

AGENDA  
ESCAMBIA COUNTY BOARD OF ADJUSTMENT  
May 15, 2013–8:30 a.m.  
Escambia County Central Office Complex  
3363 West Park Place, Room 104

1. Call to Order.
2. Swearing in of Kevin W. White to the Board of Adjustment.
3. Swearing in of Staff and acceptance of staff as expert witness
4. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact into evidence.
5. Proof of Publication and waive the reading of the legal advertisement.
6. Approval of Resume Minutes from April 17, 2013.
7. **Consideration of the following cases:**
  - A. **Case No.:** V-2013-05  
Address: 11530 Thousand Oaks Drive  
Request: To reduce the north side setback  
Requested by: Wendi M. & Jeff Vowell, Owner
  - B. **Case No.:** V-2013-09  
Address: 6701 to 6705 Pine Forest Road  
Request: To reduce rear setbacks  
Requested by: Matt Sasser Agent for James C. Moulton, Moulton Properties, Inc.
  - C. **Case No.:** CU-2013-09  
Address: Quintette Road  
Request: To allow a Place of Worship in V-5 zoning  
Requested by: David W. and Diane R. Fitzpatrick, Owners
  - D. **Case No.:** CU-2013-10  
Address: 8039 N. Davis Hwy  
Request: To allow alcohol sales near place of worship

Requested by: Kerry Anne Schultz, Esquire Agent for Fernando & Maria Chavez

8. Discussion Items.

9. Old/New Business.

10. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, June 19, 2013 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

11. Adjournment.

**Board of Adjustment**

**6.**

Meeting Date: 05/15/2013

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Attachments

Resume Minutes from 4-17-2013

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# DRAFT

AGENDA  
ESCAMBIA COUNTY BOARD OF ADJUSTMENT  
April 17, 2013–8:30 a.m.  
Escambia County Central Office Complex  
3363 West Park Place, Room 104

Present: Don Carlos  
Auby Smith  
Bill Stromquist  
Jerry Watson  
Bobby Price, Jr.  
Jennifer Rigby

Absent: David Karasek

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

1. Call to Order.
2. Staff was sworn in and Board members accepted staff as expert witnesses.
3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.  
  
Motion by Bill Stromquist, Seconded by Vice Chairman Auby Smith  
Motion was made to accept the meeting package as presented by staff.  
**Vote:** 6 - 0 Approved  
Other: David Karasek (ABSENT)
4. Proof of Publication and waive the reading of the legal advertisement.  
  
Motion by Bobby Price, Jr., Seconded by Chairman Don Carlos  
Motion was made to accept proof of publication and to waive the reading of the legal advertisement.  
**Vote:** 6 - 0 Approved  
Other: David Karasek (ABSENT)



5. Approval of Resume Minutes from February 20, 2013. March Meeting was not held due to lack of quorum.

Motion by Bobby Price, Jr., Seconded by Bill Stromquist  
Motion was made to approve the Resume meeting minutes from the February 20, 2013 meeting as written.

**Vote:** 6 - 0 Approved

Other: David Karasek (ABSENT)

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

- A. Case No.: V-2013-01  
Address: 820 Creighton Road  
Request: Reduce the required ten foot side setback on the east side  
Requested by: Nat McKerley, 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 accept staff findings and grant the requested variance.

**Vote:** 4 - 2 Approved

Voted No: Chairman Don Carlos  
Jennifer Rigby

Other: David Karasek (ABSENT)

- B. **Case No.: V-2013-06**  
Address: 612 South 1st Street  
Request: To reduce south side setback  
Requested by: Marlos A. de Moraes, 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 Jerry Watson, Seconded by Bobby Price, Jr.  
Motion was made to accept staff findings and to approve requested variance.

**Vote:** 6 - 0 Approved

Other: David Karasek (ABSENT)

C.      **Case No.:        V-2013-07**  
Address:            232 Sabine Drive  
Request:            To reduce rear setback  
Requested by:      Christy Cabassa, Agent for Joel M. & Beverly B. Campbell

**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 grant requested variance and accept staff findings.

**Vote:** 6 - 0 Approved

Other: David Karasek (ABSENT)

D.      **Case No.:        CU-2013-03**  
Address:            539 S. Navy Blvd  
Request:            Allow accessory structure in front yard of waterfront lot  
Requested by:      Thomas Diamond, 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 Bobby Price, Jr., Seconded by Bill Stromquist  
Motion was made to approve requested Conditional Use and adopt staff findings.

**Vote:** 6 - 0 Approved

Other: David Karasek (ABSENT)

E.      **Case No.:        CU-2013-04**  
Address:            321 Chattman Street  
Request:            Allow accessory structure in front yard of waterfront lot  
Requested by:      Joseph M. & Mary A. Scheurich, 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 Bobby Price, Jr., Seconded by Bill Stromquist  
Motion to approve requested Conditional Use based on staff findings.

**Vote:** 6 - 0 Approved

Other: David Karasek (ABSENT)

F.      **Case No.:            CU-2013-05**  
Address:                10800 Lillian Highway  
Request:                To allow County Public Boat Ramp  
Requested by:        Escambia County Agent for RL REGI Florida, LLC

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

**Jennifer Rigby 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 grant the requested Conditional Use and adopt staff findings.

**Vote:** 6 - 0 Approved

Other: David Karasek (ABSENT)

G.      **Case No.:            V-2013-08**  
Address:                6051 Strickland Place  
Request:                To reduce rear setback  
Requested by:        Robert & Pacita Wiersma, 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 amend staff's findings for Criterion 2 and 5, and approve the variance as requested.

**Vote:** 6 - 0 Approved

Other: David Karasek (ABSENT)

H.      **Case No.:            CU-2013-06**  
Address:                7177 N. Davis Hwy  
Request:                To allow on-premise alcohol consumption  
Requested by:        Emily Bernahl agent for Simon Property Group

**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 to accept staff findings and approve the requested Conditional Use.

**Vote:** 5 - 1 Approved

Voted No: Jerry Watson

Other: David Karasek (ABSENT)

- I. **Case No.: CU-2013-07**  
Address: 1112 Olive Road  
Request: To allow gasoline sales in R-6 zoning  
Requested by: Erica L. Floyd Agent for Mohammed A. Rahman

**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 Jerry Watson, Seconded by Bill Stromquist  
Motion to accept staff findings and approve the requested Conditional Use.

**Vote:** 6 - 0 Approved

Other: David Karasek (ABSENT)

7. Discussion Items.  
8. Old/New Business.  
9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, May 15, 2013 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment. Meeting adjourned at 10:40 A.M.

Motion by Jennifer Rigby, Seconded by Bill Stromquist  
Motion to adjourn the meeting.

**Vote:** 6 - 0 Approved

Other: David Karasek (ABSENT)

**Board of Adjustment****7. A.**

**Meeting Date:** 05/15/2013  
**CASE:** V-2013-05  
**APPLICANT:** Wendi and Jeff Vowell  
**ADDRESS:** 11530 Thousand Oaks Dr  
**PROPERTY REFERENCE NO.:** 18-1N-30-4003-029-001  
**ZONING DISTRICT:** V-3, Villages  
single-family residential  
MU-S, Mixed-Use  
**FUTURE LAND USE:** Suburban

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

The Applicant is seeking an after-the-fact variance to the North side setback for the construction of an addition. Staff was not provided a measurement of the amount of variance requested.

**RELEVANT AUTHORITY:**

**Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended),  
Section: 6.05.24.F.5**

F. Site and building requirements.

5. Side yard. The minimum side yard on each side shall be ten percent of the lot width measured at the front building but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 30 feet, whichever is greater.

**CRITERIA**

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

**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 subject property is similar in design and conditions to the other lots in this platted subdivision. Staff finds no unique physical characteristics that would limit the use of the land as it was platted.

#### **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 requested variance is not necessary for the preservation and enjoyment of a substantial property right as the land can be used for the designed purpose.

#### **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**

This lot was designed for a single-family home built within the setbacks. An addition requiring a variance is not the minimum necessary to make use of the land.

**STAFF RECOMMENDATION:**

Staff finds that the Applicant cannot meet criteria 1, 2, and 5; therefore, denial of the request is recommended.

**BOARD OF ADJUSTMENT FINDINGS:**

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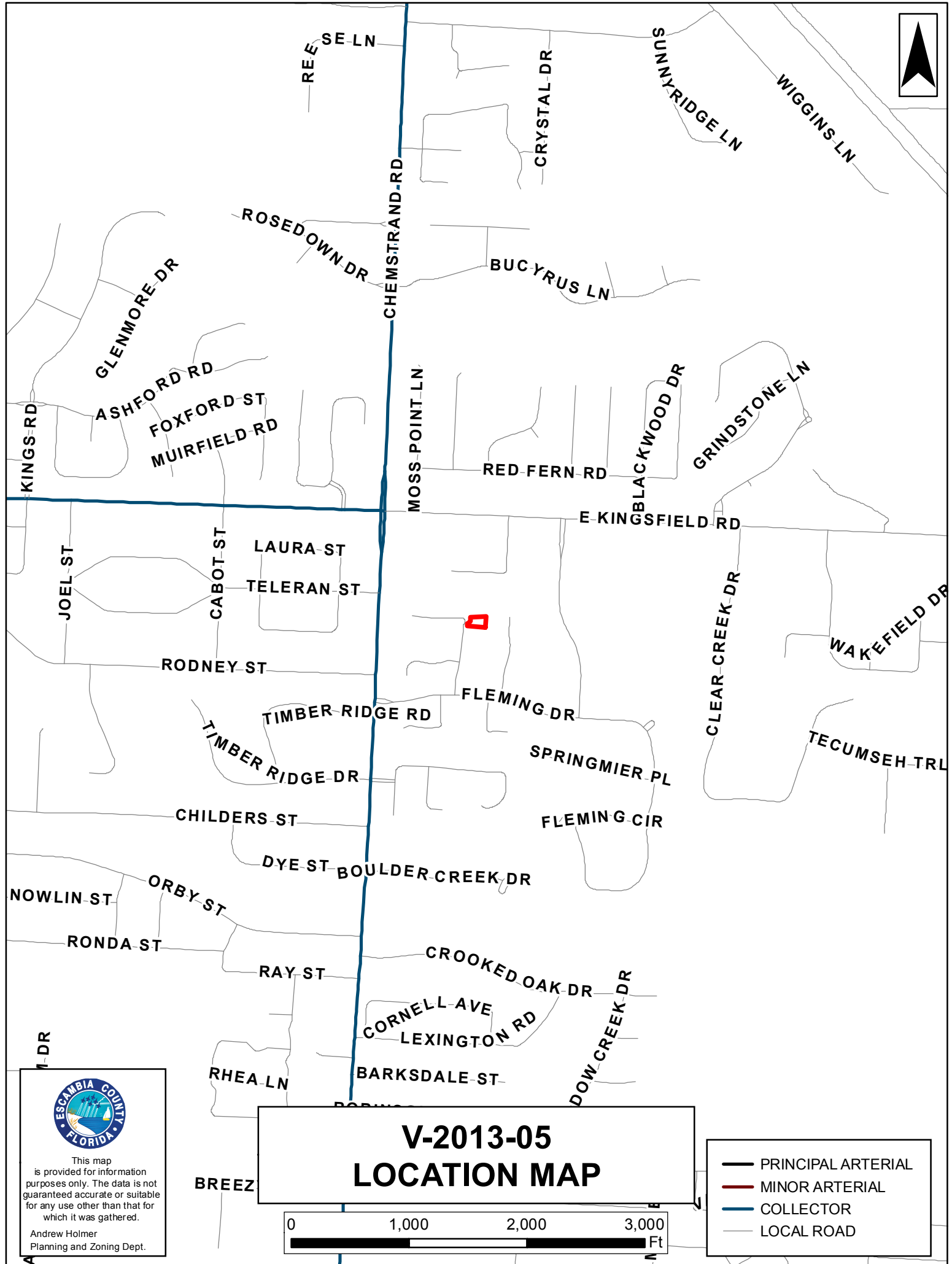
**Attachments**

V-2013-05 Working Case File

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**V-2013-05**

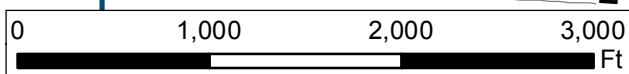




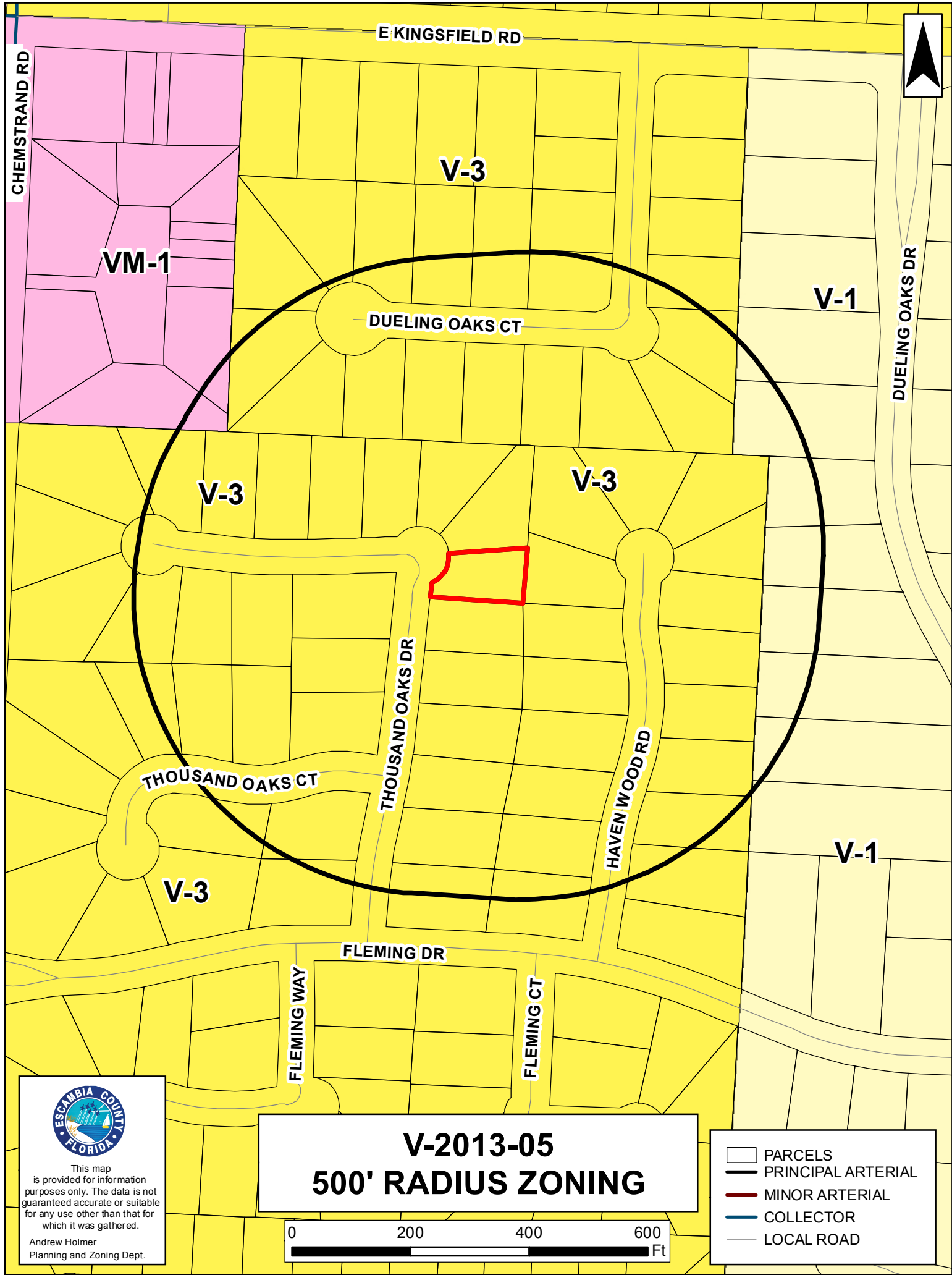
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Andrew Holmer  
Planning and Zoning Dept.

# V-2013-05 LOCATION MAP

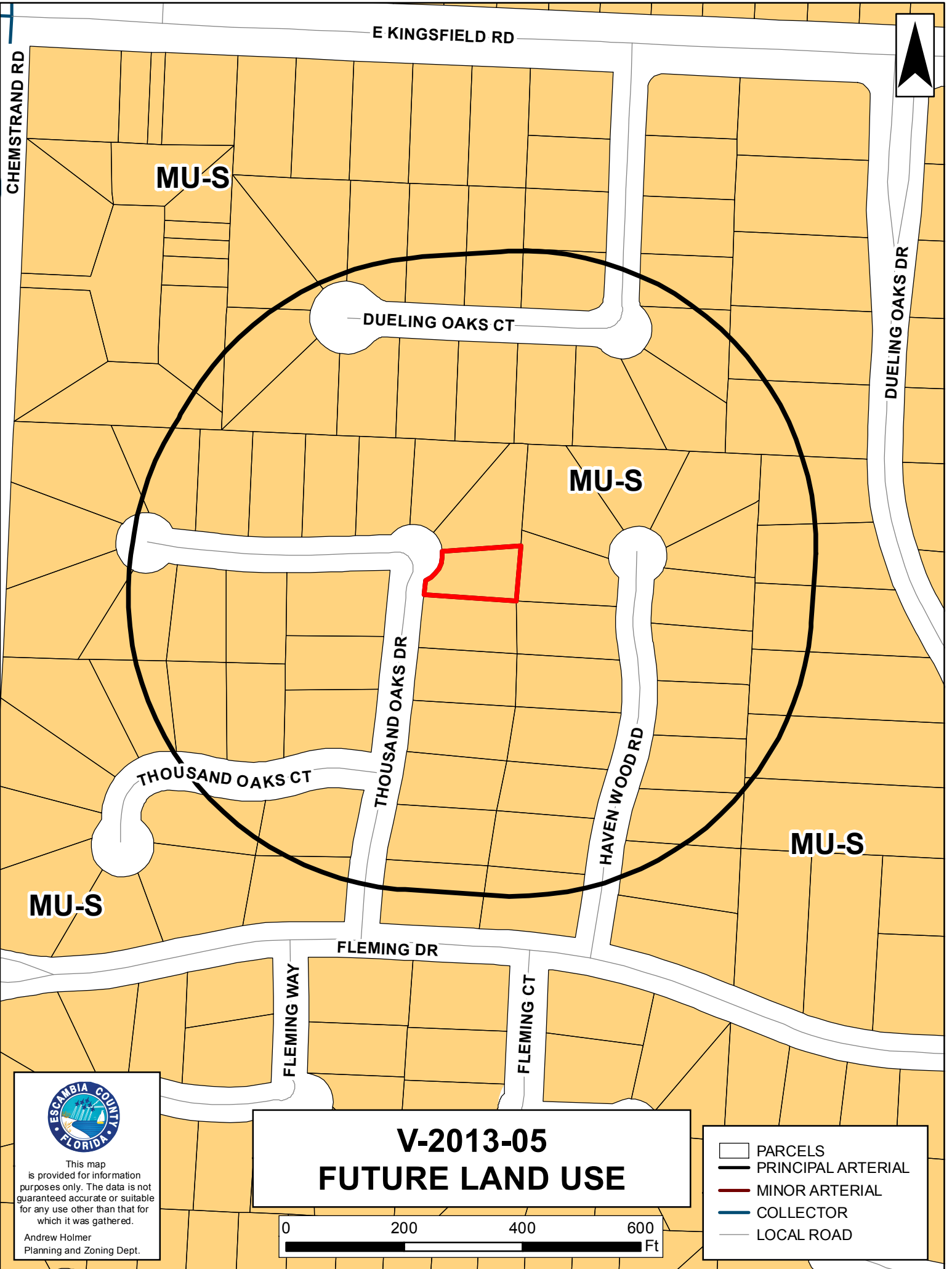


- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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.



