

AGENDA  
ESCAMBIA COUNTY BOARD OF ADJUSTMENT  
June 20, 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 for June 20, 2012 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 the Resume of the Board of Adjustment Meeting held May 16, 2012.
6. **Consideration of the following cases:**
  - A. **Case No.:** CU-2012-09 - (Withdrawn)  
Address: 400 Hwy 99-A  
Request: Power Substation in VAG-2 zoning  
Requested by: Power South Energy Cooperative, Agent for Jamie S. Hall, Owner
  - B. **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 by: Charles S. Stauffer
  - C. **Case No.:** V-2012-07  
Address: 487 Creighton Rd  
Request: Increase allowable signage  
Requested by: Don Jehle, Agent for McKibbon Brothers, Inc.

D. **CASE NO.: AP-2012-02**

Address: 7253 Plantation Rd.

Requested Appeal: Appeal of the issuance of building permits BD120502393 and BD120502394

Requested by: Jesse W. Rigby, Esq., Agent for ADX Communications of Escambia, LLC & Relax Hospitality, LLC

7. Old/New Business.

8. Announcement.

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

9. Adjournment.

# DRAFT

## RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD May 16, 2012

CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(8:35 A.M. – 8:42 A.M.)

Present: Bobby Price, Jr.  
Jennifer Rigby  
LuTimothy May  
David Karasek

Absent: Don Carlos  
Auby Smith  
John Lund

Staff Present: Kristin Hual, Assistant County Attorney  
Andrew Holmer, Sr. Planner, Planning & Zoning  
Karen Spitsbergen, Sr. Office Assistant

Attendees:

### REGULAR BOA AGENDA

1. Meeting was called to order at 8:35 a.m..  
  
Motion by Jennifer Rigby, Seconded by David Karasek  
Motion was made to appoint Bobby Price, Jr. as acting Chairman for the meeting.  
  
**Vote:** 4 - 0 Approved - Unanimously
2. Discussion was held as to how to proceed with the meeting without the presence of the applicant. It was determined the Board would proceed with the meeting.
3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.  
  
Motion by LuTimothy May, Seconded by David Karasek  
Motion to accept the Meeting Package for May 16, 2012.  
  
**Vote:** 4 - 0 Approved - Unanimously

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.

Motion by Jennifer Rigby, Seconded by LuTimothy May  
Motion was made to approve the Resume for the April 18, 2012 BOA Meeting.

**Vote:** 4 - 0 Approved - Unanimously

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 by: Charles S. Stauffer

Motion by LuTimothy May, Seconded by Jennifer Rigby  
Motion to continue this case to the June 20, 2012 BOA Meeting.

**Vote:** 4 - 0 Approved - Unanimously

7. 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.

Motion by LuTimothy May, Seconded by David Karasek  
Motion to adjourn the meeting at 8:42 a.m.

**Vote:** 4 - 0 Approved - Unanimously

**Board of Adjustment**

**6. B.**

**Meeting Date:** 06/20/2012  
**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:**

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**Attachments**

V-2012-06 Case File

V-2012-06



**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:**

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**Attachments**

V-2012-06 Working Case File

**Board of Adjustment**

**6. C.**

**Meeting Date:** 06/20/2012  
**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]:

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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**

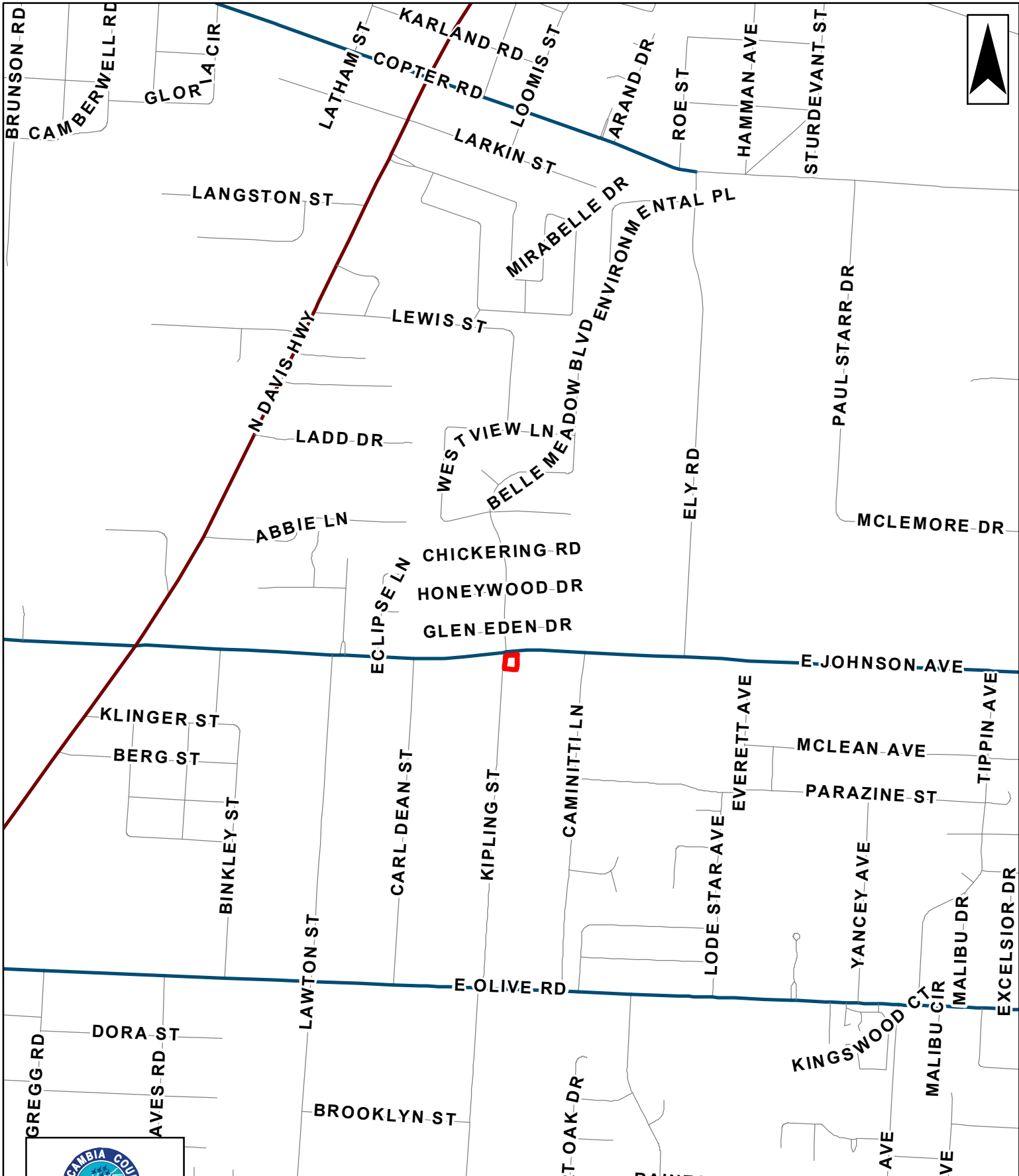
Given the lack of a unique physical hardship, the request for an additional 2 feet of fence height is not the minimum necessary to make use of the property.

**STAFF RECOMMENDATION:**





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

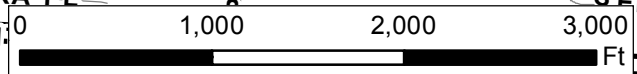
**BOARD OF ADJUSTMENT FINDINGS:**

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**V-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.



CHICKERING RD

R-5

HONEYWOOD DR

R-5

BELLE MEADOW BLVD

R-5

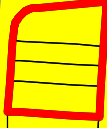
GLEN EDEN DR

ID-1

E JOHNSON AVE

CARL DEAN ST

C-1



R-4

R-4

R-5

CAMINITTI LN

R-4

KIPLING ST

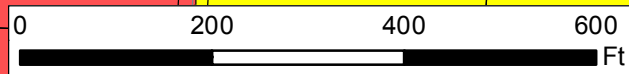
PARAZINE ST



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Andrew Holmer  
Planning and Zoning Dept.

# V-2012-06 500' RADIUS ZONING



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





CHICKERING RD

MU-U

HONEYWOOD DR

MU-U

BELLE MEADOW BLVD

GLEN EDEN DR

E JOHNSON AVE

CARL DEAN ST



MU-U

MU-U

KIPLING ST

CAMINITI LN

MU-U

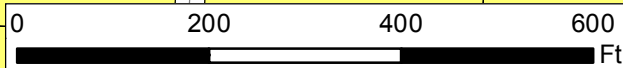
PARAZINE ST



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Andrew Holmer  
Planning and Zoning Dept.

# V-2012-06 FUTURE LAND USE



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

GLEN EDEN DR

BELLE MEADOW BLVD

E JOHNSON AVE

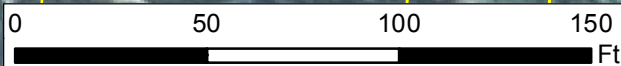
KIPLING ST








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Andrew Holmer  
Planning and Zoning Dept.

# V-2012-06 AERIAL MAP



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

April 19, 2012

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.

- 1) 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

APPLICATION

Please check application type:
Administrative Appeal
Development Order Extension
Conditional Use Request for:
Variance Request for: Fence Height - 8 ft.
Rezoning Request from:

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

Owner(s) Name: Charles S Stauffer Phone: 850-677-3778
Address: 325 E Intendencia St, 32502 Pensacola, Florida Email: charles.stauffer@ongroup.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: 8484 Kipling St, Unit A, Pensacola FL 32514

Property Reference Number(s)/Legal Description: Lot 12 Kipling Oaks, being a subdivision of a portion of section 14 Township 9 South Range 30 West Escambia County, Florida as recorded in Plat Book 18 at page 11, of the public records of said county, Florida.

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)

Charles S Stauffer
Printed Name Owner/Agent

4.19.12
Date

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 19 day of April 20 12, by Charles S Stauffer.

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

Signature of Notary (Handwritten signature)
Notary Public, State of Florida
Commission# EE 18859
My comm. expires Aug. 1, 2014
Blanca Parker
Printed Name of Notary

FOR OFFICE USE ONLY
Meeting Date(s): 5/16/12 Accepted/Verified by: ADW/KSS Date: 4/19/12
Fees Paid: \$ 350 Receipt #: 553637 Permit #: PBA 120400010
CASE NUMBER: V-2012-06

**2011 NOTICE OF PROPOSED PROPERTY TAXES**  
 ESCAMBIA COUNTY TAXING AUTHORITIES

**DO NOT PAY**  
**THIS IS NOT A BILL**

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

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.

022235520  
 SE - 00421 / 03189 JMS6313  
 STAUFFER CHARLES  
 325 E INTENDENCIA ST  
 PENSACOLA FL 32502-6137  


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	\$72,891	6.975500	\$508.45	\$70,805	7.205800	\$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
						\$109.50		\$105.73
<b>TOTAL AD-VALOREM PROPERTY TAXES</b>			<b>\$1,134.58</b>			<b>\$1,138.17</b>		<b>\$1,099.00</b>

PROPERTY APPRAISER VALUE INFORMATION								
	COUNTY		PUBLIC SCHOOLS		MUNICIPAL		OTHER DISTRICTS	
	2010	2011	2010	2011	2010	2011	2010	2011
<b>MARKET VALUE</b>	\$72,891	\$70,805	\$72,891	\$70,805	\$0	\$0	\$72,891	\$70,805
<b>LESS APPLIED ASSESSMENT REDUCTIONS</b>								
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
<b>ASSESSED VALUE</b>	<b>\$72,891</b>	<b>\$70,805</b>	<b>\$72,891</b>	<b>\$70,805</b>	<b>\$0</b>	<b>\$0</b>	<b>\$72,891</b>	<b>\$70,805</b>
<b>LESS EXEMPTIONS</b>								
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
<b>TAXABLE VALUE</b>	<b>\$72,891</b>	<b>\$70,805</b>	<b>\$72,891</b>	<b>\$70,805</b>	<b>\$0</b>	<b>\$0</b>	<b>\$72,891</b>	<b>\$70,805</b>

**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 IF 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**

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

Case No  
CE120401045

## NOTICE OF VIOLATION

At (Location):	PR: 171S302000000120	Zipcode	Date	Time
8484 KIPLING ST A, PENSACOLA, FL		32514	04/16/2012	N/A
Name:	CHARLES STAUFFER	EDWARD ANTHONY STANISLAWCZYK		
Address:	325 E INTENDENCIA ST PENSACOLA, FL 32502	1677 VILLAGE PKWY GULF BREEZE, FL 32563		
DOB: //	Race:	Height:	Weight:	D.L. SSN:

**Comply within 10 days of receipt of this notice**

**Warning**

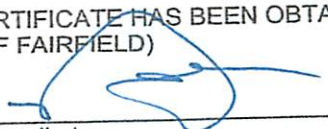
Failure to correct this violation and notify this Officer of Compliance will result in fines or a hearing. If the Hearing is scheduled you may be assessed \$1,100 or more for costs of said hearing, plus possible fines; the County may abate the violations and place a Lien on the property.

