

AGENDA
ESCAMBIA COUNTY BOARD OF ADJUSTMENT
March 21, 2012–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Swearing in of Staff and acceptance of staff as expert witness
3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.
4. Proof of Publication and waive the reading of the legal advertisement.
5. Approval of Resume Minutes for February 15, 2012 .
6. **Consideration of the following cases:**
 - A. **Case No.:** V-2012-05
Address: 17401 Perdido Key Dr
Request: Eliminate the required landscaping proposed on the north end of the building
Requested by: Douglas A. Bailey, Agent for MGFB Properties, Inc., Owner
 - B. **Case No.:** CU-2012-04
Address: 551 S. Fairfield Dr.
Request: Request to allow for boat and R.V. storage in C-1 zoning.
Requested by: Justin Beck, Agent for RREF SNV-FL SSL, LLC, Owners
 - C. **Case No.:** CU-2012-05
Address: 312 Interbay Ave.
Request: Request to subdivide a parcel within a platted subdivision
Requested by: Buddy Page, Agent for Charles Hughes, Owner
 - D. **Case No.:** CU-2012-06
Address: 13901 Innerarity Point Rd
Request: Expand a Place of Worship Parking in R-3 zoning
Requested by: Mark Spitznagel, Agent for Larrel E. Harville, Owner
8. Discussion Items.

9. Old/New Business.

10. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, April 18, 2012 at 8:30 a.m., at the Escambia County Central Office Complex, Room104, 3363 West Park Place.

11. Adjournment.

Information

Attachments

2.15.12 Resume Minutes

DRAFT

RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD February 15, 2012

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:32 A.M. – 8:51 A.M.)

Present: Don Carlos
John Lund
Bobby Price, Jr.
Jennifer Rigby
David Karasek

Absent: Auby Smith
LuTimothy May

Staff Present: Kristin Hual, Assistant County Attorney
Horace Jones, Division Mgr., Planning & Zoning
Andrew Holmer, Sr. Planner, Planning & Zoning
Juan Lemos, Urban Planner, Planning & Zoning
John Fisher, Urban Planner, Planning & Zoning
Brenda Wilson, Urban Planner, Planning & Zoning
Barbara Winns, Urban Planner, Planning & Zoning
Karen Spitsbergen, Sr. Office Assistant

REGULAR BOA AGENDA

1. Meeting was called to order at 8:32 a.m.
2. Staff was sworn in by Board Clerk.
3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact into evidence.

Motion by Bobby Price, Jr., Seconded by John Lund

Motion was made to accept the February 15th Board of Adjustment Packet into evidence.

Vote: 5 - 0 Approved - Unanimously

4. Proof of Publication and waive the reading of the legal advertisement.

Motion by Bobby Price, Jr., Seconded by John Lund

Motion was made to waive the reading of the legal advertisement.

Vote: 5 - 0 Approved - Unanimously

5. Approval of Resume Minutes for January 18, 2012.

Motion by John Lund, Seconded by Jennifer Rigby

Motion was made to approve the Resume Minutes for January 18, 2012.

Vote: 5 - 0 Approved - Unanimously

6. **Consideration of the following cases:**

- A. **Case No.:** CU-2012-03
Address: 5419 Saufley Field Rd.
Request: Request to allow a retail store greater than 6,000 sq. ft.
Requested by: Mike Langston, Agent for Gulf Winds Federal Credit Union, Owners

No BOA member acknowledged any ex parte communication regarding this item

Bobby Price acknowledged visiting the site.

No BOA member refrained from voting on this matter due to any conflict of interest.

Motion by John Lund, Seconded by David Karasek

Motion was made to accept Staff's Findings of Fact and approve the conditional use request to allow a 8320 sq. ft. retail building on the portion of the property zoned R-6 in the Airfield Influence Planning District (AIPD-2).

Vote: 5 - 0 Approved - Unanimously

- B. **Case No.:** CU-2012-04
Address: 551 S. Fairfield Dr.
Request: Request to allow for boat and R.V. storage in C-1 zoning.
Requested by: Justin Beck, Agent for RREF SNV-FL SSL, LLC, Owners

Applicant was not in attendance at the meeting to present their case to the Board.

Motion by Bobby Price, Jr., Seconded by David Karasek

Motion was made to postpone this case to next month and require the applicant to be responsible for the fees associated with readvertisement and mailings.

Vote: 5 - 0 Approved - Unanimously

C. **Case No.:** CU-2012-05
 Address: 312 Interbay Ave.
 Request: Request to subdivide a parcel within a platted subdivision
 Requested by: Deborah Hughes, Agent for Charles Hughes, Owner

****Applicant was not in attendance at the meeting to present their case to the Board.****

Motion by Bobby Price, Jr., Seconded by David Karasek

Motion was made to postpone this case to next month and require the applicant to be responsible for the fees associated with readvertisement and mailings.

Vote: 5 - 0 Approved - Unanimously

7. Discussion Items.

8. Old/New Business.

9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, March 21, 2012 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Meeting was adjourned at 8:51 a.m.

Board of Adjustment

6. A.

Meeting Date: 03/21/2012
CASE: V-2012-05
APPLICANT: Douglas A. Bailey, Agent for MGFB Properties, Inc. Owner
ADDRESS: 17401 Perdido Key Drive, Pensacola, FL 32507
PROPERTY REFERENCE NO.: 01-4S-33-1001-000-001
ZONING DISTRICT: CGPK, (Perdido Key)
Commercial Gateway District
FUTURE LAND USE: MU-PK, Mixed-Use Perdido Key

Information

SUBMISSION DATA:
REQUESTED VARIANCE:

Eliminate the required landscaping proposed on the north end of the building.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 6.05.15.02.G. Landscaping. 3. Landscape plan. All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.

CRITERIA

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section 6.05.05.F.5

CRITERION (1)

That there are special circumstances or conditions applicable to the building or land in question that are peculiar to such property that do not apply generally to other land or buildings in the vicinity.

FINDINGS-OF-FACT

Section 2.05.02 of the Land Development Code defines special circumstances or conditions specifically as follows: "Such special conditions shall be limited to unusual physical characteristics inherent in the specific piece of property and not common to properties similarly situated. Such physical characteristics include, but are not limited to, exceptional narrowness, shallowness, shape, topographic conditions, or the presence of sensitive environmental resources, any or all of which will result in peculiar or practical difficulties in the quiet enjoyment and use of the property".

The property in question is located on the south side of Perdido Key Drive adjacent to the

Alabama state line. Perdido Key Drive is a very narrow two-lane arterial State road that runs the length of the Key. The existing business has been in operation since 1968; since the original time of construction, the population and traffic counts have increased exponentially creating a road that is considered highly traveled by residents and tourist alike. Staff finds that there are special conditions that have evolved from the designation of environmentally sensitive areas within the existing parcel, limiting the available footprint area for construction of improvements.

CRITERION (2)

That the variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the Applicant.

FINDINGS-OF-FACT

The proposed variance will allow the property owner some needed space to meet all of the requirements of new construction on this specific parcel.

CRITERION (3)

That such a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

FINDINGS-OF-FACT

Due to the nature of the existing business, the current requirements would create a hardship for the owner, due to the existing location of the structures and the narrowness of Perdido Key Drive. The placement of the required landscaping on the north side of the property, could become a safety issue for pedestrian and automobile traffic.

CRITERION (4)

The variance will not, in any manner, alter other provisions of this Code or Comprehensive Plan.

FINDINGS-OF-FACT

This variance will not alter other provisions of the Land Development Code or Comprehensive Plan.

CRITERION (5)

That the variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA.

FINDINGS-OF-FACT

Staff finds that the request is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA.

STAFF RECOMMENDATION:

Although staff agrees with the reasoning behind the applicant's request to remove the landscape requirements of the Code from the north side of the property due to the safety concerns, as stated above, it's our opinion that the landscape plan could be modified and relocated to the east side of the proposed building, parallel to the existing structures.

BOARD OF ADJUSTMENT FINDINGS:

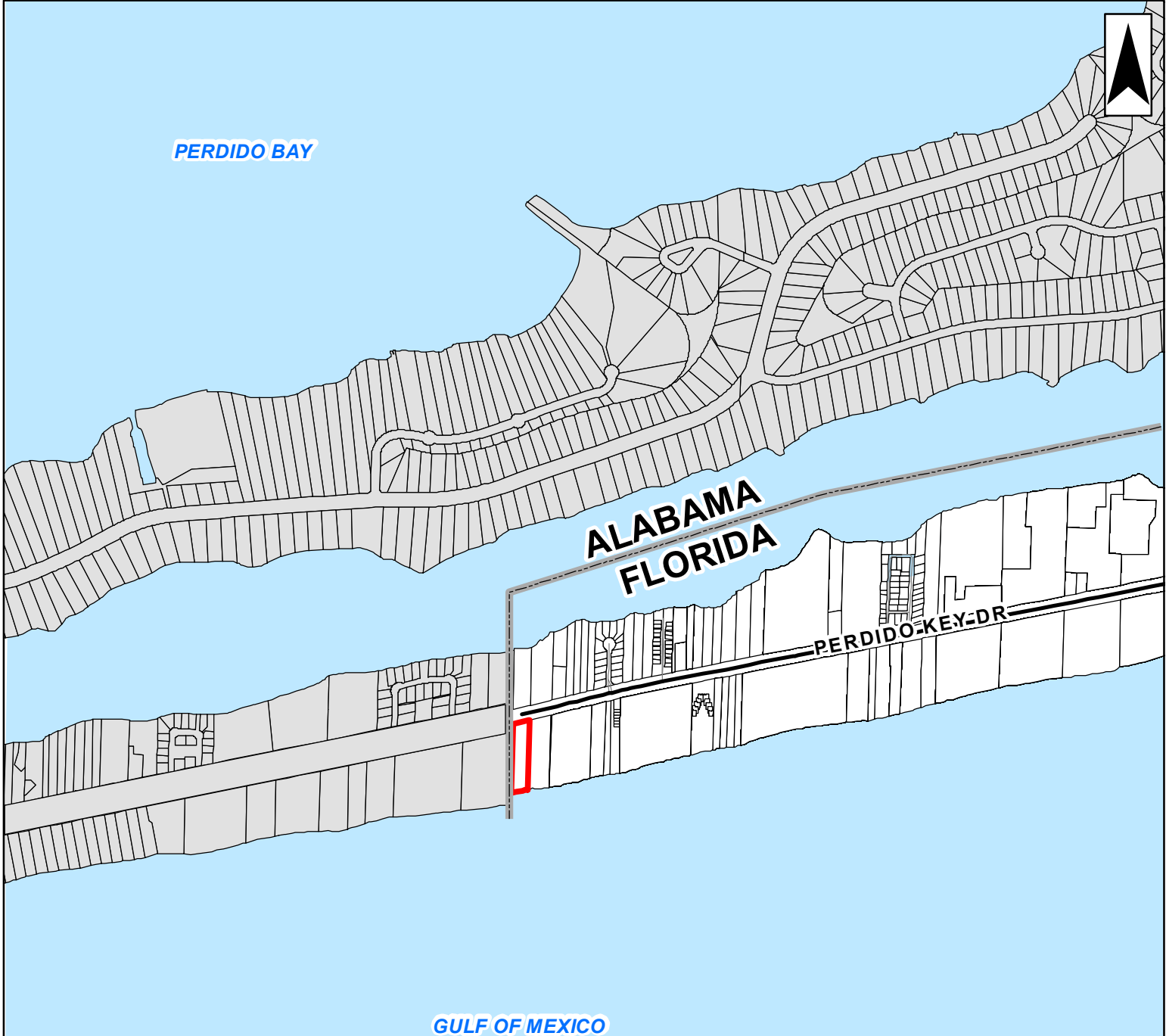
Attachments

V-2012-05 Case File

V-2012-05



PERDIDO BAY



ALABAMA
FLORIDA

PERDIDO KEY DR

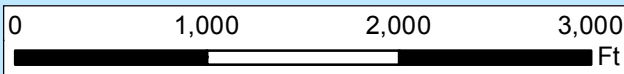
GULF OF MEXICO



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

V-2012-05 LOCATION MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS

OLD RIVER



R-2PK

CGPK

.PERDIDO.KEY.DR.

CGPK

R-3PK

BALDWIN CO.

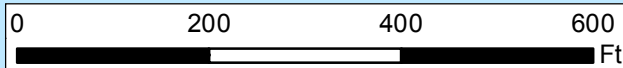
GULF OF MEXICO



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Andrew Holmer
Planning and Zoning Dept.

V-2012-05 500' RADIUS ZONING



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS

OLD RIVER



MU-PK

.PERDIDO.KEY.DR.

BALDWIN CO.

MU-PK

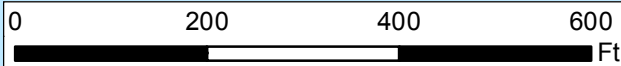
GULF OF MEXICO



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Andrew Holmer
Planning and Zoning Dept.

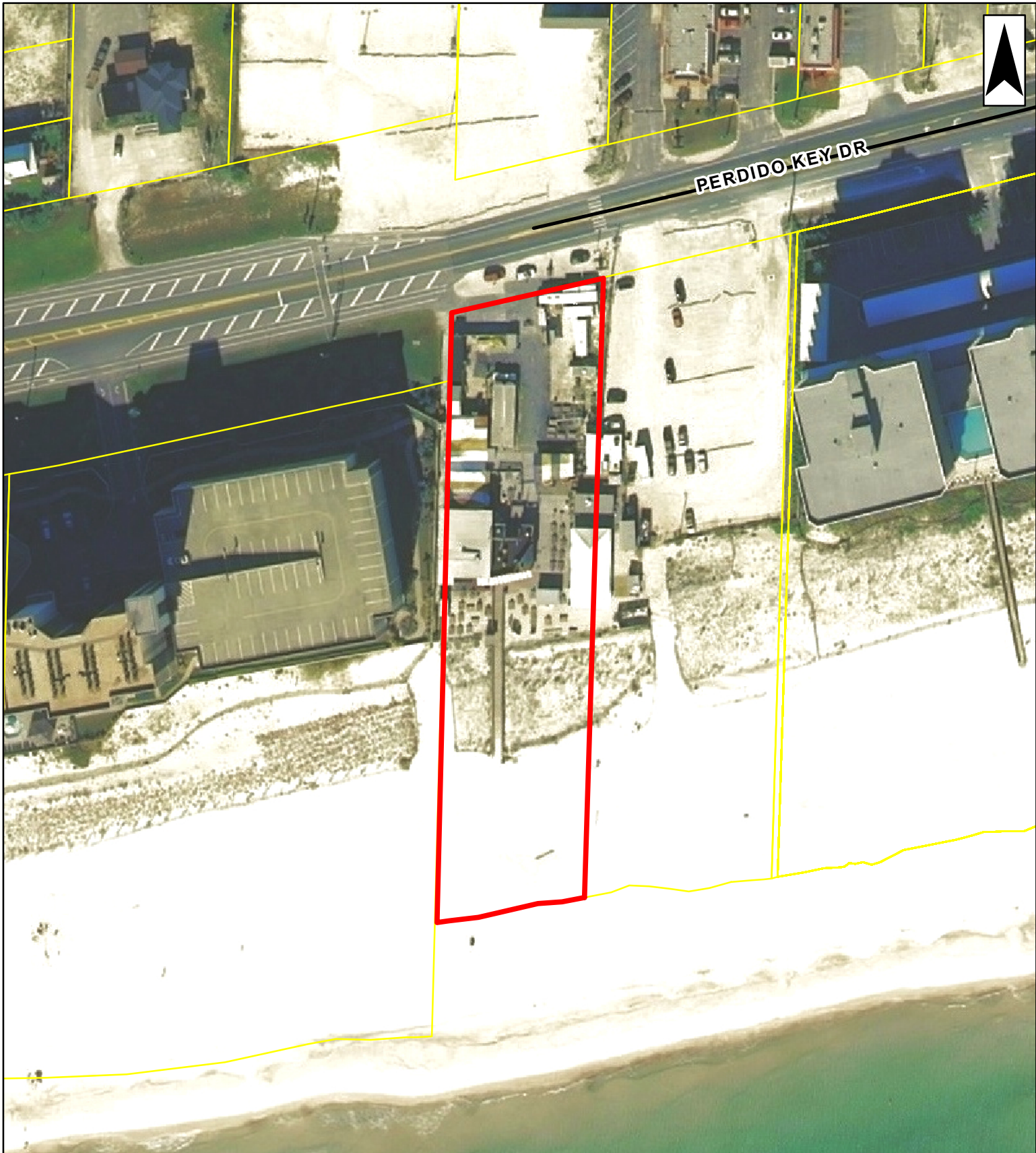
V-2012-05 FUTURE LAND USE



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



PERDIDO-KEY-DR








This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

V-2012-05 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

Telephone: (251) 626-2626
Fax: (251) 626-6934

February 16, 2012

Mr. Andrew D. Holmer
Escambia County
Senior Urban Planner
3363 West Park Place
Pensacola, FL 32505

RE: Flora-Bama Variance Application
M0039/3674

Dear Mr. Holmer:

Attached are the documents required for application to obtain a variance for the subject property. The variance sought is to delete the landscaping proposed on the north end of the building along Perdido Key Drive.

The Flora-Bama has existed on various configurations since 1964. The current proposed and permitted plans will accomplish the most ordinance compliant building and site that has likely existed on the site. However, due to the unique evolution of the building, the site, and the regulations, the site will still be challenged with respect to pedestrian access and operations. As you are aware, the patrons access the site by several ways. A portion of the patrons park and enter from the parking lot on the east, some patrons are pedestrians from adjacent condominium developments, and some are dropped at the site by taxi and van services. A significant portion of the visitors park on the north side of the roadway and access the site from the north via crossing the beach highway at or between the two existing approved crosswalks.

The originally submitted plans depicted the addition of landscape islands along the right-of-way on the front of the building. During the period of construction the design team has been reconsidering the pedestrian traffic flow as well as the handicap access points. The requested variance is to delete the landscaping between the building and the roadway. The reasoning is based upon the unique conditions of the roadway width transition, the building proximity to the right-of-way, and pedestrian safety.

The enclosed photos show the approach to the site from the east and west. Please note that these photos demonstrate the "choking" effect of the narrowing of the roadway which shows traffic in the vicinity of the building and parking. The Florida Department of Transportation (FDOT) has been consulted and is not asking for widening to add additional travel lanes or turning lanes. The slowing of the traffic aids in safe pedestrian crossing. It is the design teams opinion that removing the proposed landscaping will provide easier access to pedestrians crossing the road north to south and prevent site distance issues for people crossing south to north. Aesthetically, the landscape islands would likely be difficult to keep in an attractive state given the people that would be passing closely, the proximity to the roadway, and the likelihood that during some events the planting areas may be put to some other "uses".

In summary, we propose that the elimination of the landscape areas will not adversely affect adjacent properties, would not adversely affect the appearance of the site, would be less of a possible eye sore, would ease pedestrian access, and would generally be safer for pedestrian and vehicular movement through the area.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC



Douglas A. Bailey, P.E.

/djh

M0039/3674/12.029

APPLICATION

Please check application type:
Administrative Appeal
Development Order Extension
Conditional Use Request for:
Variance Request for:
Rezoning Request from: to:

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: MGF Properties, Inc. Phone: 251-509-5423
Address: 17401 Perdido Key Dr Pensacola, FL 32507 Email: CAMERON@FLORABAMA.COM

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 17401 Perdido Key Dr., Pensacola, FL 32507
Property Reference Number(s)/Legal Description: 01-45-33-1001-000-001

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Signature of Owner/Agent
Signature of Owner

Douglas A. Bailey
Cameron S. Price
12-24-12
12-24-12
Date
Date

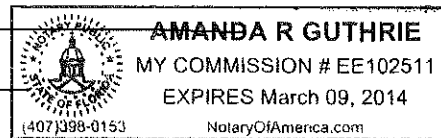
STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 24th day of February 2012 by Cameron S. Price, Douglas A. Bailey

Personally Known OR Produced Identification. Type of Identification Produced:

Signature of Notary
(notary seal must be affixed)

AMANDA R. GUTHRIE
Printed Name of Notary



FOR OFFICE USE ONLY
CASE NUMBER:
Meeting Date(s): Accepted/Verified by: Date:
Fees Paid: \$ Receipt #: Permit #:

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 17401 Perdido Key Dr., Pensacola, FL 32507
Florida, property reference number(s) 01-45-33-1001-000-001

I hereby designate Douglas A. Bailey for the sole purpose
of completing this application and making a presentation to the:

Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property.

Board of Adjustment to request a(n) variance on the above referenced property.

This Limited Power of Attorney is granted on this 24th day of February the year of,
2012, and is effective until the Board of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.

Agent Name: Douglas Bailey Email: dab@hmrengineers.com

Address: 2039 Main Street, Daphne, AL 36526 Phone: 251-626-2626

[Signature]
Signature of Property Owner

Cameron S. Price
Printed Name of Property Owner

2-24-12
Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF Florida

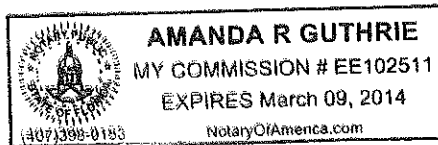
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 24th day of February 20 12
by Cameron S. Price

Personally Known OR Produced Identification . Type of Identification Produced: _____

[Signature]
Signature of Notary

Amanda R. Guthrie (Notary Seal)
Printed Name of Notary



1711 PAGE 988

REC'D OCT 28 2011
CORRECTION
WARRANTY DEED
5.00 REC FEE
102.50 STAMP
107.50 TOTAL

Robert W. Kievit
Attorney at Law
of the Law Offices of
LOUIS F. RAY, JR., P.A.
Sixth Floor, Seville Tower
326 South Palafox Street
Pensacola, Florida 32501
Escambia County

Exhibit A

17401 Perdido Key Road, Pensacola, FL 32507

KNOW ALL MEN BY THESE PRESENTS, THAT TED TAMPARY, INC.,
a corporation, for and in consideration of Ten Dollars and other
FLORA-BAMA LOUNGE AND PACKAGE STORE, INC.,

its successors and assigns, forever, the following real property, situate, lying and being in the
County of Escambia State of Florida, to-wit:

Commence at the Intersection of the South Right-of-way line of
Alabama Highway 182, and the Alabama-Florida State line, run
thence North, 50.0 feet, to the point of beginning, said point
being on the South Right-of-way line of Florida Highway S-292,
run thence North 77 degrees 02 minutes East, 119.63', run thence
South 350.0 feet, more or less, to the North margin of the Gulf
of Mexico, run thence Westwardly along and with the North margin
of the Gulf of Mexico 119.63 feet, run thence North, 350.0 feet,
more or less, to the point of beginning, being in Fractional
Section 1, Township 4 South, Range 33 West of the Tallahassee Meridian.

Together with use of the Flora-Bama Lounge and Package Store name
and personal property used in said business.

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
DEC 21 1998
900.00

FILED & RECORDED IN
THE PUBLIC RECORDS OF
ESCAMBIA CO. FLA. ON
DEC 20 3 12 PM '98
IN BOOK 4 PAGE 1711 ABOVE
JOE A. SCOTT, CLERK
ESCAMBIA COUNTY

Subject to taxes for current year and to valid easements and restrictions of record affecting the above property,
if any, which are not hereby released.

To have and to hold, unto the said grantee, its successors and assigns, forever. Together with
all appurtenances thereto belonging or in anywise appertaining, free from
all encumbrances, said right of homestead. And the said corporation covenants that it is well seized of an indefeasible estate
in fee simple in said property and has a good right to convey the same; that it is free from encumbrances, and that it,
its successors and assigns, the said grantee, its successors and assigns, in the
past and present possession and enjoyment thereof, against all persons lawfully claiming the same, shall and will forever
warrant and defend, subject to the exceptions set forth above.

IN WITNESS WHEREOF, the said corporation, grantor, in pursuance of due and legal action of its stockholders
and Board of Directors, has executed these presents, causing its name to be signed by its President, and its
corporate seal to be affixed here this 17th day of December, A.D. 1982.

(Corporate Seal)
Signed, sealed and delivered in the presence of:
Charles J. Leber
Robert Kievit

TED TAMPARY, INC.
A Corporation
By [Signature]
Its President

State of FLORIDA
County of ESCAMBIA
RCD Jun 03, 1998 04:27 pm
Escambia County, Florida
Ernie Lee Magaha
Clerk of the Circuit Court
INSTRUMENT 98-489522

This foregoing instrument was acknowledged before me this 17th day of December, 1982,
TED TAMPARY, INC. the President of

REC'D OCT 28 2011

Notice**Effective June 1, 2004**

Pursuant to Florida Senate Bill 2962, Section 28.24(12)(e) of the Florida Statutes, an additional service charge of \$4 per page shall be paid to the Clerk of the Circuit Court for each instrument listed in s. 28.222, and recorded in the Official Records, with the exception of Lis Pendens.

Please read this [notice](#) or consult the [Senate Bill 2962](#) for more information on this change.

**Escambia County Florida Clerk of the Circuit Court
Official Records Search
ONCORE**

INSTRUMENT

Instrument 1982181465	Date	12/20/1982
Book 1711	Time	12:0 PM
Page 988	Transfer Amt	\$.00
Pages 0	Finance Amt	\$.00
Misc \$.00	Doc Stamps	
Document Code	Intangible Tax	
Document Type DEEDS - CONTRACTS	Recording Fee	
Legal		
Addtl Comments COMM IN 1-4S-33 DEED		
Case Number		

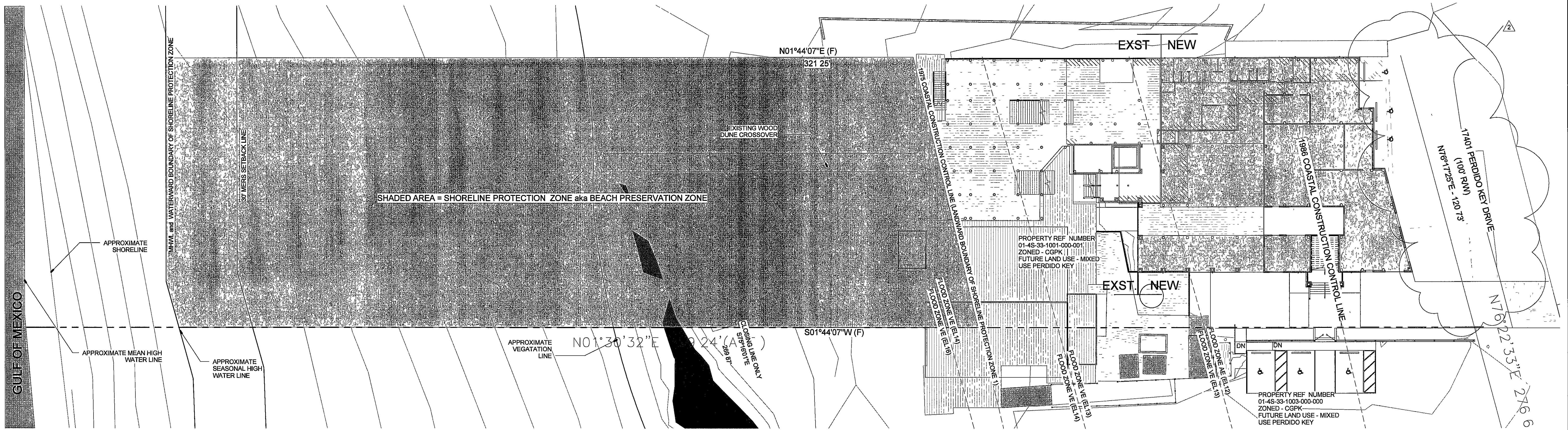
GRANTORS1 [TED TAMPARY INC](#)**GRANTEES**1 [FLORA-BAMA LOUNGE & PACKAGE STORE INC](#)**RELATED INSTRUMENTS**

None

DOCUMENT IMAGE

No Document Image Found -- Available on Microfilm only

[\[Search Again\]](#)**INTERNET IMAGE REDACTION REQUEST FORMS**[Public Records - Social Security Number / Bank Account Removal Request](#)[Public Records - Military Discharge Removal Request](#)[Public Records - Official Records Internet Image Removal Request](#)**FLORIDA LAW AND PUBLIC RECORDS**[Florida Statute Chapter 119 Public Records](#)[Florida Statute 817.568 Criminal Use of Personal Identification Information](#)



1 LANDSCAPE PLAN
1" = 20'-0"

LANDSCAPE/IRRIGATION NOTES

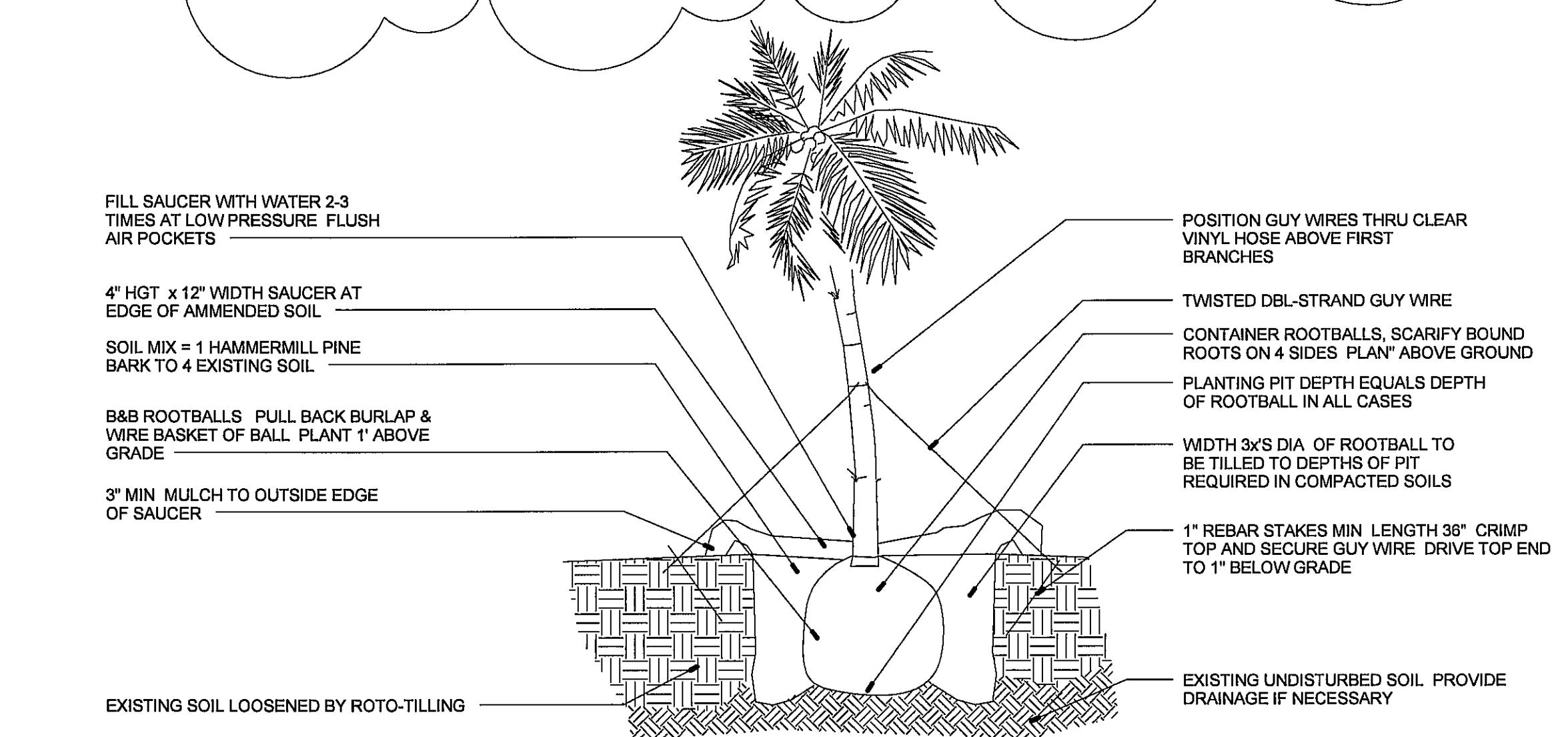
- 1 Underground Irrigation System
 - A The Contractor shall be responsible for installing and securing permits for new pump and well. Minimum size of pump shall be 1 1/2HP.
 - B The Contractor shall be responsible for the design and installation of the irrigation system. The system shall meet the following standards:
 - (1) Gate Valves: Cast bronze, size as required.
 - (2) Electric Valves: Size as required.
 - (3) Main Line Pipe: Schedule 40 PVC, size as required.
 - (4) Lateral Line Pipe: Schedule 40 PVC, size as required.
 - (5) Sleeves: Schedule 40 PVC, all sleeves shall be twice the size of ensleeved pipe.
 - (6) Wiring: 14 gauge UL/UF direct burial.
 - (7) Fittings: Schedule 40 PVC.
 - (8) Valve Boxes: 12-inch rectangular, heavy-duty plastic.
 - (9) Controller: Equal to "Rain Bird ESP-4".
 - (10) Turf Rotor/Spray Heads: 6-inch bodies.
 - (11) Bed Rotor/Spray Heads: 112-inch bodies.
 - (12) Bubbler Heads: Stream type.
 - C Mount all heads on 1/2-inch diameter x 18-inch long flex pipe arm. Connect flex pipe to side of head.
 - D The irrigation system shall encompass all designated landscape areas.
 - E Although such work may not be specifically indicated, the Contractor shall furnish and install all supplementary and miscellaneous items, appurtenances and devices incidental to and necessary for a sound and complete installation.
- 2 Provide "Florida Fancy" plant grade as per Florida Department of Agriculture, Division of Plant Industries.
- 3 All plant material shall be well rooted (not root-bound) such that the root ball remains intact throughout the planting process.
- 4 Mound soil in landscape islands 8"-12" above adjacent grade or paving.

PLANT SCHEDULE

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	QTY
A	YAUPON HOLLY	ITEX VOMITORIA	3 GAL. 30" HGT 24" SPREAD	0
B	FLORIDA ROSEMARY	CERATIOLA ERICOIDES	3 GAL. 30" HGT 24" SPREAD	0
C	SAW PALMETTO	SERENOA REPENS	3 GAL. 30" HGT 24" SPREAD	0

TREE / SHRUB REQUIREMENTS

FRONTAGE	TREES/SHRUBS REQUIRED	TREES/SHRUBS PROVIDED
PERDIDO KEY DRIVE	120 73' /35 = 35 SHRUBS	0 NEW YAUPON HOLLY 0 NEW SAW PALMETTO 0 NEW FLORIDA ROSEMARY



2 TREE PIT DETAIL
1/16" = 1'-0"



dalrymple | sallis
architecture
213 S Baylen St
Pensacola, FL 32502
P 850-470-6399
F 850-470-6397
www.dalsai.com
AR 0014385

THIS DOCUMENT SHOWS ORIGINAL AND IN FIGURES WORK OF THE ARCHITECT AND MAY NOT BE REPRODUCED IN ANY PART WITHOUT WRITTEN CONSENT OF THE FIRM'S PRINCIPALS

CERTIFICATION

Flora-Bama Lounge
17401 Perdido Key Drive
Pensacola, Florida 32507

DRAWN BY: EDD
CHECKED BY: JSS

ISSUE DATE: 12/23/11

REVISION DATE: 2 2/16/12

SHEET TITLE: **LANDSCAPE PLAN**

SHEET NO: **L01**

PROJECT NO: 11037

Joe Gilchrist
16296 Perdido Key
Pensacola FL 32507

FloraBama Lounge & Package Store Inc.
17401 Perdido Key Dr
Pensacola FL 325079354

ECPA Map



Map Grid



Major Roads

- County Road
- Interstate
- State Road
- US Highway

All Roads



Property Line



PLEASE NOTE: This product has been compiled from the source data of the Inter-Local Mapping and Geographic Information Network (IMAGINE) project of Escambia County. The ESCAMBIA COUNTY PROPERTY APPRAISER I-MAP Service is for reference purposes only and not to be considered as a legal document or survey instrument. Relying on the information contained herein is at the user's own risk. We assume no liability for any use of the information contained in the I-MAP Service or any resultant loss.



Development Services Department

Building Inspections Division

3363 West Park Place
Pensacola, Florida, 32505
(850) 595-3550
Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **549677**

Date Issued. : 02/16/2012

Cashier ID : DAROSE

Application No. : PBA120200006

Project Name : V-2012-05

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	1609	\$350.00	App ID : PBA120200006
		\$350.00	Total Check

Received From : DALRYMPLE/SALLIS ARCHITECTURE

Total Receipt Amount : **\$350.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA120200006	642897	350.00	\$0.00	17401 PERDIDO KEY DR, PENSACOLA, FL, 32507

Total Amount :

350.00

\$0.00

Balance Due on this/these
Application(s) as of 2/17/2012

Board of Adjustment

6. B.

Meeting Date: 03/21/2012

CASE: CU-2012-04

APPLICANT: Justin A. Beck, Agent for
RREF SNV-FL SSL, LLC

ADDRESS: 551 S. Fairfield Drive

PROPERTY REFERENCE NO.: 19-2S-31-4300-000-020

ZONING DISTRICT: C-1, Retail Commercial
District and C-2, General
Commercial and Light
Manufacturing District

FUTURE LAND USE: MU-U, Mixed Use Urban

OVERLAY DISTRICT: AIPD-2, AIPD-1

Information

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Conditional use request to allow boat and R. V. storage in C-1 zoning

RELEVANT AUTHORITY:

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section:6.05.14.C.10**

10. Boat and recreational vehicle storage.

CRITERIA:

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section 2.05.03**

CRITERION (1)

On-site circulation. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe.

FINDINGS-OF-FACT

Ingress and egress will be via the same access as the existing storage facility.

CRITERION (2)

Nuisance. Adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) of the conditional use on adjoining properties and properties generally in the District.

FINDINGS-OF-FACT

There are no anticipated adverse impacts on surrounding properties.

CRITERION (3)

Solid Waste. Refuse and service areas with particular reference to concurrency requirements and items (1) and (2) above.

FINDINGS-OF-FACT

Solid waste will be provided with the existing facility.

CRITERION (4)

Utilities. Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.

FINDINGS-OF-FACT

All utilities are available on site.

CRITERION (5)

Buffers. The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of Policy FLU 1.1.9 of the Comprehensive Plan and the provisions of Section 7.01.06 of the Land Development Code are fulfilled.

FINDINGS-OF-FACT

The LDC 7.01.06.B.2 states that the relationships between land-uses require a buffer between commercial land uses, where they are adjacent to residential uses.

CRITERION (6)

Signs. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.

FINDINGS-OF-FACT

No new signs are proposed.

CRITERION (7)

Environment impact. Impacts to protected trees, wetlands, water bodies, stormwater management or other natural features of the subject parcel.

FINDINGS-OF-FACT

The site is cleared and level. Environmental impacts will be addressed during site plan review.

CRITERION (8)

Neighborhood impact. General compatibility with adjacent properties and other property in the immediate area.

FINDINGS-OF-FACT

The proposed conditional use is compatible with adjacent and surrounding properties.

CRITERION (9)

***Other requirements of Code.* The proposed Conditional Use is consistent with all other relevant provisions of this Code.**

FINDINGS-OF-FACT

LDC 6.05.14.C.10 ..screening from residential uses and residential zoning districts must be installed and maintained according to section 7.01.06.E., except that the screening must be eight feet in height and of a material that is consistent with the character of the abutting and surrounding residential uses. No inoperable RVs, untrailered boats, repair, overhaul or salvage activity permitted. The storage facility must be maintained to avoid nuisance conditions as defined in section 7.07.06.

STAFF RECOMMENDATION

Staff recommends approval of the conditional use as requested.

These findings are based solely on the information available to staff as submitted by the applicant.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

[CU-2012-04 Case File](#)

CU-2012-04

Board of Adjustment

6. B.

Meeting Date: 02/15/2012

CASE: CU-2012-04

APPLICANT: Justin A. Beck, Agent for
RREF SNV-FL SSL, LLC

ADDRESS: 551 S. Fairfield Drive

PROPERTY REFERENCE NO.: 19-2S-31-4300-000-020

ZONING DISTRICT: C-1, Retail Commercial
District and C-2, General
Commercial and Light
Manufacturing District

FUTURE LAND USE: MU-U, Mixed Use Urban

OVERLAY DISTRICT: AIPD-2, AIPD-1

Information

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Conditional use request to allow boat and R. V. storage in C-1 zoning

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section:6.05.14.C.10

10. Boat and recreational vehicle storage.

CRITERIA:

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Section 2.05.03**

CRITERION (1)

On-site circulation. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe.

FINDINGS-OF-FACT

Ingress and egress will be via the same access as existing the storage facility.

CRITERION (2)

Nuisance. Adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) of the conditional use on adjoining properties and properties generally in the District.

FINDINGS-OF-FACT

There are no anticipated adverse impacts on surrounding properties.

CRITERION (3)

Solid Waste. Refuse and service areas with particular reference to concurrency requirements and items (1) and (2) above.

FINDINGS-OF-FACT

Solid waste will be provided with the existing facility.

CRITERION (4)

Utilities. Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.

FINDINGS-OF-FACT

All utilities are available on site.

CRITERION (5)

Buffers. The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of Policy FLU 1.1.9 of the Comprehensive Plan and the provisions of Section 7.01.06 of the Land Development Code are fulfilled.

FINDINGS-OF-FACT

The LDC 7.01.06.B.2 states that the relationships between land-uses require a buffer between Commercial land uses, where they are adjacent to residential uses.

CRITERION (6)

Signs. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.

FINDINGS-OF-FACT

No new signs are proposed.

CRITERION (7)

Environment impact. Impacts to protected trees, wetlands, water bodies, stormwater management or other natural features of the subject parcel.

FINDINGS-OF-FACT

The site is cleared and level. Environmental impacts will be addressed during site plan review.

CRITERION (8)

Neighborhood impact. General compatibility with adjacent properties and other property in the immediate area.

FINDINGS-OF-FACT

The proposed conditional use is compatible with adjacent and surrounding properties.

CRITERION (9)

Other requirements of Code. The proposed Conditional Use is consistent with all other relevant provisions of this Code.

FINDINGS-OF-FACT

LDC 6.05.14.C.10 ..screening from residential uses and residential zoning districts must be installed and maintained according to section 7.01.06.E., except that the screening must be eight feet in height and of a material that is consistent with the character of the abutting and surrounding residential uses. No inoperable RVs, untrailered boats, repair, overhaul or salvage activity permitted. Storage facility must be maintained to avoid nuisance conditions as defined in section 7.07.06.

STAFF RECOMMENDATION

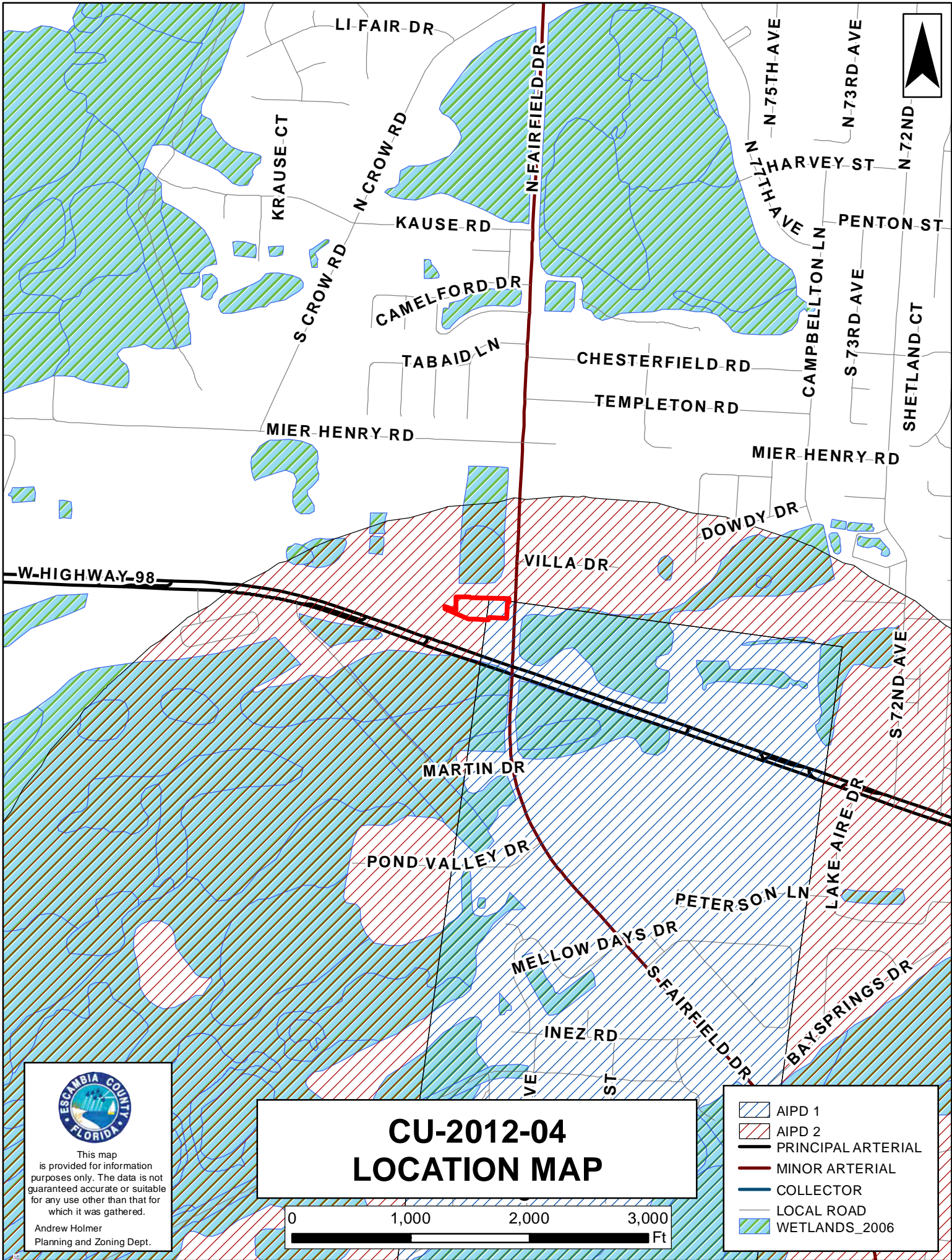
Staff recommends approval of the conditional use as requested.

These findings are based solely on the information available to staff as submitted by the applicant.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

[CU-2012-04 Case File](#)



LI FAIR DR

KRAUSE CT

N CROW RD

N FAIRFIELD DR

N 75TH AVE

N 73RD AVE

N 72ND

N 71TH AVE

HARVEY ST

PENTON ST

KAUSE RD

S CROW RD

CAMELFORD DR

CAMPBELLTON LN

S 73RD AVE

SHETLAND CT

TABAID LN

CHESTERFIELD RD

TEMPLETON RD

MIER HENRY RD

MIER HENRY RD

W-HIGHWAY-98

VILLA DR

DOWDY DR

S 72ND AVE

MARTIN DR

POND VALLEY DR

LAKE AIRE DR

PETERSON LN

MELLOW DAYS DR

INEZ RD

S FAIRFIELD DR

BAYSPRINGS DR

VE

ST



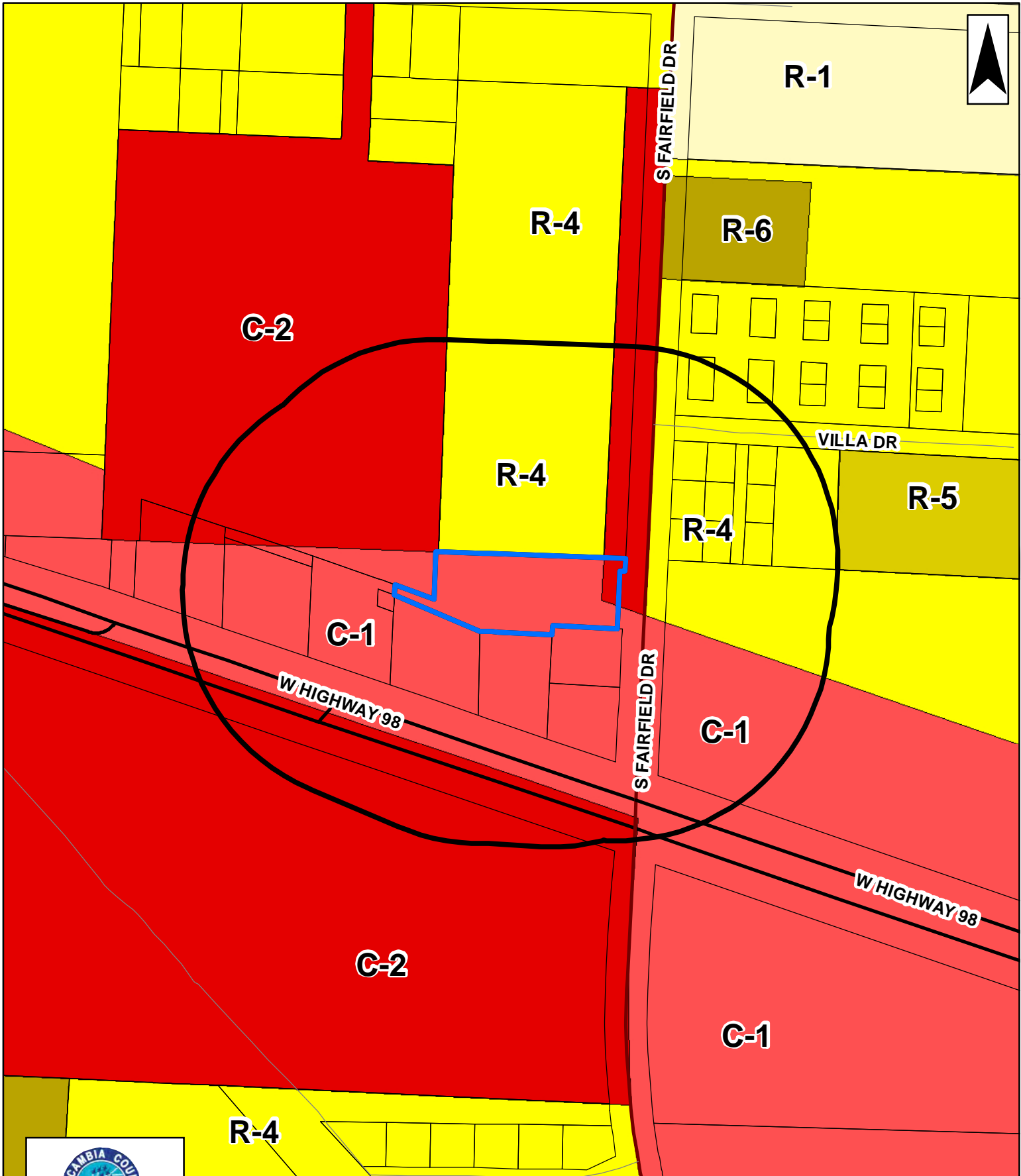
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.


Andrew Holmer
Planning and Zoning Dept.

CU-2012-04 LOCATION MAP

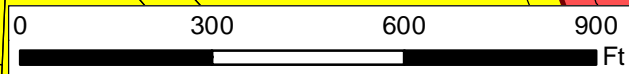







- AIPD 1
- AIPD 2
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- WETLANDS_2006




 This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
 Andrew Holmer
 Planning and Zoning Dept.

