

AGENDA
ESCAMBIA COUNTY BOARD OF ADJUSTMENT
November 14, 2012–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Swearing in of Staff and acceptance of staff as expert witness.
3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.
4. Proof of Publication and waive the reading of the legal advertisement.
5. Approval of October 10, 2012 Resume Minutes.
6. **Consideration of the following cases:**
 - A. **Case No.:** V-2012-16
Address: 5300 West Jackson Street
Request: Front and Side Setback variance reduction
Requested by: Kishorbhai Patel
 - B. **Case No.:** V-2012-17
Address:4860 Cerny Road
Request:6' fence around property
Requested by:Richard & Susan Hunter
 - C. **Case No.:** V-2012-18
Address: 17401 Perdido Key Drive
Request: Increase in allowable signage
Requested by: MGFB Properties, Inc.
8. Discussion Items.
9. Old/New Business.
10. Announcements.

The Planning Board Workshop will be on November 19, 2012 beginning at 8:30 a.m., at the Escambia County Central Office Complex, Room104, 3363 West Park Place.

The next Board of Adjustment Meeting is scheduled for Wednesday, December 19, 2012 at 8:30 a.m., at the Escambia County Central Office Complex, Room104, 3363 West Park Place.

11. Adjournment.

Attachments

October 10, 2012 Minutes

RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT
HELD October 10, 2012

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(9:00 A.M. – 12:10 P.M.)

Present: Don Carlos
Auby Smith
Bobby Price, Jr.
Bill Stromquist

Absent: David Karasek
LuTimothy May
Jennifer Rigby

Staff Present: Andrew Holmer, Senior. Planner, Planning & Zoning
Brenda Wilson, Urban Planner, Planning & Zoning
Horace Jones, Division Mgr., Planning & Zoning
John Fisher, Urban Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Kristin Hual, Assistant County Attorney

REGULAR BOA AGENDA

1. Meeting was called to order at 9:00 A.M.
2. Clerk swore in staff.
3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.

Motion by Vice Chairman Auby Smith, Seconded by Bobby Price, Jr. Motion was made to accept BOA meeting package

Vote: 4 - 0 Approved - Unanimously

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

Motion by Bobby Price, Jr., Seconded by Bill Stromquist

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

Vote: 4 - 0 Approved - Unanimously

5. Approval of September 12, 2012 Resume Minutes.

Motion by Bill Stromquist, Seconded by Vice Chairman Auby Smith Motion was made to approve the September 12, 2012 meeting minutes.

Vote: 4 - 0 Approved - Unanimously

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

A. **Case No.:** V-2012-12

Address: 14254 & 14250 Perdido Key Dr.

Request: Variance to parking requirements

Requested by: David J. Pinder, Agent for Junior Food Stores of West Florida, Inc. and Sandra O' Gara

Variance withdrawn by staff, not necessary.
Board did not vote on this variance.

B. **Case No.:** V-2012-13

Address: 7420 W Nine Mile Rd

Request: Reduction in the 10' (ten foot) landscape and fence buffer on the East and West sides of the property to a 5' (five foot) landscape and fence buffer.

Requested by: Paul J. Roberts, Owner

No BOA member acknowledged any ex parte communication regarding this item

No BOA member acknowledged visiting the site.

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

Motion by Vice Chairman Auby Smith, Seconded by Bill Stromquist

Motion was made to reduce 10' (ten foot) landscape and fence buffer to 5' (five foot) along east and west sides of property with the 5' (five foot) reduced as needed on the southwest corner of the building where necessary.

Vote: 4 - 0 Approved - Unanimously

C. **Case No.:** V-2012-14

Address: 8891 Burning Tree Rd.

Request: Replace a temporary sign with permanent sign larger than three square feet.

Requested by: Dr. James R. Barnett, Agent for UWF Business Enterprises, Inc.

No BOA member acknowledged any ex parte communication regarding this item

No BOA member acknowledged visiting the site.

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

Motion by Bill Stromquist, Seconded by Vice Chairman Auby Smith

Motion was made to approve the replacement of the temporary sign with a larger permanent sign to retain the current 4' setback from right-of-way.

Vote: 4 - 0 Approved - Unanimously

D. **Case No.:** V-2012-15

Address: 1593 Bulevar Menor

Request: Seeking variances to pier requirements specific to Santa Rosa Island

Requested by: Keith Johnson, Agent for Tim Jones

No BOA member acknowledged any ex parte communication regarding this item

No BOA member acknowledged visiting the site.

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

Motion by Bill Stromquist, Seconded by Vice Chairman Auby Smith

Motion was made to approve variance to pier requirements as requested.

Vote: 4 - 0 Approved - Unanimously

E. **Case No.:** CU-2012-12

Address: 2105 E Olive Rd

Request: Seeking conditional use approval for a bar in C-1 zoning.

Requested by: Larry Richardson, Agent for Willaim Waller, Owner

No BOA member acknowledged any ex parte communication regarding this item

No BOA member acknowledged visiting the site.

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

Motion by Vice Chairman Auby Smith, Seconded by Bill Stromquist

Motion to approve conditional use as written.

Vote: 4 - 0 Approved - Unanimously

F. **Case No.:** CU-2012-13
Address: 5625 Segura Ave
Request: Applicant requests a Conditional Use for the sale of boats in C-1.
Requested by: Emile T. Petro, Agent for Stuart Kaplan and Gail Taylor

No BOA member acknowledged any ex parte communication regarding this item

No BOA member acknowledged visiting the site.

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

Motion by Bobby Price, Jr., Seconded by Bill Stromquist

Motion to grant conditional use as written.

Vote: 4 - 0 Approved - Unanimously

G. **Case No.:** CU-2012-14
Address: 60 W. Nine Mile Rd
Request: On premise alcohol consumption within 1000' of child care facility.
Requested by: Gil Osterloh, Agent for Ensley Shopping Center, LTD

No BOA member acknowledged any ex parte communication regarding this item

No BOA member acknowledged visiting the site.

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

Motion by Bobby Price, Jr., Seconded by Vice Chairman Auby Smith

Motion was made to approve conditional use as written.

Vote: 4 - 0 Approved - Unanimously

H. **Case No.:** CU- 2011-11 (Remanded)
Location: 9100 Eight Mile Creek Rd.
Request: Recreational Facility in R-1 zoning
Requested by: T. A. Borowski, Jr. Agent for East Hill Christian School, Owners

No BOA member acknowledged any ex parte communication regarding this item

No BOA member acknowledged visiting the site.

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

Motion by Vice Chairman Auby Smith, Seconded by Chairman Don Carlos

Auby Smith made motion to approve the conditional use request as written; Chairman Don Carlos passed the gavel to Vice Chairman Auby Smith and then seconded the motion.

Bill Stromquist expressed concerns with the overall development and Bobby Price stated the judge's order was to accept conditional use request.

Vote: 4 - 0 Approved - Unanimously

7. Discussion Items.

8. Old/New Business.

9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, November 14, 2012 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment was at 12:10 P.M.

Board of Adjustment

6. A.

Meeting Date: 11/14/2012
CASE: V-2012-16
APPLICANT: Buddy Page, Agent for Kishorbhai Patel
ADDRESS: 5300 West Jackson St.
PROPERTY REFERENCE NO.: 35-2S-30-6000-034-001
ZONING DISTRICT: R-6, Neighborhood Commercial and Residential District, (cumulative) high density
FUTURE LAND USE: MU-U, Mixed Use-Urban

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicant is seeking variances to reduce the front setback from 20' to 2' and west side setback from 10' to 2'.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 6.05.13.E

3. Front yard. There shall be a front yard having a depth of not less than 20 feet.

5. Side yard. The yard required on each side of buildings not exceeding three stories in height shall be ten percent of the lot width measured at the front building line or 10 feet, whichever is less;

CRITERIA

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

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 sale of gasoline at this existing convenience store was approved by the BOA on September 12, 2012 as Conditional Use case CU-2012-10. Since that time, the applicant has discovered that the site will have limitations for maneuvering around the proposed gasoline pumps. Redesigning the site to meet current gas pump arrangements does present peculiar practical difficulties.

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 variances would be necessary for the applicant to build an all-weather gas pump operation given the limitations of the site.

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 should 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

While the requested variances would be necessary for the applicant to build an all-weather gas pump operation, they are not the minimum necessary to make use of the site or to install the gas pumps without the canopy.

STAFF RECOMMENDATION:

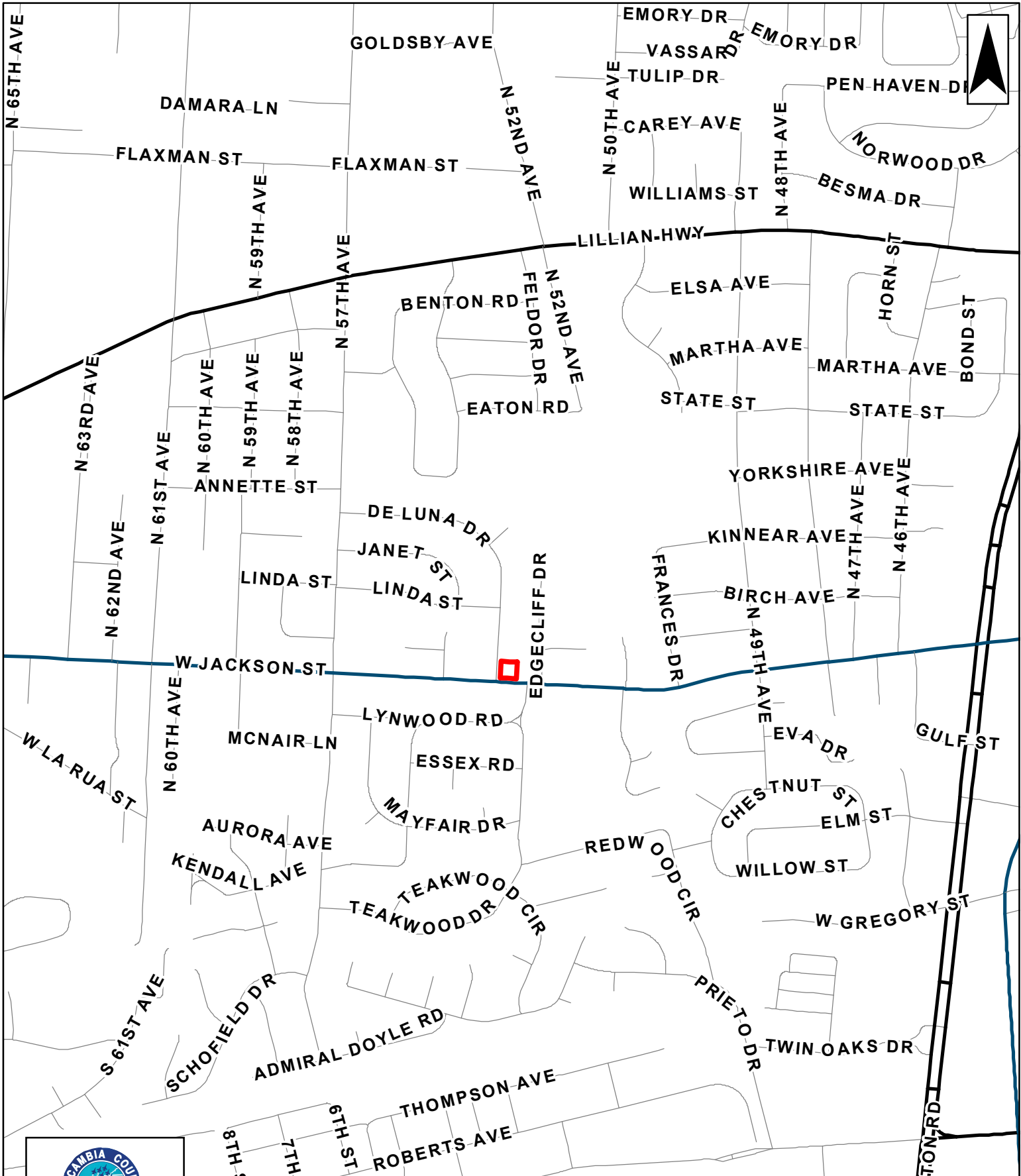
The Applicant can not meet all of the required criteria for the granting of a variance and denial of the request is recommended.

BOARD OF ADJUSTMENT FINDINGS:

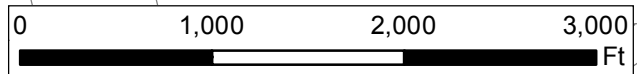
Attachments

Case File

V-2012-16



V-2012-16 LOCATION MAP

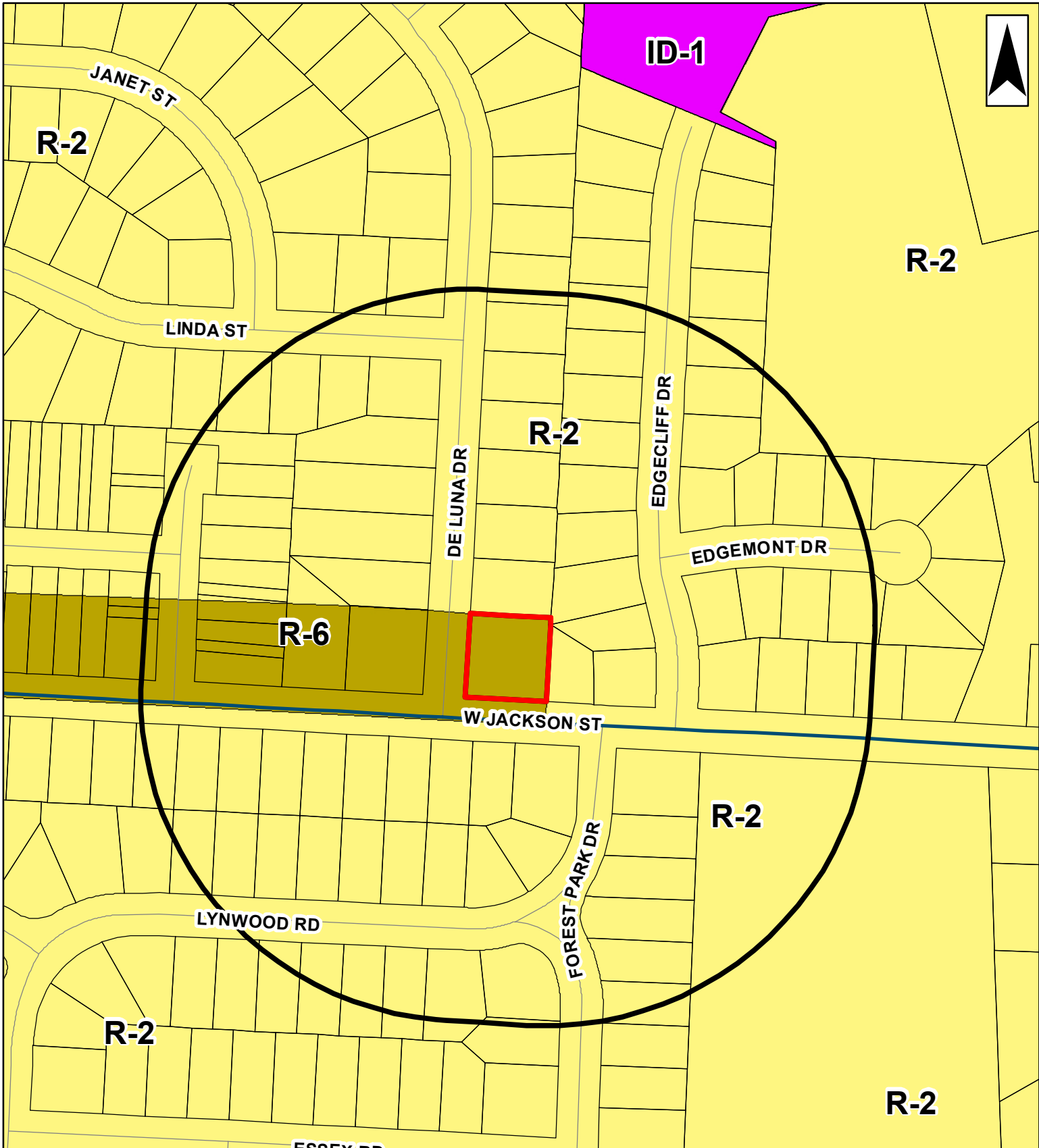



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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