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Andrew Holmer  
Planning and Zoning Dept.

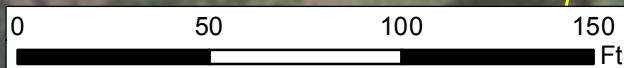




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Andrew Holmer  
Planning and Zoning Dept.

## V-2013-05 AERIAL MAP



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

To Whom It May Concern:

Variance requested for shed to be built on north side of existing house. Property has no outside storage and limited space to build due to existing retaining wall and buried utilities. North side of house has no utilities or septic system. In no way will variance impair supply of light or air to adjacent property. Shed will be within property line and behind existing property fence. The variance will not alter other provisions of this code or the comprehensive plan. The variance is the minimum necessary to make possible the use of the land and building as approved by the BOA.

Wendi M. Vowell 1-30-13

Wendi M. Vowell Date

11530 Thousand Oaks Drive

Pensacola, FL 32514

Parcel ID # 181N304003029001

Jeff Vowell 1/30/13

Jeff Vowell Date

11530 Thousand Oaks Drive

Pensacola, FL 32514

## APPLICATION

Please check application type:

☐ Administrative Appeal

☐ Development Order Extension

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

☒ Variance Request for: Limited Room

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

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

Owner(s) Name: Wendi + Jeff Vowell Phone: 850-313-9087

Address: 11530 Thousand Oaks Dr. Email: go.13@live.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: 11530 Thousand Oaks Dr. Pensacola, FL 32514

Property Reference Number(s)/Legal Description: 181N304003079001

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.

Wendi M. Vowell  
Signature of Owner/Agent

Wendi M. Vowell  
Printed Name Owner/Agent

1-30-13  
Date

[Signature]  
Signature of Owner

Jeff Vowell  
Printed Name of Owner

1/30/13  
Date

STATE OF Florida

COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 30th day of January 20 13  
by Wendi and Jeff Vowell

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

Diane Hobbs  
Signature of Notary  
(notary seal must be affixed)

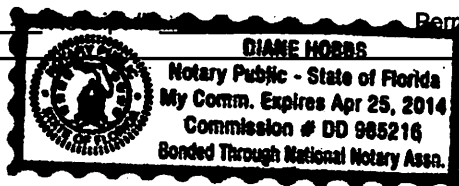
Diane Hobbs  
Printed Name of Notary

### FOR OFFICE USE ONLY

CASE NUMBER: \_\_\_\_\_

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

Fees Paid: \$ \_\_\_\_\_ Permit #: \_\_\_\_\_



## Exhibit "B"

File #: R11025504

## Abutting Roadway Maintenance

ATTENTION: Pursuant to Escambia County Ordinances Chapter 1-29.2, Article V, sellers of residential lots are required to disclose to Buyers whether abutting roadways will be maintained by Escambia County, and if not, what person or entity will be responsible for maintenance of any roadway that has not been built or improved to meet county standards. Escambia County Code Ordinances Chapter 1-29.2, Article V, requires this disclosure be attached along with other attachments to the deed or other method of conveyance required to be made part of the public records of Escambia County, Florida. Note: Acceptance of filing by County employees of this disclosure shall in no way be construed as an acknowledgement by the County of the veracity of any disclosure statement.

Name of Roadway: 11530 Thousand Oaks Drive, Pensacola, FL, 32514

THE COUNTY ( ☒ ) HAS ACCEPTED ( ) HAS NOT ACCEPTED THE ABUTTING ROADWAY FOR MAINTENANCE.

If not, it will be the responsibility of \_\_\_\_\_ to maintain, repair and improve the road.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Deborah Joslyn  
 Witness Printed Name: \_\_\_\_\_

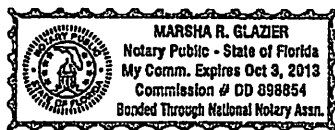
Deborah Joslyn  
 Witness Printed Name: \_\_\_\_\_  
Marsha R. Glazier  
 State of FLORIDA

County of ESCAMBIA

Buyer(s):

Wendi Vowell  
 Wendi Vowell

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of AUGUST, 2012 by Wendi Vowell and, who is ( ) personally known to me or (X) has produced FL DRIVERS LICENSE as identification.



Marsha R. Glazier  
 Notary Public  
 Printed Name: MARSHA R. GLAZIER  
 My Commission Expires: 10/03/2013

## AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 11530 Thousand Oaks Dr.  
Florida, property reference number(s) 181N304003029001

I hereby designate Jeff Vowell 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 \_\_\_\_\_ 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: Jeff Vowell (Spouse) Email: so.13c live. com  
Address: 11530 Thousand Oaks Dr. Phone: 850.313-9087

Wendi m. Vowell  
Signature of Property Owner

Wendi m. Vowell  
Printed Name of Property Owner

1-30-13  
Date

[Signature]  
Signature of Property Owner

Jeff Vowell  
Printed Name of Property Owner

01/30/13  
Date

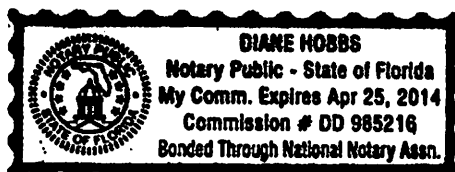
STATE OF Florida COUNTY OF Escambia  
The foregoing instrument was acknowledged before me this 30th day of January 20 13,  
by Jeff Vowell and Wendi Vowell

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

Diane Hobbs  
Signature of Notary

Diane Hobbs  
Printed Name of Notary

(Notary Seal)





Prepared by/Return to:  
Ronald R. Wolfe & Associates, P.L.  
Jonathan Mesker  
4921 Memorial Highway, Suite 100  
Tampa, Florida 33634  
File Number: R11025504  
\$74000

(Space Above This Line For Recording Data)

## Special Warranty Deed

This Special Warranty Deed made this 28th day of August, 2012, between Federal Home Loan Mortgage Corporation whose post office address is 5000 Plano Parkway, Carrollton, TX, 75010, grantor, and Wendi Vowell, a married person, whose post office address is 11530 Thousand Oaks Drive, Pensacola, FL 32514, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the Escambia County, Florida, to-wit:

LOT 29, BLOCK A, THOUSAND OAKS, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 10, PAGE 92, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

Parcel Identification Number: 181N304003029001

This deed is being executed by virtue of a power of attorney recorded on May 31<sup>st</sup>, 2012, in Official Records Book 21152, Pages 440-443, of the Public Records of Hillsborough County, Florida.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year shown in the acknowledgement below.

Signed, sealed and delivered in our presence:

[Signature]  
Witness Name: Diane E. Helvey  
[Signature]  
Witness Name: Diana M. DeCrane

State of Florida  
County of Hillsborough

Federal Home Loan Mortgage Corporation  
By Ronald R. Wolfe & Associates, P.L.,  
as attorney in fact  
[Signature]  
By: Melissa J. Nunley  
Its authorized signor

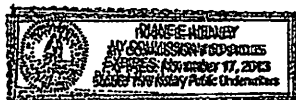
The foregoing instrument was acknowledged before me this 28th day of August, 2012, by Melissa J. Nunley, as Authorized Signor of the Ronald R. Wolfe & Associates, P.L., on behalf of the corporation, who ☒ is/are personally known to me or ☐ has/have produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public

Printed Name: Diane E. Helvey

My Commission Expires: \_\_\_\_\_

CERTIFIED TO BE A TRUE COPY OF THE  
ORIGINAL ON FILE IN THIS OFFICE  
WITNESS MY HAND AND OFFICIAL SEAL  
PAM CHILDERS  
CLERK OF THE CIRCUIT COURT & COMPTROLLER  
ESCAMBIA COUNTY, FLORIDA  
BY: Mary Green D.C.  
DATE: 11/31/13



## Exhibit "A"

Ronald R. Wolfe & Associates, P.L.

### Corporate Resolution

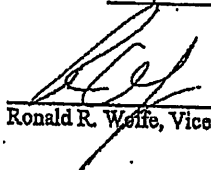
It is hereby resolved this 1<sup>st</sup> day of June, 2012 that the following individuals are authorized to sign as Attorney-in-Fact for Federal Home Loan Mortgage Corporation under the Limited Power of Attorney recorded on May 31, 2012 in Official Records Book 21152, Page 440-443, in the Public Records of Hillsborough County, Florida.

NANCY A. JONES  
JUDY KANE  
CHRISTIE ROONEY  
MELISSA J. NUNLEY  
BETTY L. GUEST  
COLLEEN E. LEHMANN

REBECCA M. DALY  
ANDREA SOMERS  
HENRY DINNAN  
TINA WORKMAN  
JONATHAN W. MESKER

It is further resolved that any signatories in the past that may have varied from this procedure are hereby ratified, nunc pro tunc, and have authority by the firm to execute said documents.

WITNESS MY HAND AND SEAL OF OFFICE THIS 1<sup>st</sup> DAY OF JUNE, 2012.

  
\_\_\_\_\_  
Ronald R. Wolfe, Vice President

**ALVIN R. WALKER**  
**LAND SURVEYING**

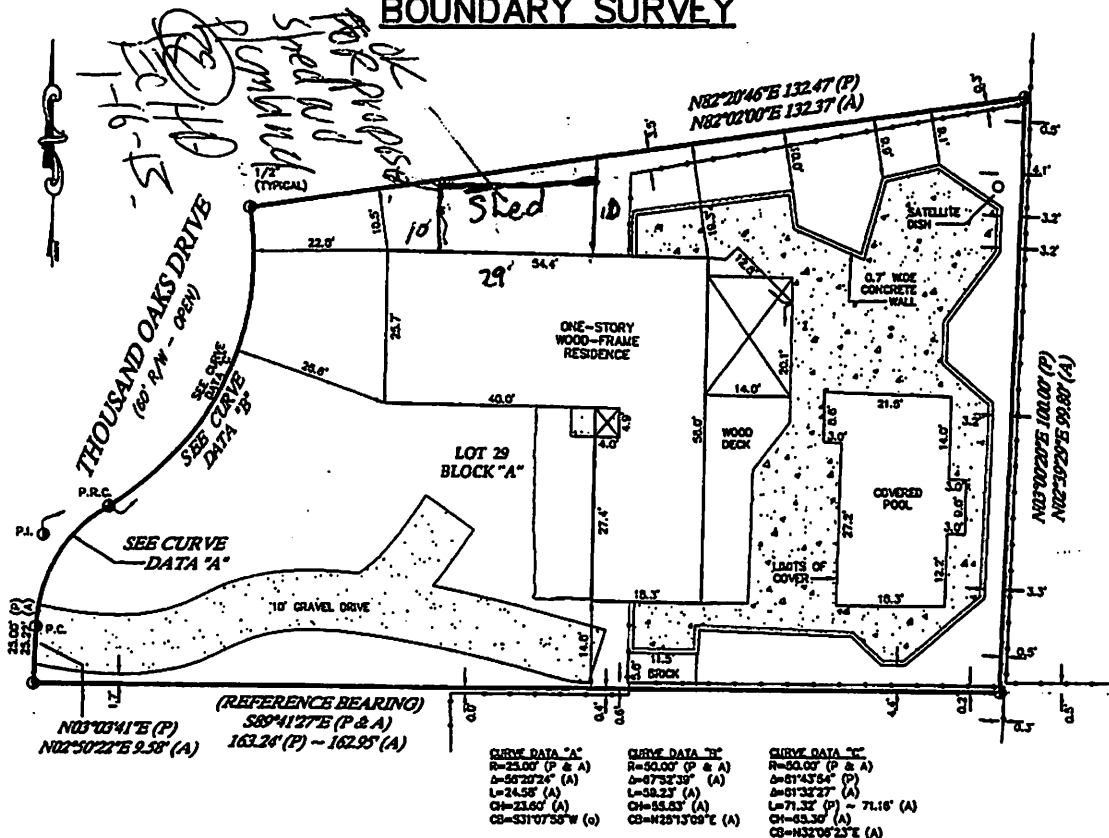
TELEPHONE NO.  
(850) 968-0300

**1108 KATHLEEN AVENUE CANTONMENT, FL 32633**

**FAX NO.**  
**(850) 968-0301**

**NOTICE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.**

# BOUNDARY SURVEY



**LAND DESCRIPTION:**

**Lot 29, Block A, Thousand Oaks, according to the plat recorded in Plat Book 10, Page 92, of the Public Records of Escambia County, Florida.**

**NOTES:**

Source of Information: Recorded Plat. Description as furnished by client. There may be additional restrictions, easements and/or right-of-ways that were not furnished to this firm that may be found in the public records of said County. Footings, foundations or any other subsurface structures not located. No title work performed by this firm. This survey does not reflect or determine ownership. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties. Fences and gravel are exaggerated for clarity.

**This drawing reflects only those building setback lines that are noted and/or appear on the recorded plat.**

**Address: 11630 Thousand Oaks Drive**

The address shown hereon is based on information furnished by the client and/or their agents. Said address has not been verified with the U.S. Postal Service. Any certifications shown hereon do not apply or cover the said address.

**Basis of Bearings:** Assuming S89°41'27"E along the Southwly lot line of subject property as per the record Plat.

**CERTIFIED TO MEET MINIMUM TECHNICAL STANDARDS TO:**

**Wendi Yewell**

Wells Fargo Home Mortgage, Inc., and/or the Secretary of Housing and Urban Development, their successors and/or assigns as their interests may appear.

**Interests may appear  
Now House Title, L.L.C.**

**Westcor Land Title Insurance Company**

**LEGEND:**

[illegible]

NOTE: ALL MEASUREMENTS MADE IN ACCORDANCE WITH UNITED STATES STANDARDS.

JOB NO. 12-05-030 FILE NO. 8-2423 SCALE: 1"=20'  
REQUESTED BY: MANDE BOHLL & DOT REALTY DWG NAME 1205030  
DATE OF SURVEY: 08/10/12 ENCROACHMENTS: AS SHOWN  
FIELD BOOK: 103 PAGE: 28-29 REVISIONS:

**SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER S.J-17.050, S.J-17.051 AND S.J-17.052, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

ALVIN R. WALKER II, P.S.N. NO. 5940  
STATE OF FLORIDA

**DRAWN BY:** ASW/BTC

ADW

NOT VALID UNLESS  
SEALED WITH AN  
EMBOSSED SEAL



BUILDING INSPECTIONS DIVISION  
DEVELOPMENT SERVICES DEPARTMENT

**CONSTRUCTION PLANS  
SUFFICIENCY REVIEW**

ADDRESS: 11530 Thousand Oaks TX  
Number Street City State Zip Code

Name of Person Submitting Plans: \_\_\_\_\_ Contact Person: \_\_\_\_\_  
Telephone No.: 800-313-9087  
Facsimile No.: \_\_\_\_\_

☐ Commercial - New (DO required) ☐ Commercial - Addition/Alteration (DO required) ☒ Residential - New ☐ Residential - Addition/Alteration ☐ Fire Safety

- ☒ Completed Building Permit Application  
☒ Development Order (if new or addition to commercial building)  
☒ Recorded Notice of Commencement  
☒ Sewer Tap or verification letter from ECUA or Health Department, re: Septic System  
☒ SRIA approval Stamps, if building on Pensacola Beach  
☐ Benchmark survey, except on 'X' zone  
☒ 2 Sets of sealed drawings with proper wind-load certification, to include **2010 Florida Building Code** noted on plans, and if applicable, the following:

- |  |   |
|--|---|
| <input type="checkbox"/> Floor Plan                                | <input type="checkbox"/> Mechanical Plan                  |
| <input type="checkbox"/> Plumbing Plan                             | <input type="checkbox"/> Electrical Plan                  |
| <input checked="" type="checkbox"/> Site Plan                      | <input type="checkbox"/> Metal Building plan              |
| <input type="checkbox"/> Truss Layout drawing                      | <input type="checkbox"/> Florida Energy Forms             |
| <input type="checkbox"/> Termite Protection Statement              | <input type="checkbox"/> Method of Protection of Openings |
| <input type="checkbox"/> Specific Florida Product Approval Numbers | <input type="checkbox"/> Scope of Work, if applicable     |
| <input type="checkbox"/> Provisions for Balanced Air               |   |
| <input type="checkbox"/> Other: _____                              |   |

**FIRE SAFETY - FIRE SUPPRESSION/SPRINKLER**

- ☐ Completed Fire Sprinkler Application  
☐ Three (3) Sets of Sealed Drawings  
☐ Signed Related Checklist

**FIRE ALARM SYSTEM**

- ☐ Completed Fire Alarm Application  
☐ Three (3) Sets of Sealed Drawings  
☐ Signed Related Checklist

Date: 1/16/2013 Time: 2:55 a.m. ☐ p.m. ☒

Required Documents Verified by:  
Melinda City  
Plan Intake Specialist

Walk-Through Plans Reviewed by:  
Steve  
Licensed Plans Examiner



BUILDING PERMIT NO.: \_\_\_\_\_

PARCEL ID NO.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

DRC No.: \_\_\_\_\_

Tank/Sewer No.: \_\_\_\_\_

Project Name: Storage ShedApplication For Building Permit  
2010 Florida Building CodeDATE: 1/15/13

LOCATION OF IMPROVEMENTS	Job Address: <u>11530 Thousand Oaks Dr</u>		CONTRACTOR INFORMATION	Contractor <u>None</u>	
	CONSTRUCTION COSTS: \$ <u>400</u>			Address _____	
TYPE OF IMPROVEMENT	OWNER: <u>Wendi &amp; Jeff Vowell</u>		City _____		ARCHITECT ENGINEER
	ADDRESS: <u>11530 Thousand Oaks Dr</u>		State _____ Zip Code _____		
	Phone: <u>850-313-9087</u>		Phone _____		
	Fax: _____		Fax _____		
	Email _____		Email _____		
TYPE OF IMPROVEMENT	[ ] New [x] Addition [ ] Alteration [ ] Repair [ ] Replace [ ] Demolition				
	[ ] Change of Occupancy: FROM _____ TO _____				
	Structure Type: [ ] Commercial [x] Residential 1 or 2 Units [ ] Residential 3 or more units				
	WIDTH <u>10</u> LENGTH <u>29</u> HEIGHT <u>7</u> NO. FLOORS <u>1</u> NO. UNITS <u>N/A</u>				
	FTPrint/SQ.FT <u>319</u> UNDER ROOF/SQ.FT <u>319</u> SQs/SHINGLES <u>N/A</u>				
ARCHITECT ENGINEER	Name _____		MORTGAGE LENDER	Name <u>WALIS Fargo</u>	
	Address <u>None</u>			Address <u>15 E. Garden St.</u>	
	Phone _____			Phone _____	
Fee Simple Titleholder's Name & Address (If Other than Owner) _____					
Bonding Company & Company Address: _____					

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work has been commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit may be required for all ELECTRICAL, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, AIR CONDITIONERS, HEATING, AND VENTILATING SYSTEMS ELEVATORS, ESCALATORS AND TRANSPORTING ASSEMBLINGS, GAS, SPRINKLER, ROOFING AND INSTALLATIONS, ETC. **OWNER'S AFFIDAVIT:** I certify that the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning. **WARNING TO OWNER:** YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AT THE ESCAMBIA COUNTY CLERK OF COURTS AND A CERTIFIED COPY FILED AT THE BUILDING INSPECTIONS DIVISION, BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. If you are not the owner of the property being permitted, by signing this application, you hereby certify that you are the authorized agent of the owner. Furthermore, you must, by law, promise to inform the owner that the property in question is being subjected to possible liens and/or attachment, and must deliver all forms and notices required by law to the owner.