CU-2012-04
500' RADIUS ZONING



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



MU-S

MU-U

MU-S

MU-U

VILLA DR

MU-U

W HIGHWAY 98

S FAIRFIELD DR

W HIGHWAY 98

MU-U

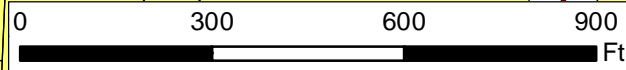
MU-U



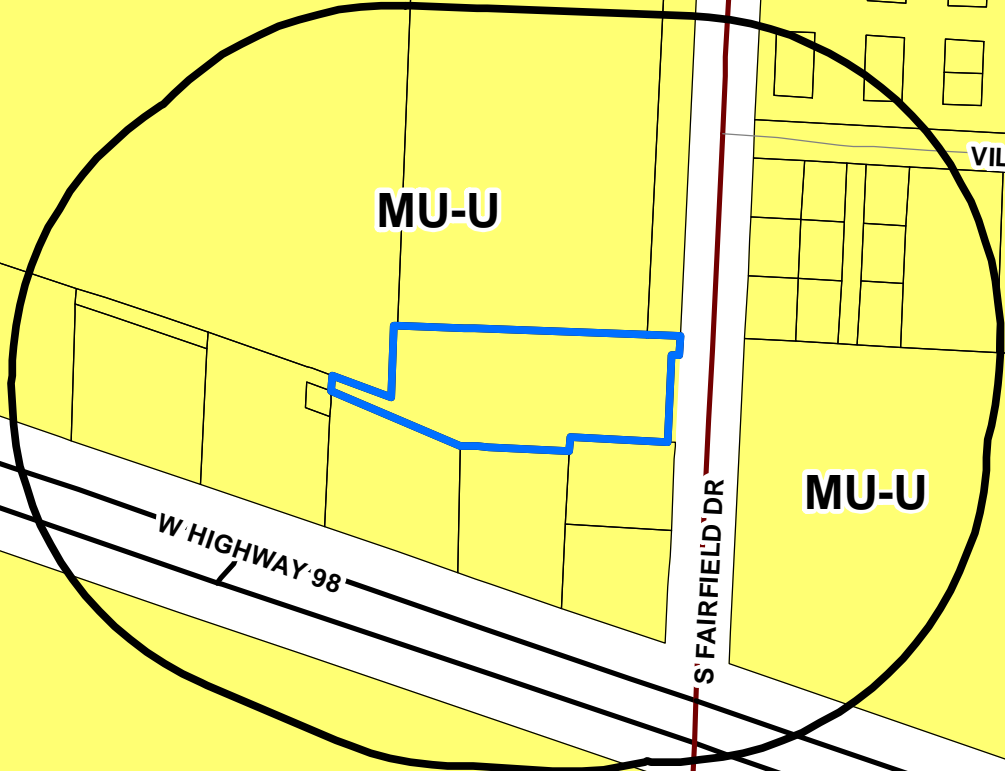
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

CU-2012-04 FUTURE LAND USE MAP




- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS





W-HIGHWAY-98

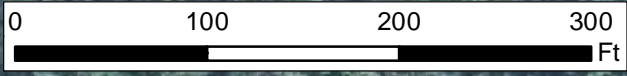
S-FAIRFIELD-DR








This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

CU-2012-04 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



Letter of Request

Thursday, January 12, 12

Beck Property Company, LLC
4890 Bayou Boulevard
Pensacola, Florida 32503
850.477.7044
Fax: 850.479.8736
www.beckpropertyco.com

Chairman Jason Harvey
Escambia County Board of Adjustment
P.O. Box 1591
Pensacola, FL 32591

Chairman Harvey;

Per Section 2.05.03 of the Land Development Code, The BOA is authorized to hear, decide and grant Conditional Uses in appropriate cases with safeguards.

I, Justin A. Beck, CCIM, CPM, President of Beck Property Company, LLC ("Agent"), on behalf of the owner, RREF SNV-FL SSL, LLC, a Florida limited liability company ("Owner") respectfully request a Conditional Use for the property located at 551 South Fairfield Dr. Pensacola, FL 32507, in order to utilize surplus property as Boat and Recreational Vehicle Storage as permitted This letter shall address the nine conditional use criteria as required in the Conditional Use application package.

1. **On-Site Circulation:** The property currently has ingress and egress to the main entrance via a service road, this road will be utilized as ingress and egress for the Boat and Recreational Vehicle Storage area, see Exhibit 1.
2. **Nuisance:** The requested conditional use shall have no adverse impact on the adjoining properties or properties in the general area.
3. **Solid Waste:** The current Refuse area shall remain in its current location and should be more than adequate for the conditional use as well.
4. **Utilities:** All needed utilities are currently located onsite.
5. **Buffers:** Buffers and fencing shall be installed in accordance with Section 6.05.14, Specifically; screening from residential uses and residential zoning districts must be installed and maintained according to section 7.01.06.E., except that the screening must be eight feet in height and of a material that is consistent with the

Gregg Beck, SIOR
Chairman

Justin A. Beck, CCIM, CPM
President

David Valletto, SIOR
Vice President

Adrian F. Hammond, Jr.
Vice President, Land Sales

Gerald McArthur, SIOR
Broker-Associate

Paul Salter, CCIM
Broker-Associate

Kevin Hoffman
Sales-Associate

Taylor Stone
Sales-Associate

Libba Edwards
Sales-Associate



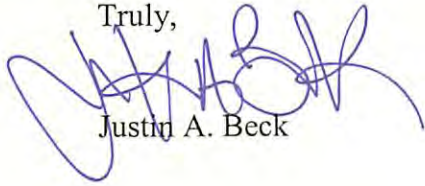
Individual Members

character of the abutting and surrounding residential uses. No inoperable RVs, untailed boats, repair, overhaul or salvage activity permitted. Storage facility must be maintained to avoid nuisance conditions as defined in section 7.07.06.

6. Signs: No additional Signage is planned for the conditional use, however existing signage shall remain. Additional lighting shall be installed to add to the safety and appeal of the property. These lights will not create glare or create a safety issue.
7. Environmental Impact: The site is cleared and level, and all needed retention is currently in place. The conditional use will have no impact on the environment.
8. Neighborhood Impact: The proposed Conditional Use is compatible with the adjacent properties, and the current use of the on-going business located on the site.
9. Other Requirements of Code: The conditional use is consistent with all other relevant provisions of this code.

Thank you very much for your assistance in this matter.

Truly,



Justin A. Beck



APPLICATION

Please check application type:
[] Conditional Use Request for:
[] Administrative Appeal
[] Variance Request for:
[] Development Order Extension
[] Rezoning Request from: to:

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: RREF SNV-FL SSL LLC Phone: (305)485-2717
Address: 700 N W 107 Ave. Suite 200 Miami, FL 33172 Email: matt.papunen@rialtoCapital.com

[X] Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 551 S. Fairfield Dr, Pensacola, FL
Property Reference Number(s)/Legal Description: 192S314300000020

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Signature of Owner/Agent [Handwritten Signature] VICE President 1-4-12
Printed Name Owner/Agent Date
Signature of Owner Printed Name of Owner Date

STATE OF Florida COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 4 day of January 20 12, by Anthony Kijas

Personally Known [X] OR Produced Identification []. Type of Identification Produced:

Signature of Notary [Handwritten Signature] (notary seal must be affixed)
Printed Name of Notary Laura Van Gorden
NOTARY PUBLIC STATE OF FLORIDA
Laura K. Van Gorden
Commission # EE011328
Expires: JULY 25, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

FOR OFFICE USE ONLY
CASE NUMBER: CU-2012-04
Meeting Date(s): Feb 15, 2012 epted/Verified by: ADH by KJB Date: 1/19/12
Fees Paid: \$ 1050 Receipt #: 547965 Permit #: TBA 120100002

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 192S31430000020

Property Address: 551 South Fairfield Dr. Pensacola, FL

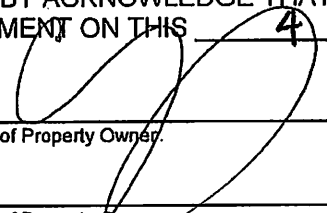
I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 4 DAY OF JANUARY, YEAR OF 2012.



Signature of Property Owner

ANTHONY SEIJAS, VP, FOR
KREF SNN-FL SSL, LLC.

Printed Name of Property Owner

1-4-12

Date

Signature of Property Owner

Printed Name of Property Owner

Date

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 551 S. Fairfield Drive, Pensacola, FL,
Florida, property reference number(s) 192S31430000020

I hereby designate Justin A. Beck of Beck Property Company, LLC for the sole purpose
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property.
- Board of Adjustment to request a(n) _____ on the above referenced property.

This Limited Power of Attorney is granted on this 4 day of JANUARY the year of,
2012, and is effective until the Board of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.

Agent Name: Justin A. Beck Email: jbeck@beckpropertyco.com
Address: 4890 Bayou Blvd. Pensacola, FL Phone: (850)477-7044

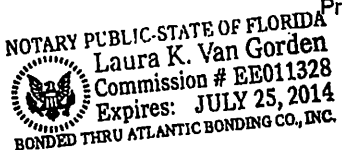
<u>[Signature]</u> Signature of Property Owner	<u>Anthony Leijas, VP, for RPEF SNV-FL ESL, LLC</u> Printed Name of Property Owner	<u>1-4-12</u> Date
_____ Signature of Property Owner	_____ Printed Name of Property Owner	_____ Date

STATE OF Florida COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 4 day of JANUARY 20 12,
by Anthony Leijas.

Personally Known OR Produced Identification . Type of Identification Produced: _____

[Signature] _____ Laura Van Gorden (Notary Seal)
Signature of Notary Printed Name of Notary



Prepared and Recorded By:

Gil Burstiner, Esq.
Hartman Simons & Wood, LLP
6400 Powers Ferry Road, NW
Suite 400
Atlanta, GA 30339

When Recorded Mail To:

Anderson, McCoy & Orta
100 North Broadway, 26th FL
Oklahoma City, OK 73102

5004.002

Loan Number: 5602315110
Borrower's Name: Shamrock Storage LLC

Property Appraisers Parcel ID Number: 19-2S-31-4300-000-020 and 19-2S-31-4300-000-030

QUIT-CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **SYNOVUS BANK**, formerly known as Columbus Bank and Trust Company, as successor in interest through name change and by merger with Coastal Bank and Trust of Florida, successor by merger with Bank of Pensacola ("**Grantor**"), whose address is 8025 Westside Parkway, Alpharetta, Georgia 30009, Attention: Neville Allison, for and in consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, to Grantor paid by **RREF SNV-FL SSL, LLC**, a Florida limited liability company ("**Grantee**"), whose post office address is c/o Rialto Capital Advisors, LLC, 700 N.W. 107th Avenue, Suite 200, Miami, FL 33172, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, remise, release, and forever quitclaim to Grantee, its successors and assigns forever, all the right, title, interest, claim or demand which Grantor has or may have had in and to all that tract of land, if any, described on Exhibit A, attached hereto and made a part hereof (the "**Property**"), together with all the rights, easements, privileges, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining. The Property does not include the primary residence of Grantor.

TO HAVE AND TO HOLD the Property and all rights, easements, privileges, tenements, hereditaments and appurtenances thereto in fee simple.

TO HAVE AND TO HOLD the said described premises unto Grantee, so that neither Grantor nor any other person or persons claiming under Grantor shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

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:

SYNOVUS BANK, a Georgia Bank

Angela M. MacNaughton
Print Name: Angela M. MacNaughton

By: *Neville Allison*
Neville Allison, Vice President

Christine Davy
Print Name: Christine Davy

STATE OF GEORGIA
COUNTY OF FULTON

The foregoing instrument was acknowledged before me this 30th day of June, 2011, by Neville Allison, as Vice President of SYNOVUS BANK, a Georgia bank, on behalf of the Bank. He is personally known to me.

NOTARY PUBLIC:

Diane Haeger
Print Name: Diane Haeger
State of Georgia at Large (Seal)
My Commission Expires:

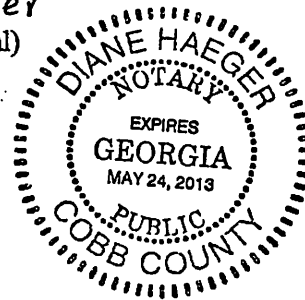


EXHIBIT "A"

LEGAL DESCRIPTION

Lot 2, Fairfield Lakes, a commercial minor subdivision of a portion of Sections 19 and 22, Township 2 South, Range 31 West, as per plat recorded in Plat Book 16, Page 69, of the Public Records of Escambia County, Florida.

LESS AND EXCEPT:

Commence at the Northeast corner of Section 22, Township 2 South, Range 31 West, Escambia County, Florida; Thence go North 89 degrees 01 minutes 05 seconds West along the North line of said Section a distance of 85.84 feet to the Westerly right-of-way line of South Fairfield Drive (State Road No. 727, Section No. 4855-152) (100' R/W); Thence go South 01 degrees 18 minutes 55 seconds West along said Westerly right-of-way line a distance of 30.00 feet to the Point of Beginning; Thence continue South 01 degrees 18 minutes 55 seconds West along said Westerly right-of-way line a distance of 131.58 feet; Thence go North 89 degrees 12 minutes 40 seconds West a distance of 12.00 feet; Thence go North 01 degrees 18 minutes 55 seconds East a distance of 131.61 feet; Thence go South 89 degrees 04 minutes 04 seconds East a distance of 12.00 feet to the Point of Beginning. The above-described parcel of land is situated in Section 22, Township 2 South, Range 31 West, Escambia County, Florida, and contains 1,579 sq ft more or less.

M10000000767

Florida Department of State
Division of Corporations
Electronic Filing Cover Sheet

Note: Please print this page and use it as a cover sheet. Type the fax audit number (shown below) on the top and bottom of all pages of the document.

((H10000037630 3))



H100000376303ABCU

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FILED
10 FEB 18 AM 8:06
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

To: Division of Corporations
Fax Number : (850) 617-6383

From: Account Name : BILZIN SUMBERG BAENA PRICE & AXELROD LLP
Account Number : 075350000132
Phone : (305) 374-7580
Fax Number : (305) 351-2122

Attn: *Lolaine (32259)*

Enter the email address for this business entity to be used for future annual report mailings. Enter only one email address please.

Email Address: thekla.salzman@rialtocapital.com

FLORIDA/FOREIGN LIMITED LIABILITY CO.
RIALTO CAPITAL ADVISORS, LLC

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EXAMINER

H10000037630 3

APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

IN COMPLIANCE WITH SECTION 608.503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN LIMITED LIABILITY COMPANY TO TRANSACT BUSINESS IN THE STATE OF FLORIDA:

1. RIALTO CAPITAL ADVISORS, LLC
(Name of Foreign Limited Liability Company; must include "Limited Liability Company," "L.L.C.," or "LLC.")

(If name unavailable, enter alternate name adopted for the purpose of transacting business in Florida and attach a copy of the written consent of the managers or managing members adopting the alternate name. The alternate name must include "Limited Liability Company," "L.L.C.," "LLC.")

2. DELAWARE 3. _____
(Jurisdiction under the law of which foreign limited liability company is organized) (FEI number, if applicable)

4. SEPTEMBER 16, 2009 5. PERPETUAL
(Date of Organization) (Duration: Year limited liability company will cease to exist or "perpetual")

6. _____
(Date first transacted business in Florida, if prior to registration.)
(See sections 608.501 & 608.502 F.S. to determine penalty liability)

7. 700 N.W. 107 Avenue, Suite 400
Miami, FL 33172
(Street Address of Principal Office)

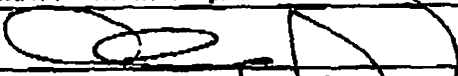
8. If limited liability company is a manager-managed company, check here

9. The name and usual business addresses of the managing members or managers are as follows:

Rialto Capital Management, LLC
700 N.W. 107 Avenue, Suite 400
Miami, FL 33172

10. Attached is an original certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized. (A photocopy is not acceptable. If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted.)

11. Nature of business or purposes to be conducted or promoted in Florida: Any and all business
_____ or purposes permitted to be conducted or promoted under the laws of the State of Florida


Signature of a member or an authorized representative of a member.
(In accordance with section 608.408(3), F.S., the execution of this document constitutes an affirmation under the penalties of perjury that the facts stated herein are true.)
Jeffrey P. Krasnoff, Managing Member of Member
Typed or printed name of signee

FILED
10 FEB 18 AM 8:07
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

H10000037630 3

CERTIFICATE OF DESIGNATION OF REGISTERED AGENT/REGISTERED OFFICE

PURSUANT TO THE PROVISIONS OF SECTION 608.415 or 608.507, FLORIDA STATUTES, THE UNDERSIGNED LIMITED LIABILITY COMPANY SUBMITS THE FOLLOWING STATEMENT TO DESIGNATE A REGISTERED OFFICE AND REGISTERED AGENT IN THE STATE OF FLORIDA.

1. The name of the Limited Liability Company is:

RIALTO CAPITAL ADVISORS, LLC

If unavailable, the alternate to be used in the state of Florida is:

2. The name and the Florida street address of the registered agent and office are:

CT Corporation System
(Name)

1200 South Pine Island Road
Florida Street Address (P.O. Box **NOT** ACCEPTABLE)

Plantation FL 33324
City/State/Zip

FILED
10 FEB 18 AM 8:07
SECRETARY OF STATE
FALLAHASSE, FLORIDA

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 608, Florida Statutes.

By: Madonna Cuddihy
CT Corporation System
(Signature)

**Madonna Cuddihy
Special Assistant Secretary**

- \$ 100.00 Filing Fee for Application
- \$ 25.00 Designation of Registered Agent
- \$ 30.00 Certified Copy (optional)
- \$ 5.00 Certificate of Status (optional)

H10000037630 3

Delaware

PAGE 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "RIALTO CAPITAL ADVISORS, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE EIGHTEENTH DAY OF FEBRUARY, A.D. 2010.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE NOT BEEN ASSESSED TO DATE.

FILED
10 FEB 18 AM 8:07
SECRETARY OF STATE
TALLAHASSEE, FLORIDA



4731551 8300

100162586

You may verify this certificate online at corp.delaware.gov/authver.shtml

Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 7820707

DATE: 02-18-10

H10000037630 3

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS



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[Previous on List](#) [Next on List](#) [Return To List](#)

Entity Name Search

No Events

No Name History

Detail by Entity Name

Foreign Limited Liability Company

RIALTO CAPITAL ADVISORS, LLC

Filing Information

Document Number M10000000767
FEI/EIN Number N/A
Date Filed 02/18/2010
State DE
Status ACTIVE

Principal Address

700 N.W. 107 AVENUE
SUITE 400
MIAMI FL 33172

Changed 04/12/2011

Mailing Address

700 N.W. 107 AVENUE
SUITE 400
MIAMI FL 33172

Changed 04/12/2011

Registered Agent Name & Address

C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION FL 33324 US

Manager/Member Detail

Name & Address

Title MGRM
RIALTO CAPITAL MANAGEMENT, LLC
700 N.W. 107 AVENUE, SUITE 400
MIAMI FL 33172

Annual Reports

Report Year Filed Date
2011 04/12/2011

Document Images

[04/12/2011 -- ANNUAL REPORT](#)

[02/18/2010 -- Foreign Limited](#)

[View image in PDF format](#)

Note: This is not official record. See documents if question or conflict.

[Previous on List](#)

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[Return To List](#)

Entity Name Search

No Events

No Name History

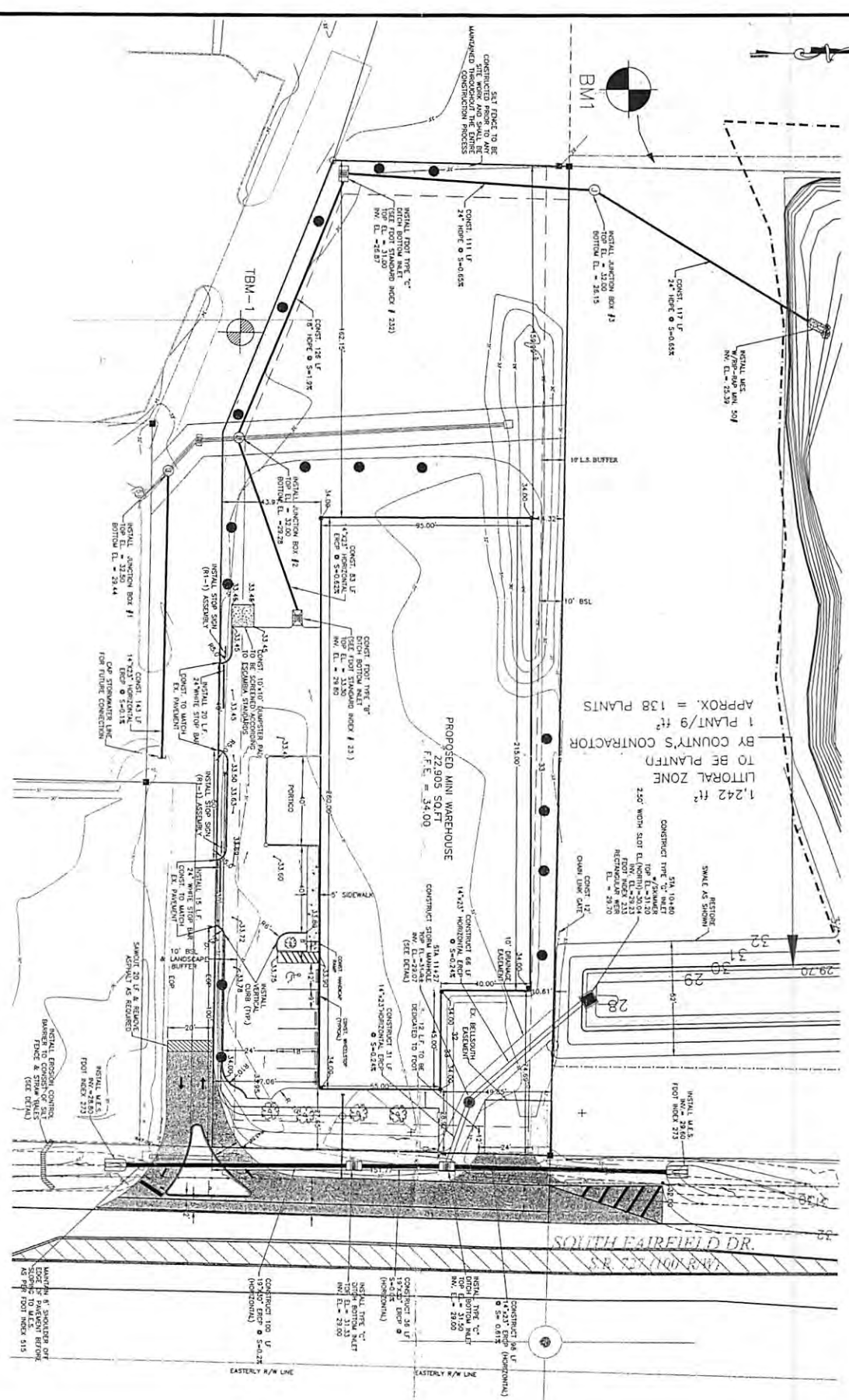
[| Home](#) | [Contact us](#) | [Document Searches](#) | [E-Filing Services](#) | [Forms](#) | [Help](#) |

Copyright © and Privacy Policies
State of Florida, Department of State

Escambia County Property Appraiser
192S31430000020 - Full Legal Description

LOT 2 FAIRFIELD LAKES PB 16 P 69 OR 6739 P 343 LESS OR 6137 P 1258 ST RD R/W SEC
19/22 T2S R31

GRAPHIC SCALE
1" = 20' (10' PER 1")
1" = 40' (20' PER 1")



ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITION OF EMERALD COAST UTILITIES MONTHLY ENGINEERING MANUAL AND THE ESCAMBA COUNTY LAND DEVELOPMENT CODE.

JERRY W. MCGUIRE & ASSOCIATES, P.A.

<p>SHAMROCK STORAGE SIGN/GRADING/DRAINAGE PLAN</p> <p>DESIGNED BY: VARIOUS CHECKED BY: JM DATE: JANUARY 2007 SCALE: 1"=20' NOT RELEASED FOR CONSTRUCTION BY: DATE</p>	<p>Jerry W. McGuire & Associates, P.A. Engineering • Planning</p> <p>P.O. BOX 17063 PENSACOLA, FLORIDA 32517-0063 4400 BAYVIEW BOULEVARD, SUITE 25-B PENSACOLA, FLORIDA 32503</p> <p>PHONE: (850) 479-4155 FAX: (850) 479-5141 EMAIL: jmc@jwmcg.com WEBSITE: www.jwmcg.com</p> <p>Engineering Business #0000435 Gerald W. McGuire P.E. # 39572</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>07/21/07</td> <td>Revised Building Elevation (1147)</td> </tr> </tbody> </table> <p style="font-size: small; text-align: center;">THIS DRAWING IS THE PROPERTY OF JERRY W. MCGUIRE & ASSOCIATES, P.A. AND IS NOT TO BE REPRODUCED OR WALKED ON IN PART. IT IS NOT TO BE USED ON ANY OTHER PROJECT AND IS TO BE RETURNED TO THE OFFICE.</p>	NO.	DATE	REVISION	1	07/21/07	Revised Building Elevation (1147)
NO.	DATE	REVISION						
1	07/21/07	Revised Building Elevation (1147)						

DELAWARE TRUST COMPANY
BONNIE SMETZER RECEIVER
C/O JMG REALTY INC
2174 HARRIS AVE NE STE 7
PALM BAY FL 32905

IRREVOCABLE TRUST THE FBO
2200 E MALLORY ST
PENSACOLA FL 32503

WENDCO CORPORATION
220 W GARDEN ST STE 500
PENSACOLA FL 32501

KAUFMANN SCOTT M TRUSTEE
7512 LAKESIDE DR
MILTON FL 32583

ST WILFRED LLC
PO BOX 36331
PENSACOLA FL 32506

GREATSTONE EQUITIES INC
PO BOX 52085 DC17
PHOENIX AZ 850722085

REGAN OUIDA BAGGETT
2704 HANOVER ST
DALLAS TX 75225-7922

RREF SNV-FL SSL LLC
C/O RIALTO CAPITAL ADVISORS LLC
700 N W 107 AVE STE 200
MIAMI FL 33172

AK LLC
8058 W HWY 98
PENSACOLA FL 32506

RAPIER JONI HELEN & SPROLES
10203 SABLE TRL LN
HOUSTON TX 77064

EMERALD COAST UTILITIES AUTHORITY
PO BOX 15311
PENSACOLA FL 32514

MCKNIGHT RAYMOND &
500 S FAIRFIELD DR
PENSACOLA FL 32506

CERVENKA FRANK C TRUSTEE
22106 RAE LN
CUPERTINO CA 95014

GULF COAST COMMUNITY BANK
40 N PALAFOX ST
PENSACOLA FL 32502

DOLGENCORP INC
100 MISSION RIDGE STORE # 7598
GOODLETTSVILLE TN 37072

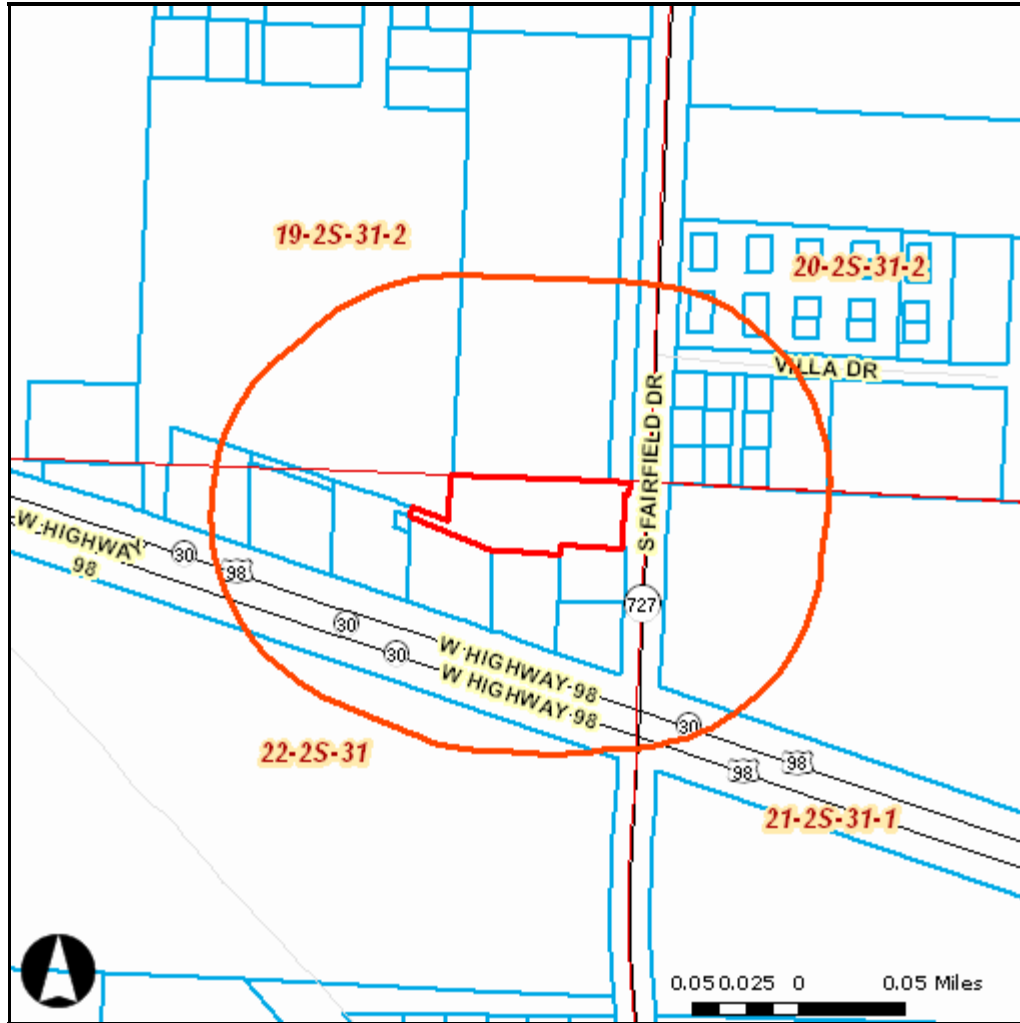
LANCASTER ZEARL R
7920 LE JEUNE DR
PENSACOLA FL 32514

COGGINS JAMES A & SONJA
PO BOX 3230
PENSACOLA FL 32516

AREA HOUSING COMMISSION
PO BOX 18370
PENSACOLA FL 32523

TIGER FINANCIAL INC
4547 LAKE SHORE DR
WACO TX 76710

ECPA Map



Map Grid



Major Roads

- County Road
- InterState
- State Road
- US Highway

All Roads



Property Line



PLEASE NOTE: This product has been compiled from the source data of the Inter-Local Mapping and Geographic Information Network (IMAGINE) project of Escambia County. The ESCAMBIA COUNTY PROPERTY APPRAISER I-MAP Service is for reference purposes only and not to be considered as a legal document or survey instrument. Relying on the information contained herein is at the user's own risk. We assume no liability for any use of the information contained in the I-MAP Service or any resultant loss.



Development Services Department

Building Inspections Division

3363 West Park Place
Pensacola, Florida, 32505
(850) 595-3550
Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **547965**

Date Issued. : 01/19/2012

Cashier ID : GELAWREN

Application No. : PBA120100002

Project Name : CU-2012-04

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	1185	\$1,050.00	App ID : PBA120100002
		\$1,050.00	Total Check

Received From : SHAMROCK STORAGE ACCOUNT

Total Receipt Amount : **\$1,050.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA120100002	641212	1,050.00	\$0.00	551 S FAIRFIELD DR, PENSACOLA, FL, 32506

Total Amount :

1,050.00

\$0.00

Balance Due on this/these
Application(s) as of 1/19/2012

Invoice Detail

Permit ID #: PBA120100002

Invoice #: 643458

Invoice Date: 02/27/2012 13:50:52

Period	Fee Item	Qty	Fee
FINAL	PUBLIC HEARING AD COST	76.08	\$76.08

Total Fee: \$76.08



Development Services Department

Building Inspections Division

3363 West Park Place
Pensacola, Florida, 32505
(850) 595-3550
Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **550486**

Date Issued. : 03/01/2012

Cashier ID : DAROSE

Application No. : PBA120100002

Project Name : CU-2012-04

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	1210	\$76.08	App ID : PBA120100002
		\$76.08	Total Check

Received From : SHAMROCK STORAGE ACCOUNT

Total Receipt Amount : **\$76.08**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
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PBA120100002	643458	76.08	\$0.00	551 S FAIRFIELD DR, PENSACOLA, FL, 32506
Total Amount :		1,126.08	\$0.00	Balance Due on this/these Application(s) as of 3/1/2012

Board of Adjustment

6. C.

Meeting Date: 03/21/2012

CASE: CU-2012-05

APPLICANT: Wiley C. "Buddy" Page,
Agent, for Charles Hughes,
Owner

ADDRESS: 312 Interbay Ave

PROPERTY REFERENCE NO.: 51-2S-30-6050-000-028

ZONING DISTRICT: R-3, One-Family and
Two-Family District

FUTURE LAND USE: MU-U, Mixed Use Urban

OVERLAY DISTRICT: AIPD-2

Information

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Conditional use request to subdivide a lot within a subdivision. (Leonard's Subdivision, Resubdivision, PB 1 PG 73)

RELEVANT AUTHORITY:

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section: 4.05.00.C**

C. Division of lots within a subdivision. Where further division of an approved lot is not prohibited by any restriction found on the face of a recorded plat, division of an approved lot within a recorded subdivision must meet the density and width provisions of article 6 and must receive conditional use approval by the Board of Adjustment. This is not to preclude a shifting of lot lines that does not create additional lots.

CRITERIA:

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section 2.05.03**

CRITERION (1)

On-site circulation. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe.

FINDINGS-OF-FACT

The parcel has ingress and egress from Interbay Ave.

CRITERION (2)

Nuisance. Adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) of the conditional use on adjoining properties and properties generally in the District.

FINDINGS-OF-FACT

The proposed conditional use is not anticipated to create any adverse impacts on the adjoining properties.

CRITERION (3)

Solid Waste. Refuse and service areas with particular reference to concurrency requirements and items (1) and (2) above.

FINDINGS-OF-FACT

Solid waste is currently available on the subject property.

CRITERION (4)

Utilities. Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.

FINDINGS-OF-FACT

The property is currently connected to sewer and electrical service is provided by Gulf Power.

CRITERION (5)

Buffers. The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of Policy FLU 1.1.9 of the Comprehensive Plan and the provisions of Section 7.01.06 of the Land Development Code are fulfilled.

FINDINGS-OF-FACT

This criteria does not apply.

CRITERION (6)

Signs. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.

FINDINGS-OF-FACT

No signs are proposed.

CRITERION (7)

Environment impact. Impacts to protected trees, wetlands, water bodies, stormwater management or other natural features of the subject parcel.

FINDINGS-OF-FACT

This criteria does not apply.

CRITERION (8)

Neighborhood impact. General compatibility with adjacent properties and other property in the immediate area.

FINDINGS-OF-FACT

The proposed request is compatible with the surrounding neighborhood.

CRITERION (9)

***Other requirements of Code.* The proposed Conditional Use is consistent with all other relevant provisions of this Code.**

FINDINGS-OF-FACT

Staff finds that the applicant has appropriately addressed the above requirements.

STAFF RECOMMENDATION

Staff recommends that the Board approve the requested conditional use with the following condition:

The existing structure on the parcel must be demolished and removed to prevent the creation of a non-conformity.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

[CU-2012-05 Case File](#)

CU-2012-05

Board of Adjustment

6. C.

Meeting Date: 02/15/2012

CASE: CU-2012-05

APPLICANT: Deborah Hughes Agent, for
Charles Hughes, Owner

ADDRESS: 312 Interbay Ave

PROPERTY REFERENCE NO.: 51-2S-30-6050-000-028

ZONING DISTRICT: R-3, One-Family and
Two-Family District

FUTURE LAND USE: MU-U, Mixed Use Urban

OVERLAY DISTRICT: AIPD-2

Information

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Conditional use request to subdivide a lot within a subdivision. (Leonard's Subdivision, Resubdivision, PB 1 PG 73)

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The parcel has ingress and egress from Interbay Ave.

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Nuisance. Adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) of the conditional use on adjoining properties and properties generally in the District.

FINDINGS-OF-FACT

The proposed conditional use is not anticipated to create any adverse impacts on the adjoining properties.

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Solid Waste. Refuse and service areas with particular reference to concurrency requirements and items (1) and (2) above.

FINDINGS-OF-FACT

Solid waste is currently available on the subject property.

CRITERION (4)

Utilities. Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.

FINDINGS-OF-FACT

The property is currently connected to sewer and electrical service is provided by Gulf Power.

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Buffers. The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of Policy FLU 1.1.9 of the Comprehensive Plan and the provisions of Section 7.01.06 of the Land Development Code are fulfilled.

FINDINGS-OF-FACT

This criteria does not apply.

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FINDINGS-OF-FACT

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CRITERION (7)

Environment impact. Impacts to protected trees, wetlands, water bodies, stormwater management or other natural features of the subject parcel.

FINDINGS-OF-FACT

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CRITERION (8)

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FINDINGS-OF-FACT

The proposed request is compatible with the surrounding neighborhood.

CRITERION (9)

***Other requirements of Code.* The proposed Conditional Use is consistent with all other relevant provisions of this Code.**

FINDINGS-OF-FACT

Staff finds that the applicant has appropriately addressed the above requirements.

STAFF RECOMMENDATION

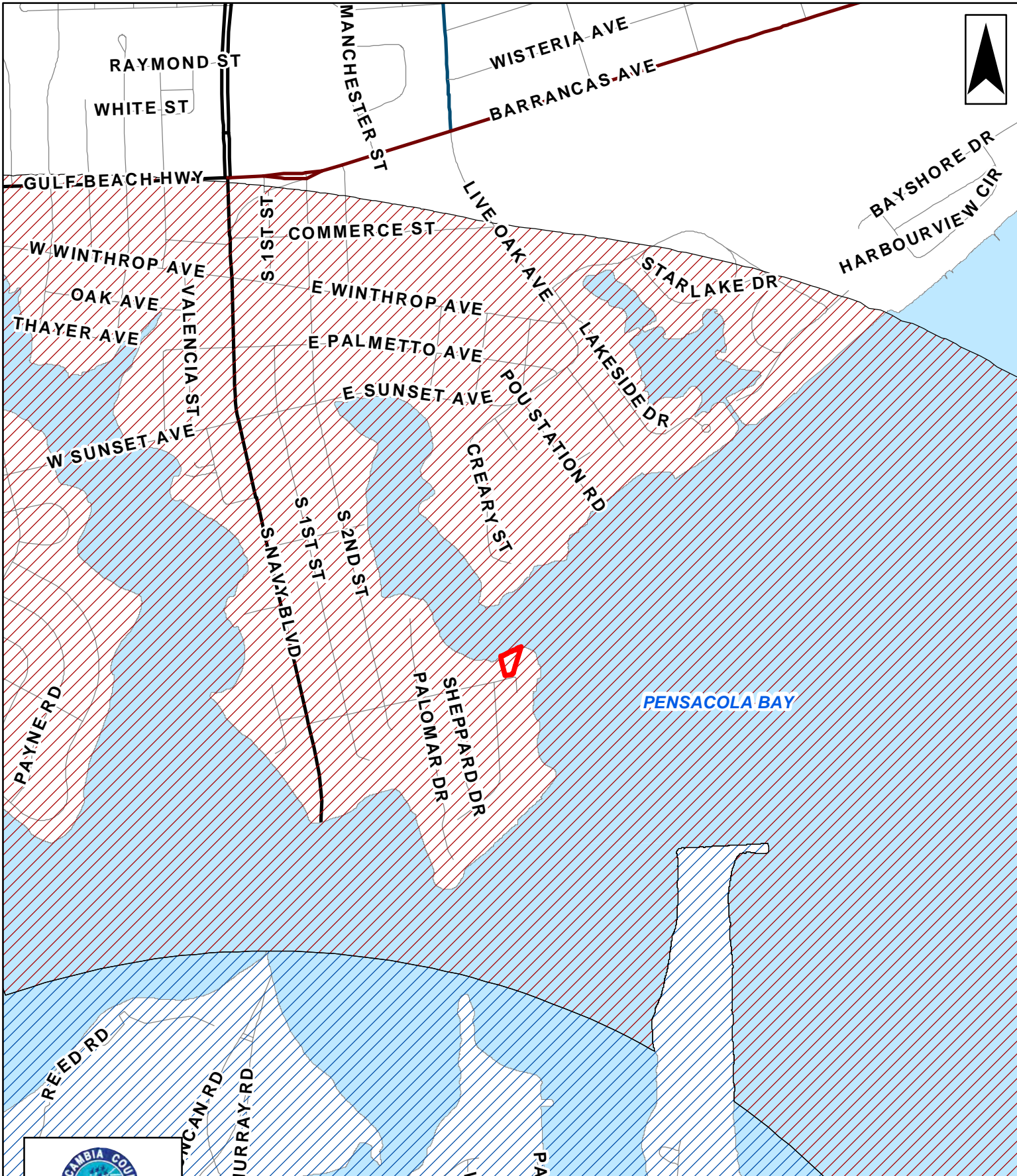
Staff recommends that the Board approve the requested conditional use with the following condition:

The existing structure on the parcel must be demolished and removed to prevent the creation of a non-conformity.

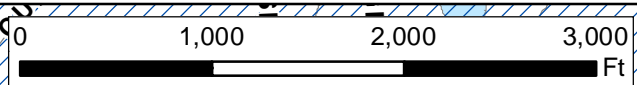
BOARD OF ADJUSTMENT FINDINGS:







Attachments


CU-2012-05 Case File



CU-2012-05 LOCATION MAP

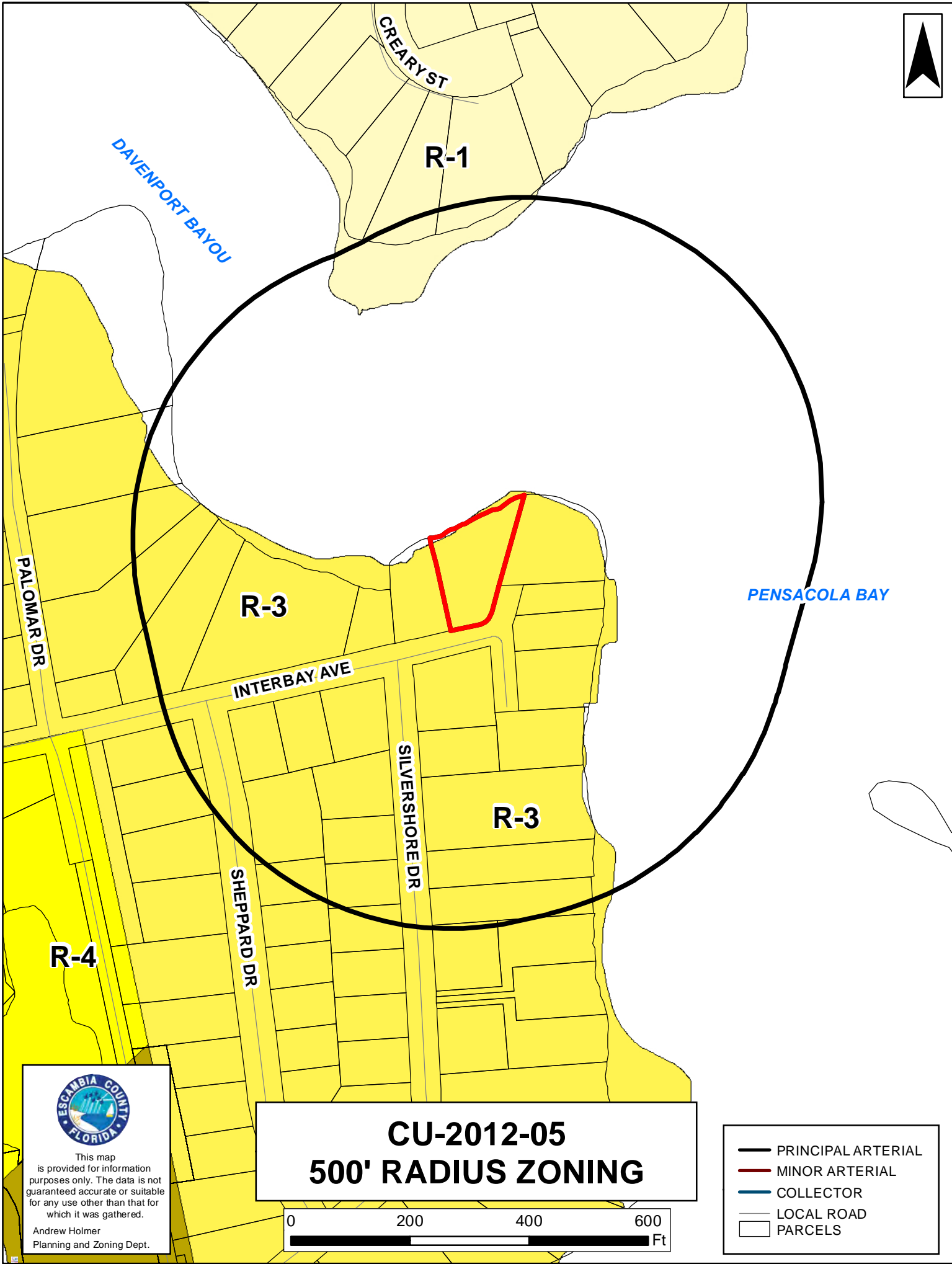


-  AIPD 1
-  AIPD 2
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.



CREARY ST

R-1

DAVENPORT BAYOU

PENSACOLA BAY

R-3

PALOMAR DR

INTERBAY AVE

SILVERSHORE DR

R-3

R-4

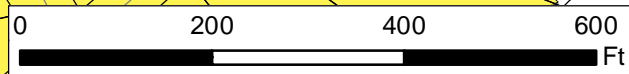
SHEPPARD DR



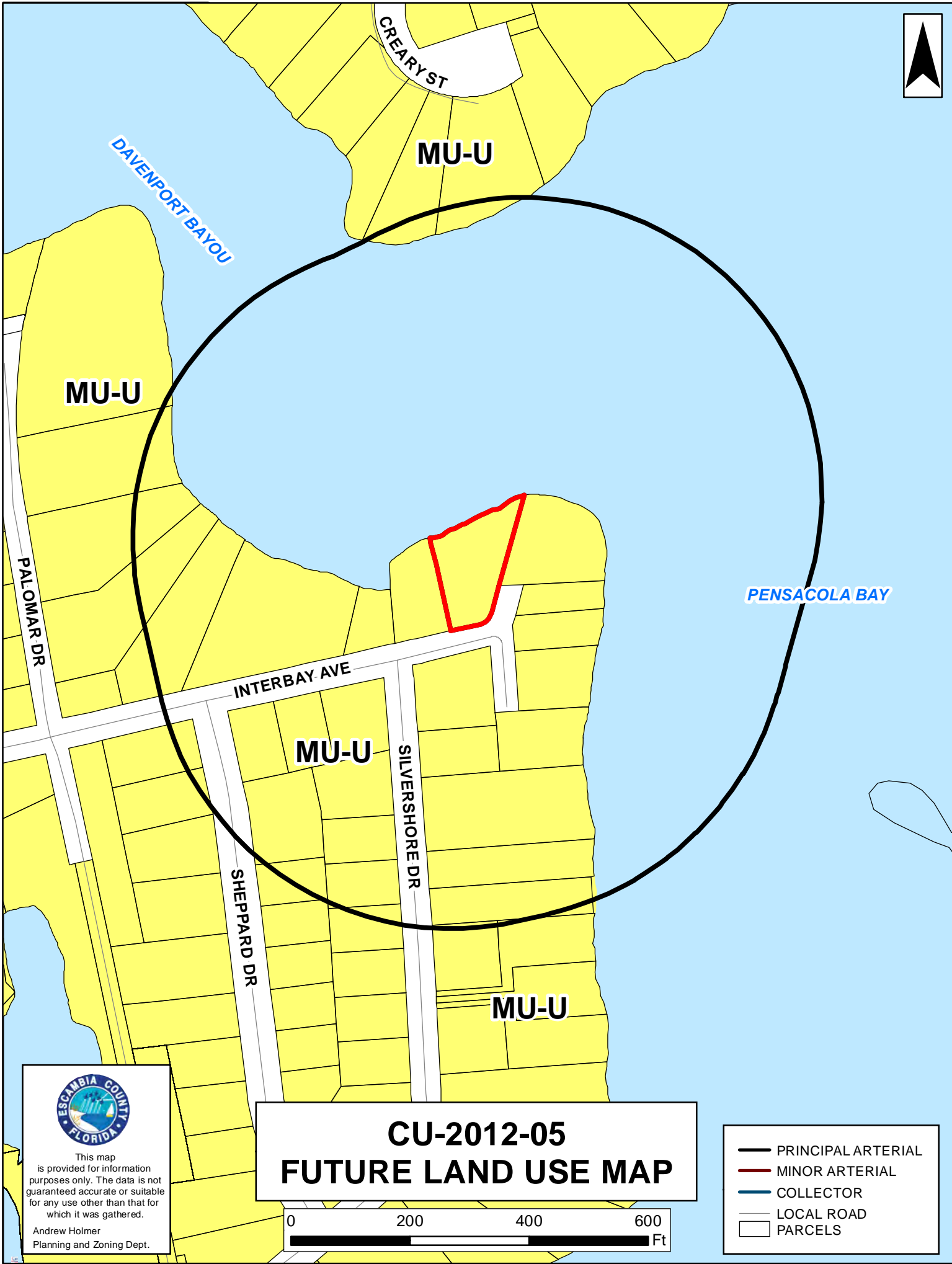
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

CU-2012-05 500' RADIUS ZONING



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



CREARY ST

MU-U

DAVENPORT BAYOU

MU-U

PALOMAR DR

PENSACOLA BAY

INTERBAY AVE

MU-U

SILVERSHORE DR

SHEPPARD DR

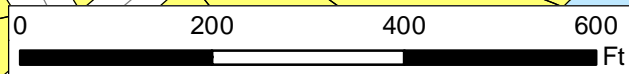
MU-U



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

CU-2012-05 FUTURE LAND USE MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



DAVENPORT BAYOU



INTERBAY AVE



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

**CU-2012-05
AERIAL MAP**



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS

TO: Adjustment Board of Escambia County, Pensacola, FL
FROM: Charles Hughes, 312 Interbay Ave., Pensacola, FL 32507
DATE: 1/17/2012

LETTER OF REQUEST

Thank you for the opportunity to present our lot division plans for approval by your Board. We have outlined below the issues that we were asked to address and have included site plans and elevation plans of potential homes that would meet the setback/development guidelines once the lots are separated.

As we have been residents of this charming neighborhood for more than a decade, we have a vested interest in seeing the properties develop, grow and mature in a way that will enhance the individual sites and increase property values in general for all in the neighborhood. We believe that this proposed lot division will accomplish both of these objectives.

Issue 1. On-site circulation. Ingress and egress to the property and structures thereon for pedestrian and automotive traffic are unimpeded and are the same as other lots in the neighborhood.

Issue 2. Nuisance. There are no adverse impacts of the conditional use.

Issue 3. Solid waste. Refuse and service areas are unimpeded and are the same as other lots in the neighborhood.

Issue 4. Utilities. The utilities are the same as other lots in the neighborhood.

Issue 5. Buffers. The buffers are the same as other lots in the neighborhood.

Issue 6. Signs. There is no proposed signage.

Issue 7. Environmental Impact. There are no protected trees on site. Bayou Davenport abuts the rear yard, and the lot is lined with rock and wall riprap to protect against soil erosion. Management of storm water is through ECUA gullies and drains and is the same for other lots in the neighborhood.

Issue 8. Neighborhood impact. The proposed lot subdivision creates two lots and two potential house footprints which could be built thereon, according to county land setbacks. Each lot and house is compatible with and comparable to what currently exists on other neighborhood lots. Current nearby homes range from 1200sf to 4200sf, and each proposed structure footprint lies well within this range. Site and building requirements have been met in the proposed subdivision and structure layout.

FROM: Charles and Deborah Hughes

LETTER OF REQUEST – page 2

Issue 9. Other code requirements. Any dock, current or future, will meet code requirements.

This concludes the directed responses to the referenced criteria.

Thank you again for this opportunity to set forth the written requirements of the lot division, and to detail, verbally and visually, the ways in which we have met those requirements. We appreciate the county's diligence in ensuring that residents and their property values are protected to the extent of the existing laws. We are proud to be developing our land and our neighborhood in such a way that we are positive part of this mutually beneficial alliance and oversight.

Please contact us if there is any further information that you wish us to bring to the meeting on February 15, 2012. We are happy to comply.