### 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 DESIST 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  
Bld 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 INFO**

Method of Payment	Reference Document	Amount Paid	Comment
<b>Check</b>	425	\$350.00	App ID : PBA120400010
		<b>\$350.00</b>	<b>Total Check</b>

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

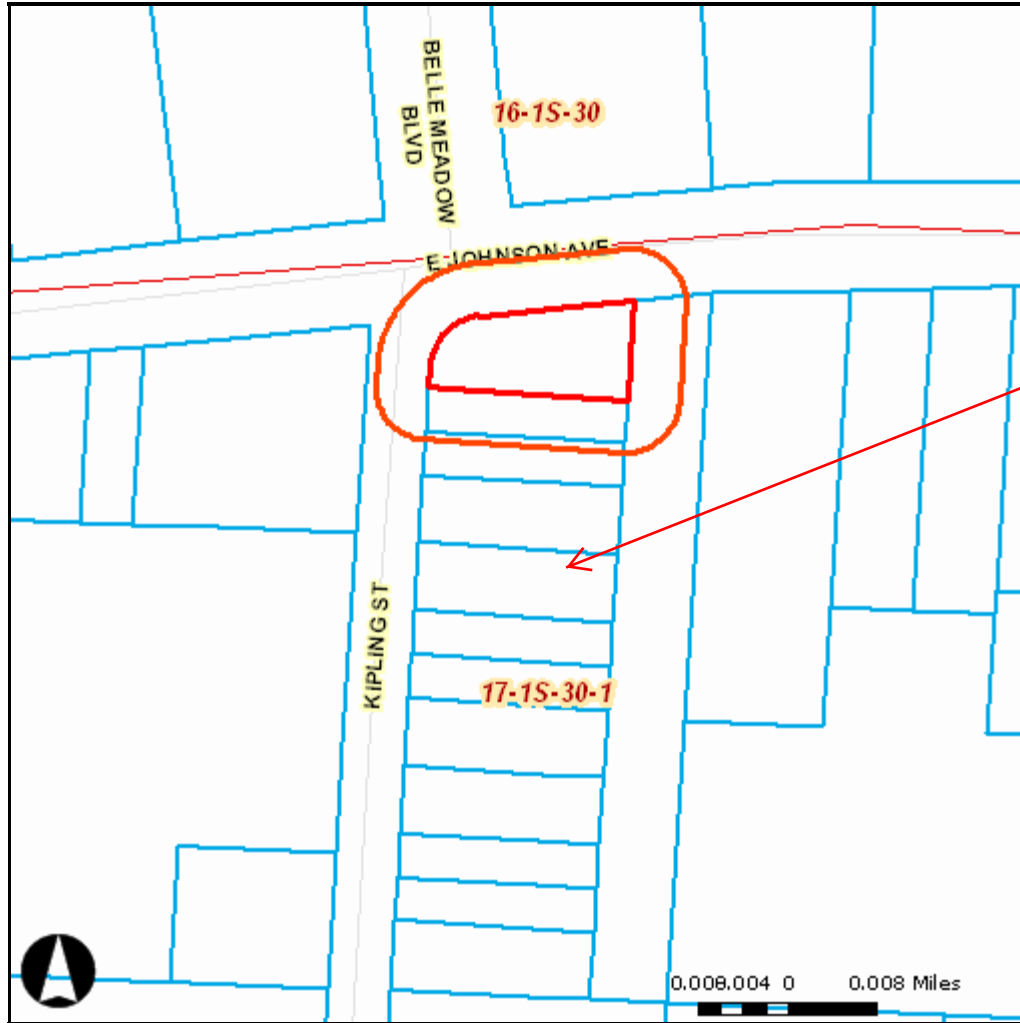
**Total Amount :**

**350.00**

\$0.00

Balance Due on this/these  
Application(s) as of 4/20/2012

# ECPA Map



Also included in Mailing List as adjacent property owner: Malcolm B Weekley Trustee 17-1S-30-2000-000-080

Map Grid



Major Roads

- City Road
- 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.

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

**From:** Karen S. Spitsbergen  
**To:** ["charles.stauffer@ongroup.com"](mailto:charles.stauffer@ongroup.com)  
**Cc:** [Andrew D. Holmer](#)  
**Subject:** BOA Applicant Notification  
**Date:** Friday, May 04, 2012 10:58:00 AM

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Please use the following website address to access the may 16, 2012 Board Of Adjustment Meeting Packet:

<http://myescambia.com/CountyCommissioners/BOCC/publicagenda.html>

Applicants should be aware they are responsible for presenting their case to the Board.

Should you have any questions or concerns please contact our office.

Karen S Spitsbergen  
Development Services  
Phone: (850) 595-3549  
Fax: (850) 595-3481

Escambia County is striving to maintain a high level of Customer Service, and we would love to hear about your experience with us. Please complete our on-line customer service survey at the bottom of our web page.

<http://www.zoomerang.com/Survey/WEB22D249ZPMNT/>

**Board of Adjustment**

**6. C.**

**Meeting Date:** 06/20/2012  
**CASE:** V-2012-07  
**APPLICANT:** Donald P. Jehle, Agent for McKibbon Brothers, Inc.  
**ADDRESS:** 487 Creighton Road  
**PROPERTY REFERENCE NO.:** 30-1S-30-6103-000-000,  
30-1S-30-6102-000-000  
**ZONING DISTRICT:** C-2, General Commercial and  
Light Manufacturing District  
**FUTURE LAND USE:** C, Commercial

**Information**

**SUBMISSION DATA:**  
**REQUESTED VARIANCE:**

The applicant is requesting a 300 square foot sign variance to increase the allowable freestanding and wall signage area from 600 square feet to 900 square feet.

**RELEVANT AUTHORITY:**

**Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 8.07.03 A&B.04.b, 8.07.05**

8.07.03. *Commercial and industrial zones.* The following permanent on premises signs shall be permitted in commercial and industrial zones including C-1, C-1PK (see section 8.08.03.B), C-2, ID-P, ID-1, ID-2, and R-6 commercial establishments only:

A. *New commercial buildings.* Total allowable square footage of signage per zone lot: 1.5 square feet of signage (wall and freestanding) per lineal foot of addressed street frontage. Minimum allowable sign area per zone lot is 100 square feet (\*see note on corner lot signage). A master sign plan must be submitted to the development review committee as part of the overall approval process.

B. *Existing commercial buildings.* Total allowable square footage of freestanding signs and wall signs are calculated separately. Freestanding signs: The maximum square footage of freestanding signs per zone lot is 1.0 square feet of signage per lineal foot of the addressed street frontage. Minimum allowable sign area per zone lot is 100 square feet.

4. Number of signs permitted:

b. One additional freestanding sign will be allowed for each full acre in parcel size above two acres. All signs on a single parcel must have a minimum spacing between signs of 200 feet measured continuously along the rights-of-way through common point or points from the closest parts of any two signs. The maximum total number of freestanding signs per zone lot is four.

8.07.05. *Wall signs.* The maximum square footage for a wall sign shall not exceed ten percent of the wall surface facing the addressed street. For those businesses with more than one store front, the maximum square footage for a wall sign shall not exceed 15 percent of the wall

surface facing the addressed street. Any one sign shall not exceed 200 square feet. The wall surface shall be measured by determining the total vertical wall surface and the horizontal wall surface and can include the roof surface when the roof slope is steeper than 45 degrees. Signs painted on the wall surface shall require a land use certificate but shall not require a building permit.

A. *New commercial businesses.* The square footage of wall signs are deducted from the total allowable square footage permitted for the zone lot (see section 8.08.03).

## **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 project is unique in that the assigned address is Creighton Road and not Burgess Road. The signage calculations are based on the assigned street address, Creighton Road. If the assigned street address was assigned on Burgess Road, no variance would be needed. Springhill Suites fronts Burgess Road not Creighton Road. The Creighton street access for Springhill Suites has an ingress and egress easement that leads across the subject property to Burgess Road where signage is allowable. The signage is needed along Creighton Road for the access point and street address off of Creighton Road.

#### **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 variance is necessary for the preservation and enjoyment of a substantial property right that would normally be associated with a commercial development.

#### **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 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 (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**

The variance is necessary given the limitations of the site being built on Burgess Road with the main access point being address and off Creighton Road. The allowable signage wouldn't need a variance if Springhill Suites was addressed off Burgess Road.

**STAFF 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."

Staff finds that the applicant does meet all of the required criteria for the granting of a variance.

**BOARD OF ADJUSTMENT FINDINGS:**

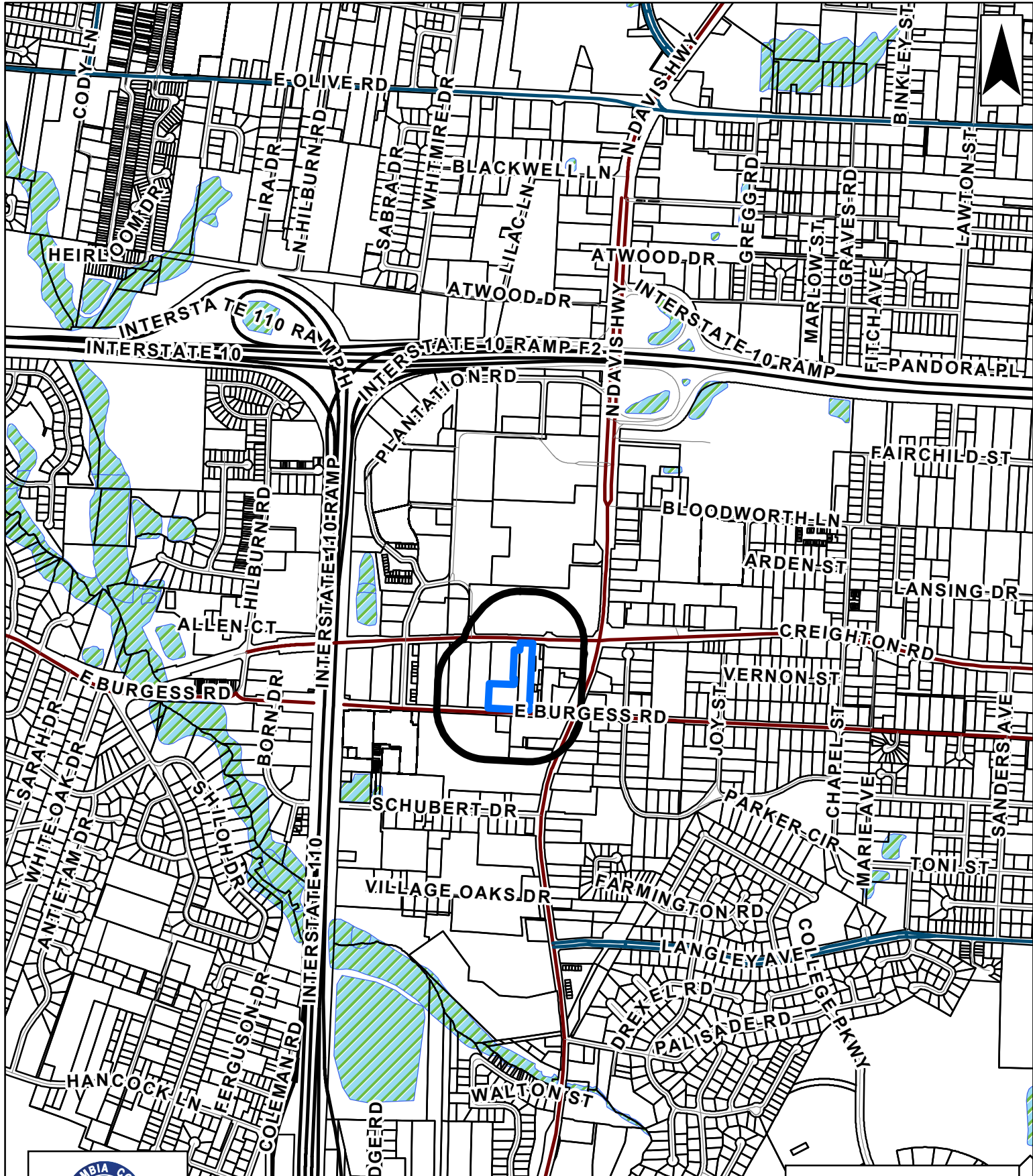
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**Attachments**

V-2012-07 Case File

V-2012-07

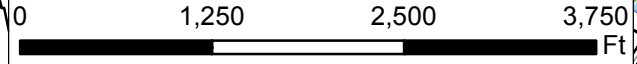




This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

John C Fisher  
Planning and Zoning Dept.

