AGENDA ESCAMBIA COUNTY BOARD OF ADJUSTMENT May 16, 2012–8:30 a.m.

Escambia County Central Office Complex 3363 West Park Place, Room 104

- 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. (No Proof of Publication required due to only hearing variance case.)
- 5. Approval of April 18, 2012 Resume Minutes.
- 6. Consideration of the following cases:
 - A. Case No.: V-2012-06

Address: 8484 Kipling St., Unit A

Request: The Applicant is seeking an after-the-fact 2 foot variance to allow

an 8 foot privacy fence in a residential district.

Requested Charles S. Stauffer

by:

- Old/New Business.
- 8. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, June 20, 2012 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

9. Adjournment.

DRAFT

RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD April 18, 2012

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:34 A.M. – 4:00 P.M.)

Present: Don Carlos

Auby Smith John Lund

Bobby Price, Jr. Jennifer Rigby David Karasek

Absent: LuTimothy May

Staff Present: Kristin Hual, Assistant County Attorney

Lloyd Kerr, Director, Development Services

Horace Jones, Division Mgr., Planning & Zoning Andrew Holmer, Sr. Planner, Planning & Zoning Juan Lemos, Urban Planner, Planning & Zoning John Fisher, Urban Planner, Planning & Zoning

Karen Spitsbergen, Sr. Office Assistant

Attendees: Ryan Ross, Assistant County Attorney

REGULAR BOA AGENDA

- 1. Meeting was called to order at 8:34 a.m.
- 2. Staff was sworn in by clerk.
- 3. Acceptance of the April 18, 2012 BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.

Motion by Vice Chairman Auby Smith, Seconded by David Karasek Motion was made to accept the meeting packet for April 18, 2012 with the staff findings of fact into evidence.

Vote: 6 - 0 Approved - Unanimously

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

Motion by Bobby Price, Jr., Seconded by David Karasek Motion was made to waive the reading of the legal advertisement.

Vote: 6 - 0 Approved - Unanimously

5. Approval of the Resume Minutes for March 21, 2012.

Motion by Vice Chairman Auby Smith, Seconded by John Lund Motion was made to approve the resume of the March 21, 2012 Board of Adjustment meeting.

Vote: 6 - 0 Approved - Unanimously

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

A. Case No.: CU-2012-07

Address: 8700 North Highway 29

Request: Expansion of an existing borrow pit

Requested by: W. R. Ward, Agent for C.R. & Eleanor Faye Campbell Speakers: W. R. Ward, Agent for C.R. & Eleanor Faye Campbell

Walter Lambert

No BOA member acknowledged any ex parte communication regarding this item.

Mr. Smith acknowledged visiting the site.

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

Motion by Vice Chairman Auby Smith, Seconded by John Lund Motion was made to accept staff's findings of fact and grant the conditional use to expand an existing borrow pit on to adjacent parcels.

Vote: 6 - 0 Approved - Unanimously

B. Case No.: AP-2012-01

Address: 7253 Plantation Rd

Requested Appeal of the denial of Change of Use Permit #PLU120300315

Appeal: (Based on Planning Board Interpretation # 2012-01)

Requested by: Kerry Anne Schultz, Esq., Agent for CNL Funding 2000-A, LP and

C.E.J. South, Inc.

Speakers: Kerry Anne Schultz, Scott Bridgford, Luis Lorenz, Chris Jensen,

Steve Lyon, Amie Remington, Buddy Page, Ajit Patel, Claire Bockwith, Gary Tippens, David Valletto, Sava Varazo, Tim

McEvoy,

No BOA member acknowledged any ex parte communication regarding this item.

Mr. Smith 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 Vice Chairman Auby Smith Motion was made to limit public comment to 3 minutes for each speaker.

Vote: 6 - 0 Approved - Unanimously

Motion by Vice Chairman Auby Smith, Seconded by John Lund Motion was made to limit expert witness comments to 5 minutes.