Charles Hughes

Charles Hughes

1/13/2012

Charles Hughes

Date

The foregoing instrument was acknowledged before me this 18th day of January


2012 by Charles Hughes. Personally known OR Produced Identification

Identification presented _____

(notary seal must be affixed)

Signature of Notary Betty A. Tillman

Printed Name of Notary Betty A. Tillman

Expires: 9/12/14 

APPLICATION

312 Interbay Ave.

Please check application type:

Administrative Appeal

Development Order Extension

Conditional Use Request for: Charles Hughes

Variance Request for: _____

Rezoning Request from: _____ to: _____

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: Charles Hughes Phone: (850) 206-9139

Address: 304 Interbay Ave, Pensacola FL 32507 Email: hugheshouse@cox.net

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 312 Interbay Ave., Pensacola FL 32507

Property Reference Number(s)/Legal Description: 512530605 0000028 / Lots 28+29, Leonard Subdivision, being a portion of Section 51, Township 2 South, Range 30 West, Escambia

By my signature, I hereby certify that: County, FL, according to plat filed in Plat Book 1, p. 73, and

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Official Records Book 1633, p. 423, of the public records of said County

[Signature]
Signature of Owner/Agent

Deborah Hughes
Printed Name Owner/Agent

1/18/2012
Date

[Signature]
Signature of Owner

Charles Hughes
Printed Name of Owner

1/13/2012
Date

STATE OF Georgia COUNTY OF Columbia

The foregoing instrument was acknowledged before me this 18th day of January 2012, by Charles + Deborah Hughes.

Personally Known OR Produced Identification . Type of Identification Produced: Drivers License

[Signature]
Signature of Notary
(notary seal must be affixed)

Betty A. Tillman
Printed Name of Notary
Expiration date 9/12/14

FOR OFFICE USE ONLY CASE NUMBER: CU-2012-05

Meeting Date(s): 2/15/12 Accepted/Verified by: ADH by KSS Date: 1/19/12

Fees Paid: \$ 1050 Receipt #: 547989 Permit #: PBA 120100003

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 312 Interbay Ave., Pensacola FL 32507,
Florida, property reference number(s) 512 S30605 0000028

I hereby designate Deborah Hughes for the sole purpose
of completing this application and making a presentation to the:

Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property.

Board of Adjustment to request a(n) conditional use hearing on the above referenced property.

This Limited Power of Attorney is granted on this 18th day of January the year of,
2012, and is effective until the Board of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.

Agent Name: Deborah Hughes Email: hugheshouse@cox.net

Address: 304 Interbay Ave., Pensacola FL 32507 Phone: (850) 206-9139

[Signature]
Signature of Property Owner

Charles Hughes
Printed Name of Property Owner

1/13/12
Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF Georgia COUNTY OF Columbia

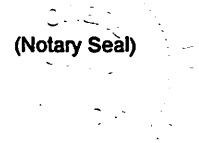
The foregoing instrument was acknowledged before me this 18th day of January 20 12,
by Charles Hughes.

Personally Known OR Produced Identification . Type of Identification Produced: _____

Betty A. Tillman
Signature of Notary

Betty A. Tillman
Printed Name of Notary

Expires: 9/12/14 (612)



AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 312 Interbay Ave. Pensacola, FL 32507,
Florida, property reference number(s) 51-25-30-6050-000-028

I hereby designate Mr. Wiley C. "Buddy" Page, MPA, APA for the sole purpose
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property.
- Board of Adjustment to request a(n) Conditional Use on the above referenced property.

This Limited Power of Attorney is granted on this 6th day of March the year of,
2012, and is effective until the Board of County Commissioners or the Board of Adjustment has
rendered a decision on this request and any appeal period has expired. The owner reserves the right to
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development
Services Bureau.

Agent Name: Wiley C. "Buddy" Page Email: budpage1@mchsi.com

Address: 5337 Hamilton Lane, Pace FL 32571 Phone: (850) 232-9853

Charles Hughes
Signature of Property Owner

Charles Hughes
Printed Name of Property Owner

3-6-12
Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF Georgia

COUNTY OF Columbia

The foregoing instrument was acknowledged before me this 6th day of March 20 12

by Betty A. Tillman

Personally Known OR Produced Identification . Type of Identification Produced: ID Badge

Betty A. Tillman
Signature of Notary

Betty A. Tillman
Printed Name of Notary

(Notary Seal)

2011 NOTICE OF PROPOSED PROPERTY TAXES
 ESCAMBIA COUNTY TAXING AUTHORITIES

DO NOT PAY
THIS IS NOT A BILL

Real Property Acct: 081650000
 Property Ref No: 51-2S-30-6050-000-028

Location: 312 INTERBAY AVE
 LTS 28 29 ALSO
 BEG AT SE COR OF LT 27 ALSO
 BEING SW COR OF LT 28 N 9...

081650000
SR - 01408 / 02193 JMS111024
 HUGHES CHARLES A
 304 INTERBAY AVE
 PENSACOLA FL 32507-3329

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

TAXING AUTHORITY TAX INFORMATION								
REAL ESTATE	LAST YEAR'S TAXABLE VALUE (2010)	YOUR FINAL TAX RATE AND TAXES LAST YEAR (2010)		CURRENT TAXABLE VALUE (2011)	YOUR TAX RATE AND TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE (2011)		YOUR TAX RATE AND TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE (2011)	
Taxing Authority	COLUMN 1	COLUMN 2		COLUMN 3	COLUMN 4		COLUMN 5	
		MILLAGE RATE	TAXES		MILLAGE RATE	TAXES	MILLAGE RATE	TAXES
COUNTY	\$208,450	6.975500	\$1,454.04	\$167,918	7.205800	\$1,209.98	6.975500	\$1,171.31
SCHOOL BY STATE LAW	\$208,450	5.631000	\$1,173.78	\$167,918	5.811200	\$975.81	5.573000	\$935.81
SCHOOL BY LOCAL BOARD	\$208,450	2.229000	\$464.64	\$167,918	2.300300	\$386.26	2.248000	\$377.48
SHERIFF	\$208,450	0.685000	\$142.79	\$167,918	0.710400	\$119.29	0.685000	\$115.02
WATER MANAGEMENT	\$208,450	0.045000	\$9.38	\$167,918	0.047100	\$7.91	0.040000	\$6.72
						\$109.50		\$105.73
TOTAL AD-VALOREM PROPERTY TAXES			\$3,244.63			\$2,699.25		\$2,606.34

PROPERTY APPRAISER VALUE INFORMATION								
	COUNTY		PUBLIC SCHOOLS		MUNICIPAL		OTHER DISTRICTS	
	2010	2011	2010	2011	2010	2011	2010	2011
MARKET VALUE	\$208,450	\$167,918	\$208,450	\$167,918	\$0	\$0	\$208,450	\$167,918
LESS APPLIED ASSESSMENT REDUCTIONS								
Save Our Homes Cap	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Non-Homestead Cap	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Agricultural Classification	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ASSESSED VALUE	\$208,450	\$167,918	\$208,450	\$167,918	\$0	\$0	\$208,450	\$167,918
LESS EXEMPTIONS								
First Homestead	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Add'l Homestead	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Exemption	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Combat Veteran's	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TAXABLE VALUE	\$208,450	\$167,918	\$208,450	\$167,918	\$0	\$0	\$208,450	\$167,918

Permanent Change of Address

PLEASE PRINT THE INFORMATION BELOW AND RETURN TO:

Chris Jones, CFA
Escambia County Property Appraiser
221 Palafox Place • Suite 300 • Pensacola, FL 32502-5836
Phone 850-434-2735 • Fax 850-435-9526

NAME AS SHOWN ON TAX BILL _____

ACCOUNT NUMBER _____

NEW ADDRESS _____

DO YOU HAVE HOMESTEAD EXEMPTION OR ANY OTHER EXEMPTION ON THIS PROPERTY? YES NO

PHONE # _____ SIGNATURE _____ DATE _____

The Taxing Authorities which levy property taxes against your property will soon hold **PUBLIC HEARINGS** to adopt budgets and tax rates for the next year. The purpose of the **PUBLIC HEARINGS** is to receive opinions from the general public and to answer questions on the proposed tax change and budget **PRIOR TO TAKING FINAL ACTION**. Each taxing authority may **AMEND OR ALTER** its proposals at the hearing.

Taxing Authority Hearing Information

Taxing Authority	Hearing Location	Date	Time	Phone
CENTURY COUNTY DOWNTOWN PENSACOLA SCHOOL	CENTURY CITY HALL	Sep 8 2011	5:01PM	(850)256-3208
	BOCC BOARD CHAMBERS	Sep 13 2011	5:01PM	(850)595-4960
	CITY HALL	Sep 7 2011	5:15PM	(850)435-1626
	CITY HALL	Sep 7 2011	5:15PM	(850)435-1626
BY LOCAL BOARD BY STATE LAW	J.E. HALL CENTER – ROOM 160	Sep 15 2011	5:30PM	(850)432-6121
SHERIFF	BOCC BOARD CHAMBERS	Sep 13 2011	5:01PM	(850)595-4960
WATER MANAGEMENT	CRESTVIEW OFFICE	Sep 13 2011	5:05PM	(850)683-5048

YOUR FINAL TAX BILL MAY CONTAIN NON-AD VALOREM ASSESSMENTS WHICH MAY NOT BE REFLECTED ON THIS NOTICE SUCH AS ASSESSMENTS FOR ROADS, FIRE, GARBAGE, LIGHTING, DRAINAGE, WATER, SEWER OR OTHER GOVERNMENTAL SERVICES AND FACILITIES WHICH MAY BE LEVIED BY YOUR LOCAL COUNTY, CITY OR ANY SPECIAL DISTRICT. PER FLORIDA STATUTES 200.069(10)(a), NON-AD VALOREM ASSESSMENTS ARE NOT REQUIRED TO APPEAR ON THIS NOTICE. IF APPLICABLE, LOCAL GOVERNING BOARDS WILL SEND YOU A SEPARATE NOTICE OF ANY NON-AD VALOREM ASSESSMENTS FOR YOUR PROPERTY.

NOTE: Amounts shown on this form do not reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

Explanation of 'TAXING AUTHORITY TAX INFORMATION' section

COLUMN 1 - "LAST YEAR TAXABLE VALUE"

This column shows the prior assessed value less all applicable exemptions used in the calculation of taxes for that specific taxing authority.

COLUMN 2 - "YOUR FINAL TAX RATE AND TAXES LAST YEAR"

This shows the tax rate and taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

COLUMN 3 - "CURRENT TAXABLE VALUE"

This column shows the current assessed value less all applicable exemptions used in the calculation of taxes for that specific taxing authority. Various taxable values in this column may indicate the impact of Limited Income Senior or the Additional Homestead exemption. Current taxable values are as of January 1, 2011

COLUMN 4 - "YOUR TAX RATE AND TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE"

This shows what your tax rate and taxes will be IF EACH TAXING AUTHORITY DOES NOT CHANGE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment.

COLUMN 5 - "YOUR TAX RATE AND TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE"

This shows what your tax rate and taxes will be this year under the BUDGET ACTUALLY PROPOSED by each taxing authority. The proposal is not final, and may be amended at the public hearings shown at the top of this notice. The difference between columns 4 and 5 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments

Explanation of 'PROPERTY APPRAISER VALUE INFORMATION' section

MARKET (JUST) VALUE - The most probable sale price for a property in a competitive, open market involving a willing buyer and a willing seller.

APPLIED ASSESSMENT REDUCTION - Properties can receive an assessment reduction for a number of reasons including the Save Our Homes Benefit and the 10% non-homestead property assessment limitation. Agricultural Classification is not an assessment reduction, it is an assessment determined per Florida Statute 193.461.

ASSESSED VALUE - The value of your property after any "assessment reductions" have been applied. This value may also reflect an agricultural classification. If "assessment reductions" are applied or an agricultural classification is granted, the assessed value could be different for School versus Non-School taxing authorities and for the purpose of calculating taxes.

TO: Adjustment Board of Escambia County, Pensacola, FL
FROM: Charles Hughes, 312 Interbay Ave., Pensacola, FL 32507
DATE: 1/17/2012

LEGAL DESCRIPTION OF PROPERTY STREET ADDRESS / PROPERTY REFERENCE NUMBER

Charles Hughes

312 Interbay Ave., Pensacola FL 32507

Legal Description

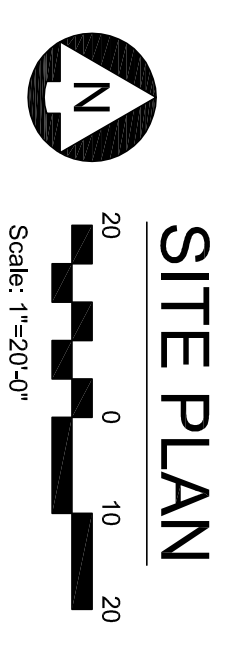
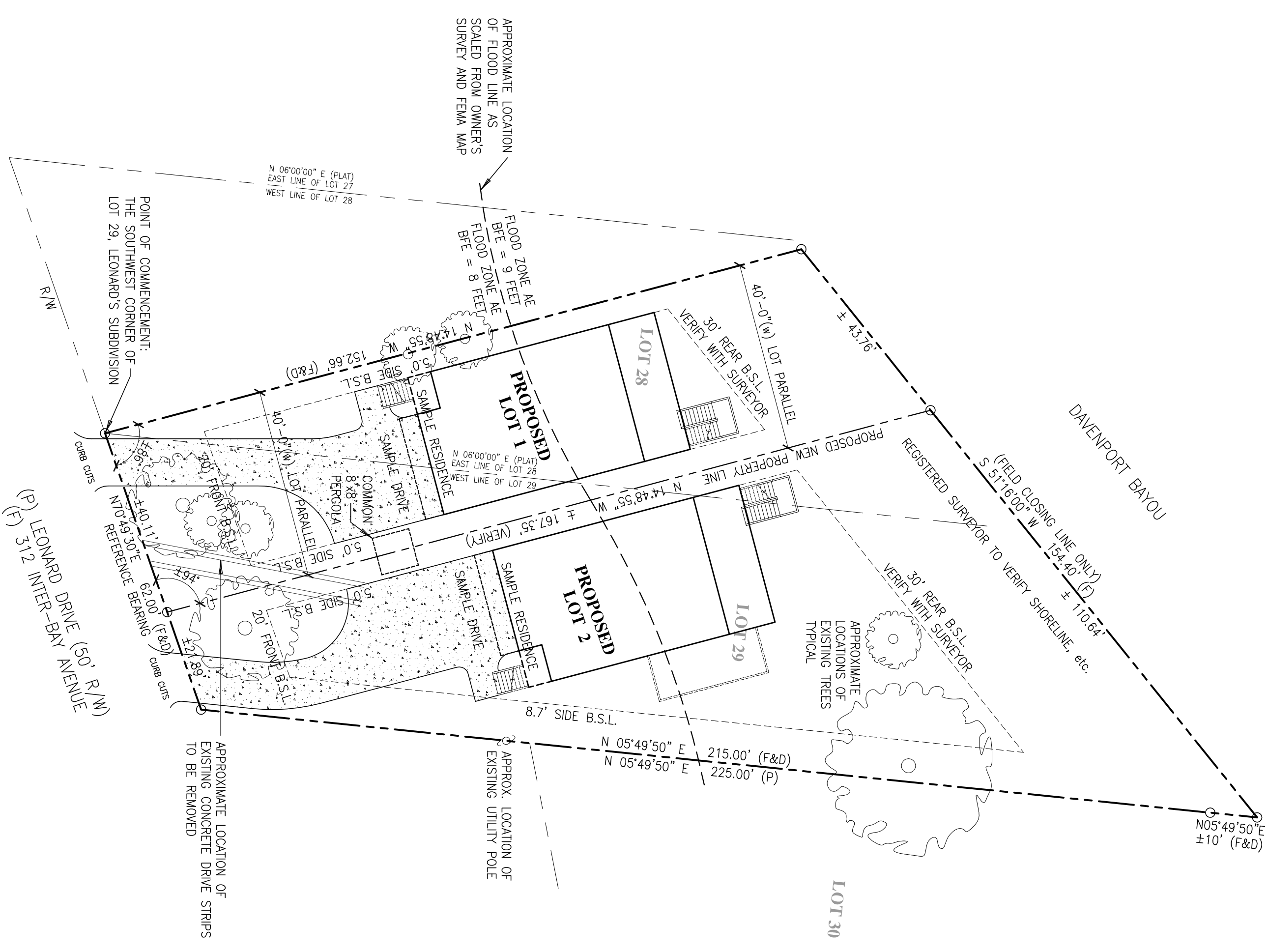
Lots 28 and 29, Leonards Subdivision, being a portion of Section 51, Township 2 South, Range 30 West, Escambia County, Florida, according to plat filed in Plat Book 1, Page 73, and Official Records Book 1633, Page 423, of the public records of said County.

Parcel ID#

512S306050000028

A PROPOSED LOT SUBDIVISION FOR

312 INTER-BAY AVENUE, PENSACOLA, FLORIDA 32507
 ESCAMBIA COUNTY



NOTE:
 SITE DRAWING BASED ON SURVEY INFORMATION FURNISHED BY OWNER. TODAY'S HOMES OF NORTHWEST FLORIDA, INC. NOT RESPONSIBLE FOR ACCURACY.

PROPOSED SITE DRAWING WAS CREATED FROM A SURVEY COMPLETED BY:
 NORTHWEST FLORIDA LAND SURVEYING, INC.
 7142 BELGIUM CIRCLE, PENSACOLA, FL 32526
 850-432-1052 sand@nwlw.com
<http://nwlwsurveyengineeringpensacola.com/>
 JOB NO. 10-16877-06 DATE: APRIL 10, 2008

VERIFY:

- 1 SEWER SYSTEM
- 2 UTILITIES: ELECTRICAL, GAS, PHONE, AND CABLE CONNECTIONS
- 3 WATER LOCATION
- 4 FLOOD ZONE(S)
- 5 SETBACKS, EASEMENTS, HOUSE LOCATION, ELEVATION, AND BENCHMARK(S), etc. BY A REGISTERED SURVEYOR

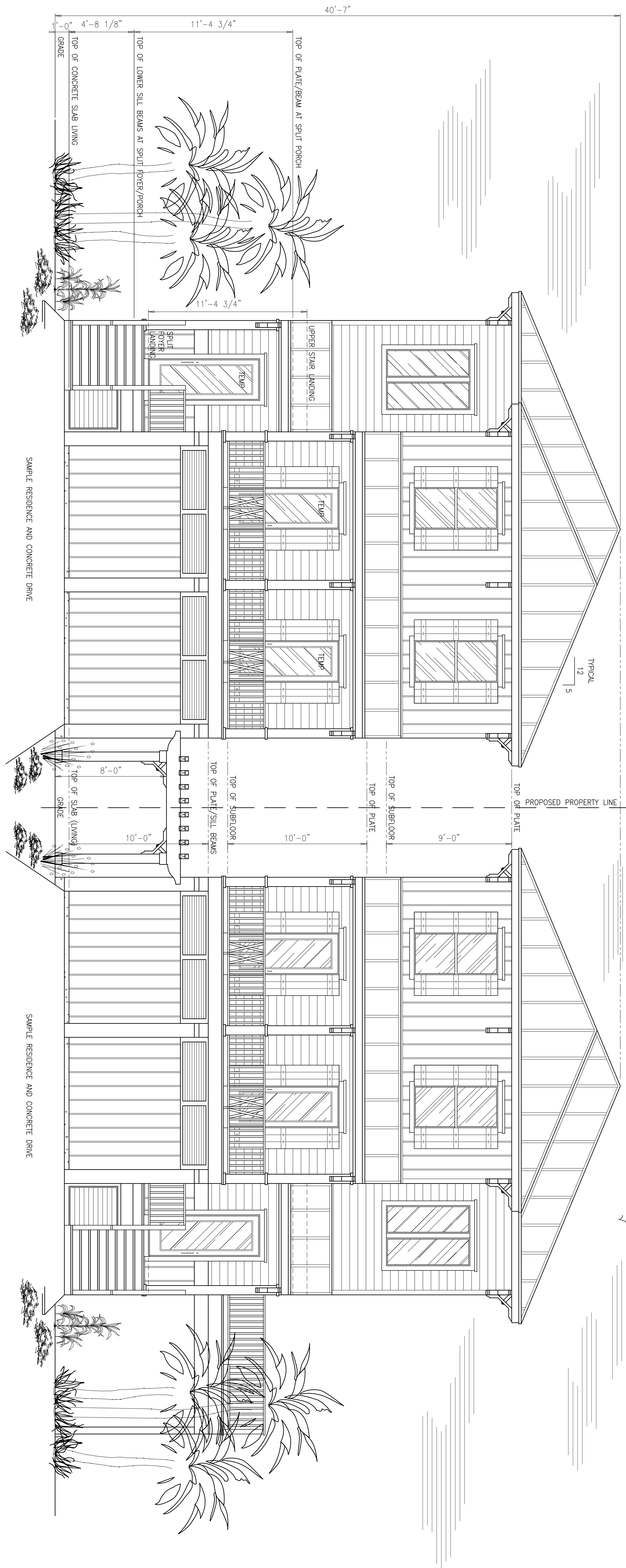
—▶ INDICATES SLOPE OF FINISH GRADE FOR WATER DRAINAGE

Today's Homes of Northwest Florida, Inc.
 DESIGNER: JAMES C. BOZEMAN
 101 S. ALCANIZ ST., PENSACOLA, FL 32502
 (850)-432-3510 FAX: 434-2375

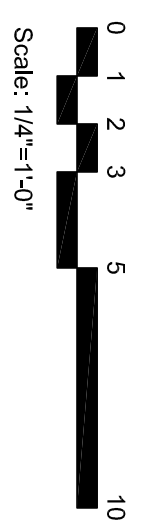
DRAWING NO: 312 INTERBAY AVENUE	DRAWN BY: JOHN CAWLEY	DATE: JANUARY 16, 2012
SCALE: 1" = 20'-0" u.n.o.	SHEET NUMBER:	

DESCRIPTION: SITE PLAN
© COPYRIGHT 2012. ALL RIGHTS RESERVED. DO NOT REPRODUCE WITHOUT WRITTEN PERMISSION OF JAMES C. BOZEMAN, OR TODAY'S HOMES OF NORTHWEST FLORIDA, INC. VERIFY DIMENSIONS BEFORE CONSTRUCTION. DESIGNER IS NOT RESPONSIBLE FOR ANY CHANGES TO ORIGINAL DESIGNS.

TODAY'S **44th** HOMES
 1968 JIM BOZEMAN 2012



FRONT ELEVATIONS (STREET VIEW)



Today's Homes of Northwest Florida, Inc.

DESIGNER: JAMES C. BOZEMAN
 101 S. ALCANIZ ST., PENSACOLA, FL 32502
 (850)-432-3510 FAX: 434-2375

DRAWING NO.:
 312 INTERBAY
 AVENUE

DRAWN BY:
 JOHN CAWLEY

SCALE:
 1/4" = 1'-0" u.n.o.

DATE:
 JANUARY 16, 2012

SHEET NUMBER:

DESCRIPTION: ELEVATIONS

© COPYRIGHT 2012. ALL RIGHTS RESERVED. DO NOT REPRODUCE WITHOUT WRITTEN PERMISSION OF JAMES C. BOZEMAN, OR TODAY'S HOMES OF NORTHWEST FLORIDA, INC. VERIFY DIMENSIONS BEFORE CONSTRUCTION. DESIGNER IS NOT RESPONSIBLE FOR ANY CHANGES TO ORIGINAL DESIGNS.

TODAY'S **44**th HOMES

1968 JIM BOZEMAN 2012

**CLARK PARTINGTON HART
LARRY BOND & STACKHOUSE**

ATTORNEYS AT LAW

Pensacola • Destin

William J. Dunaway
*Licensed to Practice in
Florida & Mississippi

Direct (850) 208-7020
wdunaway@cphlaw.com

March 4, 2011

Andrew Joslyn, Acting Program Administrator
Submerged Lands and Environmental Resource Program
Florida Department of Environmental Protection
Northwest District
160 Governmental Center
Pensacola, Florida 32502

Re: File No.: 17-0297360-001-DE

Dear Mr. Joslyn:

I write on behalf of my clients, the Besankos, adjoining land owners to Charles Hughes, owner of the property in question (304 Interbay Avenue, Pensacola, Florida 32507). As you will recall, last summer the Department issued a Notice of Changed Agency Position (copy attached for your information) in DOAH Case No.: 10-0537. That Notice of Changed Agency Position was based on a letter the Department provided to Mr. Charles Hughes dated June 23, 2010, authorizing the relocation (in order to meet the required 25 foot setback) of Mr. Hughes' existing 40 foot long by 4 foot wide pier and adding an 18 foot long by 6 foot wide terminal platform.

The Department's approval was followed by a letter to Mr. Hughes dated June 28, 2010 (copy attached), wherein you provided specific direction to Mr. Hughes clarifying that the authorization granted to him by the June 23 letter did not allow for the mooring of commercial vessels at a residential dock. The purpose of your letter was to specifically address the mooring of the commercial vessel "Snapper Trapper," which Mr. Hughes had continued to allow to be moored at his residential dock. You told Mr. Hughes that failure to comply may result in enforcement action.

The Department's actions led directly to my clients' agreement with Mr. Hughes over the location of the riparian line between their respective properties. This agreement was memorialized in writing on August 18, 2010 (a copy of which is attached). Your letter, along with the riparian line agreement, led to the successful resolution of the DOAH case, which concluded with the Order Closing File issued by

125 West Romana Street • Suite 800 • Pensacola, Florida 32502
P.O. Box 13010 • Pensacola, Florida 32591-3010
Phone (850) 434-9200 • Fax (850) 432-7340



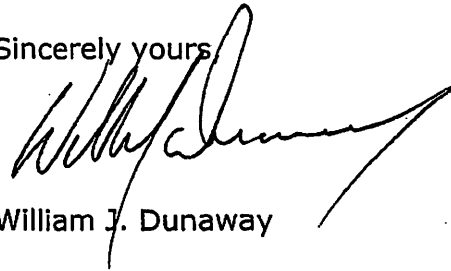
Andrew Joslyn
March 4, 2011
Page 2 of 2

the judge on August 27, 2010 thereby ending the adversarial proceedings between my clients, Mr. Hughes and the Department.

The purpose of this letter is to inquire as to Mr. Hughes' progress regarding the ordered relocation of his nonconforming residential dock. Please let me know what communication, if any, you have had with Mr. Hughes regarding his efforts to come into compliance with the Department's order to relocate his nonconforming residential dock to comply with the 25 foot riparian line set back.

With kind regards, I remain

Sincerely yours



William J. Dunaway

WJD\cw
Enclosures
cc: Clients
Charles Hughes
A0817532.DOC

** Forwarded on Fri 4/22/2011 03:50 PM **

From: Joslyn, Andrew (Andrew.Joslyn@dep.state.fl.us)
Sent: Fri 4/22/2011 03:30 PM
Rcvd: Fri 4/22/2011 03:30 PM
To: Will Dunaway
Subject: RE: Your letter Re: DEP 17-0297360-001-DE (Hughes)

=====

Based on the current site configuration, no further action on our part will be forthcoming.

Andy Joslyn

Telephone: 850-595-0671

From: Will Dunaway [mailto:wdunaway@cphlaw.com]
Sent: Friday, April 15, 2011 2:41 PM
To: Joslyn, Andrew
Cc: Bush, Amanda
Subject: RE: Your letter Re: DEP 17-0297360-001-DE (Hughes)

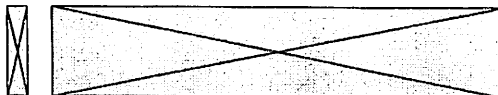
Andy,

Thanks for the update and the inspection report. What additional action, if any, does the Department intend to take on this matter?

Will

William J. Dunaway

(850) 208-7020



www.cphlaw.com

From: Joslyn, Andrew [mailto:Andrew.Joslyn@dep.state.fl.us]
Sent: Friday, April 15, 2011 2:33 PM
To: Will Dunaway
Cc: Bush, Amanda
Subject: RE: Your letter Re: DEP 17-0297360-001-DE (Hughes)

Will,

Sorry for not getting this to you sooner. We did an inspection and noted no changes.

Andy Joslyn

Telephone: 850-595-0671

From: Will Dunaway [mailto:wdunaway@cphlaw.com]
Sent: Friday, April 15, 2011 12:25 PM
To: Joslyn, Andrew
Cc: Bush, Amanda
Subject: FW: Your letter Re: DEP 17-0297360-001-DE (Hughes)

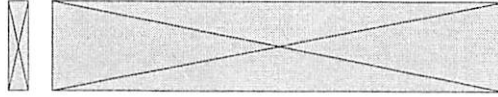
Andy,

Has there been any action on this matter since we last discussed? Thx.

Will

William J. Dunaway

(850) 208-7020



www.cphlaw.com

From: Will Dunaway
Sent: Friday, March 25, 2011 3:29 PM
To: 'Joslyn, Andrew'
Cc: Bush, Amanda
Subject: RE: Your letter Re: DEP 17-0297360-001-DE

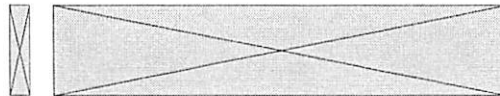
Andy,

Thanks for the update. I'd appreciate receiving a copy of your site inspection report for 312 Interbay once prepared. My clients went through quite an ordeal last year to get to an agreement on the location of the riparian line and the determination (changed agency action) that the existing dock is encroaching on their setback and must be moved and that the Snapper Trapper (or any commercial vessel) cannot be moored at the residential dock. They want to ensure that Dr. Hughes follows up on his required actions.

Will

William J. Dunaway

(850) 208-7020



www.cphlaw.com

From: Joslyn, Andrew [mailto:Andrew.Joslyn@dep.state.fl.us]
Sent: Friday, March 25, 2011 3:14 PM
To: Will Dunaway
Cc: Bush, Amanda
Subject: Your letter Re: DEP 17-0297360-001-DE

Mr. Dunaway,

I received your letter dated March 4, 2011 requesting an update regarding any communication my office has had with Dr. Hughes. While I cannot pinpoint the last communication we had with Dr. Hughes, it is safe to say it have been quite some time since we have heard from him.

Additionally, our office has not been made aware of any activity that has taken place within his property located at 312 Interbay since after the change of agency position was issued last summer. Staff will make arrangements to perform a site inspection in the near future to verify whether any work had been performed.

Thanks.

Andy Joslyn

Program Administrator

NWD - Environmental Resource Program

Telephone: 850-595-0671

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.



Florida Department of Environmental Protection

Northwest District
160 W. Government Street
Pensacola, Florida 32502-5740

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

SLERP INSPECTION REPORT

1. INSPECTION TYPE: Routine Complaint Follow-Up Permitting Pre-arranged

PROJECT NAME: Charles Hughes

FILE NO.: 17-0297360-001-DE

STREET ADDRESS: 312 Interbay Avenue, Pensacola, FL, 32506

MAILING ADDRESS: 304 Interbay Avenue, Pensacola, FL 32507

COUNTY: Escambia

DATE: 3/28/2011 TIME: 02:00 P.M.

2. APPLICABLE REGULATIONS:

<input checked="" type="checkbox"/> 62-312 F.A.	<input type="checkbox"/> 62-4 F.A.C	<input type="checkbox"/> 253 F.S.
<input checked="" type="checkbox"/> 18-21 F.A.C	<input type="checkbox"/> 62-340 F.A.C	<input type="checkbox"/> 258 F.S.
<input type="checkbox"/> 18-20 F.A.C	<input type="checkbox"/> 62-345 F.A.C	<input type="checkbox"/>

3. RESPONSIBLE OFFICIAL: Charles Hughes

4. INSPECTION PARTICIPANTS: Elizabeth Orr (FDEP)

5. LATITUDE/LONGITUDE: Latitude 30° 22' 39.38" North, Longitude 87° 16' 15.5" West

6. TYPE OF OWNERSHIP: private

7. Water Body: Davenport Bayou

8. Water Body Type: Estuarine

9. Water Body Class: Class III

"More Protection, Less Process"
www.dep.state.fl.us



Charles Hughes
File No. 17-0297360-001-DE
Inspection Report
Page 2 of 3

Site History and Description:

A letter was issued on June 23, 2010, confirming that the relocation of an existing 40-foot long by four-foot wide pier and addition of an 18-foot long by six-foot wide terminal platform and an associated mooring piling, totaling 268 square feet and the construction of a 50-foot long by six-foot wide pier and an associated mooring piling, totaling 300 square feet was exempt from requirements to obtain a consolidated wetland resource permit by paragraph 62-312.050(1)(d), F.A.C.

Site Inspections:

On March 28, 2011, Elizabeth Orr conducted an inspection of Charles Hughes' dock, 312 Interbay Avenue, Pensacola, FL. Ms. Orr did not find any evidence that the abovementioned exempt activities had been conducted. The existing 40-foot long by four-foot wide pier had not been relocated, a terminal platform had not been added, and 50-foot long by six-foot wide pier had not been constructed.

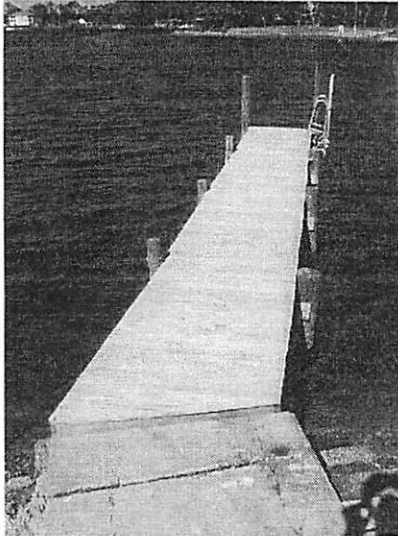


Photo Taken 2-2-10



Photo Taken 3-28-11

40-foot long by four-foot wide pier has not been relocated.



Photo Taken 3-28-11

Photo Taken 3-28-11

50-foot long by six-foot wide pier had not been constructed.

Report prepared by: Elizabeth M. Orr
Elizabeth M. Orr

Date: 3/29/11

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**ELAINE BESANKO and
BRUCE BESANKO,**

Petitioners,

**DOAH CASE NO. 10-0537
OGC CASE NO. 09-3618**

vs.

**CHARLES HUGHES and,
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Respondents.

NOTICE OF CHANGE IN AGENCY POSITION

Respondent, State of Florida Department of Environmental Protection (Department), hereby files this Notice of Change in Agency Position in the above referenced matter and does now authorize Respondent/Applicant Charles Hughes (Hughes) to relocate an existing 40-foot long by four-foot wide pier and add an 18-foot long by six-foot wide terminal platform and an associated mooring piling, totaling 268 square feet and construct a 50-foot long by six-foot wide pier and associates mooring piling, totaling 300 square feet. The docks will be 83 feet apart. The project is located at 312 Interbay Avenue in Pensacola, Florida, on Davenport Bayou, Class III Waters of the State, Prohibited Shellfish Harvesting, Section 51, Township 02-South, Range 30-West, Longitude 87° 16' 15.5" West, Latitude 30° 22' 39.38" North, in Escambia County. This notice supersedes the Department's letter dated September 29, 2009. See attached Letter of Regulatory Determination of Exemption and Letter of Proprietary Authorization with revised dock drawings (Department authorizations) dated June 23, 2010.



1. Upon further review of the proposed project, the Department finds that the project, as it was initially designed and approved, did not meet the criteria to qualify for proprietary authorization under Chapter 18-21, Florida Administrative Code.

2. The Department further finds that that the earlier approved project did not meet the requirement under Rule 18-21.004(3)(d), Florida Administrative Code, which provides that all activities conducted on sovereign submerged lands which require a Letter of Consent "must be set back a minimum of 25 feet inside the applicant's riparian rights lines."

3. The revised agency action that is the subject of this Notice addresses these deficiencies by requiring Hughes to relocate an existing dock to within 25 feet of the riparian rights lines and by granting Hughes a Letter of Consent in accordance with Chapter 18-21, Florida Administrative Code. *See* Department authorizations dated June 23, 2010.

Respectfully submitted this 24th day of June, 2010.



Amanda G. Bush
Senior Assistant General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, Florida 32399-3000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically with DOAH and was furnished by electronic mail to the following:

Charles Hughes
304 Interbay Avenue
Pensacola, Florida 32507
chughesmd@cox.net

William Dunaway, Esquire
Clark, Partington, Hart, Larry, Bond & Stackhouse
Post Office Box 13010
Pensacola, Florida 32591
wdunaway@cphlaw.com

on the 24th day of June, 2010.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Amanda G. Bush
Senior Assistant General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, Florida 32399-3000
Telephone: (850) 245-2205
Facsimile: (850) 245-2297



Florida Department of
Environmental Protection
160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 23, 2010

Charles Hughes
304 Interbay Avenue
Pensacola, FL 32507

Dear Mr. Hughes:

This is in response to your application (File No. 17-0297360-001-DE) received on September 1, 2009. The proposed activity is to relocate an existing 40-foot long by four-foot wide pier and add an 18-foot long by six-foot wide terminal platform and an associated mooring piling, totaling 268 square feet and construct a 50-foot long by six-foot wide pier and an associated mooring piling, totaling 300 square feet. The docks will be 83 feet apart. The project is located at 312 Interbay Avenue in Pensacola on Davenport Bayou, Class III Waters of the State, Prohibited Shellfish Harvesting, Section 51, Township 02-South, Range 30-West, Longitude 87° 16' 15.5" West, Latitude 30° 22' 39.38" North, in Escambia County. Based on the information you sent to us, we have determined that your project is exempted from our Wetland Resource Permit requirements by paragraph 62-312.050(1)(d), Florida Administrative Code, a copy of which is attached. This letter does not authorize any fill in regulated wetlands.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification will expire after one year, and will not be valid at any other time if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. However, the activity may still be conducted without further notification to or verification from the Department after the one-year expiration of this verification, provided: 1) the project design does not change; 2) site conditions do not materially change; and 3) there are no changes to the statutes or rules governing the exempt activity. In the event you need to re-verify the exempt status for the activity after the one-year expiration of this verification, a new application and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required. Conditions of compliance with the regulatory exemption are contained under notice of rights of substantially affected persons.

You may need additional permits from the U.S. Army Corps of Engineers and other county and city agencies before you begin construction.

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this exemption. Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a final determination that the proposed activity is not authorized under the exemption established under paragraph 62-312.050(1)(d), F.A.C.

The Department will not publish notice of this determination. Publication of this notice by you is optional and is not required for you to proceed. However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permit.

If you wish to limit the time within which all substantially affected persons may request an administrative hearing, you may elect to publish, at your own expense, the notice of rights of substantially affected persons in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. A single publication will suffice.

If you wish to limit the time within which any specific person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this exemption verification.

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes. In the event you do publish this notice, within seven days of publication, you must provide to the letterhead address proof of publication issued by the newspaper as provided in section 50.051 of the Florida Statutes. If you provide direct written notice to any person as noted above, you must provide to the letterhead address a copy of the direct written notice.

NOTICE OF RIGHTS OF SUBSTANTIALLY AFFECTED PERSONS

In the Matter of an Application
for a Determination of Qualification
for an Exemption by:

Charles Hughes
304 Interbay Avenue
Pensacola, FL 32507

File No. 17-0297360-001-DE
County: Escambia

The Department of Environmental Protection gives notice that the relocation of an existing 40-foot long by four-foot wide pier and addition of an 18-foot long by six-foot wide terminal platform and an associated mooring piling, totaling 268 square feet and the construction of a 50-foot long by six-foot wide pier and an associated mooring piling, totaling 300 square feet, located at 312 Interbay Avenue in Pensacola on Davenport Bayou, Class III Waters of the State, Prohibited Shellfish Harvesting, Section 51, Township 02-South, Range 30-West, Longitude 87° 16' 15.5" West, Latitude 30° 22' 39.38" North, in Escambia County, has been determined to be exempt from requirements to obtain a consolidated wetland resource permit by paragraph 62-312.050(1)(d), F.A.C.

This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. The procedures for petitioning for a hearing are set forth below:

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

In accordance with Rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing must be filed within 14 days of publication of the notice or receipt of written notice, whichever occurs first. Under Rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 prior to the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

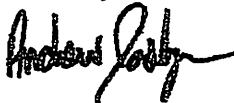
A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Under Sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Department of Environmental Protection, 160 Government Center, Pensacola, Florida 32502.

Please contact Elizabeth Orr at the letterhead address or at (850) 595-8300 ext. 1119 if you have any questions.

Sincerely,



Andrew Joslyn
Acting Program Administrator
Submerged Lands & Environmental
Resource Program

Enclosure: Rule No. 62-312.050(1)(d)
Letter of Consent
Exemption Drawings

c: U.S. Army Corps of Engineers

62-312.050 Exemptions.

(1) No permit shall be required under this chapter for dredging or filling specified in Section 403.813(2), F.S., except for those projects which are subject to one or more of the general permits in Part V of Chapter 62-312, F.A.C. No permit under this chapter shall be required for dredging or filling authorized by Rules 62-4.040(1)(a) or (b), F.A.C., or for dredging or filling which has been approved pursuant to Chapters 62-17, 62-23, or 62-45, F.A.C., or for the projects listed below.

(d) The installation of private docks of 500 square feet or less of surface area over the landward extent of waters of the State or 1000 square feet or less of surface area over the landward extent of waters of the State for docks which are not located in Outstanding Florida Waters and any of which:

1. is used for recreational, non-commercial activities, associated with the mooring or storage of boats and boat paraphernalia; and
2. is constructed or held in place by pilings, including floating docks, so as not to involve filling or dredging other than that necessary to install the pilings; and
3. does not substantially impede the flow of water or create a navigational hazard; and
4. is the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this rule, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a private dock under this exemption does not require the Department to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a private dock shall include the construction of structures attached to the pier which are only suitable for the mooring or storage of boats (i.e., boatlifts).



Florida Department of
Environmental Protection
160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 28, 2010

Charles Hughes
304 Interbay Avenue
Pensacola, FL 32507

Dear Mr. Hughes:

Please be advised that under the authorizations granted to you by letters dated June 23, 2010, Department rules do not allow for the mooring of commercial vessels at residential docks. In determining what may be a commercial activity, the Department is guided by Rule 18-21.003(57), Florida Administrative Code, which defines "revenue-generating" to mean "any structure or activity on sovereignty submerged lands that ... or *serves as an accessory activity* or facility to any revenue-generating or income producing operation, such as docking for ... *commercial fishing* ..." Therefore, under the authorizations provided to you, the mooring of commercial vessels, such as the Snapper Trapper, at your residential docks must be discontinued. The failure to comply may result in enforcement action against you.

Please contact me at the letterhead address or at (850) 595-8300 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Andrew Joslyn".

Andrew Joslyn
Acting Program Administrator
Submerged Lands & Environmental
Resource Program



Ernie Lee Magaha
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY FLORIDA
INST# 2010055109 08/24/2010 at 02:07 PM
OFF REC BK: 8627 PG: 1877 - 1885 Doc Type: AGM
RECORDING: \$78.00

THIS INSTRUMENT PREPARED BY:

William J. Dunaway
Clark, Partington, Hart, Larry,
Bond & Stackhouse
Post Office Box 13010
Pensacola, Florida 32591-3010
CPH no. 10-0205

STATE OF FLORIDA
COUNTY OF ESCAMBIA

AGREEMENT AS TO RIPARIAN LINE

This Agreement as to the location of the Riparian Line, dated the 18th day of AUGUST, 2010, is entered into between Bruce and Elaine Besanko, husband and wife ("Besanko") and Charles A. Hughes ("Hughes") for the purpose of finally and forever establishing the location of the riparian line between their respective real property.

WHEREAS, Besanko is the owner of the real property having an address of 310 Interbay Avenue, Pensacola, FL and is more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Besanko Property"); and

WHEREAS, Hughes is the owner of the real property having an address of 312 Interbay Avenue, Pensacola, FL and is more particularly described in Exhibit "B" attached hereto and made a part hereof (the "Hughes Property"); and

WHEREAS, in the past, both Besanko and Hughes have had different surveys drawn that depicted various locations of the riparian line between their properties.

WHEREAS, there exists an uncertainty as to the exact location of the true riparian line boundary between Besanko's and Hughes' respective properties; and

WHEREAS, the uncertainty of the riparian line has arisen in the Division of Administrative Hearings Case No.: 10-0537 regarding OGC Case No.: 09-3618 and application File No.: 17-0297360-001-DE; and

WHEREAS, a plat of survey labeled "A Boundary Survey and Location of Riparian Lines of a Portion of Leonard's Subdivision" was prepared by David D. Glaze (PSM #5605) dated October 26, 2009, with a Revised Channel date of March 12, 2010 (File No.: E-3840; Job No.: 34228-09; Job No. 34340-10 added improvements dated March 19, 2010 and March 24, 2010) (hereinafter referred to as the "Survey"). A legal description and a copy of the Survey is attached hereto as Exhibit "C" and made a part hereof; and



WHEREAS, it is the intention of Besanko and Hughes by this Agreement to establish a certain location of the riparian line that can be now and forever treated as the true location of the riparian line boundary between the Besanko Property and the Hughes Property; and

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, including but not limited to the covenants and agreements set forth herein, the receipt and sufficiency of which is hereby acknowledged, Besanko and Hughes do hereby expressly agree as follows:

1. The recitals set forth above are true and correct and hereby incorporated by reference.
2. The agreed upon true riparian line between the two parcels is depicted on the Survey and runs from a point labeled "Point 'A'", with a line of bearing N10°27'32" W (labeled on the survey as "Riparian Line"), and extends therefrom towards the "centerline of the bayou", as more fully described and depicted on the Survey.
3. If any party to this Agreement seeks enforcement of this Agreement against the other party, the prevailing party will be entitled to recover from the losing party reasonable attorneys' fee and all costs.
4. This Agreement represents the entire agreement between the parties which may only be modified in writing signed by all parties to this Agreement, or their heirs, successors and/or assigns.

IN WITNESS WHEREOF, the undersigned have signed this agreement as of the date set forth above.

[This space left intentionally blank – see following pages for signatures.]

SIGNED IN THE PRESENCE OF
THE FOLLOWING WITNESSES:

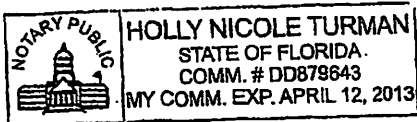
Jennifer Anne Schneider
Print Name: Jennifer Anne Schneider
Date 8/13/10

Elaine D. Besanko
Elaine Besanko
Date 8/13/2010

Perlu O. Phillips
Print Name: Perlu O. Phillips
Date 8/13/2010

STATE OF Florida
COUNTY OF Essex

The foregoing instrument was executed and acknowledged before me this 13th day of August, 2010 by Elaine Besanko, who () is personally known to me or (X) has produced MA DL#: 579146980 as identification.



[NOTARIAL SEAL]

Holly Turman
Notary Public
Commission Number: DD879643

Commission Expires: 4/12/2013

SIGNED IN THE PRESENCE OF
THE FOLLOWING WITNESSES:

Jennifer Anne Schneider
Print Name: Jennifer Anne Schneider
Date 8/13/10

B L
Bruce Besanko
Date 8/13/10

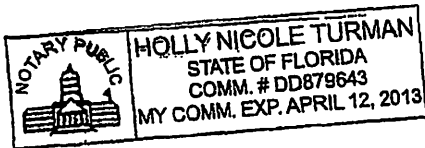
Paul O. Phillippe
Print Name: Paul O. Phillippe
Date 8/13/2010

STATE OF Florida
COUNTY OF Essex

The foregoing instrument was executed and acknowledged before me this 13th day of August, 2010 by Bruce Besanko, who () is personally known to me or (X) has produced Florida DL # B252-D685 identification.
2194

Holly Turman
Notary Public
Commission Number: DD879643
Commission Expires: 4/12/2013

[NOTARIAL SEAL]



SIGNED IN THE PRESENCE OF
THE FOLLOWING WITNESSES:

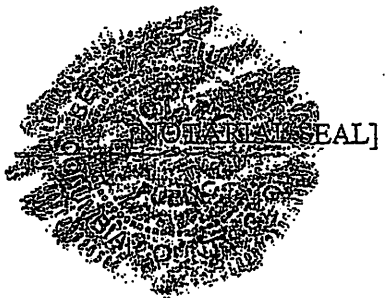
Linda S. Hill
Print Name: Linda S. Hill
Date 8-18-10

Charles A. Hughes
Charles A. Hughes
Date 8/18/10

Teresa M. Layman
Print Name: TERESA M. LAYMAN
Date 8/18/10

STATE OF Georgia
COUNTY OF Columbia

The foregoing instrument was executed and acknowledged before me this 18th day of August, 2010 by Charles A. Hughes, who () is personally known to me or () has produced _____ as identification.



Betty A. Sillman
Notary Public
Commission Number: _____
Commission Expires: September 14, 2010

EXHIBIT A

Besanko Property

DESCRIPTION AS PREPARED BY NORTHWEST FLORIDA LAND SURVEYING INC.: APO LOTS 27 & 28, LEONARD'S SUBDIVISION (PLAT BOOK 1 PAGE 73) MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 26, LEONARD'S SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 73 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA: THENCE GO NORTH 71 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY RIGHT -OF- WAY LINE OF INTER - BAY AVENUE (FIELD) LEONARD DRIVE (PLAT), (50 R/W) A DISTANCE OF 187.01 FEET TO THE POINT OF BEGINNING; THENCE GO SOUTH 71 DEGREES 00 MINUTES 00 SECONDS WEST ALONG LINE LAST TRAVERSED A DISTANCE OF 93.68 FEET; THENCE GO NORTH 06 DEGREES 50 MINUTES 06 SECONDS WEST A DISTANCE OF 124.04 FEET TO A POINT HEREINAFTER REFERED TO AS POINT 'A'; THENCE GO NORTH 06 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 10 FEET TO THE EDGE OF WATER OF DAVENPORT BAYOU; THENCE MEANDER NORTHEASTERLY ALONG AFORESAID WATER'S EDGE TO A POINT OF INTERSECTION WITH A LINE PASSED THROUGH THE POINT OF BEGINNING, HAVING A BEARING OF NORTH 14 DEGREES 48 MINUTES 35 SECONDS WEST; THENCE GO SOUTH 14 DEGREES 48 MINUTES 35 SECONDS EAST A DISTANCE OF 4 FEET MORE OR LESS TO A CONCRETE MARKER SAID MARKER LYING SOUTH 49 DEGREES 30 MINUTES 06 SECONDS WEST A DISTANCE OF 84.58 FEET FROM THE AFORESAID POINT 'A'; THENCE CONTINUE SOUTH 14 DEGREES 48 MINUTES 35 SECONDS EAST A DISTANCE OF 152.66 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 51, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA, AND CONTAINS 0.26 ACRES MORE OR LESS

COMMENCE AT THE SOUTHWEST CORNER OF LOT 29, LEONARD'S SUBDIVISION OF A PORTION OF SECTION 51, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBARIA COUNTY, FLORIDA, THENCE GO NORTH 14 DEGREES 48'35" WEST FOR A DISTANCE OF 152.66 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 14 DEGREES 48'35" WEST FOR A DISTANCE OF 2 FEET MORE OR LESS TO THE SHORELINE OF DAVENPORT BAYOU, SAID POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE BEGIN AGAIN A THE POINT OF BEGINNING GO SOUTH 14 DEGREES 48'35" EAST FOR A DISTANCE OF 152.66 FEET TO THE AFORESAID SOUTHWEST CORNER OF LOT 29; THENCE GO NORTH 70 DEGREES 49'50" EAST ALONG THE SOUTH LINE OF SAID LOT 29 FOR A DISTANCE OF 62.00 FEET TO THE SOUTHEAST CORNER OF LOT 29; THENCE GO NORTH 05 DEGREES 49'50" EAST ALONG THE EAST LINE OF SAID LOT 29 FOR A DISTANCE OF 215.00 FEET TO A POINT; THENCE CONTINUE NORTH 05 DEGREES 49'50" EAST FOR 10 FEET MORE OR LESS TO THE SHORELINE OF DAVENPORT BAYOU, SAID POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE MEANDER SOUTHWESTERLY ALONG THE SHORELINE OF DAVENPORT BAYOU FOR A DISTANCE OF 153 FEET MORE OR LESS TO POINT "A"; THENCE GO SOUTH 14 DEGREES 48'35" EAST FOR A DISTANCE OF 2 FEET MORE OR LESS TO THE POINT OF BEGINNING.