# V-2012-07 LOCATION/WETLANDS MAP



- Springhill\_suitst\_Buffer
- Springhill\_suitst
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS
- WETLANDS\_2006



N DAVIS HWY

C-1

PLANTATION RD

CREIGHTON RD

C-2

E BURGESS RD

INCORP

SCHUB








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.

John C Fisher  
Planning and Zoning Dept.

# V-2012-07 ZONING MAP



-  Springhill\_suitst\_Buffer
-  Springhill\_suitst
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



PLANTATION RD

CREIGHTON RD

E-BURGESS RD

N-DAVIS HWY

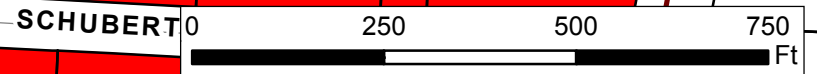
MU-U










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.

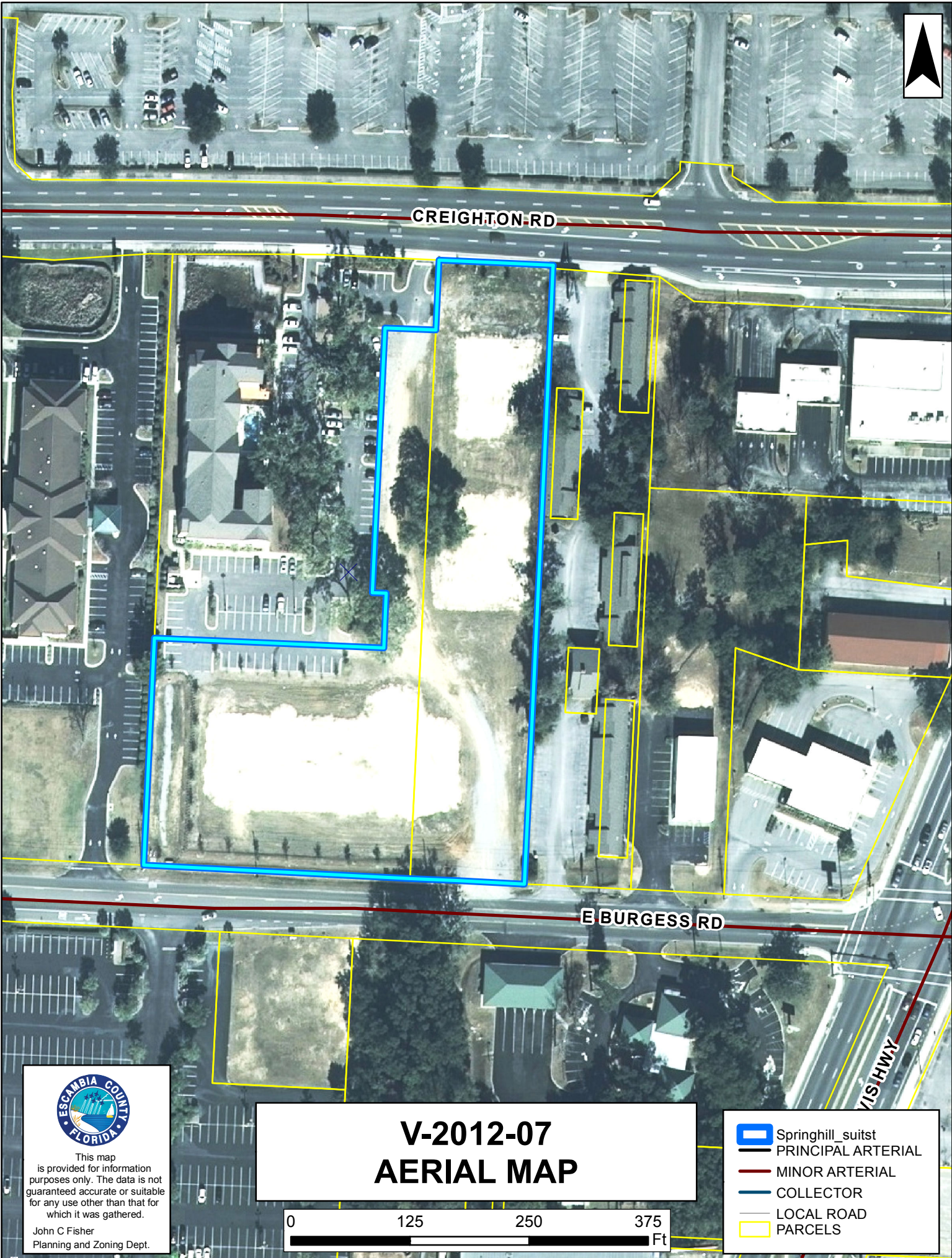
John C Fisher  
Planning and Zoning Dept.

# V-2012-07 FUTURE LAND USE MAP



-  Springhill\_suitst\_Buffer
-  Springhill\_suitst
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS

SCHUBERT



CREIGHTON-RD

E BURGESS RD

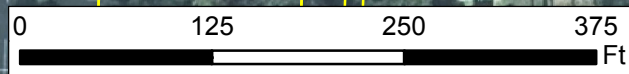
I-10 HWY









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.

John C Fisher  
Planning and Zoning Dept.

# V-2012-07 AERIAL MAP



-  Springhill\_suitst
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS

May 15, 2012  
110067  
*HAND DELIVER*

Mr. Drew Holmer  
Escambia County Developmental Services  
3363 West Park Place  
Pensacola, Florida 32505

RE: Sign Variance  
Springhill Suites

Dear Drew:

On behalf of McKibbon Brothers, Inc. we hereby submit the enclosed information in requesting a variance to the allowable signage area for the Springhill Suites site located at 487 Creighton Road. The request is for the approval of a 300 square foot variance to increase of the allowable free-standing and wall signage area from 600 square feet to 900 square feet.

As a matter of reference, the parcel for which the variance is being requested was once a part of a larger track that had 800 feet of roadway frontage which would have allowed 1200 square feet of signage area. In the overall development of the site, it has been re-addressed such that there is now only 400 feet of frontage, thus limiting the signage area to only 600 square feet.

The conditions and justifications for requesting this variance is supplied in the enclosed information.

Sincerely,



Donald P. Jehle, P.E.  
President

DPJ/dpj  
Enclosures

cc: Mr. Buck Lindsay  
Mr. Erik Rowen

F:\1projects\2011\110067\CORRESPONDENCE\Permitting\DHolmer(Variance).wpd

Variance Criteria  
487 Creighton Road  
May 16, 2012

*Criteria 1. The special circumstances or conditions applying to the building or land in questions are peculiar to such property and do not apply generally to other land and buildings in the vicinity.*

The parcel of land in question lies between Creighton Road on the north and Burgess Road on the south. It was as one time included within a parent track that included 400 feet of frontage on both Creighton Road and Burgess Road. The portion of the parent track no longer included in the parcel in question was developed as a TownePlace Suites hotel. It has been and still is the intent of McKibbon Brothers, Inc. (MBI) to develop of the parent track as a multi-use development consisting of another hotel (Springhill Suites) and a future restaurant or retail building that would compliment the hotels. As a part of this development philosophy there would be a sharing of common elements, such as access drives, parking, landscaping, and signage. An important element in achieving this continuity between the different uses, MBI felt it essential that all of the uses should have a consistent basis of street addressing. In that Creighton Road presents the better option for achieving this identity, it was decided that all of the uses be addressed off of Creighton Road. By addressing all of the uses off of Creighton Road, the allowable area for signage is limited to 600 square feet (1.5 times 400 feet). If the parent track were to be developed as separate projects fronting on Creighton Road and Burgess Road, the allowable signage area would be 1200 square feet. Therefore, the circumstances created by the single addressed street will result in MBI not being allowed as much signage area as they need for proper identification of their various uses.

The requested variance to the allowed signage area of 600 square feet is 300 square feet, for a total approved area of 900 square feet. This is still less than the amount of signage that would have been allowed had the parent track been developed with double street frontage. The following is a breakdown of how the signage would be allocated.

**TownePlace Suites**

Freestanding Signage -	155 square feet (Existing)
Wall Signage -	29 square feet (Existing)

Note: This project already has its signage in place. The freestanding sign was permitted with two displays, one of which is for TownePlace Suites and the other for Springhill Suites. See attached photograph.

**Springhill Suites**

Freestanding Signage -	25 square feet (On Burgess Road)
Wall Signage -	403 square feet

Note: The freestanding sign will be SHS Monument 30 as shown on the attached graphic. The wall signage will be as illustrated on the enclosed graphics.

**Future Restaurant/Retail**

Freestanding Signage -	80 square feet
Wall Signage -	208 square feet

**Total Square Footage Requested - 900 square feet**

*Criteria 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 the applicant.*

**The overall development scheme is intended to provide a homogeneous and almost self contained group of complimentary uses which are able to share common facilities such as access, parking, utilities, and landscaping. One benefit of this type approach is the traffic to and from the site will be less that what it would be if hotel users had to go off-site for dining or other activities that may be shared within the single development. The requested variance is needed in order for this advantage to be maintained while at the same time allowing the developer adequate signage for identification of the various uses.**

*Criteria 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 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 granting of the variance will have not adverse impacts on lighting, air quality, congestion, fire hazards, public safety, property values, or the health, safety, comfort, or general welfare of the inhabitants of Escambia County. In fact, since the overall development is somewhat self-contained, there will be fewer impacts than there would have been if it was developed as separate activities.**

*Criteria 4 - The variance will not, in any manner, alter other provisions fo the Code or the Comprehensive Plan, except this Code and the Plan may be amended in the manner prescribed by law.*

**The granting of the requested variance will not, in any manner, alter other provisions fo the Code or the Comprehensive Plan.**

*Criteria 5 - The variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA.*

**The requested variance will only allow 900 square feet of total signage for the entire development. This area is 300 square feet less than the amount of signage that would have been allowed if the uses had been developed with street addresses on both Creighton Road and Burgess Road.**

APPLICATION

**Please check application type:**

Administrative Appeal

Development Order Extension

Conditional Use Request for: \_\_\_\_\_

Variance Request for: Signage

Rezoning Request from: \_\_\_\_\_ to: \_\_\_\_\_

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

Owner(s) Name: McKibbon Brothers, Inc. Phone: 770-534-3381

Address: 402 Washington Street SE, Suite 200, Gainesville, GA 30501 Email: erik@mckibbon.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: 487 Creighton Road

Property Reference Number(s)/Legal Description: 30-1S-30-6103-000-000 and 30-1S-30-6102-000-000

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 \_\_\_\_\_ Printed Name Owner/Agent Donald P. Jehle Date \_\_\_\_\_

Signature of Owner \_\_\_\_\_ Printed Name of Owner Erik Rowen Date 5/8/12

STATE OF Georgia COUNTY OF Hall

The foregoing instrument was acknowledged before me this 8th day of May, 20 12, by: Erik Rowen

Personally known  OR Produced Identification . Type of Identification Produced: MOLLY MOORE

Signature of Notary \_\_\_\_\_ Printed Name of Notary Notary Public, Hall County, Georgia

(notary seal must be affixed) Expires October 29, 2012

**FOR OFFICE USE ONLY** CASE NUMBER: V-2012-07

Meeting Date(s): 6/20/12 Accepted/Verified by: \_\_\_\_\_ Date: \_\_\_\_\_

Fees Paid: \$ 350.00 Receipt #: 555244 Permit #: PBA 120500011



**AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY**

As owner of the property located at 487 Creighton Road,  
Florida, property reference number(s) 30-1S-30-6102/6103-000-000

I hereby designate Donald P. Jehle 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 \_\_\_\_\_ 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: Donald P. Jehle Email: djehle@jehle-halstead.com  
Address: 5414 Highway 90, Milton, FL 32571 Phone: 850-994-9503 x101

[Signature]  
Signature of Property Owner

McKibbon Brothers, Inc.  
Printed Name of Property Owner

5/8/12  
Date

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Date

STATE OF Georgie COUNTY OF Hall

The foregoing instrument was acknowledged before me this 8th day of May 20 12  
by Erin Bowler.

