017 Time: 11:04 AM

Code Officer: C. I. G.

Person Receiving Notice:
(Print Name) K Michelle Weinmann

Signature: [Signature] (760) 707-3475

1804 Lewis Turner Blvd., Ste. 200
Fort Walton Beach, FL 32547
(850) 651-7180



812 E. James Lee Blvd.
Crestview, FL 32536
(850) 689-5080

Carlos Jones

From: Lisa Payton
Sent: Wednesday, June 28, 2017 11:29 AM
To: Carlos Jones
Subject: Fwd: Okaloosa County Ordinances 15-09 and 15-10
Attachments: Burn pile 1.JPG

Sent from my iPhone

Begin forwarded message:

From: "DIAN NORRIS" <stormydi@cox.net>
To: "Lisa Payton" <lpayton@co.okaloosa.fl.us>
Cc: "stormydi@cox.net" <stormydi@cox.net>
Subject: RE: Okaloosa County Ordinances 15-09 and 15-10

Ms Payton,

The situation at my property and my parents property which abuts the Weinmann's property is rapidly deteriorating to intolerable levels. Since the day code enforcement served notice to the Weinman's, more chickens have been preyed on and the rotting carcasses are being drug onto my parents manicured lawn by turkey buzzards (see photos). In the last two to three days, the Weinmann's were witnessed by my mother taking a live raccoon in a trap and drowning it in the Santa Rosa Sound. My mother then witnessed the Weinmann's repairing the roof to one of the coops. We have reason to believe the raccoon carcass is in a plastic bag on top of a burn pile (see photo). Also in the burn pile is another rotting animal carcass and piles of saw dust and chicken feces. (see photo). The black flies and gnats are swarming the area and the stench of decaying carcasses is unbearable. I can smell the stench of death at my front door, 250ft away. Please, is there anyway to expedite the code enforcement process?

Thank you again for your time.

Dian Norris

On June 12, 2017 at 10:42 AM Lisa Payton <lpayton@co.okaloosa.fl.us> wrote:

Good Morning Mrs. Norris,



A special exception is presented before the Board of Adjustment (BOA) and an administrative adjustment is accomplished by the Planning Manager or the Dept Director. So a special exception requires a bigger allowance that has to be approved by the BOA and there are specific guidelines that are written in the code that are required to be met before the BOA can authorize any adjustment. Those are listed in the one of the ordinances that I emailed you last month. The BOA is a Quasi-Judicial Hearing and is open to the public.

The Planning Dept has not received their application as 9:30am today. I will have my code officer make contact with them about it and if they are not going to submit then they need to remove the chickens or receive a citation and/or a notice before the Code Enforcement Board. If they decide to pursue the BOA then I will email you the scheduled date.

Kind Regards,

Lisa

Lisa C. Payton

Code Enforcement Supervisor

1250 Eglin Pkwy, #301

Shalimar, Florida 32579

PHONE (850) 651-7531

FAX (850) 651-7032

Please note: Due to Florida's very broad public records laws, most written communications to or from County employees regarding County business are public records, available to the public and media upon request. Therefore, this written e-mail communication, including your e-mail address, may be subject to public disclosure.

From: DIAN NORRIS [<mailto:stormydi@cox.net>]
Sent: Sunday, June 11, 2017 3:55 PM
To: Lisa Payton <lpayton@co.okaloosa.fl.us>
Subject: Re: Okaloosa County Ordinances 15-09 and 15-10

Ms. Payton,

Thank you for your quick reply. Will I be afforded the opportunity to state my case during the board for special exception? Is the special exception different than the administrative adjustment requirements? I find the terminology confusing at times. Thank you again.

v/r

Dian Norris

On June 11, 2017 at 3:46 PM Lisa Payton
<lpayton@co.okaloosa.fl.us> wrote:

Good Afternoon Mrs. Norris,

Thank you for your inquiry. No this issue will not be on the agenda. They are doing the paperwork to apply for a special exception. If they fail in obtaining the special exception then they will be ordered to comply with the code. If they refuse to comply then it will be on the Code Board Agenda. At the May meeting the Code Board made a motion not to meet in June. Currently, the next scheduled meeting will be in July. I will check their application status tomorrow.

Kind Regards,

Lisa

Sent from my iPhone

On Jun 11, 2017, at 1:15 PM, DIAN NORRIS
<stormydi@cox.net> wrote:

Ms Payton,

I did file an affidavit of complaint. The case number is 17-413580. I see on the county website that the Code Enforcement Board meets on Thursday, 15 June at 4pm in Shalimar. Will case number 17-413580 be on the agenda? I would like to attend the board meeting if it is. Thank you for your assistance.