Hughes Property

EXHIBIT B

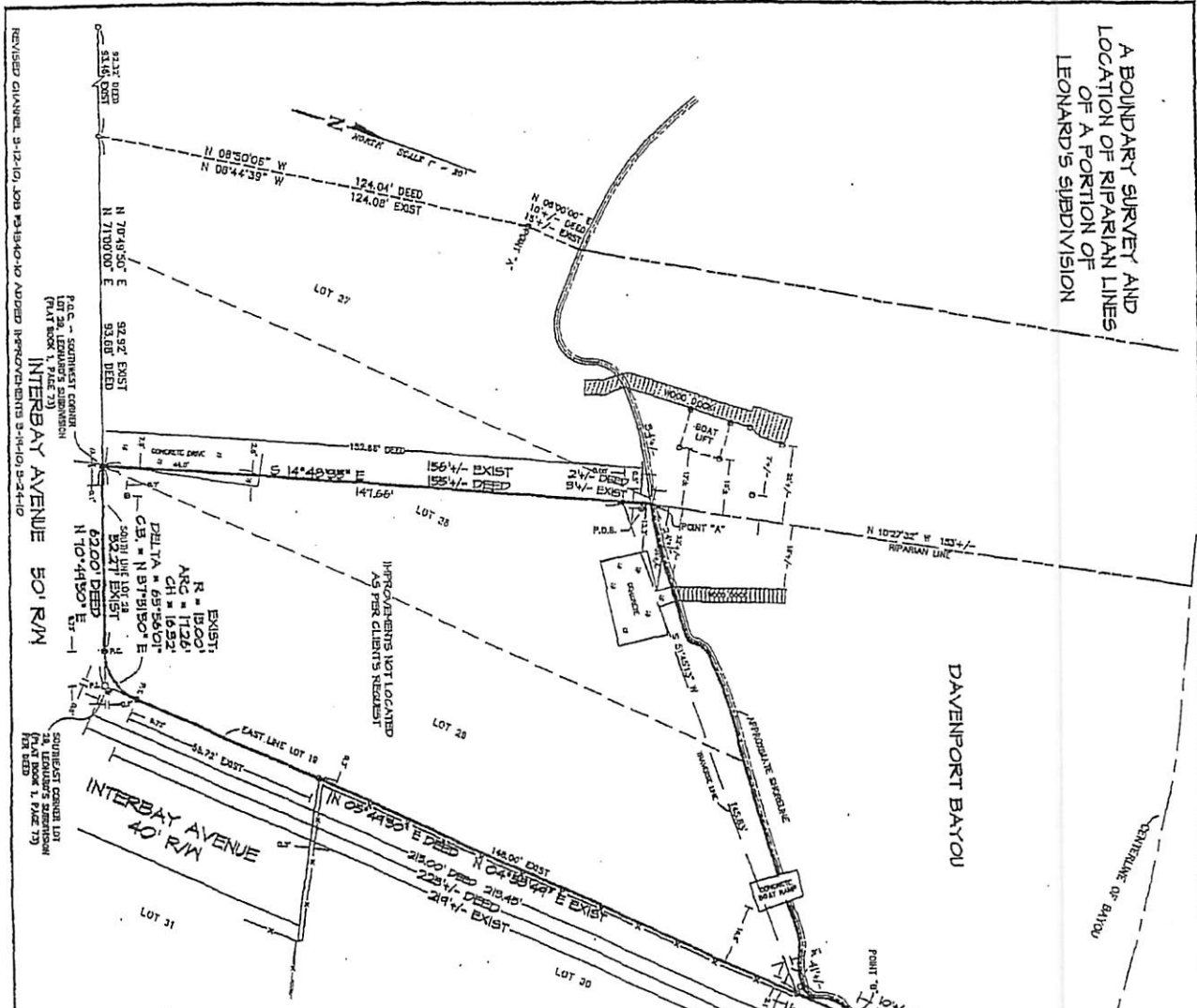
EXHIBIT C

Riparian Line Description

**DESCRIPTION AS PREPARED BY NORTHWEST FLORIDA LAND SURVEYING INC.: APO LOTS 27 & 28 EAST RIPARIAN LINE BEING IN LEONARD'S SUBDIVISION (PLAT BOOK 1 PAGE 73) MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF LOT 26, LEONARD'S SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 73 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA: THENCE GO NORTH 71 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY RIGHT -OF- WAY LINE OF INTER - BAY AVENUE (FIELD) LEONARD DRIVE (PLAT), (50 R/W) A DISTANCE OF 187.01 FEET TO A CAPPED IRON ROD MARKED 4882 AT THE SOUTHEAST CORNER OF SAID LOT 28 AND THE WEST LINE OF THE BENSANKO PROPERTY; THENCE GO SOUTH 14 DEGREES 48 MINUTES 35 SECONDS WEST ALONG SAID WEST PROPERTY LINE A DISTANCE OF 152.66 FEET TO A CONCREET MARKER. THENCE CONTINUE NORTH 14 DEGREES 48 MINUTES 35 SECONDS WEST 4 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF DAVENPORT BAYOU AND THE POINT OF BEGINNING OF THE EASTERLY RIPAIINN LINE ESTABLISH BY AGREEMENBETWEEN THE BESANKOS AND TONEY HUGHES. THENCE GO NORTH 10 DEGREES 27 MINUTES 32 SECONDS WEST ALONG SIAD RIPARIAN LINE A DISTANCE OF 153 FEET MORE OR LESS TO A POINT OF TERMINATION OF SAID RIPARIAN LINE.
THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 51, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA.**

[Survey on next page.]

A BOUNDARY SURVEY AND
LOCATION OF RIPARIAN LINES
OF A PORTION OF
LEONARD'S SUBDIVISION



SERVERS' NOTES:

1. Subject to setbacks, easements and restrictions of record.
2. This survey is subject to any facts that may be disclosed by all deed records to this search. No title work performed.
3. This survey does not reflect or delineate ownership.
4. This survey only reflects setback lines, which appear on the recorded plat. This proposed map also be subject to restrictive covenants of record.
5. Locations and foundations below natural grade not located.
6. Improvements not located as per client's request.
7. A portion of the plat of Leonard's Subdivision, as per recorded plat of Leonard's Subdivision.

STREET ADDRESS: 912 Interbay Avenue.

LEGAL DESCRIPTION:
Commence at the southwest corner of Lot 24 Leonard's Subdivision of a portion of Section 31, Township 2 South, 14 Range 36 West, East for a distance of 152.66 feet to the Point of Beginning; thence continue North 14 degrees 49'59\"/>

CITY ATLAS SHEET #215, RECORDED PLAT, LEONARD'S SUBDIVISION (P.B. 1, P. 75), PUBLIC RECORDS, SURVEYS
Source of Information BY NORTHWEST FLORIDA AND THIS FIRM

Measurements made in accordance with United States Standard

Bearing Reference NORTH BASED ON THE SOUTH LINE OF LOT 24 AS AS N 10° 41' 20\"/>	Elevation Reference
Orderd By: DAVID P. GLAZE	
I hereby certify that this survey was made under my responsible charge and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61017-6, Florida Administration Code, pursuant to Section 472.027 Florida Statutes	
David P. Glaze PSM #5605	Walter J. Glaze PSM #8190

PITTMAN, GLAZE AND ASSOCIATES, INC.
LAND SURVEYORS
100 NORTH NINTH AVENUE
PENSACOLA, FLORIDA 32501
(904) 494-6666 FAX (904) 494-6661
E-MAIL: pglaze@verizon.net



Development Services Department
Building Inspections Division
Board of Adjustment
3363 West Park Place
Pensacola, Florida 32505

February 15, 2012

Re: CU-2012-05

To The Board of Adjustment:

My name is Joan Overton and I own and reside at 512 Palomar Drive, six houses northwest of the applicant's property at 312 Interbay. Thank you for this opportunity to express my view.

The purpose of this letter is to object to the applicant's request to split the lot at 312 Interbay into two lots. In his letter to the Board of Adjustment dated January 17, 2012 the applicant's stated goal is, "to enhance the individual sites and increase property values in general for all in the neighborhood". Although I would welcome an improvement to this property, this can be achieved just as effectively with the construction of one house and not two. This is a small neighborhood that does not need the additional density either on the land, with the addition of two houses, or on the water, with the addition of a second dock or perhaps a third dock. The applicant has not stated how he intends to use this property. I am assuming they will be used as rental properties. I question how that translates into an increase in property values for the neighborhood that couldn't be achieved with the addition of just one house. Furthermore, one large house could arguably increase neighborhood property values more than two smaller houses.

The applicant further states in his letter to the Board that he is "proud to be developing our land and our neighborhood in such a way that we are a positive part of this mutually beneficial alliance and oversight". There are some issues associated with properties owned by the applicant that might suggest otherwise. For example:

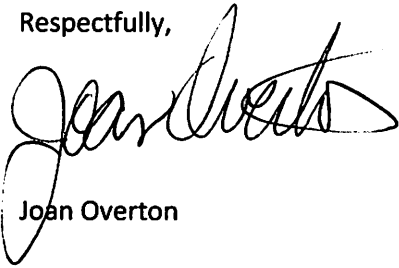
- 1) In 2009, on the subject property, the applicant constructed two docks without obtaining the required permits. This was reported to the authorities and one dock was removed. The applicant applied for and received an "after the fact" permit from the Florida Department of Environmental Protection (FDEP) for the second dock. While this dock issue was going on the applicant allowed two known commercial fishing boats to moor at one of the three docks at 304 Interbay, property also owned by the applicant, and subsequently the vessels moored at the unpermitted dock at the subject property (312 Interbay). It appeared that commercial charter boat operations could be taking place.
- 2) The applicant also owns property at 613 Silvershore, a few doors down from 312 Interbay. A building permit was obtained by the applicant in 2006 to improve the existing structure on this property. This house today continues to be in a dilapidated condition, and has received numerous code violations over the years. According to the Escambia County Code Enforcement Office another citation was issued by code enforcement on February 2, 2012 for "overgrowth and an unfinished house which was never completed". The house is a long-term neighborhood eyesore.

- 3) The application that the applicant submitted to the Board of Adjustment gives the impression that the applicant lives in the neighborhood at 304 Interbay. However, it appears that this house is now rental property, and has been for at least two years.

I believe that the applicant owns at least six properties in the neighborhood. Four of these are rental properties, one is a dilapidated structure with a long history of code enforcement violations, and the other is the subject property. Past actions on the part of the applicant make me seriously question if he will follow through with his submitted plans, and maintain the property in a manner that is not detrimental to the neighborhood.

I hope you will deny this request as submitted by the applicant. Thank you for your time.

Respectfully,

A handwritten signature in black ink, appearing to read "Joan Overton". The signature is written in a cursive style with a large, looping initial "J".

Joan Overton

February 9, 2012

To: Board of County Commissioners

Reference: Case #CU-2012-05
Location: 312 Interbay Avenue

My name is Rosemary Ropke. I reside at 320 Interbay Avenue. As this has been my home for sixty four (64) years I am very concerned about the outcome of this hearing. Unfortunately I am scheduled to be out of town on Wednesday, February 15, 2012 thus not able to attend the public hearing in reference to subdividing the property at 312 Interbay Avenue.

Please do ***not*** subdivide this parcel. This is a very narrow parcel at the street and would cause congestion at the small entrance road (which is only one lane) to the property. The three (3) pieces of property that would have an entrance from the road would have ***no*** street parking thus overflow onto the adjacent neighbors.

The only structure that could be built on the two (2) new properties would be a shotgun type house. This would not enhance in any way the neighborhood or the value of the existing properties.

No one will gain from this change. This change will only bring the value of my property and that next to me down. I hope you will consider all of the residence of the neighborhood and the best possible way to increase our values.

If I need to speak I can be reached by phone at (850) 516-7726. Please consider all residents when making your decision.

Sincerely



Rosemary Ropke
320 Interbay Avenue
Warrington, FL 32507

(850)456-2130 Home
(850)516-7726 Cell

WILLIAMS CARL E & MARGARET
PO BOX 9210
FLEMING ISLAND FL 32006

BARKSDALE JOHN &
512 PALOMAR DR
PENSACOLA FL 32507

HUGHES CHARLES A & DEBORAH
304 INTERBAY AVE
PENSACOLA FL 32507

LEWIS MARWOOD D & CAROL D
612 SILVERSHORE DR
PENSACOLA FL 32507

AZUMA MASARU &
656 EAST PACES FERRY RD NE
ATLANTA GA 30305

LUCAS COLLEEN JOYCE
321 INTERBAY AVE
PENSACOLA FL 32507

ALTIERI SHEA B
610 SILVERSHORE DR
PENSACOLA FL 32507

BZDICK TERRI READ
8084 THOROUGHbred
PENSACOLA FL 32526

MERRITT MILTON C JR
10063 ROOKERY RD
PENSACOLA FL 32507

ADKINS T MICHAEL
5088 PINE HOLLOW DR
PENSACOLA FL 32505

BENGTSON AL & DINAH S
7111 N BLUE ANGEL PKWY APT 3104
PENSACOLA FL 32526

BYRNE CAROLYN M
427 CREARY ST
PENSACOLA FL 325073425

SISTRUNK OPAL DARLENE
604 SILVERSHORE DR
PENSACOLA FL 32507

DOBSON DENNIS TRUSTEE
308 INTERBAY AVE
PENSACOLA FL 32507

ROPKE ROSEMARY
320 INTERBAY AVE
PENSACOLA FL 32507

ROBERTS DAVID W
602 SILVERSHORE DR
PENSACOLA FL 32507

BESANKO BRUCE & ELAINE O
191 FARMINGTON RD
LONGMEADOW MA 01106

BRAZWELL JERRY L & DEITRA D
608 SHEPPARD DR
PENSACOLA FL 32507

WILMER ROBERT M & MELISSA
305 INTERBAY AVE
PENSACOLA FL 32507

WILLIAMS JOE D
609 SILVERSHORE DR
PENSACOLA FL 32507

THOMPSON RANDLE D & LAURA L
315 W BLOUNT ST
PENSACOLA FL 32507

NOWAK MARGARET E
300 INTERBAY AVE
PENSACOLA FL 32507

SILVERSHORE LLC
119 GREGORY SQUARE
PENSACOLA FL 32502

DEWBERRY WILLIAM C JR
5814 SCHOFIELD DR
PENSACOLA FL 32506

SHIELL ROBERT G & HAZEL C
324 INTERBAY AVE
PENSACOLA FL 32507

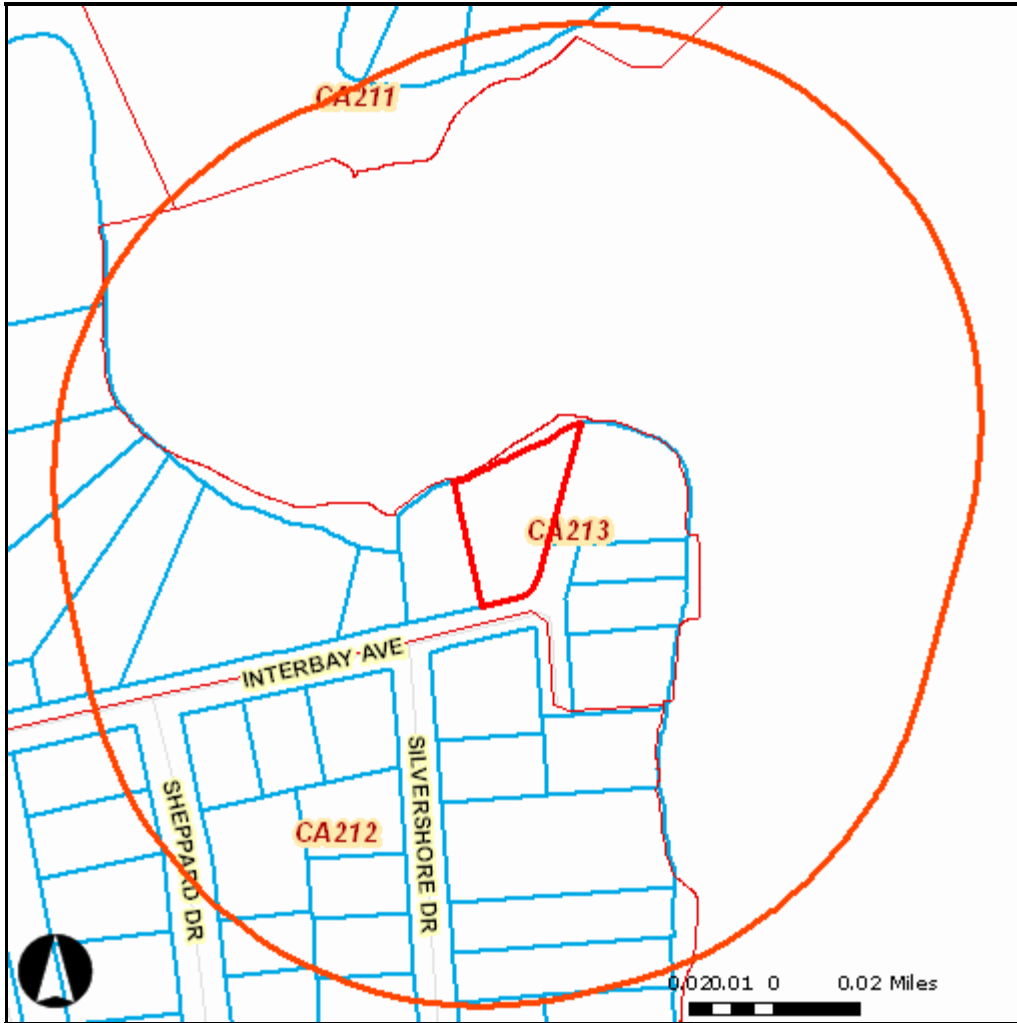
WIGGINS MARTHA ERNESTINE
502 PALOMAR DR
PENSACOLA FL 325073337

REESE PAUL J &
1416 TROUVILLE AVE
NORFOLK VA 23505

SUGGS EARL R & ELEANOR G
604 SHEPPARD DR
PENSACOLA FL 32507

KENYON MANAGEMENT LLC
3721 FOREST GLEN DR
PENSACOLA FL 32504

ECPA Map



Map Grid



Major Roads

- County Road
- InterState
- State Road
- US Highway

All Roads



Property Line



PLEASE NOTE: This product has been compiled from the source data of the Inter-Local Mapping and Geographic Information Network (IMAGINE) project of Escambia County. The ESCAMBIA COUNTY PROPERTY APPRAISER I-MAP Service is for reference purposes only and not to be considered as a legal document or survey instrument. Relying on the information contained herein is at the user's own risk. We assume no liability for any use of the information contained in the I-MAP Service or any resultant loss.



Development Services Department

Building Inspections Division

3363 West Park Place
Pensacola, Florida, 32505
(850) 595-3550
Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **547989**

Date Issued. : 01/19/2012

Cashier ID : KLHARPER

Application No. : PBA120100003

Project Name : CU-2012-05

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	1029	\$1,050.00	App ID : PBA120100003
		\$1,050.00	Total Check

Received From : DEBORAH L HUGHES

Total Receipt Amount : **\$1,050.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA120100003	641248	1,050.00	\$0.00	312 INTERBAY AVE, PENSACOLA, FL, 32507

Total Amount :

1,050.00

\$0.00

Balance Due on this/these
Application(s) as of 1/19/2012



BOARD OF COUNTY COMMISSIONERS ESCAMBIA COUNTY, FLORIDA

DEVELOPMENT SERVICES DEPARTMENT
3363 WEST PARK PLACE
Pensacola, FL 32505
(850) 595-3475 - Phone
(850) 595-3481 - FAX
www.myescambia.com

Development Services
Department

T. Lloyd Kerr, AICP
Director

ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk * are required.

Please Print Clearly

*Name: Will Dunaway (Clark Apartment Home) Phone: 850-208-7020
*Address: 125 W. Romana St *City, State, Zip: Pensacola FL 32502
*Agenda Item (CASE NO.#) 2012-05 Date: _____

Please check here if you wish to speak as: () Lay Person
 Expert: Area of Expertise & Qualifications
Legal - represent Residencer of 240 Interbay
Accepted by Board as an Expert: () Yes () No

_____ Please check here if you do not wish to speak: Present for the record only.

Chamber Rules

1. All who wish to speak will be heard.
2. This form must be filled out and given to the Board Clerk in order to be heard.
3. When the Chairman calls your name to speak, please come to the podium, adjust the microphone so you can be heard clearly, then state your NAME and ADDRESS for the record.
4. You are requested to keep your remarks BRIEF and FACTUAL.
5. Both sides of an issue will be granted uniform time to speak, normally 3 – 5 minutes.
6. During Quasi-judicial Hearings, Conduct is very formal, and regulated by Supreme Court decisions. Verbal reaction or applause is not appropriate.
7. Should there be a need for information to be handed out, the procedure is:
 - A. Copies are given to the Clerk for distribution.
 - B. Clerk distributes copies to the Board members and staff (13 total copies are needed)
 - C. One copy is placed in the official meeting file.



BOARD OF COUNTY COMMISSIONERS ESCAMBIA COUNTY, FLORIDA

DEVELOPMENT SERVICES DEPARTMENT
3363 WEST PARK PLACE
Pensacola, FL 32505
(850) 595-3475 - Phone
(850) 595-3481 - FAX
www.myescambia.com

Development Services
Department

T. Lloyd Kerr, AICP
Director

ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk * are required.

Please Print Clearly

*Name: Joan Overton Phone: 291-81733
*Address: 512 Palomaw Drive *City, State, Zip: PENSACOLA, FL 32509
*Agenda Item (CASE NO.#) CU-2012-05 Date: 2-15-12

Please check here if you wish to speak as: Lay Person
 Expert: Area of Expertise & Qualifications

Accepted by Board as an Expert: Yes No

Please check here if you do not wish to speak: Present for the record only.

Chamber Rules

1. All who wish to speak will be heard.
2. This form must be filled out and given to the Board Clerk in order to be heard.
3. When the Chairman calls your name to speak, please come to the podium, adjust the microphone so you can be heard clearly, then state your NAME and ADDRESS for the record.
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 - C. One copy is placed in the official meeting file.

Invoice Detail

Permit ID #: PBA120100003

Invoice #: 643459

Invoice Date: 02/27/2012 13:52:52

Period	Fee Item	Qty	Fee
FINAL	PUBLIC HEARING AD COST	79.28	\$79.28

Total Fee: \$79.28



Development Services Department

Building Inspections Division

3363 West Park Place
Pensacola, Florida, 32505
(850) 595-3550
Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **550603**

Date Issued. : 03/05/2012

Cashier ID : VHOWENS

Application No. : PBA120100003

Project Name : CU-2012-05

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Credit Card			
	V - 2498	\$79.28	App ID : PBA120100003
		\$79.28	Total Credit Card

Received From : HUGHES CHARLES A

Total Receipt Amount : **\$79.28**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA120100003	641248	1,050.00	\$0.00	312 INTERBAY AVE, PENSACOLA, FL, 32507
PBA120100003	643459	79.28	\$0.00	312 INTERBAY AVE, PENSACOLA, FL, 32507
Total Amount :		1,129.28	\$0.00	Balance Due on this/these Application(s) as of 3/13/2012

CLARK PARTINGTON HART LARRY BOND & STACKHOUSE

ATTORNEYS AT LAW

Pensacola • Destin • Tallahassee

William J. Dunaway
*Licensed to Practice in
Florida & Mississippi

Direct (850) 208-7020
wdunaway@cphlaw.com

March 12, 2012

Via Hand Delivery

Mr. Don Carlos, Chairperson
Escambia County Board of Adjustments
3363 West Park Place
Pensacola, FL 32505
ATTN: Andrew Holmer, Senior Urban Planner

Re: CU-2012-05; 312 Interbay Avenue

Dear Mr. Chairman and Board of Adjustments Members:

I have the privilege of representing Bruce and Elaine Besanko, owners of real property in Escambia County, located at 310 Interbay Avenue, Pensacola, Escambia County, Florida. The property is on the Davenport Bayou waterfront and adjacent to 312 Interbay Avenue, which property is owned by Charles Hughes (Hughes) and is the subject of a conditional use request to split their lot. My clients oppose the application and urge the Board of Adjustments (BOA) to deny the application for the reasons set forth herein.

Procedural History

Hughes submitted his application for conditional use approval to split his lot on January 17, 2012 and after being noticed, the application was brought before the BOA at its February 15, 2012 meeting. Inexplicably, the applicant failed to appear. However, several members of the public were present to oppose the request. Rather than hear the matter, the BOA continued the case until its March 21, 2012 meeting on condition that Hughes pay the re-notice fees associated with the delay. On March 5, 2012, I was informed by staff that Mrs. Hughes had paid the required fees. I still do not know why Hughes failed to show as scheduled on February 15, 2012.

Staff Report

In its brief report submitted for the Board of Adjustment meeting on February 15, 2012, staff correctly identifies the relevant Land Development Code (LDC) section applicable to this request (§4.05.00.c), which states as follows:

125 West Romana Street • Suite 800 • Pensacola, Florida 32502
P.O. Box 13010 • Pensacola, Florida 32591-3010
Phone (850) 434-9200 • Fax (850) 432-7340
www.cphlaw.com

C. Division of lots within a subdivision. Where further division of an approved lot is not prohibited by any restriction found on the face of a recorded plat, **division of an approved lot within a recorded subdivision must meet the density and width provisions of Article 6 and must receive conditional use approval by the board of adjustments.** This is not to preclude a shifting of lot lines that does not create additional lots.

Additionally, staff correctly identifies the LDC criteria applicable to this request as §2.05.03. Those nine specific criteria for approval are set out in the report followed by staff's minimal findings of fact. My client disagrees with staff's findings of fact to three of the nine criteria and urges the BOA to deny Hughes request for reasons set forth below.

Standard of Review

Per Section 2.05.03, for conditional uses, the BOA is authorized to conduct a quasi-judicial public hearing to hear and decide conditional uses to the terms of this Code. The BOA is authorized to grant conditional uses in appropriate cases and with appropriate safeguards but only as specifically authorized by the LDC and which results in the use of a premises for a purpose not otherwise permitted within the zoning district in which said premises is located.

During its deliberations, the BOA may interpret specific provisions of the LDC whenever it finds sufficient facts to demonstrate to its satisfaction that such conditional use, if granted, would be substantially in harmony with the general purpose and intent of the LDC. **No conditional uses shall be authorized unless the BOA finds that all of the following criteria are met:**

A. *Application required.* The application must indicate the section of this Code under which the conditional use is sought and state the grounds on which it is requested.

B. *Public hearing.* A quasi-judicial public hearing shall be held by the BOA on all applications requesting a conditional use.

C. *Findings required.* Before any conditional use is approved or approved with conditions, the **BOA shall make written findings, based on competent substantial evidence, certifying compliance with specific rules governing such individual conditional uses, and that satisfactory provisions and/or arrangements have been made concerning the following,** where applicable:

1. *On-site circulation.* Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian

safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe.

2. Nuisance. Any adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) **of the conditional use on adjoining properties and properties generally in the district.**

3. *Solid waste.* Refuse and service areas with particular reference to concurrency requirements and items 1 and 2 above.

4. *Utilities.* Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.

5. *Buffers.* The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other manmade barriers, so long as the function of the buffer and the intent of policy 7.A.3.7 of the Comprehensive Plan are fulfilled.

6. *Signs.* Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

7. Environmental impact. Impacts to protected trees, wetlands, **waterbodies**, stormwater management or other natural features of the subject parcel.

8. Neighborhood impact. General compatibility with adjacent properties and other property in the immediate area.

9. Other requirements of code. The proposed conditional use is consistent with all other relevant provisions of this Code.

D. *Conditional use limitations.* (as detailed in Section 2.05.03 D). Conditions on approval are permitted to safeguard and promote the purposes of the LDC.

Requirements of Article 6.05.09 E.

2. *Lot width.* **Minimum lot width for a single-family dwelling or cluster measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet.** The minimum lot width for a two-family dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way line. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.

Requirements of Article 9.04.03

B. *Subdivision*. A reduction in the amount of land containing a nonconformity is prohibited. **No subdivision of any parcel containing a nonconforming use, structure or performance standard is permitted.**

Application

In the applicant's letter, he states that the goal of the request to split the lot at 312 Interbay Avenue is to enhance the individual site and increase property values in general for the entire neighborhood. The applicant further states in his letter to the Board that they "appreciate the county's diligence in ensuring that residents and their property values are protected to the extent of the existing laws. We are proud to be developing our land and our neighborhood in such a way that we are a positive part of this mutually beneficial alliance and oversight."

Evidence

The application includes a proposed lot subdivision site plan, an owner affidavit, a copy of the 2011 proposed taxes, and a memo providing a legal description. Additionally, the BOA has its staff report which makes minimum findings of fact and concludes with a recommendation that a condition be attached to any BOA approval requiring the demolition and removal of the existing structure before the conditional use is approved. Additional evidence (attached) includes:

- A. Letter to Andrew Joslyn of FDEP from William J. Dunaway dated March 4, 2011; requesting status update on Charles Hughes' progress with the relocation of nonconforming residential dock.
- B. E-mail between Andrew Joslyn and William J. Dunaway dated March 25, 2011 confirming receipt of above letter and indicating no activity on behalf of Hughes.
- C. FDEP Inspection Report, dated March 28, 2011 – Reporting no action to date to comply with authorization to re-locate nonconforming dock.
- D. Notice of Change in Agency Position, dated June 24, 2010 – FDEP authorizes Hughes to relocate his nonconforming dock outside the 25-foot riparian line.
- E. FDEP (Andrew Joslyn) correspondence to Hughes dated June 28, 2010 advising that continued mooring of commercial vessels at residential docks is not authorized and violation will result in enforcement action.
- F. Agreement as to Riparian Line recorded on August 24, 2010 in the official records of Escambia County, FL at OR BK 6627 PG 1877.
- G. Correspondence to Escambia County Board of Adjustment from Joan Overton dated February 15, 2012 regarding opposition to Hughes' request to split lot at 312 Interbay Ave.

Argument

1. The site plan advanced by the applicant fails to meet the minimum lot width requirement of forty feet. The facts submitted by the applicant in his proposed site plan clearly shows the front yard of the second lot at the right of way is 21.89 feet. While the site plan fails to provide the lot width of the second lot at the building front (the 40' width is shown for the first lot), it is apparent that the minimum required 40' feet are not present on the second lot. This is per se prohibited by Article 6.05.09 E which requires the lot width in the R-3 zoning district to be a minimum of 40 feet.

Regardless of how I or staff might better design the site plan to attempt to meet the minimum requirements, the facts are that as presented by the applicant, his plan fails to qualify and therefore the application is due to be denied.

2. The existing parcel contains a nonconforming use, structure or performance standard and therefore further subdivision of the parcel is prohibited. Article 9.04.03 B sets forth the prohibition and the attached documents (along with potential evidence to be presented at the hearing) establish the continued existence of the nonconforming dock at the parcel.

The Hughes are also the owners of 304 Interbay Ave (two lots west of 312 Interbay). As the aerial photos illustrate, there exists three docks on that parcel. Staff may be able to provide you with insight into the permitting status of those three structures. As the aerial photos also show, there is one dock on the western side of the 312 Interbay parcel and another remnant dock on the extreme eastern side of the parcel. Several years ago, Hughes desired to construct a second dock on the 312 Interbay parcel and to expand the existing nonconforming dock. Through a protracted administrative hearing process with the Florida Department of Environmental Protection (FDEP) that ultimately resulted in an agreement (see Exhibit F) as to the location of the riparian line between the 312 Interbay and my clients' parcels, it was established that the Hughes' western most dock was located within the riparian setback established by FDEP and was therefore a nonconforming structure.

As a part of the negotiated settlement with my clients and FDEP, the Hughes' request to build a second dock was authorized (with conditions) by FDEP on June 24, 2010. Those conditions required the relocation of the existing nonconforming dock so it was no longer in the prohibited riparian setback area. The FDEP said it would "authorize Respondent/Applicant Charles Hughes (Hughes) to relocate an existing 40-foot long by four-foot wide pier and add an 18-foot long by six-foot wide terminal platform and an associated mooring piling, totaling 268 square feet and construct a 50-foot long by six-foot wide pier and associated mooring piling, totaling 300 square feet. The docks will be 83 feet apart." (See Exhibit D).

FDEP's action, if complied with by Hughes, would have eliminated the nonconforming dock by relocating it out of the riparian setback area. It also would have allowed the nonconforming dock to be expanded and a second permitted dock to be built on the parcel (which was the original goal of the applicant). Hughes did not comply with the authorization provided by FDEP and the nonconforming dock remains. (See exhibits A, B, and C). It does appear that the nonconforming use of the nonconforming residential dock as a commercial mooring stopped after June 28, 2010 (see Exhibit E) under threat of FDEP enforcement action.

While it is not known whether the present request is simply a means to get around the requirement to relocate the nonconforming dock as a condition of expanding and constructing a second dock on the parcel, it would be the result if approved by the BOA since FDEP has indicated a willingness to permit all lots (regardless of size) that border waterways with at least one dock. This point is hinted at by Hughes himself in his application wherein he tells you that "[a]ny dock, current or future, will meet code requirements." (See application, Issue 9). He fails to mention to you that as it exists today, the dock is nonconforming. This is why your code prohibits the subdivision of a parcel containing a nonconforming structure. Because there exist a nonconforming structure on the parcel, the application to subdivide that parcel is due to be denied.

3. Criterion numbers 2, 7, 8, and 9 of Section 2.05.03 are not meet by the applicant.

Regarding criterion number 2, there will be an adverse impact to the adjacent parcel (owned by the Besankos) because a nonconforming dock, which is due to be relocated, will be allowed to remain in place and therefore forever encroaching on the riparian setback between the Hughes and Besanko parcels.

Regarding criterion number 7, the impacts to the water body (Bayou Davenport) are negative since approval would perpetuate a hazard to navigation (for my clients) in that Hughes existing dock is too close to the permitted dock owned by the Besankos making ingress and egress of a boat more difficult.

Regarding criterion number 8, the letter attached as Exhibit G from Joan Overton provides the best evidence on the potential negative impacts to the neighborhood. Joan Overton was present on February 15, 2012 and would have presented the letter to the BOA in person but the failure on the part of the applicant to show up prevented that action. As a resident of the neighborhood, her insight is important for the BOA to consider.

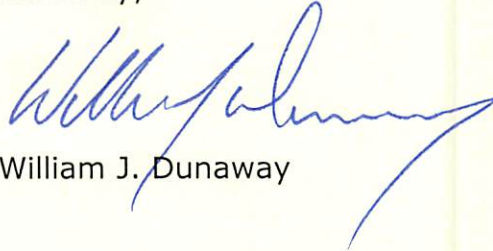
Criterion 9 has been completely addressed above and since the application is not consistent with all other provisions of the code, the application is due to be denied.

Conclusion

This is a small neighborhood of single family homes along a small bayou and the character of the neighborhood is not enhanced by splitting this lot into two parcels. Furthermore, the application does not meet the basic LDC requirements for minimum lot width; it contains a nonconforming structure; and it fails to meet all of the criteria set forth in the LDC. Therefore the application for a conditional use to split the parcel (312 Interbay Ave.) should be denied.

I plan to be present at the quasi-judicial hearing on March 21, 2012 and will request permission to question both staff and the applicant regarding the facts of this application and will also ask for time to make a presentation commenting on the evidence and how it fails to meet the requirements of your LDC. I will ask that you deny the application.

Sincerely,



William J. Dunaway

WJD\cw

cc: Bruce & Elaine Besanko
Kristin Hual, Staff Attorney to the BOA

A1037457.DOC

CLARK PARTINGTON HART
LARRY BOND & STACKHOUSE

ATTORNEYS AT LAW

Pensacola • Destin

William J. Dunaway
*Licensed to Practice in
Florida & Mississippi

Direct (850) 208-7020
wdunaway@cphlaw.com

March 4, 2011

Andrew Joslyn, Acting Program Administrator
Submerged Lands and Environmental Resource Program
Florida Department of Environmental Protection
Northwest District
160 Governmental Center
Pensacola, Florida 32502

Re: File No.: 17-0297360-001-DE

Dear Mr. Joslyn:

I write on behalf of my clients, the Besankos, adjoining land owners to Charles Hughes, owner of the property in question (304 Interbay Avenue, Pensacola, Florida 32507). As you will recall, last summer the Department issued a Notice of Changed Agency Position (copy attached for your information) in DOAH Case No.: 10-0537. That Notice of Changed Agency Position was based on a letter the Department provided to Mr. Charles Hughes dated June 23, 2010, authorizing the relocation (in order to meet the required 25 foot setback) of Mr. Hughes' existing 40 foot long by 4 foot wide pier and adding an 18 foot long by 6 foot wide terminal platform.

The Department's approval was followed by a letter to Mr. Hughes dated June 28, 2010 (copy attached), wherein you provided specific direction to Mr. Hughes clarifying that the authorization granted to him by the June 23 letter did not allow for the mooring of commercial vessels at a residential dock. The purpose of your letter was to specifically address the mooring of the commercial vessel "Snapper Trapper," which Mr. Hughes had continued to allow to be moored at his residential dock. You told Mr. Hughes that failure to comply may result in enforcement action.

The Department's actions led directly to my clients' agreement with Mr. Hughes over the location of the riparian line between their respective properties. This agreement was memorialized in writing on August 18, 2010 (a copy of which is attached). Your letter, along with the riparian line agreement, led to the successful resolution of the DOAH case, which concluded with the Order Closing File issued by

125 West Romana Street • Suite 800 • Pensacola, Florida 32502
P.O. Box 13010 • Pensacola, Florida 32591-3010
Phone (850) 434-9200 • Fax (850) 432-7340
www.cphlaw.com



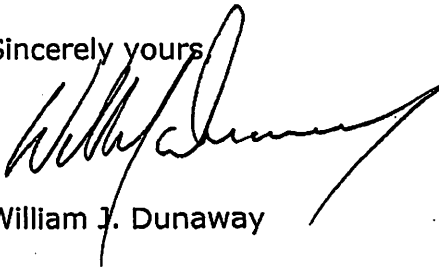
Andrew Joslyn
March 4, 2011
Page 2 of 2

the judge on August 27, 2010 thereby ending the adversarial proceedings between my clients, Mr. Hughes and the Department.

The purpose of this letter is to inquire as to Mr. Hughes' progress regarding the ordered relocation of his nonconforming residential dock. Please let me know what communication, if any, you have had with Mr. Hughes regarding his efforts to come into compliance with the Department's order to relocate his nonconforming residential dock to comply with the 25 foot riparian line set back.

With kind regards, I remain

Sincerely yours



William J. Dunaway

WJD\cw
Enclosures
cc: Clients
Charles Hughes
A0817532.DOC

Holly N. Turman

From: Will Dunaway
Sent: Friday, March 25, 2011 3:29 PM
To: 'Joslyn, Andrew'
Cc: Bush, Amanda
Subject: RE: Your letter Re: DEP 17-0297360-001-DE

Andy,

Thanks for the update. I'd appreciate receiving a copy of your site inspection report for 312 Interbay once prepared. My clients went through quite an ordeal last year to get to an agreement on the location of the riparian line and the determination (changed agency action) that the existing dock is encroaching on their setback and must be moved and that the Snapper Trapper (or any commercial vessel) cannot be moored at the residential dock. They want to ensure that Dr. Hughes follows up on his required actions.

Will



From: Joslyn, Andrew [<mailto:Andrew.Joslyn@dep.state.fl.us>]
Sent: Friday, March 25, 2011 3:14 PM
To: Will Dunaway
Cc: Bush, Amanda
Subject: Your letter Re: DEP 17-0297360-001-DE

Mr. Dunaway,

I received your letter dated March 4, 2011 requesting an update regarding any communication my office has had with Dr. Hughes. While I cannot pinpoint the last communication we had with Dr. Hughes, it is safe to say it have been quite some time since we have heard from him.

Additionally, our office has not been made aware of any activity that has taken place within his property located at 312 Interbay since after the change of agency position was issued last summer. Staff will make arrangements to perform a site inspection in the near future to verify whether any work had been performed.

Thanks.

Andy Joslyn
Program Administrator
NWD - Environmental Resource Program
Telephone: 850-595-0671

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few



minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.



Florida Department of Environmental Protection

Northwest District
160 W. Government Street
Pensacola, Florida 32502-5740

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

SLERP INSPECTION REPORT

1. INSPECTION TYPE: Routine Complaint Follow-Up Permitting Pre-arranged

PROJECT NAME: Charles Hughes

FILE NO.: 17-0297360-001-DE

STREET ADDRESS: 312 Interbay Avenue, Pensacola, FL, 32506

MAILING ADDRESS: 304 Interbay Avenue, Pensacola, FL 32507

COUNTY: Escambia

DATE: 3/28/2011 TIME: 02:00 P.M.

2. APPLICABLE REGULATIONS:

- | | | |
|---|---------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> 62-312 F.A. | <input type="checkbox"/> 62-4 F.A.C | <input type="checkbox"/> 253 F.S. |
| <input checked="" type="checkbox"/> 18-21 F.A.C | <input type="checkbox"/> 62-340 F.A.C | <input type="checkbox"/> 258 F.S. |
| <input type="checkbox"/> 18-20 F.A.C | <input type="checkbox"/> 62-345 F.A.C | <input type="checkbox"/> |

3. RESPONSIBLE OFFICIAL: Charles Hughes

4. INSPECTION PARTICIPANTS: Elizabeth Orr (FDEP)

5. LATITUDE/LONGITUDE: Latitude 30° 22' 39.38" North, Longitude 87° 16' 15.5" West

6. TYPE OF OWNERSHIP: private

7. Water Body: Davenport Bayou

8. Water Body Type: Estuarine

9. Water Body Class: Class III

"More Protection, Less Process"
www.dep.state.fl.us



Charles Hughes
File No. 17-0297360-001-DE
Inspection Report
Page 2 of 3

Site History and Description:

A letter was issued on June 23, 2010, confirming that the relocation of an existing 40-foot long by four-foot wide pier and addition of an 18-foot long by six-foot wide terminal platform and an associated mooring piling, totaling 268 square feet and the construction of a 50-foot long by six-foot wide pier and an associated mooring piling, totaling 300 square feet was exempt from requirements to obtain a consolidated wetland resource permit by paragraph 62-312.050(1)(d), F.A.C.

Site Inspections:

On March 28, 2011, Elizabeth Orr conducted an inspection of Charles Hughes' dock, 312 Interbay Avenue, Pensacola, FL. Ms. Orr did not find any evidence that the abovementioned exempt activities had been conducted. The existing 40-foot long by four-foot wide pier had not been relocated, a terminal platform had not been added, and 50-foot long by six-foot wide pier had not been constructed.



Photo Taken 2-2-10



Photo Taken 3-28-11

40-foot long by four-foot wide pier has not been relocated.

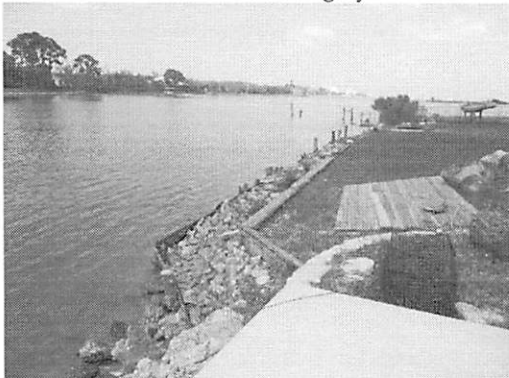


Photo Taken 3-28-11



Photo Taken 3-28-11

50-foot long by six-foot wide pier had not been constructed.

Report prepared by: Elizabeth Orr
Elizabeth M. Orr

Date: 3/29/11

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ELAINE BESANKO and
BRUCE BESANKO,

Petitioners,

DOAH CASE NO. 10-0537
OGC CASE NO. 09-3618

vs.

CHARLES HUGHES and,
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondents.

NOTICE OF CHANGE IN AGENCY POSITION

Respondent, State of Florida Department of Environmental Protection (Department), hereby files this Notice of Change in Agency Position in the above referenced matter and does now authorize Respondent/Applicant Charles Hughes (Hughes) to relocate an existing 40-foot long by four-foot wide pier and add an 18-foot long by six-foot wide terminal platform and an associated mooring piling, totaling 268 square feet and construct a 50-foot long by six-foot wide pier and associates mooring piling, totaling 300 square feet. The docks will be 83 feet apart. The project is located at 312 Interbay Avenue in Pensacola, Florida, on Davenport Bayou, Class III Waters of the State, Prohibited Shellfish Harvesting, Section 51, Township 02-South, Range 30-West, Longitude 87° 16' 15.5" West, Latitude 30° 22' 39.38" North, in Escambia County. This notice supersedes the Department's letter dated September 29, 2009. *See* attached Letter of Regulatory Determination of Exemption and Letter of Proprietary Authorization with revised dock drawings (Department authorizations) dated June 23, 2010.



1. Upon further review of the proposed project, the Department finds that the project, as it was initially designed and approved, did not meet the criteria to qualify for proprietary authorization under Chapter 18-21, Florida Administrative Code.

2. The Department further finds that that the earlier approved project did not meet the requirement under Rule 18-21.004(3)(d), Florida Administrative Code, which provides that all activities conducted on sovereign submerged lands which require a Letter of Consent "must be set back a minimum of 25 feet inside the applicant's riparian rights lines."

3. The revised agency action that is the subject of this Notice addresses these deficiencies by requiring Hughes to relocate an existing dock to within 25 feet of the riparian rights lines and by granting Hughes a Letter of Consent in accordance with Chapter 18-21, Florida Administrative Code. See Department authorizations dated June 23, 2010.

Respectfully submitted this 24th day of June, 2010.



Amanda G. Bush
Senior Assistant General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, Florida 32399-3000

CERTIFICATE OF SERVICE

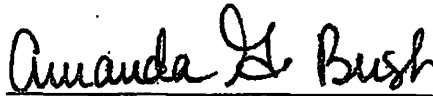
I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically with DOAH and was furnished by electronic mail to the following:

Charles Hughes
304 Interbay Avenue
Pensacola, Florida 32507
chughesmd@cox.net

William Dunaway, Esquire
Clark, Partington, Hart, Larry, Bond & Stackhouse
Post Office Box 13010
Pensacola, Florida 32591
wdunaway@cphlaw.com

on the 24th day of June, 2010.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Amanda G. Bush
Senior Assistant General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, Florida 32399-3000
Telephone: (850) 245-2205
Facsimile: (850) 245-2297



Florida Department of
Environmental Protection
160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 23, 2010

Charles Hughes
304 Interbay Avenue
Pensacola, FL 32507

Dear Mr. Hughes:

This is in response to your application (File No. 17-0297360-001-DE) received on September 1, 2009. The proposed activity is to relocate an existing 40-foot long by four-foot wide pier and add an 18-foot long by six-foot wide terminal platform and an associated mooring piling, totaling 268 square feet and construct a 50-foot long by six-foot wide pier and an associated mooring piling, totaling 300 square feet. The docks will be 83 feet apart. The project is located at 312 Interbay Avenue in Pensacola on Davenport Bayou, Class III Waters of the State, Prohibited Shellfish Harvesting, Section 51, Township 02-South, Range 30-West, Longitude 87° 16' 15.5" West, Latitude 30° 22' 39.38" North, in Escambia County. Based on the information you sent to us, we have determined that your project is exempted from our Wetland Resource Permit requirements by paragraph 62-312.050(1)(d), Florida Administrative Code, a copy of which is attached. This letter does not authorize any fill in regulated wetlands.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification will expire after one year, and will not be valid at any other time if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. However, the activity may still be conducted without further notification to or verification from the Department after the one-year expiration of this verification, provided: 1) the project design does not change; 2) site conditions do not materially change; and 3) there are no changes to the statutes or rules governing the exempt activity. In the event you need to re-verify the exempt status for the activity after the one-year expiration of this verification, a new application and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required. Conditions of compliance with the regulatory exemption are contained under notice of rights of substantially affected persons.

You may need additional permits from the U.S. Army Corps of Engineers and other county and city agencies before you begin construction.

Be advised that your neighbors and other parties who may be substantially affected by the proposed activity allowed under this determination of exemption have a right to request an administrative hearing on the Department's decision that the proposed activity qualifies for this exemption. Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a final determination that the proposed activity is not authorized under the exemption established under paragraph 62-312.050(1)(d), F.A.C.

The Department will not publish notice of this determination. Publication of this notice by you is optional and is not required for you to proceed. However, in the event that an administrative hearing is held and the Department's determination is reversed, proceeding with the proposed activity before the time period for requesting an administrative hearing has expired would mean that the activity was conducted without the required permit.

If you wish to limit the time within which all substantially affected persons may request an administrative hearing, you may elect to publish, at your own expense, the notice of rights of substantially affected persons in the legal advertisement section of a newspaper of general circulation in the county where the activity is to take place. A single publication will suffice.

If you wish to limit the time within which any specific person(s) may request an administrative hearing, you may provide such person(s), by certified mail, a copy of this exemption verification.

For the purposes of publication, a newspaper of general circulation means a newspaper meeting the requirements of sections 50.011 and 50.031 of the Florida Statutes. In the event you do publish this notice, within seven days of publication, you must provide to the letterhead address proof of publication issued by the newspaper as provided in section 50.051 of the Florida Statutes. If you provide direct written notice to any person as noted above, you must provide to the letterhead address a copy of the direct written notice.

NOTICE OF RIGHTS OF SUBSTANTIALLY AFFECTED PERSONS

In the Matter of an Application
for a Determination of Qualification
for an Exemption by:

Charles Hughes
304 Interbay Avenue
Pensacola, FL 32507

File No. 17-0297360-001-DE
County: Escambia

The Department of Environmental Protection gives notice that the relocation of an existing 40-foot long by four-foot wide pier and addition of an 18-foot long by six-foot wide terminal platform and an associated mooring piling, totaling 268 square feet and the construction of a 50-foot long by six-foot wide pier and an associated mooring piling, totaling 300 square feet, located at 312 Interbay Avenue in Pensacola on Davenport Bayou, Class III Waters of the State, Prohibited Shellfish Harvesting, Section 51, Township 02-South, Range 30-West, Longitude 87° 16' 15.5" West, Latitude 30° 22' 39.38" North, in Escambia County, has been determined to be exempt from requirements to obtain a consolidated wetland resource permit by paragraph 62-312.050(1)(d), F.A.C.

This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. The procedures for petitioning for a hearing are set forth below:

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation is not available.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

In accordance with Rules 28-106.111(2) and 62-110.106(3)(a)(4), petitions for an administrative hearing must be filed within 14 days of publication of the notice or receipt of written notice, whichever occurs first. Under Rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 prior to the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. Upon motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect, the Department may also grant the requested extension of time.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that right.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Under Sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing shall be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Department of Environmental Protection, 160 Government Center, Pensacola, Florida 32502.

Please contact Elizabeth Orr at the letterhead address or at (850) 595-8300 ext. 1119 if you have any questions.

Sincerely,



Andrew Joslyn
Acting Program Administrator
Submerged Lands & Environmental
Resource Program

Enclosure: Rule No. 62-312.050(1)(d)
Letter of Consent
Exemption Drawings

c: U.S. Army Corps of Engineers

62-312.050 Exemptions.

(1) No permit shall be required under this chapter for dredging or filling specified in Section 403.813(2), F.S., except for those projects which are subject to one or more of the general permits in Part V of Chapter 62-312, F.A.C. No permit under this chapter shall be required for dredging or filling authorized by Rules 62-4.040(1)(a) or (b), F.A.C., or for dredging or filling which has been approved pursuant to Chapters 62-17, 62-23, or 62-45, F.A.C., or for the projects listed below.

(d) The installation of private docks of 500 square feet or less of surface area over the landward extent of waters of the State or 1000 square feet or less of surface area over the landward extent of waters of the State for docks which are not located in Outstanding Florida Waters and any of which:

1. is used for recreational, non-commercial activities, associated with the mooring or storage of boats and boat paraphernalia; and
2. is constructed or held in place by pilings, including floating docks, so as not to involve filling or dredging other than that necessary to install the pilings; and
3. does not substantially impede the flow of water or create a navigational hazard; and
4. is the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this rule, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a private dock under this exemption does not require the Department to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a private dock shall include the construction of structures attached to the pier which are only suitable for the mooring or storage of boats (i.e., boatlifts).



Florida Department of
Environmental Protection
160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 28, 2010

Charles Hughes
304 Interbay Avenue
Pensacola, FL 32507

Dear Mr. Hughes:

Please be advised that under the authorizations granted to you by letters dated June 23, 2010, Department rules do not allow for the mooring of commercial vessels at residential docks. In determining what may be a commercial activity, the Department is guided by Rule 18-21.003(57), Florida Administrative Code, which defines "revenue-generating" to mean "any structure or activity on sovereignty submerged lands that ... or *serves as an accessory activity* or facility to any revenue-generating or income producing operation, such as docking for ... *commercial fishing* ..." Therefore, under the authorizations provided to you, the mooring of commercial vessels, such as the Snapper Trapper, at your residential docks must be discontinued. The failure to comply may result in enforcement action against you.