Personally Known  OR Produced Identification . Type of Identification Produced: \_\_\_\_\_

[Signature]  
Signature of Notary

MOLLY MOORE  
Notary Public, Hall County, Georgia  
Printed Name of Notary  
My Commission Expires October 29, 2012

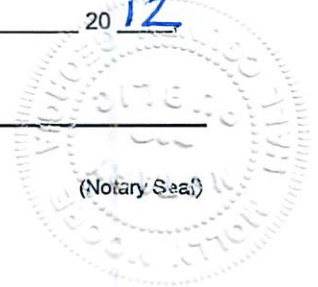




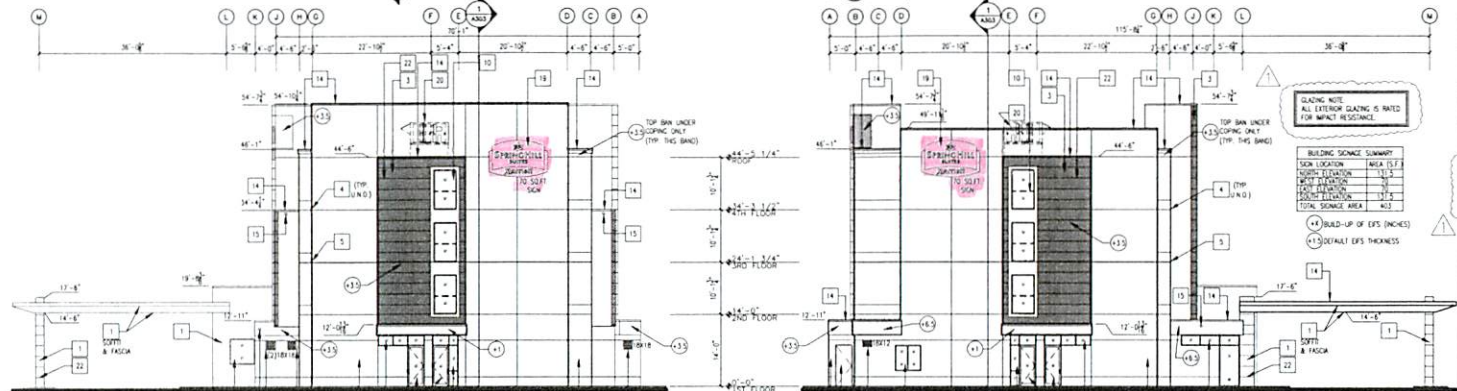
EXHIBIT "A" LEGAL DESCRIPTION TO WARRANTY DEED  
GRANTOR: CLYDE HENRY PEARSON & PAULINE J. PEARSON  
GRANTEE: MCKIBBON BROTHERS, INC.

DESCRIPTION

BEGIN AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF BURGESS ROAD, AND THE WEST LINE OF THE EAST 120.00 FEET OF THE WEST 352.10 FEET OF THE NORTH 647.00 FEET OF LOT 6, SECTION 30, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE GO N 01°19'48" E ALONG SAID WEST LINE 642.93 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF CREIGHTON ROAD (R/W VARIES); SAID LINE BEING A CURVE WHICH HAS A RADIUS OF 10966.22 FEET AND IS CONCAVE TO THE SOUTH, THENCE GO EASTERLY ALONG SAID CURVE 353.50 FEET TO A POINT OF TANGENCY, THE AFORESAID CURVE HAS A CENTRAL ANGLE OF 01°50'49", A CHORD BEARING OF S 89°35'53" E AND A CHORD DISTANCE OF 353.48 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, GO S 87°02'42" E 46.58 FEET TO A POINT ON THE EAST LINE OF THE WEST 632.10 FEET OF SAID LOT 6; THENCE GO S 01°19'48" W ALONG SAID LINE 648.42 FEET TO THE AFORESAID NORTH RIGHT OF WAY LINE OF BURGESS ROAD; THENCE GO N 88°30'53" W ALONG SAID RIGHT OF WAY 400.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS APPROXIMATELY 5.945 ACRES.

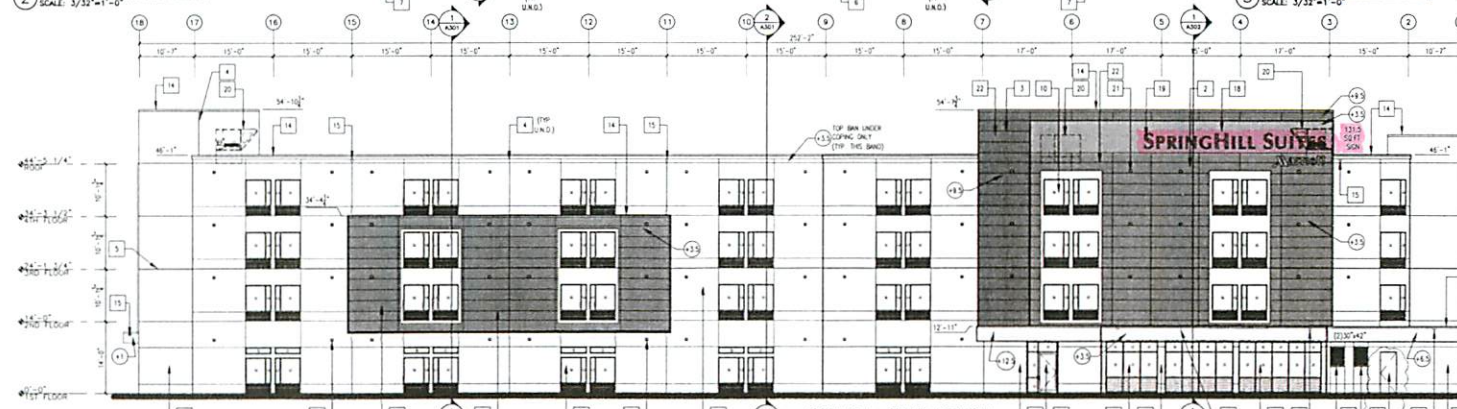


1 NORTH ELEVATION  
SCALE: 3/32"=1'-0"



2 WEST ELEVATION  
SCALE: 3/32"=1'-0"

3 EAST ELEVATION  
SCALE: 3/32"=1'-0"



4 SOUTH ELEVATION  
SCALE: 3/32"=1'-0"

**EXTERIOR FINISH MATERIALS LEGEND**

EPS	COLOR 1 - DEFAULT EUM FOAM INSULATION WITH W/ SANDFILLER FINE (15)FIBRE	
EPS	COLOR 2 (14 1000 FRAGS) WITH SANDFILLER FINE (15)FIBRE WITH AN ADD'D 2" HIGD INSULATION (1-1/2" x 2" x 3-1/2")	
EPS	COLOR 3 (14 1000 FRAG) WITH SANDFILLER FINE (15)FIBRE WITH AN ADD'D 4" OF HIGD INSULATION (1-1/2" x 2" x 3-1/2")	
EPS	COLOR 4 (15)FIBRE METAL COLORED TO MATCH CLEAR ANODIZED ALUM. WITH WOOD-FINISH WITH AN ADD'D 2" HIGD INSULATION (1-1/2" x 2" x 3-1/2")	

**NOTES**  
WHEN A COLOR PLANE IS IN FRONT OF A  
DIFFERENT COLOR PLANE, THE FRONT COLOR  
REURNS ON SIES BACK TO THE END OF THE  
PLUSTICATION OR DIFFERENT COLOR PLANE BEYOND  
2. EPS COLOR 3 (AT EAST AND WEST ENDS OF  
BUILDING) ONLY 2" OF ADDITIONAL HIGD  
INSULATION.

**KEYED ELEVATION NOTES**

1	EXTERIOR INSULATION FINISH SYSTEM (COLOR 1)
2	EXTERIOR INSULATION FINISH SYSTEM (COLOR 2)
3	EXTERIOR INSULATION FINISH SYSTEM (COLOR 3)
4	EPS METAL JOINT - SEE DETAIL AND HIGD
5	EPS COATING JOINT - SEE DETAIL AND HIGD (DESIGNED TO MATCH GLAZING DETAIL)
6	FRAMING WITH CORNER AND TRIM FINISHES TO MATCH ADJACENT MATERIAL
7	PREFINISHED METAL FRAMES ALUMINUM (EXTERIOR FINISH CLEAR ANODIZED)
8	PREFINISHED METAL FRAMES ALUMINUM (EXTERIOR FINISH CLEAR ANODIZED)
9	PREFINISHED METAL FRAMES ALUMINUM (EXTERIOR FINISH CLEAR ANODIZED)
10	PREFINISHED METAL FRAMES ALUMINUM (EXTERIOR FINISH CLEAR ANODIZED)
11	PAINTED METAL TUBULAR COLUMN, BEAM, AND TRIM
12	2" THICK SANDFILLER FINISHES
13	PREFINISHED ALUMINUM COLORED TO MATCH ADJACENT MATERIAL
14	PREFINISHED ALUMINUM COLORED TO MATCH ADJACENT MATERIAL
15	PREFINISHED ALUMINUM COLORED TO MATCH ADJACENT MATERIAL
16	PREFINISHED ALUMINUM COLORED TO MATCH ADJACENT MATERIAL
17	PREFINISHED ALUMINUM COLORED TO MATCH ADJACENT MATERIAL
18	EXTERIOR INSULATION FINISH SYSTEM (COLOR 1)
19	FRAMING WITH CORNER AND TRIM FINISHES TO MATCH ADJACENT MATERIAL
20	PREFINISHED METAL FRAMES ALUMINUM (EXTERIOR FINISH CLEAR ANODIZED)
21	PREFINISHED METAL FRAMES ALUMINUM (EXTERIOR FINISH CLEAR ANODIZED)
22	PREFINISHED METAL FRAMES ALUMINUM (EXTERIOR FINISH CLEAR ANODIZED)

**L P B C**

**INSURANCE**

**RESUME**

**OFFICE**

**344 WEST PINE STREET  
LAWRENCEVILLE, GA 30046  
770 832 9492 FAX  
www.lpb.com**

**OWNER:**  
**ackibbon**

**MHG  
PENACOLA  
SP, LP**

**422 WASHINGTON  
STREET, SE  
SUITE 200  
GAINESVILLE, GEORGIA  
30601**

**SPRINGHILL SUITES  
MARIOTT**

**487 CREIGHTON ROAD  
ECONOMY COUNTY  
PENACOLA, FLORIDA 32504**

**EDITION**  
01/19/12  
12-12-12 PERMIT COMMENTS  
12-15-12 BIDDING CLEANUP

**PROJECT NO. 211094**  
**DRAWN BY**  
**CHECKED BY**  
**APPROVED BY**  
**PILOT DATE**  
**©2012 ALL RIGHTS  
RESERVED LINDSAY ROSE  
BRAYFIELD CLIFFORD &  
ASSOCIATES, INC**