Vote: 6 - 0 Approved - Unanimously

Motion by Vice Chairman Auby Smith, Seconded by John Lund Motion was made to accept Mr. Luis Lorenz as an expert witness in the area of cremation equipment and air quality.

Vote: 6 - 0 Approved - Unanimously

Motion by Vice Chairman Auby Smith, Seconded by John Lund Motion was made to accept Mr. Buddy Page as an expert in the area of Planning & Zoning.

Vote: 6 - 0 Approved - Unanimously

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

Motion was made to accept Mr. Sava Varazo as an expert witness in the area of air quality.

Vote: 6 - 0 Approved - Unanimously

Motion by John Lund, Seconded by David Karasek

Motion was made determining staff's decision was not arbitrary and capricious.

Vote: 3 - 3 Failed

Voted Yes: Bobby Price, Jr.

David Karasek

John Lund

Voted No: Chairman Don Carlos

Jennifer Rigby

Vice Chairman Auby Smith

Motion by Vice Chairman Auby Smith, Seconded by Jennifer Rigby Motion was made to reverse staff's decision as arbitrary and capricious.

Vote: 4 - 2 Approved

Voted No: David Karasek

John Lund

7. Discussion Items.

- 8. Old/New Business.
- 9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, May 16, 2012 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. The meeting was adjourned at 4:00 p.m.

Board of Adjustment 6. A.

Meeting Date: 05/16/2012 **CASE:** V-2012-06

APPLICANT: Charles S. Stauffer

ADDRESS: 8484 Kipling St., Unit A

PROPERTY REFERENCE NO.: 17-1S-30-2000-000-120

ZONING DISTRICT: R-4, Multiple-family district

FUTURE LAND USE: MU-U, Mixed-Use Urban

Information

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicant is seeking an after-the-fact 2 foot variance to allow an 8 foot privacy fence in a residential district.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 7.04.01

CRITERIA

7.04.01. Fence heights in residential districts. Maximum heights for fences constructed in residential districts shall be [in feet]:

Side and Rear yards: 6 feet when constructed of opaque materials.

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 site is similar in topography to others in the area that also abut the Johnson Ave.

right-of-way. Staff has not found any unique physical characteristics on site that would require relief in the form of a fence height variance. Any sort of hardship related to Johnson Ave. is shared with the properties to the north, none of which have a privacy fence higher than 6 feet.

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

Without the presence of a physical hardship, the requested variance is not necessary for the preservation of a substantial property right.

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

This variance would 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 (4)

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

FINDINGS-OF-FACT

This variance would 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

Given the lack of a unique physical hardship, the request for an additional 2 feet of fence height is not the minimum necessary to make use of the property.

STAFF RECOMMENDATION:

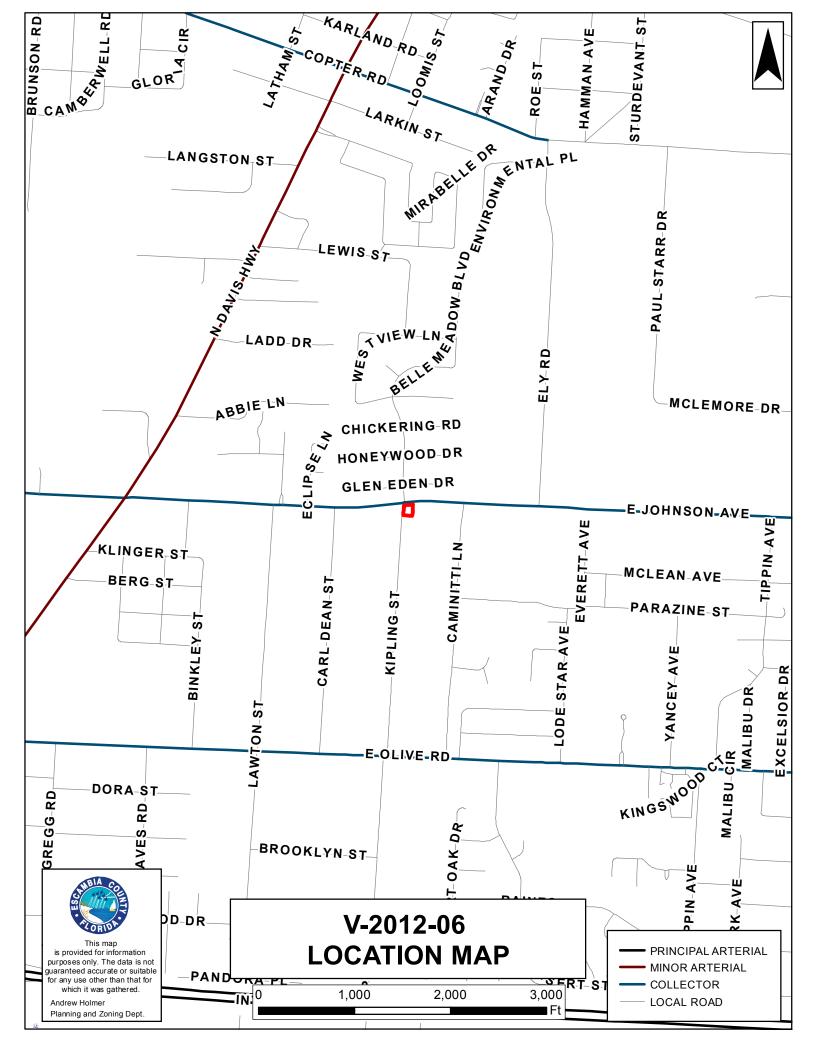
Staff finds that the requested variance is not necessary and recommends **denial** of this after-the-fact variance.

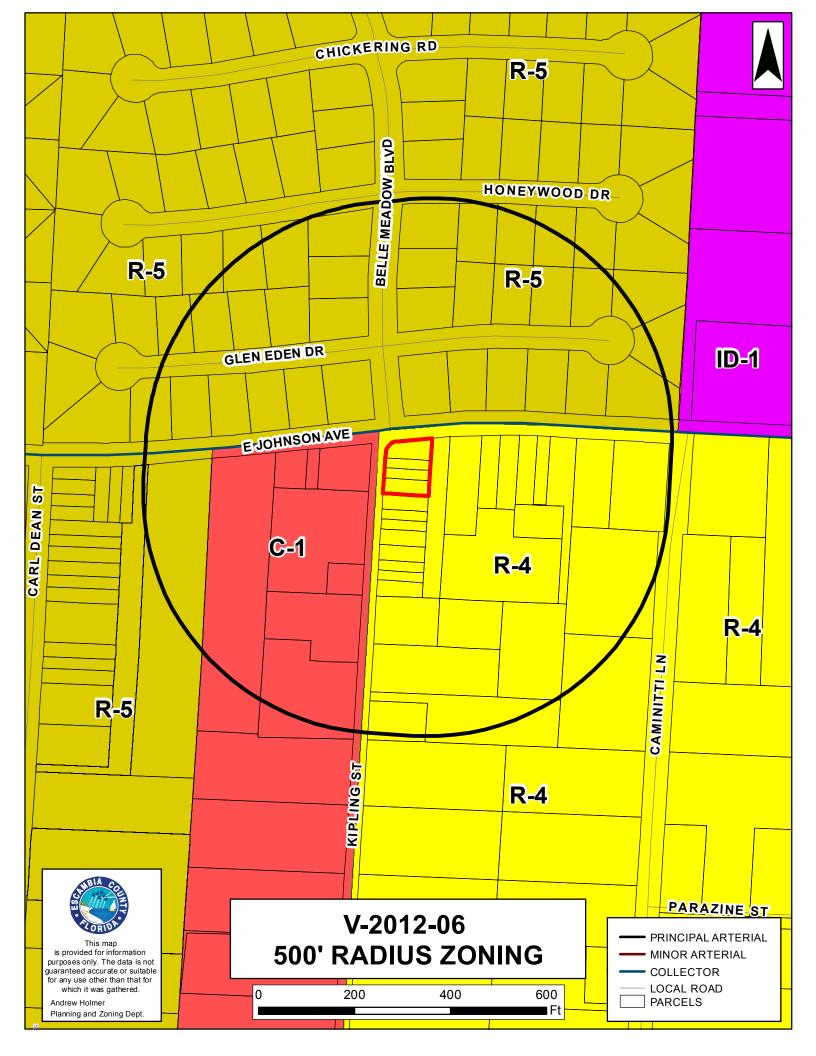
BOARD OF ADJUSTMENT FINDINGS:

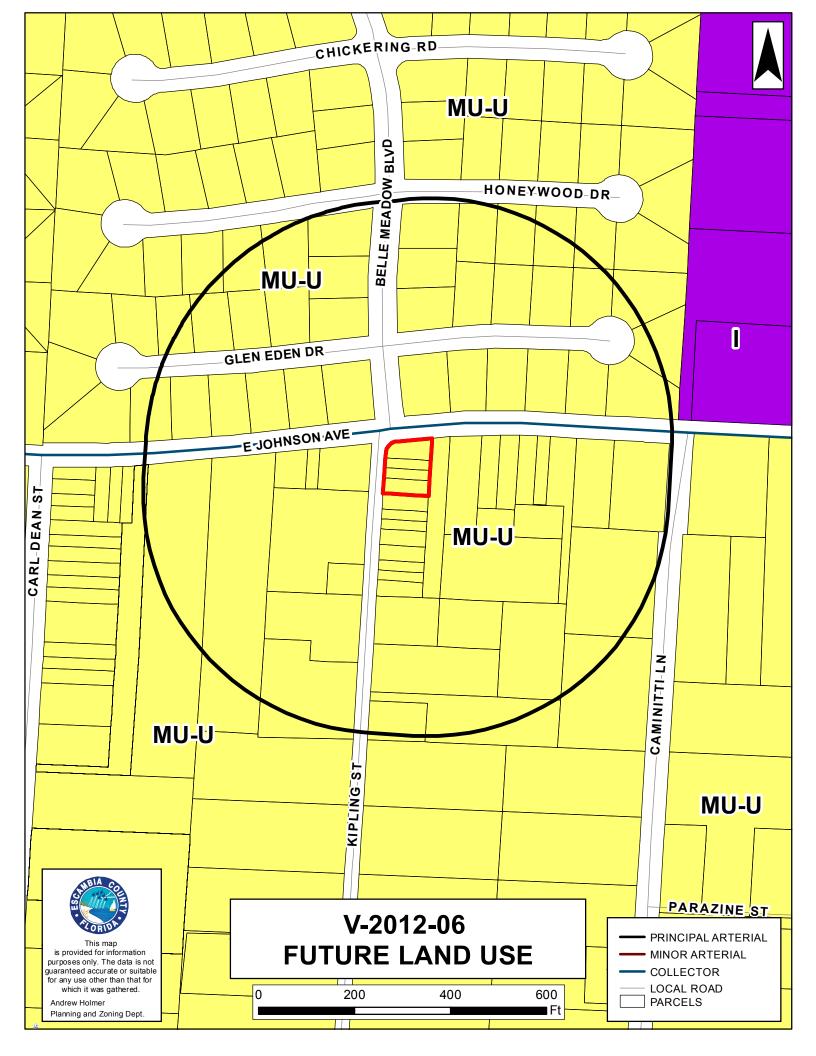
Attachments

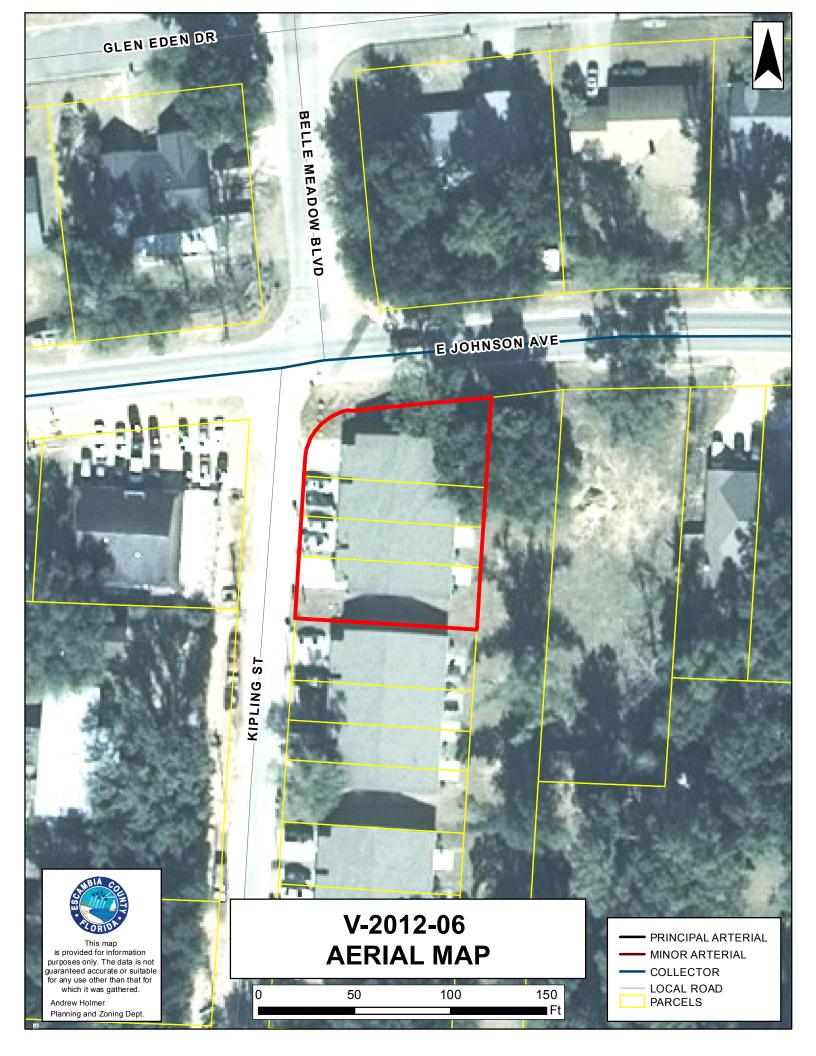
V-2012-06 Working Case File

V-2012-06









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

Subject: Letter of Request

Regarding: Construction of Fence on Northern Border of 8484 Kipling, Unit A

I am requesting a variance in height of the wooden fence to be constructed at 8484 Kipling, Unit A, Pensacola FL 32514.

- The reason for construction of a fence higher than 6' is that the property abuts Johnson Ave, which is a busy and noisy street. Drivers daily throw bottles and other refuse onto the property. There is a single mother with a 2 year old daughter occupying the property, and a taller fence is necessary for their security, privacy, noise abatement. A fence that only 6' in height is so low that it impedes the quiet enjoyment and use of the property.
- 2) The variance is necessary for the preservation and enjoyment of a substantial property right as defined herein and not only to serve as a convenience to me. I have discussed this with the President of the Kipling Oaks Home Owners' Association, Diane Mallard, 850-723-9311. She agrees with the necessity of this variance and believes she could get a partition signed by most or all of the homeowners in the 12 units belonging to the Association.
- 3) The authorization of 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 the health, safety, comfort, or general welfare of the inhabitants of Escambia County. The adjacent property on Johnson Avenue, East of the subject property is a vacant lot and, therefore, currently has no fence on Johnson. The proposed fence of 8484 Kipling, Unit A would be less than 1.5 feet taller than the fence between the subject property and the adjacent vacant lot Johnson Avenue. I am the owner of 8484 Kipling B as well and, of course, have no objection to the requested variance.
- 4) The variance will not, in any manner alter other provisions of this Code or the Comprehensive Plan, except this Code and the Plan may be amended in the manner prescribed by the law.
- 5) The variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA. Currently drivers daily throw bottles and other refuse onto the property, and a 6 foot fence would not be adequate to impede this activity or adequately provide for privacy, noise abatement and quiet enjoyment and use of the property.