Dian Norris

> On May 19, 2017 at 4:08 PM Lisa Payton
<lpayton@co.okaloosa.fl.us> wrote:

>
>
> Good Afternoon Mrs. Norris,
>
> It was nice speaking with you today. As per our conversation, here are the two ordinances that are applicable to what we discussed. Ordinance 15-10 is the Administrative Adjustment/Special Exception Ordinance that I was speaking about. If you require any additional information, please do not hesitate to contact me via email or the information below.
>
> Warm Regards,
> Lisa
>
> Lisa C. Payton
> Code Enforcement Supervisor
> 1250 Eglin Pkwy, #301
> Shalimar, Florida 32579
> PHONE (850) 651-7531
> FAX (850) 651-7032
>
> Please note: Due to Florida's very broad public records laws, most written communications to or from County employees regarding County business are public records, available to the public and media upon request. Therefore, this written e-mail communication, including your e-mail address, may be subject to public disclosure.

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Case No. _____

Respondent _____

STATE OF FLORIDA

Santa Rosa
COUNTY OF OKALOOSA

Okaloosa County Code Enforcement Division
1804 Lewis Turner Blvd., Suite 200
Ft. Walton Beach, FL 32547
Ft. Walton Beach (850) 651-7180 Fax (850) 651-7706
Crestview (850) 689-5080 Fax (850) 689-5512

AFFIDAVIT OF COMPLAINT

DATE: 29 Jun 2017

NAME OF COMPLAINANT: JIMMY T. + IRMA NORRIS PHONE NUMBER (850) 581-2799

ADDRESS OF COMPLAINANT: 717 FOREST SHORES DR.
MARY ESTHER FL 32569
(CITY) (STATE & ZIP)

NATURE OF ALLEGED VIOLATION: CHICKENS ARE BEING KEPT ADJACENT TO MY PROPERTY IN VIOLATION OF ORDINANCE 15-09 + 15-10. THE SMELL IS OVERWHELMING AT THE PROPERTY LINE WHERE THE TWO CHICKEN COOPS ARE. CHICKEN CARCASSES ARE BEING DRUG ONTO MY FRONT LAWN BY TURKEY BUZZARDS PREYING ON THEM. BLACK FLIES AND GNATS ARE SWARMING AT THE PROPERTY LINE WHERE THE CHICKEN COOPS ARE.

LOCATION OF VIOLATION: 715 FOREST SHORES DR MARY ESTHER FL 32569
(STREET ADDRESS) (CITY)

NAME AND ADDRESS OF VIOLATOR/RESPONDENT DOUGLAS + MICHELLE WEINMANN SR
715 FOREST SHORES DR MARY ESTHER FL 32569
(ADDRESS) (NAME) (CITY) (STATE & ZIP)

Jimmy T. Norris Irma Norris
(AFFIANTS SIGNATURE)

Subscribed before me this 29th Day of JUNE, 20 17



Notary: [Signature]

My commission expires: 08/12/2019

Vicki Cooper
NAME OF STAFF MEMBER TAKING COMPLAINT

ACTION TAKEN BY CODE ENFORCEMENT DIVISION OR OTHER DEPARTMENT: (ALL NOTATIONS MUST BE SIGNED)



To: Okaloosa County Board Members

Re: Application for Special Exception

Petitioner: Douglas and Michelle Weinmann

715 Forest Shores Drive

Mary Esther, FL 32569

Dear Board Members,

My name is Michelle Weinmann. My family and I live at 715 Forest Shores Drive in Mary Esther, FL. We were recently notified by Okaloosa County Code Enforcement Officer, Carlos Jones, that we were in violation of ordinance #15-09/section 2.21.05.10. Description of violation: "Chickens not zoned for parcel usage".

I am respectfully petitioning the board to reconsider the above violation as our property is quite unique for the area we live in. I am hopeful this letter will provide you with enough information to make an informed decision and allow us to obtain the "special exception" needed in order to keep our girls (our chickens). I believe you will find that we have gone above and beyond in our efforts to provide a loving and secured home for our girls.

1.) Okaloosa County Ordinance re Chickens: My husband and I purchased this property in May of 2015. We researched the codes in Okaloosa County about chickens and indeed found that in June of 2015 the county had changed its stance and would allow chickens. When we first purchased our chickens back in March 2016 we believed we were in accordance with Okaloosa County code. Never did we believe we were in any violation or breaking any laws. This was not our intent.