Signature of Owner or Agent:

Date:

Wendi Vowell 1/15/13

Signature of Contractor:

Date:

Contractor's License No.: \_\_\_\_\_

Notary as to Owner or Agent:

STATE OF FLORIDA/COUNTY OF Escambia

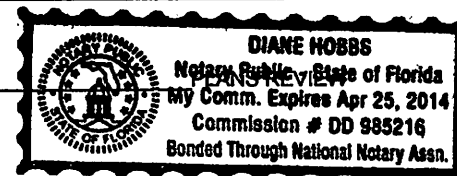
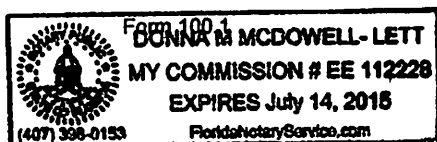
Sworn to and subscribed before me this 15th day of January, 2013  
by JEFF REY E. VOWELL JR. who is/is not personally  
known to me or who has produced Florida Driver License  
as identification.

Dianna M McDowell-Lett  
SIGNATURE OF NOTARY

Comm. Expires: July 14, 2015Printed Name of Notary: DIANNA M. MCDOWELL-LETTNotary as to Contractor: OwnerSTATE OF FLORIDA/COUNTY OF Escambia

Sworn to and subscribed before me this 15th day of January, 2013  
by Wendi Vowell who is/is not personally  
known to me or who has produced N/A  
as identification.

Diane Hobbs  
SIGNATURE OF NOTARY

Comm. Expires: Apr 25, 2014Printed Name of Notary: Diane Hobbs



WMV initials  
Revised 10/9/09

## PRODUCT APPROVAL SPECIFICATION SHEET

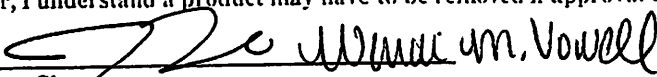
As required by Florida Statute 553.842 and Florida Administrative Code 9B-72, please provide the information and approval numbers on the building components listed to be utilized on the construction project for which you are applying. We recommend you contact your local product supplier should you not know the product approval number for any of the applicable listed products. Statewide approved products are listed online @ [www.floridabuilding.org](http://www.floridabuilding.org).

Category/Subcategory	Manufacturer	Product Description	Approval Number(s)
<b>EXTERIOR DOORS</b>			
a. Swinging	Benchmark	36" Exterior Door # 253120	FL # 111 S
b. Sliding			
c. Sectional/Roll Up			
d. Other			
<b>WINDOWS</b>			
a. Single/Double Hung			
b. Horizontal Slider			
c. Casement			
d. Fixed			
e. Mullion			
f. Skylights			
g. Other			
<b>PANEL WALL</b>			
a. Siding	Hardi	4x8 Siding #217843	FL 13192.4
b. Soffits			
c. Storefronts			
d. Glass Block			
e. Other			
<b>ROOFING PRODUCTS</b>			
a. Asphalt Shingles			
b. Non-Structural Metal	Baker Metal	Power Ribbed 29 gauge	FL 10094
c. Roofing Tiles			
d. Single Ply Roof			
e. SWB			
f. Other			
<b>STRUCTURAL COMPONENTS</b>			
a. Wood Connectors	Lowe's	RT7A-TZ	H2.5A2
b. Wood Anchors			
c. Truss Plates			
d. Insulation Forms			
e. Lintels			
f. Others			
<b>NEW EXTERIOR ENVELOPE</b>			
<b>SHUTTERS</b>			

I understand that, at the time of inspection, the following information must be available to the inspector on the jobsite:

1. A copy of the product approval.
2. The list of performance characteristics which the product was tested and certified to comply with.
3. A copy of the applicable manufacturers' installation requirements.

Further, I understand a product may have to be removed if approval cannot be demonstrated during inspection.

  
Applicant Signature

1/16/13  
Date

## THIS INSTRUMENT PREPARED BY:

Name: Jeff Vowell  
 Address: 1130 Thousand Oaks Dr.  
Pensacola, FL 32514

STATE OF FLORIDA  
 COUNTY OF ESCAMBIA

Pam Childers

CLERK OF THE CIRCUIT COURT  
 ESCAMBIA COUNTY FLORIDA

INST# 2013003080 01/15/2013 at 02:36 PM

OFF REC BK: 6961 PG: 1225 - 1225 Doc Type: NOC

RECORDING: \$10.00

## NOTICE OF COMMENCEMENT

Permit Number \_\_\_\_\_ Parcel ID Number (PID) \_\_\_\_\_

THE UNDERSIGNED hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. **DESCRIPTION OF PROPERTY:** (legal description of the property, and street address if available. Attach a separate if necessary)

Lot 29 Block A Thousand Oaks Flat Book 10 Page 92

2. **GENERAL DESCRIPTION OF IMPROVEMENT:** Outside Storage Shed

3. **OWNER INFORMATION:**

Name and address: Wendi & Jeff Vowell

Interest in property: owners

Name and address of fee simple titleholder (if other than Owner): \_\_\_\_\_

4. **CONTRACTOR:** (name, address and phone number): None (myself)

5. **SURETY:**

Name, address and phone number: \_\_\_\_\_

Amount of bond \$ \_\_\_\_\_

6. **LENDER:** (name, address and phone number) \_\_\_\_\_

7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by § 713.13(1)(a)7, Florida Statutes: (name, address and phone number) \_\_\_\_\_

8. In addition to him/herself, Owner designates \_\_\_\_\_ of \_\_\_\_\_ receive a copy of the Lienor's Notice as provided in § 713.13(1)(b), Florida Statutes.

9. Expiration date of notice of commencement (the expiration date is 1 year from the date of recording unless a different date is specified) \_\_\_\_\_

**WARNING TO OWNER:** ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART 1, SECTION 713.13 FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

STATE OF FLORIDA

COUNTY OF ESCAMBIA

[Signature]  
 OWNER'S SIGNATURE

Wendi M. Vowell

Jeffrey Vowell  
 OWNER'S PRINTED NAME

Wendi M. Vowell

The foregoing instrument was acknowledged before me this 15 day of January, 20 13 by JEFFREY  
E. VOWELL JR. Wendi M. Vowell Who is personally known to me OR who has produced identification  
Florida Driver License VERIFICATION PURSUANT TO § 92.525 FLORIDA STATUTES.

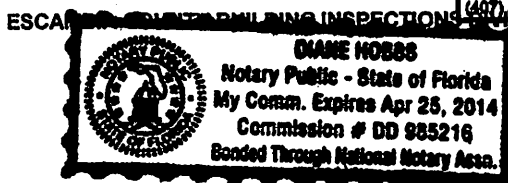
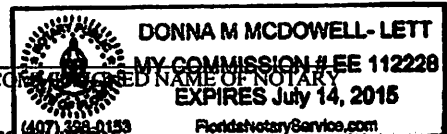
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING AND THAT THE FACTS STATED IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE OF OWNER OR OWNER'S  
 AUTHORIZED OFFICER/DIRECTOR/PARTNER/MANAGER

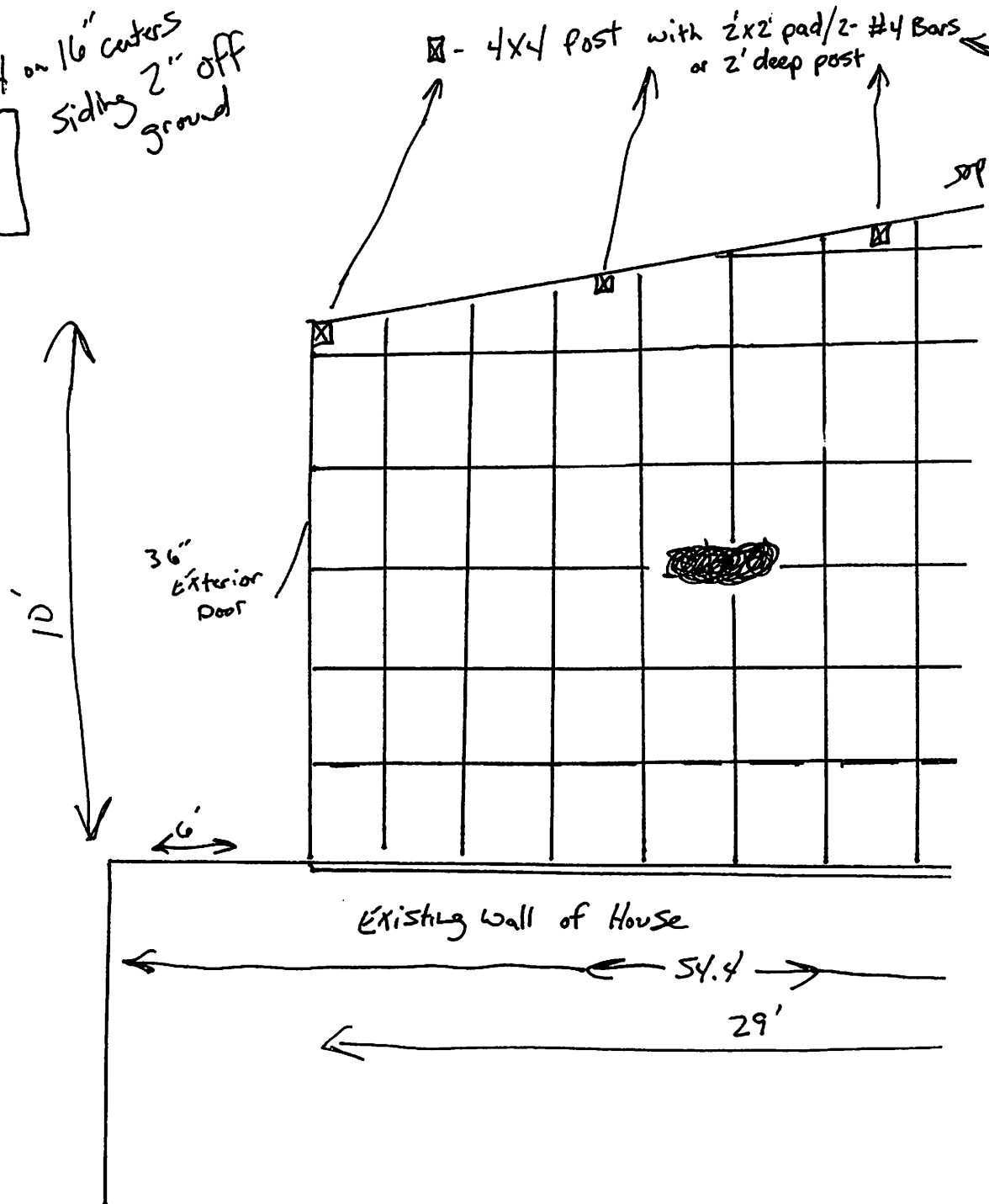
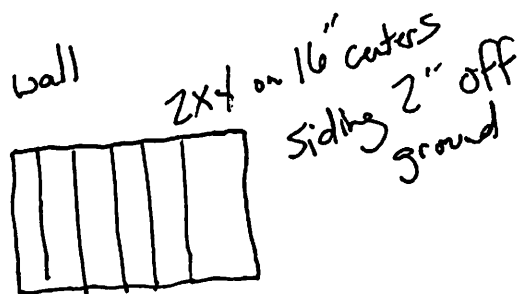
Donna M. McDowell-Lett  
 NOTARY PUBLIC - STATE OF FLORIDA

SIGNATORY'S TITLE/OFFICE

PRINT OR STAMP COMMISSIONED NAME OF NOTARY







11530 Thousand Oaks Dr.  
Pensacola, FL 32514

off  
d

4x4 post with 2x2 pad/2- #4 Bars  
or 2' deep post

Hurricane Clips at all  
Joists 2.5

2x12 Headers

1x4 (24" on center)

erior  
roof

2x6  
Roof Rafters  
24" on center

36" Exterior  
Door

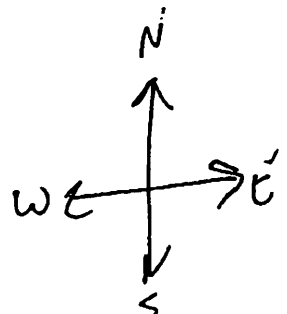
12'

Existing Wall of House

2x6 Headers anchored

54.4'

29'





## Development Services Department

### Building Inspections Division

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

## RECEIPT

Receipt No. : **572604**

Date Issued. : 01/31/2013

Cashier ID : GELAWREN

Application No. : PBA130100007

Project Name : V-2013-05

### PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
<b>Credit Card</b>	V-5236	\$385.00	App ID : PBA130100007
		<b>\$385.00</b>	Total Credit Card

Received From : JEFFREY E VOWELL

Total Receipt Amount : **\$385.00**

Change Due : \$0.00

### APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA130100007	665284	385.00	\$0.00	11530 Thousand Oaks DR, PENSACOLA, FL

**Total Amount :**

**385.00**

\$0.00

Balance Due on this/these  
Application(s) as of 2/13/2013

VOWELL WENDI  
11530 THOUSAND OAKS DR  
PENSACOLA, FL 32514

LUCKIE SYLVIA  
11532 THOUSAND OAKS DR  
PENSACOLA, FL 32514

CORBIN JAMES W  
11528 THOUSAND OAKS DR  
PENSACOLA, FL 32514

ROGER IVAN D J  
11561 HAVEN WOOD RD  
PENSACOLA, FL 32514

SHAW FLOYD L & CORDIE L  
11563 HAVEN WOOD RD  
PENSACOLA, FL 32514

**Board of Adjustment**

**7. B.**

**Meeting Date:** 05/15/2013

**CASE:** V-2013-09

**APPLICANT:** Matt Sasser, Agent for James C. Moulton, Moulton Properties, Inc.

**ADDRESS:** 6701 to 6705 Pine Forest Road

**PROPERTY REFERENCE NO.:** 25-1S-31-3401-000-000,  
25-1S-31-3404-000-000,  
25-1S-31-3404-000-002

**ZONING DISTRICT:** C-2 General  
Commercial and Light  
Manufacturing District  
(Cumulative).

**FUTURE LAND USE:** C, Commercial

---

**SUBMISSION DATA:**

**REQUESTED VARIANCE:**

The applicant is requesting a variance to the 15 foot rear setback on the interior shared property lines, resulting in a zero lot line setback between the interior property lines.

**RELEVANT AUTHORITY:**

**Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended),  
Section: 6.05.16.H, 6.05.14.G.4**

6.05.16.H. Site and building requirements. Same as C-1 district.

6.05.14.G.4. Yard. There shall be a front and rear yard of at least 15 feet. There shall be a minimum side yard of ten feet on each side which shall be increased by two feet on each side for each story (floor) above the third story or for each ten feet in height above the first 35 feet of the structure as measured from the finished grade. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 20 feet, whichever is greater.

**CRITERIA**

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

**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 unusual wedge shape of this commercial property presents practical site design difficulties. To accommodate the required parking, drive aisles and storm-water detention pond, the proposed buildings are shifted close together. The requested variance would allow for a viable commercial design.

#### **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 would allow the property owner the necessary space to meet all of the requirements of new construction on this specific parcel, and is necessary for the preservation and enjoyment of a substantial property right normally associated with a commercial development.

#### **CRITERION (3)**

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

#### **FINDINGS-OF-FACT**

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

#### **CRITERION (4)**

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

#### **FINDINGS-OF-FACT**

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

#### **CRITERION (5)**

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

**FINDINGS-OF-FACT**

The requested variance is the minimum necessary considering the unique shape and location of the parcel, to make use for a more commercial friendly and safe environment.

**STAFF RECOMMENDATION:**

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

**BOARD OF ADJUSTMENT FINDINGS:**

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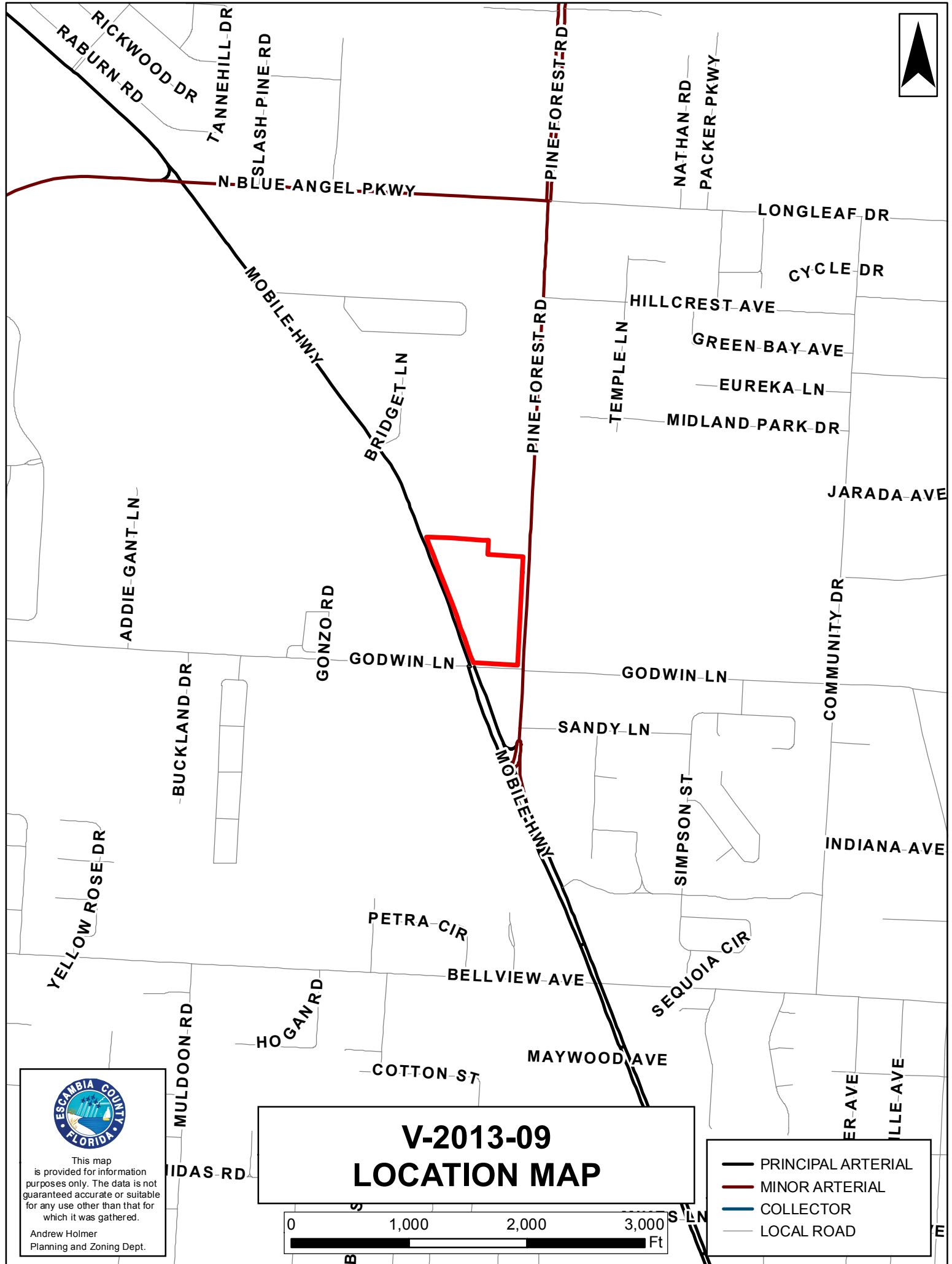
**Attachments**