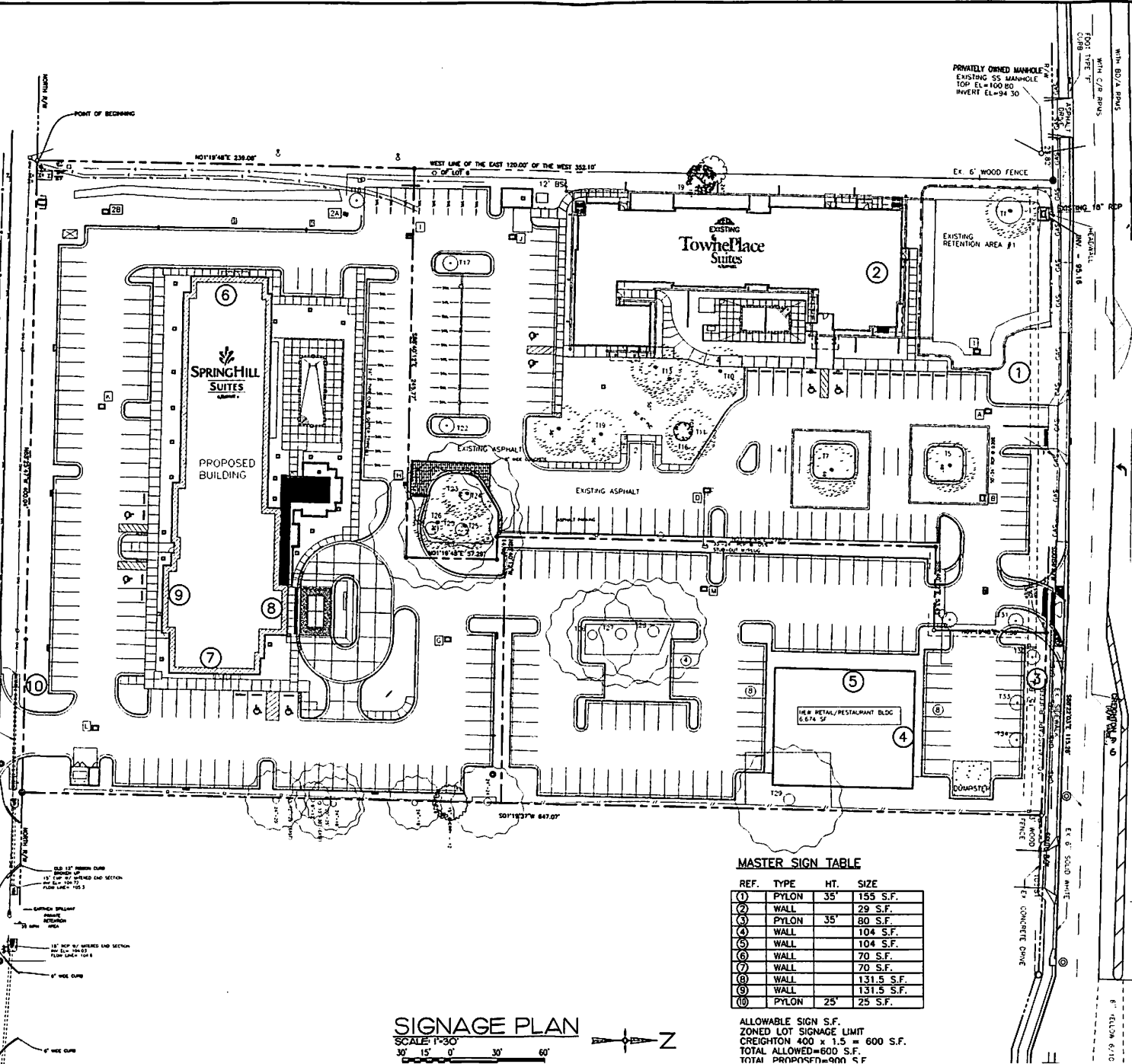
**BUILDING  
ELEVATIONS**

A201

CREIGHTON ROAD (R/W VARIES)  
STATE ROAD #742

6" COR. YELLOW WITH  
80% RED STRIPE  
24" x 24" x 0 WHITE

STA. 01



MASTER SIGN TABLE

REF.	TYPE	HT.	SIZE
①	PYLON	35'	155 S.F.
②	WALL		29 S.F.
③	PYLON	35'	80 S.F.
④	WALL		104 S.F.
⑤	WALL		104 S.F.
⑥	WALL		70 S.F.
⑦	WALL		70 S.F.
⑧	WALL		131.5 S.F.
⑨	WALL		131.5 S.F.
⑩	PYLON	25'	25 S.F.

ALLOWABLE SIGN S.F.  
ZONED LOT SIGNAGE LIMIT  
CREIGHTON 400 x 1.5 = 600 S.F.  
TOTAL ALLOWED=600 S.F.  
TOTAL PROPOSED=900 S.F.

SIGNAGE PLAN

SCALE: 1"=30'  
30' 15' 0' 30' 60'



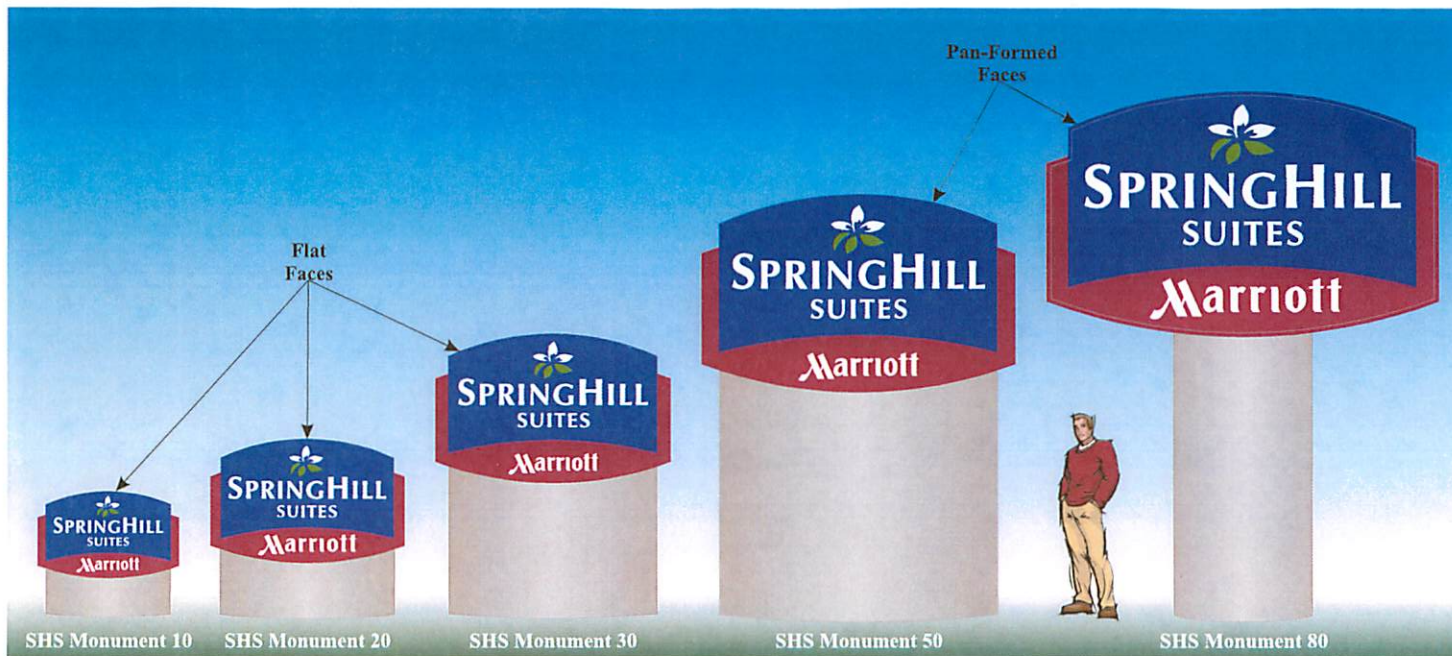
SEE SHEET  
NO. 11-128-2  
NO. 11-128-3  
NO. 11-128-4  
NO. 11-128-5  
NO. 11-128-6  
NO. 11-128-7  
NO. 11-128-8  
NO. 11-128-9  
NO. 11-128-10  
NO. 11-128-11  
NO. 11-128-12  
NO. 11-128-13  
NO. 11-128-14  
NO. 11-128-15  
NO. 11-128-16  
NO. 11-128-17  
NO. 11-128-18  
NO. 11-128-19  
NO. 11-128-20  
NO. 11-128-21  
NO. 11-128-22  
NO. 11-128-23  
NO. 11-128-24  
NO. 11-128-25  
NO. 11-128-26  
NO. 11-128-27  
NO. 11-128-28  
NO. 11-128-29  
NO. 11-128-30  
NO. 11-128-31  
NO. 11-128-32  
NO. 11-128-33  
NO. 11-128-34  
NO. 11-128-35  
NO. 11-128-36  
NO. 11-128-37  
NO. 11-128-38  
NO. 11-128-39  
NO. 11-128-40

SEE SHEET  
NO. 11-128-2  
NO. 11-128-3  
NO. 11-128-4  
NO. 11-128-5  
NO. 11-128-6  
NO. 11-128-7  
NO. 11-128-8  
NO. 11-128-9  
NO. 11-128-10  
NO. 11-128-11  
NO. 11-128-12  
NO. 11-128-13  
NO. 11-128-14  
NO. 11-128-15  
NO. 11-128-16  
NO. 11-128-17  
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NO. 11-128-31  
NO. 11-128-32  
NO. 11-128-33  
NO. 11-128-34  
NO. 11-128-35  
NO. 11-128-36  
NO. 11-128-37  
NO. 11-128-38  
NO. 11-128-39  
NO. 11-128-40



TownePlace  
SUITES

Marriott



Front View

## Monument Signs

**Specifications:**

Aluminum and steel construction with rigid faces. Face material is dependent upon the size and type of face being used. Pole covers to be construction of aluminum. All monument signs must have a pole cover. Illumination by H/O fluorescent lamps.

**Color:**

**Frame-**

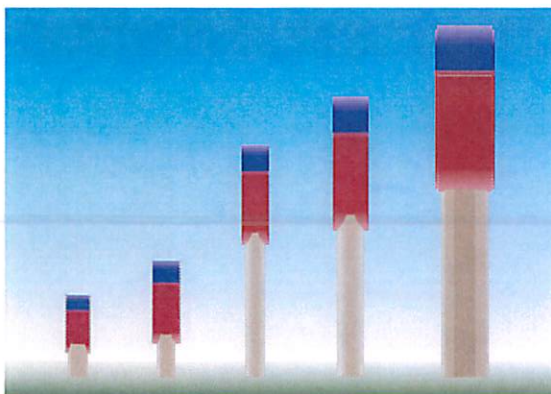
- Matthews MP00341 violet
- Matthews MP08937 red

**Face-**

- 3M 3630-8926 violet vinyl applied to 1st surface
- 3M 3630-2382 red vinyl applied to 1st surface
- 3M 3635-106 green vinyl applied to 1st surface (2 layers)
- 7328 white tuf-glas

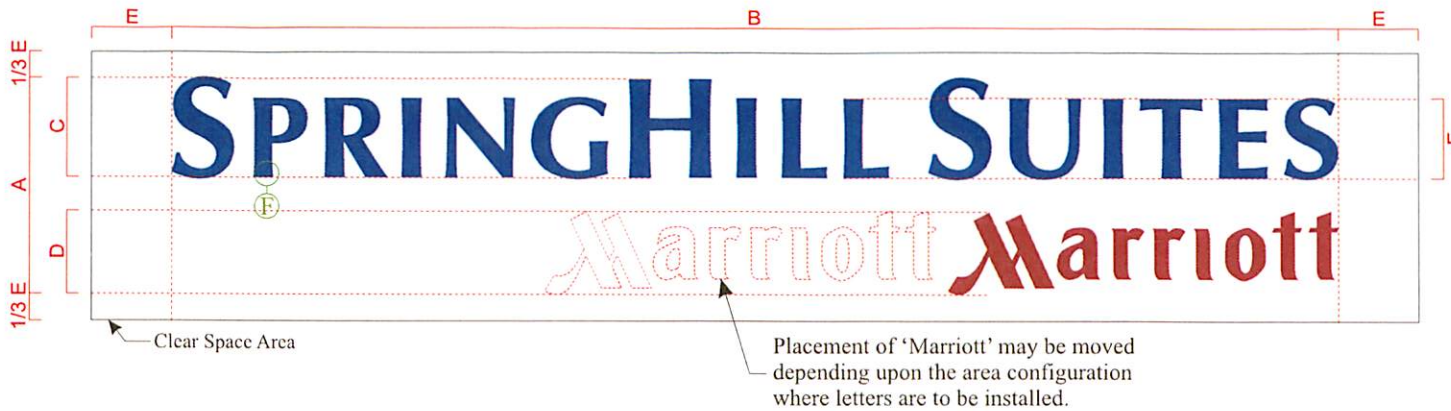
**Pole Cover-**

- Matthews MP20140 gray, gloss finish
- \* Poles and pole covers being painted in-field should be painted to match PMS 402C



End View

	Size	Overall Height	Face Type
SHS Monument 10	2'-5 3/4" X 4'-1"	3'-6"	Flat
SHS Monument 20	3'-6 1/2" X 5'-7 1/2"	5'-0"	Flat
SHS Monument 30	4'-3" X 6'-8 5/8"	6'-0" to 12'-0"	Flat
SHS Monument 50	5'-8" X 9'-0"	8'-0" to 12'-0"	Pan Formed
SHS Monument 80	7'-1" X 11'-2 3/4"	15'-0"	Pan Formed



**Project:** SpringHill Suites Sign Guidelines  
**Page:** 6  
**Scale:** Not to scale  
**Notes:** Shown here are the standard 2-line channel letters for light colored building applications.

## Channel Letters

**SpringHill Suites Specifications:**  
 .050" aluminum construction with .063" aluminum letter backs. 2" J-clips used to keep letters 2" from wall surface. 1" trim cap painted to Matthews MP00341 violet.

**Faces:** 3/16" 2447 white acrylic with 3635-8926 violet perforated vinyl applied 1st surface.

**Illumination:** White LED's as required.

**Marriott Specifications:**  
 .050" aluminum construction with .063" aluminum letter backs. 2" J-clips used to keep letters 2" from wall surface. 1" trim cap painted to Matthews MP08937 satin red.