2.) My husband and I built two coops for our girls. We went well above and beyond the required codes to ensure the coops would be more than adequate for our chickens and provide them a nice home. The coops were built with pressure treated lumber, 4x4 posts placed 3 feet into the ground, the roof is secured with hurricane straps and plywood sheets and corrugated metal. There is venting around the entire coop secured with hardwire cloth to provide ample airflow. Also, the bottom half of the coop is secured with hardwire cloth so chicken poop drops through to the ground below and allows for excellent ventilation. The coop is cleaned weekly. Fresh cedar chips are spread inside the coop and 1 cup of DE (diatomaceous earth). The perimeter of the coop is secured with 4x4 posts set 3 feet into the ground set in concrete as well as hardwire cloth 6 feet high. This hardwire cloth is buried 12 inches deep and bent outward 9 inches laid in a trench that has been covered with dirt and rock. The coops are 4 feet wide by 8 feet long by 6 feet tall. The coops are 64 square feet. This far exceeds the recommended 1-2 feet per chicken. The enclosed run area is 33 feet wide by 44 feet long totaling 1452 square feet for the chickens.



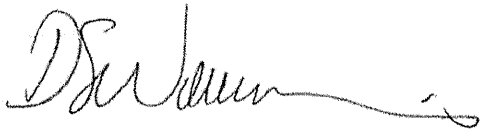
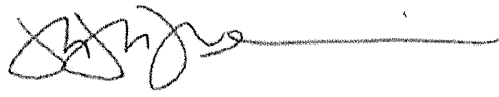
A 6 foot tall wooden privacy fence will be constructed on the eastern side of the property to ensure privacy.

3.) My children have hand raised these chickens since they were 2 days old. We have had them coming up on a year and a half. We moved our family here so our children could grow up away from inner city life. To have a simpler life. We learned a life lesson raising our older 3 children moving around the country for 27 years with the Marine Corps. Our older 3 children were raised outside of Los Angeles. We also lived in San Diego as well as the inner city of New Orleans. This was an EXTREMELY difficult setting to raise our children in. We chose to leave "big city life" behind and raise our younger 3 children in a smaller community with a home town feel if you will. We bought our retirement home and are raising our children with responsibilities! My husband has always been a big egg eater as he's always been in to fitness. He's routinely eaten 6 eggs a day for the majority of his adult life. Of course this habit from dad has influenced his children to eat eggs as well. We routinely eat a dozen eggs a day when dad is home from work! So we felt the best eggs would be from chickens you raised yourself. However, that's not the only reason we have chickens. When my husband was in charge of disaster relief for the entire Marine Corps, he had a colleague of his talk about his farm he had. His children were in charge of caring for the chickens and he gave example after example of life lessons his children learned through caring for chickens, an animal that is incapable of caring for themselves. We strongly felt having chickens would provide our 3 younger children invaluable life lessons along with of course, eating your own eggs! I mean ask any child where eggs come from and they'll tell you the grocery store! Our children care for their girls, feeding and watering them early in the morning before they leave for school. They throw them scratch daily and have learned what vegetables and fruit they can eat. They freeze watermelons in the summer time and ice their water to keep them cool. After school they collect their eggs and spend time with them. In the evening at dusk, we go outside and secure the coop locking the girls inside. This has been a wonderful experience for our family. A lesson in life that no textbook or movie could provide. I have put my career on hold as an RN to be home with my children. To teach them lessons in life and to be present...this includes raising our chickens.

4) We have 16 chickens. Half of them are Bantams (mini chickens, one third to half the size of a normal size chicken). We do NOT have any roosters! ~~We would like to ask the board to allow us to keep no more than 20.~~ Again, the majority of our girls are mini chickens with fluffy feet.

I hope that you can see that we love our chickens and they truly are our family pets. My husband has severe pet allergies and this was a great compromise for our family. We live on over 2 acres of land and our coops are in the middle of our property, more than 250 feet away from any homes. I am hopeful that the board would agree that our property is indeed unique and more than adequate to house our chickens. We are pleading with the board to allow us to keep our chickens. We have spent a lot of money and time on them but mostly love. Our children will be heartbroken if we have to get rid of them.

Respectfully,



Douglas, Michelle, Chloe, Devin, Dougie, Makaila, CJ, and Caleb Weinmann

415 365-BDA-2017

OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT
APPLICATION FOR SPECIAL EXCEPTION

Applicant name: Douglas & Michelle Weinmann

Applicant is: Property owner Authorized agent*
*Attach verification

Applicant address: 715 Forest Shores Dr
Mary Esther, FL 32569

Applicant telephone: 760-701-3475 FAX _____

Name of property owner if different than applicant: Michelle.Weinmann@gmail.com

Address of property involved: 715 Forest Shores Dr.
Mary Esther, FL 32569

Property ID Number: 19-25-25-0000-0002-0090

Land use information: FLUM category _____

Zoning district R1

Size of property: 2.93 acres OR _____ sq. ft.