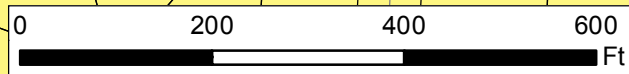
Andrew Holmer
Planning and Zoning Dept.









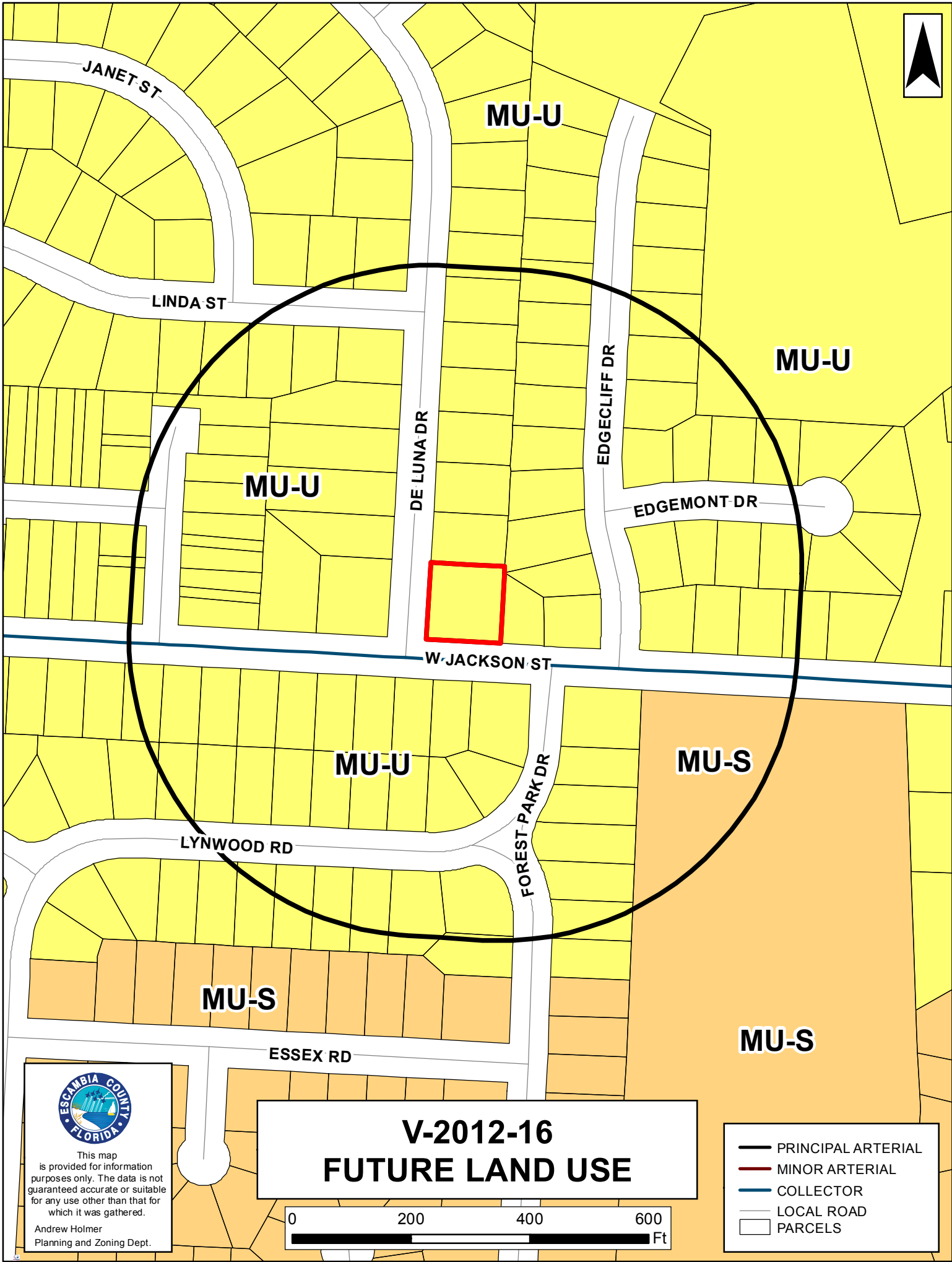
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

V-2012-16
500' RADIUS ZONING



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



MU-U

MU-U

MU-U

MU-U

MU-S

MU-S

MU-S

JANET ST

LINDA ST

DE LUNA DR

EDGECLIFF DR

EDGEMONT DR

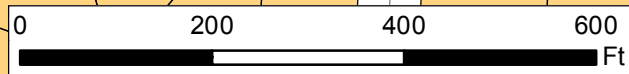
W-JACKSON ST

LYNWOOD RD

FOREST PARK DR

ESSEX RD

V-2012-16 FUTURE LAND USE



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



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Andrew Holmer
Planning and Zoning Dept.



DE LUNA DR

W JACKSON ST

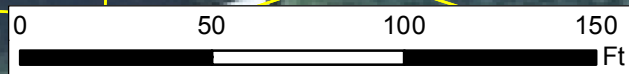
FOREST PARK DR








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

Andrew Holmer
Planning and Zoning Dept.

V-2012-16 AERIAL MAP



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

Wiley C."Buddy" Page, MPA, APA
Professional Growth Management Services, LLC

5337 Hamilton Lane
Pace, Florida 32571
Office 850.994.0023 Cell 850.232.9853
budpage1@mchsi.com

October 3, 2012
VIA HAND DELIVERY

Mr. Drew Holmer
Escambia County Planning Dept.
3363 West Park Place
Pensacola,, Florida 32505

**RE: Front and Side Setback Variance Request
5300 West Jackson Street
Property Parcel Number 35-2S-30-6000-034-001**

Dear Mr. Holmer:

The attached application package requests consideration from the Board of Adjustment to reduce the front and westerly side set back requirements to two (2) feet for each location.

This site was recently granted a conditional use to again allow the sale of gasoline on the premises. Since that time, the owners engineer has advised that the standard size 24' x 74' canopy cannot be placed on the site and still provide turning room for the front row of parking spaces. As a result, the desired canopy footprint must be moved further away from the existing building.

As shown on the attached proposed site plan, the canopy will be approximately 17.5 feet from the Jackson Street driving lane and approximately 18' from the DeLuna Drive northbound side driving lane.

The owner is proposing two pumping islands under the canopy constructed at an angle to facilitate west bound traffic pulling in from Jackson St. With 2 islands, site distance at this intersection should not be impaired.

I have attached the required response to the Variance Criteria found at Section 2.05.02 of the adopted Escambia County Land Development Code.

Please advise if you have any questions or need any further information. Thank you.

Sincerely yours,

Wiley C."Buddy" Page

Copy: Mr. Kay Patel

VARIANCE CRITERIA RESPONSE

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

RESPONSE: The requested front and side setbacks will apply to this site only because of the commercial use at this intersection and will not apply to any others.

b. 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.

RESPONSE: Modern neighborhood convenience store shoppers have come to expect canopy coverings over those areas where gasoline is pumped. This variance is necessary for the owner to provide an all-weather service to the traveling public.

c. 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.

RESPONSE: If granted, this variance will allow construction of an open sided canopy covering that will not impair light and air to adjacent owners, nor safety to the public. This addition to the existing store should have no economic impact to area property values and should promote the health, safety, comfort and general welfare for the neighborhood residents.

d. 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 law.

RESPONSE: If granted, it is not anticipated that this variance will impact any other Code requirements of Escambia County.

e. The variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA, or by the planning chief, or designee thereof, in the case of an administrative variance.

RESPONSE: If granted, this minimum variance will allow improved use of the property.

APPLICATION

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

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

Owner(s) Name: Kishorbhai Patel Phone: 850-712-2971
Address: 5300 West Jackson Street Pensacola, FL 32505 Email: N/A

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: 5300 West Jackson Street Pensacola

Property Reference Number(s)/Legal Description: 35-2S-30-6000-034-001

By my signature, I hereby certify that:

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

Signature of Owner/Agent [Signature] Printed Name Owner/Agent: Kishorbhai Patel Date: 10/3/12

Signature of Owner Printed Name of Owner Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 3rd day of October 2012 by Kishorbhai Pukshottambhai Patel.

Personally Known OR Produced Identification. Type of Identification Produced: FL DL

Signature of Notary: Geneva B. Polnitz (notary seal must be affixed)

Printed Name of Notary: GENEVA B. POLNITZ



FOR OFFICE USE ONLY
Meeting Date(s): 11/14/12 Accepted/Verified by: A Cain Date: 10/3/12
Fees Paid: \$350 Receipt #: Permit #: PBA121000028

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 5300 West Jackson St. Pensacola, FL,
Florida, property reference number(s) 35-2S-30-6000-034-001

I hereby designate Wiley C. "Buddy" Page 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: Wiley C. "Buddy" Page Email: budpage1@mchsi.com
Address: 5337 Hamilton Lane Pace, FL 32571 Phone: 850-232-9853

[Signature]
Signature of Property Owner

Kishorbhai Patel
Printed Name of Property Owner

10/2/12
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 3rd day of October 20 12
by Kishorbhai Purshottamkhari Patel

Personally Known OR Produced Identification . Type of Identification Produced: FL DL

[Signature]
Signature of Notary

GENEVA B. POLNITZ
Printed Name of Notary

(Notary Seal)



CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): 35-2S-30-6000-034-001

Property Address: 5300 West Jackson Street Pensacola, FL

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

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

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

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

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



Signature of Property Owner

Kishorbhai Patel

Printed Name of Property Owner

10/3/12

Date

Signature of Property Owner

Printed Name of Property Owner

Date

Commercial Contract

1. PARTIES AND PROPERTY: KISHOR PATEL ("Buyer")

agrees to buy and CAO VAN TRAN & VINH THI LE (H & W) ("Seller")

agrees to sell the property as: Street Address: 5300 W. JACKSON ST. Pensacola, FL.

Legal Description: LOT 34 BLK ONE DeLUNA PARK Subd. According to PLAT recorded PLAT BOOK 3 p.20, of Public Records of Esc. County FL.

and the following Personal Property: _____

(all collectively referred to as the "Property") on the terms and conditions set forth below.

2. PURCHASE PRICE: THIS IS A CASH SALE \$ 168,000.00
~~150,000.00~~

(a) Deposit held in escrow by Citizen's Title Group \$ 1,000.00
("Escrow Agent") (checks are subject to actual and final collection)

Escrow Agent's address: 7139 Suite B Ninth Ave Pensacola, FL 32505 Phone: _____

(b) Additional deposit to be made to Escrow Agent within _____ days after Effective Date \$ _____

(c) Additional deposit to be made to Escrow Agent within _____ days after Effective Date \$ _____

(d) Total financing (see Paragraph 5) \$ _____

(e) Other _____ \$ _____

(f) All deposits will be credited to the purchase price at closing. Balance to close, subject to adjustments and prorations, to be paid with locally drawn cashier's or official bank check(s) or wire transfer. \$ 167,000.00
~~149,000.00~~

3. TIME FOR ACCEPTANCE; EFFECTIVE DATE; COMPUTATION OF TIME: Unless this offer is signed by Seller and Buyer and an executed copy delivered to all parties on or before 6/25/12, this offer will be withdrawn and the Buyer's deposit, if any, will be returned. The time for acceptance of any counter offer will be 3 days from the date the counter offer is delivered. The "Effective Date" of this Contract is the date on which the last one of the Seller and Buyer has signed or initialed and delivered this offer or the final counter offer. Calendar days will be used when computing time periods, except time periods of 5 days or less. Time periods of 5 days or less will be computed without including Saturday, Sunday, or national legal holidays. Any time period ending on a Saturday, Sunday, or national legal holiday will extend until 5:00 p.m. of the next business day. Time is of the essence in this Contract.

4. CLOSING DATE AND LOCATION:

(a) Closing Date: This transaction will be closed on ASAP (Closing Date), unless specifically extended by other provisions of this Contract. The Closing Date will prevail over all other time periods including, but not limited to, Financing and Due Diligence periods. In the event insurance underwriting is suspended on Closing Date and Buyer is unable to obtain property insurance, Buyer may postpone closing up to 5 days after the insurance underwriting suspension is lifted.

Buyer [Signature] and Seller [Signature] acknowledge receipt of a copy of this page, which is Page 1 of 8 Pages.

334 Each person signing this Contract on behalf of a party that is a business entity represents and warrants to the other
335 party that such signatory has full power and authority to enter into and perform this Contract in accordance with its
336 terms and each person executing this Contract and other documents on behalf of such party has been duly authorized
337 to do so.