Please contact me at the letterhead address or at (850) 595-8300 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Andrew Joslyn". The signature is written in a cursive, flowing style.

Andrew Joslyn
Acting Program Administrator
Submerged Lands & Environmental
Resource Program



Ernie Lee Magaha
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY FLORIDA
INST# 2010055109 08/24/2010 at 02:07 PM
OFF REC BK: 6627 PG: 1877 - 1885 Doc Type: AGM
RECORDING: \$78.00

THIS INSTRUMENT PREPARED BY:

William J. Dunaway
Clark, Partington, Hart, Larry,
Bond & Stackhouse
Post Office Box 13010
Pensacola, Florida 32591-3010
CPH no. 10-0205

STATE OF FLORIDA
COUNTY OF ESCAMBIA

AGREEMENT AS TO RIPARIAN LINE

This Agreement as to the location of the Riparian Line, dated the 18th day of AUGUST, 2010, is entered into between Bruce and Elaine Besanko, husband and wife ("Besanko") and Charles A. Hughes ("Hughes") for the purpose of finally and forever establishing the location of the riparian line between their respective real property.

WHEREAS, Besanko is the owner of the real property having an address of 310 Interbay Avenue, Pensacola, FL and is more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Besanko Property"); and

WHEREAS, Hughes is the owner of the real property having an address of 312 Interbay Avenue, Pensacola, FL and is more particularly described in Exhibit "B" attached hereto and made a part hereof (the "Hughes Property"); and

WHEREAS, in the past, both Besanko and Hughes have had different surveys drawn that depicted various locations of the riparian line between their properties.

WHEREAS, there exists an uncertainty as to the exact location of the true riparian line boundary between Besanko's and Hughes' respective properties; and

WHEREAS, the uncertainty of the riparian line has arisen in the Division of Administrative Hearings Case No.: 10-0537 regarding OGC Case No.: 09-3618 and application File No.: 17-0297360-001-DE; and

WHEREAS, a plat of survey labeled "A Boundary Survey and Location of Riparian Lines of a Portion of Leonard's Subdivision" was prepared by David D. Glaze (PSM #5605) dated October 26, 2009, with a Revised Channel date of March 12, 2010 (File No.: E-3840; Job No.: 34228-09; Job No. 34340-10 added improvements dated March 19, 2010 and March 24, 2010) (hereinafter referred to as the "Survey"). A legal description and a copy of the Survey is attached hereto as Exhibit "C" and made a part hereof; and



WHEREAS, it is the intention of Besanko and Hughes by this Agreement to establish a certain location of the riparian line that can be now and forever treated as the true location of the riparian line boundary between the Besanko Property and the Hughes Property; and

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, including but not limited to the covenants and agreements set forth herein, the receipt and sufficiency of which is hereby acknowledged, Besanko and Hughes do hereby expressly agree as follows:

1. The recitals set forth above are true and correct and hereby incorporated by reference.
2. The agreed upon true riparian line between the two parcels is depicted on the Survey and runs from a point labeled "Point 'A'", with a line of bearing N10°27'32" W (labeled on the survey as "Riparian Line"), and extends therefrom towards the "centerline of the bayou", as more fully described and depicted on the Survey.
3. If any party to this Agreement seeks enforcement of this Agreement against the other party, the prevailing party will be entitled to recover from the losing party reasonable attorneys' fee and all costs.
4. This Agreement represents the entire agreement between the parties which may only be modified in writing signed by all parties to this Agreement, or their heirs, successors and/or assigns.

IN WITNESS WHEREOF, the undersigned have signed this agreement as of the date set forth above.

[This space left intentionally blank – see following pages for signatures.]

SIGNED IN THE PRESENCE OF
THE FOLLOWING WITNESSES:

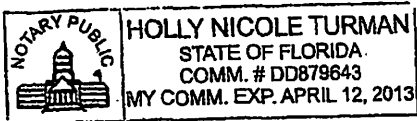
Jennifer Anne Schneider
Print Name: Jennifer Anne Schneider
Date 8/13/10

Elaine D. Besanko
Elaine Besanko
Date 8/13/2010

Paula O. Phillips
Print Name: Paula O. Phillips
Date 8/13/2010

STATE OF Florida
COUNTY OF Essex

The foregoing instrument was executed and acknowledged before me this 13th day of August, 2010 by Elaine Besanko, who () is personally known to me or () has produced MA ID #: 579146980 as identification.



[NOTARIAL SEAL]

Holly Turman
Notary Public
Commission Number: DD879643
Commission Expires: 4/12/2013

SIGNED IN THE PRESENCE OF
THE FOLLOWING WITNESSES:

Jennifer Anne Schneider
Print Name: Jennifer Anne Schneider
Date 8/13/10

B. Besanko
Bruce Besanko
Date 8/13/10

Peter O. Phillippe
Print Name: Peter O. Phillippe
Date 8/13/2010

STATE OF Florida
COUNTY OF Essex

The foregoing instrument was executed and acknowledged before me this 13th day of August, 2010 by Bruce Besanko, who () is personally known to me or (X) has produced Illinois DL # B252-D685 identification.
BIA4

Holly Turman
Notary Public
Commission Number: DD879643
Commission Expires: 4/12/2013

[NOTARIAL SEAL]



SIGNED IN THE PRESENCE OF
THE FOLLOWING WITNESSES:

Linda S. Hill
Print Name: Linda S. Hill
Date 8-18-10

Charles A. Hughes
Charles A. Hughes
Date 8/18/10

Teresa M. Layman
Print Name: TERESA M. LAYMAN
Date 8/18/10

STATE OF Georgia

COUNTY OF Columbia

The foregoing instrument was executed and acknowledged before me this 18th day of August, 2010 by Charles A. Hughes, who () is personally known to me or () has produced _____ as identification.



Bette A. Jellman
Notary Public
Commission Number: _____

Commission Expires: September 14, 2010

EXHIBIT A

Besanko Property

DESCRIPTION AS PREPARED BY NORTHWEST FLORIDA LAND SURVEYING INC.: APO LOTS 27 & 28, LEONARD'S SUBDIVISION (PLAT BOOK 1 PAGE 73) MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 26, LEONARD'S SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 73 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA: THENCE GO NORTH 71 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY RIGHT -OF- WAY LINE OF INTER - BAY AVENUE (FIELD) LEONARD DRIVE (PLAT), (50 R/W) A DISTANCE OF 187.01 FEET TO THE POINT OF BEGINNING; THENCE GO SOUTH 71 DEGREES 00 MINUTES 00 SECONDS WEST ALONG LINE LAST TRAVERSED A DISTANCE OF 93.68 FEET; THENCE GO NORTH 06 DEGREES 50 MINUTES 06 SECONDS WEST A DISTANCE OF 124.04 FEET TO A POINT HEREINAFTER REFERED TO AS POINT 'A'; THENCE GO NORTH 06 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 10 FEET TO THE EDGE OF WATER OF DAVENPORT BAYOU; THENCE MEANDER NORTHEASTERLY ALONG AFORESAID WATER'S EDGE TO A POINT OF INTERSECTION WITH A LINE PASSED THROUGH THE POINT OF BEGINNING, HAVING A BEARING OF NORTH 14 DEGREES 48 MINUTES 35 SECONDS WEST; THENCE GO SOUTH 14 DEGREES 48 MINUTES 35 SECONDS EAST A DISTANCE OF 4 FEET MORE OR LESS TO A CONCRETE MARKER SAID MARKER LYING SOUTH 49 DEGREES 30 MINUTES 06 SECONDS WEST A DISTANCE OF 84.58 FEET FROM THE AFORESAID POINT 'A'; THENCE CONTINUE SOUTH 14 DEGREES 48 MINUTES 35 SECONDS EAST A DISTANCE OF 152.66 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 51, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA, AND CONTAINS 0.26 ACRES MORE OR LESS

COMMENCE AT THE SOUTHWEST CORNER OF LOT 29, LEONARD'S SUBDIVISION OF A PORTION OF
 SECTION 51, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA, THENCE GO NORTH
 14 DEGREES 48'35" WEST FOR A DISTANCE OF 152.66 FEET TO THE POINT OF BEGINNING; THENCE
 CONTINUE NORTH 14 DEGREES 48'35" WEST FOR A DISTANCE OF 2 FEET MORE OR LESS TO THE
 SHORELINE OF DAVENPORT BAYOU, SAID POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE
 BEGIN AGAIN A THE POINT OF BEGINNING GO SOUTH 14 DEGREES 48'35" EAST FOR A DISTANCE OF
 152.66 FEET TO THE AFORESAID SOUTHWEST CORNER OF LOT 29; THENCE GO NORTH 70 DEGREES
 49'50" EAST ALONG THE SOUTH LINE OF SAID LOT 29 FOR A DISTANCE OF 62.00 FEET TO THE
 SOUTHEAST CORNER OF LOT 29; THENCE GO NORTH 05 DEGREES 49'50" EAST ALONG THE EAST LINE
 OF SAID LOT 29 FOR A DISTANCE OF 215.00 FEET TO A POINT; THENCE CONTINUE NORTH 05 DEGREES
 49'50" EAST FOR 10 FEET MORE OR LESS TO THE SHORELINE OF DAVENPORT BAYOU, SAID POINT
 HEREINAFTER REFERRED TO AS POINT "B"; THENCE MEANDER SOUTHWESTERLY ALONG THE
 SHORELINE OF DAVENPORT BAYOU FOR A DISTANCE OF 153 FEET MORE OR LESS TO POINT "A";
 THENCE GO SOUTH 14 DEGREES 48'35" EAST FOR A DISTANCE OF 2 FEET MORE OR LESS TO THE POINT
 OF BEGINNING.

Hughes Property

EXHIBIT B

EXHIBIT C

Riparian Line Description

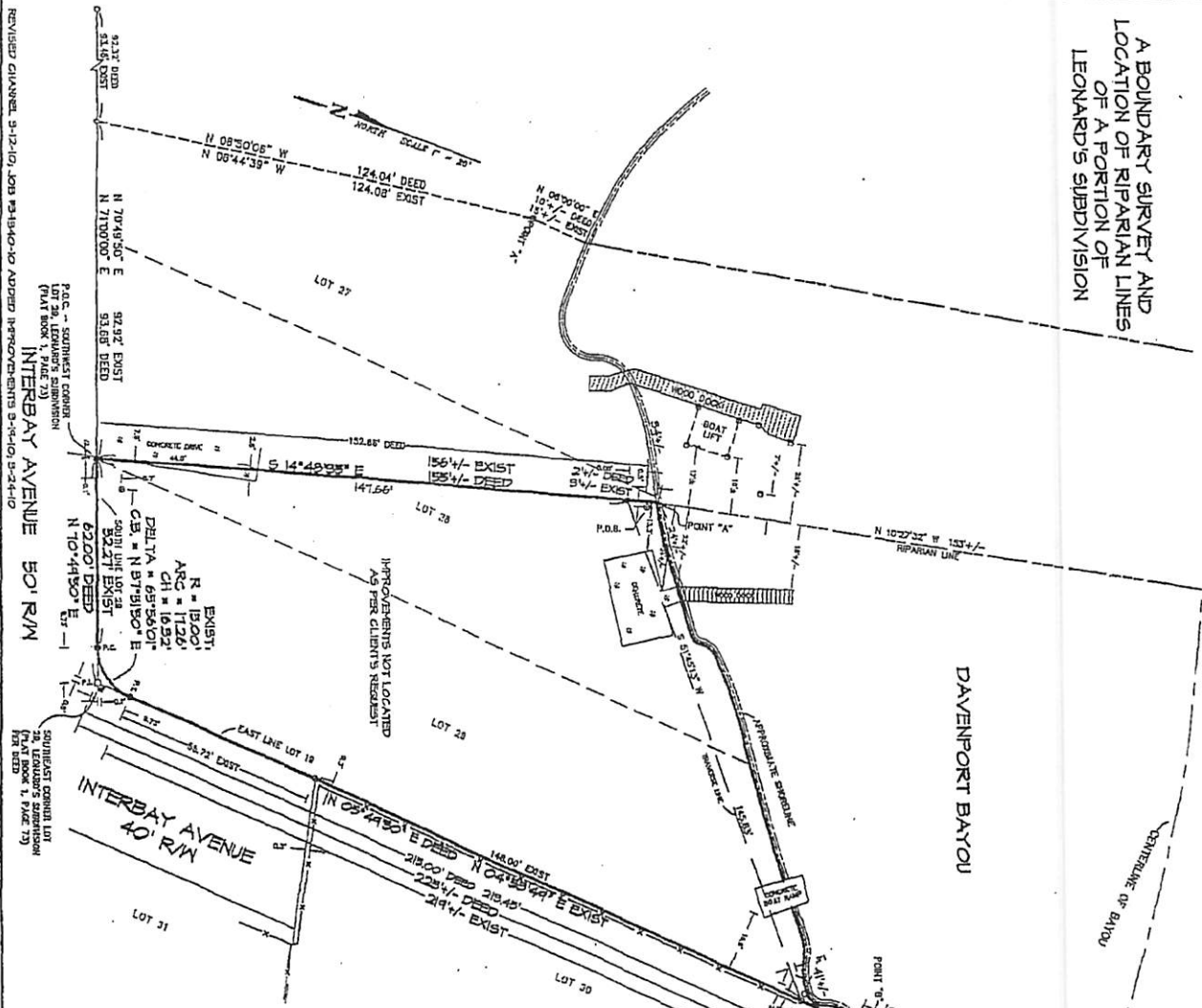
DESCRIPTION AS PREPARED BY NORTHWEST FLORIDA LAND SURVEYING INC.: APO LOTS 27 & 28 EAST RIPARIAN LINE BEING IN LEONARD'S SUBDIVISION (PLAT BOOK 1 PAGE 73) MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 26, LEONARD'S SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 73 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA: THENCE GO NORTH 71 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY RIGHT -OF- WAY LINE OF INTER - BAY AVENUE (FIELD) LEONARD DRIVE (PLAT), (50 R/W) A DISTANCE OF 187.01 FEET TO A CAPPED IRON ROD MARKED 4882 AT THE SOUTHEAST CORNER OF SAID LOT 28 AND THE WEST LINE OF THE BESANKO PROPERTY; THENCE GO SOUTH 14 DEGREES 48 MINUTES 35 SECONDS WEST ALONG SAID WEST PROPERTY LINE A DISTANCE OF 152.66 FEET TO A CONCREET MARKER. THENCE CONTINUE NORTH 14 DEGREES 48 MINUTES 35 SECONDS WEST 4 FEET MORE OR LESS TO THE MEAN HIGH WATER LINE OF DAVENPORT BAYOU AND THE POINT OF BEGINNING OF THE EASTERLY RIPATINN LINE ESTABLISH BY AGREEMENBETWEEN THE BESANKOS AND TONEY HUGHES. THENCE GO NORTH 10 DEGREES 27 MINUTES 32 SECONDS WEST ALONG SIAD RIPARIAN LINE A DISTANCE OF 153 FEET MORE OR LESS TO A POINT OF TERMINATION OF SAID RIPARIAN LINE.

THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 51, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA.

[Survey on next page.]

A BOUNDARY SURVEY AND
LOCATION OF RIPARIAN LINES
OF A PORTION OF
LEONARD'S SUBDIVISION



REVISED CHANNEL 5-12-10, JOB #14-10-ADDED IMPROVEMENTS 5-14-10, 5-24-10
 P.O.C. - CONCRETE CORNER
 INTERBAY AVENUE BOY R/W
 (PLAT BOOK 1, PAGE 73)

SURVEYOR'S NOTES:
 1. Subject to setbacks, easements and restrictions of record.
 2. This survey is subject to any future right of way established by this town, or any other authority, to the north hereon shown.
 3. This survey does not reflect or determine ownership.
 4. The drawing only reflects setback lines, which appear on a plat that has been recorded by zoning ordinances and/or restrictive covenants of record.
 5. Foundations and foundations below natural grade not located.
 6. The location of the riparian line is shown by a dashed line.
 7. Land description contains a portion of Interbay Avenue as per recorded plat of Leonard's Subdivision.
STREET ADDRESS: 512 Interbay Avenue

LEGAL DESCRIPTION: Southwest corner of Lot 29, Leonard's Subdivision of a portion of Section 51, Township 2 South, Range 30 West, Escambia County, Florida, thence go North 14 degrees 49'59" East for a distance of 123.66 feet to the Point of Beginning; thence continue North 14 degrees 49'59" East for a distance of 2 feet more or less to the abutment Point 'A'; thence begin again at the point of beginning go South 14 degrees 49'59" East for a distance of 123.66 feet to the already described corner of Lot 29; thence go North 12 degrees 49'59" East along the South line of road at Lot 29; thence go North 05 degrees 41'50" East for 10 feet to the East line of said Lot 29 for a distance of 215.00 feet to a point, thence continue North 05 degrees 41'50" East for 10 feet more or less to the abutment of Davenport Bayou, said abutment hereon shown to be a point of beginning of a road hereon shown to be a portion of Davenport Bayou; thence go South 14 degrees 49'59" East for a distance of 2 feet more or less to the Point of Beginning.

- LEGEND:**
- Right of way
 - Point of Beginning
 - Point of commencement
 - 1/2" Copied from road lot 4612
 - 1" Copied from road lot 4612
 - 1/2" Copied from road lot 4612
 - 1" Copied from road lot 4612
 - 1/2" Copied from road lot 4612
 - Point of intersection
 - Point of curvature
 - Point of tangency
 - Point of beginning
 - 1/2" Copied from road lot 4612

CITY ATLAS SHEET #218, RECORDED PLAT, LEONARD'S SUBDIVISION (P.B. 1, P. 73); PUBLIC RECORDS; SURVEYS BY NORTHWEST FLORIDA, AND THIS FIRM

Scale	1" = 20'
North	345° 00'
Map No.	512-20
Job No.	14-10-AD
Date of Survey	10-24-09
Prepared by	DAVID D. GLAZA
Checked by	WALTER J. GLAZA
Drawn by	DAVID D. GLAZA

Bearing Reference NORTH BASED ON THE SOUTH LINE OF LOT 29 AS SHOWN ON PLAT BOOK 1, PAGE 73

Ordered By: **FRONT HISHES** Elevation Reference

I hereby certify that this survey was made under my responsible charge and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-8, Florida Administration Code, pursuant to Section 472.027 Florida Statutes

David D. Glaza
 PS# 55805

Walter J. Glaza
 PS# 6190

Measurements made in accordance with United States Standard

PITTMAN, GLAZE AND ASSOCIATES, INC.
 LAND SURVEYORS
 100 NORTH NORTH AVENUE
 PENSACOLA, FLORIDA 32501
 (850) 434-6666 FAX (850) 434-6661
 E-MAIL: pglaze@pittman-glaze.com



Development Services Department
Building Inspections Division
Board of Adjustment
3363 West Park Place
Pensacola, Florida 32505

February 15, 2012

Re: CU-2012-05

To The Board of Adjustment:

My name is Joan Overton and I own and reside at 512 Palomar Drive, six houses northwest of the applicant's property at 312 Interbay. Thank you for this opportunity to express my view.

The purpose of this letter is to object to the applicant's request to split the lot at 312 Interbay into two lots. In his letter to the Board of Adjustment dated January 17, 2012 the applicant's stated goal is, "to enhance the individual sites and increase property values in general for all in the neighborhood". Although I would welcome an improvement to this property, this can be achieved just as effectively with the construction of one house and not two. This is a small neighborhood that does not need the additional density either on the land, with the addition of two houses, or on the water, with the addition of a second dock or perhaps a third dock. The applicant has not stated how he intends to use this property. I am assuming they will be used as rental properties. I question how that translates into an increase in property values for the neighborhood that couldn't be achieved with the addition of just one house. Furthermore, one large house could arguably increase neighborhood property values more than two smaller houses.

The applicant further states in his letter to the Board that he is "proud to be developing our land and our neighborhood in such a way that we are a positive part of this mutually beneficial alliance and oversight". There are some issues associated with properties owned by the applicant that might suggest otherwise. For example:

- 1) In 2009, on the subject property, the applicant constructed two docks without obtaining the required permits. This was reported to the authorities and one dock was removed. The applicant applied for and received an "after the fact" permit from the Florida Department of Environmental Protection (FDEP) for the second dock. While this dock issue was going on the applicant allowed two known commercial fishing boats to moor at one of the three docks at 304 Interbay, property also owned by the applicant, and subsequently the vessels moored at the unpermitted dock at the subject property (312 Interbay). It appeared that commercial charter boat operations could be taking place.
- 2) The applicant also owns property at 613 Silvershore, a few doors down from 312 Interbay. A building permit was obtained by the applicant in 2006 to improve the existing structure on this property. This house today continues to be in a dilapidated condition, and has received numerous code violations over the years. According to the Escambia County Code Enforcement Office another citation was issued by code enforcement on February 2, 2012 for "overgrowth and an unfinished house which was never completed". The house is a long-term neighborhood eyesore.

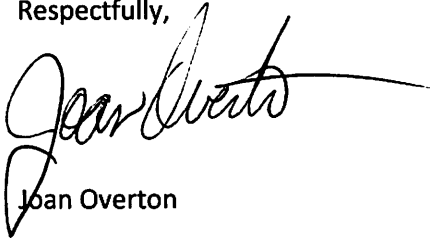


- 3) The application that the applicant submitted to the Board of Adjustment gives the impression that the applicant lives in the neighborhood at 304 Interbay. However, it appears that this house is now rental property, and has been for at least two years.

I believe that the applicant owns at least six properties in the neighborhood. Four of these are rental properties, one is a dilapidated structure with a long history of code enforcement violations, and the other is the subject property. Past actions on the part of the applicant make me seriously question if he will follow through with his submitted plans, and maintain the property in a manner that is not detrimental to the neighborhood.

I hope you will deny this request as submitted by the applicant. Thank you for your time.

Respectfully,

A handwritten signature in black ink, appearing to read "Joan Overton", with a long horizontal flourish extending to the right.

Joan Overton

Development Services Department
Building Inspections Division
Board of Adjustment
3363 West Park Place
Pensacola, FL 32505

Charles Hughes
Case No.: CU-2012-05

Re: Response

- 1) Joan Overton: The applicant Charles Hughes owns 6 properties in the Leonard Place subdivision. All properties were destroyed in 2004 by Hurricane Ivan. Four of the properties have been completely reconstructed and rehabilitated. Two other properties including 312 Interbay Ave. are in the process of being rehabilitated. Of the 61 properties located on Leonard Place prior to 2004, only two, which were built upon pilings, remained structurally intact. Since that time 23 existing buildings to have been rehabilitated and are now occupied. 15 completely new structures have also been built. Two buildings, which I do not own, remain in the neighborhood that have had no modification and have remained boarded since 2004. 23 vacant lots currently exist in Leonard Place, 6 of which are currently for sale. I remained committed to the reconstruction of the Leonard Place subdivision. The recent economy has made this difficult. I will continue to do my part to improve the Leonard Place subdivision and this progress will be dependent upon the cost, time and difficulty the projects encounter.
- 2) Elaine and Bruce Besanko and their attorney William Dunaway: This proceeding being reviewed by the Board of Adjustment is not a variance hearing but concerns the application for conditional use of the property as provided for Land Development Code of Escambia County, Florida, Section 2.05.03. The property meets the required criteria and is confirmed by the findings of fact and the staff's recommendation.
- 3) Elaine and Bruce Besanko and their attorney William Dunaway: Your filing dated August 18, 2010, establishes the location of the agreed riparian line. This was necessitated when you rebuilt your dock closer to our property than zoning allowed and obtained a variance (V-2007-36 – Exhibit 6). At that time your counsel stated under oath that we would be able to reconstruct our dock without contention (pp. 60-62) and even provided us with a plan for construction showing the proposed dock at 6.5 feet from the riparian line (Exhibit 1). Since building your dock you have not followed your sworn testimony and have repeatedly hampered our efforts to improve this property as well as others in the area that neither adjoin your property nor do you own. The current dock is permitted, meets all regulations, does not create a nonconformity and is not relevant to this application for conditional use of the property as provided for Land Development Code of Escambia County, Florida, Section 2.05.03. (Exhibits 2-4)

4) Elaine and Bruce Besanko and their attorney William Dunaway: Your contention that the parcels do not meet the nature of the neighborhood is addressed in Item 1, as well as in the existing packet's schematic view (labeled 500' radius view) clearly showing numerous small and/or irregularly shaped lots. In addition, both parcels have been found to be conforming by the planning and zoning board. The Besanko's have repeatedly disregarded facts, misrepresented themselves, and made false statements and allegations that have resulted in wasted community resources and have cost time, energy and money to defend, in an attempt to control property they do not own. These consistent and premeditated actions represent a possible tortuous interference.

5) Exhibits 1-6 Included

Exhibit 1 – Wetland Science proposed dock plan for Hughes/Besanko requested by the Besanko's for their pending approval of variance (V-2007-36)

Exhibit 2 - Mr. Robert Kiles - Chief Investigator and Captain Paul's responses

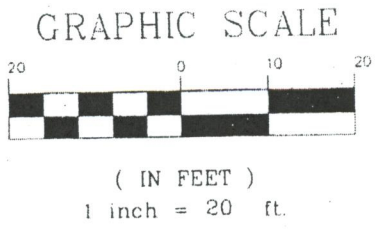
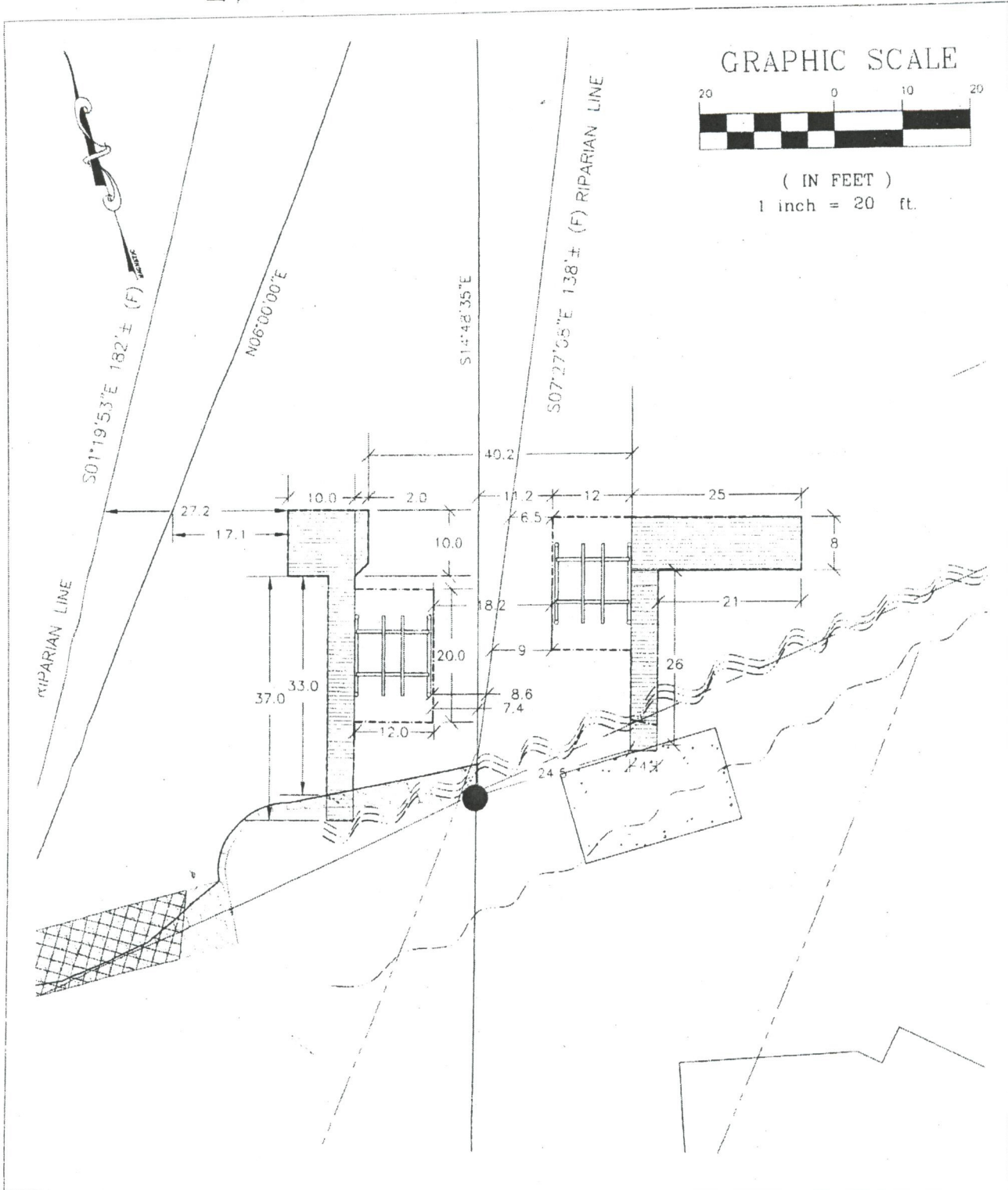
Exhibit 3 - Dock Permit

Exhibit 4 – Current survey with August 18, 2010 agreed riparian line

Exhibit 5 – Survey enlargement of dock area

Exhibit 6 - V-2007-36 – variance proceeding minutes

Exhibit (1)



WETLAND
SCIENCES
INCORPORATED

HUGHES/BESANKO CLOSE UP PLAN
VIEW (Option #2)

PROJECT #2007-085

DATE: September 26, 2007

DRAWN BY: JAT

SCALE: 1" = 20'

Exhibit (2a)

Date: Monday, May 24, 2010 5:19 PM

From: Robert Kyles <RKYLES@co.escambia.fl.us>

To: chughesmd@cox.net <chughesmd@cox.net>

Subject: 312 INTERBAY

There are no open cases at subject address as far as docking permits. Investigation has been completed by appropriate authority and permitting issued.

Exhibit (2b)



Date: Monday, May 24, 2010 5:18 PM

From: Robert Kyles <RKYLES@co.escambia.fl.us>

To: chughesmd@cox.net <chughesmd@cox.net>

Subject: 304 INTERBAY DOCK

There are no open cases at subject address as far as docking permits. Investigation has been completed by appropriate authority and permitting issued.

Exhibit 2c



Date: Tuesday, May 25, 2010 1:07 AM
From: Paul Redman <snapperhead72@yahoo.com>
To: chughesmd@cox.net
Subject:

To whom it may concern,

I moor my vessel SNAPPER TRAPPER at the dock owned by Tony and Debra Hughes free of charge .There are no commercial activities being carried out there, all of my charters are picked up and returned to a commercial facility . However I have been photographed and had the environmental police called on me on a few different occasions while operating my boat as a recreational vessel taking my family and close friends fishing, a very normal event on the local waters in Pensacola.

Please feel free to contact me on this matter
Thank you
Captain Paul Redman
850-516-1665

TIGHT LINES
CAPTAIN PAUL REDMAN
WWW.CAPTAINPAULREDMAN.COM
WWW.SNAPPERTRAPPER.COM
WWW.CHARTERBOATSPENSACOLA.COM

Exhibit (3)



Building Inspections Division

3300 N. Pace Blvd. Suite 300
Pensacola, Florida, 32505
(850) 595-3550
Molino Office - (850) 587-5770

MARINE PERMIT

PERMIT NO. **BD090904430**

DATE ISSUED: **02/05/2010**

Permit Type / Sub-Type: **Residential / Marine**

TRACKING NUMBER: **624587633507**

Application Category: **Dock**

Valuation: \$900.00 Total Sq Ft: 200
Const Type: NA Occupant Load: NA
Occupant Group: NA # of Units:
Sq Ft Under Roof: NA
No. of Stories:
Flood Zone: **AE**
Job Address: **312 INTERBAY, Pensacola, Fl**
Building #:
Parcel No: 512S306050000028 Lot / Block: 000 / 028
Subdivision:

Type of Work:
Total Dock Length: 50
Seawall Length:
Linear Footage:
Name of Waterway:

Total Permit Fee: **\$206.50**

DESCRIPTION OF WORK:
CONSTRURCT (4' X 50') DOCK. E OF S NAVY BLVD S OFF SUNSET

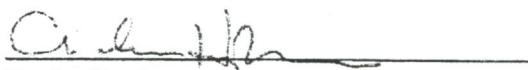
CONTRACTOR:
Lic #:

OWNER:
HUGHES CHARLES A
304 INTERBAY AVE
Pensacola, Fl. 32507
Phone: (850) 293-0894

Notice:

All work must be inspected before covering.
At least 24 hours must be given for inspections. In addition to the requirements of this permit, there may be additional requirements applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state or federal agencies.

I hereby make application for a permit to perform the work described herein and agree that all provisions of the law shall be complied with, whether specified herein or not. This permit will expire if no work is recorded within 180 days or if work is abandoned for a period of 180 days.



Permittee Signature
S. Dale Baker, Building Official

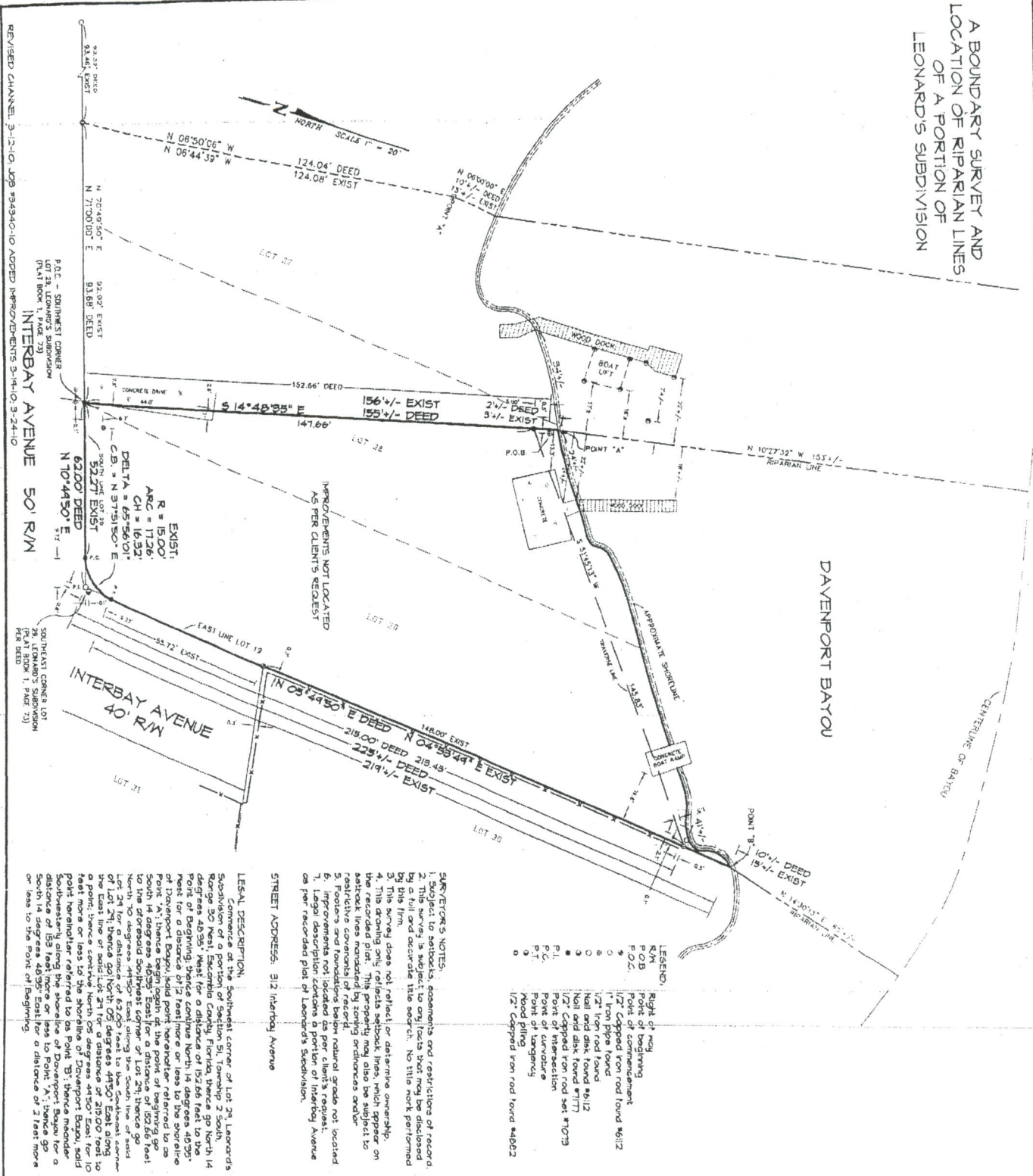
Issued By: Venita Owens

PERMIT NO **BD090904430**

**WARNING TO OWNER:
YOUR FAILURE TO RECORD A
NOTICE OF COMMENCEMENT MAY
RESULT IN YOUR PAYING TWICE FOR
IMPROVEMENTS TO YOUR
PROPERTY. IF YOU INTEND TO
OBTAIN FINANCING, CONSULT WITH
YOUR LENDER OR AN ATTORNEY
BEFORE RECORDING YOUR NOTICE
OF COMMENCEMENT.
A "NOTICE OF COMMENCEMENT"
MUST BE RECORDED AND POSTED
ON THE JOB SITE BEFORE THE
FIRST INSPECTION.**

Exhibit (4)

A BOUNDARY SURVEY AND LOCATION OF RIPARIAN LINES OF A PORTION OF LEONARD'S SUBDIVISION



DAVENPORT BAYOU

- LEGEND:**
- 1. Right of way
 - 2. Point of beginning
 - 3. Point of commencement
 - 4. 1/2" Copied iron rod found 5612
 - 5. 1" Iron pipe found
 - 6. 1/2" Iron rod found
 - 7. Hall and disk found 5612
 - 8. Hall and disk found 5711
 - 9. 1/2" Copied iron rod set 57073
 - 10. Point of intersection
 - 11. Point of curvature
 - 12. Point of tangency
 - 13. Hood piling
 - 14. 1/2" Copied iron rod found 48822

SURVEYOR'S NOTES:

1. Subject to setbacks, easements and restrictions of record.
2. This survey is subject to any facts that may be disclosed by title and accurate the search. No title work performed by this office.
3. This survey does not reflect or determine ownership.
4. This drawing only reflects setback, boundary, easement, and restrictive covenants of record.
5. Foundations and foundations below natural grade not located.
6. Improvements not located as per client's request.
7. Improvements not located as per client's request.

STREET ADDRESS: 312 Interbay Avenue

LEGAL DESCRIPTION:

Subdivision of the southwest corner of Lot 24, Leonard's Subdivision, in the City of Davenport, Florida, being a 99 North 14 degrees 48'35" West for a distance of 152.66 feet to the Point of Beginning; thence continue North 14 degrees 48'35" West for a distance of 12 feet more or less to the shoreline of Davenport Bayou; said point hereinafter referred to as Point 'A'; thence go South 14 degrees 48'35" East for a distance of 152.66 feet to the shoreward southwest corner of Lot 24; thence go North 70 degrees 49'30" East along the South line of said Lot 24 for a distance of 632.00 feet to the southwest corner of the East line of said Lot 21; thence go North 08 degrees 48'35" East for a distance of 152.66 feet to the Point of Beginning.

CITY ATLAS SHEET #213, RECORDED PLAT, LEONARD'S SUBDIVISION (P.B. I.P. 15), PUBLIC RECORDS, SURVEYS
 Source of Information by NORTHWEST FLORIDA AND THIS FIRM

Scale	1" = 20'
File No.	31220-04
Job No.	31220-04
Sheet No.	1
Date of Survey	10-26-04
Date of Plat	10-27-04
Prepared by	CONGREVE
Drawn by	PHU

Bearing Reference NORTH BASED ON THE SOUTH LINE OF LOT 24 AS AS N 10°48'30" E

Ordered By **MR. TONY HUGHES** Elevation Reference

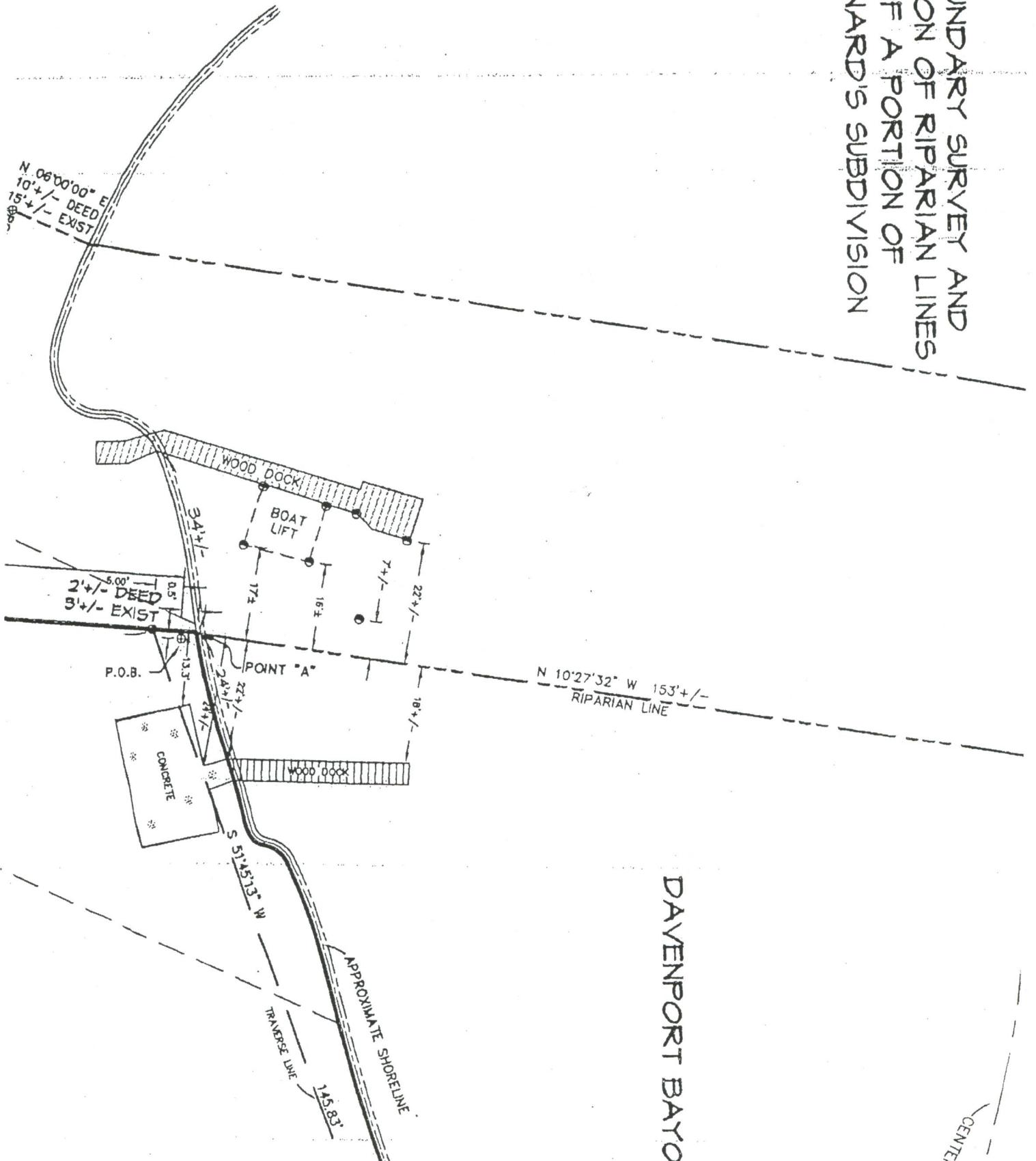
I hereby certify that this survey was made under my responsible charge and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 51G17-6, Florida Administration Code, pursuant to Section 472.027 Florida Statutes

David D. Glaze PSM #5605
Walter J. Glaze PSM #6190

PITTMAN, GLAZE & ASSOCIATES, INC.
 LAND SURVEYORS
 700 NORTH NINTH AVENUE
 PENSACOLA, FLORIDA 32501
 (850) 434-6666 FAX (850) 434-6661
 EMAIL: pgsurvey@bellsouth.net

Exhibit 5

A BOUNDARY SURVEY AND
LOCATION OF RIPARIAN LINES
OF A PORTION OF
LEONARD'S SUBDIVISION



DAVENPORT BAYO

CENTER



TABLE OF CONTENTS

**Variance Case
V-2007-36
September 19, 2007
Keith Johnson, Agent for Elaine Besanko**

- A. LETTER OF REQUEST**
- B. APPLICATION**
- C. STAFF FINDINGS OF FACT**
- D. LOCATION MAP**
- E. ZONING MAP**
- F. AERIAL**
- G. FUTURE LAND USE**
- H. APPENDIXES (A-D)**
 - ❖ PROOF OF OWNERSHIP**
 - ❖ SURVEY & LEGAL DESCRIPTION**
 - ❖ SITE PLAN**
 - ❖ CURRENT SECTION MAP**



August 1, 2007

Board of Adjustment
Escambia County Planning and Zoning Department
1190 W. Leonard Street
Pensacola, Florida 32501

Re: Letter of Request, Variance Application
Project: Besanko, Residential Dock & Boatlift
Applicant: Elaine Besanko
WSI Project #2007-085

To Whom It May Concern:

Elaine Besanko (herein referred as the applicant) requests a variance from Escambia County Land Development Code (LDC) 7.05.00.C.12.b. LDC 7.05.00.C.12.b. requires that dock, piers, boathouse structure, or any part of extensions thereof shall be placed within 25 feet of an adjoining owner's side lot lines or any extensions thereof. Authorization is being sought to construct a 33'x 4' access pier, a 10'x10' terminal platform, a 10'x 2' catwalk and a 12'x 20' topless boat lift. These structures will be placed within 25' feet of both adjoining property owners; therefore requiring a variance from LDC 7.05.00.C.12.d. More specifically, the structures will be within 7.4' of the adjoining property owner to the east and 17.1' of the adjoining property owner to the west.

The subject parcel is narrow with only 84 feet of property fronting Davenport Bayou. Additionally the side lot lines of the property are not perpendicular to the shoreline and is situated on an inside turn of Davenport Bayou. This situation causes both riparian line and property line extensions to form more a less a triangle thus limited the area necessary to build a minimal dock. The current proposal somewhat utilizes the position of an existing access pier. The applicant would like to add a terminal platform and topless boat lift to the existing access pier. The addition of the terminal platform is the minimum necessary to facilitate loading and offloading and servicing of the vessel intent on utilizing the lift.

Other properties similarly situated on Davenport Bayou are typically greater than 80' in width and not located in an inside turn of the Bayou and therefore could permit a typical access pier and boathouse without a county variance.

Public interest criteria that should be considered in evaluating this variance request should include navigation and protection of marine resources. The proposed activity has received permits from the Florida Department of Environmental Protection (DEP) and Department of the Army Corps of Engineers (attached). These agencies review the project and ensure that navigation and water quality is maintained on the water body affected. The proposed activity will not impact resources which would be considered environmentally sensitive by Escambia County or any of the agencies mentioned.

In summary the authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets or waterways, the danger of fire, imperil public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

The variance will not, in any manner, alter other provisions of this Code or the Comprehensive Plan. The variance sought herein is the minimum necessary to allow the applicant to lift store a recreational watercraft.

Your consideration in this matter would be greatly appreciated. If should any questions arise, please feel free to contact the undersigned at either the letterhead address or by telephone at 850-453-4700.

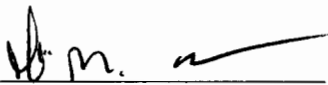
Sincerely,

WETLAND SCIENCES, INC.


Keith Johnson
Environmental Scientist

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 2nd day of August, year of 2007 by Keith Johnson who () did () did not take an oath. He/she is () personally known to me, () produced Florida/Other Driver's License, and/or () produced current _____ as identification.

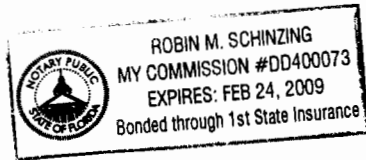

Signature of Notary Public

Robin Schinzing
Name of Notary Public Printed

August 2, 2007
Date

Feb 24, 2009
My Commission Expires

Commission Number – Notary Seal must be affixed



VARIANCE APPLICATION

Owner's Name: Elaine Besanko

Address: 191 Farmington Road City: Longmeadow State: Massachusetts Zip: 01106

Telephone: (413) 914-5878 Fax: () -

LOCATION OF PROPERTY

Street Address: 310 Interbay Avenue

Subdivision Name:

Property Reference Number: (Can be obtained at the Property Appraiser's Office at 434-2735)

Section 51 Township 2S Range 30 Parcel 6050 Lot 001 Block 028

DESCRIPTION OF REQUEST - Cite Applicable LDC Section (s)

The applicant herein requests a variance from LDC 7.05.00.C.12.d. Authorization is being sought to construct a 33'x 4' access pier, a 10'x10' terminal platform, a 10'x 2' catwalk and a 12'x 20' topless boat lift. These structures will be placed within 25' feet of both adjoining property owners; therefore requiring a variance from LDC 7.05.00.C.12.d. More specifically, the structures will be within 7.4' of the adjoining property owner to the east and 17.1' of the adjoining property owner to the west.

FOR OFFICE USE ONLY:

Application Number V-2007-36 Taken by Linda Robinson

Zoning R-3 Future Land Use MU-1 AIPD 2

Board of Adjustment Meeting Date Sept. 19, 2007

Fees Paid \$200.00 Receipt # 351108 Date 8/2/07



PLANNING AND ZONING STAFF FINDINGS FINDINGS-OF-FACT

Variance Case: V-2007-36
September 19, 2007

I SUBMISSION DATA

APPLICANT: Wetland Sciences Inc., Keith Johnson, Agent
for Elaine Besanko

PROJECT ADDRESS: 310 Interbay Ave

PROPERTY REFERENCE NO.: 51-2S-30-6050-001-028

ZONING DISTRICT: R-3

FUTURE LAND USE: MU-1

II REQUESTED VARIANCE:

The applicant is seeking a variance to construct a 33ft x 4ft access pier, a 10ft x 10ft catwalk and a 12ft x 20ft topless boatlift within 25 feet of both adjoining property owners. The structure will be placed within 7.4 feet of the property to the east, and 17.1 feet of the property to the west.

III RELEVANT AUTHORITY

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 7.05.00.C.12.d

d.

No dock, boathouse structure, pier, or any part of extensions thereof shall be placed within 25 feet of an adjoining owner's side lot lines or any extensions thereof (see exception in subsection (e) below.) This setback requirement is not intended to define an upland property owner's riparian and/or littoral rights. Proposed structures within the riparian and/or littoral rights lines of an adjoining property owner, or closer than any designated distance specified by federal and/or state regulatory authorities, are not permitted. The proximity of such structures to an existing dock or pier shall allow for safe navigable access to open water by all abutting property owners.

IV CRITERIA

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section 2.05.02.

CRITERION A

That there are special circumstances or conditions applicable to the building or land in question that are peculiar to such property that do not apply generally to other land or buildings in the vicinity.

FINDINGS-OF-FACT

Section 2.05.02 of the Land Development Code defines special circumstances or conditions specifically as follows: "Such special conditions shall be limited to unusual physical characteristics inherent in the specific piece of property and not common to properties similarly situated. Such physical characteristics include, but are not limited to, exceptional narrowness, shallowness, shape, topographic conditions, or the presence of sensitive environmental resources, any or all of which will result in peculiar or practical difficulties in the quiet enjoyment and use of the property".

The design of this property does not create practical difficulties for the building of any structure along the waterfront. The subject parcel contains 84 feet of property fronting Davenport Bayou, making it possible to meet the 25 foot side setback requirements.

CRITERION B

That the variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the Applicant.

FINDINGS-OF-FACT

The variance is not necessary for the Applicant to enjoy a substantial property right expected with waterfront property.

CRITERION C

That such a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding

area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

FINDINGS-OF-FACT

The variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

CRITERION D

The variance will not, in any manner, alter other provisions of this Code or Comprehensive Plan.

FINDINGS-OF-FACT

The variance will not alter other provisions of the Land Development Code or Comprehensive Plan.