**Faces:** 3/16" 2447 white acrylic with 3630-2382 red vinyl applied to 1st surface..

**Illumination:** Red LED's as required.

### Color:

#### Letter Exteriors:

- Matthews MP00341 violet (SpringHill Suites)
- Matthews MP08937 satin red (Marriott)

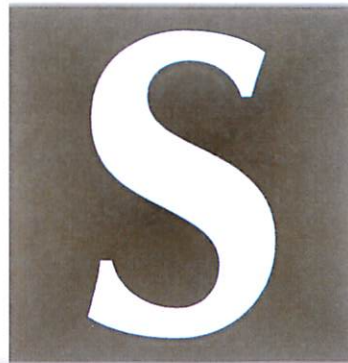
#### Faces:

- 3M 3635-8926 violet perforated vinyl (1st surface) (SpringHill Suites)
- 3M 3630-2382 red vinyl (1st surface) (Marriott)
- 2447 white acrylic

	A	B	C	D	E
<b>SHS Channel 24</b>	4'-4 1/2"	23'-5 3/8"	24"	20"	19 3/8"
<b>SHS Channel 30</b>	5'-5 5/8"	29'-3 11/16"	30"	25"	24 3/16"
<b>SHS Channel 36</b>	6'-6 3/4"	35'-2"	36"	30"	29"
<b>SHS Channel 48</b>	8'-9"	46'-10 11/16"	48"	40"	38 11/16"



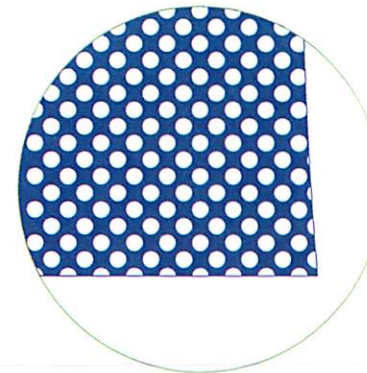
Day Appearance



Night Appearance



Side Profile



Detail F

Substrate is 2447 white acrylic with 3M 3635-8926 violet dual-color vinyl applied to 1st surface.

### Light colored buildings:

Channel Letters to use 2447 white acrylic with 3635-8926 violet perforated vinyl applied 1st surface. Channel letters to appear violet and red during the day and light white and red at night.





**Project:** SpringHill Suites Sign Guidelines  
**Page:** 12  
**Scale:** Not to scale  
**Notes:** Shown here are the standard single-faced, wall-mounted signs. Single face signs to have flexible faces.

## Single-faced, Wall-mounted Signs

**Specifications:**  
 Aluminum and steel construction with bleed faces. Face to be flexible with 1st surface vinyl decoration. Illuminated by H/O fluorescent lamps. Cabinets to stand 2" off of wall surface.

	Size	Face Type
SHS WM 50	5'-8" X 9'-0"	Flexible
SHS WM 80	7'-0" X 11'-1 3/8"	Flexible
SHS WM 100	8'-0 3/8" x 12'-9"	Flexible
SHS WM 120	8'-8" X 12'-9 5/16"	Flexible



Front View



End View

**Color:**

**Frame-**

- Matthews MP00341 violet
- Matthews MP08937 red

**Face-**

- 3M 3630-8926 violet vinyl applied to 1st surface
- 3M 3630-2382 red vinyl applied to 1st surface
- 3M 3635-106 green vinyl applied to 1st surface (2 layers)
- Flexible face material



Daytime View | Letters appear violet and red during the daylight

Project: SpringHill Suites Sign Guidelines  
Page: 4  
Scale: Not to scale  
Notes: Shown here are the standard channel letters for light colored buildings in daylight and at night.

---

## Channel Letters

---



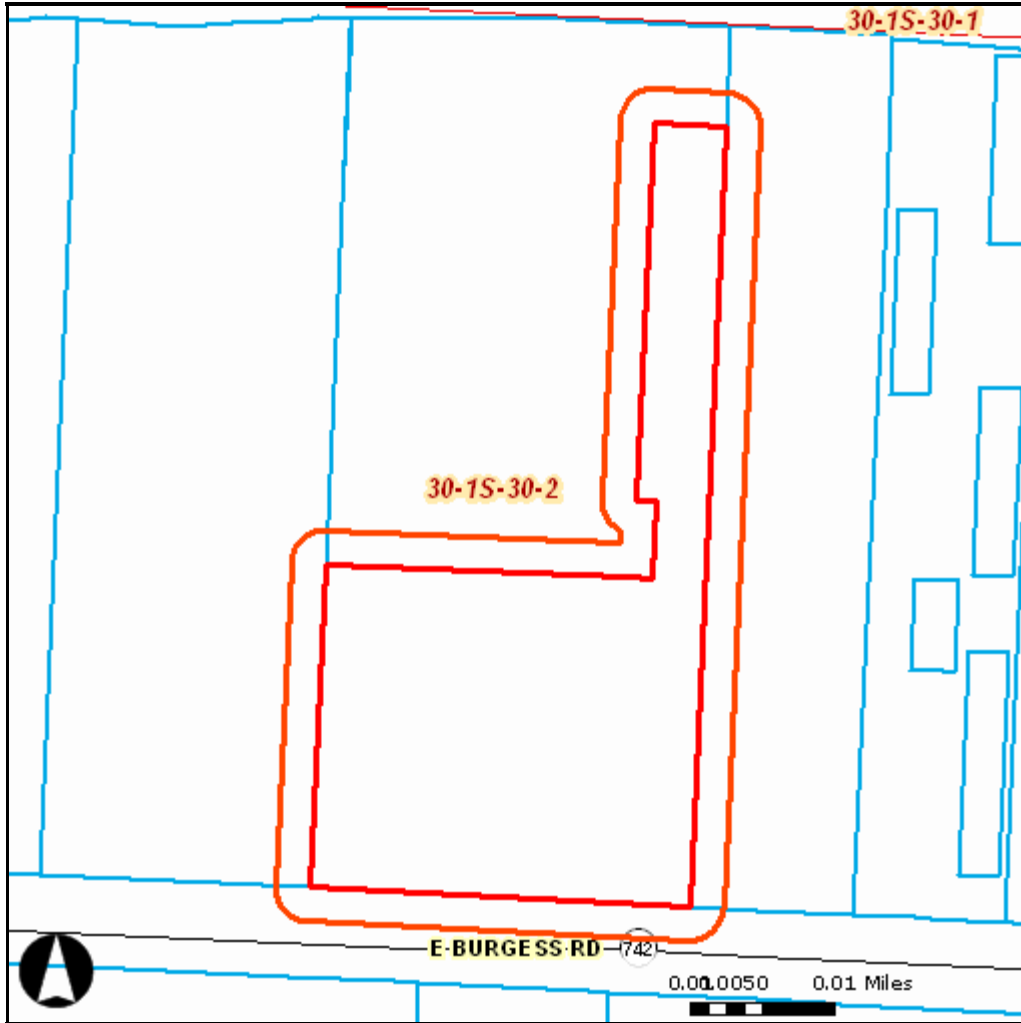
Nighttime View | Letters illuminate white and red at night

MCKIBBON BROTHERS INC  
C/O MHG OF PENSACOLA FLORIDA LLC  
402 WASHINGTON ST SE STE 200  
GAINESVILLE GA 30501

APPLE TEN  
HOSPITALITY OWNERSHIP INC  
814 E MAIN ST  
RICHMOND VA 23219

# ECPA Map

Mailing Map for  
30-1S-30-6103-000-000



Map Grid



Major Roads

- City Road
- County Road
- Interstate
- State Road
- US Highway

All Roads



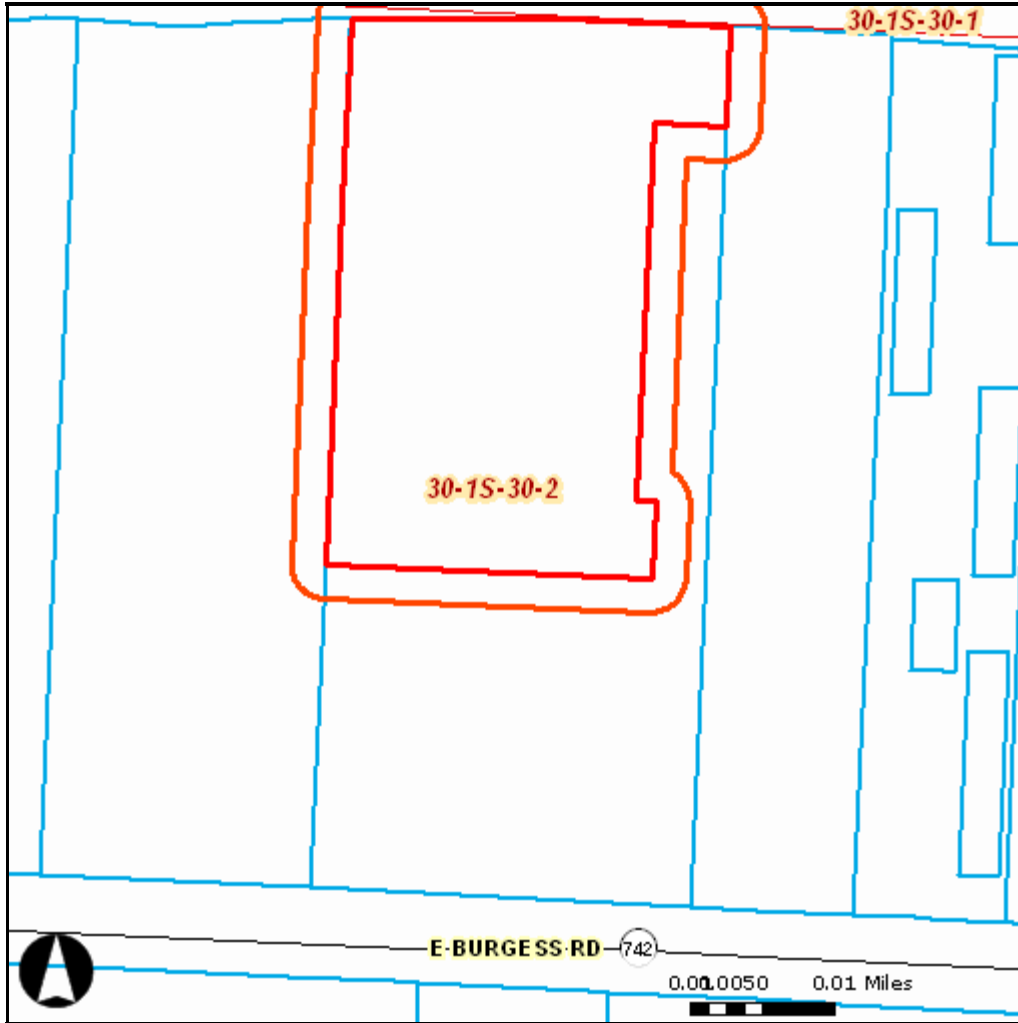
Property Line



**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.

# ECPA Map

Mailing Map for  
30-1S-30-6102-000-000



Map Grid



Major Roads

- City Road
- 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. : **555244**

Date Issued. : 05/16/2012

Cashier ID : GELAWREN

Application No. : PBA120500011

Project Name : V-2012-07

**PAYMENT INFO**

Method of Payment	Reference Document	Amount Paid	Comment
<b>Check</b>			
	15894	\$350.00	App ID : PBA120500011
		<b>\$350.00</b>	<b>Total Check</b>

Received From : JEHLE-HALSTEAD INC

Total Receipt Amount : **\$350.00**

Change Due : \$0.00

**APPLICATION INFO**

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA120500011	648305	350.00	\$0.00	487 CREIGHTON RD, PENSACOLA, FL, 32504
<b>Total Amount :</b>		<b>350.00</b>	<b>\$0.00</b>	Balance Due on this/these Application(s) as of 5/16/2012



## DEVELOPMENT SERVICES ADMINISTRATIVE APPEAL WORKSHEET

Board of Adjustment

6. D.

Meeting Date: 06/20/2012

---

### Information

#### I. SUBMISSION DATA:

**APPLICANT:** Jesse W. Rigby, Esq., Agent for ADX Communications of Escambia, LLC & Relax Hospitality, LLC

**DATE OF ADMINISTRATIVE DECISION:** May 25, 2012

**DATE OF APPEAL APPLICATION:** May 29, 2012

**PROJECT ADDRESS:** 7253 Plantation Rd.

**PROPERTY REFERENCE NO.:** 30-1S-304101-010-002

**ZONING DISTRICT:** C-2

**FUTURE LAND USE:** Commercial

#### III. REQUESTED APPEAL::

Appeal of the issuance of building permits BD120502393 and BD120502394

#### III. RELEVANT APPEAL AUTHORITY:

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),  
Section: 2.04.00 & 2.04.01**

Sections 2.04.00, Appeal of Administrative Decisions and 2.04.01, Procedures for the Appeal of Administrative Decisions of the Escambia County Land Development Code (Ordinance No. 96-3 as amended), provide the relevant authority for the BOA's review of administrative decisions.