338 _____
339 _____

Date: 6/23/12

340° KISHOR VATEL
341 (Typed or Printed Name of Buyer)

Tax ID No: _____

342° Title: _____

Telephone: _____

343° _____
344 _____

Date: _____

345° _____
346 (Typed or Printed Name of Buyer)

Tax ID No: _____

347° Title: _____

Telephone: _____

348° Buyer's Address for purpose of notice: _____

349° Facsimile: _____

Email: _____

350° _____
351 _____

Date: _____

352° _____
353 (Typed or Printed Name of Seller)

Tax ID No: _____

354° Title: _____

Telephone: _____

355° _____
356 _____

Date: _____

357° _____
358 (Typed or Printed Name of Seller)

Tax ID No: _____

359° Title: _____

Telephone: _____

360° Seller's Address for purpose of notice: _____

361° Facsimile: _____

Email: _____

The Florida Association of REALTORS® makes no representation as to the legal validity or adequacy of any provision of this form in any specific transaction. This standardized form should not be used in complex transactions or with extensive riders or additions. This form is available for use by the entire real estate industry and is not intended to identify the user as a REALTOR®. REALTOR® is a registered collective membership mark which may be used only by real estate licensees who are members of the NATIONAL ASSOCIATION OF REALTORS® and who subscribe to its Code of Ethics. The copyright laws of the United States (17 U.S. Code) forbid the unauthorized reproduction of this form by any means including facsimile or computerized forms.

362° Buyer [Signature] and Seller () () acknowledge receipt of a copy of this page, which is Page 8 of 8 Pages.





Development Services Department

Building Inspections Division

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

RECEIPT

Receipt No. : **565041**

Date Issued. : 10/04/2012

Cashier ID : GELAWREN

Application No. : PBA121000028

Project Name : V-2012-16

PAYMENT INFO

| Method of Payment | Reference Document | Amount Paid | Comment |
|-------------------|--------------------|-----------------|-----------------------|
| Check | 1309 | \$350.00 | App ID : PBA121000028 |
| | | \$350.00 | Total Check |

Received From : DAMAYANTI & KISHORBHAI PATEL

Total Receipt Amount : **\$350.00**

Change Due : \$0.00

APPLICATION INFO

| Application # | Invoice # | Invoice Amt | Balance | Job Address |
|---------------|-----------|-------------|---------|---|
| PBA121000028 | 657729 | 350.00 | \$0.00 | 5300 W JACKSON ST, PENSACOLA, FL, 32506 |

Total Amount :

350.00

\$0.00

Balance Due on this/these
Application(s) as of 11/6/2012

NOTE: Measurements made in accordance with United States standards.

SURVEYOR'S NOTES:

1. Subject to setbacks, easements, and restrictions of record.
2. This survey is subject to any facts that may be disclosed by a full and accurate title search.

STREET ADDRESS: 5300 West Jackson Street

LEGAL DESCRIPTION:

Lot 34, Block 1, De Luna Park Subdivision, a portion of Section 35, Township 2 South, Range 30 West, according to plat filed in Plat Book 3 at page 20 of the records of Escambia County.

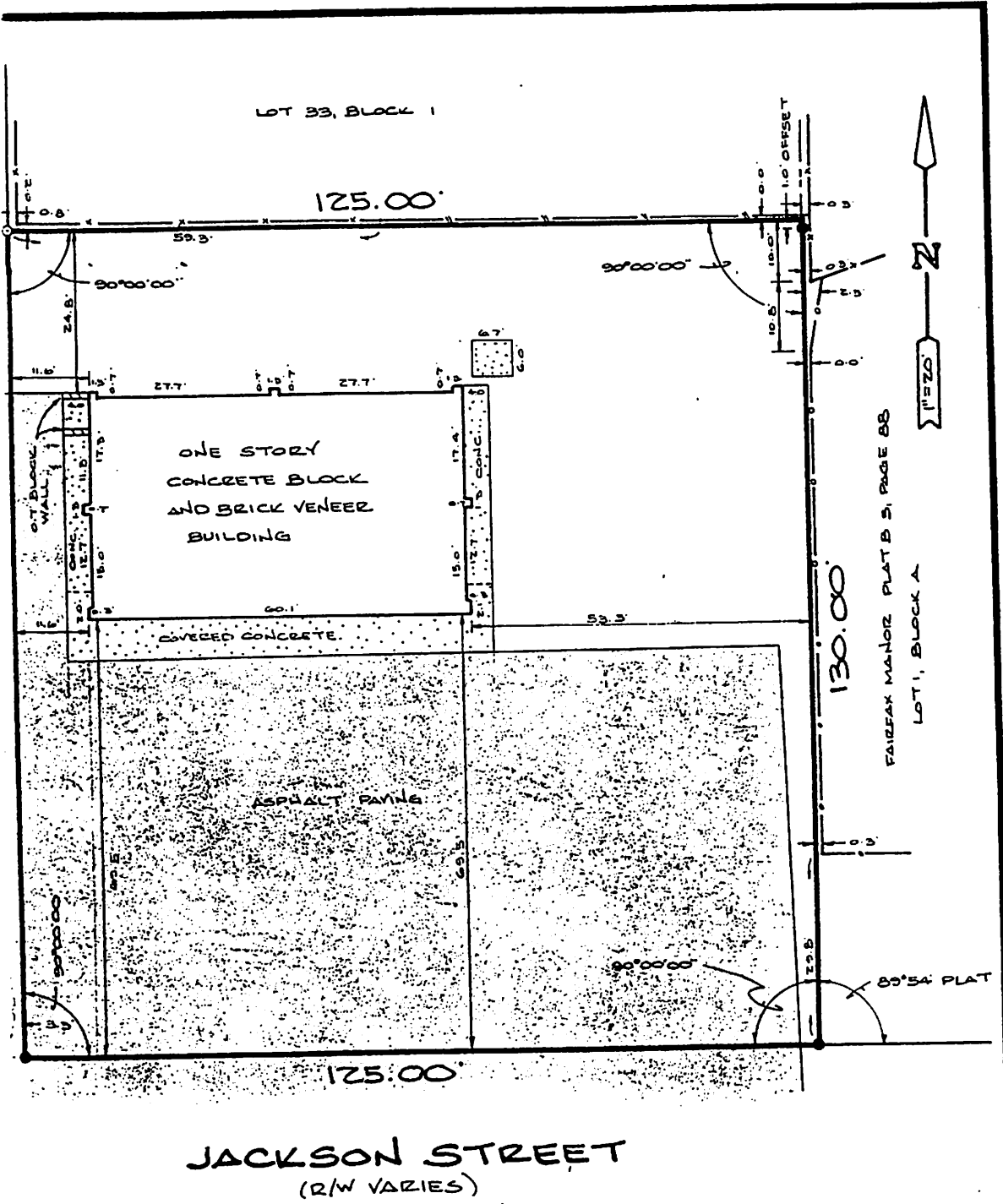
LEGEND:

- CONC. Concrete
- ⊙ Sign post
- Iron pipe found
- 1/2" Capped iron rod set #1748
- x— Chain link fence
- o— Wood fence
- "—— Wire fence

DELUNA DRIVE 66'R/W

A BOUNDARY SURVEY AND
LOCATION OF IMPROVEMENTS

OSCAR W. PITTMAN
 REGISTERED LAND SURVEYOR
 3407 NORTH "L" STREET
 PENSACOLA FLORIDA 32505
 PHONE: (904) 434-6666



JACKSON STREET
 (R/W VARIES)

Source of Information: RECORDED PLAT - DE LUNA PARK - PLAT BOOK 3, PAGE 20

Bearing Reference N.A. Elevation Reference _____

Ordered By MR. LEON LENO Job No. ZZZAO-95 File No. B-8265

Date of Plat 6-30-95 I hereby certify the survey shown hereon meets the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027, Florida Statutes.

Date of Survey 6-29-95

F.B. 648 Page 26-27

Scale 1" = 20'

Encroachments _____

Oscar W. Pittman
 Oscar W. Pittman
 Registered Land Surveyor No 1748

NOT VALID UNLESS
 IMPRINTED WITH
 EMBOSSED SEAL

Recertified _____
 Revised _____

67

NOTICE OF PUBLIC HEARING

Notice is hereby given of the intention of the Board of Adjustment of Escambia County, Florida, at a public hearing beginning at **8:30 a.m. November 14, 2012** in the Escambia County Central Office Complex, 3363 West Park Place, Room 104, Pensacola, Florida, to consider the following Variance under the Land Development Code, Code of Ordinances of Escambia County, Florida (Ordinance 96-3 as amended), Article 2.05.03.

Case No. V-2012-16
Location: 5300 West Jackson
Request: Setback Variance



Any person who decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at such meeting or hearing, will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you have any questions, please contact the Development Services Department at 595-3475.

**Board of County Commissioners
of Escambia County, Florida**

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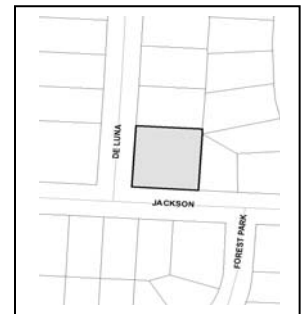
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**Board of County Commissioners
of Escambia County, Florida**



Escambia County
Development Services Department
3363 West Park Place
Pensacola, FL 32505



Escambia County
Development Services Department
3363 West Park Place
Pensacola, FL 32505

PATEL KISHORBHAI
14710 INNERARITY POINT RD
PENSACOLA FL 32507

FIESTA CORAZON H
21 S 72ND AVE
PENSACOLA FL 32506

In accordance with the Americans with Disabilities Act, persons needing special accommodation or an interpreter to participate in the public hearing should contact County Administrator's Office at 595-4947 at least seven days prior to the date of the hearing. If you have any questions, please contact the Development Services Department at 595-3475.

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Escambia County
Development Services Department
3363 West Park Place
Pensacola, FL 32505



Escambia County
Development Services Department
3363 West Park Place
Pensacola, FL 32505

DAUGHTRY SHEILA M
2 MAGNOLIA DR
MARY ESTHER FL 325692013

RHODES MICHAEL W & CHARLOTTE J
603 EDGECLIFF DR
PENSACOLA FL 32506

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Development Services Department
3363 West Park Place
Pensacola, FL 32505



Escambia County
Development Services Department
3363 West Park Place
Pensacola, FL 32505

SCARFF LOIS W
605 EDGECLIFF DR
PENSACOLA FL 32506

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Board of Adjustment

6. A.

Meeting Date: 11/14/2012
CASE: V-2012-16
APPLICANT: Buddy Page, Agent for Kishorbhai Patel
ADDRESS: 5300 West Jackson St.
PROPERTY REFERENCE NO.: 35-2S-30-6000-034-001
ZONING DISTRICT: R-6, Neighborhood Commercial and Residential District, (cumulative) high density
FUTURE LAND USE: MU-U, Mixed Use-Urban

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicant is seeking variances to reduce the front setback from 20' to 2' and west side setback from 10' to 2'.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 6.05.13.E

3. Front yard. There shall be a front yard having a depth of not less than 20 feet.

5. Side yard. The yard required on each side of buildings not exceeding three stories in height shall be ten percent of the lot width measured at the front building line or 10 feet, whichever is less;

CRITERIA

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

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 sale of gasoline at this existing convenience store was approved by the BOA on September 12, 2012 as Conditional Use case CU-2012-10. Since that time, the applicant has discovered that the site will have limitations for maneuvering around the proposed gasoline pumps. Redesigning the site to meet current gas pump arrangements does present peculiar practical difficulties.

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 variances would be necessary for the applicant to build an all-weather gas pump operation given the limitations of the site.

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 should 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

While the requested variances would be necessary for the applicant to build an all-weather gas pump operation, they are not the minimum necessary to make use of the site or to install the gas pumps without the canopy.

STAFF RECOMMENDATION:

The Applicant can not meet all of the required criteria for the granting of a variance and denial of the request is recommended.

BOARD OF ADJUSTMENT FINDINGS:

Board of Adjustment

6. B.

Meeting Date: 11/14/2012
CASE: V-2012-17
APPLICANT: Richard and Susan Hunter
ADDRESS: 4860 Cerny Rd.
PROPERTY REFERENCE NO.: 37-2S-31-1101-002-001
ZONING DISTRICT: R-6, Neighborhood commercial and residential district, (cumulative) high density
FUTURE LAND USE: MU-S, Mixed Use Suburban

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicants are seeking a 3 foot fence height variance to allow a 6 foot privacy fence in their front yard.

RELEVANT AUTHORITY:

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

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

| | Opaque Materials Obstruct Light, Air and Visibility | Transparent Materials Which Do Not |
|------------|--|------------------------------------|
| Front yard | 3 | 4 |
| Side yard | 6 | 6 |
| Rear yard | 6 | 6 |

CRITERIA

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

CRITERION (1)

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

FINDINGS-OF-FACT

Section 2.05.02 of the Land Development Code defines special circumstances or conditions

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

The property in question fronts Cerny Rd. in a similar manner as adjacent properties. Staff finds no physical characteristics unique to the site that would necessitate a fence higher than allowed by code.

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 not necessary for the preservation and enjoyment 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 should 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

Due to the lack of unique physical hardship, the requested variance is not the minimum

necessary to make use of the property.

STAFF RECOMMENDATION:

Staff finds that the request does not meet all of the required criteria and recommends denial of the variance.