V-2013-09 Working Case File

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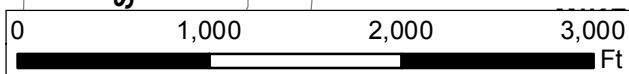
**V-2013-09**



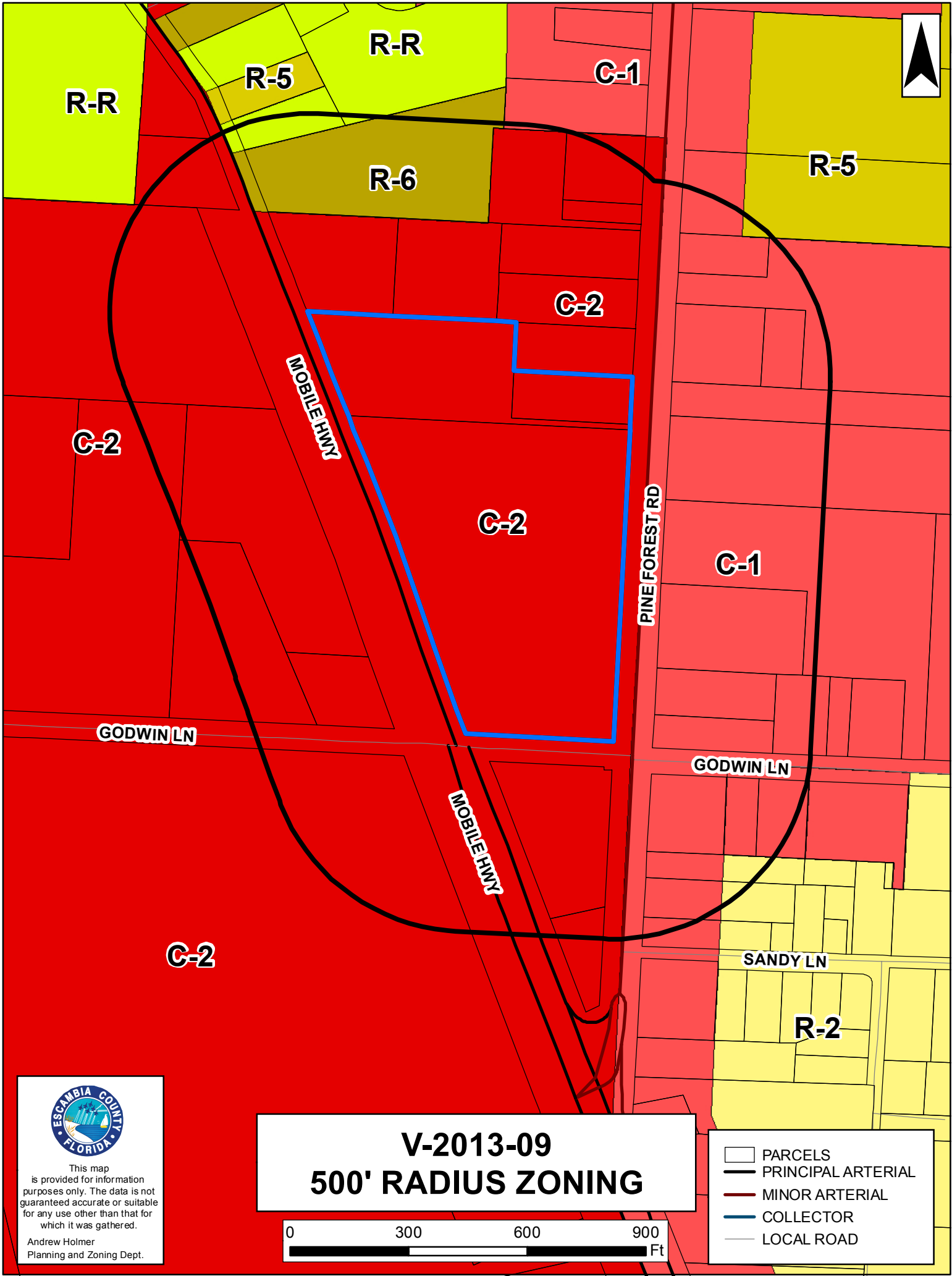



  
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.  
Andrew Holmer  
Planning and Zoning Dept.

**V-2013-09**  
**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.

**V-2013-09**  
**500' RADIUS ZONING**



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



MU-S

MU-U

MU-S

MU-U

MU-U

MOBILE HWY

PINE FOREST RD

GODWIN LN

GODWIN LN

MOBILE HWY

SANDY LN



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-2013-09 FUTURE LAND USE

0 300 600 900  
Ft

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





MOBILE HWY

GODWIN LN

GODWIN LN

PINE FOREST RD

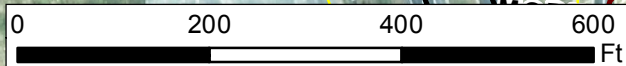
MOBILE HWY



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

Andrew Holmer  
Planning and Zoning Dept.

# V-2013-09 AERIAL MAP



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





## Meyers Brothers Properties LLC

April 17, 2013

To: **Andrew Holmer**  
**Escambia County**  
3363 West Park Place  
Pensacola, FL 32505  
(850.595.3475)

Re: ***Pine Forest Corners***  
***(Walmart Neighborhood Market #4357 Shopping Center)***  
***Pine Forest Road at Mobile Highway***  
***Variance Request***

Dear Mr. Holmer:

As the Developer of the above-referenced project, we are submitting the enclosed Variance Application for consideration by the Board of Adjustment.

This project involves construction of a Walmart Neighborhood Market and adjacent multi-tenant retail space. Due to the nature of the project, it is desirable for the Walmart Neighborhood Market and the adjacent multi-tenant retail space to be located on two separate parcels. Our variance request is to reduce the required side yard setback in the C-2 zoning district (Section 6.05.16.H of the Escambia County Code of Ordinances) on the interior shared property line of the proposed development to zero.

The regulations of the C-2 zoning district would require that each of these two proposed buildings be set off of the shared property line by 10-feet, creating a 20-foot gap between the two structures. We are requesting a variance to reduce this 10-foot side yard to zero along the shared property line, which would allow the two structures to be constructed adjacent to one another as a traditional shopping center with shared sidewalks and canopies making it more pedestrian friendly. All other setbacks and yard requirements on the property, as dictated by the C-2 district regulations, will be met.

Following are comments relating to each of the five variance criteria:

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.**

The property in question is currently zoned for commercial development, and has a commercial future land-use designation. However, the property boundary is limited by the rights-of-way of three adjacent public roadways: Pine Forest Road, Mobile Highway and Godwin Lane. The locations of Pine Forest Road (the eastern property boundary) and Mobile Highway (the western property boundary) have resulted in a narrow property which tends to force commercial

development to face Godwin Lane (the southern property boundary) rather than one of these two major roadways. Additionally, the relative angles of Pine Forest Road and Mobile Highway are not parallel, and therefore further narrow the property from north to south forcing the center to the North. These constraints created by the existing road network significantly restrict the site layout options for commercial development, and are unique to this property. The applicant and it's anchor tenant require that the parcels be separate for various reasons such as property taxes, maintenance, insurance and the ability to sell the parcels in the future. However, we still need to be able to build this as a traditional shopping center that is easy to access on foot with contiguous canopies and sidewalks and pedestrian flow.

- 2. The variance is necessary for the preservation and enjoyment of a substantial property right as defined herein and not only to serve as a convenience to the applicant.**

The requested variance allows the site to be developed with the minimum necessary commercial density to correlate to the underlying value of the property. Because of the unique property shape created by the existing roadway network, there is no reasonable alternative layout which allows creation of this minimum necessary density.

- 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.**

Because the requested variance would apply only to the shared property line between the two proposed commercial properties, authorization of the variance will have no impact on adequate supply of light and air to adjacent properties. A traffic impact study has been completed which addresses traffic impacts to public streets, and any impacts will be appropriately mitigated as part of the Escambia County and FDOT review process. Authorization of the variance will have no impact to public safety or fire danger. There are building code standards in place which address adequate fire rating of shared walls in situations such as this. Because the requested variance affects only the interior lot line of the proposed development, its authorization will have no impact on 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.

Authorization of the requested variance will, in fact, enhance the aesthetic and operational characteristics of the subject property and surrounding properties. Failure to authorize the requested variance could result in a 20 foot gap between the two proposed structures. This gap would not be usable for any meaningful purpose, and could become a "trap" for trash and debris, and would provide a view corridor from the front of the site to the unsightly rear service areas. It could also permit undesirable pedestrian access between the front customer areas of the shopping center and the service areas behind the structures. It will raise the ongoing maintenance cost for the center and therefore it's tenants.

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.**

The requested variance will not, in any manner, alter other provisions of the Escambia Code of Ordinances or the Comprehensive Plan. This project will comply with all other zoning district requirements.

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

The requested variance is the minimum necessary to allow reasonable use of the land, as discussed in Item #1. It is also the minimum necessary to eliminate the potential negative impacts of leaving a gap between the two proposed structures, as discussed in Item #3.

Please process the enclosed variance application to be placed on the agenda of the next available Board of Adjustment meeting. Should you have any questions, or should you require additional information, please contact me at 404.252.1499 (x225). Thank you.

Sincerely,



Matt Sasser  
Bright-Meyers Pensacola, LLC



## APPLICATION

**Please check application type:**

☐ Administrative Appeal

☐ Development Order Extension

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

☒ Variance Request for: Minimum Side Yard Setback

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

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

Owner(s) Name: Moulton Properties, Inc. Phone: 850-501-8500

Address: PO Box 12524 Pensacola, FL 32591 Email: jim@moultonprop.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: 6701 to 6705 Pine Forest Road

Property Reference Number(s)/Legal Description: 251S313401000000, 251S313404000000,  
251S313404000002

**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

Matt Sasser

Printed Name Owner/Agent

4-17-13  
Date

Signature of Owner

James C. Moulton  
Printed Name of Owner

4-17-13  
Date

STATE OF Georgia

COUNTY OF Dekalb

The foregoing instrument was acknowledged before me this 17 day of April, 20 13,  
by Matt Sasser & Jim Moulton

Personally Known ☒ OR Produced Identification ☐ Type of Identification Produced: \_\_\_\_\_

Signature of Notary

Denton R Hammond Jr  
Printed Name of Notary

**FOR OFFICE USE ONLY**

CASE NUMBER: \_\_\_\_\_

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

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



## AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 6701 to 6705 Pine Forest Road,  
Florida, property reference number(s) 251S313401000000, 251S313404000000, 251S313404000002  
I hereby designate Bright-Meyers Pensacola, LLC for the sole purpose  
of completing this application and making a presentation to the:

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

☒ Board of Adjustment to request a(n) VARIANCE FOR MINIMUM  
SIDEYARD SETBACK on the above referenced property.

This Limited Power of Attorney is granted on this 17 day of April the year of,  
2013, 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: Matt Sasser, Representative of Bright-Meyers Pensacola, LLC Email: matt@meyersbrothers.com

Address: 5881 Glenridge Drive, Suite 220 Atlanta, GA 30328 Phone: 404-252-1499

[Signature]  
Signature of Property Owner

JAMES C. MOULTON  
Printed Name of Property Owner

4/17/13  
Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF Georgia

COUNTY OF DeKalb

The foregoing instrument was acknowledged before me this 17 day of April 20 13,  
by Jim Moulton.

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: \_\_\_\_\_

[Signature]  
Signature of Notary

Denton R Hammond Jr.  
Printed Name of Notary

(Notary Seal)



## CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

N/A

Property Reference Number(s): \_\_\_\_\_

Property Address: \_\_\_\_\_

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

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

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Date

[illegible][illegible]

CURRENT ZONING: C-2 GENERAL COMMERCIAL/  
PLANS LAND USE DESIGNATION: C COMMERCIAL  
FUTURE TRACT TIES AND USE:  
20 S 96AC0000000000 RAGNATI  
20 S 96AC0000000000 RAGNATI  
20 S 96AC0000000000 RAGNATI

LOCATION CRITERIA: THIS SITE LIES APPROXIMATELY 70 FT. E-W NUTTS FROM THE  
INTERSECTION OF MOBILE HWY AND FINE POINT RD FOR LAND DEVELOPMENT CODE 12006.  
LOCATIONAL CRITERIA FOR THIS PROJECT IS THEREFORE MET.

M	NEIGHBORHOOD MARKET PARKING (APPROXIMATE AND CURRENT)	45,099 S.F. 196 SPACES	DEVELOPER TRACT PARKING	17,900 S.F. 87 SPACES	OVERALL SHOPPING CENTER PARKING	62,999 S.F. 263 SPACES
	ACCESSIBLE	8 SPACES	ACCESSIBLE	5 SPACES	ACCESSIBLE	5 SPACES
	TOTAL PARKING RATIO**	202 SPACES 4.48/1,000 S.F.	TOTAL PARKING RATIO**	70 SPACES 3.91/1,000 S.F.	TOTAL PARKING RATIO**	272 SPACES 4.32/1,000 S.F.
	*CART CORRALS 8 CORRALES (6 SPACES)					

VICINITY MAP  
NOT TO SCALE

ALL GENERAL CONTRACTOR WORK TO BE COMPLETED EARTHWORK, FINAL UTILITIES AND FINAL GRADING BY THE MILESTONE DATE IN PROJECT DOCUMENTS. OUTLET ARIAS TO BE KEPT FREE OF JOB TRAILERS AND STORAGE AFTER THE CONTRACT MILESTONE DATE FOR THE OUTLETS. GENERAL CONTRACTOR TO PROVIDE CLEAR ACCESS FOR OUTLET CONTRACTOR TO THE SPECIFIC PARCELS AT ALL TIMES AFTER MILESTONE DATE. PURCHASER OF OUTLET TO PROVIDE PERMIT DOCUMENTS AND SWPPP REQUIRED BY STATE/LOCAL REQUIREMENTS FOR SPECIFIC OUTLET.

PROPOSED SLAB

PROPOSED FINISH AND CURB

PROPOSED PARKING SPACES DRIVE

ASSOCIATED PARKING SPACES DRIVE

CURT CURB (SEE DETAIL)

STANDARD DUTY PAVEMENT: SEE "STANDARD PAVEMENT" PLANT AND/OR CONCRETE PAVEMENT PLANT FOR MATERIALS

HEAVY DUTY PAVEMENT: SEE "STANDARD PAVEMENT" PLANT AND/OR CONCRETE PAVEMENT PLANT FOR MATERIALS

ARCHITECTURAL ASPEN (SEE ASPEN PLANS)

HEAVY DUTY CONCRETE PAVEMENT

CONCRETE (SEE ASPEN EXIST)

2" DEEP SLURRY FOR CURB DRAINAGE (SEE ASPEN, NON-REINFORCED MATERIAL)

FINISH, FINISH

KEY	ATTRIBUTES
I	COUNTING NUMBER: XXX-XXX-XXX MOULTING HEIGHT: AIS NOTED ON PLANS: 1 POSTURE PER POLY
II	COUNTING NUMBER: XXX-XXX-XXX MOULTING HEIGHT: AIS NOTED ON PLANS: 2 POSTURES PER POLY
III	COUNTING NUMBER: XXX-XXX-XXX MOULTING HEIGHT: AIS NOTED ON PLANS: 3 POSTURES PER POLY
IV	COUNTING NUMBER: XXX-XXX-XXX MOULTING HEIGHT: AIS NOTED ON PLANS: 2 POSTURES PER

SYSLAF - DOUBLE YELLOW SOLID LINE / 4' WIDE EACH  
SYSLAF - SINGLE YELLOW SOLID LINE / 4' WIDE  
SYSLAF - SINGLE WHITE DASHED LINE / 4' WIDE  
SYSLAF - SINGLE WHITE SOLID LINE / 4' WIDE  
SYSLAF - SINGLE BRIGHT YELLOW LINE / 4' WIDE @ STOPS W/ 8' GAPS

TRACT	TRACT SIZE (AC)	IMPROVABLE AREA (AC)	LANDSCAPE AREA (AC)
WILMANT TRACT	65.0	147AC/88	03AC/07
DEVELOPER TRACT	14.8	075AC/05	025AC/03
OUTLOT #1	5.6	780	780
OUTLOT #2	5.8	780	780
GAS TRACT	0.83	780	780
TOTAL	92.43		

SITE PLAN

SCALE: 1" = 60'

REVISIONS	BY

**FREELAND and KAUFFMAN, INC.**  
Engineers • Landscape Architects  
209 West Stone Avenue  
Greenville, South Carolina 29609  
864-233-5497  
fax 864-233-6596

PRELIMINARY  
NOT FOR  
CONSTRUCTION

**PINE FOREST CORNERS**  
**WNNIGHBORHOOD MARKET #43571**  
**WESCAMBIA COUNTY, FLORIDA**  
 BERBRIGHT-MEYERS PENSACOLA ASSOC, LP  
 55501 GLENBRIE DRIVE, SUITE 220  
 ATLANTA, GA 30328  
 TEL: (404) 252-1609

Walmart\*

DRAWN  
 BY  
 CHECKED  
 ON  
 DATE  
 ATTENDING  
 SCALE  
 1" = 60'  
 SHEET  
 11  
 OF 11 SHEETS



## Development Services Department

### Building Inspections Division

3363 West Park Place

Pensacola, Florida, 32505

(850) 595-3550

Molino Office - (850) 587-5770

## RECEIPT

Receipt No. : **578291**

Date Issued. : 04/18/2013

Cashier ID : LSHARTLE

Application No. : PBA130400018

Project Name : V-2013-09

### PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
Check	18201	\$385.00	App ID : PBA130400018
		<b>\$385.00</b>	Total Check

Received From : MEYERS BROTHERS PROPERTIES LLC

Total Receipt Amount : **\$385.00**

Change Due : \$0.00

### APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA130400018	670846	385.00	\$0.00	6705 PINE FOREST RD, PENSACOLA, FL

<b>Total Amount :</b>	<b>385.00</b>	<b>\$0.00</b>	Balance Due on this/these Application(s) as of 4/18/2013
-----------------------	---------------	---------------	---

MOULTON PROPERTIES INC  
PO BOX 12524  
PENSACOLA, FL 325912524

KIMMONS THOMAS R & JAN E  
2560 GULF BREEZE AVE  
PENSACOLA, FL 32507

MOBILE HIGHWAY RENTALS  
LLC  
6949 MOBILE HWY  
PENSACOLA, FL 32526

THOR INVESTMENTS LLC  
6809 PINE FOREST RD  
PENSACOLA, FL 32526

**Board of Adjustment**

**7. C.**

**Meeting Date:** 05/15/2013  
**CASE:** CU-2013-09  
**APPLICANT:** David W. Fitzpatrick, Owner  
**ADDRESS:** Quintette Rd  
**PROPERTY REFERENCE NO.:** 33-2N-31-1102-000-000,  
33-2N-31-1102-000-001  
**ZONING DISTRICT:** V-5, Villages Clustered  
Residential District  
**FUTURE LAND USE:** RC, Rural Community  
**OVERLAY DISTRICT:** N/A

---

**SUBMISSION DATA:**

**REQUESTED CONDITIONAL USE:**

The Applicant is seeking Conditional Use approval to construct a place of worship in V-5 zoning.

**RELEVANT AUTHORITY:**

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),  
Section:6.05.26.C**

C. Conditional uses (Any conditional use permitted in V-1, V-2 or V-3).

6.05.24.C.8 Places of Worship

**CRITERIA:**

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

**CRITERION (1)**

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

**FINDINGS-OF-FACT**

The site will be designed by a Florida licensed professional engineering firm in accordance with the Escambia County Land Development Code. Proper traffic analysis of the proposed use and existing adjacent county road will be performed and submitted to County staff through the Site Plan Review process. Onsite circulation of automobiles, pedestrians and emergency vehicles will be designed in accordance with required standards.