CRITERION E

That the variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA.

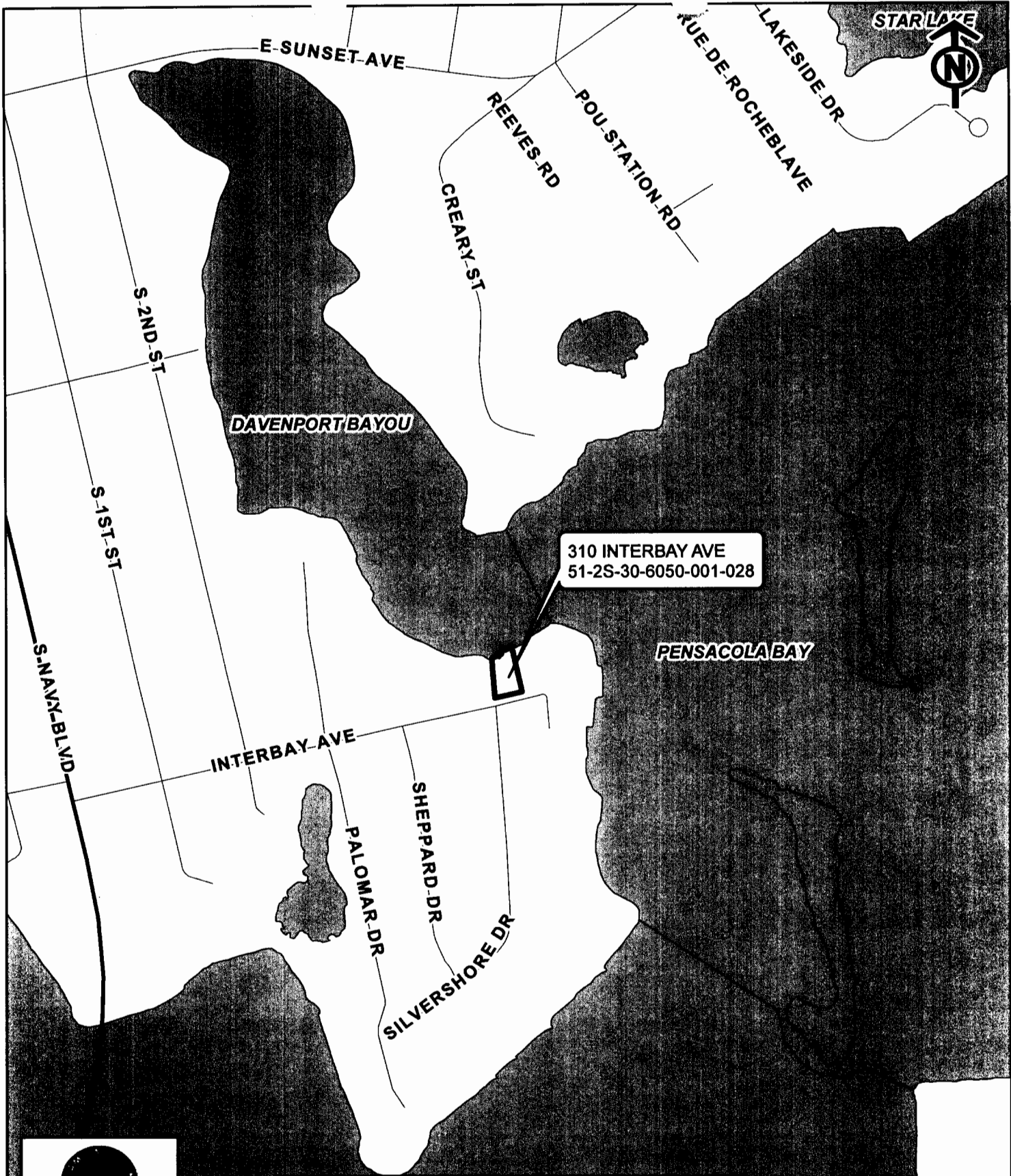
FINDINGS-OF-FACT

The variance is not the minimum necessary to make possible use of the land.

V RECOMMENDATION

Section 2.05.02 of the LDC specifies, "No variance shall be authorized under this provision unless the BOA finds that all of the required conditions exist".

The applicant cannot meet all of the required criteria for the granting of a variance as required by law. Denial of the request is therefore recommended.




310 INTERBAY AVE
51-2S-30-6050-001-028

V-2007-36
LOCATION MAP

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- + RAILROAD




This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
Jennifer Boyer
Planning and Zoning Dept.



CREARY ST
R-1

DAVENPORT BAYOU

PENSACOLA BAY

310 INTERBAY AVE
51-2S-30-6050-001-028

PALOMAR DR

R-3

INTERBAY AVE

INTERBAY AVE

SHEPPARD DR

SILVERSHORE DR

R-4

PALOMAR DR

SHI


SILVE

R-6

V-2007-36 ZONING MAP

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS

0 190 380 570 Ft



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Jennifer Boyer
Planning and Zoning Dept.



310 INTERBAY AVE
51-2S-30-6050-001-028


INTERBAY AVE

SILVERSHORE

**V-2007-36
AERIAL MAP**

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- +— RAILROAD
- PARCELS





This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Jennifer Boyer
Planning and Zoning Dept.



MU-1: MIXED USE

DAVENPORT BAYOU

PENSACOLA BAY

310 INTERBAY AVE
51-2S-30-6050-001-028

PALOMAR DR

INTERBAY AVE

INTERBAY AVE

SHEPARD DR

SILVERSHORE DR

SILVE

MU-1: MIXED USE

PALOMAR DR



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Jennifer Boyer
Planning and Zoning Dept.

**V-2007-36
FUTURE LAND USE**

0 190 380 570

Ft

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS

Appendix A

PROOF OF OWNERSHIP

This instrument prepared by: ✓
Denis A. Braslow
Attorney at Law
917 N. 12th Avenue
Pensacola, FL 32501

Parcel ID Number: 512830-6050-001-028

Warranty Deed

This Indenture, Made this 15th day of June, 2006 A.D., Between
Ryan N. Roberts and Jody Roberts, husband and wife and Terry L. Roberts, a single man
of the County of Escambia, State of Florida, grantors, and
Bruce BeSanko and Elaine O. BeSanko, husband and wife
whose address is: 191 Farmington Rd, Longmeadow, MA 00106
of the County of Escambia, 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 GRANTEEES, the receipt whereof is hereby acknowledged, have
granted, bargained and sold to the said GRANTEEES and GRANTEEES' heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Escambia State of Florida to wit:
SEE ATTACHED EXHIBIT 'A'

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: T. LANGHAM
Witness
[Signature]
Printed Name: Cecilia M. Vert
Witness
[Signature]
Printed Name: Tracy Swartz
Witness as to Terry L. Roberts
[Signature]
Printed Name: Amy J. Mitchell
Witness as to Terry L. Roberts

[Signature] (Seal)
Ryan N. Roberts
P.O. Address: 1215 Reus Street, Pensacola, FL 32501
[Signature] (Seal)
Jody Roberts
P.O. Address: 1215 Reus Street, Pensacola, FL 32501
[Signature] (Seal)
Terry L. Roberts
P.O. Address: c/o 102 E. Main Street, Marcellus, MI 49067

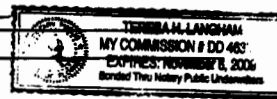
STATE OF Florida
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 15th day of June, 2006 by
Ryan N. Roberts and Jody Roberts, husband and wife

who are personally known to me or who have produced their Florida driver's license as identification.



[Signature]
Printed Name: _____
Notary Public
My Commission Expires: _____



Warranty Deed - Page 2

Parcel ID Number: 512830-6050-001-028

STATE OF **Michigan**
COUNTY OF **Cass**

The foregoing instrument was acknowledged before me this 8th day of **June**, 2006 by **Terry L. Roberts**

who is personally known to me or who has produced Michigan Drivers License as identification.

Joann K. K...
Printed Name: Joann K. K...
Notary Public
My Commission Expires: May 2012
JOANN K. K...
Notary Public, Cass County, MI
My Commission Expires May 2012

ABUTTING ROADWAY MAINTENANCE DISCLOSURE

STATE OF FLORIDA
COUNTY OF SANTA ROSA

ATTENTION: Pursuant to Santa Rosa County ordinance No. 95-05, sellers of residential lots are required to disclose to buyers whether abutting roadways will be maintained by Santa Rosa County. SANTA ROSA COUNTY WILL NOT ACCEPT FOR MAINTENANCE ANY ROADWAYS NOT BUILT OR IMPROVED TO MEET COUNTY STANDARDS. Ordinance 95-05 requires this disclosure to be attached along with other attachments to the deed of other method of conveyance required to be made a part of public records of Santa Rosa County, Florida. Note: Acceptance for filing by County employees of this disclosure shall in no way be construed as an acknowledgment by the County of the veracity of any disclosure statement.

Name of Roadway: 310 Interbay Ave, Pensacola, FL 32507
Legal Address of Property: 310 Interbay Ave

THE COUNTY HAS ACCEPTED, () HAS NOT ACCEPTED THE ABUTTING ROADWAY FOR MAINTENANCE.

The foregoing information has been furnished by the Public Works Department of Santa Rosa County, Florida.

Witnesses as to Seller(s):

JoAnn K. Kahler
JOANN K. Kahler

Ryan N. Roberts / Jody Roberts
Terry L. Roberts

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me on June 15, 2006, by Ryan N. Roberts and Jody Roberts, who have produced Drivers License as identification.

Notary Public
My Commission Expires:

Witnesses as to Buyer(s):

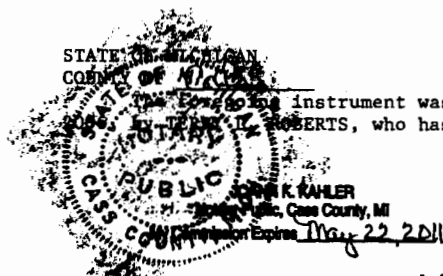
Nichole McLavitt
Nichole McLavitt

B. L. BeSanko
Bruce BeSanko
Elaine O. BeSanko
Elaine O. BeSanko

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me on June 15, 2006, by Bruce BeSanko and Elaine O. BeSanko, who have produced Drivers License as identification.

Deborah E. Lounsbury
Notary Public
My Commission Expires: 9-3-2010



The foregoing instrument was acknowledged before me this 8th day of June, 2006, by RYAN N. ROBERTS, who has produced Michigan Drivers License as identification.

JoAnn K. Kahler
NOTARY PUBLIC

ABUTTING ROADWAY MAINTENANCE DISCLOSURE

STATE OF FLORIDA
COUNTY OF SANTA ROSA

ATTENTION: Pursuant to Santa Rosa County ordinance No. 95-05, sellers of residential lots are required to disclose to buyers whether abutting roadways will be maintained by Santa Rosa County. SANTA ROSA COUNTY WILL NOT ACCEPT FOR MAINTENANCE ANY ROADWAYS NOT BUILT OR IMPROVED TO MEET COUNTY STANDARDS. Ordinance 95-05 requires this disclosure to be attached along with other attachments to the deed of other method of conveyance required to be made a part of public records of Santa Rosa County, Florida. Note: Acceptance for filing by County employees of this disclosure shall in no way be construed as an acknowledgment by the County of the veracity of any disclosure statement.

Name of Roadway: 310 Interbay Ave, Pensacola, FL 32507
Legal Address of Property: 310 Interbay Ave

THE COUNTY (X) HAS ACCEPTED, () HAS NOT ACCEPTED THE ABUTTING ROADWAY FOR MAINTENANCE.

The foregoing information has been furnished by the Public Works Department of Santa Rosa County, Florida.

Witnesses, as to Seller(s):

[Signature]
JoAnn K. Kahler
JOANN K. KAHLER

[Signature]
Ryan N. Roberts Jody Roberts
Terry L. Roberts

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me on June 15, 2006, by Ryan N. Roberts and Jody Roberts who have produced Drivers License as identification.



[Signature]
Notary Public
My Commission Expires:

Witnesses as to Buyer(s):

Bruce BeSanko
Elaine O. BeSanko

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me on June 15, 2006, by Bruce BeSanko and Elaine O. BeSanko, who have produced Drivers License as identification.

Notary Public
My Commission Expires:

STATE OF MICHIGAN
COUNTY OF Cass

The foregoing instrument was acknowledged before me this 09th day of June, 2006, by TERRY L. ROBERTS, who has produced Michigan Drivers License as identification.

JOANN K. KAHLER
Notary Public, Cass County, MI
My Commission Expires May 22, 2011

[Signature]
NOTARY PUBLIC

Exhibit "A"

Commence at the Southwest corner of Lot 26, Leonard's Subdivision as recorded in Plat Book 1 at page 73 of the public records of Escambia County, Florida; thence go South 71 degrees 00 minutes 00 seconds East along the Northerly right-of-way line of Inter-Bay Avenue (field) Leonard Drive (Plat), (50' R/W) a distance of 187.01 feet to the Point of Beginning; thence go South 71 degrees 00 minutes 00 seconds West along line last traversed a distance of 93.68 feet; thence go North 06 degrees 50 minutes 06 seconds West a distance of 124.04 feet to a point hereinafter referred to as Point "A"; thence go North 06 degrees 00 minutes 00 seconds East a distance of 10 feet to the Edge of Water of Davenport Bayou; thence meander Northeasterly along aforesaid water's edge to a point of intersection with a line passed through the Point of Beginning, having a bearing of North 14 degrees 48 minutes 35 seconds West; thence go South 14 degrees 48 minutes 35 seconds East a distance of 4 feet more or less to a point lying South 49 degrees 30 minutes 06 seconds West a distance of 84.58 feet from the aforesaid Point "A"; thence continue South 14 degrees 48 minutes 35 seconds East a distance of 152.66 feet to the Point of Beginning. The above described parcel of land is situated in Section 51, Township 2 South, Range 30 West, Escambia County, Florida.

Appendix B

SURVEY & LEGAL DESCRIPTION

BOUNDARY SURVEY WITH IMPROVEMENTS OF A PORTION OF SECTION OF 51, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA

DESCRIPTION AS PREPARED BY NORTHWEST FLORIDA LAND SURVEYING INC.: APO LOTS 27 & 28, LEONARD'S SUBDIVISION (PLAT BOOK 1 PAGE 73) MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 26, LEONARD'S SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 73 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA; THENCE GO SOUTH 71 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF INTER-BAY AVENUE (FIELD) LEONARD DRIVE (PLAT), (50' R/W) A DISTANCE OF 187.01 FEET TO THE POINT OF BEGINNING; THENCE GO SOUTH 71 DEGREES 00 MINUTES 00 SECONDS WEST ALONG LINE LAST TRAVERSED A DISTANCE OF 93.68 FEET; THENCE GO NORTH 06 DEGREES 50 MINUTES 06 SECONDS WEST A DISTANCE OF 124.04 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT 'A'; THENCE GO NORTH 06 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 10 FEET TO THE EDGE OF WATER OF DAVENPORT BAYOU; THENCE MEANDER NORTHEASTERLY ALONG AFORESAID WATER'S EDGE TO A POINT OF INTERSECTION WITH A LINE PASSED THROUGH THE POINT OF BEGINNING, HAVING A BEARING OF NORTH 14 DEGREES 48 MINUTES 35 SECONDS WEST; THENCE GO SOUTH 14 DEGREES 48 MINUTES 35 SECONDS EAST A DISTANCE OF 4 FEET MORE OR LESS TO A POINT LYING SOUTH 49 DEGREES 30 MINUTES 06 SECONDS WEST A DISTANCE OF 84.58 FEET FROM THE AFORESAID POINT 'A'; THENCE CONTINUE SOUTH 14 DEGREES 48 MINUTES 35 SECONDS EAST A DISTANCE OF 152.66 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 51, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA, AND CONTAINS 0.26 ACRES MORE OR LESS

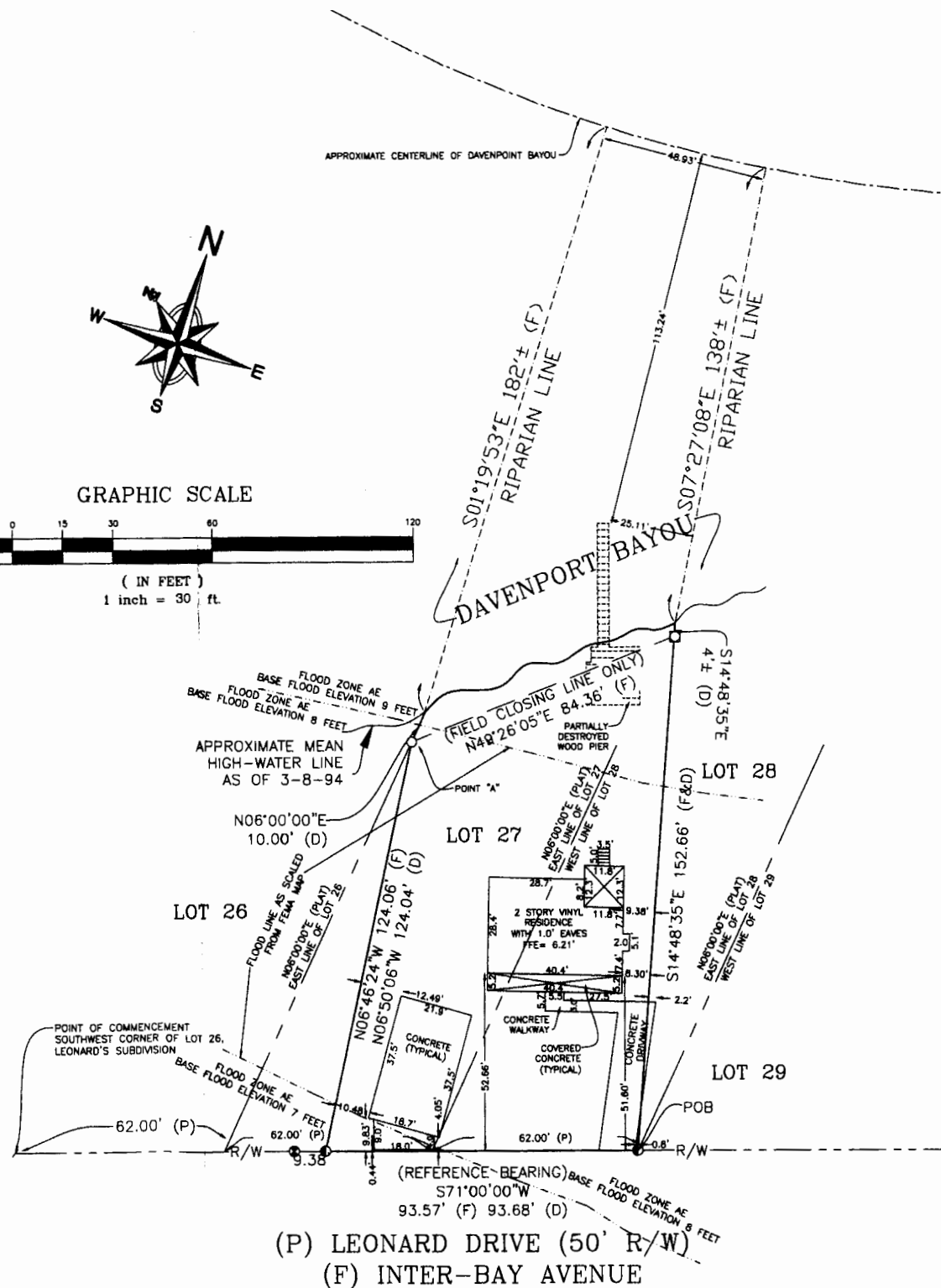
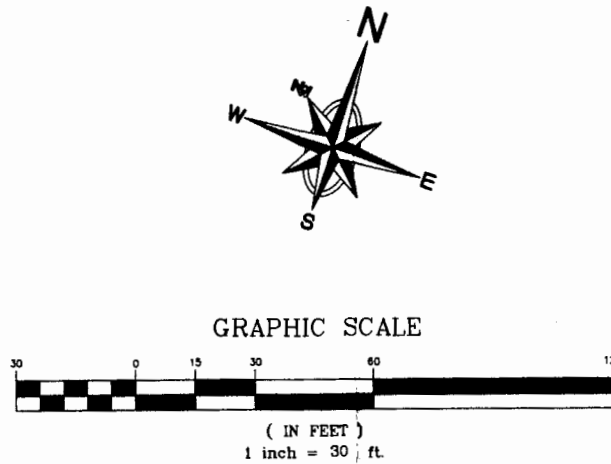
GENERAL NOTES:

- THE BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF NORTH 71 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF THE PROPERTY AS PER THE DESCRIPTION AS FURNISHED.
- THE SURVEY DATUM AS SHOWN HEREON IS REFERENCED TO THE DESCRIPTION AS FURNISHED AND TO EXISTING FIELD MONUMENTATION.
- NO TITLE SEARCH WAS PROVIDED TO NOR PERFORMED BY NORTHWEST FLORIDA LAND SURVEYING, INC., FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, STATE AND/OR FEDERAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY.
- THE PROPERTY AS SHOWN HEREON IS LOCATED IN FLOOD ZONE "AE", BASE FLOOD ELEVATION 7 FEET, FLOOD ZONE "AE", BASE FLOOD ELEVATION 8 FEET, FLOOD ZONE "AE", BASE FLOOD ELEVATION 9 FEET, AS DETERMINED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP OF ESCAMBIA COUNTY, FLORIDA (UNINCORPORATED AREAS), MAP NUMBER 12033C 0369 G, REVISED SEPTEMBER 29, 2006.
- THIS SURVEY DOES NOT DETERMINE OWNERSHIP.
- THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, TO THE BEST OF MY KNOWLEDGE AND BELIEF.
- THE MEASUREMENTS AS SHOWN HEREON WERE MADE TO UNITED STATES STANDARDS.
- THE ELEVATIONS AS SHOWN HEREON ARE REFERENCED TO NORTH AMERICAN VERTICAL DATUM OF 1988 FROM UNITED STATES COASTAL AND GEODETIC SURVEY BENCHMARK NO. "Q-26, RESET 1942" HAVING A PUBLISHED ELEVATION OF 9.25 FEET.
- THE MEASUREMENTS OF THE BUILDINGS AND/OR FOUNDATIONS SHOWN HEREON DO NOT INCLUDE CONCRETE FOOTERS OR EAVE OVERHANGS.
- FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM, WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER, FRED R. THOMPSON, AND IS TO BE RETURNED TO OWNER UPON REQUEST.
- THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY ISSUED ON THE SURVEY DATE WITH A RAISED SEAL TO INSURE THE ACCURACY OF THE INFORMATION AND TO FURTHER INSURE THAT NO CHANGES, ALTERATIONS OR MODIFICATIONS HAVE BEEN MADE. NO RELIANCE SHOULD BE MADE ON A DOCUMENT TRANSMITTED BY COMPUTER OF OTHER ELECTRONICS MEANS UNLESS FIRST COMPARED TO THE ORIGINAL SIGNED AND SEALED DOCUMENT.

DENOTES:

- ~ 1/2" CAPPED IRON ROD, NUMBERED 7277 (PLACED)
- ~ 1/2" CAPPED IRON ROD, NUMBERED 4882 (FOUND)
- ~ 1/2" IRON ROD, UNNUMBERED (FOUND)
- ~ 4" DIAMETER CONCRETE MONUMENT, UNNUMBERED (FOUND)
- (D) ~ DEED INFORMATION
- (P) ~ PLATTED INFORMATION
- (F) ~ FIELD INFORMATION
- R/W ~ RIGHT OF WAY
- P.O.B. ~ POINT OF BEGINNING
- SEC. ~ SECTION
- TWP. ~ TOWNSHIP
- RGE. ~ RANGE
- FFE ~ FINISHED FLOOR ELEVATION

BENCHMARK: C-208-47-2 NAIL AND DISK NUMBERED 0340 AT CENTERLINE POINT OF INTERSECTION OF INTER-BAY DRIVE AND PALOMAR DRIVE ELEVATION 5.15'



NORTHWEST FLORIDA LAND SURVEYING, INC.
3800 NORTH "W" STREET, PENSACOLA, FLORIDA 32505

7/19/07

FRED R. THOMPSON, PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 3027 CORP. NUMBER 7277
STATE OF FLORIDA

CERTIFICATIONS:

CITIZENS & PEOPLES BANK
RYAN AND TERRY L. ROBERTS
DENNIS BRASLOW ATTORNEY AT LAW

REVISIONS

NO.	DATE	APPROVED

NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR

NORTHWEST FLORIDA LAND SURVEYING, INC.
A PROFESSIONAL SERVICE ORGANIZATION
5800 N. "W" ST., PENSACOLA, FL 32505
(904) 488-1088

SCALE: 1" = 30'
DESIGNED: JAS
DRAWN: JAS
CHECKED: FRT
DATE: 7/19/07
CREW CHIEF: M. WALLACE, FIELD DATE: 3/9/05, FIELD BOOK: C-246, PAGE: 36

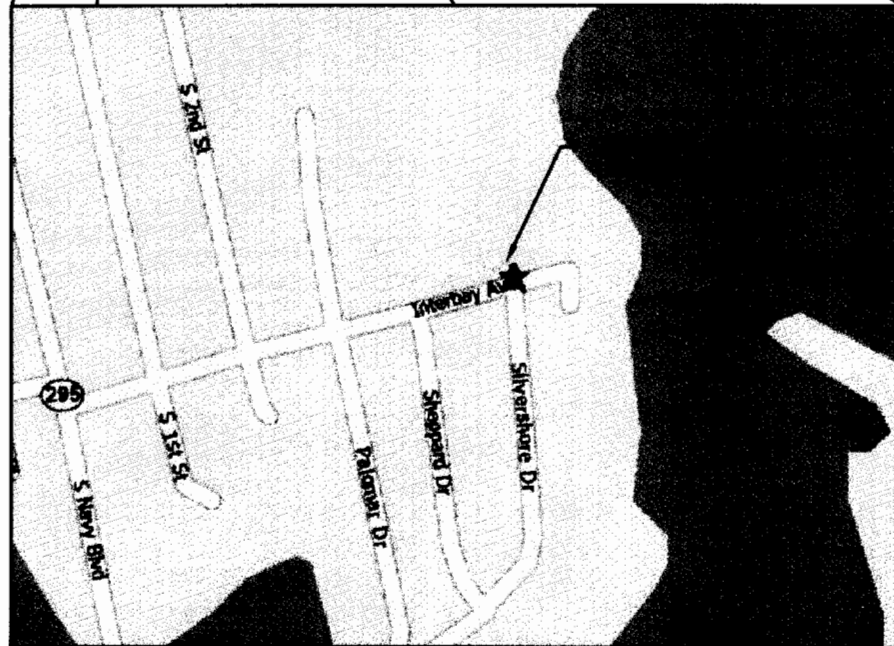
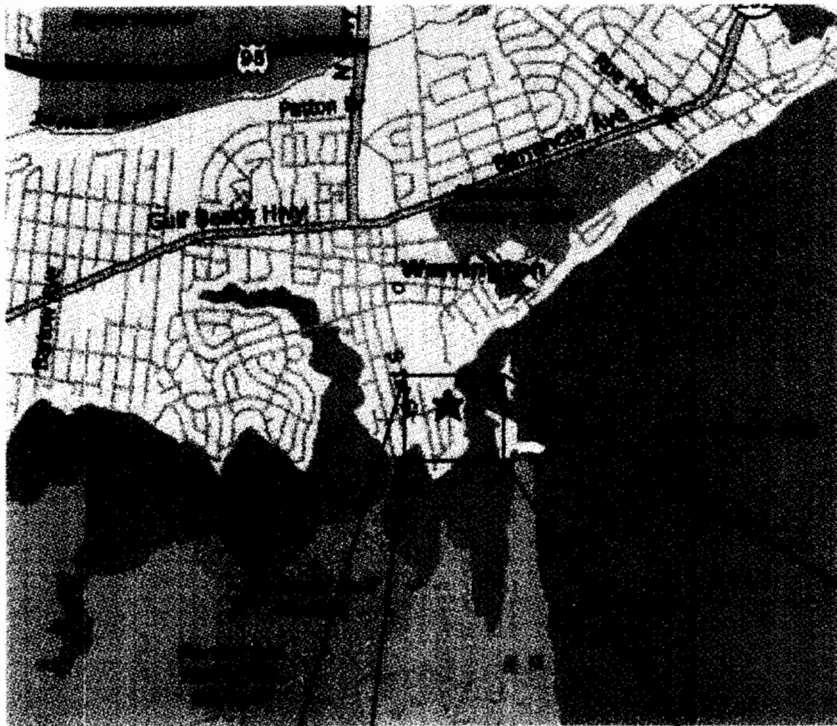
BOUNDARY SURVEY WITH IMPROVEMENTS OF A PORTION OF SECTION OF 51, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA
PREPARED FOR: WETLAND SCIENCE
REQUESTED BY: JASON TAYLOR

PROJECT NO.	NO.
4515	1 OF 1
INDEX 10	SHEETS

V-2007-36

Appendix C

SITE PLAN



DIRECTIONS FROM DOWNTOWN PENSACOLA: BEGIN BY HEADING WEST ON GARDEN STREET/US-98 TOWARDS PERDIDO KEY. MAKE A SLIGHT LEFT ONTO BARRANCAS AVENUE/FL-292. CONTINUE TO FOLLOW BARRANCAS FOR APPROXIMATELY 3.5 MILES. TURN LEFT ONTO NAVY BLVD. TURN LEFT ONTO INTERBAY AVE. SUBJECT PROPERTY IS LOCATED AT 310 INTERBAY AVE.

APPLICANT: BESANKO
PAGE 1 OF 6

WETLAND
SCIENCES
INCORPORATED

SITE LOCATION MAP

PROJECT #2007-085

DATE: MAY 15, 2007

DRAWN BY: JAT

SCALE: NTS

GRAPHIC SCALE

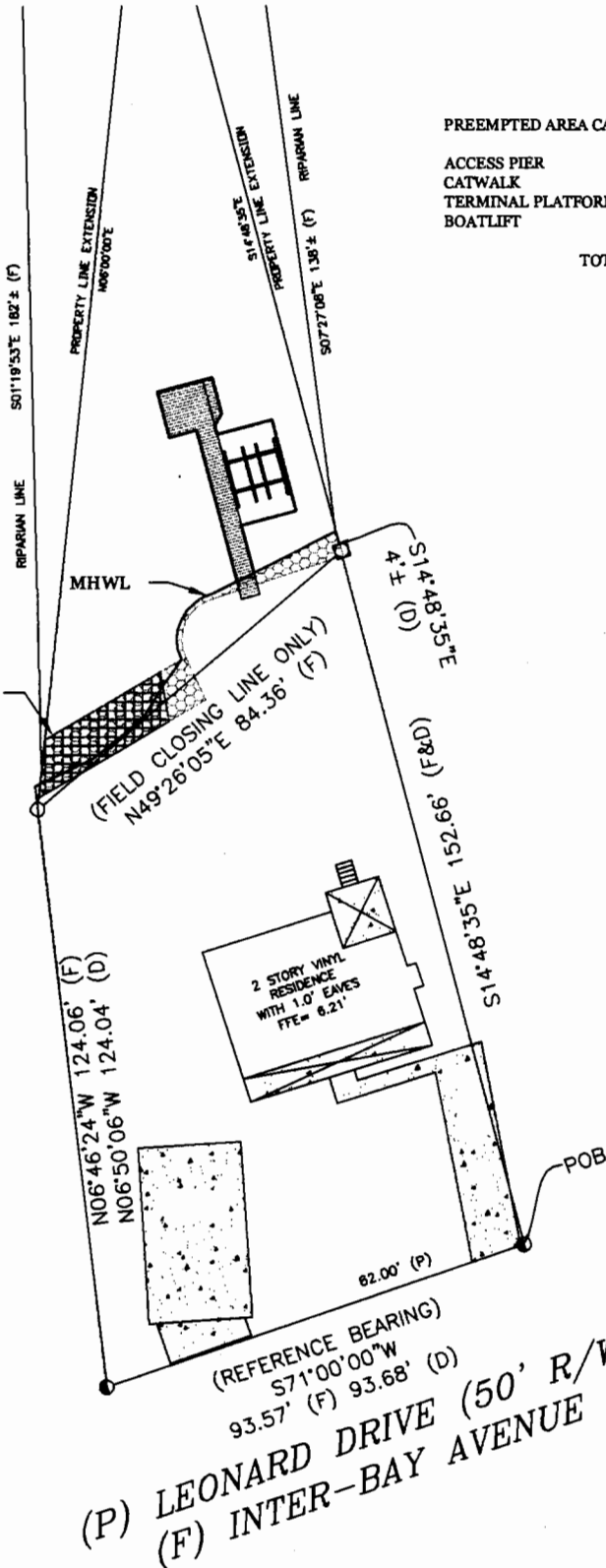


(IN FEET)
1 inch = 40 ft.

PREEMPTED AREA CALCULATIONS:

ACCESS PIER	4' x 33'	=132 SQ. FT.
CATWALK	2' x 10'	=20 SQ. FT.
TERMINAL PLATFORM	10' x 10'	=100 SQ. FT.
BOATLIFT	12' x 20'	=240 SQ. FT.
TOTAL		=492 SQ. FT.

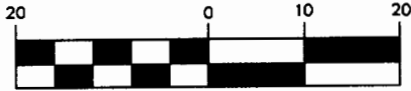
LIMESTONE RIP RAP
WILL CONFORM TO A 2:1 SLOPE



(P) LEONARD DRIVE (50' R/W)
(F) INTER-BAY AVENUE

APPLICANT: BESANKO
PAGE 4 OF 6

GRAPHIC SCALE

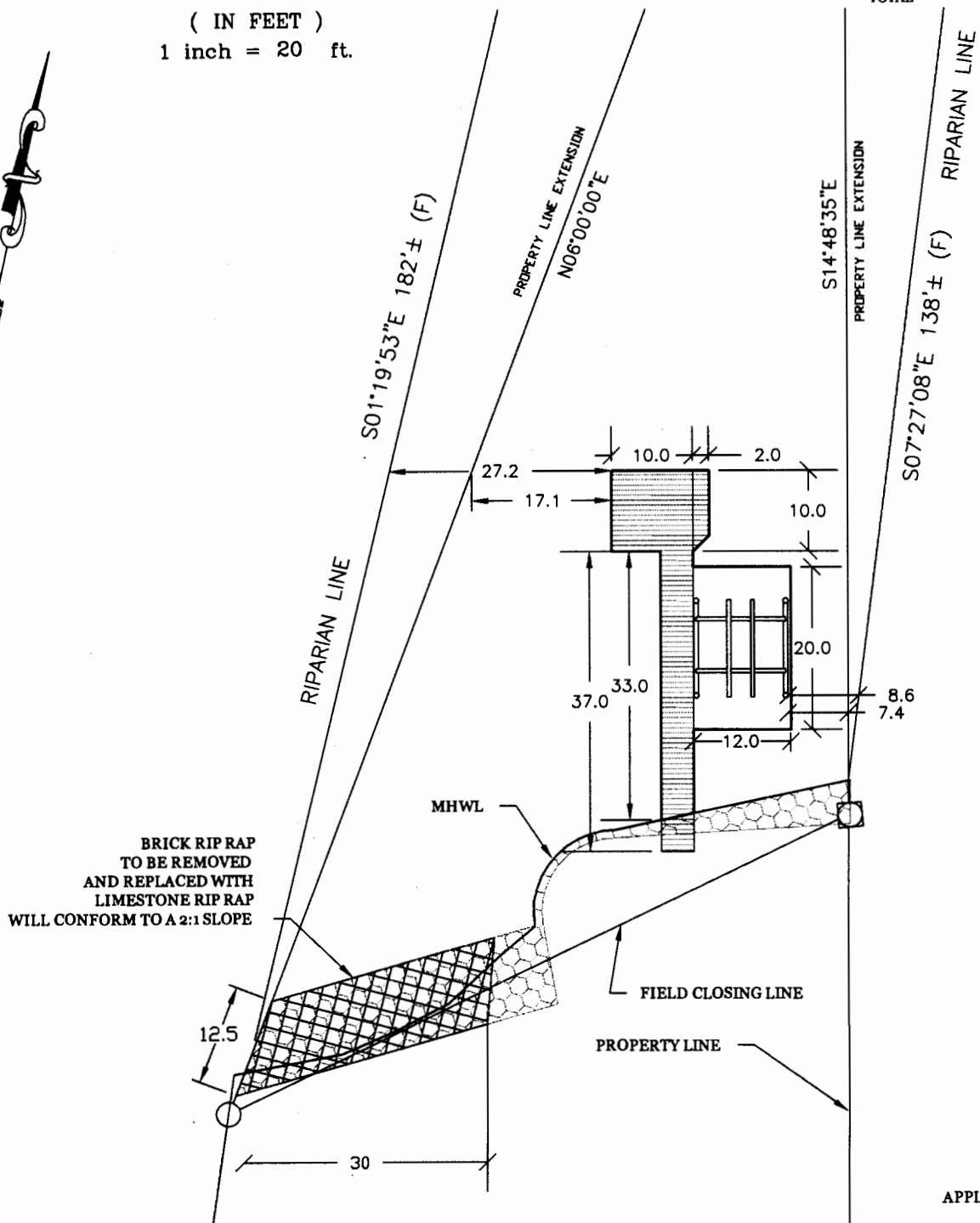


(IN FEET)
1 inch = 20 ft.

PREEMPTED AREA CALCULATIONS:

ACCESS PIER	4' x 33'	=132 SQ. FT.
CATWALK	2' x 10'	=20 SQ. FT.
TERMINAL PLATFORM	10' x 10'	=100 SQ. FT.
BOATLIFT	12' x 20'	=240 SQ. FT.

TOTAL = 492 SQ. FT.



BRICK RIP RAP TO BE REMOVED AND REPLACED WITH LIMESTONE RIP RAP WILL CONFORM TO A 2:1 SLOPE

APPLICANT: BESANKO
PAGE 5 OF 6

WETLAND SCIENCES
INCORPORATED

CLOSE-UP OF PROPOSED ACTIVITIES

PROJECT #2007-085

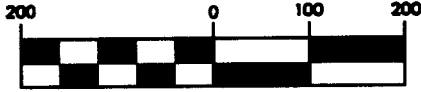
DATE: JULY 30, 2007

DRAWN BY: JAT

SCALE: 1" = 20'

V-2007-36

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



APPLICANT: BESANKO
PAGE 2 OF 6

WETLAND
SCIENCES
INCORPORATED

PLAN VIEW OVERLAIN ONTO AERIAL

PROJECT #2007-085

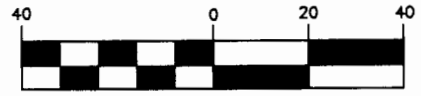
DATE: MAY 15, 2007

DRAWN BY: JAT

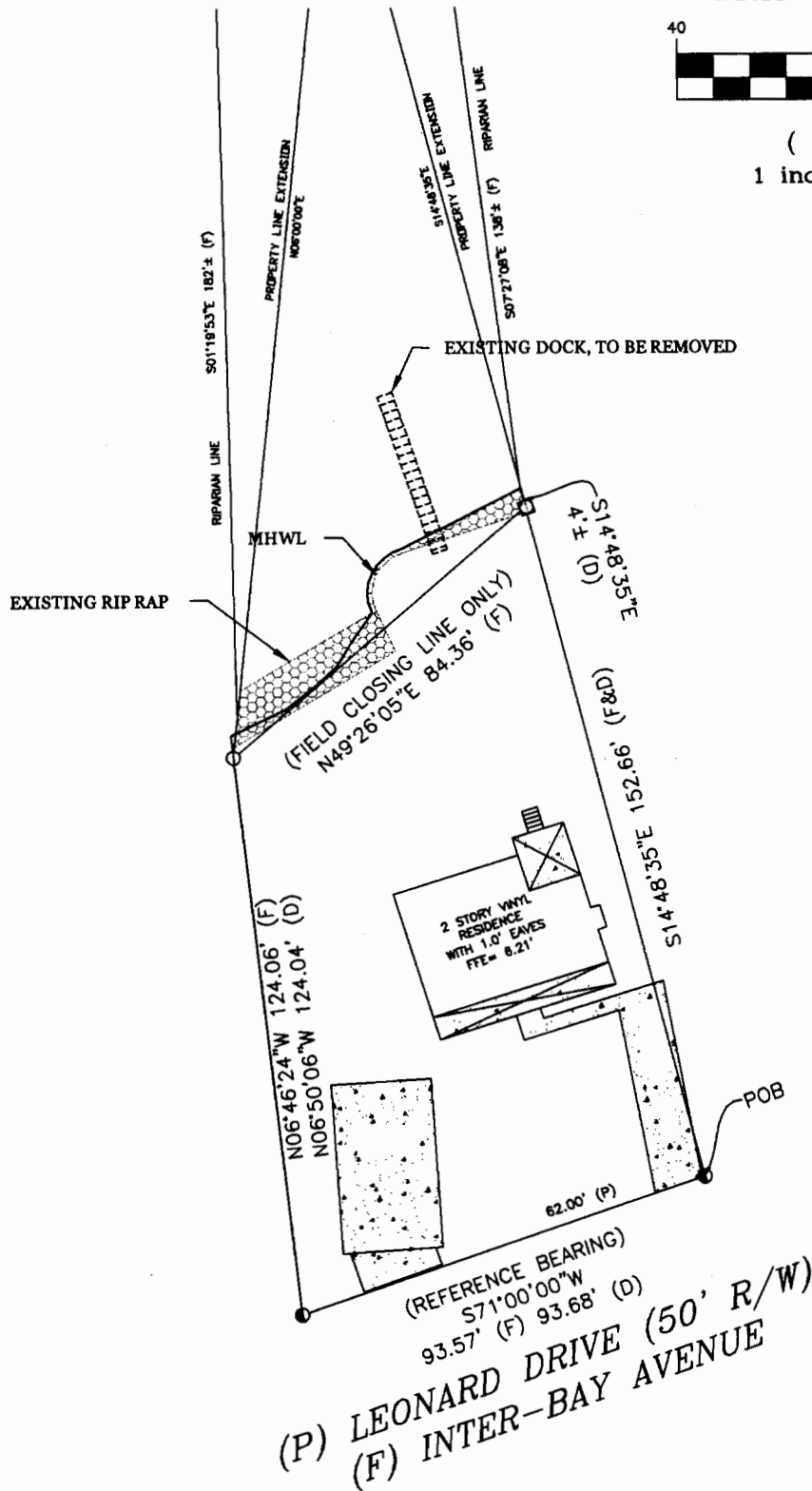
SCALE: 1" = 200'

V-2007-36

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.



APPLICANT: BESANKO
PAGE 3 OF 6

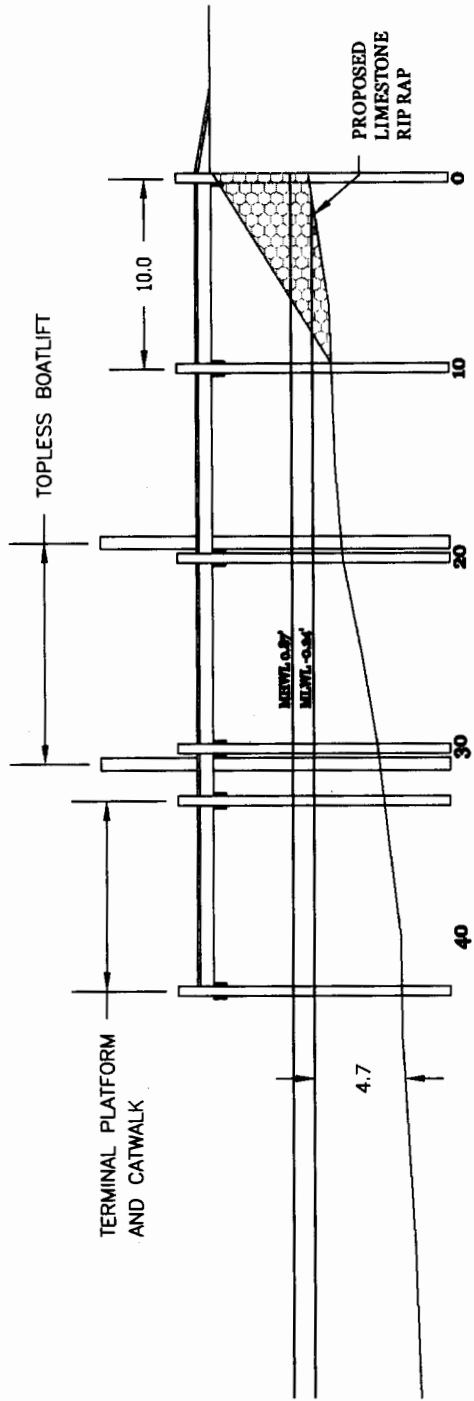
PLAN VIEW OF EXISTING SITE
CONDITIONS

PROJECT #2007-085

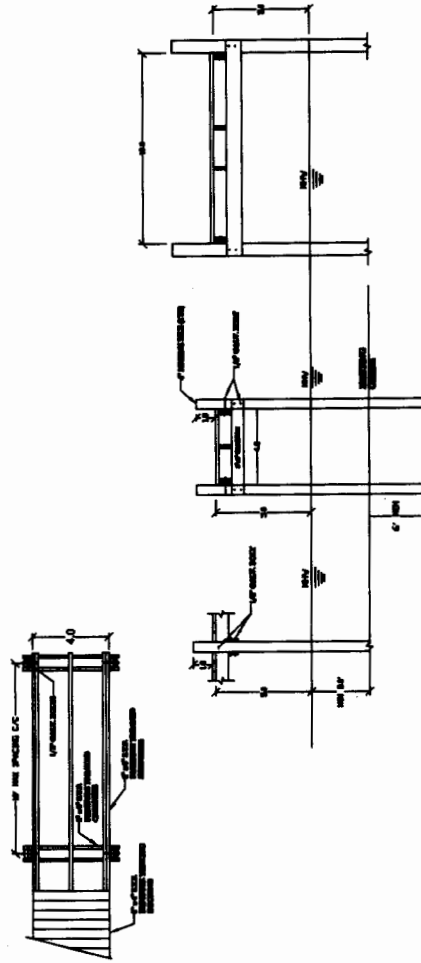
DATE: MAY 15, 2007

DRAWN BY: JAT

SCALE: 1" = 40'



DOCK DETAILS



GRAPHIC SCALE



(IN FEET)

1 inch = 10 ft.

APPLICANT: BESANKO
PAGE 6 OF 6

DOCK PROFILE AND DETAILS

DATE: JULY 30, 2007

PROJECT #2007-085

SCALE: 1" = 10'

DRAWN BY: JAT

V-2007-36

WETLAND
SCIENCES
INCORPORATED

Appendix D

CURRENT SECTION MAP(S)





THE COUNTY OF ESCAMBIA
PENSACOLA, FLORIDA

**PLANNING AND ENGINEERING
DEPARTMENT**

T. Lloyd Kerr
Director

September 19, 2007

Keith Johnson, Agent for Elaine Besanko
1829 Bainbridge Avenue
Pensacola, FL 32507

RE: Notification of Board of Adjustment (BOA) Action on September 19, 2007.
Variance Case V-2007-36, 310 Interbay Avenue, 51-2S-30-6050-001-028.

Dear Mr. Johnson:

This letter is to inform you of the Board's action to approval with conditions your request for the following:

Variance request to construct a 33' x 4' access pier, a 10' x 10' catwalk and a 12' x 20' topless boatlift within 7.4 feet of the property to the east and 17.1' of the property to the west.

CONDITIONS:

1. Applicant meet all State requirements
2. Reduce the westward extent of the terminal platform by one (1) foot.

The Board will officially approve the conclusion findings at the October 17, 2007 BOA Meeting. If there are any changes, an amended set of findings will be sent to you.

Section 2.05.01.D of the Land Development Code states:

Determinations made by the BOA regarding variances shall be valid for a period not to exceed two years. If an applicant does not apply for development approval (DRC process) or a building permit within said two-year period, the variance approval will expire. For conditional uses, the applicant must apply for development approval (DRC process) or building permit within four years following the determination made by the BOA. Once an applicant obtains a development order or building permit, the variance or conditional use will continue with the property.

accepted for consideration within a period of 180 days of the decision of denial.

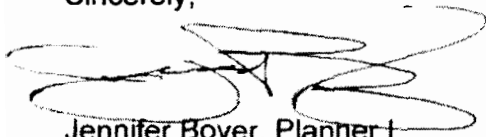
Section 2.04.02 of the Land Development Code states:

Impacts on permitting and owners of property subject to review. Because decisions of the BOA relating to variances, conditional uses, temporary use of a mobile home as a guest residence due to medical hardship, and extension of development order for site plan approval are final, unless overturned by a court of competent jurisdiction, the county may issue development orders and permits for properties in accordance with the decisions of the BOA. However, if a property owner or applicant requests the issuance of any such order or permit and such order or permit is issued, the permittee, and not the county, shall bear any risk that such decision may be set aside, the permit or development order may be revoked, or the development may be otherwise enjoined by the reviewing court.

This letter has been notarized should you choose to record it, and the attached Board of Adjustment Findings-of-Fact, in the Public Records of Escambia County per Florida Statutes, Section 28.222(3)(a). Since the Board of Adjustment has made a decision regarding your request, please remove the County sign posted on your property and return it to our office at 1190 West Leonard Street at your earliest convenience.

Please call this office if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer Boyer', written over a horizontal line.

Jennifer Boyer, Planner I
BOA Coordinator

JB/ldr

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Jennifer Boyer, who is personally known to me, acknowledged the foregoing letter before me this 20th day of September, 2007.

Linda D. Robinson
Signature of Notary Public

Linda D. Robinson
Name of Notary Printed



LINDA D. ROBINSON
MY COMMISSION # DD 65704 (Notary Seal)
EXPIRES: July 1, 2011
Bonded Thru Notary Public Underwriters

My Commission Expires: _____

Commission Number: _____

Attachment: Board of Adjustment Findings of Fact

cc: Stephen West, Assistant County Attorney
Front Counter



BOARD OF ADJUSTMENT FINDINGS-OF-FACT

**Variance Case: V-2007-36
September 19, 2007**

I SUBMISSION DATA

APPLICANT: Wetland Sciences Inc., Keith Johnson, Agent
for Elaine Besanko

PROJECT ADDRESS: 310 Interbay Ave

PROPERTY REFERENCE NO.: 51-2S-30-6050-001-028

ZONING DISTRICT: R-3

FUTURE LAND USE: MU-1

II REQUESTED VARIANCE:

The applicant is seeking a variance to construct a 33ft x 4ft access pier, a 10ft x 10ft catwalk and a 12ft x 20ft topless boatlift within 25 feet of both adjoining property owners. The structure will be placed within 7.4 feet of the property to the east, and 17.1 feet of the property to the west.

III RELEVANT AUTHORITY

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 7.05.00.C.12.d

d.

No dock, boathouse structure, pier, or any part of extensions thereof shall be placed within 25 feet of an adjoining owner's side lot lines or any extensions thereof (see exception in subsection (e) below.) This setback requirement is not intended to define an upland property owner's riparian and/or littoral rights. Proposed structures within the riparian and/or littoral rights lines of an adjoining property owner, or closer than any designated distance specified by federal and/or state regulatory authorities, are not permitted. The proximity of such structures to an existing dock or pier shall allow for safe navigable access to open water by all abutting property owners.

IV CRITERIA

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section 2.05.02.

CRITERION A

That there are special circumstances or conditions applicable to the building or land in question that are peculiar to such property that do not apply generally to other land or buildings in the vicinity.

FINDINGS-OF-FACT

Section 2.05.02 of the Land Development Code defines special circumstances or conditions specifically as follows: "Such special conditions shall be limited to unusual physical characteristics inherent in the specific piece of property and not common to properties similarly situated. Such physical characteristics include, but are not limited to, exceptional narrowness, shallowness, shape, topographic conditions, or the presence of sensitive environmental resources, any or all of which will result in peculiar or practical difficulties in the quiet enjoyment and use of the property".

The design of this property does not create practical difficulties for the building of any structure along the waterfront. The subject parcel contains 84 feet of property fronting Davenport Bayou, making it possible to meet the 25 foot side setback requirements.

CRITERION B

That the variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the Applicant.

FINDINGS-OF-FACT

The variance is not necessary for the Applicant to enjoy a substantial property right expected with waterfront property.