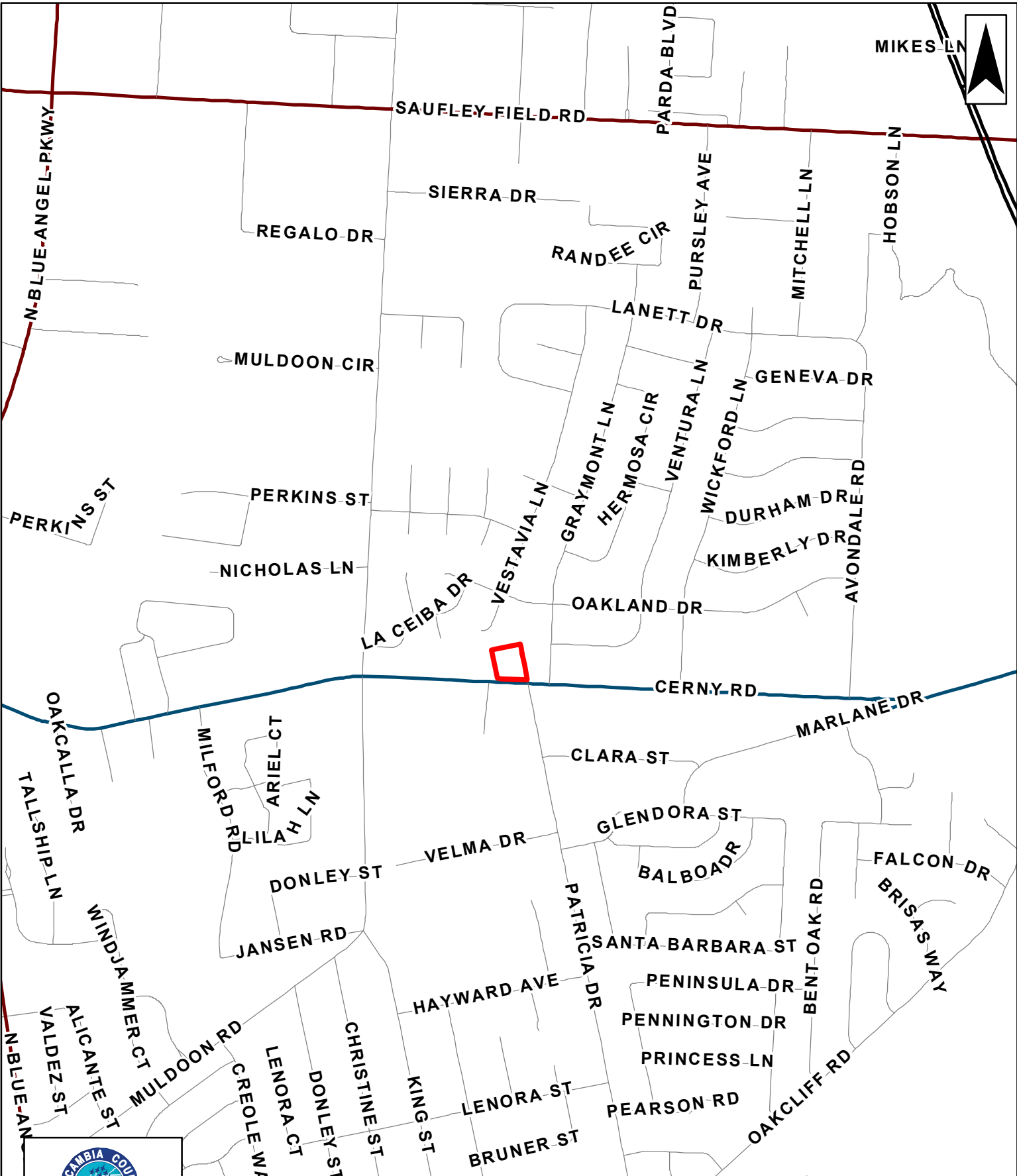
BOARD OF ADJUSTMENT FINDINGS:

Attachments

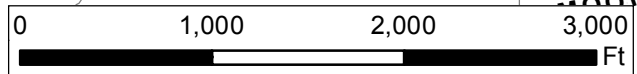
Case File

V-2012-17

MIKES LN



V-2012-17 LOCATION MAP

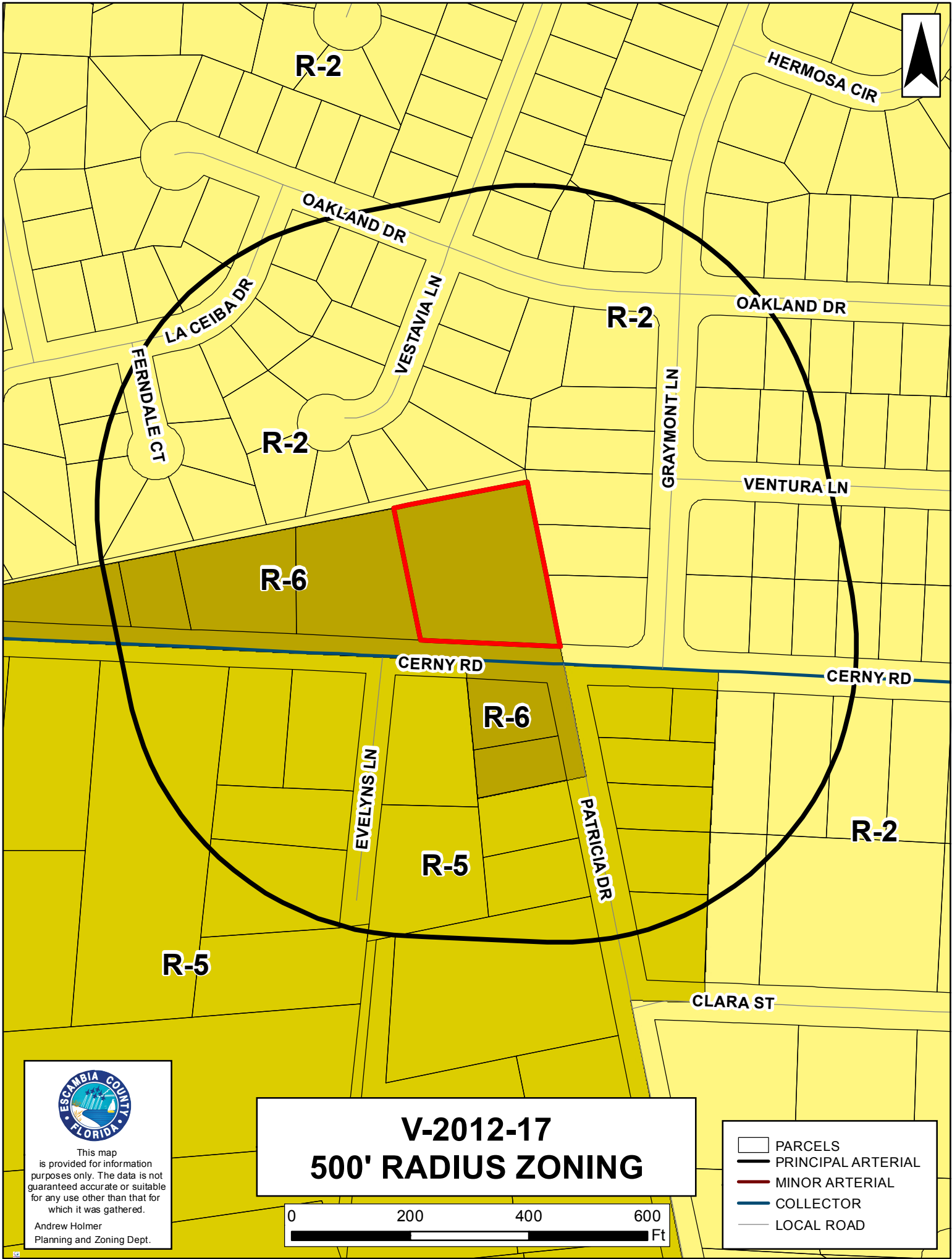


- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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-2

HERMOSA CIR

OAKLAND DR

OAKLAND DR

R-2

LA CEIBA DR

VESTAVIA LN

GRAYMONT LN

FERDALE CT

R-2

VENTURA LN

R-6

CERNY RD

CERNY RD

R-6

EVELYNS LN

PATRICIA DR

R-2

R-5

R-5

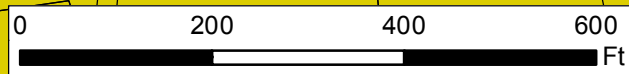
CLARA ST



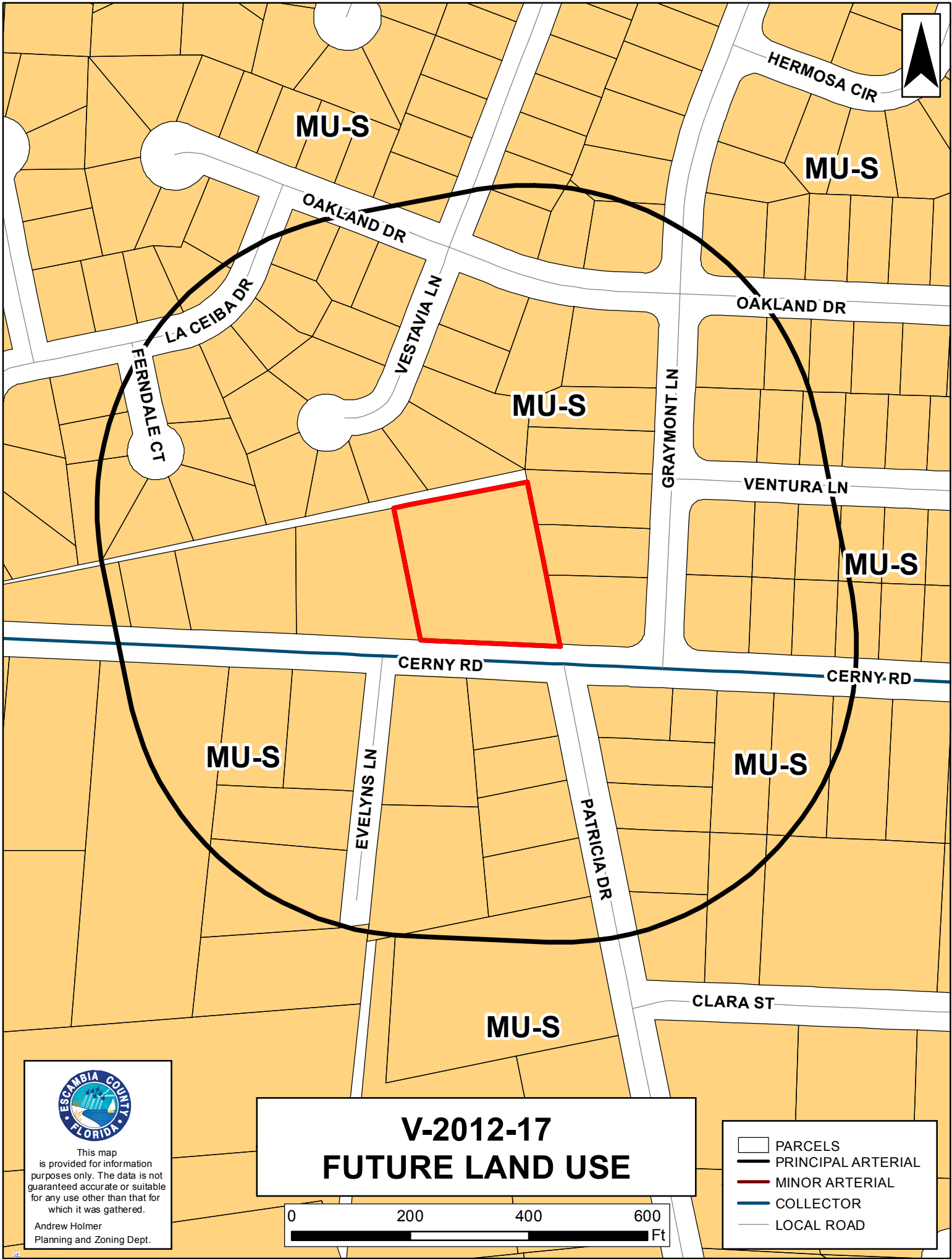
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

V-2012-17 500' RADIUS ZONING



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



MU-S

MU-S

MU-S






MU-S

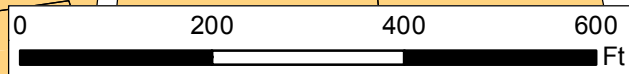
MU-S

MU-S

MU-S

V-2012-17 FUTURE LAND USE

-  PARCELS
-  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.



CERNY RD

LYNS LN

PATRICIA DR



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

Andrew Holmer
Planning and Zoning Dept.

V-2012-17 AERIAL MAP



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

August 4, 2012

Dear BOA Administrator,

My property has many unique characteristics that are due to its particular location relative to adjoining roads and nearby commercial operations. These characteristics require me to have a fence that exceeds the 4 ft allowed by current zoning to enjoy the full use of my property. The fence height restriction apparently apply to my property and not to commercial establishments next door. Here are the reasons my home-site at 4860 Cerny Road meets the requirements for a variance to increase the allowed fence height to 6 ft.

- 1) My property is directly across from the parking lot of a beauty salon business called Beauty and the Beast. The business borders Patricia and Cerny Roads. The house next to the business has a 6 ft chain-link fence around the attached vacant lot. Both the fence and vacant lot are directly in front of my residence. The beauty salon business also has a 6 ft privacy fence on the side that faces my house, which is higher than the zoning restriction. The business parking lot is open and also facing my property.
- 2) A public bus stop is located at the parking lot of the Beauty and the Beast beauty salon. Substantial groups congregate at this bus stop and are present for long periods, during which time they often dispose of trash that is blown onto my property, they spend time observing my property and engage in loud and boisterous conversation which carries onto my property.
- 3) The side of my property borders the back of houses that face Graymont Lane. Several have metal utility buildings and fences that need to be replaced that my fence can take care of replacing. The fence will border the backside of their property and should not be an issue. The other side of the property has a house facing Cerny Road. I have talked with the owner and she is alright with a privacy fence around my property.
- 4) Patricia Drive intersects Cerny Road directly across the street from my property. Traffic approaching this intersection from Patricia Drive must stop at the intersection, which produces substantial periods when loud motorcycles, diesel trucks and cars with blaring stereos are parked at the intersection. This is sometimes a starting point for illegal car and motorcycle road races onto Cerny Road and has been the apparent location of shots fired from cars.
- 5) Due to poor visibility, cars often overshoot the intersection of Patricia Drive with Cerny Road and end up on my property, damaging the lawn and vegetation. One of these cars was abandoned overnight and it is common for vehicles to be left temporarily in front of my house. That this has been a continuing problem is evidenced by the fact that there is a permanent Department of Transportation maintained warning barricade on my side of Cerny Road directly across from Patricia Drive. A substantial fence would greatly improve the visual cues that Patricia Drive ends at that intersection.
- 6) Cars approaching the intersection from Patricia Drive at night illuminate my entire property, illuminating my house and brightly flashing all of the windows in the front of the house. This is especially the case because the majority of the evening and night-time traffic turns west on Cerny Road, with substantial traffic to the

convenience store located two properties to the west of my property, that primarily advertises and sells beer and wine.