**CRITERION (2)**

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

#### **FINDINGS-OF-FACT**

The proposed use is a place of worship. Places of worship make good neighbors in that they do not create adverse impacts such as noises, glare, smoke, odor or other harmful effects. This facility will operate similarly to other worship facilities in the community; therefore, nuisances are not anticipated.

#### **CRITERION (3)**

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

#### **FINDINGS-OF-FACT**

Solid waste will be removed from the site by a properly licensed refuse company. Refuse area will be screened in accordance with the Escambia County Land Development Code.

#### **CRITERION (4)**

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

#### **FINDINGS-OF-FACT**

Potable and fire water will be provided through Cottage Hill Water. There is an existing 12" water main along Quintette Road in front of the subject parcel. Sanitary sewer service will be provided by ECUA via connection to an existing 8" pressurized main located along Quintette Road in front of the subject parcel.

#### **CRITERION (5)**

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

#### **FINDINGS-OF-FACT**

All buffers will meet or exceed those required in the Escambia County Land Development Code. Currently the parcel is covered in small brush and trees. Screening will be a combination of existing vegetative materials, planted vegetative material, and fencing.

#### **CRITERION (6)**

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

#### **FINDINGS-OF-FACT**

All proposed signage and lighting will be shown on the site plan and reviewed during the Site

Plan Review process.

**CRITERION (7)**

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

**FINDINGS-OF-FACT**

The proposed development must meet all environmental permitting requirements from the County and any additional agencies.

**CRITERION (8)**

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

**FINDINGS-OF-FACT**

The proposed development must provide compatibility requirements of the LDC and these requirements will be reviewed by the Site Plan Review process.

**CRITERION (9)**

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

**FINDINGS-OF-FACT**

The proposed use will meet the intent of the LDC and the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends approval.

**BOARD OF ADJUSTMENT FINDINGS:**

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**Attachments**

CU-2013-09 Working Case File

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**CU-2013-09**



N HIGHWAY 29

CHESHIRE DR

ABERDEEN DR

HABERSHAM LN

MEETING ST  
STOLIS ALY

SOCIETY ST

CHARLTON ST

W QUINTETTE RD

HAZZARD LN

SUCCESS DR

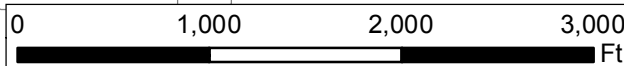
POWER BLVD

PINOAK LN

CEDAR TREE LN

CEDAR TREE LN

# CU-2013-09 LOCATION MAP

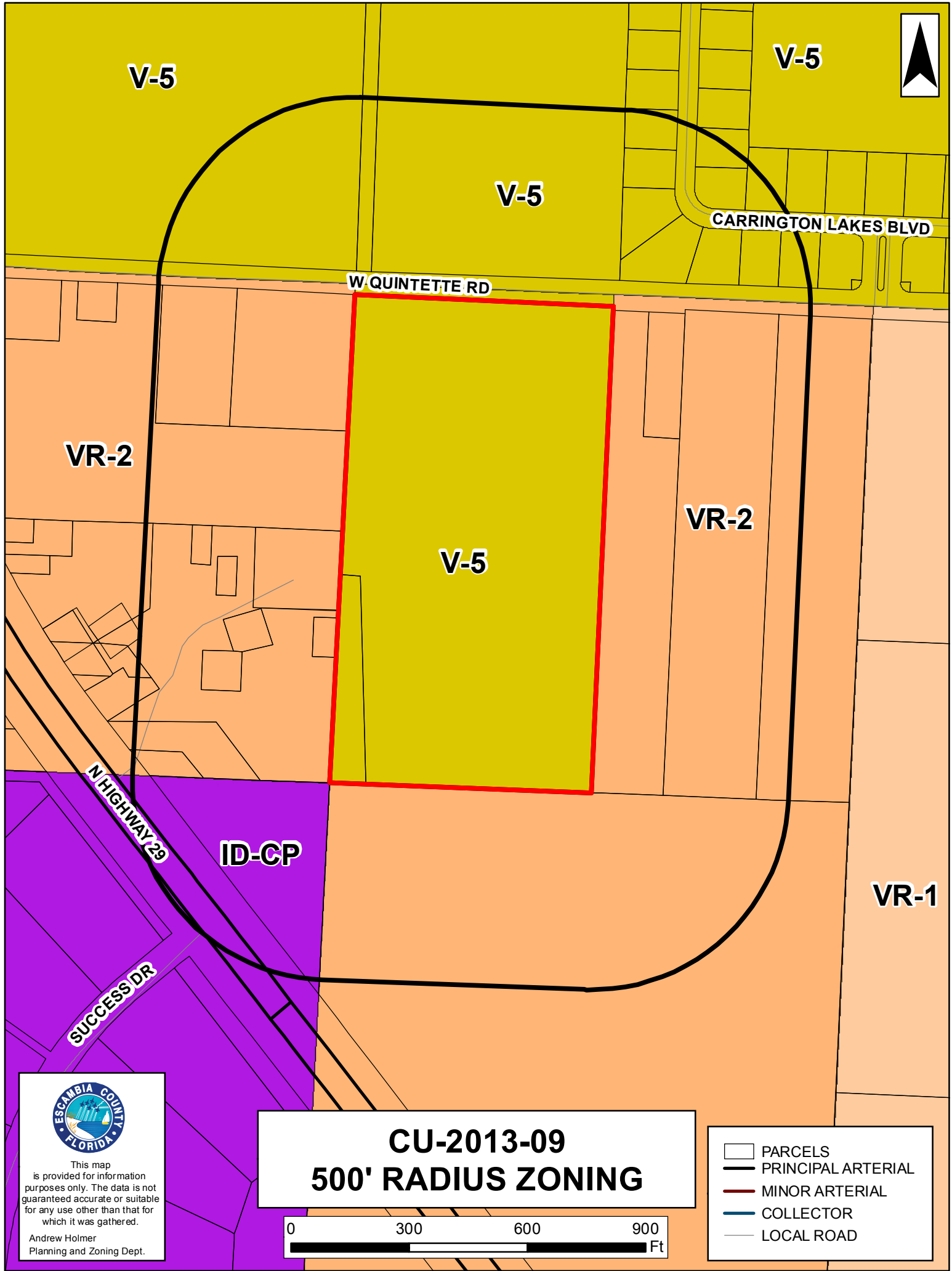


- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



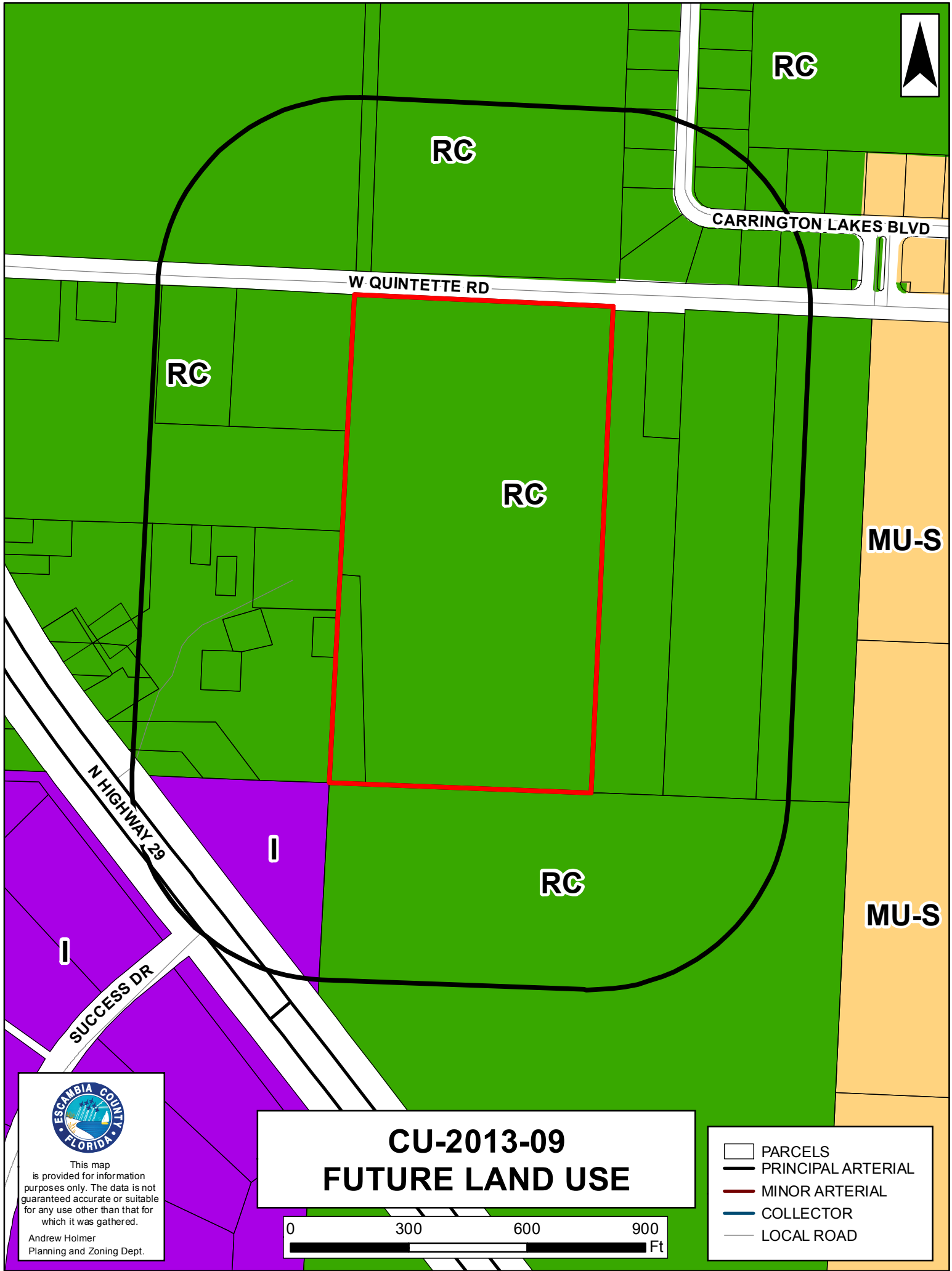
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

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.







W QUINTETTE RD

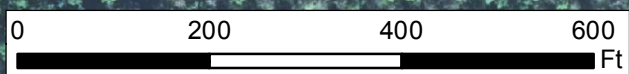
HAZZARD LN



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

Andrew Holmer  
Planning and Zoning Dept.

# CU-2013-09 AERIAL MAP



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



# David W. Fitzpatrick, P.E., P.A.

10250 North Palafox St. Pensacola, FL 32534  
Phone (850) 476-8677 Fax (850) 476-7708  
[fitzpatrick@fitzeng.com](mailto:fitzpatrick@fitzeng.com)  
Board of Professional Engineers Certification # 00008423

received  
4-17-13

Letter of Request:

4-17-13

To the Escambia County Board of Adjustment

RE: Conditional use of V-5 zoned parcel on Quintette Road. Current owners are David W. and Diane R. Fitzpatrick. Proposed use is, Place of Worship.

Thank you for your assistance with the conditional use of this upcoming project. The site is located along Quintette road approximately 1100 feet east of US 29. The site is currently undeveloped and wooded with mostly light brush. On April 3, 2013 we attended a pre-app meeting with Escambia County where each county agent reviewed our preliminary proposed layout. We received informative comments that will be resolved during the DRC approval process. It was also determined that because of the current zoning we would need a conditional use approval, hence the reason for this application. Please find below our responses to the conditional use criteria.

## Criteria

1. On-site circulation-- The site will be designed by a Florida licensed professional engineering firm in accordance with the Escambia County Land Development Code. Proper traffic analysis of the proposed use and existing adjacent county road will be performed and submitted to County staff through the development review committee process. Onsite circulation of automobiles and pedestrians and emergency vehicles will be designed in accordance with required standards.
2. Nuisance-- The proposed use is place of worship. Places of worship make good neighbors in that they do not typically create adverse impacts such as noises, glare, smoke, odor, or other harmful effects. This facility will operate similarly to other worship facilities in the community therefore nuisances are not anticipated.
3. Solid Waste-- Solid waste will be removed from the site by properly licensed refuse company. Refuse area will be screened in accordance with the Escambia County Land Development Code.
4. Utilities-- Potable and fire water will be provided through Cottage Hill Water. There is an existing 12" water main along Quintette Road in front of the subject parcel. Sanitary sewer service will be provided by ECUA via connection to an existing 8" pressurized main located along Quintette Road in front of the subject parcel. Electrical service is located along Quintette Road as provided by Gulf Power Company. Minor utilities are currently located along Quintette Road.
5. Buffers-- All buffers will meet or exceed those required in the Escambia County Land Development Code. Currently the parcel is covered in small brush and trees. Screening will be a combination of existing vegetative material, planted vegetative material, and fencing.
6. Signs-- Proposed signs will be installed with utmost consideration of the neighbors. All signs will be properly permitted through Escambia County. Our plan is to install a sign near the main entrance which is near the center of the parcel. Our sign will be approximately 300' away from neighbors on the south side of Quintette. Exterior

## David W. Fitzpatrick, P.E., P.A.

10250 North Palafox St. Pensacola, FL 32534

Phone (850) 476-8677 Fax (850) 476-7708

[fitzpatrick@fitzeng.com](mailto:fitzpatrick@fitzeng.com)

Board of Professional Engineers Certification # 00008423

- lighting will be designed to create safety to the parking and buildings however will also be designed to minimize unwanted glare and lighting of neighboring parcels and roads.
7. Environmental impact-- Currently the development area of the parcel is undeveloped and wooded. A protected tree survey will be performed as part of the development plan in accordance with the Escambia County Land Development Code. Because protected trees on the subject parcel are very few, the owners will strive to preserve existing protected trees throughout the development area. There are no wetlands or water bodies located on the site. During project planning a site specific survey will be performed by an environmental consultant to confirm wetlands do not exist on the site. Stormwater management will be designed meeting both Escambia County ordinances and the NFWMD ERP process.
  8. Neighborhood impact-- Currently the uses of adjacent properties are large parcel residential to the west and a place of worship with onsite residence to the east. The rear is wooded undeveloped and across the street is residential use. Generally this facility will be a benefit to the neighborhood. It will be constructed to allow neighbors to attend and become a part of the membership. The Church school will provide a means for children and children with special needs to receive instruction and educational support. Therefore we hope for a great positive impact to the neighborhood.
  9. Other requirements of Code-- The site development plan will be submitted to the county for approval. All code requirements will be addressed and agreed upon during this process.

Your consideration is greatly appreciated.

Sincerely,



David W. Fitzpatrick



received  
4-17-13

### APPLICATION

Please check application type:

☐ Administrative Appeal

☐ Development Order Extension

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

☐ Variance Request for: \_\_\_\_\_

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

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

Owner(s) Name: DAVID W FITZPATRICK

Phone: 850-698-7747

Address: 10250 N PALAFOX ST PENSACOLA 32534 Email: david@fitzeng.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: QUINETTE ROAD

Property Reference Number(s)/Legal Description: 332N31102000000 & 332N31102000001

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

DAVID W FITZPATRICK  
Printed Name Owner/Agent

4/17/13  
Date

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

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

\_\_\_\_\_  
Date

STATE OF Florida

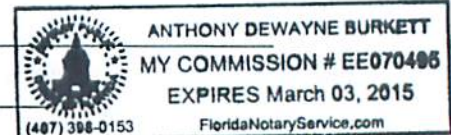
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 17 day of April 20 13,  
by David Fitzpatrick.

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

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

Anthony Burkett  
Printed Name of Notary



#### FOR OFFICE USE ONLY

CASE NUMBER: CU-2013-09

Meeting Date(s): 5-17-13 Accepted/Verified by: \_\_\_\_\_ Date: 4-17-13

Fees Paid: \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_ Permit #: PBA130400017

DRE - PSP130300029



received  
4-17-13

## CONCURRENCY DETERMINATION ACKNOWLEDGMENT

### For Rezoning Requests Only

Property Reference Number(s): 33 2N 31 1102-000000 33 2N 31 1102000001

Property Address: QUINETTE ROAD

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:

- The necessary facilities or services are in place at the time a development permit is issued.
- 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.
- For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- 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.
- 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.
- 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 17 DAY OF April, YEAR OF 2013.

  
Signature of Property Owner

DAVID W. FITZPATRICK  
Printed Name of Property Owner

4/17/13  
Date

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

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

\_\_\_\_\_  
Date



JANET HOLLEY

# ESCAMBIA COUNTY TAX COLLECTOR

## Tax Record



Owner Name  
4 of 155

Last Update: 4/17/2013 2:13:41 PM CDT

**received**  
4-17-13

### Details

#### Tax Record

» Print View

Legal Desc.

Appraiser Data →

Tax Payment

Payment History

Print Tax Bill **NEW!**

### Searches

Account Number

GEO Number

Owner Name

Property Address

Mailing Address

### Site Functions

Welcome

Property Taxes

Local Business Tax

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#### Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account Number	Tax Type	Tax Year
12-0555-100	REAL ESTATE	2012
<b>Mailing Address</b> FITZPATRICK DAVID & DIANE 4325 CRABTREE CHURCH RD MOLINO FL 32577		<b>Property Address</b> 400 HAZZARD LN BLK  <b>GEO Number</b> 332N31-1102-000-001
<b>Exempt Amount</b> See Below		<b>Taxable Value</b> See Below
<b>Exemption Detail</b> NO EXEMPTIONS		
<b>Millage Code</b> 06		
<b>Escrow Code</b>		
<b>Legal Description (click for full description)</b> 332N31-1102-000-001 400 HAZZARD LN BLK BEG AT NE COR OF SEC N 86 DEG 54 MIN 0 SEC W ALG N LI 675 03/100 FT TO NE COR OF W 1/2 OF NE 1/4 OF NE 1/4 S 2 DEG 54 MIN 7 SEC W ALG W LI OF W 1/2 OF NE 1/4 OF NE 1/4 1317 53/100 FT TO SE See Tax Roll For Extra Legal		
<b>Ad Valorem Taxes</b>		
<b>Taxing Authority</b>	<b>Rate</b>	<b>Assessed Value</b>
COUNTY	6.9755	3,719
PUBLIC SCHOOLS		
By Local Board	2.2480	3,719
By State Law	5.5100	3,719
SHERIFF	0.6850	3,719
WATER MANAGEMENT	0.0400	3,719
<b>Total Millage</b>		15.4585
<b>Total Taxes</b>		\$57.49
<b>Non-Ad Valorem Assessments</b>		
<b>Code</b>	<b>Levying Authority</b>	<b>Amount</b>
NFP	FIRE (CALL 595-4960)	\$11.00
<b>Total Assessments</b>		\$11.00
<b>Taxes &amp; Assessments</b>		\$68.49
<b>If Paid By</b>		<b>Amount Due</b>
4/30/2013		\$70.54
5/31/2013		\$83.54
<b>Prior Year Taxes Due</b>		
NO DELINQUENT TAXES		





JANET HOLLEY

## ESCAMBIA COUNTY TAX COLLECTOR

## Tax Record

Owner Name  
3 of 155

Last Update: 4/17/2013 2:12:45 PM CDT

**received**  
4-17-13

## Details

## Tax Record

» Print View

Legal Desc.