CRITERION C

That such a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding

area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

FINDINGS-OF-FACT

The variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

CRITERION D

The variance will not, in any manner, alter other provisions of this Code or Comprehensive Plan.

FINDINGS-OF-FACT

The variance will not alter other provisions of the Land Development Code or Comprehensive Plan.

CRITERION E

That the variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA.

FINDINGS-OF-FACT

The variance is not the minimum necessary to make possible use of the land.

V RECOMMENDATION

Section 2.05.02 of the LDC specifies, "No variance shall be authorized under this provision unless the BOA finds that all of the required conditions exist".

The Board amended staff's findings-of-fact and approved the Variance as submitted with the following conditions:

1. Applicant meets all State requirements
2. Reduce the westward extent of the terminal platform by one (1) foot.



Chris Jones

Escambia County Property Appraiser

We Have Relocated To 221 Palafox Place (3rd Floor)

CHRIS JONES ECPA RECORD SEARCH MAPS GENERAL INFORMATION GOVERNMENT AGENCIES TANGIBLE PROPERTY CAREERS
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BUFFER RECORDS

Download Records

Account	Name	Location	Mailing Address	City Zip
082689500	BENGTSON AL & DINAH S TRUSTEES...	440 CREARY ST	APT 3104 7111 N BLUE ANGEL PKWY	PENSACOLA FL 32526-5049
081631000	THOMPSON RANDLE D & LAURA L	510 PALOMAR DR	315 W BLOUNT ST	PENSACOLA FL 32507
081633000	BARKSDALE JOHN & OVERTON JOAN	512 PALOMAR DR	512 PALOMAR DR	PENSACOLA FL 32507
081634000	MARSHALL JANE P	516 PALOMAR DR	427 CREARY ST	PENSACOLA FL 32507-3425
081635000	NOWAK MARGARET E & NOWAK FREDE...	300 INTERBAY AVE	PO BOX 18243	PENSACOLA FL 32523
081636000	HUGHES CHARLES A & DEBORAH	304 INTERBAY AVE	551 CAPSTAN CT	PENSACOLA FL 32507
081637000	SISTRUNK OPAL DARLENE	604 SILVERSHORE DR	5130 HIGH POINTE DR	PENSACOLA FL 32505
081638000	SILVERSHORE LLC	606 SILVERSHORE DR	119 GREGORY SQUARE	PENSACOLA FL 32502
081638100	LEWIS MARWOOD D & CAROL D	612 SILVERSHORE DR	612 SILVERSHORE DR	PENSACOLA FL 32507
081649000	DOBSON DENNIS	308 INTERBAY AVE	308 INTERBAY AVE	PENSACOLA FL 32507
081650000	FILLIO DOROTHY L	312 INTERBAY AVE	7351 CHESTERFIELD RD	PENSACOLA FL 32506
081651000	DEWBERRY WILLIAM C JR & MARY J...	314 INTERBAY AVE	5814 SCHOFIELD DR	PENSACOLA FL 32506
081652000	HESS DON	316 INTERBAY AVE	585 WINDROSE CIR	PENSACOLA FL 32507
081654000	ROPKE ROSEMARY	320 INTERBAY AVE	320 INTERBAY AVE	PENSACOLA FL 32507
081655000	SHIELL ROBERT G & HAZEL C	324 INTERBAY AVE	324 INTERBAY AVE	PENSACOLA FL 32507
081656000	LUCAS COLLEEN JOYCE	600 SILVERSHORE DR	600 SILVERSHORE DR	PENSACOLA FL 32507
081657000	ROBERTS DAVID W	602	2220 GLORIA CIR # 117	PENSACOLA FL

V-2007-36

		SILVERSHORE DR		32514
081632000	WIGGINS MARTHA ERNESTINE	502 PALOMAR DR	502 PALOMAR DR	PENSACOLA FL 32507-3337
081635100	NOWAK MARGARET E & NOWAK FREDE...	PALOMAR DR	PO BOX 18243	PENSACOLA FL 32523
081638200	ALTIERI GRACE M 1/2 INT & GRAY...	610 SILVERSHORE DR	610 SILVERSHORE DR	PENSACOLA FL 32507
081650100	BESANKO BRUCE & ELAINE O	310 INTERBAY AVE	191 FARMINGTON RD	LONGMEADOW MA 01106
081653000	KING K TRUSTEE FOR 318 WHITE I...	318 INTERBAY AVE	4051 G BARRANCAS AVE #138	PENSACOLA FL 32507
081658100	HUGHES CHARLES A	601 SHEPPARD DR	601 SHEPPARD DR	PENSACOLA FL 32507
081659000	READ DOROTHEA	INTERBAY AVE	909 RIDGEWOOD LN	PENSACOLA FL 32506
081661000	MCALLISTER WILLIAM J	605 SHEPPARD DR	507 N 77TH AVE	PENSACOLA FL 32506
081662000	BRAZWELL JERRY L & DEITRA D	609 SHEPPARD DR	608 SHEPPARD DR	PENSACOLA FL 32507
081675000	BRAZWELL JERRY L & DEITRA D	608 SHEPPARD DR	608 SHEPPARD DR	PENSACOLA FL 32507
081676000	SUGGS EARL R & ELEANOR G	606 SHEPPARD DR	604 SHEPPARD DR	PENSACOLA FL 32507
081677000	SUGGS EARL R & ELEANOR G	604 SHEPPARD DR	604 SHEPPARD DR	PENSACOLA FL 32507
081678000	MERRITT MILTON C JR	303 INTER BAY AVE	10063 ROOKERY RD	PENSACOLA FL 32507
081679000	WILMER ROBERT M & MELISSA L SN...	305 INTERBAY AVE	305 INTERBAY AVE	PENSACOLA FL 32507
081680000	HUGHES CHARLES A	307 INTERBAY AVE	304 INTERBAY AVE	PENSACOLA FL 32507
081681000	HUGHES CHARLES & DEBORAH	603 SILVERSHORE DR	304 INTERBAY AVE	PENSACOLA FL 32507
081682000	KENYON MANAGEMENT LLC	605 SILVERSHORE DR	3721 FOREST GLEN DR	PENSACOLA FL 32504
081683000	ADKINS EDITH G LIFE EST ADKINS...	607 SILVERSHORE DR	5088 PINE HOLLOW DR	PENSACOLA FL 32505
081684000	WILLIAMS JOE D & CAROL J	609 SILVERSHORE DR	609 SILVERSHORE DR	PENSACOLA FL 32507

The primary use of the assessment data is for the preparation of the current year tax roll.

No responsibility or liability is assumed for inaccuracies or errors.

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V-2007-36

1 substantial evidence warranting denial of the
2 variance, the Board shall grant the variance
3 requested.

4 That moves us to our first case, which is
5 V-2007-36, which is 310 Interbay Avenue. They're
6 requesting a 33-by-4 access pier and a 10-by-10
7 catwalk and a 12-by-20 topless boat lift within 25
8 feet of both adjoining property owners. It is in
9 the R-3/MU-1 area.

10 Board, has there been any ex parte'
11 communication on this case?

12 (None noted.)

13 MR. HARVEY: Does anyone have knowledge or
14 information obtained from a site visit? Gary
15 visited the site. Anyone else? I also did.

16 Does Any Board member intend to refrain from
17 voting due to a conflict of interest?

18 (None noted.)

19 MR. HARVEY: Would the individuals involved in
20 this please come forward and Linda will swear you
21 in. I guess we do have a speaker's form here. I see
22 Keith and that's our only one. Okay.

23 MS. ROBINSON: Please state your name and
24 address.

25 MR. JOHNSON: Keith Johnson with Wetland

1 Sciences, 1829 Bainbridge Avenue, Pensacola,
2 Florida.

3 (Keith Johnson sworn.)

4 MR. HARVEY: Keith, you were provided a copy of
5 the Findings-of-Fact?

6 MR. JOHNSON: Yes.

7 MR. HARVEY: You do understand that all the
8 criteria must be met in order for us to grant a
9 variance?

10 MR. JOHNSON: Yes.

11 MR. HARVEY: Please, proceed.

12 MR. JOHNSON: The applicant, Elaine Besanko,
13 her and her husband, are requesting authorization to
14 construct a 33 foot by 4 foot access pier, 10-by-10
15 terminal platform with a two foot by eight foot
16 finger pier and a topless boat lift.

17 I would like to specifically address staff's
18 Findings-of-Fact with regard to each criteria and I
19 have provided a summary of my testimony here
20 regarding each criterion and my argument to the
21 contrary of County staff. I will be more than happy
22 to provide a copy of this summary to you as I
23 explain my rationale for my opinion.

24 But essentially, Criterion (1) --

25 MR. HARVEY: Keith, did you want to enter that

1 in?

2 MR. JOHNSON: It's up to the Board. If the
3 Board would like to have it to follow along with my
4 presentation, I'm offering it to the Board.

5 MR. HARVEY: Do you have enough copies for
6 everybody?

7 MR. JOHNSON: Yes, sir. I've made enough
8 copies.

9 MR. BREault: I move we accept.

10 MR. PENFOLD: Second.

11 MR. HARVEY: Okay.

12 (The motion passes unanimously. Distribution
13 of documents.)

14 MR. JOHNSON: Specifically, with Criterion A,
15 the County finds that the design of the property
16 does not create practical difficulties for the
17 building of any structure along the waterfront. The
18 subject parcel does contain 84 feet of property
19 fronting Davenport Bayou, making it possible to meet
20 the 25-foot setback. That's County staff's
21 findings.

22 In my response, the property does have a
23 regular shoreline, but the shoreline is not
24 perpendicular to the water body. Eighty-four feet
25 is just limited to the near shore of the property

1 itself. The property line extensions do not extend
2 perpendicular to the shoreline either. They are
3 oriented in such a manner in which they actually
4 converge offshore and waterward of the subject
5 property.

6 If, in fact, like this parcel, for example, was
7 on a canal and we had deep water immediately at the
8 near shore, it would maybe be possible to build a
9 boat lift and the structures to accommodate a lift,
10 but since it is not and we have some depth issues,
11 the boat lift does need to be extended a little bit
12 waterward of the shoreline and this extension, as
13 you will note, the extension of the property lines
14 essentially, you know, to 10 foot from the shoreline
15 we only have 54 feet in between the two property
16 line extensions, which only allows four feet for the
17 construction of any structure. At the end of our
18 terminal platform that's indicated in the package,
19 there's only 46 feet, so, actually, we have no room,
20 only the 35 feet from the shoreline. So my opinion,
21 the County's assumption that the physical
22 configuration of the property would allow the
23 proposed activity is not correct. The extension of
24 the other property lines are in such a manner that
25 will not allow any structure without a variance.

1 There are special circumstances applicable to
2 the land, as I mentioned, the property line
3 extensions. If you notice in the property survey
4 that is in the package, this property was created by
5 a resubdivision. This area has been resubdivided
6 several times. In the most recent resubdivision,
7 both property lines on the east and west from the
8 right-of-way to each witness corner, they kept the
9 bearings of the former lots, lots 27 and 28, though,
10 those differ. The property lines on the east and
11 west in between the right-of-way and the witness
12 corners were different. However, from the witness
13 corner to the shoreline they maintained the bearings
14 of the old lots which actually take a more
15 northeasterly direction. It is this deviation which
16 causes the property line extensions to become a
17 problem, as I've indicated. So in my opinion the
18 design of the property does create practical
19 difficulties, and I do believe we meet Criterion A.
20 Criterion B. The County finds the variance is
21 not necessary for the applicant to enjoy a
22 substantial property right expected with waterfront
23 property. I provided the definition of substantial
24 property right as defined in the Escambia County
25 Land Development Code. The definition is actually

1 in the context of a variance. And if I may, I'll
2 read the definition. It's the ability to use or
3 improve land in such a matter that would be law
4 except personal circumstances or conditions
5 applicable to the building or land which we have
6 special conditions applicable to the land, that the
7 particular land development regulation from which a
8 variance is sought prohibits such use or
9 improvement, which we do have the setback
10 requirements from the Land Development Code which
11 prohibit the structure that's proposed.
12 A property right is substantial if it involves
13 the use or improvement or real worth and important
14 which may be enjoyed by other similarly situated
15 landowners in the vicinity. There are several
16 landowners along Interbay and Silverside Drive which
17 have structures very similar in configuration and
18 design as being proposed by the applicant. So in my
19 opinion, the proposed structure is necessary for the
20 applicant to enjoy a substantial property right
21 expected with waterfront property.
22 The other criteria I agree with the exception
23 of Criterion E, which the County finds the variance
24 is not the minimum necessary to make possible use of
25 the land. I mentioned before the physical

1 limitations of the property. The applicant merely
2 wants to lift/store a size vessel that's
3 approximately 20 feet in length. To do that we have
4 to position the lift, the cradle lift far enough
5 from the shoreline to allow sufficient depth for us
6 to lower the lift and position the boat over the
7 lift and raise it up. We positioned the lift as
8 close to the shoreline as we possibly can and still
9 maintain the depth that we need for the lift to
10 function.

11 We have a terminal platform that's positioned
12 just waterward of the lift. That terminal platform
13 is designed to allow the applicant when they do
14 bring the vessel to the dock, to store the vessel
15 alongside the terminal platform, offload, you know,
16 gear and personnel, and then transition the boat
17 from the terminal platform to the lift. Once you
18 put the boat in the lift and lift it up, it's very
19 difficult and dangerous to jump off the lift and
20 onto the dock and try to off load and unload, so
21 typically we design some type of structure adjacent
22 to the lift that allows the applicant to transient
23 moor the vessel to offload personnel and gear while
24 they transition the boat to the lift.

25 The size of the terminal platform, 10-by-10, is

1 small. That's pretty much the minimum, in my
2 opinion, that a terminal platform needs to be to
3 function as designed. Typical platforms that we
4 design for other applicants that do not have this
5 physical limitation are 10-by-16. I have brought
6 along with me Dale Hickman with Dale's Marine
7 Construction. If, in fact, that does become an
8 issue that it is not the minimum necessary, he will
9 testify that what we are proposing is the minimum
10 amount necessary. That concludes my presentation.
11 If you have any questions, I'll be more than happy
12 to answer them.

13 MR. PENFOLD: I have a question. Did you look
14 at putting the lift on the other side?

15 MR. JOHNSON: We did. And the reason why we
16 didn't put the lift on the other side, we had
17 conversations with the adjacent property owner and
18 it was the adjacent property owner's wish that we
19 move the lift on the other side to potentially not
20 cause any problems, because he had just created a
21 newly constructed dock. It doesn't have a lift or
22 it doesn't have any type of mooring area, so if we
23 did position the lift on that side, it may create
24 difficulties for access for that gentleman to the
25 west, so we had moved the lift to the east side of

1 the dock so there wouldn't be any difficulties
2 associated with the neighbor to the west. I have
3 spoken with the neighbor to the east. The neighbor
4 to the east does not have a problem, he specifically
5 told me verbally, with our proposal. Being that we
6 have both neighbors on our side, hopefully, we
7 thought this was a design that would best work for
8 the neighborhood.

9 MR. PENFOLD: Does the neighbor on the west, I
10 believe it's the west, the one that objected to the
11 lift being there, do you know anything about his
12 dock?

13 MR. JOHNSON: He's here.

14 MR. PENFOLD: No, I mean did he have a variance
15 to build his dock? Was he within 25 feet of the
16 property line?

17 MR. JOHNSON: I believe so.

18 MR. PENFOLD: This is where, you know, here we
19 go.

20 MR. HOLMER: It never came to us. That was not
21 a case through the Board of Adjustment.

22 MR. PENFOLD: So the dock is not in accordance
23 with the --

24 MR. HOLMER: It might be. I haven't gone out
25 there.

1 MR. CARLOS: You can't jump to that conclusion.

2 MR. PENFOLD: No, we can't, but what I'm saying
3 is here we're trying to make decisions and yet we
4 don't have the information we need to perhaps make
5 the correct decision. That's all. I'm just trying
6 to make sure that everybody is in the same --

7 MR. JOHNSON: And I don't want to make that
8 statement. I haven't measured it.

9 MR. PENFOLD: It was just a question. And then
10 moving the lift from one side to the other, all of
11 sudden that causes a problem with another neighbor
12 that, from the diagram, it shouldn't, and how can
13 this be done?

14 Another question I have is where do we stand
15 for the staff on the rewrite of construction that
16 talks about the side variances to these issues where
17 we have 25 feet from property line to property line
18 and yet the lot is only 50 feet wide automatically
19 requiring a variance? We talked about perhaps
20 changing it to a 20-foot variances on either side,
21 which would allow somebody 10 feet to build without
22 requiring a variance, so where do we stand on that?

23 MR. HOLMER: We're working with Marine
24 Resources on that, but the idea we're looking
25 towards is the idea if you have 54 feet or less.

1 then setting some sort of standard for a minimum
2 four foot wide pier. Instead of addressing it as
3 changing the setbacks, we would just say minimum lot
4 width of less than 54. We're working on that.
5 We're going to, hopefully, present that to the
6 Planning Board as quickly as we can.
7 MR. JOHNSON: Mr. Penfold, anywhere that we
8 would position the lift would require a variance
9 just because of the limited distance between the
10 property lines. Even if we positioned it on the
11 western side, we still would have had to get a
12 variance from both.
13 MR. PENFOLD: I understand.
14 MR. JOHNSON: And I think the problem -- in my
15 opinion, the problem with the code is property line
16 extension, whereas, the County does not look at
17 riparian lines. I understand the County doesn't
18 want to get into riparian disputes, but I think
19 that's where the real problem is because people when
20 they platted lots years ago didn't realize the
21 difficulties that would come about with extending
22 property lines instead of actually using riparian
23 lines as defined in the Florida Administrative Code.
24 MR. CARLOS: I do have two questions for you.
25 Are the drawings that are in your package, are those

1 the ones submitted to DEP or do you have to submit
2 to DEP?
3 MR. JOHNSON: We submitted to DEP another
4 design and it was our position at that time that the
5 dock was exempt and we were just submitting to DEP.
6 In our submittal to DEP we only indicated riparian
7 lines, we didn't indicate property line extensions.
8 As part of the DEP's process they notify both
9 adjacent property owners. The property owner to the
10 west commented on the proposed activity and then
11 asked that we look at it again.
12 MR. CARLOS: To summarize that statement, the
13 design that you show is what you negotiated in
14 discussions with DEP. It's in there?
15 MR. JOHNSON: It was negotiated.
16 MR. CARLOS: Following the regulatory agency's
17 recommendation, the design presented is what you
18 came up with?
19 MR. JOHNSON: That's correct and negotiations
20 with the neighbor.
21 MR. CARLOS: Which is what they require?
22 MR. JOHNSON: That's correct.
23 MR. CARLOS: Thank you.
24 MR. HARVEY: We do have some other speakers
25 that wanted to address this issue, so, Rocky, we may

1 come back when they speak. Okay. So some of what
2 you're asking we may get more details on.
3 MR. HOLMER: We have the aerial and we can
4 address that, also.
5 MR. HARVEY: We'll go ahead with our staff's
6 presentation.
7 MS. BOYER: Variance 2007-36, 310 Interbay
8 Avenue. The location map. The zoning. Future Land
9 Use. Aerial. This is the public hearing sign.
10 This is looking west. Looking east. This is south,
11 which is the rear of the property with the house on
12 it. This is looking north at the existing pier.
13 This is the site plan. This is a closer version of
14 the proposed request. And the survey.
15 Criterion A, the design of this property does
16 not create practical difficulties for the building
17 of any structure along the waterfront. The subject
18 parcel contains 84 feet of property fronting
19 Davenport Bayou, making it possible to meet the
20 25-foot setback requirement.
21 Criterion B. The variance is not necessary for
22 the applicant to enjoy a substantial property right
23 expected with waterfront property.
24 Criterion C. The variance will not impair an
25 adequate supply of light and air to adjacent

1 property, unreasonably increase congestion in the
2 public streets, the danger of fire, imperil the
3 public safety, unreasonably diminish or impair
4 established property values within the surrounding
5 area or in any other respect impair the health,
6 safety, comfort or the general welfare of the
7 inhabitants of Escambia County.
8 Criterion D. The variance will not alter other
9 provisions of the Land Development Code or
10 Comprehensive Plan.
11 Criterion E. The variance is not the minimum
12 necessary to make possible use of the land.
13 Recommendation. The applicant cannot meet all
14 required criteria for the granting of the variance
15 as required by law. Denial of the request is,
16 therefore, recommended.
17 MR. HARVEY: Any questions of the staff?
18 MR. BREault: Yeah, I have a question to staff.
19 I would like to hear your response to Mr. Johnson's
20 exception to Criterion A.
21 MR. HOLMER: I spoke with Mr. Johnson and I
22 finally was able to get in touch with the Marine
23 Resources folks. They've been very busy with the
24 reefs they're building. Coming from the Planning
25 and Zoning standpoint, we're just looking at, hey,

1 we've got 84 feet. Given the resubdivision of the
2 land, in order to build this or just about anything
3 out there, if we are following those property line
4 extensions given the resubdivision of the land,
5 which now scants that line on the west side, cuts
6 across the property further now, following that
7 original one from when this land was resubdivided
8 and these lots were combined. That does create a
9 problem.

10 I would -- they're not my findings, so it would
11 be with Jennifer's permission, staff would be
12 amenable to revisiting the findings on this.

13 MR. BREault: If that's the case, therefore,
14 they would meet all the criteria, correct?

15 MR. HOLMER: Yes. The sticking point, once
16 again, would be Criterion E, the minimum necessary
17 to make possible use.

18 And if you could, go back to that aerial,
19 please. I have a concern -- originally, our thought
20 was, well, if this cuts this way and this one is
21 going straight out, could they reconfigure and move
22 that boat lift over to the other side? It's still
23 going to need a variance.

24 MR. CARLOS: Before we go to redesigning it, I
25 want to go to the point that the people that

1 actually own this property is the state; am I
2 correct? This is state owned submerged lands that
3 they're on and their representative agent is the DEP
4 or was the DEP at the time and the applicant went to
5 the DEP and provided a design that meets their
6 requirements. Why are we trying to redesign this
7 pier? That's my question.

8 MR. HOLMER: I'm going in the same direction
9 here. In looking at several different ideas, if
10 they were to move the lift and everything over to
11 the other side, as you can see, more centered on
12 this side of the property, if they moved it over and
13 tried to reconfigure, even if they were within their
14 property lines, even if they took it right out to
15 the property lines, if you look at the width of the
16 lots on either side -- that's much larger, but for
17 this one here, you know, I'm no marine expert, but
18 that would present some practical difficulties for
19 their neighbor, even if -- if these folks were to
20 stay within those property line extensions, got a
21 variance and went right up to the edge and put the
22 lift on that side, there's going to be some
23 practical difficulties as far as being as close as
24 they are to their neighbor.

25 Now, to the other side, we've got a lot more

1 waterfront room to work with here. I hazard to say
2 any change would definitely present some practical
3 difficulties for that neighbor.
4 MR. CARLOS: And my comment on that is the DEP
5 has, from my experience, always sort of looked at
6 that bigger picture that you just looked at to see
7 how the neighbors in boating and riparian rights are
8 affected and, hence, the design that we were shown,
9 having been through this exact experience before,
10 there's some sympathy with the permitting process
11 and I'll make the same comment and maybe the County
12 Attorney can look into this: Why does the County
13 get involved in these issues when it's State
14 property?
15 MR. WEST: Because the usage derives from that
16 upland property that is within the County's
17 jurisdiction, so there's an overlap and the
18 structure extends out from County controlled
19 property over State waters.
20 MR. CARLOS: Well, what we have is a dual
21 permitting process which continually comes back to
22 this property and perhaps that's something that can
23 be looked at when it's looked at from the standpoint
24 of these other issues. I'm sure -- I know Bayou
25 Davenport has these issues, and I'm sure many of the

1 bayous have these exact same issues.
2 MR. HOLMER: They do. There's a number of
3 these where we get into situations where you have
4 pie-shaped lots on any sort of little cove and I'm
5 familiar with that issue myself.
6 MR. HARVEY: So Criterion E is still an issue
7 in your mind?
8 MR. HOLMER: I would be willing from staff's
9 perspective to say it is and revisit that. Once
10 again, I'm speaking as one of the staff members.
11 It's Jen's findings, so it would be in your corner,
12 I mean. Would we want to look in that direction of
13 changing the staff findings or get a feel for which
14 way the Board is going and just go that way?
15 MR. WEST: Let's not tailor your findings to
16 suit the Board's.
17 MR. HOLMER: That's my point.
18 MR. BREault: That's not what I'm asking. I
19 wanted a response to that issue because it does make
20 a difference in my thought.
21 MR. HOLMER: We got a lot more information on
22 this after the staff findings were written, so I
23 would ask that y'all consider that.
24 MS. BOYER: Right.
25 MR. HARVEY: We do -- while we're cogitating

1 that, we do have some speakers, so would any of you
2 like to speak on the issue, that signed up to speak?
3 You do not have to, but if you would like to say
4 anything, you can. Dale Hickman.
5 MR. HICKMAN: Yes.
6 MR. HARVEY: Linda will swear you in and then
7 you'll state your name and address.
8 MS. ROBINSON: State your name and address,
9 please.
10 MR. HICKMAN: Dale Hickman, Dale's Marine. My
11 address is 1773 Abercrombie Road, Gulf Breeze,
12 Florida.
13 (Dale Hickman sworn.)
14 MR. HICKMAN: As Keith was saying, the terminal
15 platform is very minimal, 10 by 10 is, you know,
16 even to have a lounge chair out there or anything,
17 you're not going to get around on it. One of the
18 best things for that terminal platform, since the
19 lift is so close to shore, is to be able to load and
20 unload your boat right there. And there's going to
21 be times when she's not going to be able to get her
22 boat on the lift, so with that terminal platform out
23 there, she can tie the boat up and wait for a higher
24 tide to access the boat lift. That's really the
25 only thing I've got to say. Normally, platforms are

1 10-by-16; 10-by-10 is the very minimal.
2 And the property lines issues we run into that
3 all the time in bayous and coves and all that. You
4 have to make it fit.
5 MR. HARVEY: Any questions from staff or the
6 Board?
7 We have another speaker, Dennis -- is it
8 Dobson?
9 MR. DOBSON: Yes.
10 MR. HARVEY: Would you like to speak, Dennis?
11 MR. DOBSON: Yes.
12 MR. HARVEY: Linda will get your name and
13 address and swear you in.
14 MS. ROBINSON: Please state your name and
15 address, please.
16 MR. DOBSON: Dennis Dobson, 308 Interbay,
17 Pensacola.
18 (Dennis Dobson sworn.)
19 MR. DOBSON: Could you go back just a couple
20 more on those? Because they're talking about the
21 property lines, the resubdividing or rechanging the
22 property lines -- a couple more where they actually
23 do the -- right there. No, actually that one showed
24 it better.
25 I live at 308, which is the home to the west.

1 Previous to my purchasing the home, the property
2 line actually went through the house. The lots were
3 all owned by one person and there was a 57-foot wide
4 lot and the line went through the house and the
5 house was built on the lot back in the forties.
6 Over the years, before they could sell the
7 house, there were several triangular pieces of land
8 that were added to that property. Yeah, right
9 there. That one shows it very well. I don't know
10 if you've got that pointer. Let me see if I can use
11 that real quick.
12 Okay. Right there was the original point and
13 that is where it came out to point A and went
14 straight out. That was the original property line,
15 which would be on my east side. My west side is
16 still there, parallel to that, 57 feet apart. Now,
17 you can see these little triangular pieces. There
18 were two triangular pieces cut out and added to the
19 property that I own, that piece and this piece. So
20 this is why the Besankos' property comes to here,
21 which is a new property line to that point and then
22 there's about 12 feet of the old existing property
23 line that runs out. So if we're talking about
24 resubdividing, it is a resubdivision that is -- the
25 existing property line is still there. Okay. Here.

1 Also, the point was, I built a dock on my
2 property. I have 57 feet that goes out into the
3 water. My dock is in that little skinny narrow
4 piece, so I have 25 feet on both sides of my dock
5 that is untouched. The Besankos, next door,
6 presently have roughly a 30-foot-by-four-foot dock
7 sticking out into the bayou and part of that is
8 within this 25 feet, which I have no objection to.
9 Their existing dock where it is I have no problem
10 with it.
11 I received this from the Florida Department of
12 Environmental Protection back a couple of months
13 ago, and I think most of you have probably seen it.
14 When I read it, I was, my God, what are those people
15 trying to do over at Wetland or Earth Land or
16 whoever these people are? Was it Earth Science? Is
17 that what you people are? Wetland, okay.
18 And looking at that, the end of the dock
19 they're planning to put in is going to be about 25
20 feet from the end of my dock. Besides just being
21 close to my dock, it's going to be over on my side
22 of the extended property line. This is why I wrote
23 several letters, which started the whole process,
24 and that's why we're here today, of saying, hey,
25 wait a minute. These are some very obvious errors.

1 And I kind of read in here about where they say
2 understand and knowingly make any false statements
3 or misrepresentation is a violation of the law.
4 Now, if you look at what they did here, my God, if
5 that isn't a violation -- my opinion. That's where
6 it goes.

7 But my question is to the ethicalness of these
8 people and in talking to the Besankos and looking at
9 the new plan, I told her, listen, I really don't
10 have a problem with this, because you're talking
11 about being 17.1 feet away from the extended
12 property line. Hey, you're my neighbor, okay. We
13 get along.

14 But the question is in my mind here is it shows
15 the 17.1 feet as being perpendicular to the dock,
16 not perpendicular to the extended property line, so
17 are they going to kind of sneak and get this thing
18 like 16 feet, if they're going to go perpendicular?
19 Do you understand what I'm saying? If it's 17 feet
20 perpendicular to the dock, it's about 16 or 15 and a
21 half feet perpendicular from the property line. So
22 what is my assurance that they're not going to be a
23 little more sneaky on this, which I feel they were
24 very sneaky here when they originally put this in
25 saying, hey, if we zip this by all these people,

1 nobody will know, we can quick build this dock and
2 put it almost touching my dock.

3 So my question is on the 17 feet, if it's 17
4 feet perpendicular from the property line and I have
5 assurance that if they go 16.9 feet I can have it
6 removed, then I have no problem with them doing it.
7 That's all I have to say.

8 MR. JOHNSON: If I may address the dimensionS?

9 MR. HARVEY: First, let's answer his question.
10 Once we, the Board, passes and that decision is
11 based on the drawings that have been presented, it
12 will be inspected at some point and as you also
13 noticed that you could report the violation, but the
14 inspector would also be paying attention to that
15 same thing, so, technically, that should not happen.
16 From your eyes and the County inspector's eyes, yes,
17 you can have them remove that section.

18 MR. DOBSON: My point is if you go by the
19 drawing, it says 17.1 feet, which is measured
20 perpendicular from the dock. If it's 17.1 feet
21 measured perpendicular from the extended property
22 line, I don't have a problem with it, because I
23 don't want to be -- you understand I didn't say the
24 word, but...

25 MR. HOLMER: On the drawing the 17 -- while

1 it's written down here that that measurement is from
2 right here to this property line extension --
3 MR. JOHNSON: That's what I was going to state.
4 MR. DOBSON: You keep doing it perpendicular to
5 the dock, not perpendicular to the property line
6 extension. If you do it perpendicular to the
7 property line extension, the 17.1 feet is really 16
8 and a half feet perpendicular to the property line
9 extension. I took geometry in high school. I know
10 that.
11 MR. HOLMER: I see.
12 MR. DOBSON: Any other questions?
13 MR. CARLOS: I'm not sure, so based on your
14 statement, are you saying that you're okay with it
15 as drawn?
16 MR. DOBSON: No, I'm not. No. I am correct, I
17 am in agreement if that 17.1 is perpendicular to the
18 property line.
19 MR. CARLOS: Obviously, it's not, so the
20 question that I have as a Board member is are you
21 saying that you approve your neighbor's pier? Are
22 you happy with it or not?
23 MR. DOBSON: I am not happy with it unless they
24 give me a guarantee that it's perpendicular to the
25 property line. Then I am okay with it.

1 MR. HARVEY: I guess we can let Keith answer
2 that question and then we'll go to our next speaker.
3 Keith.
4 MR. JOHNSON: We would be willing to shave off
5 a foot of the terminal platform if that one foot is
6 an issue. I don't foresee the applicant having a
7 problem with that at all.
8 MR. CARLOS: Can I ask staff to go back to the
9 photographs? Keep going back.
10 MS. BOYER: How far back?
11 MR. CARLOS: That's good enough.
12 MS. BOYER: Which one are you looking for?
13 MR. CARLOS: I saw what I needed to see.
14 MS. BOYER: Okay.
15 MR. CARLOS: Can I ask a question? The pier
16 that we just looked at, do you know when this pier
17 was constructed?
18 MR. DOBSON: It was constructed within the last
19 several months. Last several months, yes.
20 MR. CARLOS: Thank you.
21 MR. HARVEY: We have one more speaker, Debra --
22 I don't know if that's an H or a K. Is it Hines?
23 UNIDENTIFIED SPEAKER: Hughes.
24 MS. ROBINSON: State your name and your
25 address, please.

1 MS. HUGHES: Debra Hughes, 312 Interbay.
2 (Debra Hughes sworn.)
3 MS. HUGHES: We own the property on the other
4 side and I guess I should give you a little history
5 of how we became involved with the Besankos and the
6 issue of the dock. It began with Dennis Dobson who
7 constructed his last year in conformity with all the
8 laws, the riparian rights, and we completely have no
9 problem with Dennis'. In fact, we have no problem
10 with anybody who wants to build a dock on the water
11 like we have, because we also have another property
12 down the street that's our primary residence. This
13 house at 312 Interbay is going to be my
14 father-in-law's and mother-in-law's residence. So
15 one of the things that we think is very important is
16 that everybody obey the laws when they're building
17 docks. So if the Besankos could build a dock that
18 was in conformity with the laws, we would be
19 completely in favor of it.
20 We were given some papers to look at and sign
21 while my husband was on reserve training in Guam in
22 August and he looked at them when he got back, was
23 not really sure that this was the right thing for
24 us, so he asked for more information. He was given
25 a little more information, but still wanted more

1 information on how this would impact us. You know,
2 he really wants to leave it to the law in actuality.
3 If the law says you can do it, please, go ahead and
4 build it. If the law says you can't do it, then
5 don't build it.
6 They do have a dock there right now. It
7 certainly works. It has a nice long pier. It's got
8 a place for a boat. It's not that they can't enjoy
9 the water, it's just that they want to enjoy it more
10 and in a bigger way and if the law says you can do
11 that, then by all means go forward and do it.
12 So just yesterday he got some information from
13 Marine Sciences and that was a mirror image of their
14 dock on our land. For example, what if you built
15 this and what if we build this on 312, what would it
16 look like? And he really hasn't had a chance to
17 think about it enough. He was asked to sign the
18 papers. He said, no. He wanted more information and
19 just finally got that information yesterday
20 afternoon at three or four o'clock.
21 And so in order for him to feel comfortable
22 signing off on it, he would need more time and a
23 little bit more interaction with the property owner
24 and the who want to build the dock. Me, I feel
25 like -- you know, there's me, there's my husband,

1 there's my father-in-law to consider here. I feel
2 like they should do whatever the law says. My
3 husband says something could be worked out perhaps,
4 but he's not at all comfortable with what's on here
5 right now. He feels there needs to be some
6 modifications to that in order for him to be able to
7 say it's okay and he hasn't even had a chance to
8 discuss this new information given to him yesterday
9 with his father-in-law, so that's our position.
10 MR. HARVEY: Any questions from the Board or
11 staff?
12 MR. CARLOS: I just want to make sure I
13 understand. The property that you have is a pink
14 house that's been sort of abandoned since Ivan?
15 MS. HUGHES: We live at 304 Interbay.
16 MR. CARLOS: The house that's the adjacent
17 property.
18 MS. HUGHES: We live at 304 Interbay and we've
19 bought four or five houses in this neighborhood with
20 the intention of rehabilitating them. This pink
21 house, that's 312, is our last one and it's waiting
22 primarily on drawings from my father-in-law, who
23 plans to expand and use that as storage area. So it
24 has not been abandoned and it is currently in the
25 process of having the contractor draw up the plans

1 and get everything ship shape there.
2 We also have some piers and moorings that are
3 out in the water that need to be rebuilt, as well,
4 so we're looking at where our dock would go, too.
5 And there's a concrete pad that the old dock used to
6 be attached to and that's part of what we would want
7 to put into our new existing dock plan. And while
8 we do have, you know, as he said, a lot of water
9 feet to work with, we want to incorporate that very
10 expensive concrete pad, so that pad can't move
11 around. We're more inclined to rebuild it right
12 where it was and move it over just slightly, but not
13 certainly not down 30 feet so they have plenty of
14 room to put a boat in. So there are still lots of
15 questions in our mind and we're not close enough yet
16 to be able to sign off on this.
17 MR. HARVEY: Just for the point of clarity, who
18 asked you to sign off and what were they asking you
19 to sign off on?
20 MS. HUGHES: I don't know.
21 MR. JOHNSON: I can answer that.
22 MS. HUGHES: That was given to my husband, and
23 I am not sure.
24 MR. JOHNSON: I can answer that question. I
25 met with Mr. Hughes, I believe, last week and

1 provided to him -- the state will require us to
2 obtain a signature from the Hughes since the
3 property is within 25 feet from their riparian line.
4 That's a state requirement, so I had provided to
5 them this setback waiver that the state requires, I
6 think, before he left for Guam, but then, when he
7 came back from Guam, I met with Mr. Hughes on the
8 site, explained the waiver to him. At that point he
9 had asked if I could overlay a mirror image of the
10 Besankos' dock adjacent to their concrete pad that
11 they have on their lot and he provided me with a
12 number from a survey that he had, which I have a
13 relationship with the surveying company, so I
14 requested the electronic copy of the survey from the
15 company. A couple days later they provided that
16 survey to me. I had my draftsman overlay the dock
17 on that survey. As soon as I got it I gave it to
18 them. It's happenstance that it's, you know, a
19 couple of days before the variance. That's not my
20 intention. As I mentioned, we approached the Hughes
21 back early August to try to rectify any potential
22 problems prior to this variance hearing.

23 MR. HARVEY: So even if we grant, you've
24 still --

25 MR. JOHNSON: I still have to have a setback

1 waiver. If they don't provide the setback waiver,
2 we can't move forward.

3 MR. PENFOLD: Did the drawing that you provided
4 to Mr. Hughes, did that fit? I mean, would it fit
5 where their concrete pad is?

6 MR. JOHNSON: It would fit. I think I measured
7 there would be 18 feet in between boat lift to boat
8 lift and the boat lift would be on their west side.
9 You know, the boat lift can be all oriented
10 perpendicular when you would come in, so unless they
11 wanted to have -- they may be able to put a lift
12 orientated, you know, parallel to the shoreline
13 because they have so much shoreline that's available
14 to them.

15 MS. HUGHES: One of the things, I think, too,
16 that we're unsure about in this process is whether
17 to use our existing moorings in the rebuilding of
18 the pier. His drawing doesn't even think about that
19 as an option. It says we'll just move it over so
20 many feet and that may be eventually what we'll do,
21 but we're just not sure yet and if this proposed
22 layout is passed for a variance, then our -- theirs
23 lines up like this and our dock actually goes like
24 this (indicating), so there is a potential for
25 conflict that gives us some reservation.

1 MR. CARLOS: How long do you think your
2 neighbor should wait for you to make a decision
3 about what you want to do onto your property?
4 What's a reasonable time?
5 MS. HUGHES: I would think 60 days.
6 MR. CARLOS: How long have you known of his
7 plans already?
8 MS. HUGHES: Since yesterday.
9 MR. CARLOS: Since yesterday.
10 MS. HUGHES: You know, originally, I think we
11 were given some plans. It was after my husband went
12 to Guam it was given to Mr. Dobson, that they were
13 going to give us some plans. By the time we
14 actually got them, he was already gone. He got back
15 mid, late August, you know, but there have been some
16 conversations since then, but, you know, we really
17 didn't know what to approach the elder Mr. Hughes
18 with because there were so many options on the
19 table. It seems right now they know some of our
20 reservations and we're learning some of what they
21 want, but, you know, what are some other options
22 that they can offer us when we go to -- the elder
23 Mr. Hughes is actually going to put, you know, a
24 half a million dollars into this house, you know, we
25 have something to tell him, here's option A, B and

1 C. Are these things that you can live with? And
2 we're just not there yet because we haven't had
3 enough conversation between us.
4 MR. CARLOS: Thank you.
5 MS. HUGHES: And, ultimately, we want to be
6 good neighbors and want to get along. We're not
7 saying don't let them do it, we're just saying we
8 need a little more time so that everybody is happy.
9 MR. HARVEY: Any other questions? Okay. Thank
10 you.
11 All right. We'll revisit the two criterion
12 that we had brought up earlier. Staff has had time
13 to think about it. We've heard our testimony.
14 Where does staff rest with those two criterion with
15 all the additional information you were presented
16 after your Findings-of-Fact?
17 MR. HOLMER: I think we're going to sit on the
18 criteria the way they are written. We got this too
19 late to -- I see the argument there, but I don't
20 want to, as Steve pointed out, tailor staff's
21 findings at this point.
22 MR. HARVEY: Okay.
23 MR. CARLOS: I just want some clarification
24 from staff. What did you receive too late? I
25 understand what it is that you said you received too

1 late, but you're not --
2 MR. HOLMER: I didn't pick up on the
3 subdivision part of it and I wasn't able to talk to
4 our Marine folks about it until just the past couple
5 of days. I'm leaving it in the Board's hand which
6 way they want to go. I don't want to redo the
7 staff's findings right at this point.
8 MR. CARLOS: What I understand is that there is
9 new information that you did not have at the time
10 that you wrote those recommendations?
11 MR. HOLMER: Right. And some of the
12 discussions I've had over the past couple of days, I
13 think, if this was back at the very beginning, we
14 would have addressed some of those criteria
15 differently, yes.
16 MR. CARLOS: Thank you.
17 MR. HARVEY: At this time we'll entertain a
18 motion concerning this variance.
19 MR. PENFOLD: Mr. Chairman, it would seem to me
20 that the issues that we're trying to get resolved
21 are just basically a matter of time. That being the
22 case, for example, if Mr. Hughes or if the Hughes
23 could discuss all these items and come to some
24 determination that would be acceptable to them like
25 within a 30-day period, which would also allow the

1 staff to completely review some of the newer
2 information that they've received as far as their
3 recommendation, if this were to come back in 30
4 days, perhaps, it would be resolved completely.
5 The way I see it now, we could act on what the
6 staff has recommended, but it would still probably
7 be held up by the Hughes with their determination of
8 signing off on the agreement to make the whole thing
9 happen anyway. Maybe time would help resolve both
10 of these issues.
11 MR. CARLOS: Since you didn't make a motion,
12 I'm going to make a motion. My motion is to approve
13 the variance based on the information at hand with
14 note that he still has to satisfy his neighbors one
15 way or the other or the state will not grant the
16 approval and that should keep it from having to come
17 back.
18 And not only do I think that's the minimum
19 pier, I'm not even sure how you can manage that boat
20 with that little 10 foot end of the pier. To me
21 it's less than the minimum.
22 The applicant has shown good faith in
23 negotiating with the permitting agencies and the
24 neighbors. I don't know why it's taken so long to
25 come to the conclusion of that negotiation, but,

1 hopefully, that will happen. So I make a motion we
2 approve the variance as requested.
3 And as far as staff's Findings-of-Fact --
4 MR. WEST: You have to go through and state the
5 new findings for A, B and E that support your
6 motion.
7 MR. HARVEY: Steve, can he just use the
8 information that was provided by Keith?
9 MR. WEST: That's up to him, if he wants to
10 adopt those.
11 MR. CARLOS: What staff has approved, we'll
12 adopt and then -- hold on. Here we go.
13 Criterion B, I do find having a pier on
14 waterfront property is a substantial property right.
15 What's indicated on the drawing is the minimal, in
16 my opinion.
17 MR. HOLMER: You need to revisit A, also.
18 MR. CARLOS: A. It also applies. This picture
19 of the pier as drawn is certainly not a pier that in
20 any way can be described as excessive. It looks
21 like other piers along that bayou. We have
22 discovered that there are some subtle nuances in
23 property lines that create an even tighter setback
24 condition. And I think that applies to E, as well.
25 MR. HARVEY: We have a motion on the floor to

1 accept and to grant the variance. Is there a
2 second?
3 MR. SMITH: Second.
4 MR. HOLMER: I would like to ask one thing. At
5 the beginning of your motion you said something to
6 the effect that they're going to need to get the
7 neighbors approval per the state with the riparian
8 line.
9 MR. CARLOS: I was trying to make sure that the
10 neighbors understood that we're not not listening to
11 them. We clearly understand that their input will
12 be required at the state level to get the final
13 permit approved, that even though we approve it
14 here, their voices will continue to be heard working
15 with their neighbor. Does that --
16 MR. HOLMER: Yeah, I can.
17 MR. HARVEY: And I hate to do this, but I
18 guess, do you want to go ahead and put the fact that
19 Keith has agreed to shorten that by one foot for the
20 neighbor to the west?
21 MR. CARLOS: Yes.
22 MR. HARVEY: So make that a part of this
23 motion, as well.
24 MR. CARLOS: Good point.
25 MR. BREAUULT: I will second that motion. All

September 19, 2007
Board of Adjustment

1 those in favor, let it be known by the right hand.

2 (Board members vote.)

3 MR. HARVEY: Opposed, the same sign.

4 (None indicated.)

5 MR. HARVEY: It passes unanimously.

6 (The motion passed unanimously.)

7 MR. HARVEY: Congratulations, you have your
8 pier and good luck with Mr. and Ms. Hughes.

9 Hopefully, y'all can get that resolved quickly.

10 (Conclusion of V-2007-36.)

11 MR. HARVEY: We'll move on to our next case,
12 which is variance 2007-37. It is 7196 Sharp Reef
13 Drive, Unit #1. They're requesting an existing
14 4-by-20 pier. It's located in R-2PK/MU-4 zone.

15 Members of the Board, has there been any ex
16 parte' communication?

17 (None indicated.)

18 MR. HARVEY: Does anyone have knowledge or
19 information from a site visit? Gary does.

20 MR. PENFOLD: I visited, as well.

21 MR. HARVEY: Rocky.

22 Does any Board member intend to refrain from
23 voting due to a voting conflict?

24 (None noted.)

25 MR. HARVEY: At this time, would the

Board of Adjustment

6. D.

Meeting Date: 03/21/2012

CASE: CU-2012-06

APPLICANT: Mark Spitznagel, Agent for
Larrel E. Harville

ADDRESS: 13901 Innerarity Point Road,
Pensacola, FL 32507

PROPERTY REFERENCE NO.: 14-3S-32-1900-019-007

ZONING DISTRICT: R-3 One-Family and
Two-Family district

FUTURE LAND USE: Mixed-Use Suburban

OVERLAY DISTRICT: None

Information

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:

Expand a Place of Worship Parking in R-3 zoning.

RELEVANT AUTHORITY:

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section:6.05.05.C. Conditional uses.**

8. Places of worship

CRITERIA:

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),
Section 2.05.03**

CRITERION (1)

On-site circulation. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe.

FINDINGS-OF-FACT

The parcel in question is located at the corner of Innerarity Point Road, a collector road and Monterey Avenue, a local road. The proposed use is for overflow parking for the existing place of worship located immediately to the east, across Monterey Avenue. The existing structures on-site will be demolished according to the applicant's request. Ingress and egress to the property will be from Monterey Avenue. Proposed project will have to meet all other State and local requirements that will be reviewed during the Site Plan Review process.

CRITERION (2)

Nuisance. Adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) of the conditional use on adjoining properties and properties generally in the District.

FINDINGS-OF-FACT

Once the project is completed, it appears that there will be minimum adverse impacts on adjoining properties. Any issues with noise, glare, smoke, odor or other harmful effects will be addressed during the Site Plan Review process.

CRITERION (3)

Solid Waste. Refuse and service areas with particular reference to concurrency requirements and items (1) and (2) above.

FINDINGS-OF-FACT

The church will provide weekly maintenance of the property, to include solid waste.

CRITERION (4)

Utilities. Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.

FINDINGS-OF-FACT

There will be no utilities on-site. This requirement will be addressed during Site Plan Review.

CRITERION (5)

Buffers. The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of Policy FLU 1.1.9 of the Comprehensive Plan and the provisions of Section 7.01.06 of the Land Development Code are fulfilled.

FINDINGS-OF-FACT

Upon review of the submitted site plan, it appears that the applicant is addressing all of the requirements for buffering on-site. Further review and approval from the Site Plan Review process may require additional standards.

CRITERION (6)

Signs. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.

FINDINGS-OF-FACT

There will be no signs or lighting on-site.

CRITERION (7)

Environment impact. Impacts to protected trees, wetlands, water bodies, stormwater management or other natural features of the subject parcel.

FINDINGS-OF-FACT

There will be no trees removed from the site. Wetlands, stormwater management, and any other environmental impact issues will be further addressed during the Site Plan Review process.

CRITERION (8)

Neighborhood impact. General compatibility with adjacent properties and other property in the immediate area.

FINDINGS-OF-FACT

Adjacent properties are residential parcels; it appears that the proposed project will have minimal impact on the adjacent properties and is compatible with the neighborhood .

CRITERION (9)

***Other requirements of Code.* The proposed Conditional Use is consistent with all other relevant provisions of this Code.**

FINDINGS-OF-FACT

The proposed Conditional Use is consistent with all other relevant provisions of the Code.

STAFF RECOMMENDATION

Staff recommends granting approval of the request, pending Site Plan Review approval.

BOARD OF ADJUSTMENT FINDINGS:

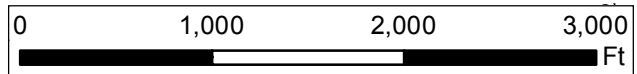
Attachments

CU-2012-06 Case File


CU-2012-06



CU-2012-06 LOCATION MAP

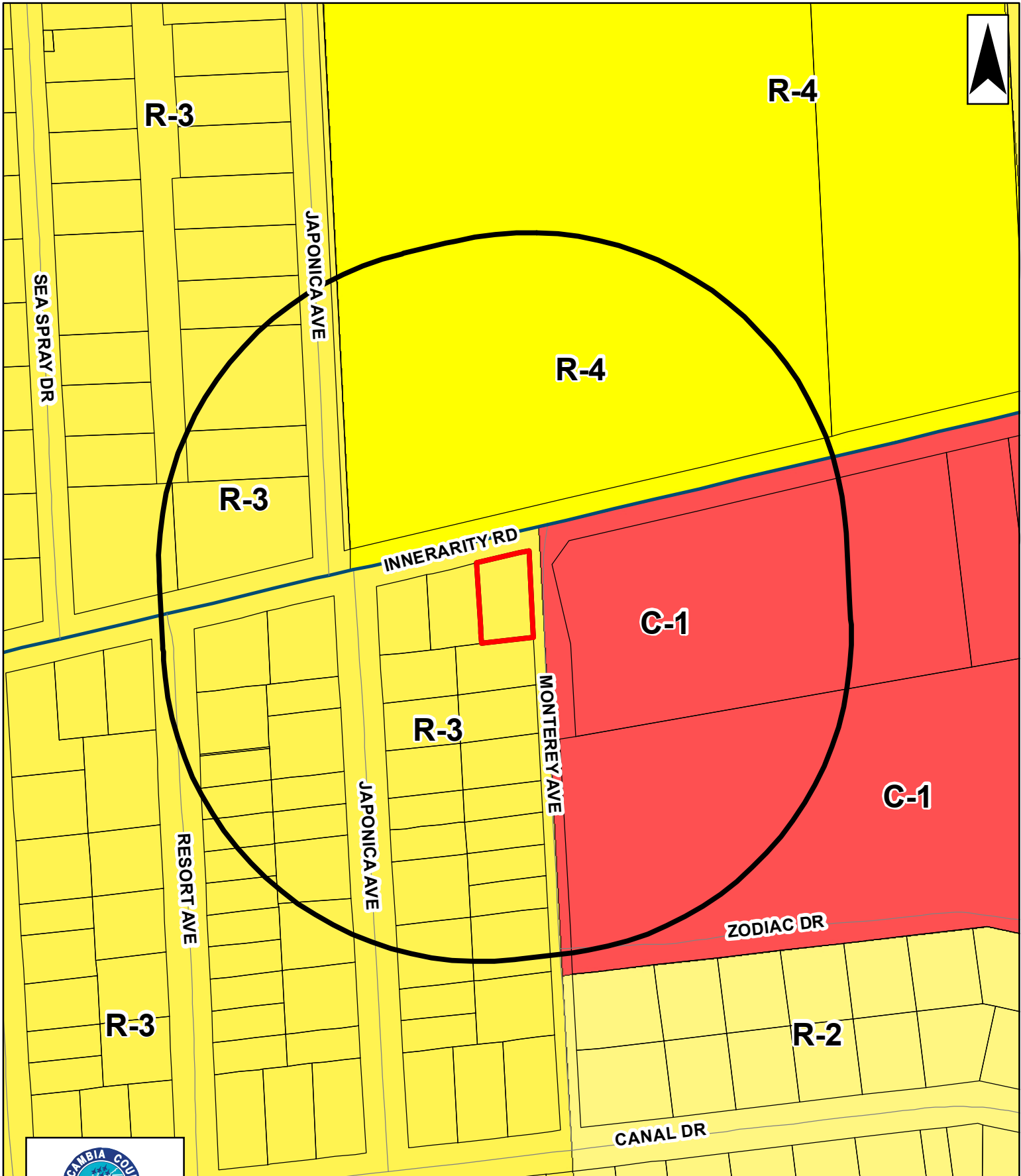



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.