- 7) The convenience store that sells alcohol two doors to the west is where three young men were shot recently, after which they drove to the Publix parking lot on Mobile Highway and called for ambulances. I was sitting near the window on the side of the house near the road and my husband and I heard the shots clearly from inside my home. At the time, my husband was sitting near a window that faced the store. It is common to hear shots from the direction of the store, cars often speed away from its parking lot and it is often the site of traffic accidents or police, ambulance and fire/rescue calls. There have been a substantial number of other shootings, some fatal, close to my property during the past year. There have also been law enforcement searches of the area for suspects and officers have knocked on the door to ask about shots heard in the vicinity.
- 8) There is substantial foot traffic from low-income housing located along Patricia Drive to the convenience store. These shoppers commonly return from the store carrying cases of beer and bags of wine bottles. These pedestrians leave trash that blows into my yard and call out to my family members who are working in the yard. Several times late at night we have been awakened by pedestrians who rang our doorbell with various requests.
- 9) Located east of my property on Cerny Road, there is a bar that is primarily patronized by motorcycle clubs. Large groups of motorcycles with illegally loud exhausts often sit at the intersection of Patricia and Cerny, waiting to turn onto Cerny toward the bar, often late at night, on weekends and holidays. There is similar loud motorcycle traffic along Cerny from Blue Angle Highway that can be heard approaching from a long distance. A tall fence is required to provide noise buffering. There is a 6 ft. privacy fence all the way around the property next to the bar. The fence is also 6 ft facing the road. So, that property must have been able to get a variance due to the presence of the bar.

We are asking for this height variance to put a 6 ft. privacy fence along the sides and front of my property. I will install wrought iron gates with electric openers so that fire, law enforcement and other emergency responders can see onto the property and we will provide an intercom system and signage providing emergency contact numbers. We will call the 911 operator and provide emergency access codes for the gate opener in the event of an emergency. We plan to use a local fence contractor who is licensed to insure that this is a nice looking fence for the neighborhood. The fence line is set back according to the land survey markers and provides plenty of right-of-way for pedestrian and vehicle traffic.

We respectfully request that you grant us this fence height variance for this one and a half acre property.

Sincerely,

Susan Hunter

Richard Hunter

V-2012-17

APPLICATION

| | |
|--|---|
| Please check application type: | <input type="checkbox"/> Conditional Use Request for: _____ |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Variance Request for: _____ |
| <input type="checkbox"/> Development Order Extension | <input type="checkbox"/> Rezoning Request from: _____ to: _____ |

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

Owner(s) Name: Richard & Susan Hunter Phone: 850-476-9546
 Address: 4860 Cerny Rd 32526 Email: hunterswolfpack@cox.net

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

Property Address: 4860 Cerny Rd.
 Property Reference Number(s)/Legal Description: _____

By my signature, I hereby certify that:

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

[Signature]
 Signature of Owner/Agent

Richard S. Hunter 6/28/12
 Printed Name Owner/Agent Date

[Signature]
 Signature of Owner

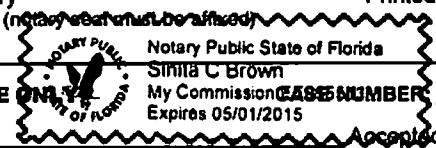
Susan Banks Hunter 6/28/12
 Printed Name of Owner Date

STATE OF FL COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 28 day of JUNE 2012
 by _____

Personally Known OR Produced Identification . Type of Identification Produced: FL DRIVER LIC

[Signature] Sinita C Brown
 Signature of Notary Printed Name of Notary



FOR OFFICE USE ONLY

Meeting Date(s): _____ Accepted/Verified by: _____ Date: _____

Fees Paid: \$ _____ Receipt #: _____ Permit #: _____

JAMES P. FRENCH, PSM

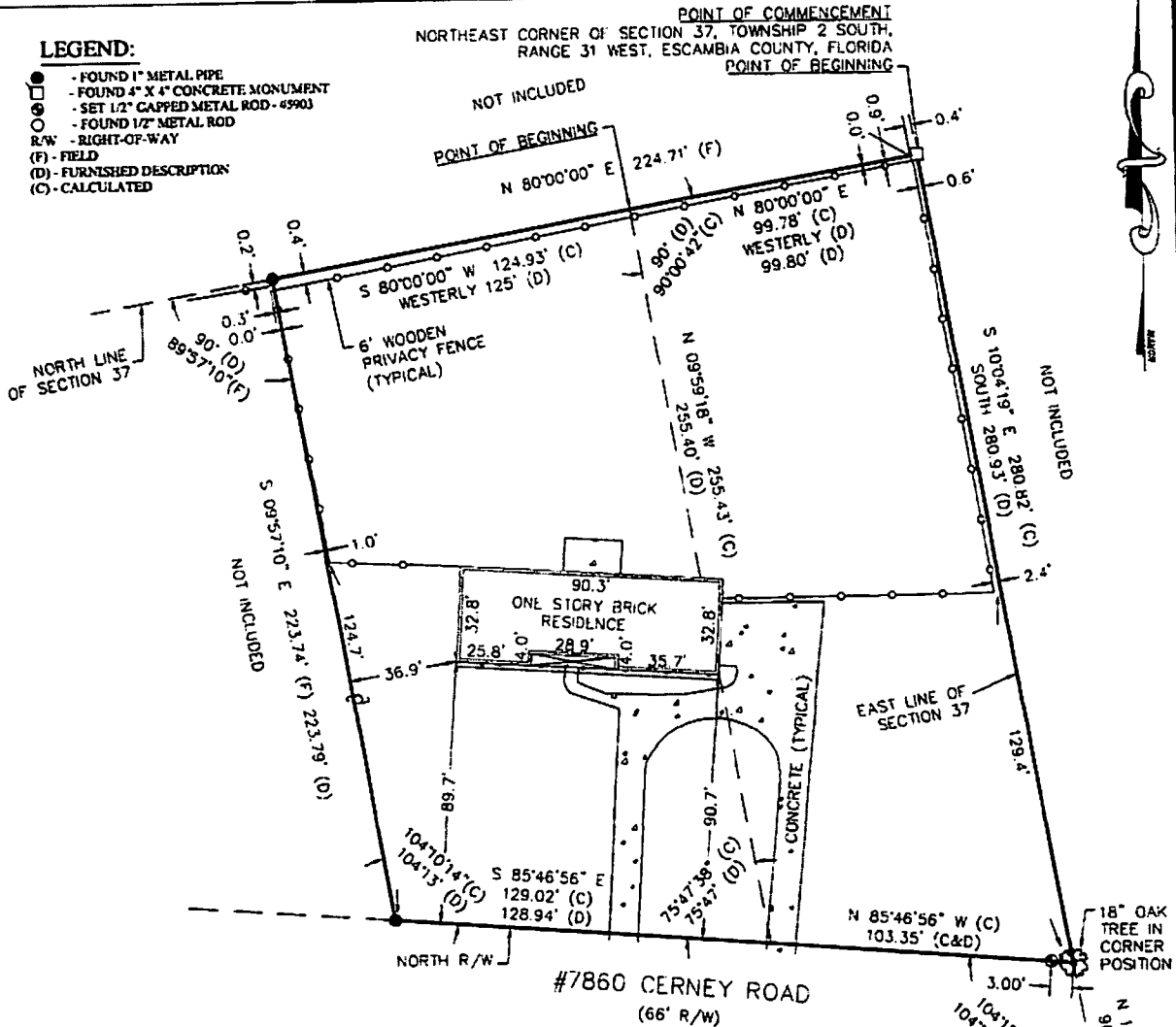
PROFESSIONAL SURVEYING AND MAPPING

3330 Keating Road Pensacola, Florida 32504
 Phone 850-471-1675 Fax 850-477-2245 jimfrench@cox.net



LEGEND:

- - FOUND 1" METAL PIPE
- - FOUND 4" X 4" CONCRETE MONUMENT
- - SET 1/2" CAPPED METAL ROD - #9903
- - FOUND 1/2" METAL ROD
- R/W - RIGHT-OF-WAY
- (F) - FIELD
- (D) - FURNISHED DESCRIPTION
- (C) - CALCULATED



LEGAL DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF SECTION 37, TOWNSHIP 2 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA, THENCE SOUTH ALONG THE EAST LINE OF SECTION 37 A DISTANCE OF 280.93 FEET; THENCE 104°11' RIGHT FOR 103.35 FEET; THENCE 75°47' RIGHT FOR 255.40 FEET TO THE NORTH LINE OF SECTION 37; THENCE 90° RIGHT ALONG THE NORTH LINE OF SECTION 37 FOR 99.80 FEET TO THE POINT OF BEGINNING.

ALSO COMMENCING AT THE NORTHEAST CORNER OF SECTION 37, TOWNSHIP 2 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE RUN WESTERLY ALONG THE NORTH LINE OF SECTION 37 FOR 99.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE NORTH LINE OF SECTION 37 A DISTANCE OF 125 FEET; THENCE 90° LEFT A DISTANCE OF 223.79 FEET; THENCE 75°47' LEFT 128.94 FEET; THENCE 104°11' LEFT A DISTANCE OF 255.40 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S NOTES:

1. ALL DISTANCES AND DIRECTIONS ARE PER PLAT OR DEED AND WERE FIELD VERIFIED UNLESS OTHERWISE NOTED.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.
3. UNDERGROUND PORTION OF FOUNDATIONS, FOOTINGS, OR ANY OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED.
4. THIS SURVEY IS BASED UPON INFORMATION PROVIDED BY CLIENT AND ESCAMBIA COUNTY PUBLIC RECORDS.
5. NO TITLE RESEARCH WAS PERFORMED BY THE SURVEYOR.
6. ENCROACHMENTS ARE AS SHOWN.
7. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS DRAWING THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

COPYRIGHT 2008 BY JAMES P. FRENCH

| | | | |
|-----------------|--|----------------|-----------|
| BEARING BASIS: | AN ASSUMED SOUTH 80°00'00" WEST ALONG THE NORTH SECTION LINE | | |
| TYPE OF SURVEY: | BOUNDARY AND IMPROVEMENTS | JOB # | 08-03-002 |
| SCALE: | 1"=40' | PAGES: | 45 & 46 |
| CLIENT: | STRUCK | DATE SURVEYED: | 3/10/08 |

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON MEETS THE MINIMAL TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

ALL MEASUREMENTS MADE IN ACCORDANCE WITH UNITED STATES STANDARDS.

James P. French 3/27/2008
 JAMES P. FRENCH PROFESSIONAL SURVEYOR AND MAPPER CERTIFICATE NO. 5901 DATE

NOT VALID WITHOUT EMBOSSED SEAL



Development Services Department

Building Inspections Division

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

RECEIPT

Receipt No. : **565488**

Date Issued. : 10/11/2012

Cashier ID : VHOWENS

Application No. : PBA121000029

Project Name : V-2012-17

PAYMENT INFO

| Method of Payment | Reference Document | Amount Paid | Comment |
|-------------------|--------------------|-----------------|-----------------------|
| Check | | | |
| | 6243 | \$350.00 | App ID : PBA121000029 |
| | | \$350.00 | Total Check |

Received From : RICHARD & SUSAN HUNTER

Total Receipt Amount : **\$350.00**

Change Due : \$0.00

APPLICATION INFO

| Application # | Invoice # | Invoice Amt | Balance | Job Address |
|---------------|-----------|-------------|---------|-------------------------------------|
| PBA121000029 | 658251 | 350.00 | \$0.00 | 4860 CERNY RD, PENSACOLA, FL, 32526 |

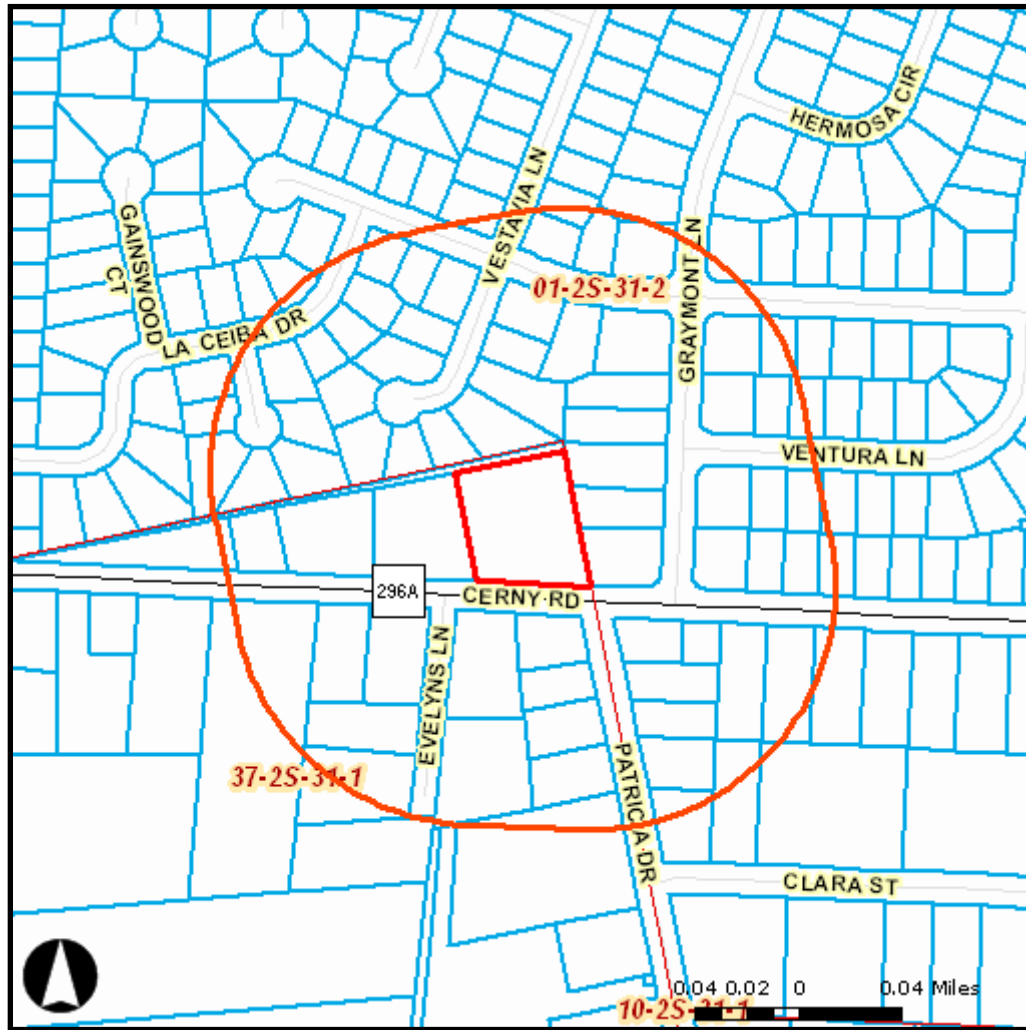
Total Amount :

350.00

\$0.00

Balance Due on this/these
Application(s) as of 11/6/2012

ECPA Map



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.