Thank you for your consideration.

Charles S Stauffer 325 Intendencia St Pensacola, Florida 32502 850-677-3778

	Please check application type:	☐ Conditional Use Request for:						
	☐ Administrative Appeal	Variance Request for: Fence Height	- 8 ft.					
	☐ Development Order Extension	Rezoning Request from: to:						
	Name & address of current owner(s) as shown or							
	Owner(s) Name: Charles S Stauf	0-677-3778						
Address: 325 E Intendencia St. 32502 Email: Charles. Stauffer@or								
	Address: 325 E Intendencia St. 3250V Email: Charles. Stauffer@ongroup 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.	unit A Pansacala Fl 3	7514					
	Property Address: 8784 RIPING 31	, unit A, Pensacola FL 3:	11					
sec r pag	Property Reference Number(s)/Legal Description: L From 14 Township? Southrange 30 Wes e 11, of the public records of South	of 12 Kipling Class, being des Escambia (County, Florida as re COUNTY, Florida	ecorded in Plat Book 18					
1	By my signature, I hereby certify that:							
	 I am duly qualified as owner(s) or authorized ag and staff has explained all procedures relating t 	gent to make such application, this application is of my to this request; and	own choosing,					
	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							
 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							
	 I am aware that Public Hearing notices (legal ac Development Services Bureau) 	d and/or postcards) for the request shall be provided b	by the					
		Charles S Stauffer	4.19.12					
*	Signature of Owner/Agent	Charles S Stauffey Printed Name Owner/Agent	Date					
	Signature of Owner	Printed Name of Owner	Date					
	STATE OF Florida	COUNTY OF Escambia						
	The foregoing instrument was acknowledged before by	e me this 9 day of Gpoil	20					
	Personally Known OR Produced Identification BLANCA P. Notary Public, St. (notary seatment be affixed mergines.)							
		NUMBER: V-018-00						
	Meeting Date(s): 5/16/12	Accepted/Verified by: _AOH/KSS	Date: 4/19/12					
	Fees Paid: \$ 350 Receipt #: 553637	Permit #: 78A 20400010						

APPLICATION

2011

NOTICE OF PROPOSED PROPERTY TAXES

ESCAMBIA COUNTY TAXING AUTHORITIES

Real Property Acct: 022235520 Property Ref No: 17-1S-30-2000-000-120

Location: 8484 KIPLING ST A LOT 12 KIPLING OAKS PB 18 P 11 OR 5915 P 866

DO NOT PAY THIS IS NOT A BILL

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.

REAL ESTATE	LAST YEAR'S TAXABLE VALUE	(2010)			YOUR TAX RATE AND TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE (2011) COLUMN 4		YOUR TAX RATE AND TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE (2011)	
	(2010)			(2011)				
Taxing Authority	COLUMN 1	COLUMN 2 MILLAGE RATE TAXES		COLUMN 3	MILLAGE RATE TAXES		MILLAGE RATE	TAXES
COUNTY	\$72,891		\$508.45	\$70,805		\$510.21	6.975500	\$493.90
SCHOOL BY STATE LAW	\$72,891	5.631000	\$410.45	\$70,805	5.811200	\$411.46	5.573000	\$394.60
SCHOOL BY LOCAL BOARD	\$72,891	2.229000	\$162.47	\$70,805	2.300300	\$162.87	2.248000	\$159.17
SHERIFF	\$72,891	0.685000	\$49.93	\$70,805	0.710400	\$50.30	0.685000	\$48.50
WATER MANAGEMENT	\$72,891	0.045000	\$3.28	\$70,805	0.047100	\$3.33	0.040000	\$2.83
	e e		submission at			_\$109.50		\$105.73
TOTAL AD-VALOREM	DDODEDTY TAY	VEC	\$1,134.58	e You have been	2 10 2 10 1	\$1,138.17	Burg Sign	\$1,099.00