Appraiser Data →

Tax Payment

Payment History

Print Tax Bill **NEW!**

## Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

## Searches

Account Number

GEO Number

Owner Name

Property Address

Mailing Address

Account Number	Tax Type	Tax Year
12-0555-000	REAL ESTATE	2012
<b>Mailing Address</b> FITZPATRICK DAVID & DIANE 4325 CRABTREE CHURCH RD MOLINO FL 32577		<b>Property Address</b> 0 QUINETTE RD  <b>GEO Number</b> 332N31-1102-000-000
Exempt Amount	Taxable Value	
See Below	See Below	
<b>Exemption Detail</b> NO EXEMPTIONS	<b>Millage Code</b> 06	<b>Escrow Code</b>
<b>Legal Description (click for full description)</b> 332N31-1102-000-000 0 QUINETTE RD BEG AT NE COR OF SEC N 86 DEG 54 MIN 0 SEC W ALG N LI 675 03/100 FT TO NE COR OF W 1/2 OF NE 1/4 OF NE 1/4 S 2 DEG 54 MIN 7 SEC W ALG W LI OF W 1/2 OF NE 1/4 OF NE 1/4 45 71/100 FT TO See Tax Roll For Extra Legal		
Ad Valorem Taxes		
Taxing Authority	Rate	Assessed Exemption Value Amount
COUNTY	6.9755	80,370 0
PUBLIC SCHOOLS		
By Local Board	2.2480	80,370 0
By State Law	5.5100	80,370 0
SHERIFF	0.6850	80,370 0
WATER MANAGEMENT	0.0400	80,370 0
		Taxable Taxes Value Levied
		\$80,370 \$560.62
		\$80,370 \$180.67
		\$80,370 \$442.84
		\$80,370 \$55.05
		\$80,370 \$3.21
<b>Total Millage</b>		<b>Total Taxes</b>
15.4585		\$1,242.39
Non-Ad Valorem Assessments		
Code	Levyng Authority	Amount
NFP	FIRE (CALL 595-4960)	\$11.54
<b>Total Assessments</b>		\$11.54
<b>Taxes &amp; Assessments</b>		\$1,253.93
If Paid By		Amount Due
4/30/2013		\$1,291.55
5/31/2013		\$1,304.55
Prior Year Taxes Due		
NO DELINQUENT TAXES		

## Site Functions

Welcome

Property Taxes

Local Business Tax

Feedback

County Login

Home



DESCRIPTIONS AS PREPARED BY THE UNDERSIGNED AT CLIENT'S REQUEST:

DESCRIPTION PARCEL 1:

received  
4-17-13

COMMENCE AT A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE RUN NORTH 86 DEGREES 54 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 675.03 FEET TO THE NORTHEAST CORNER OF THE WEST ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE RUN SOUTH 02 DEGREES 54 MINUTES 07 SECONDS WEST ALONG THE EAST LINE OF THE WEST ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 45.71 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF QUINTETTE ROAD (R/W VARIES) FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 02 DEGREES 54 MINUTES 07 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 1272.36 FEET TO THE SOUTHEAST CORNER OF THE WEST ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE RUN NORTH 87 DEGREES 01 MINUTES 48 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 579.48 FEET; THENCE RUN NORTH 01 DEGREE 44 MINUTES 26 SECONDS WEST, A DISTANCE OF 530.44 FEET; THENCE RUN NORTH 87 DEGREES 12 MINUTES 31 SECONDS WEST, A DISTANCE OF 51.06 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE RUN NORTH 02 DEGREES 47 MINUTES 23 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 738.19 FEET TO AN INTERSECTION WITH SAID SOUTH RIGHT-OF-WAY LINE OF QUINTETTE ROAD; THENCE RUN SOUTH 87 DEGREES 30 MINUTES 47 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 674.94 FEET TO THE POINT OF BEGINNING. SAID PARCEL BEING 18.76 ACRES IN AREA, MORE OR LESS.

DESCRIPTION PARCEL 2:

COMMENCE AT A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE RUN NORTH 86 DEGREES 54 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 675.03 FEET TO THE NORTHEAST CORNER OF THE WEST ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE RUN SOUTH 02 DEGREES 54 MINUTES 07 SECONDS WEST ALONG THE EAST LINE OF THE WEST ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1317.53 FEET TO THE SOUTHEAST CORNER OF THE WEST ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE RUN NORTH 87 DEGREES 01 MINUTES 48 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 579.48 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87 DEGREES 01 MINUTE 48 SECONDS WEST, A DISTANCE OF 92.96 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE RUN NORTH 02 DEGREES 47 MINUTES 23 SECONDS EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 528.49 FEET; THENCE RUN SOUTH 87 DEGREES 12 MINUTES 31 SECONDS EAST, A DISTANCE OF 51.06 FEET; THENCE RUN SOUTH 01 DEGREE 44 MINUTES 26 SECONDS EAST, A DISTANCE OF 530.44 FEET TO THE POINT OF BEGINNING. SAID PARCEL BEING 0.87 ACRE IN AREA, MORE OR LESS.

LEGEND

- .....FOUND CAPPED IRON ROD #6499
- ⊕ .....FOUND CAPPED IRON ROD #7250
- ⊗ .....FOUND 3" DIAMETER CONCRETE MONUMENT NO IDENTIFICATION
- .....FOUND 4"x4" CONCRETE MONUMENT #0340
- ⊠ .....FOUND 6" x 6" CONCRETE MONUMENT NO IDENTIFICATION
- .....FOUND 1" IRON PIPE NO IDENTIFICATION
- ⊙ .....SET 1/2" CAPPED IRON ROD LB #7107
- R/W .....RIGHT-OF-WAY
- LB .....LICENSED BUSINESS
- PSM .....PROFESSIONAL SURVEYOR AND MAPPER
- PLS .....PROFESSIONAL LAND SURVEYOR

FY TO:  
NALD, FLEMING, MOORHEAD, FERGUSON,  
I, SMITH, BLANKENSHIP, HEATH & de KOZAN, LLP  
OF PENSACOLA  
CAN PIONEER TITLE INSURANCE COMPANY  
REAL ESTATE INVESTMENTS, INC.

ADDRESS: QUINTETTE ROAD						
REQUESTED BY: TOM DAVIS Jr.						
TYPE: BOUNDARY SURVEY						
SECTION: 33	TOWNSHIP: 2 NORTH		RANGE: 31 WEST		ESCAMBIA COUNTY	
SCALE: 1" = 100'	FIELD BOOK	PAGE	CREW	FIELD DATE:	DRAWN BY:	CHECKED BY:
DATE: 7/01/04	171	21-25	TS/CR/CJ	7/01/04	SGR	



DESCRIPTIONS AS PREPARED BY THE UNDERSIGNED AT CLIENT'S REQUEST:

DESCRIPTION PARCEL 1:

received  
4-17-13

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LEGEND

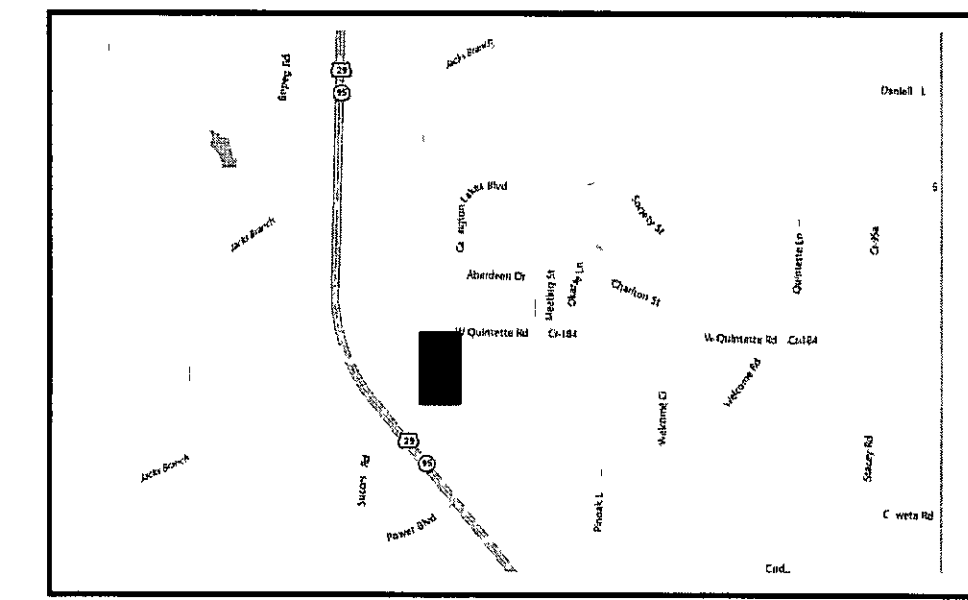
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ADDRESS: QUINTETTE ROAD						
REQUESTED BY: TOM DAVIS Jr.						
TYPE: BOUNDARY SURVEY						
SECTION: 33	TOWNSHIP: 2 NORTH		RANGE: 31 WEST		ESCAMBIA COUNTY	
SCALE: 1" = 100'	FIELD BOOK	PAGE	CREW	FIELD DATE:	DRAWN BY:	CHECKED BY:
DATE: 7/01/04	171	21-25	TS/CR/CJ	7/01/04	SGR	

RANGE 31 WEST, ESCAMBIA  
COUNTY, FLORIDA

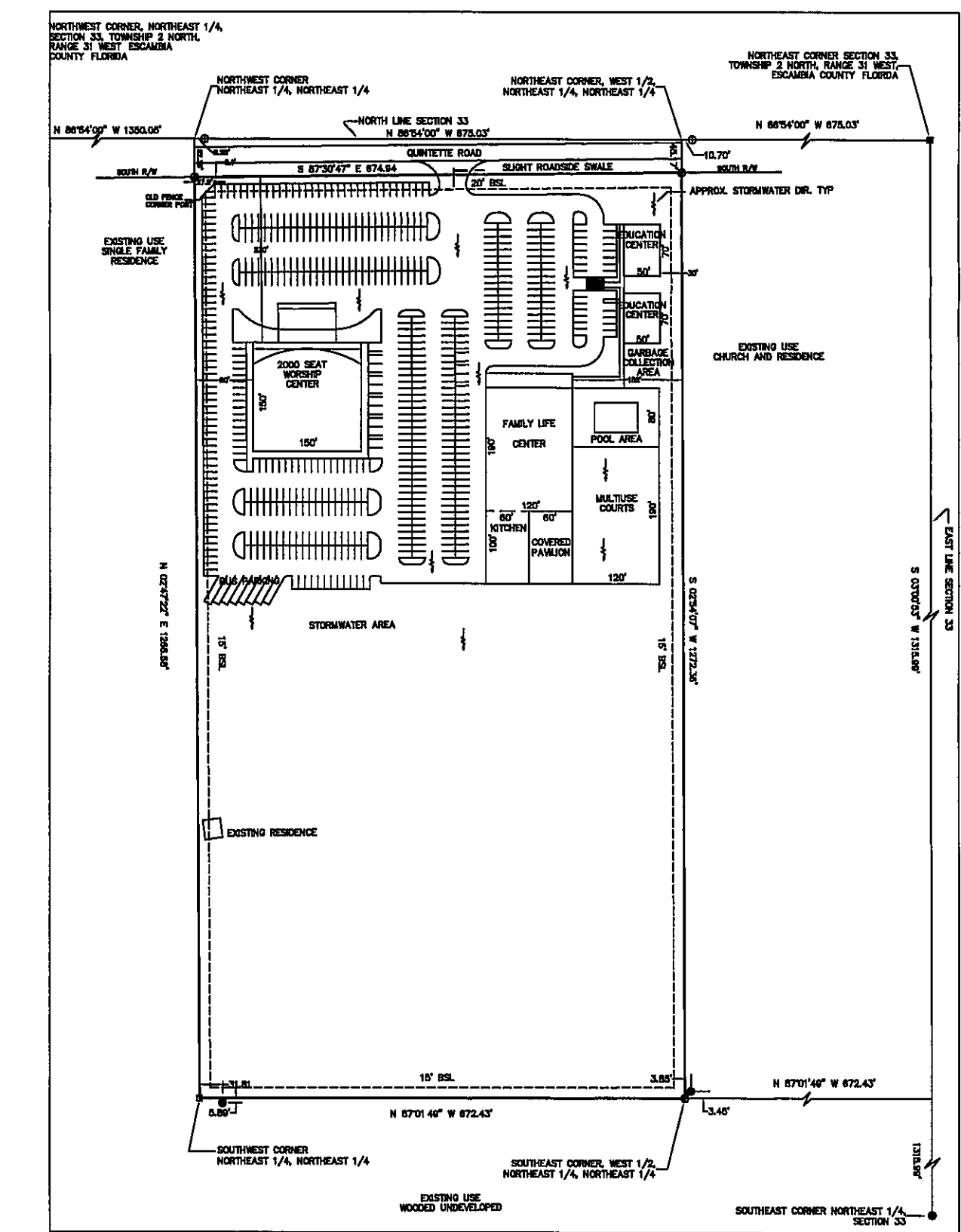
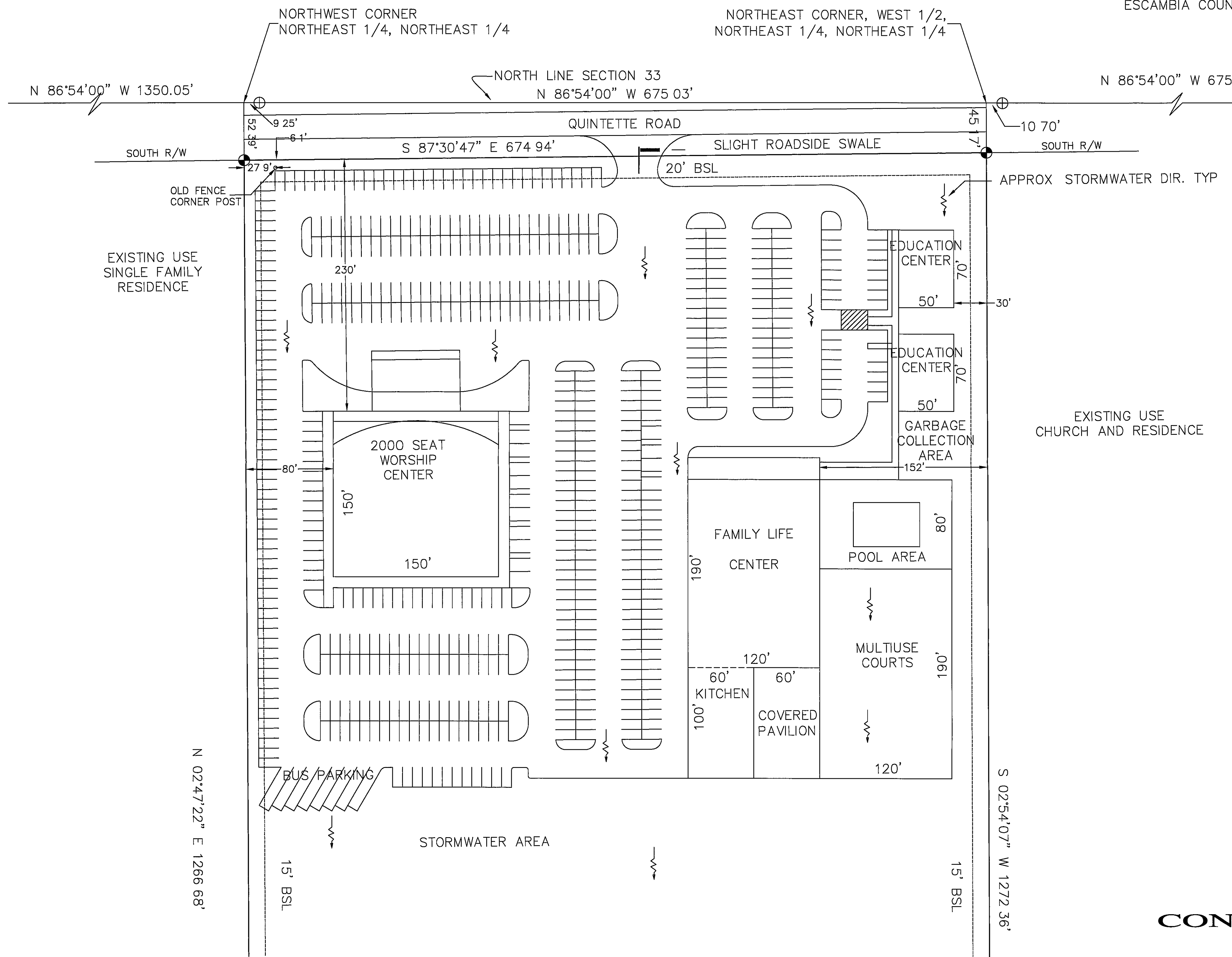
NORTHEAST CORNER  
TOWNSHIP 2 NORTH, RANGE  
31 WEST, ESCAMBIA COUN



VICINITY SKETCH  
NTS

DESCRIPTION  
THE WEST HALF OF THE NORTHEAST QUARTER OF THE  
NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 2  
NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA,

PARKING— 1 SPACE/ 4 SEATS REQUIRED  
2000 SEATS/ 4= 500 SPACES REQUIRED  
598 PARKING SPACES SHOWN



OVERALL SITE  
SCALE 1"= 200'

received  
4-17-13

CONDITIONAL USE HEARING  
NOT RELEASED FOR CONSTRUCTION

PROJECT NAME		IN SPIRIT AND IN TRUTH MINISTRIES		DRAWN BY		DWF
SCALE	SHOWN	IN SPIRIT AND IN TRUTH		PROJECT #		
DATE	3/18/13	MINISTRIES				

**DAVID W. FITZPATRICK**  
PROFESSIONAL ENGINEER, P A  
BOARD OF PROFESSIONAL ENGINEERS CERT # 00008423  
10250 NORTH PALAFOX STREET  
PENSACOLA, FL 32534  
(850) 476-8677  
FAX (850) 476-7708

ENLARGEMENT OF AREA OF CONSTRUCTION

SCALE: 1"= 50'



**Development Services Department****Building Inspections Division**

3363 West Park Place  
Pensacola, Florida, 32505  
(850) 595-3550

Molino Office - (850) 587-5770

**RECEIPT**

Receipt No. : **578233**

Date Issued. : 04/18/2013

Cashier ID : KLHARPER

Application No. : PBA130400017

Project Name : CU-2013-09

**PAYMENT INFO**

Method of Payment	Reference Document	Amount Paid	Comment
-------------------	--------------------	-------------	---------

**Check**

1139

\$1,155.00

App ID : PBA130400017

**\$1,155.00**

Total Check

Received From : IN SPIRIT AND IN TRUTH MINISTRIES, INC

Total Receipt Amount : **\$1,155.00**

Change Due : \$0.00

**APPLICATION INFO**

Application #	Invoice #	Invoice Amt	Balance	Job Address
---------------	-----------	-------------	---------	-------------

PBA130400017

670784

1,155.00

\$0.00

1499 W QUINTETTE RD, PENSACOLA, FL

**Total Amount :**

**1,155.00**

**\$0.00**

Balance Due on this/these  
Application(s) as of 4/18/2013

FITZPATRICK DAVID & DIANE  
4325 CRABTREE CHURCH RD  
MOLINO, FL 32577

WILLIAMS RUSSELL O  
1521 QUINTETTE RD  
CANTONMENT, FL 32533

JOHNSON JOHN J  
1727 BOOTH LAKE RD  
CANTONMENT, FL 32533

BLACKMAN DAVID  
424 RONDA ST  
PENSACOLA, FL 32534

OGAB FAREED  
3132 TURNERS MEADOW  
PENSACOLA, FL 32514

SHERRILL MICHAEL L &  
SCHERRY D  
611 W QUINTETTE RD  
CANTONMENT, FL 32533  
MCCANTS GENE W & SHIRLEY  
629 W QUINTETTE RD  
CANTONMENT, FL 32533