JUSTICE CORAL B
5611 GRAYMONT LN
PENSACOLA FL 32526

KITT HOLLY K
4555 DEERFIELD DR
PENSACOLA FL 32526

SOHN BRENDA LEE
5601 GRAYMONT LN
PENSACOLA FL 32526

BROWN GLEN M & DOROTHY E
4880 CERNEY RD
PENSACOLA FL 32526

HUNTER RICHARD S
4860 CERNEY RD
PENSACOLA FL 32526

NOTICE OF PUBLIC HEARING

Notice is hereby given of the intention of the Board of Adjustment of Escambia County, Florida, at a public hearing beginning at **8:30 a.m. November 14, 2012** in the Escambia County Central Office Complex, 3363 West Park Place, Room 104, Pensacola, Florida, to consider the following V-2012-17 under the Land Development Code, Code of Ordinances of Escambia County, Florida (Ordinance 96-3 as amended), Article 2.05.03.

Case No. V-2012-17
Location: 4860 Cerny Road
Request: Height variance to 6' fence around property



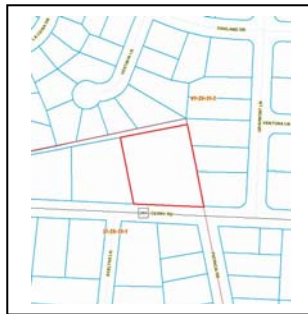
Any person who decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at such meeting or hearing, will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you have any questions, please contact the Development Services Department at 595-3475.

**Board of County Commissioners
of Escambia County, Florida**

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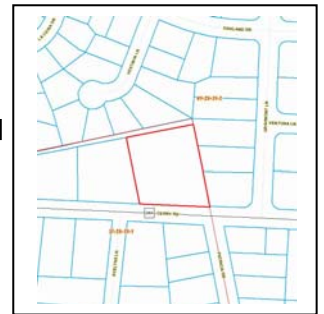
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**Board of County Commissioners
of Escambia County, Florida**

Board of Adjustment

6. B.

Meeting Date: 11/14/2012
CASE: V-2012-17
APPLICANT: Richard and Susan Hunter
ADDRESS: 4860 Cerny Rd.
PROPERTY REFERENCE NO.: 37-2S-31-1101-002-001
ZONING DISTRICT: R-6, Neighborhood commercial and residential district, (cumulative) high density
FUTURE LAND USE: MU-S, Mixed Use Suburban

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicants are seeking a 3 foot fence height variance to allow a 6 foot privacy fence in their front yard.

RELEVANT AUTHORITY:

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

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

| | Opaque Materials Obstruct Light, Air and Visibility | Transparent Materials Which Do Not |
|------------|--|------------------------------------|
| Front yard | 3 | 4 |
| Side yard | 6 | 6 |
| Rear yard | 6 | 6 |

CRITERIA

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

CRITERION (1)

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

FINDINGS-OF-FACT

Section 2.05.02 of the Land Development Code defines special circumstances or conditions

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

The property in question fronts Cerny Rd. in a similar manner as adjacent properties. Staff finds no physical characteristics unique to the site that would necessitate a fence higher than allowed by code.

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 not necessary for the preservation and enjoyment 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 should 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

Due to the lack of unique physical hardship, the requested variance is not the minimum

necessary to make use of the property.

STAFF RECOMMENDATION:

Staff finds that the request does not meet all of the required criteria and recommends denial of the variance.

BOARD OF ADJUSTMENT FINDINGS:

Board of Adjustment

6. C.

Meeting Date: 11/14/2012
CASE: V-2012-18
APPLICANT: David Donnelly, Agent for MGFB Properties, Inc.
ADDRESS: 17395 Perdido Key Dr.
PROPERTY REFERENCE NO.: 01-4S-33-1003-000-000
ZONING DISTRICT: CGPK, (Perdido Key)
commercial gateway district
FUTURE LAND USE: MU-PK, Mixed Use Perdido Key

SUBMISSION DATA:
REQUESTED VARIANCE:

The Applicant is seeking to increase the amount of allowable wall signage from 62.3 feet to 91.16 feet.

RELEVANT AUTHORITY:

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

CRITERIA

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

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 unique in both the location and use. This is the first building situated close to the right-of-way on the north side of the road inside the Florida line. The signs requested would help advertise the business to customers crossing from the Alabama side. The use of the site is

unique as it is the only liquor store on Perdido Key and serves customers from both states. Limiting the wall signage would present practical difficulties in advertising the use.

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

Given the unique location and use of the site, the variance would be needed for the enjoyment 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 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

While there are unique features to the site, the substantial increase in wall signage requested is not the minimum necessary to make use of the land or building.

STAFF RECOMMENDATION:

Staff finds that the Applicant can not meet all of the required criteria and denial of the request is recommended.

BOARD OF ADJUSTMENT FINDINGS:

Attachments

Case File

V-2012-18

PERDIDO BAY

ONO BLVD

HERON CT

RIVER RD

SAINT-JOHN DR

ALABAMA

FLORIDA

OLD RIVER

PERDIDO-KEY-DR

PERDIDO BEACH BLVD

GULF OF MEXICO







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

Andrew Holmer
Planning and Zoning Dept.

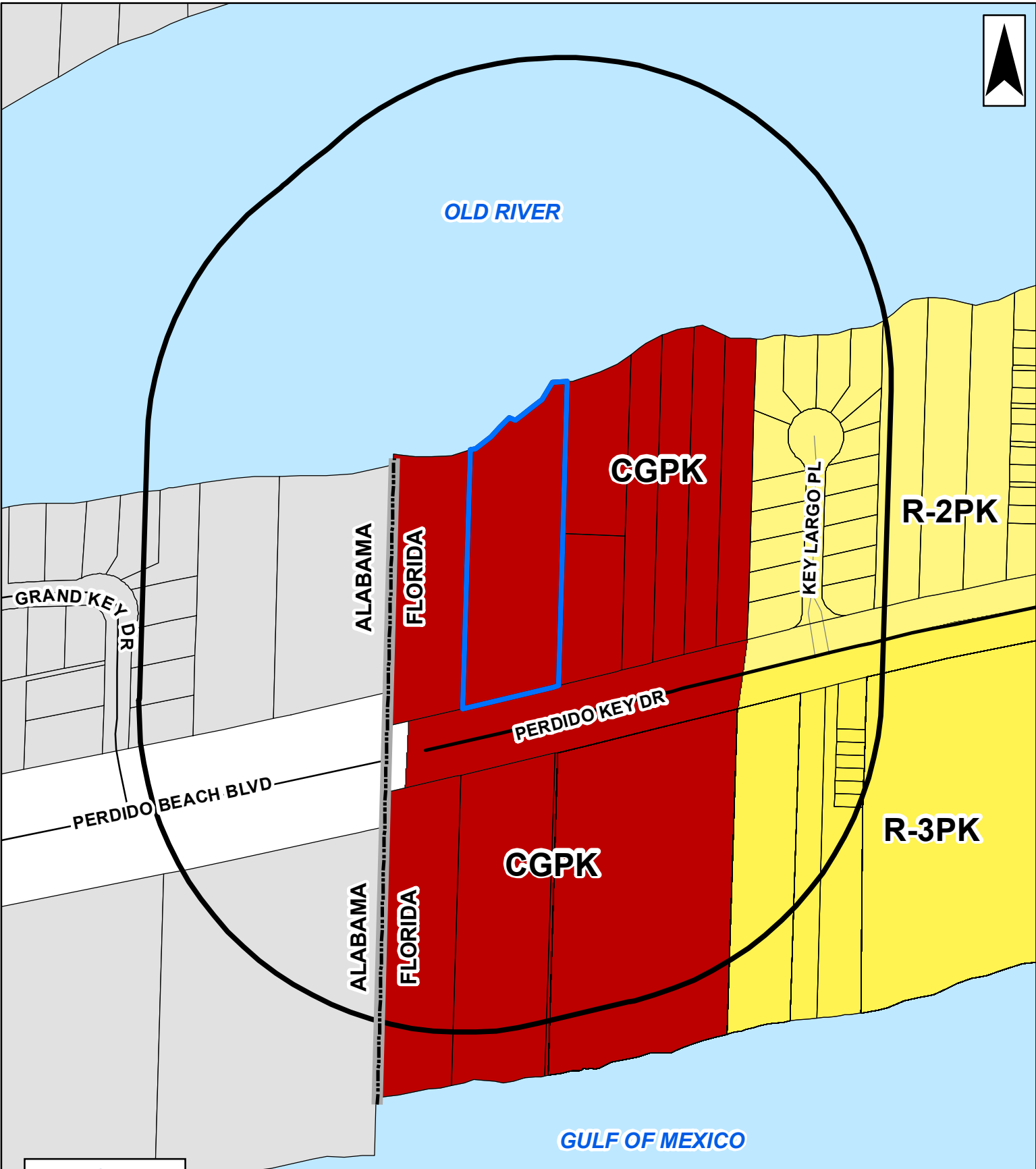
V-2012-18 LOCATION MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



OLD RIVER



ALABAMA

FLORIDA

CGPK

R-2PK

GRAND KEY DR

KEY LARGO PL

PERDIDO KEY DR

PERDIDO BEACH BLVD

R-3PK

CGPK

ALABAMA

FLORIDA

GULF OF MEXICO



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

Andrew Holmer
Planning and Zoning Dept.

V-2012-18 500' RADIUS ZONING



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



OLD RIVER

MU-PK

MU-PK

MU-PK

GULF OF MEXICO

GRAND KEY DR

ALABAMA

FLORIDA

KEY LARGO PL

PERDIDO KEY DR

PERDIDO BEACH BLVD

ALABAMA

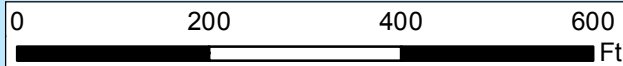
FLORIDA



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

Andrew Holmer
Planning and Zoning Dept.

V-2012-18 FUTURE LAND USE



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

OLD RIVER



ALABAMA

FLORIDA

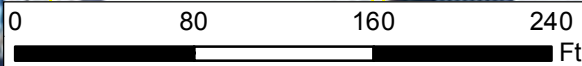
PERDIDO-KEY-DR



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

Andrew Holmer
Planning and Zoning Dept.

V-2012-18 AERIAL MAP



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

APPLICATION ATTACHMENTS CHECKLIST

- | | | | |
|-----|-----|---|--|
| ✓ | 1. | For BOA, original letter of request, typed or written in blue ink & must include the reason for the request and address all criteria for the request as outlined in LDC Article 2.05 (dated, signed & notarized – notarization is only necessary if an agent will be used). | <i>Please note: Forms with signatures dated more than sixty (60) days prior to application submittal will not be accepted as complete.</i> |
| ✓ | 2. | Application/Owner Certification Form - Notarized Original (page 1) (signatures of ALL legal owners or authorized agent are required) | |
| N/A | 3. | Concurrency Determination Acknowledgment form - Original (if applicable) (page 2) | |
| ✓ | 4. | Affidavit of Owner & Limited Power of Attorney form - Notarized Original (if applicable) (page 3) (signatures of ALL legal owners are required) | |
| ✓ | 5. | Legal Proof of Ownership (e.g. copy of Tax Notice or Warranty Deed). Include Corporation/LLC documentation or a copy of Contract for Sale if applicable. | |
| ✓ | 6. | Legal Description of Property Street Address / Property Reference Number | |
| N/A | 7. | a. Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida. b. BOA: Site Plan drawn to scale. | |
| N/A | 8. | For Rezoning requests: If the subject parcel does not meet the roadway requirements of Locational Criteria (Comprehensive Plan 7.A.4.13 & LDC 7.20.00.), a compatibility analysis to request a waiver or an exemption to the roadway requirements will need to be submitted as part of the application. | |
| N/A | 9. | Pre-Application Summary Form, Referral Form, Zoning Verification Request Form and/or copy of citation from Code Enforcement Department if applicable. | |
| ✓ | 10. | Application fees. (See Instructions page for amounts) Payment cannot be accepted after 3:00pm. | |

Please make the following three appointments with the Coordinator.

Appointment for pre-application meeting: _____

Appointment to turn in application: _____

Appointment to receive findings-of-fact: _____



Development Services Department

Escambia County, Florida

VARIANCE CRITERIA

According to Section 2.05.02 of the Escambia County Land Development Code, the Board of Adjustment may grant a variance(s) to the height, bulk, area, yard, parking, or open space zoning requirement(s) of this Code and a variance to any of the standards contained in Articles 4 and 7 through 12 in specific cases when such variance(s) will not be contrary to public interests.

Where, owing to special conditions, a literal enforcement of the provisions of this Code will result in unnecessary hardship, a variance may be granted so that the spirit and intent of this Code is observed and substantial justice done. 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 characters 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.

No variances shall be authorized under this provision unless the Board finds that all of the following criteria are met:

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

NOTE: THE REFERENCED CRITERIA MUST BE ADDRESSED IN THE APPLICANT'S LETTER OF REQUEST.

VARIANCE CRITERIA

1)

- a. We are the only liquor store on Perdido Key.
- b. We are on the state line and the majority of the revenue we capture comes from Alabama.
- c. The state of Alabama will not allow us to advertise our business across the state line further elevating the importance of signage.
- d. The proximity of the Waffle House on our eastern side significantly limits visibility of our business to westbound traffic.
- e. The shape of our lot and building is narrow and traffic traveling at 45 mph has a short window of time to see our business as it passes by.

2)

Perdido Key relies heavily on tourism for job creation and our tax revenue base. Our business and the services we offer are of great importance to those who live here as well as those who vacation here. Given the limitations we face at this location, this variance will benefit our customers by being more easily recognizable.

3)

The authorization of this variance will in no way impair adequate lighting, increase street congestion, create a fire hazard, imperil the public safety or property values in the surrounding area. It will not impair the health, safety, comfort or general welfare of the inhabitants of Escambia County.