A. The BOA is authorized to hear and to rule upon any appeal made by those persons aggrieved by administration of this Code. An administrative decision, or staff interpretation, shall not be reversed, altered, or modified by the BOA unless it finds that:

1. A written application for the appeal was submitted within 15 days of the administrative decision or action indicating the section of this Code under which said appeal applies together with a statement of the grounds on which the appeal is based; and

2. That the person filing said appeal has established that the decision or action of the

administrative official was arbitrary and capricious; or

3. An aggrieved party who files an appeal of a decision of the DRC approving or approving with conditions a development plan application, must show, by competent substantial evidence that:

(i) The decision of the DRC is not in compliance with the Comprehensive Plan or the Land Development Code;

(ii) Their property will suffer an adverse impact as a result of the development approval decision;

(iii) The adverse impact must be to a specific interest protected or furthered by the Comprehensive Plan or the Land Development Code; and

(iv) It must be greater in degree than any adverse impact shared by the community at large.

4. In the event the owner, developer, or applicant is aggrieved or adversely affected by a denial of a development plan application or the imposition of conditions, the owner, developer or applicant filing the appeal must show, by competent substantial evidence, that the denial of the development plan or the imposition of conditions is neither required nor supported by the Comprehensive Plan or the Land Development Code or the application of technical design standards and specifications adopted by reference in the Code, or Concurrency Management Procedures and is, therefore, arbitrary and capricious.

#### **IV. BACKGROUND INFORMATION**

On December 20, 2011 Mr. Christian Jensen requested zoning verification for the subject site with a proposed use of crematory/funeral home. Development Services staff verified the site as having C-2 zoning and that the requested use would be allowed based on initial review. As the prior use on site was a restaurant, the proposed change of use would need to comply with the County site plan review process.

Based on further staff review of the proposed use, it was determined that the crematory would not be allowed in C-2 zoning. Mr. Jensen was contacted by staff in February 2012 and subsequently applied for a Planning Board Interpretation of the Land Development Code (LDC) regulation.

At the February 13, 2012 Planning Board meeting, the Board determined that crematoriums located within a funeral home are not a permitted use in C-2 zoning (Planning Board Interpretation # 2012-01).

Based on discussion with staff regarding appeal options, the property owner (CNL Funding) applied for a change of use from restaurant to funeral home with crematory. On March 7, 2012 the application was denied by staff based on Planning Board Interpretation # 2012-01. On March 12, 2012 the applicant filed for an Administrative Appeal of the Change of Use permit denial.

At the April 18, 2012 Board of Adjustment (BOA) meeting, the Board voted 4-2 to reverse the staff denial of the Change of Use permit. Based on the decision of the BOA, the owner applied for building permits on May 18, 2012. The permits applied for were: BD120502393 (Building alteration), BD120502394 (Building addition). The permits were issued by the county on May, 25, 2012.



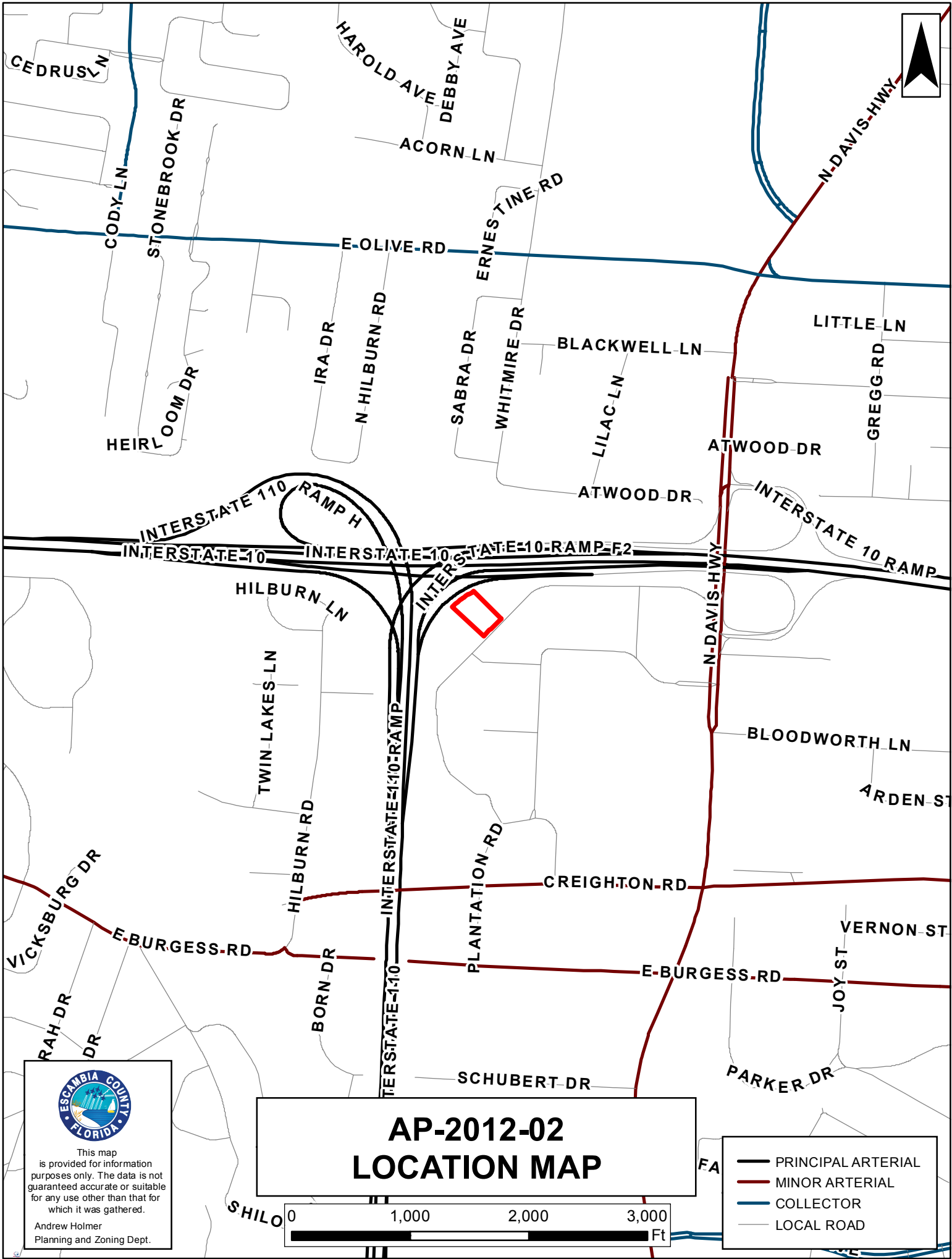
May 29, 2012 an appeal of those 2 permits was filed by Jesse W. Rigby, Esq., Agent for ADX Communications of Escambia, LLC & Relax Hospitality, LLC. A hold was placed on the permits May 31, 2012 per LDC 2.02.04.

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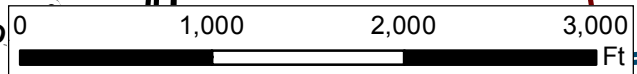
### **Attachments**





[AP-2012-02 Case File](#)

AP-2012-02



# AP-2012-02 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.



R-6

R-5

R-5

INTERSTATE 10

C-2

PLANTATION RD

C-2

R-4

UNIVERSITY PLAZA DR

INTERSTATE 110

PLANTATION RD

C-2



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Andrew Holmer  
Planning and Zoning Dept.

# AP-2012-02 500' RADIUS ZONING



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

MU-U

MU-U



INTERSTATE 10

INTERSTATE 110

PLANTATION RD

UNIVERSITY PLAZA DR

PLANTATION RD

G

G

G

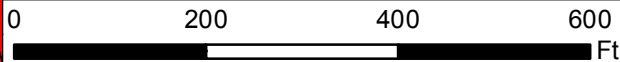
G



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Andrew Holmer  
Planning and Zoning Dept.

# AP-2012-02 FUTURE LAND USE



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

INTERSTATE 10

INTERSTATE 10 RAMP E

INTERSTATE 10 RAMP B2

INTERSTATE 10 RAMP B1

PLANTATION RD

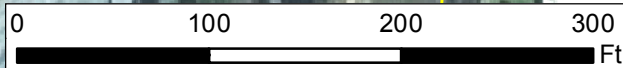
UNIVERSITY PLAZA DR








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Andrew Holmer  
Planning and Zoning Dept.

# AP-2012-02 AERIAL MAP



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

CLARK PARTINGTON HART  
LARRY BOND & STACKHOUSE

ATTORNEYS AT LAW

Pensacola • Destin • Tallahassee

Jesse W. Rigby  
Direct (850) 434-3282  
jrigby@cphlaw.com

May 29, 2012

Board of Adjustment  
c/o Horace Jones, Division Manager  
Escambia County  
Development Services Department  
3363 West Park Place  
Pensacola, FL 32505

**Re: *Administrative Appeal of Decision of County Building Official to Issue Building Permits BD120502393 and BD120502394***

Dear BOA Members:

This letter contains information to support the appeal of the referenced administrative decisions. The appeal is submitted jointly by my clients Relax Hospitality, LLC ("Relax") and ADX Communications of Escambia, LLC ("ADX").

The building permits were issued for construction at 7253 Plantation Road. ADX (7251 Plantation Road) and Relax (7230 Plantation Road) own the properties adjacent to the property at 7253 Plantation Road.

The permit information was downloaded from the County web site on May 28, 2012. Permit BD120502093 describes the project as: "Building: Comm mortuary & crematory interior alt for Family Funeral Home Cremation." Permit BD120502094 describes the project as: "Addition: Comm crematory addition for Family Funeral Home Cremation." We believe both permits were issued on May 25, 2012, although the information available on the county web site to the public shows only the permit date (May 18, 2012 for both permits), and then states "Issued." As late as May 23, we were informed that the permits were still under review. Copies of the information available to the public from the county web site is attached as Exhibits 1 (Permit BD120502093) and 2 (Permit BD120502094).

The information that follows is provided as required by section 2.04.01, LDC. Additional information may be available from county files prior to submission of the administrative appeal to the BOA at the quasi-judicial hearing. My clients reserve the right to supplement their presentation based on additional information that becomes available prior to the hearing.

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

1. This appeal is submitted within 15 days of the issuance of the permits and is therefore timely.
2. The letter contains the grounds on which the appeal is based.
3. The administrative action of the Building Official who issued the permits is not in compliance with the Land Development Code ("LDC").
4. My clients are aggrieved parties, in that their properties are adjacent to the property on which the building addition for a crematory and the interior modifications required to support the cremation equipment has been permitted.
5. Section 1.09.00 of the LDC provides that: "Provisions of this Code apply to all applications for development approval, building or construction permits, subdivision plans and plats, planned unit developments, site plans, and any other permits or approvals from Escambia County, the application for which has been made after the effective date of this Code." The building permits at issue in this appeal must comply with all provisions of the LDC. The permits do NOT comply with the LDC.
6. My clients' properties are in the C-2 zoning district. Section 6.01.00, LDC, provides that zoning districts were established by the county commission "to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified industrial, business, residential and other uses . . ." In adopting the current LDC, the County Commission adopted an ordinance that neither permits a crematory nor allows it as a conditional use in the C-2 district. In purchasing and improving their properties, my clients relied reasonably on the provisions of the C-2 zoning district. Although permitted and conditional uses within a zoning district are always subject to revision, such revision must occur at a duly noticed ordinance adoption hearing, which gives affected property owners the opportunity to be heard by the County Commission during the legislative process. Property owners have a due process right to attempt to persuade the County Commission to not adopt changes to C-2 that would allow property to be used for a crematory.
7. Section 6.04.01, LDC, provides that:

No principal or accessory building, structure **or use** shall be erected, reconstructed or structurally altered, extended or enlarged unless such building, structure or use complies with all applicable regulations established by this Code including parking, landscaping and all other performance standards for the district in which the building, structure or land is situated. **Unless otherwise authorized as provided herein, land uses not listed or included as permitted uses in a given zoning classification shall be considered prohibited uses in such zoning classification.** (Bold face font added.)



The building permits issued by the building official violate this prohibition as a crematory is neither a permitted nor a conditional use in the C-2 district.

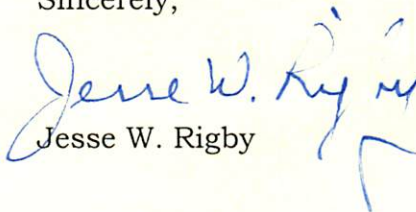
8. Section 2.02.04, LDC, provides that: "No permit or development order may be issued by the county administrator, or his/her designee, for any development if such development would violate the terms and conditions of this Code." The permits issued by the building official violate the terms and conditions of the LDC by authorizing construction to support a use that is neither permitted nor allowed as a conditional use in the C-2 district.
9. Section 2.02.04, LDC provides that: "If an application for a conditional use, variance **or administrative appeal**, as defined and regulated by this Code, has been submitted, no permit or development order, with or without conditions, will be issued until the matter has been resolved pursuant to the provisions of this article." (Bold face font added.)
10. As the next door neighbors of the proposed crematory, the adverse impact imposed on my clients is greater in degree than any adverse impact shared by the community at large.
11. On February 13, 2012, the County Planning Board issued Interpretation 2012-01 pursuant to the authority granted to the Planning Board by section 2.07.01, LDC. The Planning Board is the only agency in Escambia County authorized to "review and interpret any provisions of this Code for the purposes of clarification or determination of meaning and intent if questions should arise regarding the meaning, intent or interpretations of any provision or section." Interpretation 2012-01 "determined that a Crematoriums (sic) located within a funeral home establishment in a C-2 zoning district is not a permitted use." The interpretation is attached as Exhibit 3.
12. On April 18, 2012, the Board of Adjustment issued a decision in Case # AP-2012-01 that had the effect of overturning the Planning Board's interpretation 2012-01. The action by the Board of Adjustment exceeded its authority and effectively allowed the Board to re-write the terms of the C-2 district by permitting a crematory in the C-2 zoning district.
13. Only the Planning Board is authorized to interpret the meaning and intent of the LDC, and only the County Commission is authorized to change the plain and unambiguous terms of the C-2 district, and then only after a duly noticed public hearing at which the public is allowed to be heard before an ordinance can be lawfully adopted to change the terms of the LDC. The building official acted arbitrarily and capriciously by following the unlawful action of the Board of Adjustment rather than the lawful action of the Planning Board.

**Remedies Requested**

1. The County Administrator is requested to direct the building official to issue immediately an order that suspends that portion of the two building permits that allows any construction activity that will support an addition to the building to house cremation equipment, or to make interior modifications that will support the use of cremation equipment. This request is based specifically on section 2.02.04, which provides that: "If an application for a conditional use, variance **or administrative appeal**, as defined and regulated by this Code, has been submitted, no permit or development order, with or without conditions, will be issued until the matter has been resolved pursuant to the provisions of this article." (Bold face font added.)

2. The Board of Adjustment is asked to take action of this appeal consistent with the requirements of the LDC, and in the process to determine that the building official's decision to issue the permits was arbitrary and capricious in that authorizing construction work to support a crematory in the C-2 district is unlawful under the terms of the C-2 district as interpreted by the Planning Board.

Sincerely,

  
Jesse W. Rigby

JWR\cw

Enclosures

cc: Escambia County Attorney  
Kerry Anne Schultz, Esquire  
Relax Hospitality, LLC  
ADX Communications of Escambia, LLC

A1084933.DOC

APPLICATION

Please check application type:
[ ] Conditional Use Request for:
[X] 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: Relax Hospitality, LLC Phone: 434-3282 (Agent)

Address: 1353 Quiet Cove Ct., Gulf Breeze 32563 Email: jrigby@cphlaw.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: 7230 Plantation Rd., Pensacola, FL 32504

Property Reference Number(s)/Legal Description: 301S304101014002

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: Jesse W. Rigby)

Jesse W. Rigby, Esquire (Agent)
Printed Name Owner/Agent

5/29/2012
Date

Signature of Owner (Handwritten signature)

Relax Hospitality, LLC
Printed Name of Owner
Ajit Patel, Manager

5/29/12
Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 29th day of May 2012 by Ajit Patel, Manager

Personally Known [ ] OR Produced Identification [X]. Type of Identification Produced: P340 001 651250

Signature of Notary (Handwritten: Constance M. Weiss)
(notary seal must be affixed)

Constance M. Weiss
Printed Name of Notary



CONSTANCE M. WEISS
COMMISSION # DD 811149
EXPIRES: Aug. 03, 2012

FOR OFFICE USE ONLY
Meeting Date(s): 6-20-12 Accepted/Verified by: A.D. HOLMER Date: 5/29/12
Fees Paid: \$ 560.00 Receipt #: Permit #: PBA 120500014

APPLICATION

Please check application type:
[X] 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: ADX Communications of Escambia, LLC Phone: 434-3282 (Agent)
Address: 7251 Plantation Rd., Pensacola, FL 32504 Email: jrigby@cphlaw.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: 7251 Plantation Rd., Pensacola, FL 32504
Property Reference Number(s)/Legal Description: 301S304101006002

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
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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: Jesse W. Rigby, Esquire (Agent) Date: 5/29/12
Signature of Owner: David E. Hoxeng, Manager Date: 5/29/12
Printed Name Owner/Agent: ADX Communications of Escambia, LLC
Printed Name of Owner: David E. Hoxeng, Manager

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 29th day of May 2012, by David E. Hoxeng, Manager.

Personally Known [ ] OR Produced Identification [X]. Type of Identification Produced: FLDL # H252165500090

Signature of Notary: Constance M. Weiss (notary seal must be affixed)
Printed Name of Notary: Constance M. Weiss
Notary Public Seal: CONSTANCE M. WEISS COMMISSION # DD 811149 EXPIRES: Aug. 03, 2012

FOR OFFICE USE ONLY
CASE NUMBER: AP-2012-02
Meeting Date(s): 6-20-12 Accepted/Verified by: A.D. HOLMER Date: 5/29/12
Fees Paid: \$560.00 Receipt #: Permit #: PBA120500014

**AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY**

As owner of the property located at 7230 Plantation Rd., Pensacola, FL 32504,

Florida, property reference number(s) 301S304101014002

I hereby designate Jesse W. Rigby 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) administrative appeal 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: Jesse W. Rigby Email: jrigby@cphlaw.com

Address: Clark Partington Hart Larry Bond & Stackhouse  
125 W. Romana St., Ste 800, Pensacola, FL 32502 Phone: 434-3282

[Signature]  
Signature of Property Owner

Relax Hospitality, LLC  
Printed Name of Property Owner  
Ajit Patel, Manager

5/29/12  
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 29<sup>th</sup> day of May 20 12,  
by Ajit Patel, Manager.

Personally Known  OR Produced Identification . Type of Identification Produced: P340001651250

[Signature]  
Signature of Notary

Constance M. Weiss  
Printed Name of Notary



**AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY**

As owner of the property located at 7251 Plantation Rd., Pensacola, FL 32504,  
Florida, property reference number(s) 301S304101006002

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Agent Name: Jesse W. Rigby, Esquire (Agent) Email: jrigby@cphlaw.com

Address: Clark Partington Hart Larry Bond & Stackhouse Phone: 434-3282  
125 W. Romana St., Suite 800, Pensacola, FL 32502

[Signature]  
Signature of Property Owner

ADX Communications of Escambia, LLC  
Printed Name of Property Owner  
David E. Hoxeng, Manager

5/29/12  
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 29<sup>th</sup> day of May 20 12,  
by David E. Hoxeng, Manager.

Personally Known  OR Produced Identification . Type of Identification Produced: #252165 50 009 0

[Signature]  
Signature of Notary

Constance M. Weiss  
Printed Name of Notary



(Notary Seal)  
**CONSTANCE M. WEISS**  
COMMISSION # DD 811149  
EXPIRES: Aug. 03, 2012

An error has occurred.  
Can not find EDMS data source. Please contact system administrator.

**Building BD120502393:**  
**Building/Commercial/Alteration/Na**

**Building Details**

**Applicant:**

CROOK  
VISION CONSTRUCTION ENT., INC.  
PO BOX 9604  
PENSACOLA, FL, 32513

**Work Location:**

7253 PLANTATION RD  
PENSACOLA FL 32504

**Licensed Professional:**

GARRY GERARD CROOK  
VISION CONSTRUCTION ENT INC  
2860 W NAVY BLVD STE 100  
PENSACOLA, FL, 32505  
Home Phone: (850) 469-1970  
Mobile Phone: (850) 469-1970  
Fax: 850-435-4819  
FL Cert General FL- CGC057117

**Project Description:**

Building  
COMM MORTURARY & CREMATORY INTERIOR ALT  
FOR\*FAMILY FUNERAL HOME CREMATION\* N DAVIS  
HY BEHIND UNIVERSITY MALL OFF PLANTATION RD

**Owner:**

C.E.J. SOUTH, INC.  
PO BOX 15306 PANAMA CITY FL 32406

▶ **More Details**

▶ **Fees**

▶ **Inspections**

▶ **Workflow Process**

**Attachments**

**Related Buildings**



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[Search for Permits](#)

## Search for Permits

Enter information below to search the County's Permit application database. Permits can be searched for by entering any of the following information:

- ↳ Permit Number
- ↳ Permit Type
- ↳ Site Address
- ↳ Contractor License Information
- ↳ Parcel Number
- ↳ Building Information

Use the dropdown menu to change the Search type.

Remove or enter a specific start date to search for more than one year

<b>General Search</b>	General Search <input type="button" value="v"/>
-----------------------	---

**Permit Number:**

**Permit Type:**

Search by specific permit type.

**Project Name:**

**Start Date:**

**End Date:**

(mm/dd/yyyy)                      (mm/dd/yyyy)

**License Type:**

**Contractor ID Number**

**First:**    **Last:**    **Business Name:**

**Street No:**    **Direction:**     **Street Name:**    **Street Type:**

(e.g. N)                                      (e.g. Main)

**Parcel No:**

**City:**    **State:**     **Zip:**

Search

1 Permit results matching your search results



Click any of the results below to view more details.

Showing 1-1 of 1

<u>Date</u>	<u>Permit Number</u>	<u>Permit Type</u>	<u>Description</u>	<u>Project Name</u>	<u>Status</u>
05/18/2012	<a href="#">BD120502393</a>	Building/Commercial/Alterat	ion/Na	Building	Issued



An error has occurred.  
Can not find EDMS data source. Please contact system administrator.

Building BD120502394:  
Building/Commercial/Addition/Na

Building Details

Applicant:

CROOK  
VISION CONSTRUCTION ENT., INC.  
PO BOX 9604  
PENSACOLA, FL, 32513

Work Location:

7253 PLANTATION RD  
PENSACOLA FL 32504

Licensed Professional:

GARRY GERARD CROOK  
VISION CONSTRUCTION ENT INC  
2860 W NAVY BLVD STE 100  
PENSACOLA, FL, 32505  
Home Phone: (850) 469-1970  
Mobile Phone: (850) 469-1970  
Fax: 850-435-4819  
FL Cert General FL- CGC057117

Project Description:

Addition  
COMM CREMATORY ADDITON FOR \*FAMILY  
FUNERAL HOME CREMATION\* N DAVIS HY BEHIND  
UNIVERSITY MALL OFF PLANTATION RD .

Owner:

C.E.J. SOUTH, INC.  
PO BOX 15306 PANAMA CITY FL 32406

More Details

Fees

Inspections

Workflow Process

Attachments

Related Buildings



## Search for Permits

Enter information below to search the County's Permit application database. Permits can be searched for by entering any of the following information:

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<b>General Search</b>	General Search <input type="button" value="v"/>
-----------------------	---

**Permit Number:**

**Permit Type:**

Search by specific permit type.

**Project Name:**

**Start Date:**

**End Date:**

(mm/dd/yyyy)                      (mm/dd/yyyy)

**License Type:**

**Contractor ID Number**

**First:**     **Last:**     **Business Name:**

**Street No:**     **Direction:**      **Street Name:**     **Street Type:**

(e.g. N)                                      (e.g. Main)

**Parcel No:**

**City:**     **State:**      **Zip:**

Search

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Showing 1-1 of 1

<u>Date</u>	<u>Permit Number</u>	<u>Permit Type</u>	<u>Description</u>	<u>Project Name</u>	<u>Status</u>
05/18/2012	<a href="#">BD120502394</a>	Building/Commercial/Additi	on/Na	Addition	Issued





BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

INTEROFFICE MEMORANDUM

TO: Planners  
FROM: Allyson Cain, Urban Planner II  
DATE: February 21, 2012  
RE: Interpretation 2012-01

At the February 13, 2012 Planning Board meeting, the Planning Board rendered the following interpretation regarding Crematoriums located within a funeral home establishment within the C-2 zoning district

The Planning Board determined that a Crematoriums located within a funeral home establishment in a C-2 zoning district is not a permitted use.





**Development Services Department**

**Building Inspections Division**

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

**RECEIPT**

Receipt No. : **556008**

Date Issued. : 05/29/2012

Cashier ID : KLHARPER

Application No. : PBA120500014

Project Name : AP-2012-02

**PAYMENT INFO**

Method of Payment	Reference Document	Amount Paid	Comment
<b>Check</b>	1337	\$560.00	App ID : PBA120500014
		<b>\$560.00</b>	<b>Total Check</b>

Received From : RELAX HOSPITALITY, LLC

Total Receipt Amount : **\$560.00**

Change Due : \$0.00

**APPLICATION INFO**

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA120500014	649040	560.00	\$0.00	7253 PLANTATION RD, PENSACOLA, FL, 32504

**Total Amount :**

**560.00**

\$0.00

Balance Due on this/these  
Application(s) as of 5/29/2012