KREBS TERRY G  
2991 CARRINGTON LAKES  
BLVD  
CANTONMENT, FL 32533

**TALBOT TERRENCE L & CHERYL W**  
**2978 CARRINGTON LAKES BLVD**  
**CANTONMENT, FL 32533**

WILLIAMS RUSSELL O JR  
1551 QUINTETTE RD  
CANTONMENT, FL 32533

REESE JOHN L & MARTINA  
5005 PRINCETON DR  
MOBILE, AL 36618

HAZARD S D & FLORETTA  
435 HAZARD LN  
CANTONMENT, FL 32533

SIMPKINS DERETHA DALE  
421 HAZZARD LN  
CANTONMENT, FL 32533

SIMMONS NANCY  
425 HAZZARD LN  
CANTONMENT, FL 32533

ESCAMBIA COUNTY  
221 PALAFOX PL STE 420  
PENSACOLA, FL 32502

BREWER THAO T & LARRY V  
667 PINEBROOK CIRCLE  
CANTONMENT, FL 32533

THOMAS HOME CORP  
3158 GATEWAY LN  
CANTONMENT, FL 32533

MADRIL BUILDERS LLC  
1965 STOUT RD  
CANTONMENT, FL 32533

BRADLEY EDWARD L &  
ELLISSE M  
PO BOX 1936  
FAIRHOPE, AL 365331936

DELOACH ERMA & DELOACH  
450 HAZZARD LN  
CANTONMENT, FL 32533

LEWIS LEONA RUTH  
P O BOX 7267  
PENSACOLA, FL 32534

EQUIFUNDING INCC/O  
EQUIVEST FINANCIAL LLC  
PO BOX 980  
EAST LANSING, MI 48826  
**WASTE RECYCLERS INC**  
**C/O WINIFRED STEPHENS**  
**155 COVENTRY COURT**  
**FAYETTEVILLE, GA 30215**

DUKES LOIS  
460 HAZZARD LN  
CANTONMENT, FL 32533

**ESTES BREWSTER FARMS LLC**  
**SUITE 203**  
**547 N MONROE ST**  
**TALLAHASSEE, FL 32301**

PROVIDENCE BAPTIST  
CHURCH  
PO BOX 533  
CANTONMENT, FL 32533  
YOUNG PATRICIA  
2997 CARRINGTON LAKES  
BLVD  
CANTONMENT, FL 32533  
CHARTERBANK  
1233 O G SKINNER DR  
WEST POINT, GA 31833

WILLIAMS ROBERT L  
2490 HWY 29 N  
CANTONMENT, FL 32533

ST LUKE MISSIONARY  
BAPTIST CHURCH  
2436 N HWY 29  
CANTONMENT, FL 32533



CARTER MARY FRANCES  
2412 HWY 29 N  
CANTONMENT, FL 32533

**Board of Adjustment****7. D.****Meeting Date:** 05/15/2013**CASE:** CU-2013-10**APPLICANT:** Kerry Anne Schultz, Esquire, Agent for Fernando & Maria E. Chavez**ADDRESS:** 8039 N. Davis Hwy.**PROPERTY REFERENCE NO.:** 18-1S-30-4111-000-001**ZONING DISTRICT:** C-1, Retail Commercial District**FUTURE LAND USE:** MU-U, Mixed-Use Urban

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**SUBMISSION DATA:****REQUESTED CONDITIONAL USE:**

The Applicant is seeking Conditional Use approval to operate a package store with off-premise alcohol sales within 1000' feet of a place of worship.

**RELEVANT AUTHORITY:**

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section 7.14.01.E**

E. Conditional use. The Board of Adjustment (BOA) may approve a conditional use for the sale of alcohol within 1,000 feet of a place of worship if it finds that all of the following required applicable conditions exist.

**CRITERIA**

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section 7.14.01.E**

**CRITERION (1)**

**The applicant will suffer undue hardship by the literal application of the Code.**

**FINDINGS-OF-FACT**

The zoning and location of the site are appropriate for off-premise retail package sales but the use is prohibited by the proximity of the place of worship. While this site is within the 1000' prohibition, nearby competition is outside the effected area. This presents a hardship for a use that would otherwise be allowed on site.

**CRITERION (2)**

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

#### **FINDINGS-OF-FACT**

The proposed conditional use will not impair the 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 (3)**

**The conditional use 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.**

#### **FINDINGS-OF-FACT**

The proposed conditional use 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.

#### **CRITERION (4)**

**The subject property is oriented to have the minimum impact on the surrounding properties.**

#### **FINDINGS-OF-FACT**

The site was designed as a fast food restaurant and is oriented towards traffic accessing from Davis Highway, a state designated arterial road.

#### **CRITERION (5)**

**Adequate ingress and egress to the subject property and proposed or existing structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe is addressed.**

#### **FINDINGS-OF-FACT**

The original design called for more parking than will be required by the proposed use. Access and traffic flow will be addressed in the Site Plan Review process.

#### **CRITERION (7)**

**The proposed establishment's general compatibility with adjacent properties and other property in the immediate area is adequately addressed.**

#### **FINDINGS-OF-FACT**

The proposed use is compatible with other retail commercial uses in the area. The surrounding zoning and FLU reflect the commercial nature of the area.

#### **CRITERION (8)**

**The proposed use is consistent with all other relevant provisions of this Code.**

#### **FINDINGS-OF-FACT**

The proposed use is consistent with all other relevant provisions of this Code.

#### **CRITERION (9)**

**The establishment meets the requirements to qualify as a responsible vendor as outlined in F.S. § 561.705, as amended.**

#### **FINDINGS-OF-FACT**

The proposed establishment must participate in the State of Florida's responsible vendor program.

#### **CRITERION (10)**

**For establishments seeking a conditional use to sell alcohol for off-premises consumption, the establishment meets the requirements for a 3PS (beer, wine, and liquor) license as described in F.S. § 565.02(1)(a), as amended.**

#### **FINDINGS-OF-FACT**

The proposed establishment must meet all applicable State regulations.

#### **CRITERION (11)**

**For establishments seeking a conditional use to sell alcohol for on-premises consumption, the establishment meets the requirements for a state issued alcohol license for on premises consumption.**

#### **FINDINGS-OF-FACT**

Not applicable.

#### **RECOMMENDATION**

Staff finds that the proposed use can meet all of the required criteria and recommends approval with the following condition:

The Applicant must apply for a change of use through Site Plan Review.



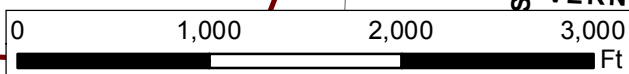
**CU-2013-10**



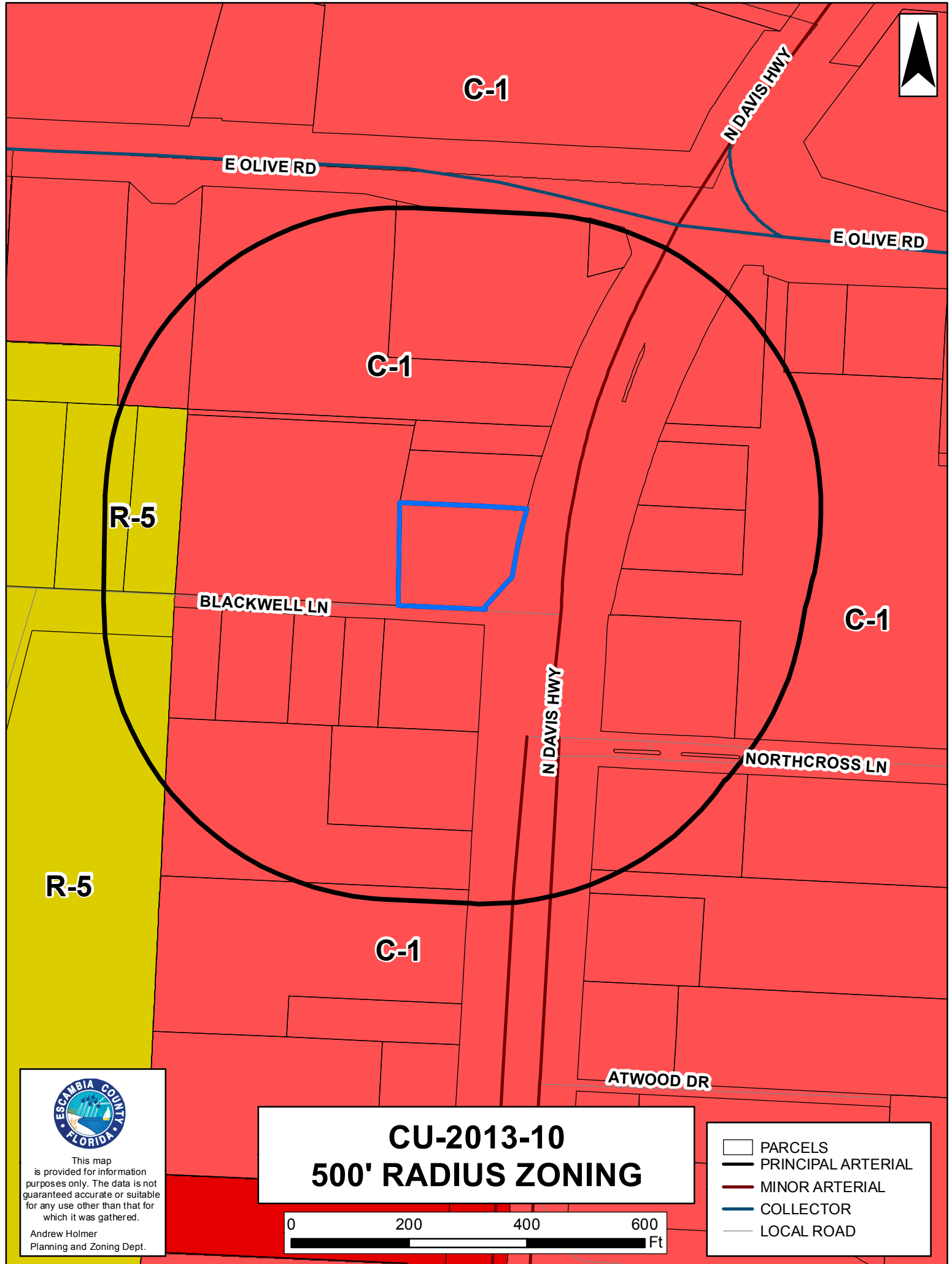
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer  
Planning and Zoning Dept.

# CU-2013-10 LOCATION MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



C-1

E OLIVER RD

N DAVIS HWY

E OLIVER RD

C-1

R-5

BLACKWELL LN

C-1

N DAVIS HWY

NORTH CROSS LN

R-5

C-1

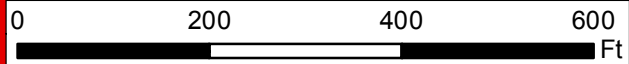
ATWOOD DR



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

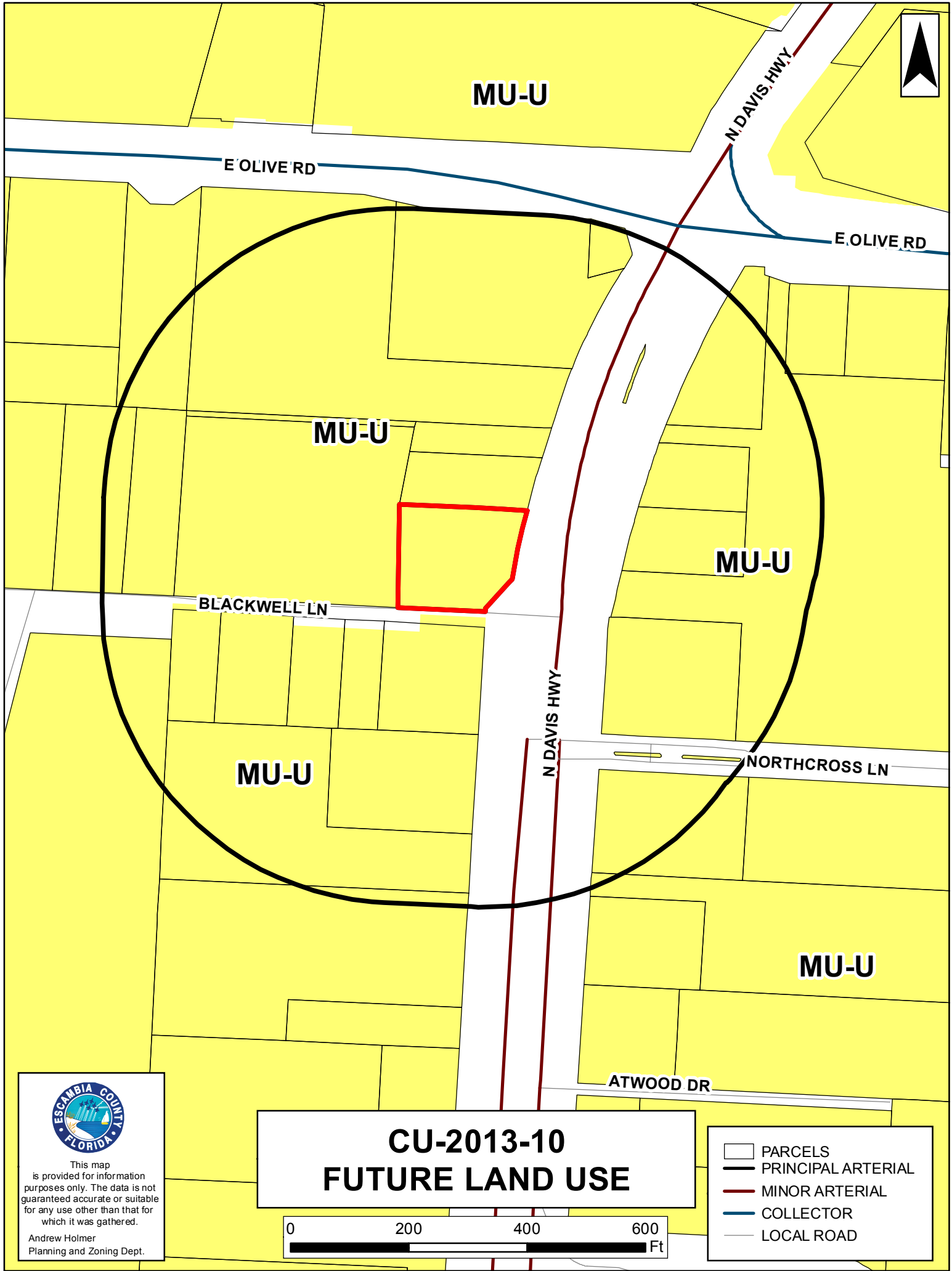
Andrew Holmer  
Planning and Zoning Dept.

**CU-2013-10**  
**500' RADIUS ZONING**



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





MU-U

E OLIVE RD

MU-U

MU-U

BLACKWELL LN

MU-U

N DAVIS HWY

NORTH CROSS LN

MU-U

ATWOOD DR

# CU-2013-10 FUTURE LAND USE



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



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Andrew Holmer  
Planning and Zoning Dept.



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

Andrew Holmer  
Planning and Zoning Dept.

## CU-2013-10 AERIAL MAP

0 50 100 150  
Ft

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





E OLIVE RD

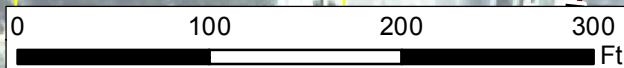
BLACKWELL LN



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

Andrew Holmer  
Planning and Zoning Dept.

# CU-2013-10 WALKING DISTANCE MAP



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



April 23, 2013

**VIA ELECTRONIC MAIL (adholmer@co.escambia.fl.us)**  
**and REGULAR U.S. MAIL**

Development Services Department  
Andrew Holmer  
3363 West Park Place  
Pensacola, FL 32505

**RE: 8039 N. Davis Hwy., Pensacola, FL 32514**  
**Property Owner: Fernando Chavez and Maria E. Chavez**  
**Restaurant to Retail**  
**CONDITIONAL USE APPLICATION**

Dear Andrew:

I have the pleasure of representing Mr. and Mrs. Chavez in regard to their Conditional Use Application. Enclosed please find a Conditional Use Application, preliminary Site Plan, as well as other written documentation for the above referenced subject property. As you know, a restaurant was opened until May 2011 at the subject property. I understand that the restaurant had the capacity to occupy one hundred twenty-five (125) individuals.

My clients desire to sell packaged liquor, wine and beer at the above-referenced location, **which is allowed under the current C-1 Zoning District**. No beverages will be consumed at the subject property. My clients are required to submit a Conditional Use Application since there is a Church located within 1000 feet of the subject property.

The Board of Adjustments may approve a conditional use for the sale of alcohol within 1,000 feet radial spacing of a place of worship if it finds that my clients have complied with the required criteria outlined in Article 2, Section 2.05.03(c), and Article 7, Section 7.14.00(e). The following addresses each criteria:

**Article 2, Section 2.05.03(c):**

- (1) **On-Site Circulation.** There is suitable safe ingress and egress to for both automotive and pedestrian traffic. The subject property has convenient traffic flow and control, on-site parking, loading, and access in case of fire or catastrophe. Since a restaurant was previously opened at this location, the parking lot accommodates the anticipated conditional use.

**FOUNTAIN  
SCHULTZ  
& ASSOCIATES**  
*Attorneys at Law*

KENNETH R. FOUNTAIN  
KERRY ANNE SCHULTZ  
SCOTT C. BRIDGFORD

2045 FOUNTAIN PROFESSIONAL CT.  
SUITE A  
NAVARRE, FLORIDA 32566  
TEL: (850) 939-3535  
FAX: (850) 939-3539

SANTA ROSA BEACH  
TEL: (850) 622-2700  
FAX: (850) 622-2722

- (2) **Nuisance.** It is anticipated that the proposed use will not generate an unreasonable amount of noise, odors, and other potential nuisances to contiguous properties. The conditional use of the subject property will not create any adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference materials, etc.) of the conditional use on adjoining properties and properties generally in the District. Since a restaurant was previously opened at this location, the conditional use will not generate any nuisance.
- (3) **Solid Waste.** The anticipated proposed use is not expected to significantly increase solid waste. Since a restaurant was previously opened at this location, solid waste will not be an issue with the anticipated conditional use.
- (4) **Utilities.** It is anticipated that the proposed use will not create the need or availability of additional utilities. The existing utilities can service the anticipated conditional use.
- (5) **Buffers.** To the extent required by the anticipated conditional use, my clients can construct a natural barrier or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and intent of Policy FLU 1.1.9 of the Comprehensive Plan are fulfilled. Since the proposed activity is only an interior modification, a buffer may not be required. The change in use proposed will not require a landscape buffer between adjoining commercial land uses. The Code does not require landscape buffers between adjoining C-1 properties.
- (6) **Signs.** To the extent that exterior signage is needed or required for the conditional use, any and all signs with exterior lighting will not cause glare, traffic safety, economic effect, and will be constructed in like form compatibility and harmony with properties in the District.
- (7) **Environmental Impact.** Since the proposed conditional use is only an interior modification, there will be no impacts to protected trees, wetlands, water bodies, storm water management or other natural features of the subject parcel.
- (8) **Neighborhood Impact.** The anticipated conditional use is compatible with adjacent properties and other property in the immediate area. There are other package liquor stores in close proximity to the subject property.

**Article 7, Section 7.14.00(e)**

- (1) My clients will suffer undue hardship by the literal application of the Code. There are other liquor package stores in close proximity to the subject property.
- (2) The authorization of this conditional use will not impair the adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish

or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County. The conditional use is consistent with the current zoning classification, and other liquor package retail stores are established in the area.

- (3) The conditional use 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.
- (4) The subject property is oriented to have the minimum impact on the surrounding properties.
- (5) As mentioned above, there is adequate ingress and egress to the subject property and proposed or existing structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe is addressed. There is an existing FDOT permitted connection to Davis Highway and existing Code compliance site circulation and parking. Adequate access is available in case of fire or catastrophe.
- (6) If necessary, my clients will construct a landscaped barrier to function as a buffer and be consistent with Policy FLU 1.1.9 of the Comprehensive Plan are fulfilled.
- (7) The previous use, which was a restaurant, is a more intense use of the subject property than the proposed packaged liquor store. Therefore, adverse impact such as noise, glare, smoke, odor or other harmful effects shall be reduced.
- (8) The anticipated conditional use is compatible with adjacent properties and other property in the immediate area. The Davis Highway Corridor is primarily commercial with other similar uses, including liquor, beer and wine sales in restaurants, grocery stores, and packaged liquor stores. As such, the proposed use is compatible with other properties in the immediate area.
- (9) The anticipated conditional use is consistent with all other relevant provisions in this Code.
- (10) The establishment meets the requirements to qualify as a responsible vendor outlined in Section 561.705, *Florida Statutes*, as amended.
- (11) The establishment meets the requirements for 3PS (beer, wine and liquor) license as described in Section 565.02(1)(a), *Florida Statutes*, as amended. My clients will comply with the sale of alcohol for off-premises consumption as required by Florida law.

I understand that the Board of Adjustments shall make written findings, based on competent and substantial evidence, certifying compliance with specific rules governing



such individual conditional uses, and stating that satisfactory provisions and/or arrangements have been made concerning the applicable criteria above.

Please advise if you have any questions, concerns or further instructions. I understand that my client's application will be presented at the Board of Adjustments meeting on May 15, 2013. Thank you for consideration.

Very truly yours,

**Fountain, Schultz & Associates, P.L.**



Kerry Anne Schultz, Esquire

KAS/blt  
Enclosures

### APPLICATION

<b>Please check application type:</b>	<input type="checkbox"/> Conditional Use Request for: <u>Restaurant to Retail</u>
<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: Fernando & Maria E. Chavez Phone: \_\_\_\_\_

Address: 5190 Mobile Hwy., Pensacola, FL 32514 Email: \_\_\_\_\_

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

Property Address: 8039 N. Davis Hwy., Pensacola, FL 32514

Property Reference Number(s)/Legal Description: Reference #: 181S304111000001

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

Kerry Anne Schultz

Printed Name Owner/Agent

Date

4/23/13

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida

COUNTY OF Santa Rosa

The foregoing instrument was acknowledged before me this 23rd day of April, 2013  
by Kerry Anne Schultz.

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

Pamela J. Burns  
Signature of Notary  
(notary seal must be affixed)

Pamela J. Burns  
Printed Name of Notary



PAMELA J. BURNS  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# DD0933154  
Expires 10/14/2013

#### FOR OFFICE USE ONLY

CASE NUMBER: \_\_\_\_\_

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

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

## AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 8039 N. Davis Hwy., Pensacola, FL 32514  
Florida, property reference number(s) 181S304111000001

I hereby designate Kerry Anne Schultz for the sole purpose  
of completing this application and making a presentation to the:

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

This Limited Power of Attorney is granted on this 23rd day of April the year of,  
2013, 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: Kerry Anne Schultz Email: KASchultz@FountainLaw.com  
Address: 2045 Fountain Professional Ct., Ste. A, Navarre, FL 32566 Phone: (850) 939-3535

Fernando Chavez  
Signature of Property Owner

Fernando Chavez  
Printed Name of Property Owner

4/23/13  
Date

Maria E. Chavez  
Signature of Property Owner

Maria E. Chavez  
Printed Name of Property Owner

4/23/13  
Date

STATE OF Florida COUNTY OF Santa Rosa

The foregoing instrument was acknowledged before me this 23rd day of April, 2013,  
by Fernando Chavez and Maria E. Chavez

Personally Known ☒ OR Produced Identification ☐ Type of Identification Produced: \_\_\_\_\_

Kerry Anne Schultz  
Signature of Notary

Kerry Anne Schultz  
Printed Name of Notary

(Notary Seal)

NOTARY PUBLIC-STATE OF FLORIDA  
Kerry Anne Schultz  
Commission # EE049523  
Expires: DEC. 16, 2014  
BONDED THRU ATLANTIC BONDING CO., INC.

**Janet Holley**

Ad Valorem Taxes and Non-Ad Valorem Assessments

**Escambia County Tax Collector**

REAL ESTATE 2012 83205

Account Number	Payor	Exemptions	Taxable Value	Millage Code
02-2632-100		See Below	See Below	06

CHAVEZ FERNANDO & MARIA E  
5190 MOBILE HWY  
PENSACOLA FL 32526

181S30-4111-000-001 8039 N DAVIS  
HWY BEG AT NE COR OF GOVT LT 4 S  
ALG E LI OF LT 4 330 FT WLY DEFL  
89 DEG 33 MIN 38 SEC RT 275 60/100  
FT SLY DEFL 81 DEG 23 MIN 30 SEC  
LEFT 145 FT FOR POB SLY DEFL 7 DEG  
51 MIN 40 SEC See Tax Roll For  
Extra Legal

Ad Valorem Taxes				
Taxing Authority	Rate	Exemption Amount	Taxable Value	Taxes Levied
COUNTY	6.9755		\$428,459	\$2,988.72
PUBLIC SCHOOLS				
By Local Board	2.2480		\$428,459	\$963.18
By State Law	5.5100		\$428,459	\$2,360.81
SHERIFF	0.6850		\$428,459	\$293.49
WATER MANAGEMENT	0.0400		\$428,459	\$17.14
Total Millage		15.4585	Total Taxes	\$6,623.34
Non-Ad Valorem Assessments				
Code	Levying Authority		Amount	
NFP	FIRE (CALL 595-4960)		\$139.20	
			Total Assessments	\$139.20
Taxes & Assessments			\$6,762.54	
IF PAID BY	Mar 31 2013	Apr 30 2013	May 31 2013	
PLEASE PAY	\$6,762.54	\$6,965.42	\$6,978.42	



160131  
RETURN TO:  
First American Title Ins. Co.  
25400 US 19 N, Suite 135  
Clearwater, FL 33763

**Consideration:** \$600,000

**PREPARED BY:**

Vern S. Bothwell  
Jones Bothwell & Dion LLP  
44 Montgomery Street, Suite 610  
San Francisco, CA 94104

**RETURN TO:**

FERNANDO CHAVEZ  
2611 SANDICREST DRIVE  
CANTONMENT, FL 32504

**SPECIAL WARRANTY DEED**  
**(BK # 5294)**

**THIS INDENTURE**, made this 15<sup>th</sup> day of June, 2005, by and between:

**JAYLOR HOLDINGS I, LLC**, a Nevada limited liability company, formerly known as  
Sydran Holdings, LLC, a Nevada limited liability company, and successor by merger to  
Sydran Holdings IX, LLC, a Nevada limited liability company, and whose mailing  
address is: c/o Jaylor Services, LLC, 2603 Camino Ramon, Suite 200, San Ramon, CA  
94583

hereinafter referred to as **GRANTOR**, to:

**FERNANDO CHAVEZ and MARIA E. CHAVEZ**, husband and wife (tenancy by the  
entireties), whose mailing address is: 2611 Sandicrest Drive, Cantonment, FL 32533

hereinafter referred to as **GRANTEE**,

**WITNESSETH**, that GRANTOR, for and in consideration of the sum of \$600,000 and other  
good and valuable consideration, to it in hand paid by GRANTEE, receipt whereof is hereby  
acknowledged, has granted, bargained and sold to the GRANTEE forever, the following  
described land situate, lying and being in the County of Escambia, State of Florida, to wit:

See Exhibit A attached hereto and by this reference made a part hereof.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

**Tax Parcel Identification Number: 02-2632-100**

TOGETHER WITH all the tenements, hereditaments and appurtenances belonging or in any way  
appertaining to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee  
simple; that Grantor has good right and lawful authority to sell and convey the property conveyed  
hereby; and that Grantor does hereby fully warrant the title to such property and will defend the  
same against lawful claims of all persons claiming by, through or under Grantor, but against none  
other.

Special Warranty Deed  
BK# 5294

Page 1

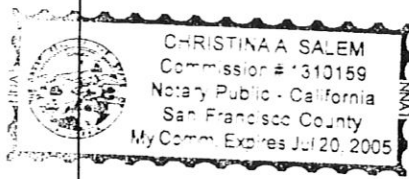
First American Title Order # 160131

4 pgs. 35.50  
DCLS 4200.00

Special Warranty Deed  
Page 2

IN WITNESS WHEREOF, GRANTOR has caused these presents to be signed in its name by its Manager and its corporate seal to be affixed the day and year above written.

<p>Signed, Sealed and Delivered in Our Presence:</p> <p><u>Celeste Bucklew</u> WITNESS SIGNATURE</p> <p><u>Celeste Bucklew</u> TYPE OR PRINT WITNESS' NAME</p> <p><u>Marjorie Hufferberger</u> WITNESS SIGNATURE</p> <p><u>Marjorie Hufferberger</u> TYPE OR PRINT WITNESS' NAME</p>	<p><b>JAYLOR HOLDINGS I, LLC,</b> a Nevada limited liability company, formerly known as Sydran Holdings, LLC, a Nevada limited liability company, and successor by merger to Sydran Holdings IX, LLC, a Nevada limited liability company</p> <p>By: <b>JAYLOR HOLDINGS I, INC.,</b> a Nevada corporation and the Manager of Jaylor Holdings I, LLC</p> <p>By: <u>[Signature]</u> Kenneth A. Freed, Senior Vice President and Secretary</p>
--	--

<p>STATE OF CALIFORNIA )  ) ss COUNTY OF CONTRA COSTA )</p> <p>On June <u>15</u>, 2005, before me, <u>Christina A. Salem</u>, Notary Public for the State of California, personally appeared KENNETH A. FREED,</p> <p><u>personally known to me</u> -OR- <u>proved to me on the basis of satisfactory evidence</u></p> <p>to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.</p> <p>WITNESS my hand and official seal.</p> <p><u>Christina A. Salem</u> Signature of Notary Public</p> <p><u>Christina A. Salem</u> Type or Print name of Notary Public</p> <p>My Commission Expires: <u>7-2005</u></p>	
--	---

(Place Notary Seal Above)

**EXHIBIT A**  
**to**  
**SPECIAL WARRANTY DEED**

That certain improved real property located in Escambia County, Florida, and described as follows:

Commence at the Northeast corner of Government Lot 4, Section 18, Township 1 South, Range 30 West, thence South along the East line of said Lot 4 for a distance of 330.00 feet, thence Westerly deflecting 89°33'38" right for a distance of 275.60 feet thence Southerly deflecting 81°23'30" left for a distance of 145.00 feet for the Point of Beginning, thence Southerly deflecting 07°51'40" left for a distance of 171.62 feet, thence Easterly deflecting 90° left for a distance of 159.44 feet to Westerly right of way line of State Road #291, thence Northerly along said right of way deflecting 89°38'40" left for a distance of 6.81 feet, thence Northeasterly along said right of way deflecting 39°36'51" right for a distance of 126.29 feet, thence Northerly along said right of way deflecting 32°06'31" left for a distance of 68.67 feet, thence Westerly deflecting 97°51'40" left for a distance of 250.00 feet to the Point of Beginning, all lying and being in Section 18, Township 1 South, Range 30 West, Escambia County, Florida.

Together with the perpetual easements concerning the underground pipe for the drainage of surface waters and holding pond as recited in Warranty Deed recorded in O.R. Book 2852, Page 671 of the Public Records of Escambia County, Florida.

LESS AND EXCEPT:

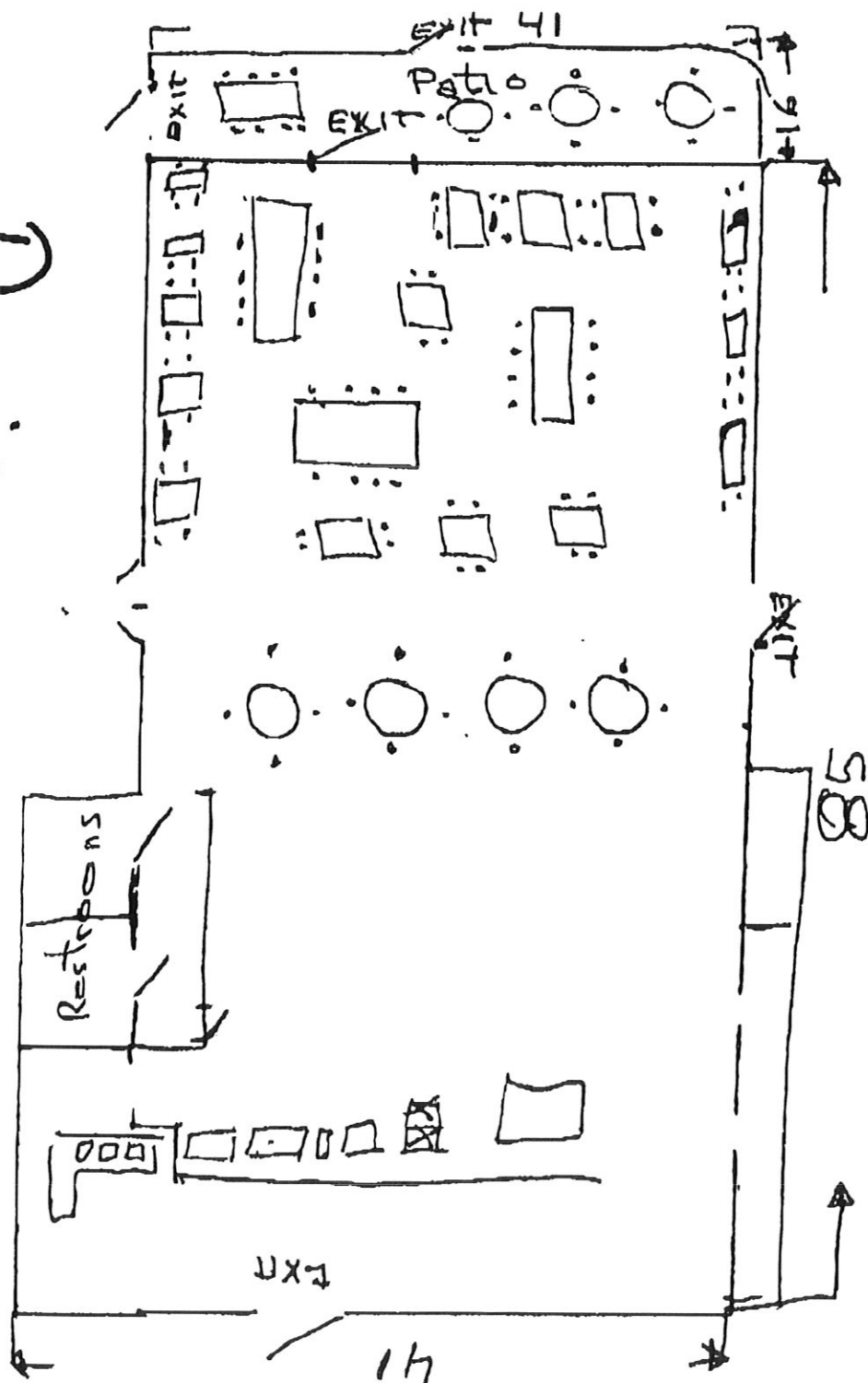
Land described as "Parcel 100" in that certain Order of Taking recorded at O.R. Book 4586, Page 670, Public Records of Escambia County, Florida.

**END OF EXHIBIT A**



8039 N DAVIS

Davis



**Development Services Department****Building Inspections Division**

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

**RECEIPT**Receipt No. : **578532**

Date Issued. : 04/23/2013

Cashier ID : KLHARPER

Application No. : PBA130400019

Project Name : CU-2013-10

**PAYMENT INFO**

Method of Payment	Reference Document	Amount Paid	Comment
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**Check**

501254075

\$1,155.00

App ID : PBA130400019

**\$1,155.00**

Total Check

Received From : BBVA COMPASS

Total Receipt Amount : **\$1,155.00**

Change Due : \$0.00

**APPLICATION INFO**

Application #	Invoice #	Invoice Amt	Balance	Job Address
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PBA130400019

671024

1,155.00

\$0.00

8039 N DAVIS HWY, PENSACOLA, FL, 32514

**Total Amount :****1,155.00****\$0.00**Balance Due on this/these  
Application(s) as of 4/24/2013

CHAVEZ FERNANDO & MARIA  
5190 MOBILE HWY  
PENSACOLA, FL 32526

SPIRIT MASTER FUNDING IV LLC  
14631 N SCOTTSDALE STE 200  
SCOTTSDALE, AZ 852542711

GLEATON ERIC  
102 E NINE MILE RD  
PENSACOLA, FL 32534

SWEETWATER HOLDING LLC  
1810 BLACKWELL LN  
PENSACOLA, FL 32514

RAD PROPERTIES OF  
FLORIDA LLC  
PO BOX 1869  
BRENTWOOD, TN 37024  
PM PREFERRED PROPERTIES LP  
C/O FIVE SAC SELF STORAGE  
1250 E MISSOURI AVE  
PHOENIX, AZ 85014

SSP PENSACOLA LODGING  
LLC  
1329 HWY 72 EAST  
ATHENS, AL 35611

FLORIDA STATE OF DEPT OF  
TRANSPORTATION  
PO BOX 607  
CHIPLEY, FL 32428

VREC SPACEBOX PENSACOLA LLC  
7004 BEE CAVE RD BLDG 3-300  
AUSTIN, TX 78746

NORTHCROSS SHOPPING  
CENTER LLC  
118 N ROYAL ST # 601  
MOBILE, AL 36602

HICKS DUANE  
1716 BLACKWELL LN  
PENSACOLA, FL 32514

LEONARD JOSEPH H  
PO BOX 11471  
PENSACOLA, FL 32524

OM SAI INVESTMENT GROUP  
INC  
4031 STEFANI RD  
CANTONMENT, FL 32533  
MCDONALDS CORP  
C/O NOWAK ENT INC  
PO BOX 2665  
PENSACOLA, FL 32513

M6 LPC/O ACCOR NORTH AMERICA,  
TAX DEPT  
PO BOX 117508  
CARROLTON, TX 75011

WALGREEN COREAL ESTATE  
TAX DEPT  
PO BOX 1159  
DEERFIELD, IL 60015

BEAVERS INC  
50 BEAL PKY SW # 4  
FORT WALTON BEACH, FL  
32548  
MITCHELL COMPANY INC  
PO BOX 160306  
MOBILE, AL 36616

HESS ROY L EST OF  
3930 KINGSBERRY DR  
PENSACOLA, FL 32504

FIRST CITY HOLDINGS LLC  
135 PERRY AVE SE  
FORT WALTON BEACH, FL  
32548

NORTH DAVIS LLCPMB N260  
9120 DOUBLE DIAMOND PKWY  
RENO, NV 89521

BARRAGAN BERNARDO  
1084 BLACK WALNUT TRL  
PENSACOLA, FL 32514

US HOUSING PARTNERS IX LP  
1850 MT DIABLO BLVD STE # 410  
WALNUT CREEK, CA 94596

KSJ OIL INC  
7955 N DAVIS HWY  
PENSACOLA, FL 32514