	COUNTY		PUBLIC SCHOOLS		MUNICIPAL.		OTHER DISTRICTS	
-	2010	2011	2010	2011	2010	2011	2010	2011
MARKET VALUE	\$72,891	\$70,805	\$72,891	\$70,805	\$0	\$0	\$72,891	\$70,805
		LESS API	PLIED ASSES	SMENT REDUCT	TIONS			
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	\$72,891	\$70,805	\$72,891	\$70,805	\$0	\$0	\$72,891	\$70,805
			LESS EXE	MPTIONS				
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	\$72,891	\$70,805	\$72,891	\$70,805	\$0	\$0	\$72,891	\$70,805

Who to contact if you have questions regarding this notice:

For questions about the TAX RATE being assessed to your property, please call the appropriate taxing authority below:

 Escambia County
 (850) 595-4900

 Water Management
 (850) 484-5125

 School Board
 (850) 432-6121

 City of Pensacola
 (850) 435-1626

 City of Century
 (850) 256-3208

IF YOU FEEL THAT THE MARKET VALUE OF YOUR PROPERTY IS INACCURATE OR DOES NOT REFLECT FAIR MARKET VALUE, OR JF YOU ARE ENTITLED TO AN EXEMPTION OR CLASSIFICATION THAT IS NOT REFLECTED ABOVE, CONTACT YOUR COUNTY APPRAISER AT:

221 PALAFOX PL, STE 300, PENSACOLA FL 32502 (850)434-2735

THE STATE OF THE S

IF THE PROPERTY APPRAISER'S OFFICE IS UNABLE TO RESOLVE THE MATTER AS TO MARKET VALUE OR CLASSIFICATION OR AN EXEMPTION, YOU MAY FILE A PETITION FOR ADJUSTMENT WITH THE VALUE ADJUSTMENT BOARD. PETITION FORMS ARE AVAILABLE FROM THE CLERK OF CIRCUIT COURT, 221 PALAFOX PLACE SUITE 130 AND MUST BE FILED ON OR BEFORE Sept. 2, 2011

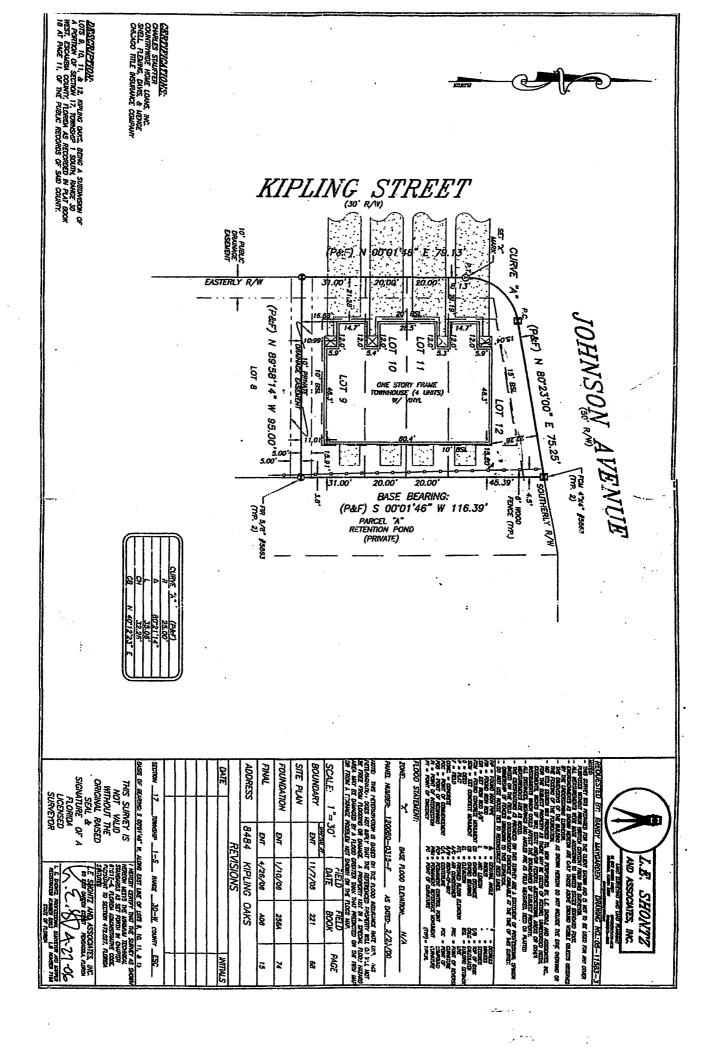
Legal Description of Property

Address: 8484 Kipling St, Unit A

Pensacola, FL 32514

Description: Lot 12, Kipling Oaks, being a subdivision of a portion of Section 17, Township 1 South, Range 30 West Escambia, Florida as recorded in Plat Book 18 at Page 11, of the public records of said county.

Survey attached.



Date of Issuance 04/16/2012

Escambia County

Case No CE120401045

Office of Environmental Enforcement Escambia County Central Office Complex 3363 West Park Place, Pensacola, FL 32505 PH: (850) 595-1820 FX (850) 595-1840

At (Location): PR: 171S302000000120

Zipcode

Date

8484 KIPLING ST A, PENSACOLA, FL

32514

04/16/2012

N/A

Name:

CHARLES STAUFFER

EDWARD ANTHONY STANISLAWCZYK

1677 VILLAGE PKWY

GULF BREEZE, FL 32563

Address:

325 E INTENDENCIA ST PENSACOLA, FL 32502

D.L.

DOB: //

Race:

Height:

Weight:

SSN:

Comply within 10 days of receipt of this notice

Warning

Failure to correct this violation and notify this Officer of Compliance will result in fines or a hearing. If the Hearing is scheduled you may be assessed \$1,100 or more for costs of said hearing, plus possible fines; the County may abate the

violations and place a Lien on the property.

Ordinance Description

Violation 1

4.01.02. Permits and prohibitions. A. Permit required. No construction or land disturbing activity may be commenced without a valid Escambia County permit. Among others, land disturbing permits, building permits, development orders and/or land use certificates are issued by the county.

Officer Comments

CEASE AND DISSIT ALL ACTIVITIES UNTIL A FENCE/LAND USE CERTIFICATE HAS BEEN OBTAINED FROM THE CENTRAL OFFICE COMPLEX AT 3363 WEST PARK PLACE (OFF FAIRFIELD)

Signature of Respondent

Signature of Officer: Stacy Shaw 850-554-1119

Fairfield Inspection 8ld Inspection 595-3550

Drew Holmer



Development Services Department Building Inspections Division

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

RECEIPT

Receipt No. : **553637**

Date Issued. : 04/19/2012 Cashier ID : GELAWREN

Application No.: PBA120400010

Project Name: V-2012-06

		PAYMENT I	PAYMENT INFO		
Method of Payment	Reference Document	Amount Paid	Comment		
Check					
	425	\$350.00	App ID : PBA120400010		
		\$350.00	Total Check		

Received From: CHARLES S. STAUFFER-KIPLING A FENCE

Total Receipt Amount : \$350.00

Change Due: \$0.00

APPLICATION INFO						
Application #	Invoice #	Invoice Amt	Balance Job Address			
PBA120400010	646738	350.00	\$0.00 8484 KIPLING ST, A, PENSACOLA, FL, 32514			
Total Amount :		350.00	\$0.00 Balance Due on this/these Application(s) as of 4/20/2012			

Receipt.rpt Page 1 of 1

ECPA Map



<u>PLEASE NOTE:</u> 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.

STAUFFER CHARLES
325 E INTENDENCIA ST
PENSACOLA FL 325026137

KIPLING OAKS HOA C/O DIANE MILLER 1697 OAK DR GULF BREEZE FL 32563

WEEKLEY MALCOLM B TRUSTEE 2060 E CROSS ST PENSACOLA FL 32503