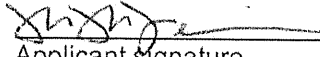
Description of the work or activity to be authorized:
Requesting a "special exception" to keep our chickens
(up to 20) on our property.

In the space below, please explain how the granting of the requested special exception will not adversely affect the public interest. Attach additional sheets if necessary.

(complainant)
We have had these chickens for almost a year and a half and
no neighbors have complained about the chickens. Not until recently
have the complainants shown a disdain for them. All neighbors (besides
are in support of the chickens. We conscientiously placed the coops
and chickens far away from all houses. We are doing everything
we can to not adversely affect the public.

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.

Michelle Marie Weinmann
Applicant typed or printed name


Applicant signature

June 30, 2017
Date

Corporate Officer

Corporate seal

This Document Prepared By and Return to:

Odom and Barlow, P.A.
6921 Navarre Parkway
Navarre, FL 32566

Parcel ID Number: 19-2S-25-0000-0002-0090

Warranty Deed

This Indenture, Made this 12th day of June, 2015 A.D., Between

Rawson L. Wood, III and Susan Tolsma Wood, husband and wife

of the County of Solano, State of California, grantors, and

Douglas S. Weinmann, Sr. and Michelle M. Weinmann, husband and wife

whose address is: 715 Forest Shores Drive, Mary Esther, FL 32569
of the County of Okaloosa, State of Florida, grantees.

Witnesseth that the GRANTORS, for and in consideration of the sum of
-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTORS in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEES and GRANTEES' heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Okaloosa State of Florida to wit:

Lot 8, Forest Shores, an unrecorded Subdivision, more particularly described as follows: Commencing at the Northwest corner of Section 19, Township 2 South, Range 25 West, Okaloosa County, Florida; thence South 88°38'36" East along the North line of said Section 700 feet to Point of Beginning, thence continue 100 feet along said line, South 01°29'24" West parallel to the West line of said Section 842.70 feet more or less to mean high water line of Santa Rosa Sound; thence meander Southwesterly along said line to a point that is South 01°29'24" West from the Point of Beginning, thence North 01°29'24" East and parallel to the West line of said Section 847.65 feet more or less to the Point of Beginning. Subject to an access easement across the Northern 66 feet of the above described property.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to December 31, 2014.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Printed Name: Ethan C. Woodbury
Witness

[Signature] (Seal)
Rawson L. Wood, III
P.O. Address: 419 Duollittle Court, Travis AFB, CA 94535

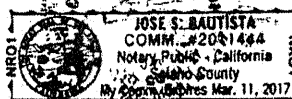
[Signature]
Printed Name: Anthony A. Fink
Witness

[Signature] (Seal)
Susan Tolsma Wood
P.O. Address: 419 Duollittle Court, Travis AFB, CA 94535

STATE OF California
COUNTY OF Solano

The foregoing instrument was acknowledged before me this 12th day of June, 2015 by Rawson L. Wood, III and Susan Tolsma Wood, husband and wife who are personally known to me or who have produced their Florida driver's license as identification.

[Signature]
Printed Name: Jose S. Bautista
Notary Public
My Commission Expires: 3/11/2017



AFFIDAVIT

STATE OF FLORIDA
COUNTY OF OKALOOSA

BEFORE ME, the undersigned authority, personally appeared

Michelle Marie Weinmann, the owner(s) of: 715 Forest Shores Drive (property

tax identification number and address or property of street name)

19-25-25-0000-0002-0090 who, under

oath, deposes and says as follows:

- 1). That the following is a list of all property owners being within a 300 foot radius of the property described above.
- 2). I understand that I or a representative must attend the hearing in order for the request to be heard.

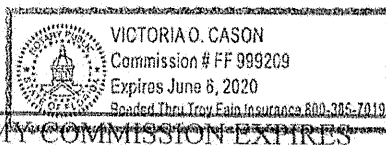
FURTHER AFFIANT SAYETH NOT.

[Signature]
APPLICANT'S SIGNATURE

June 29, 2017
DATE OF SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS 29 DAY OF

June, 2017
Victoria O. Cason



NOTARY PUBLIC
STATE OF FLORIDA

military ID
exp March 17, 2018

2/6/2020