4)

The issuance of this variance will not alter provisions of this code or the comprehensive plan.

5)

The dimension of signage requested only exceeds the current code requirements by less than one percent of the total footage.

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: MGFB Properties, Inc. Phone: 251-509-5423

Address: 17401 Perdido Key Dr. 32507 Email: cameron@florabama.com

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

Property Address: 17395 Perdido Key Dr, Pensacola, FL 32507

Property Reference Number(s)/Legal Description: _____

By my signature, I hereby certify that:

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

[Signature]
Signature of Owner/Agent

MGFB Properties, Inc
Cameron S. Price, VP
Printed Name Owner/Agent

10-10-12
Date

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 10 day of October 20 12 by Cameron S. Price

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

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



FOR OFFICE USE ONLY CASE NUMBER: V-2012-18

Meeting Date(s): 11-14-2012 Accepted/Verified by: _____ Date: 10-15-2012

Fees Paid: \$ 350 Receipt #: 565614 Permit #: PBA121000030

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 17395 Perdido Key Dr.,
Florida, property reference number(s) _____

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

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

This Limited Power of Attorney is granted on this 10th day of October the year of, 2012, and is effective until the Board of County Commissioners or the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development Services Bureau.

Agent Name: David Donnelly Email: dave ~~_____~~ @Florabama.com

Address: 17395 Perdido Key Dr. Phone: (850) 291-5486

[Signature]
Signature of Property Owner

MGFB Properties, Inc
Cameron S. Price, VP
Printed Name of Property Owner

10-10-12
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 10 day of October 20 12
by Cameron S. Price

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

[Signature]
Signature of Notary



(Notary Seal)

2012 NOTICE OF PROPOSED PROPERTY TAXES
 ESCAMBIA COUNTY TAXING AUTHORITIES

DO NOT PAY
THIS IS NOT A BILL

Real Property Acct: 104637500
 Property Ref No: 01-4S-33-1003-000-000
 Location: 17395 PERDIDO KEY DR
 BEG AT INTER OF CENTER LI
 OF R/W OF AL STATE H/W NO
 180 WITH AL/FL STATE LI...

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.

104637500
 24 - 02069 / 06377 JMS155145
 MGF B PROPERTIES INC
 17401 PERDIDO KEY DR
 PENSACOLA FL 32507

| TAXING AUTHORITY TAX INFORMATION | | | | | | | | |
|--|----------------------------------|--|-------------|------------------------------|--|-------------|--|-------------|
| REAL ESTATE | LAST YEAR'S TAXABLE VALUE (2011) | YOUR FINAL TAX RATE AND TAXES LAST YEAR (2011) | | CURRENT TAXABLE VALUE (2012) | YOUR TAX RATE AND TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE (2012) | | YOUR TAX RATE AND TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE (2012) | |
| Taxing Authority | COLUMN 1 | COLUMN 2 | | COLUMN 3 | COLUMN 4 | | COLUMN 5 | |
| | | MILLAGE RATE | TAXES | | MILLAGE RATE | TAXES | MILLAGE RATE | TAXES |
| COUNTY | \$2,016,070 | 6.975500 | \$14,063.10 | \$1,977,640 | 7.171300 | \$14,182.25 | 6.975500 | \$13,795.03 |
| SCHOOL BY LOCAL BOARD | \$2,016,070 | 2.248000 | \$4,532.13 | \$1,977,640 | 2.317400 | \$4,582.98 | 2.248000 | \$4,445.73 |
| SCHOOL BY STATE LAW | \$2,016,070 | 5.573000 | \$11,235.56 | \$1,977,640 | 5.745100 | \$11,361.74 | 5.510000 | \$10,896.80 |
| WATER MANAGEMENT | \$2,016,070 | 0.040000 | \$80.64 | \$1,977,640 | 0.041400 | \$81.87 | 0.040000 | \$79.11 |
| SHERIFF | \$2,016,070 | 0.685000 | \$1,381.01 | \$1,977,640 | 0.707300 | \$1,398.78 | 0.685000 | \$1,354.68 |
| TOTAL AD-VALOREM PROPERTY TAXES | | | \$31,292.44 | | | \$31,607.62 | | \$30,571.35 |

| PROPERTY APPRAISER VALUE INFORMATION | | | | | | | | |
|--------------------------------------|-------------|-------------|----------------|-------------|-----------|------|-----------------|-------------|
| | COUNTY | | PUBLIC SCHOOLS | | MUNICIPAL | | OTHER DISTRICTS | |
| | 2011 | 2012 | 2011 | 2012 | 2011 | 2012 | 2011 | 2012 |
| MARKET VALUE | \$2,016,070 | \$1,977,640 | \$2,016,070 | \$1,977,640 | \$0 | \$0 | \$2,016,070 | \$1,977,640 |
| LESS APPLIED ASSESSMENT REDUCTIONS | | | | | | | | |
| Save Our Homes Benefit | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Non-Homestead Benefit | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agricultural Classification | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| ASSESSED VALUE | \$2,016,070 | \$1,977,640 | \$2,016,070 | \$1,977,640 | \$0 | \$0 | \$2,016,070 | \$1,977,640 |
| LESS EXEMPTIONS | | | | | | | | |
| First Homestead | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Add'l Homestead | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Senior Exemption | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Combat Veteran's | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other Exemptions | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| TAXABLE VALUE | \$2,016,070 | \$1,977,640 | \$2,016,070 | \$1,977,640 | \$0 | \$0 | \$2,016,070 | \$1,977,640 |

[Back](#)

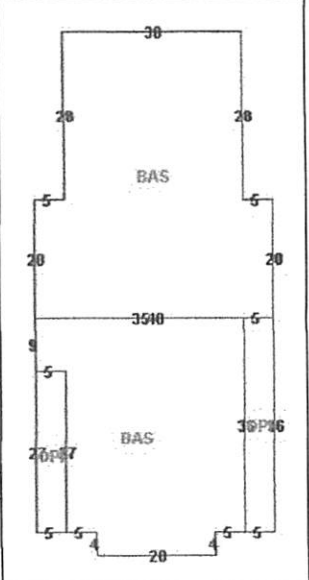
Source: Escambia County Property Appraiser

[Restore Full Page Version](#)

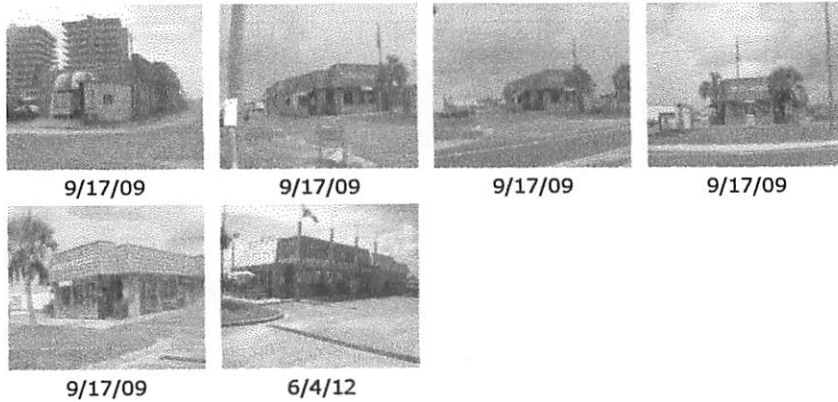
| <p>General Information</p> <p>Reference: 014S331003000000 Account: 104637500 Owners: MGF B PROPERTIES INC Mail: 17401 PERDIDO KEY DR PENSACOLA, FL 32507 Situs: 17395 PERDIDO KEY DR 32507 Use Code: STORE, 1 STORY Taxing Authority: COUNTY MSTU Tax Inquiry: Open Tax Inquiry Window Tax Inquiry link courtesy of Janet Holley, Escambia County Tax Collector</p> | <p>2012 Certified Roll Assessment</p> <p>Improvements: \$72,104 Land: \$1,905,536 Total: \$1,977,640 Save Our Homes: \$0</p> <p>Disclaimer</p> <p>Amendment 1 Calculations</p> | | | | | | | | | | | | | | | | | | |
|--|--|------|-----------|-------|-------------------------------|-------------------------------|------------|------|------|-------|----|----------------------------|---------|------|-----|-----------|----|----------------------------|--|
| <p>Sales Data</p> <table border="1"> <thead> <tr> <th>Sale Date</th> <th>Book</th> <th>Page</th> <th>Value</th> <th>Type</th> <th>Official Records (New Window)</th> </tr> </thead> <tbody> <tr> <td>03/01/2012</td> <td>6832</td> <td>1797</td> <td>\$100</td> <td>WD</td> <td>View Instr</td> </tr> <tr> <td>07/1994</td> <td>3606</td> <td>209</td> <td>\$480,000</td> <td>WD</td> <td>View Instr</td> </tr> </tbody> </table> <p>Official Records Inquiry courtesy of Ernie Lee Magaha, Escambia County Clerk of the Court</p> | Sale Date | Book | Page | Value | Type | Official Records (New Window) | 03/01/2012 | 6832 | 1797 | \$100 | WD | View Instr | 07/1994 | 3606 | 209 | \$480,000 | WD | View Instr | <p>2012 Certified Roll Exemptions</p> <p>None</p> <p>Legal Description</p> <p>BEG AT INTER OF CENTER LI OF R/W OF AL STATE H/W NO 180 WITH AL/FL STATE LI AS DEFINED BY ACT OF FL...</p> <p>Extra Features</p> <p>ASPHALT PAVEMENT CONCRETE PAVING CONCRETE WALKS FRAME BUILDING</p> |
| Sale Date | Book | Page | Value | Type | Official Records (New Window) | | | | | | | | | | | | | | |
| 03/01/2012 | 6832 | 1797 | \$100 | WD | View Instr | | | | | | | | | | | | | | |
| 07/1994 | 3606 | 209 | \$480,000 | WD | View Instr | | | | | | | | | | | | | | |

Parcel Information [Restore Map](#) [Get Map Image](#) [Launch Interactive Map](#)

| | |
|--|--|
| <p>Section Map Id: 01-4S-33</p> <p>Approx. Acreage: 3.0800</p> <p>Zoned: CGPK</p> | |
|--|--|

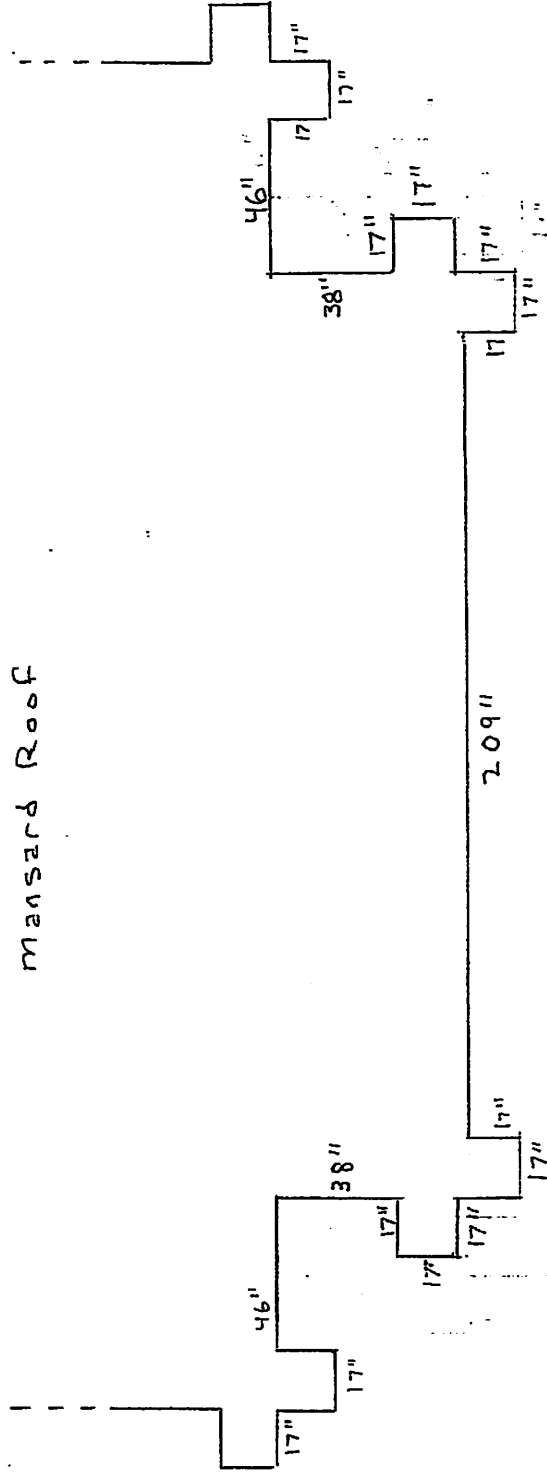
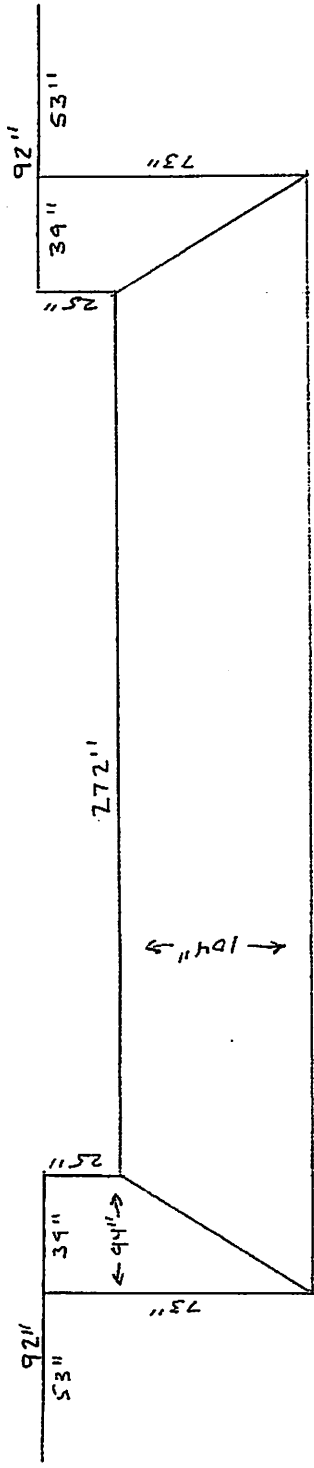
| Buildings | |
|--|--|
| Building 1 - Address:17395 PERDIDO KEY DR, Year Built: 1985, Effective Year: 1985 | |
| Structural Elements FOUNDATION-SLAB ON GRADE EXTERIOR WALL-BRICK-FACE NO. PLUMBING FIXTURES-6.00 ROOF FRAMING-RIGID FRAME/BAR ROOF COVER-BLT UP MTL/GYP INTERIOR WALL-DRYWALL-PLASTER STORY HEIGHT-9.00 NO. STORIES-1.00 FLOOR COVER-VINYL/CORK DECOR/MILLWORK-AVERAGE HEAT/AIR-CENTRAL H/AC STRUCTURAL FRAME-MASONRY PIL/STL |  |
| Areas - 3160 Total SF BASE AREA - 2845 OPEN PORCH FIN - 315 | |

Images



The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

FloraBama Liquor and Lotto
17395 Perdido Key Drive.