Andrew Holmer
Planning and Zoning Dept.




 This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
 Andrew Holmer
 Planning and Zoning Dept.

CU-2012-06
500' RADIUS ZONING



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



MU-S

MU-S

MU-S

MU-S

SEA SPRAY DR

JAPONICA AVE

INNERARITY RD

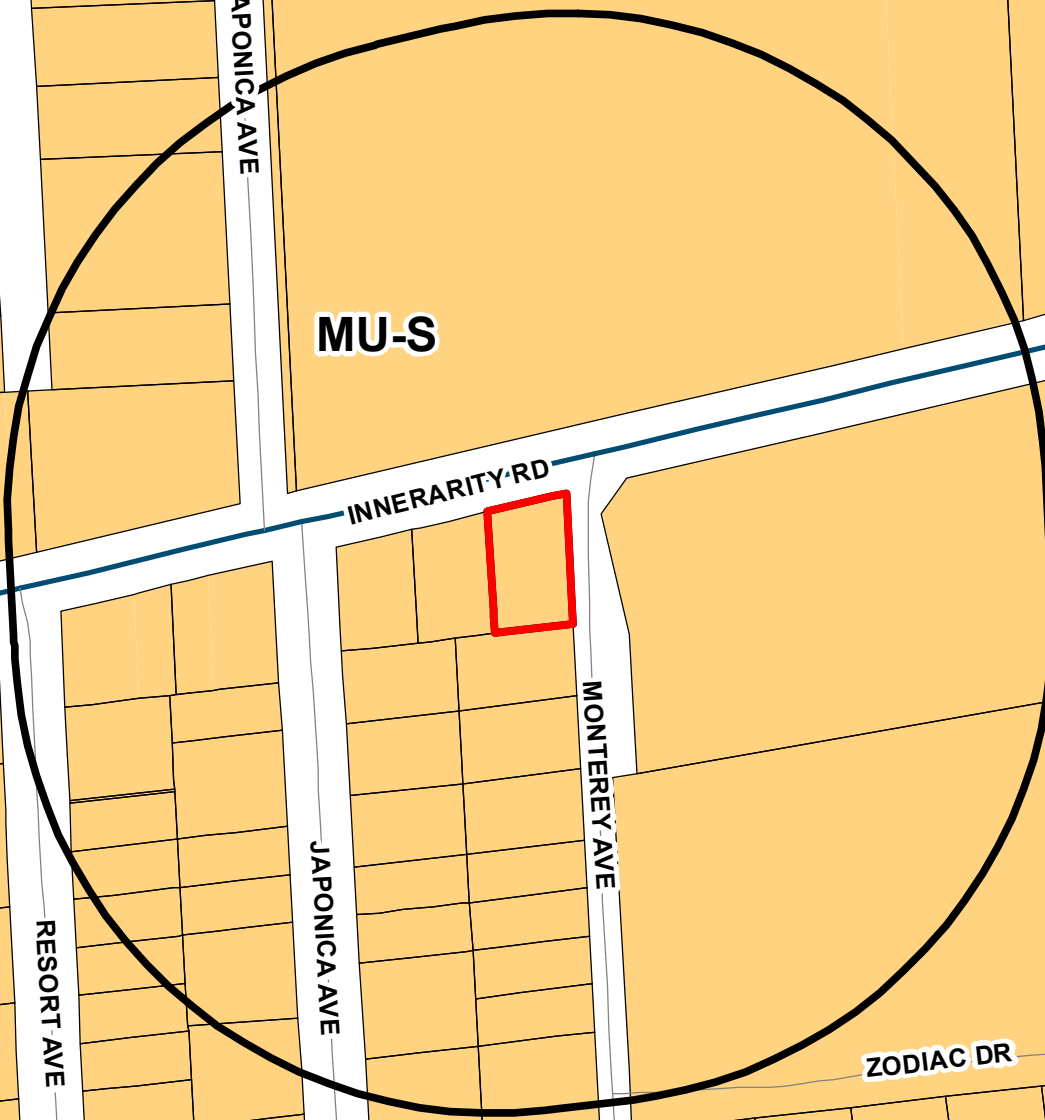
MONTEREY AVE

JAPONICA AVE

RESORT AVE

ZODIAC DR

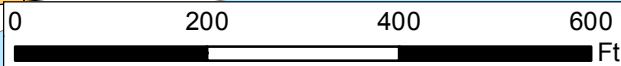
CANAL DR








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Andrew Holmer
Planning and Zoning Dept.

CU-2012-06 FUTURE LAND USE



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



INNERARITY POINT RD

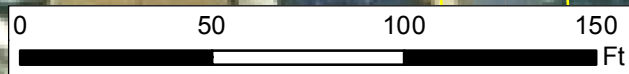
MONTEREY AVE








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Andrew Holmer
Planning and Zoning Dept.

CU-2012-06 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



20 February 2012

From: Mark Spitznagel
LandMark Engineering
1304 N. Pace Blvd
Pensacola, FL 32505

To: Board of Adjustments (Conditional Use)
Development Services Department
Escambia County, Florida

Subj: LETTER OF REQUEST ICO CONDITIONAL USE APPLICATION FOR LARREL E.
HARVILLE, 13901 INNERARITY POINT RD, PENSACOLA FL 32507

1. Mr. Harville has given authorization for me to act as his agent in order to represent this conditional use application.
2. The conditional use requested: Use of his property to allow for a grass parking lot. The residence will be demolished to allow for construction of proposed parking area. The conditional use will be, "Place of worship, parking". Mr. Harville is in the process of transferring ownership of this property to Point Baptist Church.
3. The property reference number and legal description have been provided in the body of the application.
4. We have attached the application and requested forms per the application checklist.
5. Conditional Use Criteria:
 - a. **On-site circulation.** Ingress and egress to the property with reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe.
 - (1) The site plan provides for 24' between parking aisles and the driveway connection to Monterey Avenue is 24' wide allowing for access in and out of the grass parking area. The site plan accounts for traffic flow and pedestrian safety. The grass parking area is easily accessible by emergency and fire response as it will not be fenced from either Innerarity Point Road or Monterey. The fences and barriers to the adjacent properties will also enhance traffic and pedestrian safety.
 - b. **Nuisance.** Any adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) of the conditional use on adjoining properties and properties generally in the District.

Subj: LETTER OF REQUEST ICO CONDITIONAL USE APPLICATION FOR LARREL E. HARVILLE, 13901 INNERARITY POINT RD, PENSACOLA FL 32507

(1) No nuisance(s) will be created as a result of constructing this grass parking lot. Noise and construction equipment and vehicle(s) may present a nuisance during demolition and construction, but this will be kept to an absolute minimum from 8am to 4pm, Monday to Friday, with some work possibly on Saturday. No work will be performed on Sundays or Holidays. Any complaints can be brought to the attention of the church staff for quick resolution.

- c. **Solid Waste.** Refuse and service areas with particular reference to concurrency requirements and items 1 and 2 above.

(1) Any construction debris and waste will be removed by the contractor responsible for demolition and/or construction. The site plan did not include providing for medium sized trash receptacles, but can be easily added if needed. The church will provide for weekly maintenance of the parking lot which will include keeping the site clean and free of debris.

- d. **Utilities.** Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.

(1) No utilities will be used. All utility service will be discontinued.

- e. **Buffers.** The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of Policy FLU 1.1.9 of the Comprehensive Plan are fulfilled.

(1) The side plan provides for landscaping and landscape buffers as required by the Land Development County for Escambia County. Between the adjacent properties, we have opted to use a combination of natural barrier with fencing. We have placed understory trees and shrubs where required.

- f. **Signs.** Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.

(1) No signs or lighting is proposed with the site plan.

- g. **Environmental impact.** Impacts to protected trees, wetlands, water bodies, stormwater management or other natural features of the subject parcel.

(1) No trees are to be removed, no wetlands are involved, and no water bodies are affected with this site plan. Trees to remain will be protected with barricades per the site plan.

Subj: LETTER OF REQUEST ICO CONDITIONAL USE APPLICATION FOR LARREL E. HARVILLE, 13901 INNERARITY POINT RD, PENSACOLA FL 32507

h. **Neighborhood impact.** General compatibility with adjacent properties and other property in the immediate area.

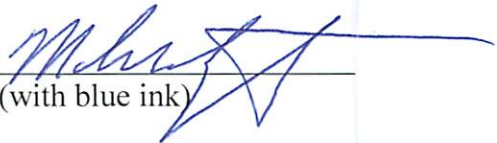
(1) The removal of this existing buildings and construction of the grass parking lot will enhance the appearance of the neighborhood.

i. **Other requirements of Code.** The proposed conditional use is consistent with all other relevant provisions of this Code.

(1) None.

6. If you have any questions, feel free to contact me directly.

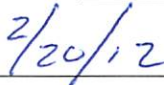
Signature:


(with blue ink)

Print:

Mark W. Spitznagel
Office: 850-470-9722
Email: MarkS@LMEngr.com

Date:


2/20/12

APPLICATION

Please check application type:

Administrative Appeal

Development Order Extension

Conditional Use Request for: Place of worship parking

Variance Request for: _____

Rezoning Request from: _____ to: _____

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: Larrel E. Harville Phone: 455-6410

Address: 2112 Bainbridge Ave, Pensacola FL 32507 Email: _____

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: 13901 Innerarity Point Rd, Pensacola FL 32507

Property Reference Number(s)/Legal Description: 14-3S-32-1900-019-007

LT 19 & E 78 77/100 FT OF N 1/2 LT 20 BLK 7 SUN & SAND S/D PB 4 P 35 OR 2959 P 58

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

[Signature]
Signature of Owner/Agent

Mark Spitznagel/Agent
Printed Name Owner/Agent

2/16/12
Date

Larrel E. Harville
Signature of Owner

Larrel E. Harville
Printed Name of Owner

2-15-12
Date

STATE OF Florida

COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 15th/16th day of February 20 12 by Larrell Edward Harville.

Personally Known OR Produced Identification . Type of Identification Produced: FLDL/H614-625-46-869-0

[Signature]
Signature of Notary
(notary seal must be affixed)

Christina L Smith
Printed Name of Notary



FOR OFFICE USE ONLY

CASE NUMBER: CU-2012-06

Meeting Date(s): 3-21-12 Accepted/Verified by: [Signature] Date: 2/16/12

Fees Paid: \$ 1000 Receipt #: _____ Permit #: PBA 12.02 00004

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 13901 Innerarity Point Rd, Pensacola FL 32507,
Florida, property reference number(s) 14-3S-32-1900-019-007

I hereby designate Mark Spitznagel of LandMark Engineering for the sole purpose
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above referenced property.
- Board of Adjustment to request a(n) Conditional Use on the above referenced property.

This Limited Power of Attorney is granted on this _____ day of _____ the year of, _____, and is effective until the Board of County Commissioners or the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development Services Bureau.

Agent Name: Mark Spitznagel Email: MarkS@LMEngr.com
Address: 1304 N. Pace BLVD, Pensacola FL 32505 Phone: 850-470-9722

Larrel E. Harville
Signature of Property Owner

Larrel E. Harville
Printed Name of Property Owner

2-15-12
Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 15th day of February 20 12,
by Larrel Edward Harville.

Personally Known OR Produced Identification . Type of Identification Produced: FL Drivers License

Christina Smith
Signature of Notary

Christina Smith
Printed Name of Notary

(Notary Seal)



Pre-Application Reviewer Comments

Site Plan Minor Pre-Application Reviewer Comments

Denise Halstead

Digitally signed by Denise Halstead
DN: cn=Denise Halstead, o=Escambia
County Development Services Bureau,
ou=escambia, email=denise@escambia.fl.us,
c=US
Date: 2011.12.07 11:49:57 -0500

DRC Meeting Date: December 7, 2011
Project #: PSP111100122
Project Name: Point Baptist Church Parking
Project Address: 13901 Innerarity Point Road

This is a preliminary review designed to provide information and guide the applicant through the Development Review Process. Once your project has been formally submitted (fees paid and application processed) to Escambia County for review, there may be additional Land Development Code and Comprehensive Plan regulations that may be applicable.

Please Address the Following Comments

Access Management

Reviewer: Jason Walters @ 850-595-3422
Jason_Walters@co.escambia.fl.us

- 1) Applicant will be required to remove the two existing driveways and restore the shoulders along Innerarity Point Road and Monterey Avenue [LDC 7.11.07.A].
- 2) Escambia County's Land Development Code indicates that the minimum offset for driveways, along roadways with speed limits of 35 MPH or less, shall be 125 feet [LDC 4.06.06.C.5]. Show the new driveway connection to be constructed as far south as possible on Monterey Avenue.
- 3) The new driveway connection shall be paved or concrete within the right-of-way of Monterey Avenue.
- 4) Additional comments may be forthcoming after your initial submittal.

No crosswalk

Stormwater

Reviewer: Roza I. Sestnov @ 850-595-3411
Roza_Sestnov@co.escambia.fl.us

- 1) The increase in impervious surface resulting from modifications to existing development with a net increase of less than 1000 sf would result in a stormwater exemption. It appears that this project may qualify for this exemption.
- 2) Please provide the following notes on the plans:
 - a) "No deviations or revisions from these plans by the contractor shall be allowed without prior approval from both the design engineer and the Escambia County. Any deviations may result in delays in obtaining a certificate of occupancy."
 - b) "The contractor shall install prior to the start of construction and maintain during construction all sediment control measures as required to retain all sediments on the site. Improper sediment control measures may result in Code Enforcement violation."
 - c) "All disturbed areas which are not paved shall be stabilized with seeding, fertilizer and mulch, hydroseed and/or sod."
 - d) "The owner or his agent shall arrange/schedule with the County a final inspection of the development upon completion and any intermediate inspections at 850-595-3472."
 - e) "Notify Sunshine Utilities 48 hours in advance prior to digging within R/W; 1-800-432-4770."
 - f) "Any damage to existing roads during construction will be repaired by the developer prior to final "as-built" sign off from the County."
- 3) Please provide a table listing existing and proposed impervious, semi-impervious, and pervious areas, or provide a statement: "No additional impervious area is proposed to the site".
- 4) Show applicable locations of erosion/sediment control measures and label on plans.

sediment control plan

Planning

Reviewer: John Fisher @ 850-595-4651
John_Fisher@co.escambia.fl.us

- 1) **The project will need a Conditional Use approval, please contact Andrew Holmer at 595-3466.**
- 2) **On the plan provide the property reference numbers of the development site and adjoining parcels.** Show any intersection of adjoining parcel boundaries with the development site parcel. (4.06.09) Show the entire parcel.

*Area
Next
Thouschy
Permit*

*Need
owner info
part of owner*

Pre-Application Reviewer Comments

- 3) On the plan provide the zoning district(s), future land use category (FLU), and existing uses of the development site and adjoining parcel(s) (4.06.09.V).
- 4) On the plan designate the proposed and existing surfaces. Quantify them in square feet and percent of total to demonstrate the maximum impervious cover will not be exceeded and the minimum landscape area will be provided (4.06.09.Q, S).
- 5) For the parking area, show the proposed layout of drive aisles, parking stalls, and landscape islands (7.01.05.N and 7.02.00.H). Include dimensions (referenced minimum drive aisle width for right angle stalls is 24 feet).
- 6) Show setbacks and size dimensions of parking spaces, buildings, lot width, dock out from water, and other spaces as needed please be detailed as possible.
- 7) Show what means (raised curb, wheel stops, cross-ties, bollards, etc.) will be used to prevent vehicle encroachment beyond the parking surface, both at the lot perimeter and at internal landscape islands (7.01.05.N.2.d).
- 8) On the plan quantify and symbolize the minimum number of required trees and shrubs for road frontage, parking lot, buffering, and screening. Quantify what exists and what is proposed. More than the County's minimum required landscaping may be proposed, but the plans must clearly distinguish between what is required and what is provided (proposed or existing).
- * 9) **If no trees are to be removed, add a note to the site plan stating that no "protected trees" will be removed, destructively damaged, mutilated, relocated, disfigured, destroyed, cut down, or excessively pruned during construction activities (7.01.03.C1).**
- 10) The plan and notes do not accurately address proposed removal of protected trees and their mitigation (7.01.04.A.2 and 7.01.05.N.2.e). The table 7.01.00 may be used to summarize proposed tree removal and mitigation. Refer to the applicable LDC citations as necessary. Account for multi-trunk trees by using the equivalent cross-sectional area of a single-trunk tree, where equivalent diameter is the square root of the sum of the squares of multiple trunk diameters. In addition to any trees within the building area(s), if County or FDOT access management standards do not allow the drive to be located so as to avoid tree removal, trees at the immediate point of access would be exempt from mitigation. Apply the site area mitigation cap after any preservation credits have been applied.
- ✓ 11) On the plan symbolize tree barricades for existing trees that are to remain. Indicate they are to be installed prior to any land disturbance activity and are to remain through construction. Provide and reference a typical barricade construction detail. Symbolize the barricades to the extent of the tree canopies, or the general limit of proposed improvements, whichever is less (7.01.04.A.1).
- ✗ 12) Heritage and champion trees are protected in all land uses (7.01.02C) Please add a note to the site plan regarding the presence of heritage or champion trees. If any are located on the site, please show on the site plan.
- ✗ 13) The Land Development Code calls for the preservation and protection of certain existing trees. Tree removal shall be granted or denied based on standards in LDC sections 7.01.04.C.1 thru 7.01.04.C.6.
- f 14) A tree mitigation table should be inserted on the site plan showing all protected trees for removal, their species, DBH, mitigation requirements, and credits if applicable. An example of the mitigation table is available at NESD.
- f 15) Replacement trees should be like (canopy) types, but parking lot island or frontage trees need not be canopy types. Provide definitions of canopy (mature height 30 feet or greater) and understory (mature height less than 30 feet) trees.
- f 16) Indicate that trees proposed to meet minimum County landscaping requirements must be at least 9 feet in height at time of planting. Specification of a minimum caliper is also recommended.
- 17) On the plan quantify and symbolize the minimum number of required trees and shrubs for road frontage, parking lot, buffering, and screening. Quantify what exists and what is proposed. More than the County's minimum required landscaping may be proposed, but the plans must clearly distinguish between what is required and what is provided (proposed or existing).
- * 18) **7.01.06. Buffering between zoning districts and uses.**
 - A. **Zoning districts.** The following spatial relationships between zoning districts require a buffer:
 - B. **Land uses.** The following relationships between land uses require a buffer:
 1. Multiple-family, zero lot line or office uses, where they are adjacent to single-family or two-family uses.
 - ② **Commercial land uses, where they are adjacent to residential uses.**
 3. Industrial land uses, where they are adjacent to residential, office, agricultural or commercial uses.

Pre-Application Reviewer Comments

C. *Responsibility for buffer.* For buffers on parcels between zoning districts, the property owner requesting approval of a site plan or a building permit shall be responsible for providing and maintaining said buffer.

D. *Buffer standards.*

1. *Function.* Buffers shall be designed to protect the lower intensity use from the more intensive use (agriculture from residential, residential from commercial, etc.) and provide an aesthetically attractive barrier between such uses. The buffer shall function to protect each land use from the intrusive effects of adjacent activities and minimize the adverse impacts of the uses upon each other. It is the intent of this part that the negative impacts of the uses upon each other are minimized or, preferably, eliminated by the buffer such that the long-term continuance of either use is not threatened by such impact and, therefore, incompatibility between uses is minimized or eliminated.

2. *Type.* The buffer shall be a natural vegetative barrier or a landscaped barrier or combination thereof, supplemented with fencing or other manmade barriers within the required landscaped strip. These landscaped strips shall be of a minimum of ten feet in width and shall be landscaped for every 100 linear feet with plant coverage following Standard A-2 (for a ten-foot wide strip). Natural barriers proposed to remain shall meet these minimum requirements or the applicant must provide evidence that the existing natural barrier will fulfill the intent of subpart 1.

19) Health Dept (Stephen Metzler 850-595-6700 stephen_metzler@doh.state.fl.us)-No comment.

20) ECUA (Wendell Kutzer 850-969-3310 wkutzer@ecua.org)-No comment.

21) ECAT (Ted Woolcock 850-595-3228 ext 225 ted_woolcock@co.escambia.fl.us)-No comment.

Environmental Permitting

Reviewer: Brad Bane @ 850-595-4572
Bradley_Bane@co.escambia.fl.us

- 1) Per Escambia County Land Development Code (LDC) Articles 4.02.05 e, 4.06.09 R & T, etc. flood zone elevation data and boundary information should be detailed on development plans. As Escambia County is looking to decrease map information errors and simplify its reporting, when conveying flood zone(s) and flood zone map(s) information, staff kindly requests that the following table (or a similar version thereof) please be included on the plans, with the appropriate additional information inserted, for the parcel proposed for development: (*Note: figures given are constants)

The parcel shown for development is located within the following Flood Zone(s) as detailed by FEMA FIRM (Flood Insurance Rate Map) information described below:					
Flood zone(s)	Community number	Map number	Panel number(s)	Suffix	Map Revision Date
	120080	12033C		G	September 29, 2006
<i>If site lies within more than one flood zone, please delineate & label each zone & include information in legend. Include all FEMA Panel #'s parcel falls within.</i>					

Fire Safety

Reviewer: Kirk Stierwalt @ 850-595-1810
Kirk_Stierwalt@co.escambia.fl.us

- 1) No comment.

Traffic Concurrence

Reviewer: Tommy Brown @ 850-595-3434
Thomas_Brown@co.escambia.fl.us

- 1) Project should meet traffic concurrence. No new trips anticipated.

Pre-Application Reviewer Comments

Handicap Access

Reviewer: Ronny McGlothren @ 850-595-3588
Ronny_McGlothren@co.escambia.fl.us

- 1) Provide handicap parking on your site plan with details and penalty sign of \$250.00 max.

**on church side*

Please contact each reviewer to schedule an appointment.

** Permit for demo.*

** Check w/ DEP*



Chris Jones
Escambia County
Property Appraiser

PLEASE NOTE: This product has been compiled from the source data of the Inter-Local Mapping and Geographic Information Network (IMAGINE) project of Escambia County. The ESCAMBIA COUNTY PROPERTY APPRAISER I-MAP Service is for reference purposes only and not to be considered as a legal document or survey instrument. Relying on the information contained herein is at the user's own risk. We assume no liability for any use of the information contained in the I-MAP Service or any resultant loss.



Use numeric selection labels [Record Search](#)
[Download Selection Data \(1 row\)](#)

Reference: 14-3S-32-1900-019-007
Account: 10-3947-000
Section Map: 14-3S-32-3
Situs: 13901 INNERARITY RD
Subdivision:
SUN & SAND PB 4 P 35
Owner: HARVILLE LARREL E
Mailing Address:
2112 BAINBRIDGE AVE
PENSACOLA, FL 32507
Last Sale: 1/1991, \$58,500
Property Use: SINGLE FAMILY RESID
Approx. Acreage: 0.2500
Building Count: 1
Total Heated Area: 1559
Zoned: R-3

Include radius in selection (5280 ft max)
ft

Radius is used only with single parcel selection

Lookup Options:

Reference Nbr

Auto Select
Lookup Results

Ex: 012N334444555666



Point Baptist Church Parking

PROPERTY OWNER

Larrel E Harville
13901 Innerarity Point Road
Pensacola, FL 32507

ENGINEER OF RECORD

LandMark Engineering
1304 N. Pace Blvd
Pensacola, FL 32505

PROJECT INFORMATION

Name: Point Baptist Church Parking
Location: 13901 Innerarity Point Road
Parcel ID: 14-3S-32-1900-019-007
Zoned: R-3
Future Land Use: MUS
Total Area of Lot: 10,890 sq. ft. (0.25 acres)
Project Area: 10,890 sq. ft. (0.25 acres)

PROJECT AREA COVERAGE

Existing	
Impervious (Buildings)	2,417 SF
Impervious (Pavements)	1,140 SF
Pervious	7,333 SF
Proposed	
Impervious (Buildings)	0 SF
Impervious (Pavements)	290 SF
Pervious	10,600 SF

* NO ADDITIONAL IMPERVIOUS *

PROJECT SCOPE

The proposed project is located at 13901 Innerarity Point Road in Escambia County, Florida. There is currently a residential home and shed on the property. The house and utility building will be demolished. The dirt drive will be restored along with the roadway shoulders along Innerarity Point Road and Monterey Avenue. A new concrete drive connector will be poured along Monterey Avenue. The site will be used for additional grass parking to neighboring Point Baptist Church.

SITE NOTES:

1. Potable water service provided by ECUA.
2. Septic tank and drain field to be closed and removed during demolition.
3. Existing residential structures to be demolished.
4. Dirt Drive to be restored as well as shoulders along roadways.
5. Driveway connector located at less than 125 feet but greater than required 75 feet. Driveway cannot meet the 125 feet requirement due to existing trees and power poles.

DRAWING INDEX

T1.0 - TITLE PAGE
T2.0 - SITE PLAN - EXISTING
T3.0 - SITE PLAN - PROPOSED
A1.0 - DETAILS



CONSTRUCTION NOTES

1. No deviations or revisions from these plans by the contractor shall be allowed without prior approval from both the design engineer and Escambia County. Any deviations may result in delays in obtaining a certificate of occupancy.
2. The contractor shall install prior to the start of construction and maintain during construction all sediment control measures as required to retain all sediments on the site. Improper sediment control measures may result in Code Enforcement violation.
3. All disturbed areas which are not paved shall be stabilized with seeding, fertilizer and mulch, hydroseed and/or sod.
4. The owner or his agent shall arrange/schedule with the county a final inspection of the development upon completion and any intermediate inspections at (850) 595-3472.
5. Notify Sunshine Utilities 48 hours in advance prior to digging within the right-of-way. 1-800-432-4770
6. Any damage to existing roads during construction will be repaired by the developer prior to final "as-built" sign off from the county.
7. The project engineer (engineer of record) shall provide to Escambia County "as-built" record drawings for verification and approval by Escambia County one week prior to requesting a final inspection and certificate of occupancy, or provide "as-built" certification that the project construction adheres to the permitted plans and specifications. The "as-built" certification or the "as-built" record drawings must be signed, sealed, and dated by a registered Florida Professional Engineer.

PROJECT NAME AND LOCATION

Point Baptist Church
Parking
13901 Innerarity Point Rd.
Pensacola, FL 32507

LANDMARK
ENGINEERING & LAND PLANNING

1304 N. Pace Blvd. - Pensacola, FL 32505-6704
Phone # (850) 470-9722 - Fax # (850) 470-9661 - www.LMEngr.com
FLPE 36946 - ALPE 21755 - FLCA 7378 - ALCA 2977
FLGCC 06990

This drawing is not valid unless this area bears the signature and raised seal of a professional engineer licensed in the state to which the design applies.

M. Harville
2/16/12

PROJECT NUMBER

2011130

PLOT DATE

Feb 16, 2012

DRAWN BY

LAS

CHECKED BY

MWS

SHEET NUMBER

T1.0

1 OF 4

Parcel Identification Number
14-3S-32-1000-106-005
County Zoning - C-1

MONTEREY AVE (R/W 33')

PROJECT NAME
AND LOCATION
**Point Baptist Church
Parking**
13901 Innerarity Point Road
Pensacola, FL 32507

**LANDMARK
ENGINEERING & LAND PLANNING**

1304 N Peace Blvd - Pensacola, FL 32505-6704
Phone # (850) 470-9722 - Fax # (850) 470-9661 - www.LMEng.com
FLPE 36946 - ALPE 21735 - FLCA 7378 - ALCA 2977
FLCC 06690

bears the signature and raised
The drawing is not valid unless the area
M. W. S.
2/16/12
in the state to which the design applies

PROJECT NUMBER
2011130

PLOT DATE
Feb 16, 2012

DRAWN BY
LAS

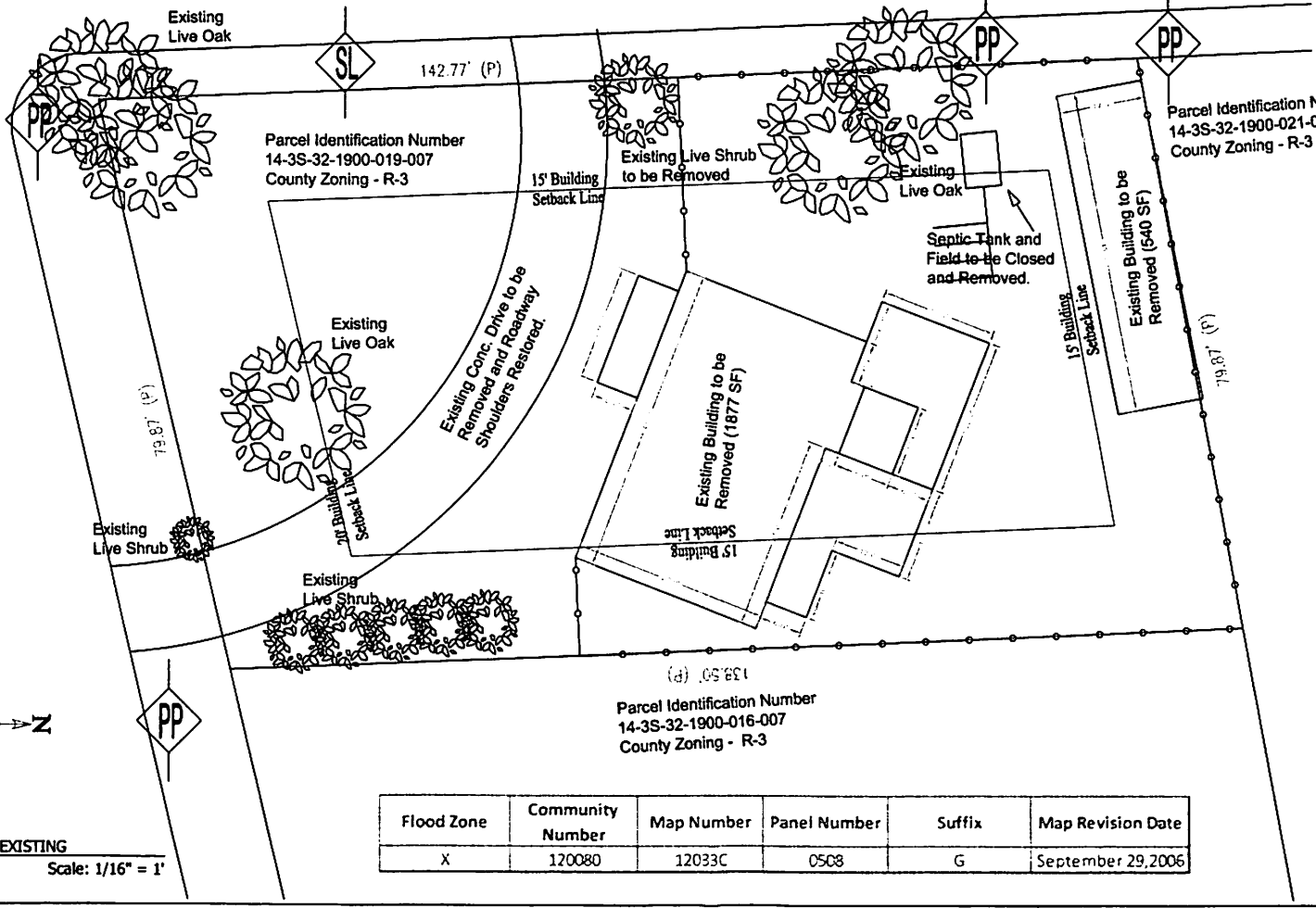
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MWS

SHEET NUMBER
T2.0
2 OF 4

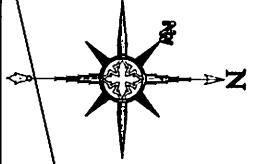
Parcel Identification Number
14-3S-32-1900-019-007
County Zoning - R-3

Parcel Identification Number
14-3S-32-1900-021-007
County Zoning - R-3

Parcel Identification Number
14-3S-32-1900-016-007
County Zoning - R-3



INNERARITY POINT RD (R/W 66')



A SITE PLAN - EXISTING
Scale: 1/16" = 1'

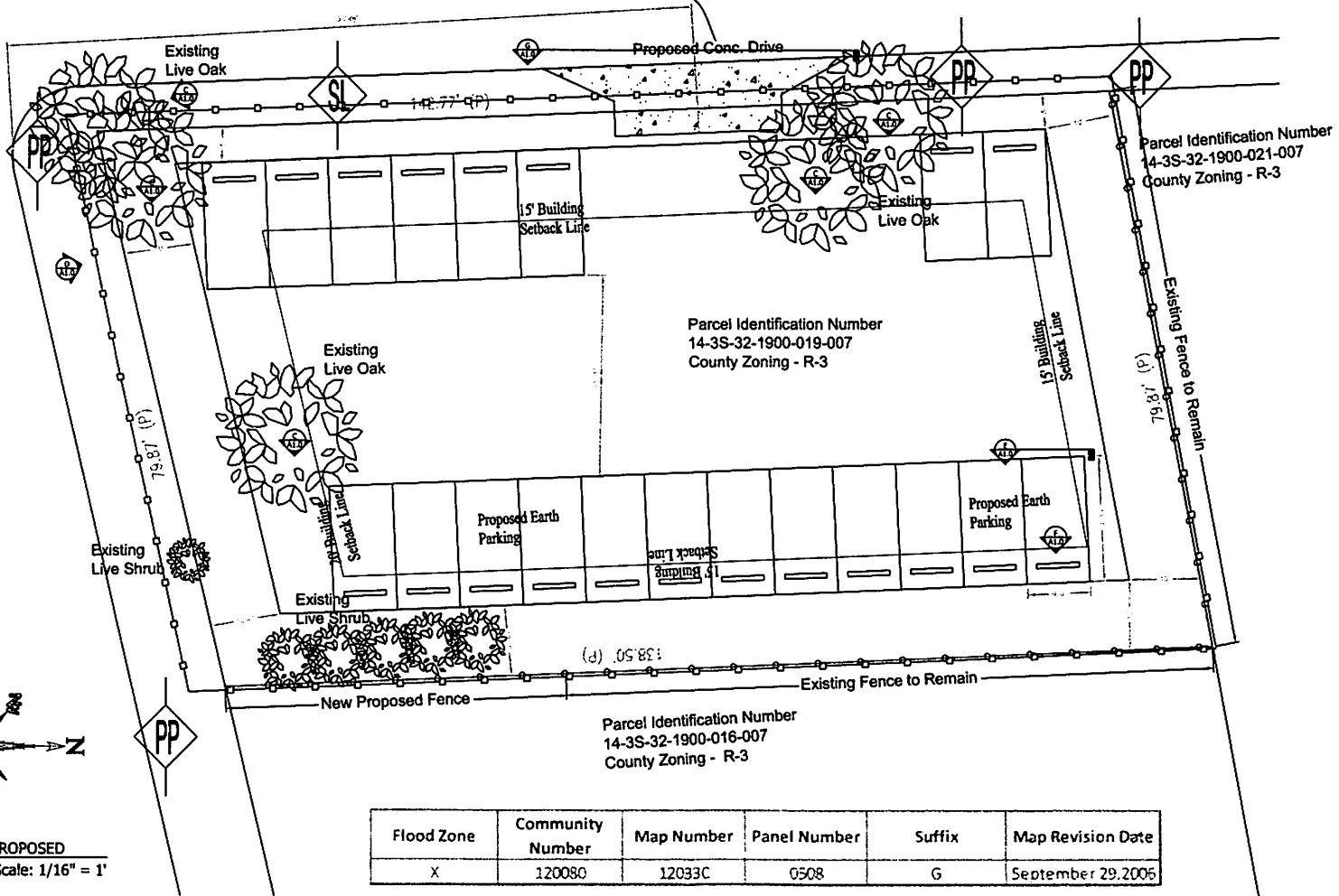
Flood Zone	Community Number	Map Number	Panel Number	Suffix	Map Revision Date
X	120080	12033C	0508	G	September 29, 2006

Parcel Identification Number
14-3S-32-1000-106-005
County Zoning - C-1

PROJECT NAME
AND LOCATION
**Point Baptist Church
Parking**
13901 Innerarity Point Road
Pensacola, FL 32507

**LANDMARK
ENGINEERING & LAND PLANNING**
1304 N Pace Blvd - Pensacola, FL 32505-6704
Phone # (850) 470-9722 - Fax # (850) 470-9661 - www.LMEng.com
FLPE 36946 - ALPE 21755 - FLCA 1378 - ALCA 2977
FLGC 06900

See Site Note 5 (T1.0) MONTEREY AVE (R/W 33')

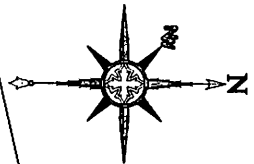


bears the signature and raised seal of a professional engineer licensed in the state to which the design applies
This drawing is not valid unless this area
MWS
2/16/12
seal of a professional engineer licensed

PROJECT NUMBER
2011130
PLOT DATE
Feb 16, 2012

DRAWN BY
LAS
CHECKED BY
MWS

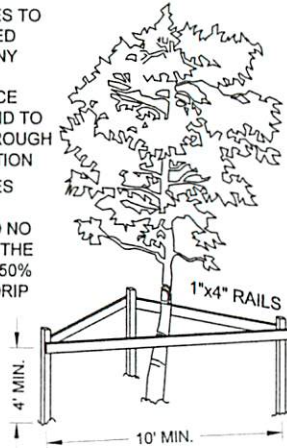
SHEET NUMBER
T3.0
3 OF 4



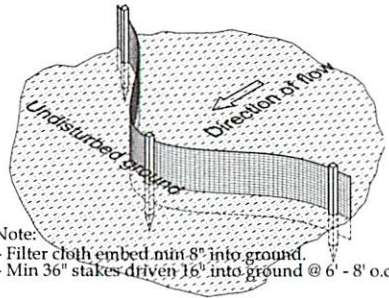
B SITE PLAN - PROPOSED
Scale: 1/16" = 1'

Flood Zone	Community Number	Map Number	Panel Number	Suffix	Map Revision Date
X	120080	12033C	0508	G	September 29, 2006

NOTE:
 -BARRICADES TO BE INSTALLED PRIOR TO ANY LAND DISTURBANCE ACTIVITY AND TO REMAIN THROUGH CONSTRUCTION
 -BARRICADES SHALL BE POSITIONED NO CLOSER TO THE TREE THAN 50% INSIDE ITS DRIP LINE.

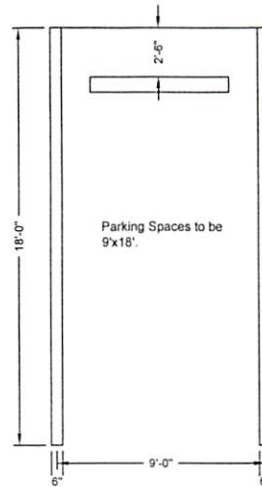


C TREE BARRICADE
 Scale: NTS



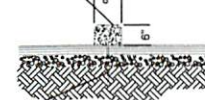
Note:
 - Filter cloth embed min 8" into ground.
 - Min 36" stakes driven 16" into ground @ 6' - 8' o.c.

D SILT FENCE DETAIL
 Scale: NTS



E PARKING STALL DETAIL
 Scale: NTS

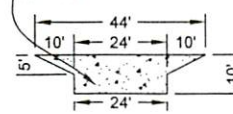
6' LONG PRECAST CONC. WHEELSTOP W/2-#4 BARS CONT. 5'-9" LONG OR 6" RUBBER PARKING BLOCK.



2-#4 BARS THRU CONC. WHEEL STOP OR 4-#4 BARS THRU RUBBER WHEEL STOP. (MIN. 18" LONG)

F WHEELSTOP DETAIL
 Scale: NTS

Drive shall be 4" thick, 4000 psi concrete (min). Should be sloped toward roadway at 1% or $\frac{1}{8}$ " per foot minimum.



G CONCRETE DRIVE CONNECTOR
 Scale: NTS

Parking
 Additional Parking Only

Tree Protection (ref. LDC §7.01.04):
 No un-permitted grading or clearing by heavy equipment should happen under the dripline of protected trees to remain on the site. Storage of heavy equipment shall not occur under the dripline of protected trees on site.
 Tree protection barricades should be placed around the dripline of all protected trees marked for preservation prior to any land disturbance consistent with the development order.

No protected trees will be removed.

Building Setback Req. (ref. Escambia County LDC §6.05.16.H)
 Main Frontage : 20'
 From other frontage : 15'
 Side Yard = 15'
 Rear Yard = 15'

Yard Requirements (ref. Escambia County LDC §6.05.01.E)
 Front Yard = 15 ft.
 Rear Yard = 15 ft.
 Side Yard = 10 ft.

Landscape Buffers (ref. Escambia County LDC §7.01)
 Frontage Buffer (LDC §7.01.05.K and §7.01.05.L):
 10' Buffer along primary right-of-way
 5' Buffer along secondary right-of-way

Stormwater Pollution Prevention Plan

It is the responsibility of the contractor to conduct routine inspections of the stormwater pollution prevention controls and to maintain their integrity throughout the duration of construction. Inspections must occur at least once a week and within 24 hours of the end of a storm event that is 0.50 inches or greater. The following are to be in working order:

- Silt Fence
- Vegetative Buffer Strip
- Construction Entrance Stabilization
- Temporary Seed/Sod
- Permanent Seed/Sod
- Mulch
- Tree Protection
- Waste Disposal/Housekeeping

Erosion Control

1. Silt fence shall be placed as shown or as required. See detail D, page A1.0. Posts for silt fences shall be at depth to resist overturning. The bottom edge of the fabric shall be below grade and covered with soil. Supplement with hay bales as needed to prevent the passage of soil materials.
2. Isolated areas of construction may need to be addressed by the contractor as field conditions dictate.
3. Upon completion of construction, all disturbed areas are to be stabilized with seed or sod.
4. The contractor is responsible to ensure that all erosion control measures are maintained and fully functional during rainfall events.
5. All disturbed areas which are not paved shall be stabilized with seeding, fertilizer and mulch, hydroseed and/or sod.

Storm Routing

Stormwater currently heads south throughout the property, flowing across the property and adjacent properties towards Perdido Bay. Impervious surface is being reduced to pervious surface which will have a positive impact on the adjacent properties.

Flood Zone

This property is located in Flood Zone "X" as defined by the Escambia County FIRM map #0508 (September 29, 2006). The project area falls under Flood Zone "X".

PROJECT NAME AND LOCATION
Point Baptist Church
Parking
 13901 Innerarity Point Road
 Pensacola, FL 32507

LANDMARK
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 Phone # (850) 470-9722 - Fax # (850) 470-9661 - www.LMEngr.com
 FLPE 36946 - ALPE 21755 - FLCA 7378 - ALCA 2977
 FLCGC 060900

bears the signature and raised
 This drawing is not valid unless this area
 in the state to which the design applies.
 [Signature]
 2/16/12
 penacola@landmark-engineering.com

PROJECT NUMBER
 2011130
 PLOT DATE
 Feb 16, 2012

DRAWN BY
 LAS
 CHECKED BY
 MWS

SHEET NUMBER
 A1.0
 4 OF 4

REDFISH HARBOR LLC
106 STONE BLVD
CANTONMENT FL 32533

FREEMAN DENISE M
5611 JAPONICA AVE
PENSACOLA FL 32507

WHITE JERRY D
1400 N 12TH AVE
PENSACOLA FL 32503

CROSS RONALD M & YVETTE J
5718 JAPONICA AVE
PENSACOLA FL 32507

WILLIAMS MALANIA C
5716 JAPONICA AVE
PENSACOLA FL 32507

DAVIS PHILLIP J
5714 JAPONICA AVE
PENSACOLA FL 32507

SKENES JIMMIE B
413 PELICAN AVE
NEW ORLEANS LA 70114

CREEL TERESA A
4257 ERMINE LN
MILTON FL 32583

HARVILLE LARREL E
2112 BAINBRIDGE AVE
PENSACOLA FL 32507

WOLF GAIL R
5713 JAPONICA AVE
PENSACOLA FL 32507

RAISCH KEITH B
14001 INNERARITY POINT RD
PENSACOLA FL 32507

BRITT ETHEL I
5617 JAPONICA AVE
PENSACOLA FL 32507

INNERARITY POINT BAPTIST CHURCH
13801 INNERARITY POINT RD
PENSACOLA FL 32507

FELLING MATTHEW J
580 MEANDER LN
CANTONMENT FL 32533

HOLLAND ROSE M
5714-1 JAPONICA AVE
PENSACOLA FL 32507

SIERRA LUIS & LEONOR
4897 NANILOA DR
SALT LAKE CITY UT 84117-6471

BRIDGES JONATHAN L
442 MARSH DUCK WAY
VIRGINIA BEACH VA 23451

BAUGH VICTORIA
198 DOGWOOD CT
HAYWARD CA 94544

SASSER DONALD R JR &
5200 MEDINA RD
PENSACOLA FL 32507

STURM LOUISE T &
453 PEPPERTREE TERR
PENSACOLA FL 32506

DEFOE CHRISTOPHER &
5603 JAPONICA AVE
PENSACOLA FL 32507

SINGLETARY JAMES L & BRENDA J
5600 SEA SPRAY DR
PENSACOLA FL 32507-8859

GREATHOUSE ROBERT E JR & PAULA E
5554 SANDVIEW DR
PENSACOLA FL 32507

KIRKMAN TIMOTHY JR &
13514 C PERDIDO KEY DR
PENSACOLA FL 32507

RECELY SHANNON &
5824 RESORT AVE
PENSACOLA FL 32507

WILLIAMS INVESTMENTS THREE LLC
8635 SCENIC HILLS DR
PENSACOLA FL 32514

MESA ENTERPRISES LLC
307 PLANTATION DR
MANDEVILLE LA 70471

AMESBURY J & L M
PO BOX 1837
DESTIN FL 32540

CLEVELAND JULIE ANNE
C/O THOMAS & JULIE SLAGER
3301 W ESPLANADE AVE N # 11181
METAIRIE LA 70002-1688

GOUT ELLEN R
5715 JAPONICA AVE
PENSACOLA FL 32507

SALISBURY MARVIN L & JEANNEE K
5715 MONTEREY AVE
PENSACOLA FL 32507

DASILVA FRANCISCO J
5717 JAPONICA AVE
PENSACOLA FL 32507

REDMOND J D & DIANNE E
13827 CANAL DR
PENSACOLA FL 32507

ELLIS SHARON
223 2ND AVE E
ONEONTA AL 35121-1715

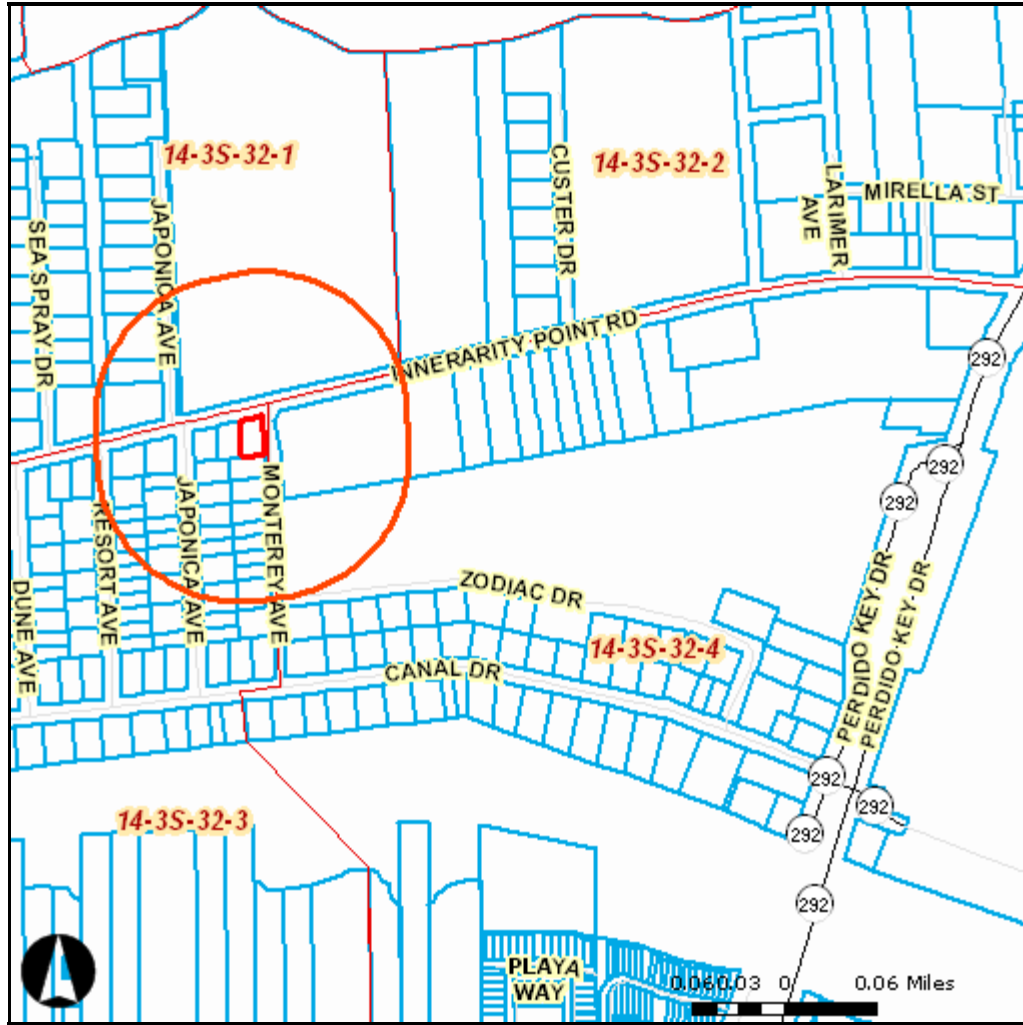
FULFORD MICHELLE LEE
5881 LINN AVE
PENSACOLA FL 32507

TILLER E ALLAN
611 E 9TH ST
HOUSTON TX 770071721

MOORE CAROLYN Y
5805 MONTEREY DR
PENSACOLA FL 32507

SIERRA LUIS &
5818 RESORT AVE
PENSACOLA FL 32507

ECPA Map



- Map Grid
- Major Roads
 - County Road
 - Interstate
 - State Road
 - US Highway

- All Roads
- Property Line

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Development Services Department

Building Inspections Division

3363 West Park Place
Pensacola, Florida, 32505
(850) 595-3550
Molino Office - (850) 587-5770

RECEIPT

Receipt No. : **549655**

Date Issued. : 02/16/2012

Cashier ID : LPROBINS

Application No. : PBA120200004

Project Name : CU-2012-06

PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	17001	\$1,050.00	App ID : PBA120200004
		\$1,050.00	Total Check

Received From : INNERARITY PT BAPTIST CHURCH

Total Receipt Amount : **\$1,050.00**

Change Due : \$0.00

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA120200004	642815	1,050.00	\$0.00	13901 INNERARITY POINT RD, PENSACOLA, FL, 32507

Total Amount :

1,050.00

\$0.00

Balance Due on this/these
Application(s) as of 2/21/2012