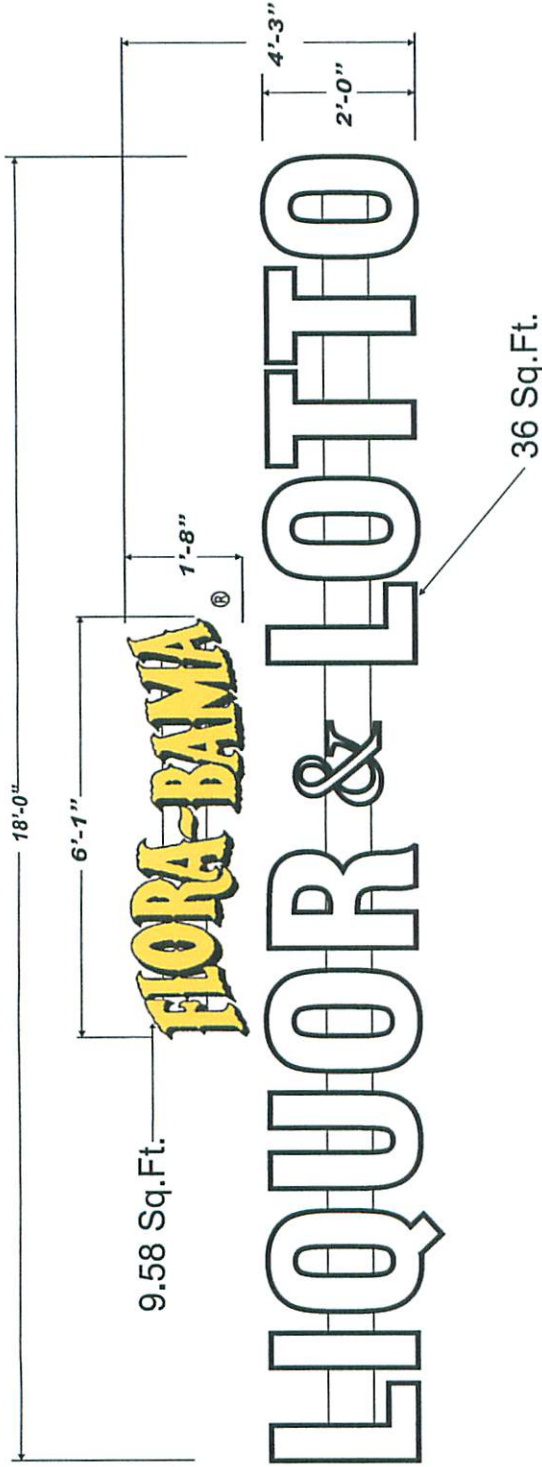


Mansard Roof

Building

Top View

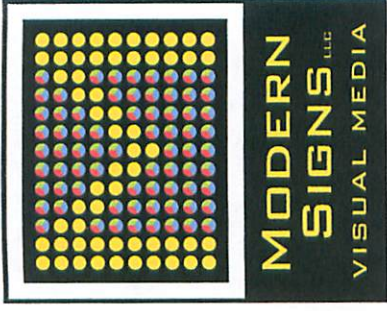
Building Front & Side OPTION - 2



Specifications

MANUFACTURE LIGHTED CHANNEL LETTERS MOUNTED RACEWAYS.

FLORA-BAMA LOGO WILL HAVE BLACK VINYL OUTLINE AND DROP SHADOW



Phone: 251-209-8680 Fax: 251-980-2230
Email: rarmstrong@gulfnet.com
P.O. Box 874 Orange Beach, AL 36561

Project Information

Client: Flora-Bama
Location:
File: FloraBama Liquor-Bldg-Front & Side 2
Scale: 1/4" = 1'-0"
Notes:

Date / Description

0224 / 2012 Lighted Channel Letters

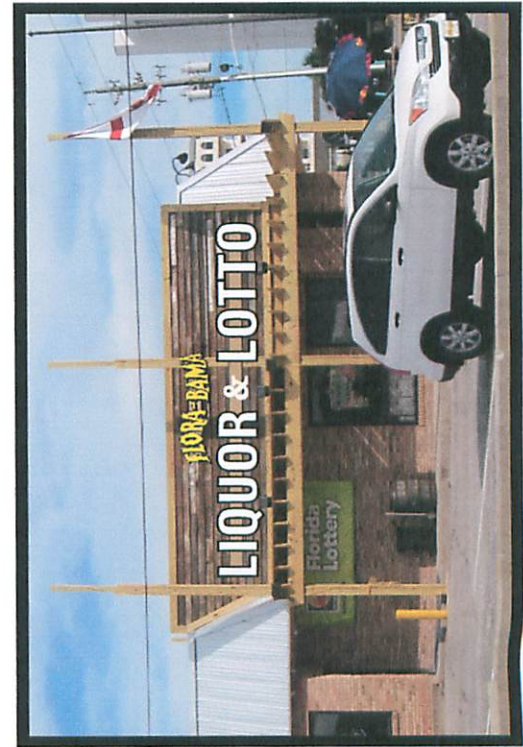
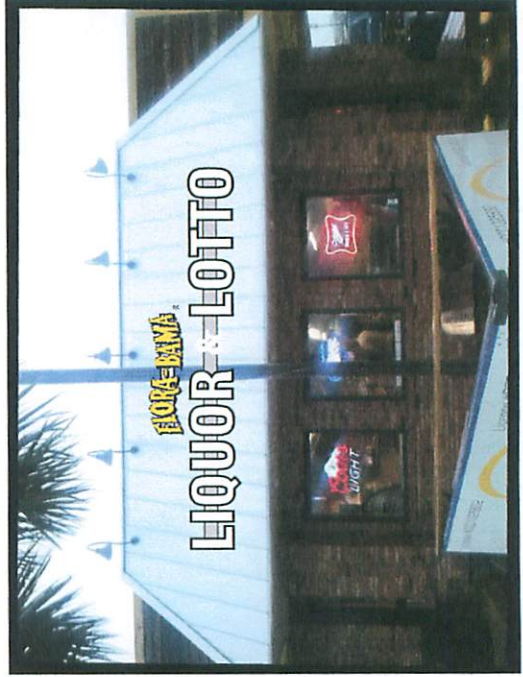
ELECTRICAL IS 120 VOLT

Client Approval

This is original unpublished drawing created by Modern Signs LLC and is submitted for your personal use in connection with the project being planned for you by Modern Signs LLC. It is not to be shown to anyone outside your organization, nor used, reproduced, copied or exhibited in any fashion whatsoever without the written consent of Modern Signs LLC. All or part of this design (with the exception of registered trademarks) remain the property of Modern Signs LLC and is copyrighted material.

Approved Approved as Noted

Name
Date
Notes





Development Services Department

Building Inspections Division

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

RECEIPT

Receipt No. : **565674**

Date Issued. : 10/15/2012

Cashier ID : GELAWREN

Application No. : PBA121000030

Project Name : V-2012-18

PAYMENT INFO

| Method of Payment | Reference Document | Amount Paid | Comment |
|-------------------|--------------------|-----------------|-----------------------|
| Check | 2232 | \$350.00 | App ID : PBA121000030 |
| | | \$350.00 | Total Check |

Received From : MGF B PROPERTIES INC

Total Receipt Amount : **\$350.00**

Change Due : \$0.00

APPLICATION INFO

| Application # | Invoice # | Invoice Amt | Balance | Job Address |
|---------------|-----------|-------------|---------|--|
| PBA121000030 | 658423 | 350.00 | \$0.00 | 17395 PERDIDO KEY DR, PENSACOLA, FL, 32507 |

Total Amount :

350.00

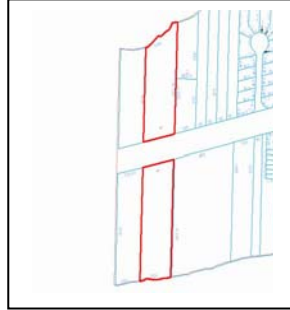
\$0.00

Balance Due on this/these
Application(s) as of 11/5/2012

NOTICE OF PUBLIC HEARING

Notice is hereby given of the intention of the Board of Adjustment of Escambia County, Florida, at a public hearing beginning at **8:30 a.m. November 14, 2012** in the Escambia County Central Office Complex, 3363 West Park Place, Room 104, Pensacola, Florida, to consider the following Variance under the Land Development Code, Code of Ordinances of Escambia County, Florida (Ordinance 96-3 as amended), Article 2.05.03.

Case No. V-2012-18
Location: 17401 Perdido Key Drive
Request: Increase size of signage



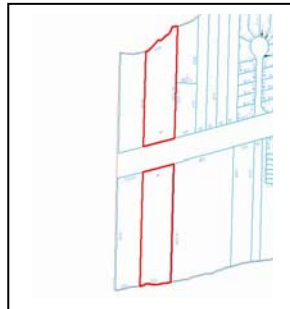
Any person who decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at such meeting or hearing, will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you have any questions, please contact the Development Services Department at 595-3475.

**Board of County Commissioners
of Escambia County, Florida**

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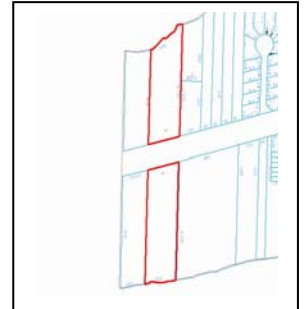
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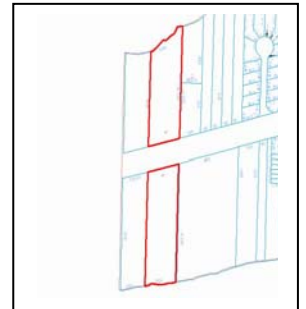
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Location: 17401 Perdido Key Drive
Request: Increase size of signage



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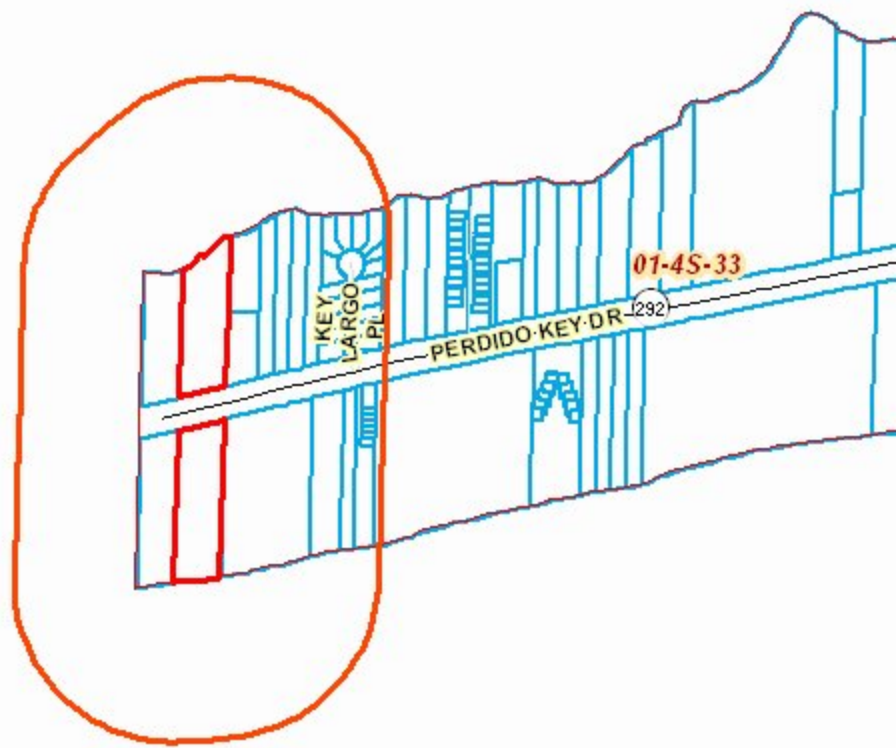
**Board of County Commissioners
of Escambia County, Florida**

FULLENKAMP JUSTIN TRUSTEE
205 NORTH POINT DR
GIFFORD IL 61847

WAFFLE HOUSE INC
TAX DEPT PO BOX 6450
NORCROSS GA 30091-6450

FLORA BAMA LOUNGE & PACKAGE
STORE INC
17401 PERDIDO KEY DR
PENSACOLA FL 325079354

MGFB PROPERTIES INC
17401 PERDIDO KEY DR
PENSACOLA FL 32507



Board of Adjustment

6. C.

Meeting Date: 11/14/2012
CASE: V-2012-18
APPLICANT: David Donnelly, Agent for MGF Properties, Inc.
ADDRESS: 17395 Perdido Key Dr.
PROPERTY REFERENCE NO.: 01-4S-33-1003-000-000
ZONING DISTRICT: CGPK, (Perdido Key)
commercial gateway district
FUTURE LAND USE: MU-PK, Mixed Use Perdido Key

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicant is seeking to increase the amount of allowable wall signage from 62.3 feet to 91.16 feet.

RELEVANT AUTHORITY:

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

CRITERIA

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

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 unique in both the location and use. This is the first building situated close to the right-of-way on the north side of the road inside the Florida line. The signs requested would help advertise the business to customers crossing from the Alabama side. The use of the site is

unique as it is the only liquor store on Perdido Key and serves customers from both states. Limiting the wall signage would present practical difficulties in advertising the use.

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

Given the unique location and use of the site, the variance would be needed for the enjoyment 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 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

While there are unique features to the site, the substantial increase in wall signage requested is not the minimum necessary to make use of the land or building.

STAFF RECOMMENDATION:

Staff finds that the Applicant can not meet all of the required criteria and denial of the request is recommended.

BOARD OF ADJUSTMENT FINDINGS:
