

AGENDA  
ESCAMBIA COUNTY BOARD OF ADJUSTMENT  
March 19, 2014–8:30 a.m.  
Escambia County Central Office Complex  
3363 West Park Place, Room 104

1. Call to Order.
2. Swearing in of Frederick J. Gant to the Board of Adjustment.
3. Swearing in of Staff and acceptance of Staff as expert witnesses.
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 the February 19, 2014 Resume' Minutes.
7. **Consideration of the following cases:**
  1. **Case No.: AP-2012-01**  
Address: 7253 Plantation Rd  
Requested Remanded Appeal of the Denial of Change of Use Permit  
Appeal: #PLU120300315 (Based on Planning Board Interpretation # 2012-01)
  2. **Case No.: V-2014-02**  
Address: 4500 Baywalk Circle  
Request: Scenic Highway Setback  
Requested by: Donald J. Weber, Agent for Eyad Abdelqader
  3. **Case No.: CU-2014-02**  
Address: 14140 River Road  
Request: Conditional Use Request for a Commercial Recreational Facility  
Requested by: Tom Hammond, Agent for Terra Cane, LLC
8. Discussion Items.

9. Old/New Business.

10. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, April 16, 2014 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

11. Adjournment.

**Board of Adjustment**

**3.**

Meeting Date: 03/19/2014

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**Board of Adjustment**

**6.**

Meeting Date: 03/19/2014

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**Attachments**

Draft Resume 02-19-14

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# DRAFT

## RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD February 19, 2014

CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(8:30 A.M. – 8:54 A.M.)

Present: Auby Smith  
Bobby Price, Jr.  
Kevin White  
Bill Stromquist  
Jennifer Rigby  
Paul White, Jr.

Absent: Frederick J. Gant

Staff Present: Kristin Hual, Assistant County Attorney  
Andrew Holmer, Senior. Planner, Planning & Zoning  
Juan Lemos, Senior Planner, Planning & Zoning  
Debbie Lockhart, Administrative Assistant

### REGULAR BOA AGENDA

1. Call to Order.
2. The swearing in of Frederick J. Gant to the Board of Adjustment will take place at the March 19, 2014 meeting.
3. Staff was sworn in by the Clerk and accepted by the Board as expert witnesses.
4. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.

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

**Vote:** 5 - 0 Approved

Other: Kevin White (ABSENT)

Frederick J. Gant (ABSENT)

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

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

**Vote:** 5 - 0 Approved

Other: Kevin White (ABSENT)

Frederick J. Gant (ABSENT)

6. Approval of January 15, 2014 Resume' Minutes.  
Kevin White arrived at 8:34 A.M.

Motion by Bill Stromquist, Seconded by Paul White, Jr.

**Vote:** 6 - 0 Approved

Other: Frederick J. Gant (ABSENT)

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

1. **Case No.:** CU-2014-01

Address: 2220 Parker Rd.

Request: Approval for a stable as an accessory to a principal structure for private noncommercial use.

Requested by: Ingrid Wilson, 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.

The Board adopted Staff's findings-of-fact and approved the Conditional Use as requested.

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

**Vote:** 6 - 0 Approved

Other: Frederick J. Gant (ABSENT)

8. Discussion Items.

9. Old/New Business.

10. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, March 19, 2014 at 8:30 a.m., at the Escambia County Central Office Complex, Room104, 3363 West Park Place.

11. The meeting adjourned at 8:54 A.M.

**Board of Adjustment**

**7.**

Meeting Date: 03/19/2014

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## DEVELOPMENT SERVICES ADMINISTRATIVE APPEAL WORKSHEET

**Board of Adjustment**

**7. 1.**

**Meeting Date:** 03/19/2014

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### **I. SUBMISSION DATA:**

**APPLICANT:** Kerry Anne Schultz, Esq., Agent for CNL Funding 2000-A, LP and C.E.J. South, Inc

**DATE OF ADMINISTRATIVE DECISION:** March 7, 2012

**DATE OF APPEAL APPLICATION:** March 12, 2012

**PROJECT ADDRESS:** 7253 Plantation Rd

**PROPERTY REFERENCE NO.:** 30-1S-30-4101-010-002

**ZONING DISTRICT:** C-2

**FUTURE LAND USE:** Commercial

### **III. REQUESTED APPEAL::**

Appeal of the denial of Change of Use Permit #PLU120300315 (Based on Planning Board Interpretation # 2012-01)

### **BOARD ACTION:**

**The Board voted 4-2 to reverse the staff denial, finding that the action by staff was arbitrary and capricious.**

### **III. RELEVANT APPEAL AUTHORITY:**

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

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

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

1. A written application for the appeal was submitted within 15 days of the administrative decision or action indicating the section of this Code under which said appeal applies together with a statement of the grounds on which the appeal is based; and
2. That the person filing said appeal has established that the decision or action of the administrative official was arbitrary and capricious; or
3. An aggrieved party who files an appeal of a decision of the DRC approving or approving with conditions a development plan application, must show, by competent substantial evidence that:
  - (i) The decision of the DRC is not in compliance with the Comprehensive Plan or the Land Development Code;
  - (ii) Their property will suffer an adverse impact as a result of the development approval decision;
  - (iii) The adverse impact must be to a specific interest protected or furthered by the Comprehensive Plan or the Land Development Code; and
  - (iv) It must be greater in degree than any adverse impact shared by the community at large.
4. In the event the owner, developer, or applicant is aggrieved or adversely affected by a denial of a development plan application or the imposition of conditions, the owner, developer or applicant filing the appeal must show, by competent substantial evidence, that the denial of the development plan or the imposition of conditions is neither required nor supported by the Comprehensive Plan or the Land Development Code or the application of technical design standards and specifications adopted by reference in the Code, or Concurrency Management Procedures and is, therefore, arbitrary and capricious.

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

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

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

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

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

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#### **Attachments**

Remanded AP2012-01

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**AP-2012-01**

**IN THE CIRCUIT COURT, FIRST JUDICIAL  
CIRCUIT, ESCAMBIA COUNTY, FLORIDA**

2013 DEC -4 P 3:27

**RELAX HOSPITALITY, LLC, a Florida  
limited liability company; and ADX  
COMMUNICATIONS OF ESCAMBIA,  
LLC, a Florida limited liability company,**

CIRCUIT CIVIL DIVISION  
FILED & RECORDED

**Petitioners,**

**vs.**

**CASE NO. 2012 CA 001261**

**ESCAMBIA COUNTY, acting by and  
through its BOARD OF ADJUSTMENT;  
and CEJ SOUTH, INC., a Florida corporation,**

**Respondents.**

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Opinion filed December 2, 2013

Jesse W. Rigby, Esquire, Clark, Partington, Hart, Larry, Bond & Stackhouse, 125  
West Romana Street, Suite 800, Pensacola, FL 32502 Counsel for Petitioners

Kristin D. Hual, Esquire, Assistant County Attorney, 221 Palafox Place, Suite 430,  
Pensacola, FL 32502, Counsel for Respondent Escambia County

Kerry Ann Schultz, Esquire, Fountain, Schultz & Associates, PL, 2045 Fountain  
Professional Court, Ste. A, Navarre, FL 32566, Counsel for C.E.J. South, Inc.

A Petition for Writ of Certiorari was filed May 17, 2012. An Order to  
Show Cause was issued to Respondents May 31, 2012.

Respondent CNL Funding 2000-A, LP, a Delaware limited partnership, and  
a contingent seller of the parcel in question to Respondent CEJ South, Inc, a Florida  
Corporation, filed a Motion to Dismiss docketed June 20, 2012. Petitioners  
acquiesced to the motion to dismiss in a Response docketed June 25, 2012, and that

motion was granted June 27, 2012.

Respondent Escambia County filed a Response June 26, 2012. Respondent CEJ South filed a Response June 28, 2012. Petitioners' Reply Brief was filed July 2, 2012.

As Petitioners' Reply Brief was not docketed by the clerk until July 18, 2012, and although the Reply Brief does not bear the usual date stamp placed on documents received directly by this office, it likely had been delivered to the office of the undersigned and was not forwarded to the clerk until July 18.

Counsel for Respondent, CEJ, filed a Motion for Case Management Conference docketed November 29, 2012, which was noticed for hearing January 4, 2013. Another such motion was filed July 30, 2013, and noticed for hearing September 27, 2013. The court, on its own motion, has scheduled two additional case management conferences, most recently on November 27, 2013.<sup>1</sup>

For the purposes of this opinion, Petitioners, Relax Inn and ADX Communications of Escambia, LLC, shall hereafter jointly be referred to as Petitioners; while Respondents shall be referred to as either "Escambia County" or "CEJ", respectively. Additionally, the Escambia County Board of Adjustment shall be referred to as the "BOA"; while the Escambia County Land Development

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<sup>1</sup> The patience of the parties while awaiting issuance of an opinion in this matter is beyond commendable. While the administrative and docket management challenges of the undersigned are among the excuses for the delay in ruling in this case, they are not acceptable, and I apologize to the parties for any adverse impact the delay in ruling may have caused.

Code shall be referred to as the "LDC".

This case has an interesting, convoluted, conflicting procedural history.

CEJ submitted a zoning verification form to the Escambia County Development Services Department to verify the parcel in question was located in a C-2 zoning district. A staff member completed the form and verified the parcel was in zone C-2 and further opined that the parcel could be used as a crematory/funeral home.

When a question was raised regarding the accuracy of the verification, the Development Services Department head determined the proposed use was not permitted in zone C-2. §2.07.01 of the LDC places responsibility on the Planning Board to interpret the LDC. The Department head informed CEJ that an interpretation of the LDC could be requested from the Planning Board.

CEJ requested an interpretation, and the Planning Board Interpretation #2012-01 concluded that a crematory was not a permitted use within zone C-2. CEJ applied for a change of use permit from a restaurant to a funeral home with a crematory. That application was denied by Department staff based upon the Planning Board Interpretation.

CEJ filed an administrative appeal to the BOA pursuant to §§2.04.00 and 2.04.01, LDC. After a lengthy hearing, the BOA concluded the denial of the request to change the use permit base upon the interpretation of the Planning Board

was "arbitrary and capricious".

The Petition for Writ of Certiorari was timely filed from that decision. This court has jurisdiction pursuant to Article V, Section 5(b), Constitution of the State of Florida.

CEJ raises lack of standing of Petitioners in its Response. As that issue was not raised below, it was waived.

The parties agree *Haines City Community Development v. Heggs*, 658 so.2d 530 (Fla. 1995), *DeGroot v. Sheffield*, 95 So.2d 912 (Fla. 1957), and *City of Deerfield Beach v. Vaillant*, 419 So.2d 624 (Fla. 1982), establish the relevant standard of review.

At the quasi-judicial administrative appeal hearing, the BOA heard extensive testimony. The issue was complicated by discussion of the fact that two permits for similar projects in zone C-2 had been previously issued without questions being raised regarding the validity of interpretation of the LDC. BOA members engaged in critical debate regarding the Board's responsibility in this matter.

This court has no authority to conduct a *de novo* review and assess the weight of conflicting evidence presented to the BOA and has no desire to do so. *Dusseau v. Metropolitan Dade County Bd. County Com'rs*, 794 So.2d 1270 (Fla. 2001).

The parties disagree on where the focus of the review should be placed by this court.

This court declines to accept the suggestion of Respondents, Escambia County and CEJ, justifying the decision of the BOA. To do so would require this court to ignore the specific provisions of the LDC which have been lawfully adopted by the responsible legislative body, the Escambia County Commission. The conundrum facing the BOA, while understandable, is not supported by law.

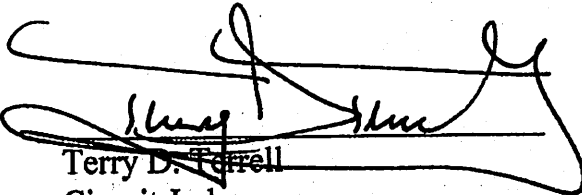
Regardless of the apparent inconsistent, previous interpretations of the LDC by Developmental Services Department staff in the past, the interpretation of the Planning Board at issue in this case was based upon the clear, unequivocal language of the LDC. The LDC expressly lists or incorporates crematories by reference in other zoning classifications as either a permitted use or as a conditional use. The Petition contains a detailed analysis of the progression of permitted and conditional uses for crematories, funeral homes, and mortuaries in the LDC zoning classifications and the varied licensing options for such facilities under Ch. 497, Fla. Stat. The LDC neither lists nor incorporates crematories in the C-2 zoning classification. Thus, it is not necessary to apply the inverse of the basic concept of statutory construction of "*expressio unius est exclusio alterius*". The language in the LDC is clear and unequivocal as conceded by Respondent, Escambia County.

As a consequence, the matters heard by the BOA did not rise to the level of

competent, substantial evidence sufficient to sustain the finding that the denial of the request for change of use based upon the Planning Board's interpretation of the LDC was "arbitrary and capricious".

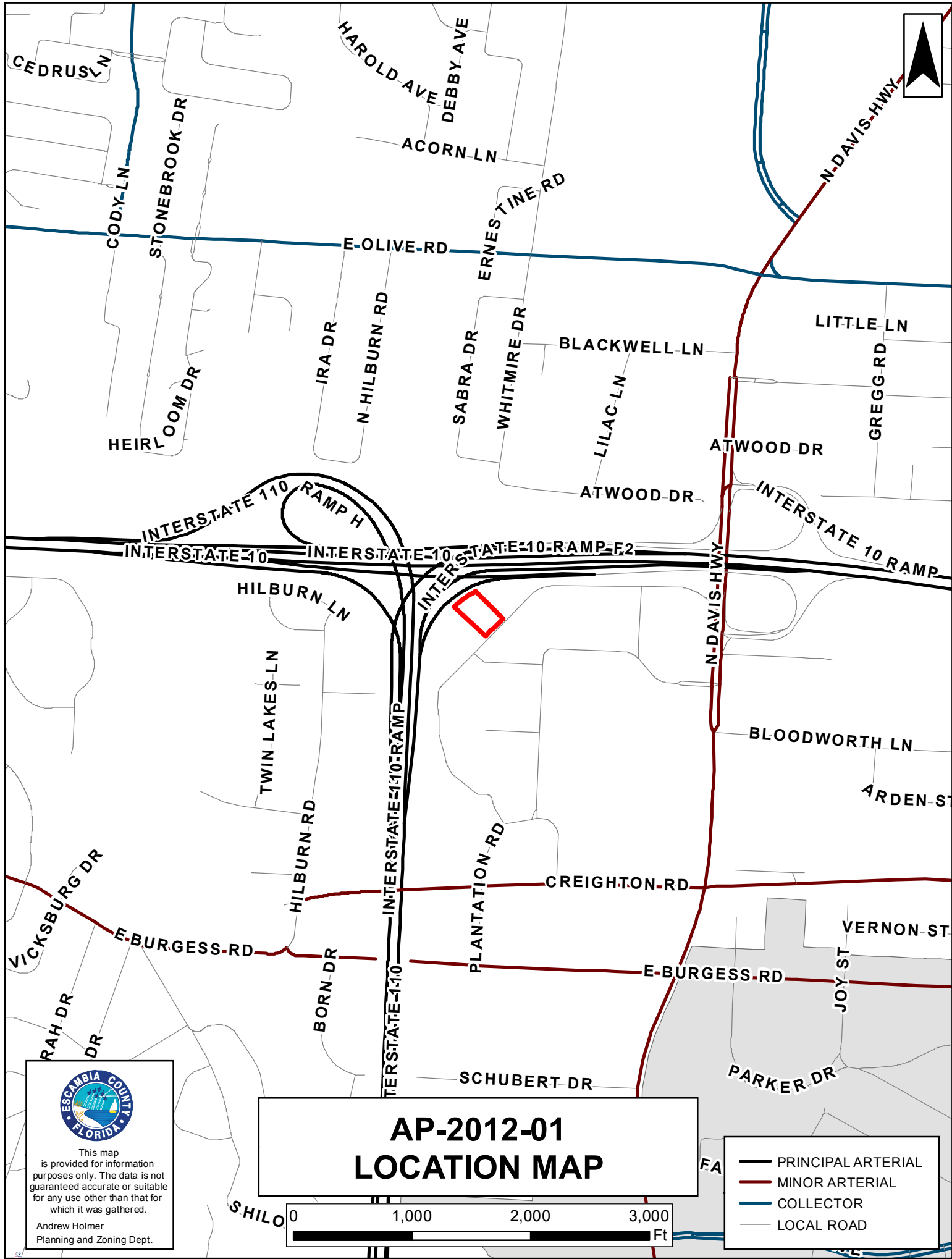
While it appears the BOA members thought the LDC should be interpreted to include crematories as a permitted or conditional use, that is an issue for the Escambia County Commission to resolve should they choose to amend the LDC. Petitioners suggest other alternatives such as an administrative application for a vested rights committee determination pursuant to §2.11.00, LDC, and there may be others. It is not within the purview of this court to either suggest or determine what alternatives should be pursued in this matter.

Accordingly, the Petition for Writ of Certiorari is granted, and the decision of the BOA is quashed. This matter is remanded for further proceedings consistent herewith.

  
Terry D. Ferrell  
Circuit Judge

A copy of this opinion was e-mailed to each attorney December 2, 2013.

AP-2012-01



**AP-2012-01  
LOCATION MAP**



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.

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



R-6

R-5

R-5

INTERSTATE 10

C-2

C-2

R-4

INTERSTATE 110

PLANTATION RD

UNIVERSITY PLAZA DR

PLANTATION RD

C-2



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.

# AP-2012-01 500' RADIUS ZONING



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

MU-U

MU-U



INTERSTATE 10

INTERSTATE 110

PLANTATION RD

UNIVERSITY PLAZA DR

PLANTATION RD



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.

# AP-2012-01 FUTURE LAND USE

0 200 400 600 Ft

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



INTERSTATE 10

INTERSTATE 10 RAMP B1

INTERSTATE 10 RAMP B2

INTERSTATE 10 RAMP B1

PLANTATION RD

UNIVERSITY PLAZA DR



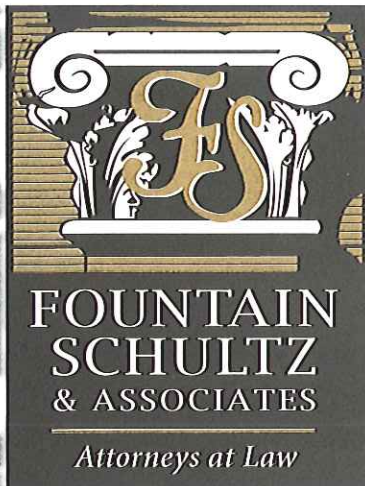
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer  
Planning and Zoning Dept.

# AP-2012-01 AERIAL MAP



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



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

March 13, 2012

**VIA ELECTRIC MAIL (adholmer@co.escambia.fl.us)**

**and REGULAR U.S. MAIL**

ESCAMBIA COUNTY

Development Services Department

**Attention: ANDREW HOLMER**

3363 West Park Place

Pensacola, Florida 32505

**RE: Subject Real Property: 7253 Plantation Road, Pensacola, Florida**  
**Owner: CNL FUNDING 2000-A, LP**  
**Purchaser: C.E.J. SOUTH, INC. (Christen Jensen)**

***APPEAL TO THE BOARD OF ADJUSTMENTS***

Dear Mr. Holmer:

I have the pleasure of representing CNL Funding 2000-A, LP, the owner of the subject property and C.E.J. South, Inc., the purchaser of the property. Please direct all future correspondence to me with respect to this Appeal.

Enclosed are the Application, Affidavit of Owner and Limited Power of Attorney, Legal Description, Deed to prove ownership, and other supporting documentation to support my clients' Appeal.

**PROCEDURAL HISTORY**

Christian Jensen, the owner of C.E.J. South, Inc., submitted a Zoning Verification request for property located at 7253 Plantation Road, Pensacola, Florida 32504, to the Development Services Bureau on December 20, 2011. The form was verified by Brenda L. Wilson on this same date, **who indicated that the property in question is zoned C-2 and wrote the following statement on the completed verification form: "A crematory/funeral home is allowed."**

In reliance on the above zoning verification, Mr. Jensen, on behalf of C.E.J. South, Inc., entered into a purchase agreement for said property on January 23, 2012. On or about February 3, 2012, Development Services personnel informed Mr. Jensen that a crematory would not be allowed on said property because allegedly C-2 zoning restrictions in Escambia County did not permit crematories. Consequently, Mr. Jensen and C.E.J. South, Inc., have suffered and will continue to suffer damages because of their detrimental reliance on the zoning verification by Development Services Bureau. Unless this zoning issue can be favorably resolved on or before April 18, 2012, damages to Mr. Jensen and C.E.J. South, Inc. will be irreparable.

Mr. Jensen and C.E.J. South, Inc. subsequently requested a Planning Board Interpretation of the Land Development Code for the following reasons: (1) Florida Statutes provide that crematory (i.e. cinerator) may be located at a funeral establishment provided that a licensed funeral director is responsible for the facility; therefore, (2) any zoning classification that permits a funeral home also permits a crematory provided that a licensed funeral director is responsible for the facility; and (3) there are two existing funeral homes with crematories in Pensacola, which are in areas that are zoned C-2. A more detailed discussion follows. The Planning Board denied my clients' interpretation. My clients subsequently filed an Application for Building Permit, which was denied in light of the Planning Board's Interpretation.

### **C-2 Zoning Classification Allows For Funeral Homes With Crematories in Escambia County**

Section 497.005(14), *Florida Statutes*, defines a cinerator as "a facility where dead human bodies are subjected to cremation." Similarly, 497.606(9)(e) and (f), *Florida Statutes*, provide that a cinerator facility may be located at the same address as a funeral establishment provided that a licensed funeral director is responsible for the facility, as opposed to a direct disposer, and provided that the name of the facility and the name of the funeral director are displayed at the public entrance.

Likewise, **Escambia County Ordinance 6.05.16 paragraph B(1) provides that any use permitted in a C-1 district is also a permitted use in C-2 districts**, and funeral homes may include cinerator facilities pursuant to Florida Statutes provided that a licensed funeral director is responsible for the facility. This is consistent with the fact that there are two existing funeral homes in Pensacola with crematories that are in C-2 districts. SCI Funeral Services of Florida, Inc. d/b/a Oak Lawn Funeral Home is located at 619 New Warrington Road, Pensacola, Florida 32506, and has operated a crematory at that facility for many years. Trahan Mortuary Services, Inc. recently opened a facility with a crematory at 430 Beverly Parkway, Pensacola, Florida 32505. To the extent that these funeral home are operating with cremetatories substantiates the position that my clients should also be permitted to do so as the Ordinance must be applied uniformly.

The Development Services Bureau questioned whether crematories are allowed in C-2 districts for the following reasons. Crematoriums are conditional uses in R-5 districts [Esc. Ord. 6.05.12 (D)2]. Conditional uses in R-6 districts include any conditional use allowed in a R-5 District. [Esc. Ord. 6.05.13 (C)1]. Conditional uses in C-1 districts include any conditional use allowed in a R-6 District. [Esc. Ord. 6.05.14 (C)1]. However, Esc. Ord. 6.05.16 (B)1 provides that "any use permitted in the C-1 district" is a permitted use in a C-2 district and does not provide for any conditional use allowed in a C-1 district.

It is important to note that the language used in Esc. Ord. 6.05.16 (B)1 is very different from the language used in Esc. Ord. 6.05.12 (D)2, Esc. Ord. 6.05.13 (C)1, and Esc. Ord. 6.05.14 (C)1. Esc. Ord. 6.05.16 (B)1 does not provide that permitted uses in C-2 districts include any "permitted use" in a C-1 district; rather, **the ordinance provides that a permitted use in a C-2 district is any use "that is permitted," (which implies any use that is allowed) in a C-1 district.** Consequently, it appears that since crematoriums are permitted or allowed in C-1

districts, they should be permitted or allowed in a C-2 district. However, this entire line of reasoning is irrelevant because it ignores the fact that "funeral homes" are specifically identified as "permitted uses" in C-1 districts, and C-2 districts include any "permitted use" in a C-1 district. Since funeral homes may include crematoriums pursuant to Florida Statutes, crematories, which are located at the same address as the funeral home, are a "permitted use" in C-2 districts.

To apply the law differently to my clients is a gross injustice when other funeral homes with crematories operate in the same zoning classification. I trust that the Board of Adjustments will grant my clients' Appeal and allow my clients to proceed with the change of use from a restaurant to a funeral home with crematory.

Please advise if you have any questions, concerns or further instructions. Thank you for your consideration.

Very truly yours,

**FOUNTAIN, SCHULTZ & ASSOCIATES, P.L.**



Kerry Anne Schultz, Esq.

KAS: mae

cc: clients (via electronic mail)

Michael Carro (via electronic mail)

Enclosures as stated

## 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: CNL FUNDING 2000-A, LP Phone: 850-939-3535 (Attorney)

Address: 450 South Orange Avenue, 11th Floor, Orlando Florida 32801 Email: kaschultz@fountainlaw.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: 7253 Plantation Road, Pensacola, Florida

Property Reference Number(s)/Legal Description: 301S30410101002

\*\*Legal Description attached hereto as Exhibit "A"

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, Esquire

Printed Name Owner/Agent

Date

3/13/12

Signature of Owner

Printed Name of Owner

Date

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of March 20 12,  
by \_\_\_\_\_.

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

Signature of Notary

(notary seal must be affixed)

Printed Name of Notary



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

### FOR OFFICE USE ONLY

CASE NUMBER: AP-2012-01

Meeting Date(s): 4-18-01

Accepted/Verified by: KA

Date: 3/8/12

Fees Paid: \$ 560<sup>00</sup> Receipt #: 551072

Permit #: PBA1203 00009

DR BK 4598 P60578  
Escambia County, Florida  
INSTRUMENT 2000-765247

DEED DOC STAMPS PD @ ESC CO \$11482.10  
08/28/00 ERNIE LEE MORRIS, CLERK

By: *[Signature]*

15.00  
11482.10  
PREPARED BY ~~AND RETURN TO:~~

Dale A. Burket, Esquire  
Lowndes, Drosdick, Doster,  
Kantor & Reed, P.A.

c/o Keren Baki  
LandAmerica NCS  
3922 Coconut Palm Dr., Suite 102  
Tampa, FL 33619

→ RECORD AND RETURN TO:  
LANDAMERICA SERVICE CENTER  
10550 DEERWOOD PARK BOULEVARD, SUITE 300  
JACKSONVILLE, FL 32256

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and executed as of the 24 day of July, 2000, by CNL APF PARTNERS, LP, a Delaware limited partnership, whose address is 450 South Orange Avenue, Orlando,, Florida 32801 (hereinafter referred to as the "Grantor") to CNL FUNDING 2000-A, LP, a Delaware limited partnership, whose address is 103 Foulk Road, Suite 202, Wilmington, Delaware 19803 (hereinafter referred to as the "Grantee").

Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) to Grantor in hand paid by Grantee, the receipt of which is acknowledged, has granted, bargained, and sold to Grantee, and Grantee's heirs and assigns forever that certain piece, parcel or tract of land situated in Escambia County, Florida more particularly described on Exhibit "A" (hereinafter referred to as the "Property"), together with all of Grantor's right, title and interest as landlord or lessor in and to any and all leases or rental agreements pertaining to the Property, and all of the rights, benefits and privileges of the landlord or lessor thereunder, including without limitation any and all of Grantor's right, title and interest in and to any and all security deposits and rentals thereunder, to have and to hold the described property to Grantee and Grantee's successors and assigns, forever, and Grantor does fully warrant the title to the land conveyed, and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

Mail all tax statements directly to CNL FUNDING 2000-A, LP at 103 Foulk Road, Suite 202, Wilmington, Delaware 19803.

[Signatures on Next Page]

IN WITNESS OF THE ABOVE, Grantor has executed this deed on the date first written above.

Signed, sealed and delivered in the  
Presence of:

CNL APF PARTNERS, LP, a Delaware  
limited partnership

SM  
Name: Sandra M. Maltindale

By: CNL APF GP CORP., a Delaware  
corporation as general partner

Jim  
Name: Tanya Mantso

By: Michael Wood  
Name: MICHAEL WOOD  
Its: EXECUTIVE VICE PRESIDENT

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me on the 24 day of  
July, 2000, by MICHAEL WOOD, as EXECUTIVE VICE PRESIDENT APF  
GP CORP., a Delaware corporation, on behalf of the corporation as general partner of CNL  
APF Partners LP, a Delaware limited partnership. He/She is personally known to me and did not  
take an oath.

Virginia S. Williams  
Notary Signature

Printed Name: Virginia S. Williams  
Notary Public, State of Florida  
Commission Number: CC699665  
My Commission Expires: December 2, 2001

DR BK 4598 PG0580  
Escambia County, Florida  
INSTRUMENT 2000-765247

RCD Aug 28, 2000 08:40 am  
Escambia County, Florida

Ernie Lee Magaha  
Clerk of the Circuit Court  
INSTRUMENT 2000-765247

Commencing at the northwesterly corner of Parcel G, Plantation Park, as recorded in Plat Book 10, page 88, of the public records of Escambia County, Florida, and considering the West line of Parcel G to bear South 01 degree 18 minutes 00 seconds West and all bearings contained herein relative thereto said point lying on the curved southerly right of way line of Plantation Road (60 foot right of way); thence southwesterly along a curve concave to the southeast (radius of 247.04 feet) through a central angle of 23 degrees 45 minutes 07 seconds for an arc distance of 102.41 feet to a point of tangency; thence North 47 degrees 03 minutes 40 seconds West a distance of 60.00 feet; thence South 42 degrees 56 minutes 20 seconds West a distance of 253.54 feet to the point of beginning; thence South 42 degrees 56 minutes 20 seconds West a distance of 225.00 feet; thence North 47 degrees 03 minutes 40 seconds West a distance of 365.22 feet to a point on the curved southerly right of way of Interstate Highway I-10, then easterly along said right of way on a curve concave to the southeast (radius of 879.93 feet) through a central angle of 14 degrees 55 minutes 22 seconds for an arc distance of 229.17 feet; thence South 47 degrees 03 minutes 40 seconds East a distance of 325.19 feet to the point of beginning, lying in Section 30, Township 1 South, Range 30 West, Escambia County, Florida.

## AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 7253 Plantation Road, Pensacola, Florida 32504,  
Florida, property reference number(s) 3018304101010002

I hereby designate Kerry Anne Schultz, Esquire 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) Appeal on the above referenced property.

This Limited Power of Attorney is granted on this 1st day of March the year of,  
2012, and is effective until the Board of County Commissioners or the Board of Adjustment has  
rendered a decision on this request and any appeal period has expired. The owner reserves the right to  
rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development  
Services Bureau.

Agent Name: Kerry Anne Schultz, Esquire Email: kaschultz@fountainlaw.com

Address: 2045 Fountain Professional Court, Navarre, FL Phone: 850-939-3535

Kerry Anne Schultz  
Signature of Property Owner

Kenneth R. Heimlich  
Printed Name of Property Owner

3/6/12  
Date

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

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

\_\_\_\_\_  
Date

STATE OF Florida COUNTY OF Orange

The foregoing instrument was acknowledged before me this 7th day of March 2012,  
by Kenneth R. Heimlich.

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

Ninibet Balladin  
Signature of Notary

Ninibet Balladin  
Printed Name of Notary

(Notary Seal)



NINIBET BALLADIN  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE138179  
Expires 1/22/2016



**Development Services Bureau**  
Escambia County, Florida

For Office Use Only	
Invoice #	_____
Fee \$	\$25.00

**ZONING VERIFICATION REQUEST FORM**

<b>Requestor's Information</b>	Requestor/Agent Name: <u>CHRIS JENSEN / MIKE CARRO</u>		Date: <u>12/20/11</u>
	Phone #: <u>850 - 814 4476</u>	Fax #: _____	Escrow Account # (if applicable): _____
	Property Address: <u>7253 PLANTATION RD</u>		
	Property Reference #: <u>30-15-30-4101-010-002</u>		
	Property Reference # can be obtained from the Property Appraiser's Office at 434-2735 or at <a href="http://www.escpa.org">www.escpa.org</a>		
	Tax Acct #: <u>03-2151-797</u>	Property Owner's Name: <u>G.E. Capital</u>	
	This verification relates to zoning for the specified property and is provided for information purposes only. This form DOES NOT imply or confer development rights for any desired use or activity on the specified parcel. Prior to the issuance of any permits, the applicant must submit a complete application to the County and must comply with all other applicable State and Local Regulations. Requestor, please sign below verifying that you have read and understand, and accept, this disclaimer:		
SIGNATURE <u>[Signature]</u>		Date: <u>12/20/11</u>	

<b>OFFICE USE ONLY</b>	Is parcel a Lot of Record? Yes (X) No ( ) If No, issue must be resolved before any permits can be issued.		
	Zoning District: <u>C-2</u>	Future Land Use Category: <u>C</u>	Zoning Overlay District: Yes (X) No ( ) If Yes, check one: Barrancas (X) Brownsville ( ) Scenic Hwy ( ) Warrington ( )
	Wetlands located on property? Yes ( ) No (X)		
	Property in a Flood Zone? Yes ( ) No (X) Flood Zone <u>X</u> Base Flood Elevation _____ Map # _____		
	Property in an Airport/Airfield Environ? Yes (X) No ( ) If Yes, complete the section below:		
	Airfield/Airport	Airfield Influence Planning District AIPD-1 ( ) AIPD-2 ( )	Noise Zone
	NAS Pensacola _____ NOLF Saufley _____ NOLF 8 _____ Pensacola Regional: _____ PNSPD <u>✓</u> Heights Zone <u>350</u>	AIPD-1 & Accident Potential Zone (APZ) Areas Clear Zone ( ) Area A ( ) APZ-1 (NASP) ( ) APZ-1 ( ) Area B ( ) APZ-2 (NASP) ( ) APZ-2 ( )	AIPD PNSPD Zone 1 (X) A ( ) Zone 2 (X) B ( ) Zone 3 (X) C ( ) Not in noise zone ( )
	Verified by: <u>Brenda J. Wilson</u> Date: <u>12-20-2011</u>		
	<u>X</u> In-office/Pickup _____ Faxed _____ Mailed _____		

**Real Estate Disclosure Form**

Note: Payment must be collected prior to processing. Requests may be paid by cash, check, using an established escrow account or by credit card (Visa or MasterCard only).

Note: Check the address carefully before submitting a zoning request. If we receive an inquiry for property that is in the City of Pensacola, Santa Rosa County, or other jurisdiction, the processing fee will still be charged to cover administrative costs.

A Crematory / General Home is allowed. You will need to follow up with the Development Review (DRG) or A DA.  
Bo going thru



PLU 120300315

BUILDING PERMIT NO.: \_\_\_\_\_  
 PARCEL ID NO.: \_\_\_\_\_  
 DRC No.: \_\_\_\_\_  
 Tank/Sewer No.: \_\_\_\_\_  
 Project Name: \_\_\_\_\_

Application For Building Permit  
 2007 Florida Building Code

DATE: February 29, 2012

LOCATION OF IMPROVEMENTS	Job Address: 7253 Plantation Road, Pensacola, Florida		CONTRACTOR INFORMATION	Contractor: NA	
	CONSTRUCTION COSTS: \$ Unknown			Address: _____	
TYPE OF IMPROVEMENT	OWNER: CNL Funding 2000-A, LP		City: _____		ARCHITECT ENGINEER
	ADDRESS: 450 South Orange Avenue, 11th Floor		State: _____ Zip Code: _____		
	Orlando, Florida 32801		Phone: _____		
	Phone: _____		Fax: _____		
	Fax: _____		Email: _____		
TYPE OF IMPROVEMENT	<input type="checkbox"/> New <input checked="" type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Replace <input type="checkbox"/> Demolition <input checked="" type="checkbox"/> Change of Occupancy: FROM Restaurant TO FUNERAL HOME WITH CREMATORY				
	Structure Type: <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential 1 or 2 Units <input type="checkbox"/> Residential 3 or more units				
	WIDTH _____ LENGTH _____ HEIGHT _____ NO. FLOORS _____ NO. UNITS _____				
	FTP/IN/SQ.FT _____ UNDER ROOF/SQ.FT _____ SQS/SHINGLES _____				
	Description of Work: Interior remodel and construction of 20 x 20 metal garage to the rear exterior				
ARCHITECT ENGINEER	Name: NA		MORTGAGE LENDER	Name: NA	
	Address: _____			Address: _____	
	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:

Signature of Contractor:

Date:

*Kenneth R. Helmlich*

2/27/12

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

Notary as to Owner or Agent:

Notary as to Contractor:

STATE OF FLORIDA/COUNTY OF Orange  
 Sworn to and subscribed before me this 27th day of February, 2012,  
 by Kenneth R. Helmlich who is not personally  
 known to me or who has produced n/a  
 as identification.

STATE OF FLORIDA/COUNTY OF \_\_\_\_\_  
 Sworn to and subscriber before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
 by \_\_\_\_\_ who is not personally  
 known to me or who has produced \_\_\_\_\_  
 as identification.

Comm. Expires:

Comm. Expires:

*Jocelyn Mennenga*  
 SIGNATURE OF NOTARY

SIGNATURE OF NOTARY

Printed Name of Notary: Jocelyn Mennenga

Printed Name of Notary: \_\_\_\_\_

Form 1001  
 NOTARY PUBLIC-STATE OF FLORIDA  
 Jocelyn Mennenga  
 Commission #DD910944  
 Expires: OCT. 16, 2013  
 BONDED THRU ATLANTIC BONDING CO., INC.

*Denied, Based on Land Use Approval*  
*BU 1483*  
 PLANS REVIEW

\* Land use and zoning verification denied  
 per Planning Board Interpretation Made on  
 February 13, 2012  
 H-gene, Division Manager 3-7-12



# Development Services Department

Escambia County, Florida

## Request for Planning Board Interpretation of a Provision or Section of the Land Development Code

**Per Article 2, Section 2.07.01 of the Land Development Code:** The Planning Board, sitting as the local planning agency (LPA), shall review and interpret any provisions of this Code for the purposes of clarification or determination of meaning and intent if questions should arise regarding the meaning, intent or interpretation of any provision or section. Such interpretation request shall be presented at the next regular planning board meeting if the request is received by the department of growth management staff at least 20 calendar days in advance of said meeting. \*

*\*Note: Although the request is submitted at the next regular Planning Board meeting, the actual interpretation is subject to the Planning Board's direction and may not be available until the following meeting (depending on the nature of the request and the extent of staff research required).*

Please call the office (595-3475) to make an appointment with the Planning Board Coordinator to personally discuss your request, to review the application form with you, to answer any questions you may have, and/or any possible alternatives to the request. This will prevent any unnecessary expenditures in the event that it is determined an interpretation is not needed. Fees cannot be waived and are non-refundable regardless of the interpretation. The requestor must be present at the Planning Board meeting.

**An application is not considered complete until the following information is received along with the submittal fee of \$175.00.** (Checks made payable to Escambia County, MasterCard & Visa are accepted)

### Applicant Information:

Name: Chris Jensen as President of C.E.J. South, Inc. Date: 02/07/12

Address: P.O. Box 15306, Panama City, Florida 32406

Phone: 850-814-4476 Other: \_\_\_\_\_ Email: cjensen@knology.net

### Provision and/or Section of the Land Development Code to be interpreted:

Escambia Ordinance 6.05.12, 6.05.13, 6.05.14, and 6.05.16.

**Reason for the Request:** (Give a description of request and include any documentation to support request.)  
(use additional sheets as necessary)

See attached.

Tommy G. Smith as attorney for Chris Jensen and C.E. J. South, Inc.

Applicant Signature

Date 02/07/12

Office Use Only - H:\DEV SRVCS\FOR-000 Forms\Planning Board\Planning Board Interpretation Request\_08\_22\_11.doc

Chris Jensen, the owner of C.E.J. South, Inc., submitted a Zoning Verification Request for property located at 7253 Plantation Road, Pensacola, Florida 32504, to the Development Services Bureau on 12/20/11. The form was verified by Brenda L. Wilson on 12/20/11, who indicated that the property in question is zoned C-2 and wrote the following statement on the completed verification form: "A crematory/funeral home is allowed."

In reliance on the above zoning verification, Mr. Jensen, on behalf of C.E. J. South, Inc., entered into a purchase agreement for said property on January 23, 2012. On or about February 3, 2012, Development Services personnel informed Mr. Jensen that a crematory would not be allowed on said property because C-2 zoning restrictions, pursuant to Escambia County Ordinances, did not allow for crematories. Consequently, Mr. Jensen and C.E.J. South, Inc. have suffered and will continue to suffer damages because of their detrimental reliance on the zoning verification by Development Services Bureau. Unless this zoning issue can be favorably resolved on or before March 23, 2012, damages to Mr. Jensen and C.E. J. South, Inc. will be irreparable.

Consequently, Mr. Jensen and C.E. J. South, Inc. respectfully request a Planning Board Interpretation of a Provision or Section of the Land Development Code for the following reasons: 1) Florida statutes provide that a crematory (i.e. cinerator) may be located at a funeral establishment provided that a licensed funeral director is responsible for the facility; therefore, 2) any zoning classification that permits a funeral home also permits a crematory provided that a licensed funeral director is responsible for the facility; and 3) there are two existing funeral homes with crematories in Pensacola, which are in areas that are zoned C-2. A more detailed discussion follows.

Fla. Stat. §497.005 (14) defines a cinerator as "a facility where dead human bodies are subjected to cremation." Similarly, Fla. Stat. §497.606(9) (e) and (f) provide that a cinerator facility may be located at the same address as a funeral establishment provided that a licensed funeral director is responsible for the facility, as opposed to a direct disposer, and provided that the name of the facility and the name of the funeral director are displayed at the public entrance. Likewise, Escambia County Ordinance 6.05.16 paragraph B (1) provides that any use permitted in a C-1 district is also a permitted use in C-2 districts. Because funeral homes are a permitted use in C-1 districts, they are also a permitted use in C-2 districts, and funeral homes may include cinerator facilities pursuant to Florida Statutes provided that a licensed funeral director is responsible for the facility. This is consistent with the fact that there are two existing funeral homes in Pensacola with crematories that are in C-2 districts. SCI Funeral Services of Florida, Inc. d/b/a Oak Lawn Funeral Home is located at 619 New Warrington Road, Pensacola, Florida 32506, and has operated a crematory at that facility for many years. However, Trahan Mortuary Services, Inc. recently opened a facility with a crematory at 430 Beverly Parkway, Pensacola, Florida 32505.

Our understanding is that the Development Services Bureau questioned whether crematories are allowed in C-2 districts for the following reasons. Crematoriums are conditional uses in R-5 districts [Esc. Ord. 6.05.12 (D)2]. Conditional uses in R-6 districts include any conditional use allowed in a R-5 District. [Esc. Ord. 6.05.13 (C)1]. Conditional uses in C-1 districts include any conditional use allowed in a R-6 District. [Esc. Ord. 6.05.14 (C)1]. However, Esc. Ord. 6.05.16 (B)1 provides that "any use permitted in

the C-1 district" is a permitted use in a C-2 district and does not provide for any conditional use allowed in a C-1 district.

It is important to note that the language used Esc. Ord. 6.05.16 (B)1 is very different from the language used in Esc. Ord. 6.05.12 (D)2, Esc. Ord. 6.05.13 (C)1, and Esc. Ord. 6.05.14 (C)1. Esc. Ord. 6.05.16 (B)1 does not provide that permitted uses in C-2 districts include any "permitted use" in a C-1 district; rather, the ordinance provides that a permitted use in a C-2 district is any use "that is permitted," (which implies any use that is allowed) in a C-1 district. Consequently, it appears that since crematoriums are permitted or allowed in C-1 districts, they should also be permitted or allowed in a C-2 district. However, this entire line of reasoning is irrelevant because it ignores the fact that "funeral homes" are specifically identified as "permitted uses" in C-1 districts, and C-2 districts include any "permitted use" in a C-1 district. Since funeral homes may include crematoriums pursuant to Florida Statutes, crematories, which are located at the same address as the funeral home, are a "permitted use" in C-2 districts.



**BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA**

**INTEROFFICE MEMORANDUM**

**TO: Planners**

**FROM: Allyson Cain, Urban Planner II**

**DATE: February 21, 2012**

**RE: Interpretation 2012-01**

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

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

### AFFIDAVIT OF LUIS LLORENS

Before me, the undersigned authority, appeared LUIS LLORENS ("Affiant"), who, upon being duly sworn, stated as follows:

1. My name is Luis Llorens. I am over the age of 18 and have knowledge of the facts recited herein.
2. I am the President of both AI Environmental Consulting Services, Inc., a Florida corporation, and of American Incinerators Corporation, a Florida corporation, doing business as U.S. Cremation Equipment.
3. I have extensive experience and expertise in the area of human cremation. Attached hereto as Exhibit A is my curriculum vitae.
4. A crematory is a piece of equipment specifically designed to convert human remains to a gas state.
5. In a crematorium, the volatile portions of human remains are oxidized into mostly carbon dioxide and water vapor, which are the two elements that make up more than 90% of human remains. The remaining materials are sterile remains that are returned to the family of the deceased in an urn or other appropriate container.
6. Crematories are specifically designed to operate indoors and typically operate at 99.99% combustion efficiency.
7. Human crematories are not regulated at the federal level due to their essentially inconsequential impact on air quality. The Florida Department Of Environmental Protection does regulate human crematories, but does so via a general permit.
8. A typical crematory operates without smoke or odor, does not discharge waste waters, and its operation is not discernable to the average person.
9. The United States Environmental Protection Agency ("EPA") specifically investigated the issue of mercury emissions and reported the results of this study to Congress. The EPA found that the four major sources of mercury emissions are utility boilers, municipal waste combustors, commercial/industrial boilers, and medical waste incinerators. According to the EPA study, crematories statistically represent 0.0% of national mercury emissions.
10. The operation of a crematory poses no threat whatsoever to the general public and is appropriate for placement even in residential areas. The exhaust generated from vehicles traveling on a highway or interstate that is adjacent to residential or commercial areas poses a far greater threat to humans and the environment than a fully operational crematory.



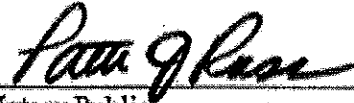
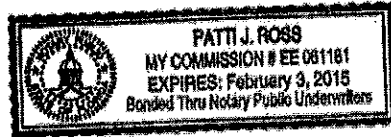
Luis Llorens

STATE OF FLORIDA

COUNTY OF SEMINOLE

The foregoing was acknowledged before me on this 11 day of APRIL, 2012, by Luis Llorens, who [ ] is personally known to me or who [ ] has produced \_\_\_\_\_ as identification.

(Seal)



Notary Public.

## **Luis Llorens**

President – US Cremation Equipment, AI Environmental Consulting Services, Inc.  
Affiliated Engineer – Grove Scientific & Engineering.

Mr. Llorens graduated from the University of Detroit with a B.S. Chemical Engineering degree in August, 1989. Prior to founding US Cremation Equipment in 2001, he was employed in various sales and technical positions at Crawford Equipment & Engineering of Orlando, Florida. Luis has worked as an Air Pollution Engineer and a Hazardous waste consultant for more than 20 years and his experience includes:

- Air Pollution Permitting (Title V)
- Hazardous Waste Consulting RCRA
- Extensive Background in Chemical Engineering
- Air Toxics Modeling and Permitting
- Emergency response consulting (CERCLA)
- Environmental Audits
- Due Diligence Audits
- Soil Remediation Projects
- EPCRA Consulting
- SWPPP
- MSDS Preparation
- Ambient Monitoring
- Stack Testing

Mr. Llorens Certifications include, Hazardous Waste Management, Environmental Auditor, Certified Visible Emissions Observer, Certified Incinerator Operator Instructor HAZWOPER 40-Hour Certified and RCRA

His professional affiliations include, the Air & Waste Management Association, National, American Institute of Chemical Engineers, Cremation Association of North America and National Funeral Directors Association among others.

In the death care industry he has been involved with approximately 1000 cremation projects.


### **Publications**

Ferraro, B.A., , Llorens L, “Grease Laden Air & Baking Ovens” for the National Fire Protection Agency

**AFFIDAVIT OF MITESH PATEL**

Before me, the undersigned authority, appeared Mitesh Patel, who, upon being duly sworn, stated as follows:

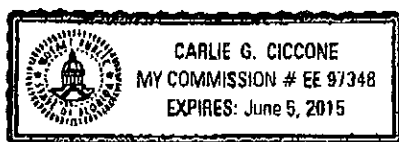
1. My name is Mitesh Patel. I am over the age of 18 and have knowledge of the facts recited herein.
2. I am the Managing Member of Sai Ram Krupa, LLC, a Florida limited liability company. This company owns and operates the Americas Best Value Inn located on Plantation Road in Pensacola, Florida.
3. I am the Managing Member of Amba Sai Shakti, LLC, a Florida limited liability company. This company owns and operates the Baymont Inn located on Plantation Road in Pensacola, Florida.
4. I am aware of the proposed purchase of the real property at 7253 Plantation Road, Pensacola, Florida, and its planned future use as a funeral home with crematory.
5. Both the Americas Best Value Inn and the Baymont Inn are in the immediate vicinity of the proposed funeral home.
6. I have no objection to the proposed construction and operation of a funeral home with crematory at 7253 Plantation Road.
7. I own another hotel that is located in the vicinity of a funeral home. My experience with that hotel has been that the funeral home is a good neighbor and has generated business for my hotel by way of guests coming to the area for funerals.
8. Based on my experience, I believe that the proposed funeral home with crematory will be good for business at the Americas Best Value Inn and the Baymont Inn, and that it will be a source of potential guests who need conveniently located lodging when coming to the area for funerals.
9. Based on my experience, I have no present concerns about the health of my employees and guests in relation to the potential proximity of the Americas Best Value Inn and Baymont Inn to a funeral home with crematory,

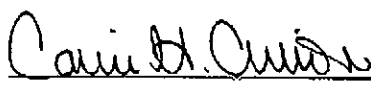
  
Mitesh Patel

STATE OF FLORIDA  
COUNTY OF Escambia

The foregoing was acknowledged before me on this 17<sup>th</sup> day of April, 2012, by Mitesh Patel, who ☒ is personally known to me or who ☐ has produced \_\_\_\_\_ as identification.

(Seal)



  
Notary Public.

COMMUNICATION WORKERS OF  
1621 ATWOOD DR  
PENSACOLA FL 32514

JENNINGS VIVIAN R  
1505 ATWOOD DR  
PENSACOLA FL 32514

SAI RAM KRUPA LLC  
4031 STEPHANI RD  
CANTONMENT FL 32533

SIMON PROPERTY GROUP L P  
ATTN HARRY SPELL PROP TAX MGMT  
225 W WASHINGTON ST  
PO BOX 6120  
INDIANAPOLIS IN 46204

AMMONS WILLIAM S & TATUM  
C/O LINDA AMMONS  
1507 E STRONG ST  
PENSACOLA FL 32501

SERVICE PENSACOLA LLC  
3300 ENTERPRISE PKWY  
BEACHWOOD OH 44122

PENSACOLA SILVER SCREEN INC  
PO BOX 10015  
PENSACOLA FL 32524

CHAVEZ FERNANDO &  
5190 MOBILE HWY  
PENSACOLA FL 32526

ADX COMMUNICATIONS OF  
7251 PLANTATION RD  
PENSACOLA FL 32504

GARDENER HOLDING CO INC  
7282 PLANTATION RD # 403  
PENSACOLA FL 32504

CNL FUNDING 2000-A  
C/O MICHELLE CHOW BANKRUPTCY  
TRUSTEE  
4115 N CENTRAL EXPY  
DALLAS TX 75204

HANUMAN OM HOSPITALITY INC  
2031 HESPERIA WY  
PENSACOLA FL 32505

RELAX HOSPITALITY LLC  
7230 PLANTATION RD  
PENSACOLA FL 32504

UNIVERSITY OFFICE LIMITED CO  
600 UNIVERSITY OFFICE BLVD STE 1C  
PENSACOLA FL 32504

TOMMY G SMITH  
226 PALAFOX PLACE 9<sup>TH</sup> FLOOR  
PENSACOLA FL 32502

STEVE LYON  
619 NEW WARRINGTON RD  
PENSACOLA FL

CHRIS JENSEN  
PO BOX 15306  
PANAMA CITY FL 32406

MICHAEL CARRO  
4369 DIEVEREUX CIR  
PENSACOLA FL 32504

BUDDY PAGE  
5337 HAMILTON LN  
PACE FL

DAVE HOXENG  
7251 PLANTATION  
PENSACOLA FL 32504

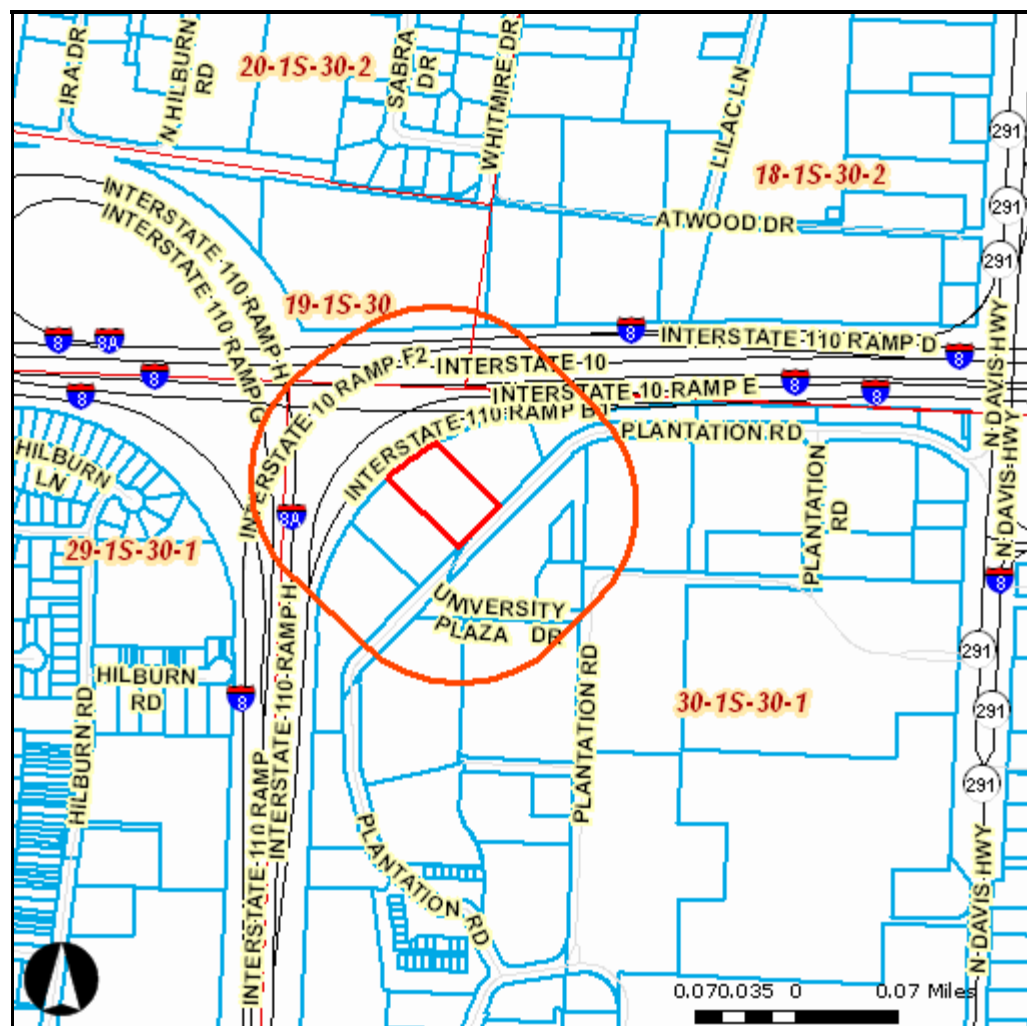
PAUL BLAKE  
7230 PLANTATION RD  
PENSACOLA FL 32504

RED ROOF INN  
C/O MARLENE JONES  
7340 PLANTATION RD  
PENSACOLA FL 32504

TIMOTHY MCEVOY  
812 MALDONADO DR  
PENSACOLA BEACH FL 32562

AJIT PATEL  
7230 PLANTATION RD  
PENSACOLA FL 32504

# ECPA Map



Map Grid



Major Roads

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

All Roads



Property Line



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



## Development Services Department

### Building Inspections Division

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

## RECEIPT

Receipt No. : **551072**

Date Issued. : 03/12/2012

Cashier ID : VHOWENS

Application No. : PBA120300009

Project Name : AP-2012-01

Address : 2045 FOUNTAIN PROFESSIONAL CT  
Navarre, FL, 32566

### PAYMENT INFO

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

#### Credit Card

M-7528

\$560.00

App ID : PBA120300009

**\$560.00**

Total Credit Card

Received From : C E JENSEN, JR / KERRY ANNE SCHULTZ FOUNTAIN, SCHULTZ & ASSOCIATES, P.L.

Total Receipt Amount : **\$560.00**

Change Due : \$0.00

### APPLICATION INFO

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

PBA120300009	644271	560.00	\$0.00	7253 PLANTATION RD, PENSACOLA, FL, 32504
--------------	--------	--------	--------	--

**Total Amount :**

**560.00**

\$0.00

Balance Due on this/these  
Application(s) as of 3/12/2012

## Karen S. Spitsbergen

---

**From:** Kerry Anne Schultz [kaschultz@fountainlaw.com]  
**To:** Karen S. Spitsbergen  
**Sent:** Tuesday, April 10, 2012 8:37 AM  
**Subject:** Read: 4.18.12 BOA Applicant Notification

Your message was read on Tuesday, April 10, 2012 8:37:15 AM (GMT-06:00) Central Time (US & Canada).



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Director

ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk \* are required.

Please Print Clearly

\*Name: Kerry Ann Schell Phone: 939-3535  
\*Address: 2045 Fountain Professional Court City, State, Zip: Navarre FL 32564  
\*Agenda Item (CASE NO.#) Senior Meeting Date: 18 MAR 2012

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

Accepted by Board as an Expert: ☐ Yes ☐ No

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

Chamber Rules

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## ESCAMBIA COUNTY BOARD OF ADJUSTMENT

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Please Print Clearly

\*Name: Scott Bridgford Phone: 850-939-3535

\*Address: 2055 Fountain Prof Ct., Suite A \*City, State, Zip: 32566  
Navarre, FL 32566

\*Agenda Item (CASE NO.#) AP 2012 - Meeting Date: 4-18-12

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

Attorney

Accepted by Board as an Expert: ( ) Yes ( ) No

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

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ESCAMBIA COUNTY BOARD OF ADJUSTMENT

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\*Name: Luis LLOREN Phone: 921-282-7357  
\*Address: 598 Northlake Blvd, Ste 106 \*City, State, Zip: Altamonte Springs, FL 32701  
\*Agenda Item (CASE NO.#) AP 2012-02 Meeting Date: 18 MAR 2012

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

Accepted by Board as an Expert: ☐ Yes ☐ No

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

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ESCAMBIA COUNTY BOARD OF ADJUSTMENT

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\*Name: CHRIS JENSEN Phone: 814 4476  
\*Address: PO Box 15306 \*City, State, Zip: PC, FL 32406  
\*Agenda Item (CASE NO.#) AP 2012-01 Meeting Date: 18 APR 2012

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

23 years

Fun. Hm. OWNER ✓

Accepted by Board as an Expert: ( ) Yes ( ) No

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ESCAMBIA COUNTY BOARD OF ADJUSTMENT

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Please Print Clearly

\*Name: STEVE LYON Phone: 432-7805  
\*Address: 669 New Warrington \*City, State, Zip: Pensacola  
\*Agenda Item (CASE NO.#) AP Meeting Date: 18 APR 2012

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

Accepted by Board as an Expert: ☐ Yes ☐ No

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

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- 15 MONTH OAKLAND  
- 4 of 7



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ESCAMBIA COUNTY BOARD OF ADJUSTMENT

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\*Name: Annie Remington - Landowner Phone: 477-7022  
\*Address: 6723 Plantation Rd \*City, State, Zip: Pensacola FL 04  
\*Agenda Item (CASE NO.#) AP-2012-01 Meeting Date: 4-17-12

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

Accepted by Board as an Expert: ☐ Yes ☐ No

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

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ESCAMBIA COUNTY BOARD OF ADJUSTMENT

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\*Name: Rajesh Garg owner Super 6-Diner & Suites Phone: 850-478-4100

\*Address: 7226 Plantation Rd \*City, State, Zip: 32504

\*Agenda Item (CASE NO.#) AP 2012-01 Meeting Date: 4-18-2012

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

Accepted by Board as an Expert: ☐ Yes ☐ No

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

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ESCAMBIA COUNTY BOARD OF ADJUSTMENT

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\*Name: BUDDY PAGE Phone: 232-9853

\*Address: 5337 Hamilton W \*City, State, Zip: \_\_\_\_\_

\*Agenda Item (CASE NO.#) 2012-01 Meeting Date: \_\_\_\_\_

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

Accepted by Board as an Expert: ☐ Yes ☐ No

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\*Name: AJIT PATEL Phone: 850 377 1410  
\*Address: 7230 PLANTATION RD \*City, State, Zip: PENS. FL 32504  
\*Agenda Item (CASE NO.#) AP-2012-01 Meeting Date: 4/18/12  
☒ Please check here if you wish to speak as: ☒ Lay Person  
☐ Expert: Area of Expertise & Qualifications

Accepted by Board as an Expert: ( ) Yes ( ) No

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ESCAMBIA COUNTY BOARD OF ADJUSTMENT

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\*Name: Claire Bockwith Phone: 494-1776  
\*Address: 7100 Plantation Rd. \*City, State, Zip: 32504  
\*Agenda Item (CASE NO.#) AP 2012-01 Meeting Date: 4/18/12

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

Accepted by Board as an Expert: ☐ Yes ☐ No

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## ESCAMBIA COUNTY BOARD OF ADJUSTMENT

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### Please Print Clearly

\*Name: GARY TIPPENS Phone: 501-3021  
\*Address: 3069 PELICAN LN \*City, State, Zip: PGA  
\*Agenda Item (CASE NO.#) AP1201 Meeting Date: 4/18/12  
☒ Please check here if you wish to speak as: ☒ Lay Person  
☐ Expert: Area of Expertise & Qualifications

Accepted by Board as an Expert: ☐ Yes ☐ No

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ESCAMBIA COUNTY BOARD OF ADJUSTMENT

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\*Name: Michael Carrero Phone: 380-3344  
\*Address: 4369 D'EVEREUX CIR \*City, State, Zip: PNS FL 32504  
\*Agenda Item (CASE NO.#) 15 2012-01 Meeting Date: 4/18/12

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

Licensed Real Estate Broker/Associate

Accepted by Board as an Expert: ( ) Yes ( ) No

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ESCAMBIA COUNTY BOARD OF ADJUSTMENT

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\*Name: Marleen Jones - Red Roof Inn Phone: 476-7960  
\*Address: 7340 Plantation Rd \*City, State, Zip: Pens FL 32504  
\*Agenda Item (CASE NO.#) AP 12-01 Meeting Date: 4/18/12

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

\_\_\_\_\_ Accepted by Board as an Expert: ☐ Yes ☐ No

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ESCAMBIA COUNTY BOARD OF ADJUSTMENT


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\*Name: PAUL BLAKE Phone: 850-479-1000  
\*Address: 7230 PLANTATION RD \*City, State, Zip: Pensacola, FL 32504  
\*Agenda Item (CASE NO.#) AP24201 Meeting Date: 4/18/12

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

Accepted by Board as an Expert: ☐ Yes ☐ No

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  - C. One copy is placed in the official meeting file.



BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

DEVELOPMENT SERVICES DEPARTMENT

3363 WEST PARK PLACE

Pensacola, FL 32505

(850) 595-3475 - Phone

(850) 595-3481 - FAX

www.myescambia.com

Development Services  
Department

T. Lloyd Kerr, AICP  
Director

ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk \* are required.

Please Print Clearly

\*Name: David Valletto Phone: \_\_\_\_\_

\*Address: Beck Prop Co. \*City, State, Zip: FLS

\*Agenda Item (CASE NO.#) AP 2012-01 Meeting Date: \_\_\_\_\_

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

Council - Real Estate Broker

Accepted by Board as an Expert: ☐ Yes ☐ No

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

Chamber Rules

1. All who wish to speak will be heard.
2. This form must be filled out and given to the Board Clerk in order to be heard.
3. When the Chairman calls your name to speak, please come to the podium, adjust the microphone so you can be heard clearly, then state your NAME and ADDRESS for the record.
4. You are requested to keep your remarks BRIEF and FACTUAL.
5. Both sides of an issue will be granted uniform time to speak, normally 3 – 5 minutes.
6. During Quasi-judicial Hearings, Conduct is very formal, and regulated by Supreme Court decisions.
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Director

ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk \* are required.

Please Print Clearly

\*Name: JAVIA VARRAZO Phone: 850-712-2340  
\*Address: 221 Key Largo Pl \*City, State, Zip: PENS FL 32507  
\*Agenda Item (CASE NO.#) AP 2012-01 Meeting Date: 4-18-12

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

AIR EXPERT

Accepted by Board as an Expert: ( ) Yes ( ) No

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

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Development Services  
Department

T. Lloyd Kerr, AICP  
Director

## ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk \* are required.

Please Print Clearly

\*Name:

Tim McEvoy

Phone:

791-6400

\*Address:

812 MARQUADO DR

\*City, State, Zip:

PENSACOLA BBACH

\*Agenda Item (CASE NO.):

AP-2012-01

Meeting Date:

\_\_\_\_\_

Please check here if you wish to speak as:

☒ Lay Person

☐ Expert: Area of Expertise & Qualifications

Accepted by Board as an Expert: ☐ Yes ☐ No

\_\_\_\_\_

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Development Services  
Department

T. Lloyd Kerr, AICP  
Director

## ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk \* are required.

Please Print Clearly

\*Name: Mary Hoxeng Phone: 494-2800  
\*Address: 7251 Plantation Road \*City, State, Zip: 32504  
\*Agenda Item (CASE NO.#) AP-2012-01 Meeting Date: 4/18/12  
☒ Please check here if you wish to speak as: ☒ Lay Person  
☐ Expert: Area of Expertise & Qualifications

Accepted by Board as an Expert: ( ) Yes ( ) No

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

### Chamber Rules

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## DEVELOPMENT SERVICES ADMINISTRATIVE APPEAL WORKSHEET

**Board of Adjustment**  
**Meeting Date:** 04/18/2012

**6. B.**

---

### Information

#### I. SUBMISSION DATA:

**APPLICANT:** Kerry Anne Schultz, Esq., Agent for CNL Funding 2000-A, LP and C.E.J. South, Inc

**DATE OF ADMINISTRATIVE DECISION:** March 7, 2012

**DATE OF APPEAL APPLICATION:** March 12, 2012

**PROJECT ADDRESS:** 7253 Plantation Rd

**PROPERTY REFERENCE NO.:** 30-1S-30-4101-010-002

**ZONING DISTRICT:** C-2

**FUTURE LAND USE:** Commercial

#### III. REQUESTED APPEAL::

Appeal of the denial of Change of Use Permit #PLU120300315 (Based on Planning Board Interpretation # 2012-01)

#### BOARD ACTION:

**The Board voted 4-2 to reverse the staff denial, finding that the action by staff was arbitrary and capricious.**

#### III. RELEVANT APPEAL AUTHORITY:

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

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

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

1. A written application for the appeal was submitted within 15 days of the administrative decision or action indicating the section of this Code under which said appeal applies together with a statement of the grounds on which the appeal is based; and
2. That the person filing said appeal has established that the decision or action of the administrative official was arbitrary and capricious; or
3. An aggrieved party who files an appeal of a decision of the DRC approving or approving with conditions a development plan application, must show, by competent substantial evidence that:
  - (i) The decision of the DRC is not in compliance with the Comprehensive Plan or the Land Development Code;
  - (ii) Their property will suffer an adverse impact as a result of the development approval decision;
  - (iii) The adverse impact must be to a specific interest protected or furthered by the Comprehensive Plan or the Land Development Code; and
  - (iv) It must be greater in degree than any adverse impact shared by the community at large.
4. In the event the owner, developer, or applicant is aggrieved or adversely affected by a denial of a development plan application or the imposition of conditions, the owner, developer or applicant filing the appeal must show, by competent substantial evidence, that the denial of the development plan or the imposition of conditions is neither required nor supported by the Comprehensive Plan or the Land Development Code or the application of technical design standards and specifications adopted by reference in the Code, or Concurrency Management Procedures and is, therefore, arbitrary and capricious.

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

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

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

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

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

---

#### **Attachments**

AP-2012-01 Case File



Board of County Commissioners • Escambia County, Florida

T. Lloyd Kerr, AICP, Director  
Development Services

April 23, 2012

Kerry Anne Schultz, Esq.  
Fountain, Schultz & Associates, P.L.  
2045 Fountain Professional Ct. Suite A  
Navarre, Florida 32566

RE: Notification of Board of Adjustment (BOA) Action on April 18, 2012. Case # AP-2012-01,  
7253 Plantation Rd.; 30-1S-30-4101-010-002

Dear Applicant:

This letter is to inform you of the Board's action to **approve** your request for the following:

- Appeal of the denial of Change of Use Permit #PLU120300316 (Based on Planning Board Interpretation #2012-01)

The Board voted 4-2 to reverse the staff denial of your permit, finding that the action by staff was arbitrary and capricious. You may now continue with the County permitting process.

Please submit a copy of this letter, and note the case number, date of approval, and description of the appeal with your site plan submittal.

Section 2.04.02 of the Land Development Code states:

*"Impacts on permitting and owners of property subject to review. Because decisions of the BOA relating to variances, conditional uses, temporary use of a mobile home as a guest residence due to medical hardship, and extension of development order for site plan approval are final, unless overturned by a court of competent jurisdiction, the county may issue development orders and permits for properties in accordance with the decisions of the BOA. However, if a property owner or applicant requests the issuance of any such order or permit and such order or permit is issued, the permittee, and not the county, shall bear any risk that such decision may be set aside, the permit or development order may be revoked, or the development may be otherwise enjoined by the reviewing court."*

This letter has been notarized should you choose to record it, and the attached Board of Adjustment Findings-of-Fact, in the Public Records of Escambia County per Florida Statutes, Section 28.222(3)(a).

Should you have any questions or comments, please contact our office.

Sincerely,



Andrew D Holmer  
Sr. Urban Planner

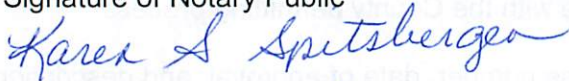
cc: **Kristin Hual**, Assistant County Attorney  
CNL Funding 2000-A, L.P.  
C.E.J. South, Inc.  
Front Counter

#### ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

Andrew D Holmer, who is personally known to me acknowledged the foregoing letter before me  
this 23<sup>RD</sup> day of April 2012.

Signature of Notary Public



Karen S Spitsbergen

Name of Notary Printed

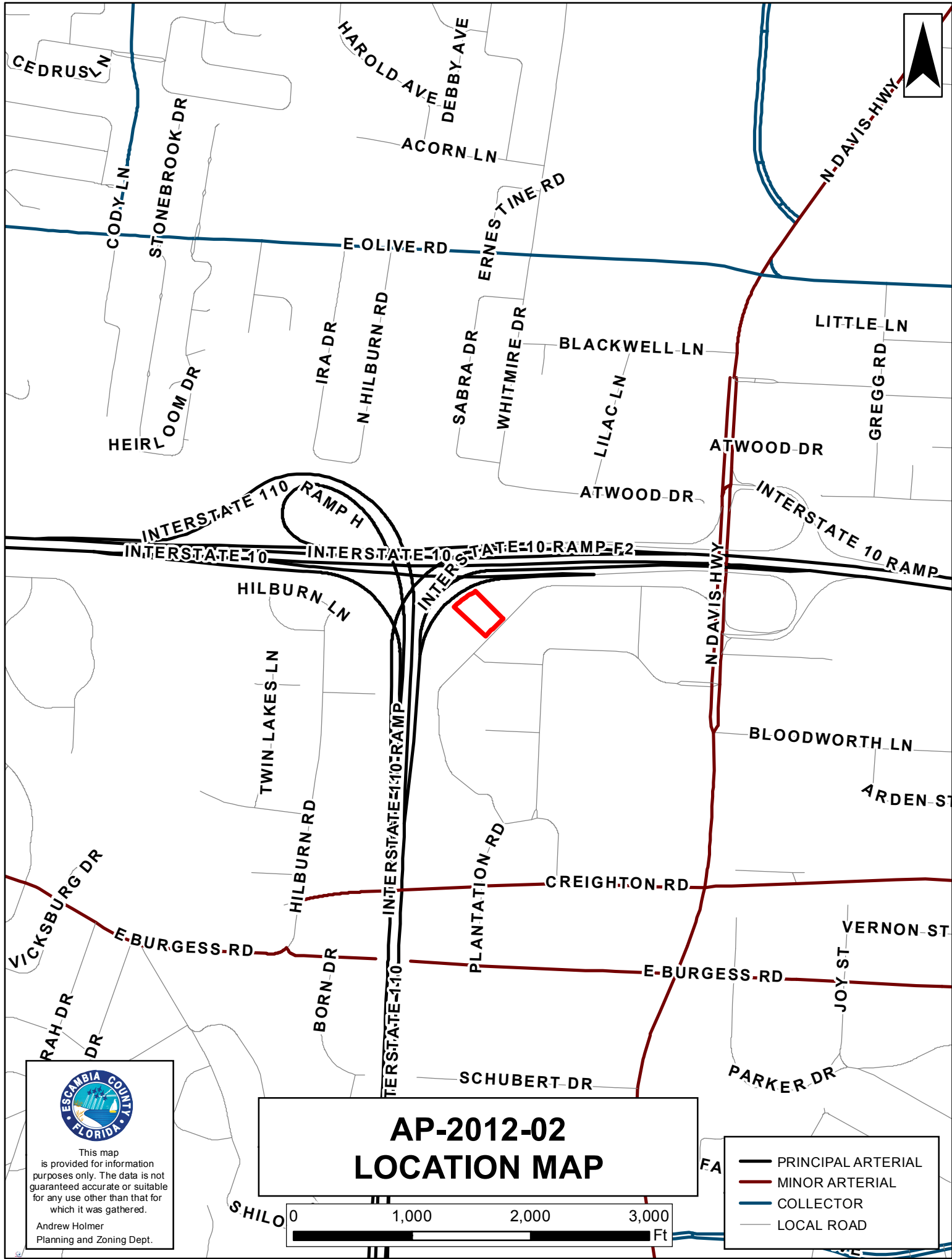


(Notary Seal)

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

**\*\*This decision DOES NOT determine, imply or confer development rights for any desired use or activity on the specified parcel. Additional review processes and/or permits may be required.\*\***

AP-2012-02



**AP-2012-02  
LOCATION MAP**



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.

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD

R-6

R-5

R-5



INTERSTATE 10

C-2

PLANTATION RD

C-2

R-4

UNIVERSITY PLAZA DR

INTERSTATE 110

C-2

PLANTATION RD



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.

## AP-2012-02 500' RADIUS ZONING

0 200 400 600 Ft

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

MU-U

MU-U



INTERSTATE 10

INTERSTATE 110

PLANTATION RD

UNIVERSITY PLAZA DR

PLANTATION RD



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.

## AP-2012-02 FUTURE LAND USE

0 200 400 600 Ft

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



INTERSTATE 10

INTERSTATE 10 RAMP B1

INTERSTATE 10 RAMP B2

INTERSTATE 10 RAMP B1

PLANTATION RD

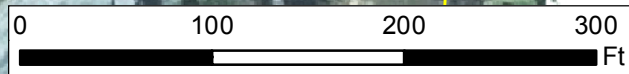
UNIVERSITY PLAZA DR



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Andrew Holmer  
Planning and Zoning Dept.

# AP-2012-02 AERIAL MAP



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

CLARK PARTINGTON HART  
LARRY BOND & STACKHOUSE

ATTORNEYS AT LAW

Pensacola • Destin • Tallahassee

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

May 29, 2012

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

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

Dear BOA Members:

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

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

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

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

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

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

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

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

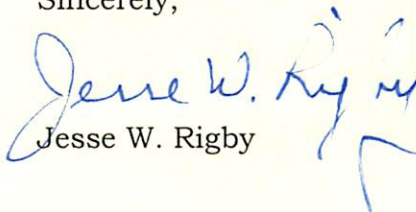
8. Section 2.02.04, LDC, provides that: "No permit or development order may be issued by the county administrator, or his/her designee, for any development if such development would violate the terms and conditions of this Code." The permits issued by the building official violate the terms and conditions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

**Remedies Requested**

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

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

Sincerely,

  
Jesse W. Rigby

JWR\cw

Enclosures

cc: Escambia County Attorney  
Kerry Anne Schultz, Esquire  
Relax Hospitality, LLC  
ADX Communications of Escambia, LLC  
A1084933.DOC

## APPLICATION

**Please check application type:**

☒ 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: Relax Hospitality, LLC Phone: 434-3282 (Agent)

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

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

**By my signature, I hereby certify that:**

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

Jesse W. Rigby  
Signature of Owner/Agent

Jesse W. Rigby, Esquire (Agent)

Printed Name Owner/Agent

5/29/2012  
Date

[Signature]  
Signature of Owner

Relax Hospitality, LLC

Printed Name of Owner  
Ajit Patel, Manager

5/29/12  
Date

STATE OF Florida

COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of May, 20 12,  
by Ajit Patel, Manager.

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: P340 001 651250

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

Constance M. Weiss  
Printed Name of Notary



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

**FOR OFFICE USE ONLY**

CASE NUMBER: AP-2012-02

Meeting Date(s): 6-20-12 Accepted/Verified by: A.D. HOLMER Date: 5/29/12

Fees Paid: \$ 560.00 Receipt #: \_\_\_\_\_ Permit #: PBA 120500014

## 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: ADX Communications of Escambia, LLC Phone: 434-3282 (Agent)

Address: 7251 Plantation Rd., Pensacola, FL 32504 Email: jrigby@cphlaw.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: 7251 Plantation Rd., Pensacola, FL 32504

Property Reference Number(s)/Legal Description: 301S304101006002

**By my signature, I hereby certify that:**

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 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

Jesse W. Rigby, Esquire (Agent)

Printed Name Owner/Agent

Date

5/29/12

Signature of Owner

ADX Communications of Escambia, LLC

Printed Name of Owner  
David E. Hoxeng, Manager

Date

5/29/12

STATE OF Florida

COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of May 20 12,  
by David E. Hoxeng, Manager.

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: FLDL # H252165500090

Signature of Notary

(notary seal must be affixed)

Constance M. Weiss

Printed Name of Notary



CONSTANCE M. WEISS

COMMISSION # DD 811149

EXPIRES: Aug. 03, 2012

**FOR OFFICE USE ONLY**

CASE NUMBER: AP-2012-02

Meeting Date(s): 6-20-12

Accepted/Verified by: A.D. HOLMER

Date: 5/29/12

Fees Paid: \$ 560.00

Receipt #: \_\_\_\_\_

Permit #: PBA 120500014

## AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 7230 Plantation Rd., Pensacola, FL 32504,  
Florida, property reference number(s) 301S304101014002

I hereby designate Jesse W. Rigby for the sole purpose  
of completing this application and making a presentation to the:

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

☒ Board of Adjustment to request a(n) administrative appeal on the above referenced property.

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

Agent Name: Jesse W. Rigby Email: jrigby@cphlaw.com  
Address: Clark Partington Hart Larry Bond & Stackhouse  
125 W. Romana St., Ste 800, Pensacola, FL 32502 Phone: 434-3282

  
Signature of Property Owner

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

5/29/12  
Date

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

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

\_\_\_\_\_  
Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of May 20 12,  
by Ajit Patel, Manager.

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

  
Signature of Notary

Constance M. Weiss  
Printed Name of Notary



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

## AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

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

I hereby designate Jesse W. Rigby, Esquire (Agent) for the sole purpose  
of completing this application and making a presentation to the:

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

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

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

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

[Signature]  
Signature of Property Owner

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

5/29/12  
Date

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

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

\_\_\_\_\_  
Date

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of May 20 12,  
by David E. Hoxeng, Manager.

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: H252165 50 009 0

[Signature]  
Signature of Notary

Constance M. Weiss  
Printed Name of Notary



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

[Home](#)   [Building](#)   [Licenses](#)   [Planning](#)   [Code Enforcement](#)

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

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

### Building Details

**Applicant:**

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

**Work Location:**

7253 PLANTATION RD  
PENSACOLA FL 32504

**Licensed Professional:**

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

**Project Description:**

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

**Owner:**

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

► **More Details**

► **Fees**

► **Inspections**

► **Workflow Process**

### Attachments

### Related Buildings



## Accela Citizen Access™

[Create Contractor Login](#) | [Login](#)[Home](#) [Building](#) [Licenses](#) [Planning](#) [Code Enforcement](#)[Search for Permits](#)

## Search for Permits

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

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

Use the dropdown menu to change the Search type.

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

## General Search

General Search



Permit Number:

BD120502393

Permit Type:

--select--



Search by specific permit type.

Project Name:

Start Date:

06/03/2011



(mm/dd/yyyy)

End Date:

05/28/2012



(mm/dd/yyyy)

License Type:

--select--



Contractor ID Number

First:

Last:

Business Name:

Street No:

Direction:

--select--



(e.g. N)

Street Name:

(e.g. Main)

Street Type:

--select--



Parcel No:

City:

State:

--select--



Zip:

Search

1 Permit results matching your search results

Click any of the results below to view more details.

Showing 1-1 of 1

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



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[Search for Permits](#)

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

**Building BD120502394:**  
**Building/Commercial/Addition/Na**

### Building Details

#### Applicant:

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

#### Work Location:

7253 PLANTATION RD  
PENSACOLA FL 32504

#### Licensed Professional:

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

#### Project Description:

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

#### Owner:

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

#### More Details

##### Fees

##### Inspections

##### Workflow Process

### Attachments

### Related Buildings



## Accela Citizen Access™

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## Search for Permits

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

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


Use the dropdown menu to change the Search type.

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

<b>General Search</b>	<div>General Search </div>
-----------------------	---

Permit Number:

Permit Type:

--select-- 

Search by specific permit type.

Project Name:

Start Date:

(mm/dd/yyyy)

End Date:

(mm/dd/yyyy)

License Type:

--select-- 

Contractor ID Number


First:

Last:

Business Name:

Street No:

Direction:


--select-- 

(e.g. N)

Street Name:

(e.g. Main)

Street Type:

--select-- 

Parcel No:

City:

State:

--select-- 

Zip:



Search

1 Permit results matching your search results

Click any of the results below to view more details.

Showing 1-1 of 1

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

		
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BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

INTEROFFICE MEMORANDUM

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

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

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



## Development Services Department

### Building Inspections Division

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

## RECEIPT

Receipt No. : **556008**

Date Issued. : 05/29/2012

Cashier ID : KLHARPER

Application No. : PBA120500014

Project Name : AP-2012-02

### PAYMENT INFO

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

Received From : RELAX HOSPITALITY, LLC

Total Receipt Amount : **\$560.00**

Change Due : \$0.00

### APPLICATION INFO

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

**Total Amount :**

**560.00**

\$0.00

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



BD 1205 02393  
BD 1205 02394

Lumber design values are in accordance with ANSI/TPI 1-2007 section 6.3  
These truss designs rely on lumber values established by others.

RE: B1204394 - FAMILY FUNERAL & CREMATION

**DrJ Consulting, LLC**  
**6300 Enterprise Lane**  
**Madison, Wisconsin, 53719**

**Site Information:**

Project Customer: VISION CONSTRUCTION ENT Project Name: FAMILY FUNERAL & CREMATION  
Lot/Block: Subdivision:  
Address: 7253 PLANTAON ROAD Model:  
City: PENSACOLA State: FL

**Name Address and License # of Structural Engineer of Record, if there is one, for the building.**

Name: License #:  
Address:  
City: State:

**General Truss Engineering Criteria & Design Loads (Individual Truss Design Drawings Show Special Loading Conditions):**

Design Code: FBC2007/TPI2007 Design Program: MiTek 20/20 7.3  
Wind Code: ASCE 7-10 Wind Speed: 150 mph Floor load: N/A psf  
Roof Load: 40.0 psf

This package includes 3 individual, dated Truss Design Drawings and 0 Additional Drawings.  
With my seal affixed to this sheet, I hereby certify that I am the Truss Design Engineer and this index sheet conforms to 61G15-31.003, section 5 of the Florida Board of Professional Engineers Rules.  
This document processed per section 61G15-23.003 of the Florida Board of Professionals Rules

No.	Seal#	Truss Name	Date
1	15507575	A1	5/16/012
2	15507576	A1GE	5/16/012
3	15507577	A2	5/16/012

*add*

The truss drawing(s) referenced above have been prepared by DrJ Consulting, LLC under my direct supervision based on the parameters provided by ProBuild (Milton).

Truss Design Engineer's Name: Ryan Dexter, P.E.  
My license renewal date for the state of Florida is February 28, 2013.  
Florida Certificate of Authorization: No. 29766

**NOTE:** The seal on these drawings indicate acceptance of professional engineering responsibility solely for the truss components shown. The suitability and use of this component for any particular building is the responsibility of the building designer, per ANSI/TPI 1 Chapter 2.



May 16, 2012

Ryan Dexter, P.E.

1 of 1

THIS PERMIT PROCESS IS ON HOLD



Job: R1204334 Truss: A1 Truss Type: PINK City: 11 Ply: 1 FAMILY: FUNERAL & CREMATION 15507575

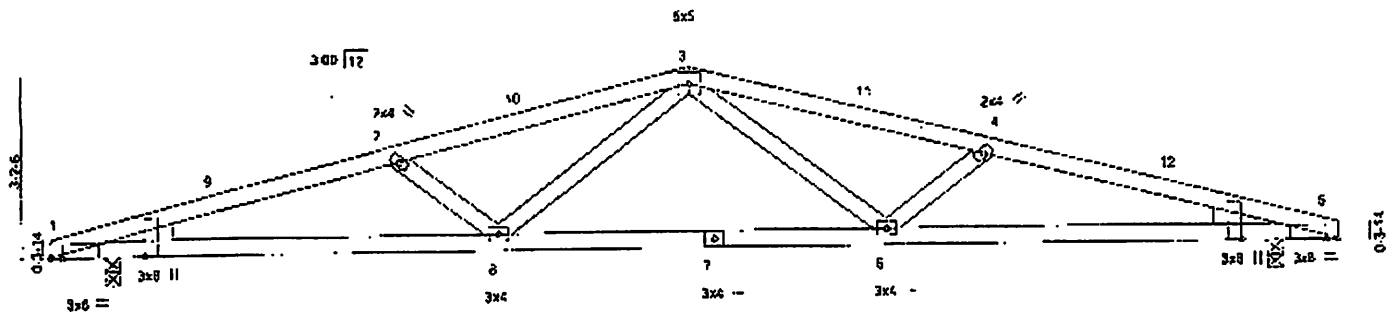
Exp. Build: Milton, FL 32563

7340 S. Hwy 28 2012 LATe Industries, Inc. Wed May 16 17:17:41 2012 Page 1

Logo Reference (optional): D:\OFFICE\KdK\K\EPH\T1\3P\ZZGC\7-2\GV\Ln5\GL\GOPK\K73M3\Inqu\GKZ6IT\Ad\G\JRR1-FzFgLu

0-0-0 6-3-8 11-8-0 15-8-8 23-8-0 23-8-0 6-3-8

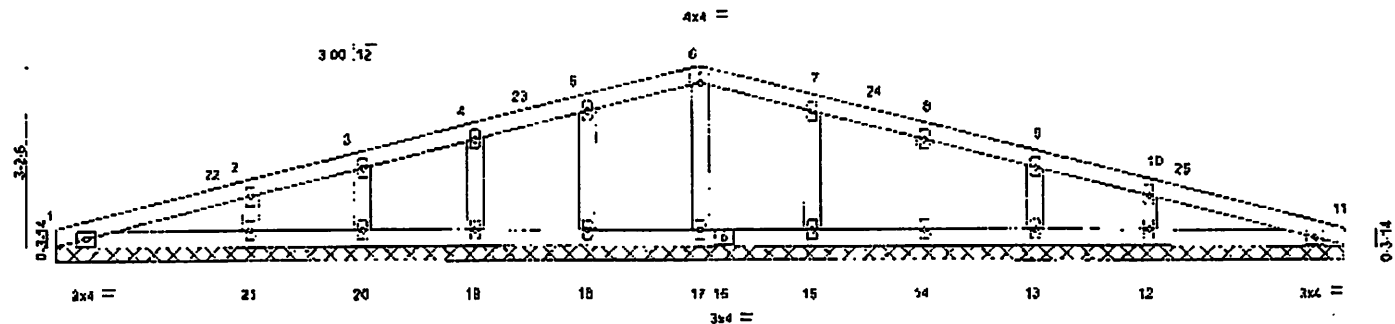
Scale = 1:38.3



0-0-0		3-0-5		4-11-11		21-10-4		23-0-0		
1-1-12		6-10-2		6-11-5		6-10-2		3-1-12		
Plate Offsets (X,Y): (1-0-2-B Edge) (1-0-0-0,4-0-12) (5-0-2-B Edge) (5-0-0-0,1-8-13)										
LOADING (psf)	SPACING	2-0-0	CSI	DEFL	in	(loc)	Wdth	L/d	PLATES	GRP
TCLL 20.0	Plates Increase	1.25	TC 0.88	Vert(LL)	0.26	6-8	>899	360	MT20	244/180
TCDL 10.0	Lumber Increase	1.25	BC 0.86	Vert(TL)	-0.43	1-8	>528	240		
BCLL 0.0	Rep Stress Incr	YES	WB 0.22	Horz(TL)	0.10	5	n/a	n/a		
BCDL 10.0	Code FBC2007/TP-2007		(Metric)						Weight: 93 lb	FT = 20%

Job	Truss	Truss Type	Qty	Ply	FAMILY FUNERAL & CREMATION	15607576
91204334	GAUGE	GABLE			Job Reference (optional)	
Pro-Build, Milb. F. 12583 7340 S. W. 20th St. M-Tech Industries, Inc. Mod May 16 11:17:43 2012 Page 1 ID: QFFomKdK0eEPH0pTIGPRzzGCa7-VpdLUSwate6ZCJ0SInBwJwFndhJcJlQ1wY68zF01s 0-0-0 11-6-0 23-0-0 11-6-0						

Scale = 1:38.3



LOADING (psf)		SPACING		CSI		DEFL		PLATES		GRIP	
TCLL	20.0	Plates Increase	1.25	TC	0.09	Vert(LL)	n/a	MT20		244/180	
TCDL	10.0	Lumber Increase	1.25	BC	0.07	Vert(TL)	n/a				
BCLL	0.0	Rep Stress Intr	YES	WB	0.06	Horz(TL)	0.00				
BCDL	10.0	Code FBC2007/TPI2007		(Matrix)							
								Weight: 90 lb		FT = 20%	

**LUMBER**  
 TOP CHORD 2x4 SYP No.2  
 BOT CHORD 2x4 SYP No.2  
 OTHERS 2x4 SYP No.3

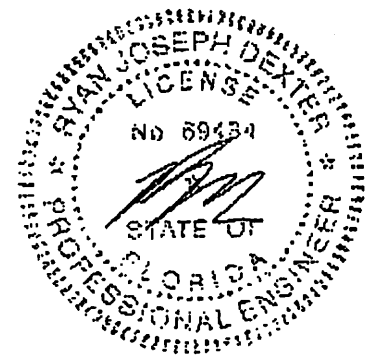
**BRACING**  
 TOP CHORD Structural wood sheathing directly applied or 8-0-0 oc putins.  
 BOT CHORD Rigid ceiling directly applied or 10-0-0 oc bracing.

**REACTIONS** All bearings 23-0-0  
 (b) - Max Horiz = 77(LC 6)  
 Max Uplift All uplift 100 lb or less at joint(s) 1, 11, 17, 20, 13 except 18=117(LC 5), 19=118(LC 7), 21=199(LC 5), 16=117(LC 6), 14=118(LC 8), 12=198(LC 6)  
 Max Grav All reactions 250 lb or less at joint(s) 1, 11, 17, 18, 19, 20, 15, 14, 13 except 21=286(LC 1), 12=288(LC 1)

**FORCES** (b) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.

- NOTES**
- 1) Unbalanced roof live loads have been considered for this design.
  - 2) Wind: ASCE 7-05; 140mph (3-second gust); TCDL=6.0psf; BCDL=6.0psf; h=12ft; Cat. II; Exp B; enclosed; MWFRS (low-rise) gable end zone and C-C Exterior(2) D-D to 3-0-0, Interior(1) 3-0-0 to 11-6-0, Exterior(2) 11-6-0 to 14-6-0 zone; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
  - 3) Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
  - 4) All plates are 2x4 MT20 unless otherwise indicated.
  - 5) Gable requires continuous bottom chord bracing.
  - 6) Gable studs spaced at 2-0-0 oc.
  - 7) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
  - 8) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) 1, 11, 17, 20, 13 except (if=1b) 18=117, 19=118, 21=199, 16=117, 14=118, 12=198.
  - 9) "Semi-rigid pitchbreaks with fixed heels" Member end fixity model was used in the analysis and design of this truss.

**LOAD CASE(S)** Standard



May 16, 2012

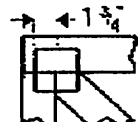
**WARNING** - Verify design parameters and read notes on this Truss Design Drawing and included D/I Reference Sheet (rev. 03-11) before use. Design is for use with M-Tech corrugated plates only. This design is based only upon parameters shown, and is for an individual building component. Applicability of design parameters and proper incorporation of the component is responsibility of building designer or owner of the trusses and related. Lateral restraint designations shown on this drawing are intended to provide guidance only and are not a substitute for building code requirements. Additional temporary restraint designations may be required during construction and is the responsibility of the installer. Additional permanent bracing may be required for the overall structural stability of the building designer or owner of the trusses. For general guidance regarding design considerations, fabrication, quality control, storage, delivery, erection, lateral restraint and diagonal bracing, consult ANSI/TPI 1, UBC-99 and ECSI (Building Component Safety Information) available from SRC at www.srcinc.usby.com



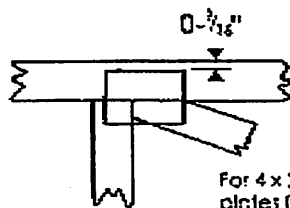


## Symbols

### PLATE LOCATION AND ORIENTATION



Center plate on joint unless x, y offsets are indicated. Dimensions are in 1/16-in. increments. Apply plates to both sides of truss and fully embed teeth.



For 4 x 2 orientation, locate plates 0-3/16" from outside edge of truss.



This symbol indicates the required direction of slots in connector plates.

\*Plate location details available in MITek 20/20 software or upon request.

### PLATE SIZE

4 x 4

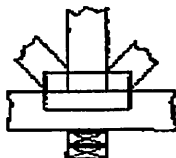
The first dimension is the plate width measured perpendicular to slots. Second dimension is the length parallel to slots.

### LATERAL BRACING LOCATION



Indicated by symbol shown and/or by text in the bracing section of the output. Use T, I or proprietary bracing (e.g. eliminator) if indicated.

### BEARING



Indicates location where bearings (supports) occur. Users vary but reaction section indicates joint number where bearings occur.

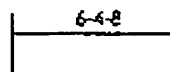
### Industry Standards:

ANSI/TPI-1: National Design Specification for Metal Plate Connected Wood Truss Construction.

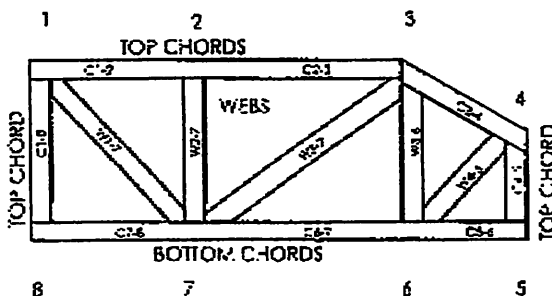
DSB-89: Design Standard for Bracing.

BCS-1: Building Component Safety Information. Guide to Good Practice for Handling, Installing & Bracing of Metal Plate Connected Wood Trusses.

## Numbering System



Dimensions shown in 1/16-in. increments (Drawings not to scale)



JOINTS ARE GENERALLY NUMBERED/LETTERED CLOCKWISE AROUND THE TRUSS STARTING AT THE JOINT FARTHEST TO THE LEFT.

CHORDS AND WEBS ARE IDENTIFIED BY END JOINT NUMBERS/LETTERS.

### PRODUCT CODE APPROVALS

ICC-ES Reports:

ESR-1311, ESR-1352, ESR-5243, E604B, 9733, 95-43, 96-31, 9667A, NER-467, NER-561, 95110, 84-32, 95-67, ESR-3507, 9432A.

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**DrJ**  
CONSULTING LLC

DrJ Consulting, LLC  
630D Enterprise Lane  
Madison, WI 53719

## General Safety Notes

Failure to Follow Could Cause Property Damage or Personal Injury

1. Additional stability bracing for truss system, e.g. diagonal or X-bracing, is always required. See BCS-1.
2. Truss bracing must be designed by an engineer. For wide truss spacing, individual truss bracing themselves may require bracing or alternative T, I or eliminator bracing should be considered.
3. Never exceed the design loading shown and never stack materials on inadequately braced trusses.
4. Provide copies of this truss design to the building designer, erection supervisor, property owner and all other interested parties.
5. Call members to bear tightly against each other.
6. Place plates on each face of truss at each joint and embed fully. Joints and webs at joint locations are regulated by ANSI/TPI-1.
7. Design assumes trusses will be suitably protected from the environment in accord with ANSI/TPI-1.
8. Unless otherwise noted, moisture content of lumber shall not exceed 19% at time of fabrication.
9. Unless expressly noted, this design is not applicable for use with the restraint, preservative treated, or green lumber.
10. Camber is a non-structural consideration and is the responsibility of truss fabricator. Camber practice is to camber for dead load deflection.
11. Plate type, size, orientation and location dimensions are minimum plating requirements.
12. Lumber used shall be of the species and size, and in all respects, equal to or better than that specified.
13. Top chords must be sheathed or purlins provided at spacing indicated on design.
14. Bottom chords require lateral bracing at 10 ft. spacing, or less, if no ceiling is installed unless otherwise noted.
15. Connectors not shown are the responsibility of others.
16. Do not cut or alter truss member or plate without prior approval of an engineer.
17. Inspect and seal venting unless indicated otherwise.
18. Use of green or treated lumber may pose unacceptable environmental, health or performance risks. Consult with project engineer before use.
19. Review all portions of this design (text, basic words and pictures) before use. Reviewing pictures alone is not sufficient.
20. Design assumes manufacturing in accordance with ANSI/TPI-1 Quality Criteria.
21. Unless information is otherwise provided to DrJ in writing, the use of these designs assumes approval, through the building designer or owner of the trusses, of the loads and related design assumptions (e.g. spans, profile, deflection, etc.) found on each of the individual design drawings.
22. These trusses are designed using MITek Software standard analysis methods in accordance with ANSI/TPI-1 and related proprietary information.
23. It is extremely important to properly install temporary lateral restraint and diagonal bracing, in accordance with BCS-1/E2 or using proprietary methods (e.g. Stabilizer, etc.).
24. Sheathing applied in the plane of the truss is not considered in the design of the individual truss components unless specifically noted.
25. Graphical purlin representation, if shown, does not depict the size or orientation of the purlin along the top and/or bottom chord. Purlins must be designed by others for size and positioned in such a way as to support the rafter load along the clearest part of the purlin.
26. Due to the lateral forces developed by scissor type trusses, if scissor type trusses are part of this design, careful consideration should be given to bearing wall conditions. Bearing walls of scissor type trusses should be designed in such a manner that the walls will safely withstand the lateral forces of the trusses. Consideration of these items is not a part of this truss design and is not the responsibility of the truss store supplier, the truss designer, nor the truss fabricator. Consistent professional advice should be secured relative to these items.
27. The accuracy of the truss design drawing relies upon accurate metal plate connector design values as published by MITek and accurate design values for solid sawn lumber. Design values (E, Emin, Ft, Fc, Fp, Fv, Fx) for solid sawn lumber and approved, grade stamped, finger jointed lumber shall be as defined by the grade stamp prior to manufacturing and in accordance with the published values of lumber rules writing agencies approved by the Board of Review of the American Lumber Standards Committee in accordance with the latest edition of ANSI/TPI-1 Section 5.3.

THIS PERMIT PROCESS IS ON HOLD

## **FAMILY FUNERAL HOME & CREMATION**

7253 Plantation Road, Pensacola FL.

### **PRODUCT APPROVAL NUMBERS**

2010 Florida Building Code

<u>PRODUCT</u>	<u>CATEGORY</u>	<u>SUBCATEGORY</u>	<u>MANUFACTURER</u>	<u>APPROVAL NUMBER</u>
Asphalt shingles	Roofing	Asphalt Shingles	GAF	FL10124.1
Wall siding	Panel Walls	Siding	James Hardie Bldg. Products	FL13223.2
Soffits	Panel Walls	Siding	James Hardie Bldg. Products	FL13265.1
Garage Door	Exterior Doors	Sectional Doors	Wayne Dalton	FL5587.13
Swinging Door	Exterior Doors	Swinging Exterior Door	Steelcraft/Ingersoll Rand	FL12400.3

THIS PERMIT PROCESS IS ON HOLD



**WILNEY**  
architecture  
80 Gathering Green West, Pensacola, FL 32502  
phone: 850-485-1189 email: mark@wilney-architecture.com

 RICE INSULATION  
 BRICK INSULATION  
 CONCRETE  
 CEMENT BOARD  
 PLYWOOD  
 ROUGH-ROUGH  
 ROUGH-FINISH  
 BRICK  
 CONCRETE MASONRY UNITS  
 METAL  
 SOIL

③ HYDRA. EQUIPMENT  
 ④ TOILET ACCESSORY  
 ⑤ DOOR MARK  
 --- T --- EXISTING CONTOUR LINE  
 - T - NEW CONTOUR LINE  
 \_\_\_\_\_ BROKEN LINE  
 ..... CENTER LINE  
 - - - - - HIDDEN LINE  
 ELEVATION KEY  
 ELEVATION KEY #  
 SHEET I

SECTION KEY  
 SECTION KEY #  
 SHEET I

CHARGED DETAIL  
 DETAIL KEY #  
 SHEET I

[illegible]

Occupancy	A-3	(Originally A-2 Occupancy)
-----------	-----	----------------------------

**CONSTRUCTION TYPE**  
Section 502.5

Construction Type	Type V-B
-------------------	----------

**BUILDING LIMITATIONS**  
Table 503 (Type V-B Unsprinkled)

	Allowed	Actual
Height	40'-0"	18'-0"
Stories	1	1
Area/Floor	6,400 sq ft	5,678 sq ft

\* See frontage increase below

**Section 506.2 - Frontage Increase**

	I (Frontage Increase)
$(1 - .25) WOOD =$	
$(1 - .25) 3012 =$	6.75
$6,000 \times .75 =$	4,500
$6,000 + 4,500 =$	10,500 sq ft/floor

**REQUIRED RATINGS FOR PRIMARY BUILDING ELEMENTS**  
Table 601 - Fire Rating for Building Elements

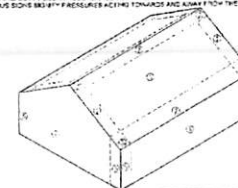
	Required Rating
Structural Frame	Other
Bearing Walls	Other
Non-bearing Walls	Other
Floor Construction	Other
Roof Construction	Other

**OWNER:**  
Chris Jensen - Family Funeral and Cremation  
Pensacola, Florida

**ARCHITECT:**  
Whitney Architecture  
Pensacola, Florida

**CONTRACTOR:**  
Vision Construction, Inc.  
Pensacola, Florida

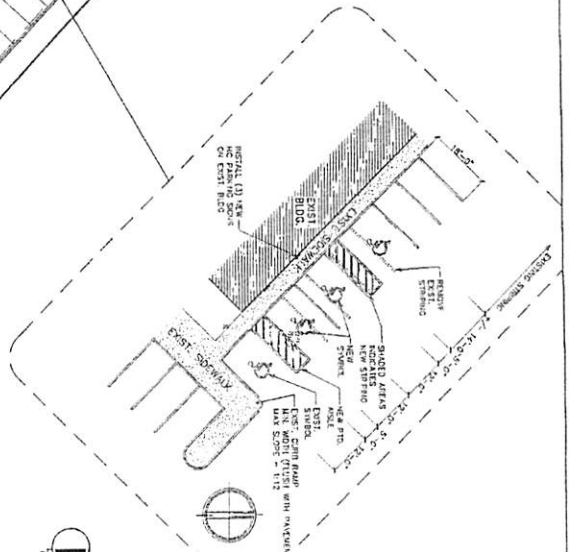
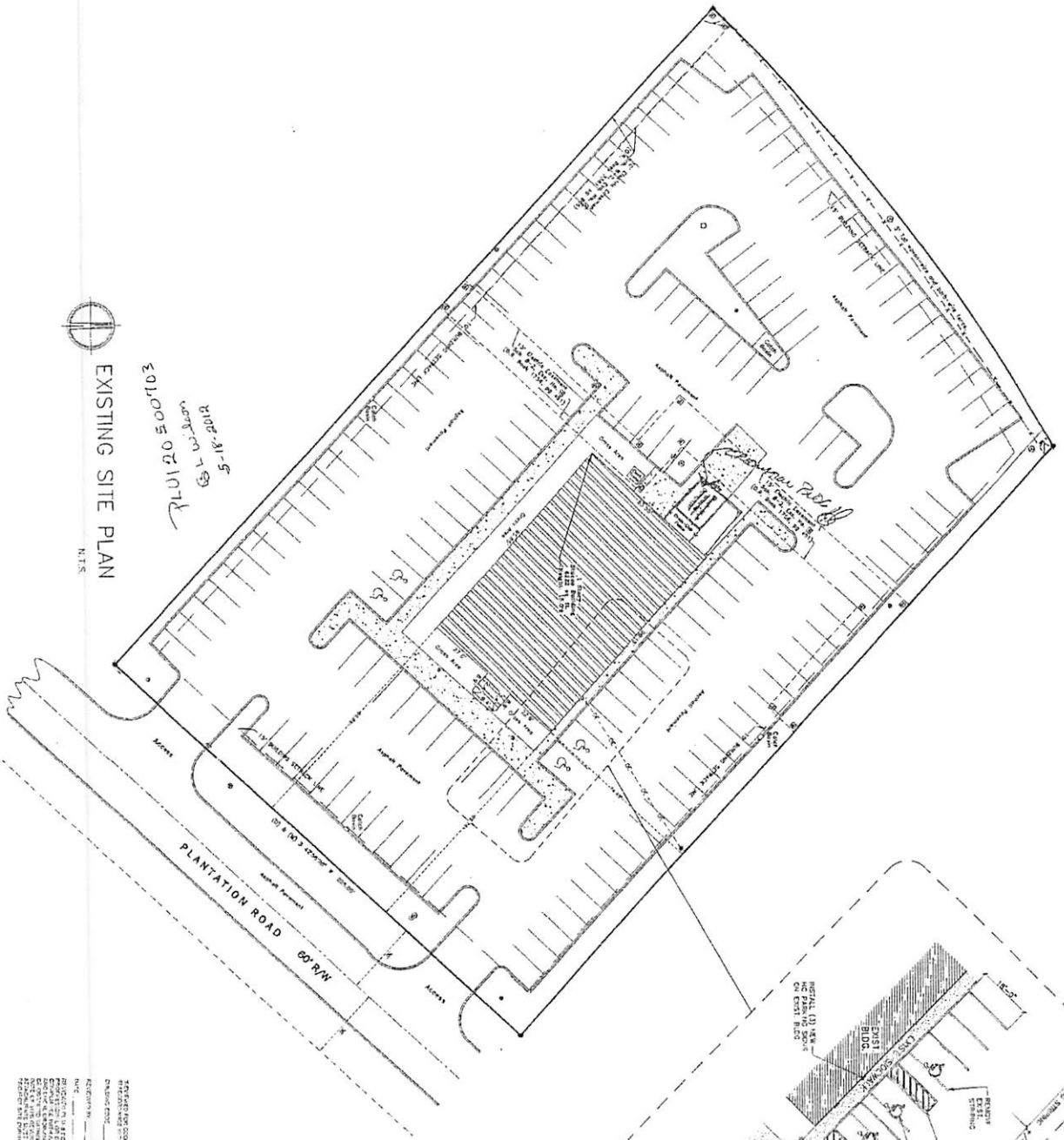
SEQ.	SHEET #	DESCRIPTION
1	T1	Cover Sheet
2	A1	Site Plan
3	A2	Floor Plan
4	A3	Wall Sections, Enlarged Plans
5	A4	Gluster

[illegible]

Serial	0312
Signature	05-11-12
Project No.	T1

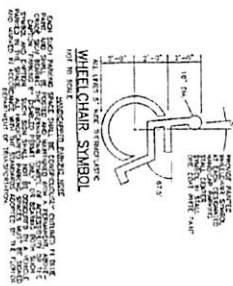
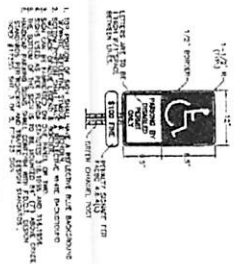
EXISTING SITE PLAN  
N.T.S.

8100-31-5  
05-11-12  
05-11-12



NOTES:  
1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

HANDICAPPED SIGN DETAIL



FAMILY FUNERAL  
& CREMATION

7253 PLANTATION ROAD, PENSACOLA, FLORIDA 32504

WHITNEY  
architecture

80 Gathering Green West, Pensacola, FL 32502  
phone: 950-485-1189 email: mark@whitney-architecture.com

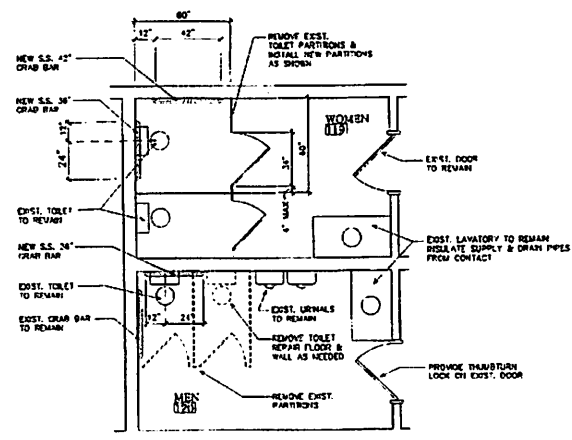
A1

0312

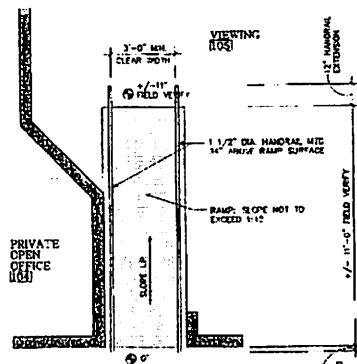
05-11-12

5-16-12

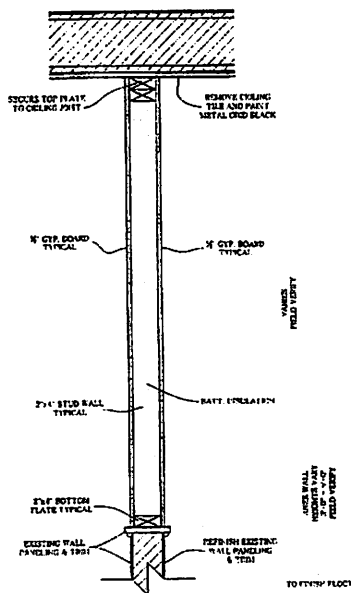




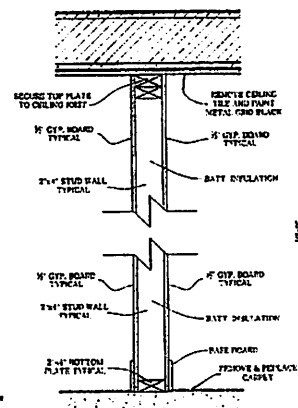
5  
A3  
ENLARGED PLAN  
EXISTING RESTROOMS 1/2\"/>



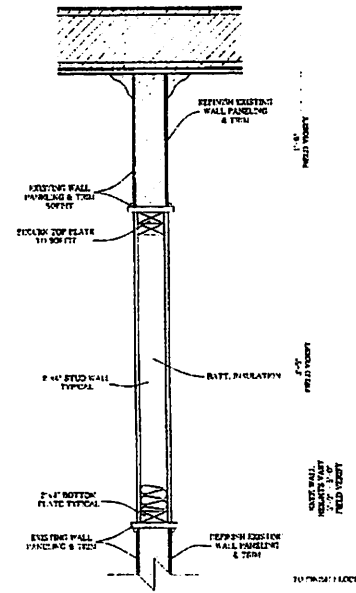
4  
A3  
ENLARGED PLAN  
RAMP 3/8\"/>



1  
A3  
WALL SECTION  
NEW WALL & EXISTING KNEE WALL 1 1/2\"/>



2  
A3  
WALL SECTION  
NEW FULL HEIGHT WALL 1 1/2\"/>



3  
A3  
WALL SECTION  
NEW WALL & EXISTING KNEE WALL 1 1/2\"/>

VERIFICATION FOR CODE COMPLIANCE  
IN ACCORDANCE WITH THE FLORIDA  
BUILDING CODE, SECTION  
REVISIONS BY \_\_\_\_\_  
DATE \_\_\_\_\_  
APPROVED FOR THE CITY OF MIAMI  
PROVIDED THAT THE PROJECT IS IN  
COMPLIANCE WITH ALL CITY, STATE,  
AND FEDERAL REQUIREMENTS AND THAT  
THE CITY ENGINEER HAS REVIEWED THE  
DRAWINGS AND FOUND THEM TO BE IN  
COMPLIANCE WITH THE CITY OF MIAMI  
BUILDING CODE, SECTION 17.01(1)(a).

**WELTNEY**  
architects  
80 Gathering Glen Way, Pensacola, FL 32502  
phone: 850-485-1898 email: mair@weltney-architects.com

**FAMILY FUNERAL  
& CREMATION**  
7735 PLANTATION ROAD, FRISCO, A, TEXAS 75034

5-16-12

0312  
05-11-12  
A3



BD120502394

BD120502393+

~~BD120502393~~

Does not include Over

FILE COPY

Family Funeral Home + Cremation / ALT  
7253 Plantation Rd  
Vision Const.  
Add

REVIEWED FOR CODE COMPLIANCE  
IN ACCORDANCE WITH THE FLORIDA  
BUILDING CODE 10 EDITION  
REVIEWED BY: PL  
DATE: 5/23/12  
REVIEWED PLAN DOES NOT RELIEVE THE DESIGN  
PROFESSIONAL IN CONTRACTOR FROM  
COMPLIANCE WITH ALL APPLICABLE CODES  
AND LOCAL ORDINANCES A PERMIT MUST  
BE OBTAINED WITHIN SIX (6) MONTHS OF THE  
DATE OF THIS REVIEW. PLANS AND ANY  
ATTACHMENTS MUST BE AVAILABLE AT THE  
PROJECT SITE DURING ALL CONSTRUCTION.

PLAN REVIEW			
	0 REJECTION	0 REVISIONS REJECTED	APPROVED
BUILDING			12/5/22/12
MECHANICAL			5/24/12 GAC
PLUMBING			5/24/12 GAC
ELECTRICAL			05-21-2012 GA
LIFT/LIFTV			5/23/12 JR
TRUCK			
FIRE ALARM	SEPARATE PERMIT REQUIRED FOR FIRE ALARM		
PLANNING			
HEALTH DEPT.			

THIS PERMIT PROCESS IS ON HOLD

Collier County, Florida  
Permit Office

PROJECT NUMBER: 523-12

PROJECT NAME: Family Funeral Home 575-1812

PROVIDE ADDITIONAL DOOR BETWEEN ROOM 118

AND GARAGE. PROVIDE EXTINGUISHERS PER NFPA. PROVIDE EMERGENCY LIGHTS IN ENTRANCE

THE ALARM TO BE REPAIRED OR REQUEST IT'S REMOVAL.

**Jesse Rigby**

---

**From:** ajit0405 [ajit0405@bellsouth.net]  
**Sent:** Friday, June 08, 2012 8:30 AM  
**To:** Jesse Rigby; dhoxeng@catcountry987.com; gary tippens  
**Subject:** Fw: RE: Building Permit BD120502393

It appears that permit ending 393 is on hold.

--- On Fri, 6/8/12, Hector G. Montalvo <HGMONTAL@co.escambia.fl.us> wrote:

From: Hector G. Montalvo <HGMONTAL@co.escambia.fl.us>  
Subject: RE: Building Permit BD120502393  
To: "ajit0405" <ajit0405@bellsouth.net>  
Date: Friday, June 8, 2012, 9:23 AM

Mr. Patel:

This permit process is on HOLD since May 31 2012.

Anyhow I will gather the information and submit

It to you electronically.

Thanks.

Hector G Montalvo  
Building Inspections  
Records Coordinator

(850) 595-1896

[hgmontal@co.escambia.fl.us](mailto:hgmontal@co.escambia.fl.us)

Click here to visit us online for fillable required forms or request inspections using our online services:  
<http://www.myescambia.com/Bureaus/DevelopmentServices/BuildingInspectionsDivision.html>

Escambia County is striving to maintain a high level of Customer Service, and we would love to hear about your experience with us.



Escambia County Building Inspections Division  
3363 West Park Place  
Pensacola, FL 32505  
Telephone: (850) 595-3550 Facsimile (850) 595-3589

## **NOTICE**

### ***CANCELLATION OF PERMIT #BD120502394***

Vision Construction, Inc.  
Attn: Garry Crooke  
2860 West Navy Blvd., Suite 100  
Pensacola, Florida 32505

Mr. Crooke:

A review of the plans for the proposed 21' X 27' (+/-) rear addition revealed it is greater than 500 sq. ft.; was not reviewed by the Development Review Committee and therefore did not receive a Development Order as required pursuant to Section 4.06 of the Escambia County Land Development Code. Building Permit No.: BD120502394 is hereby cancelled effective immediately.

Please contact Horace Jones, Division Manager, Development Services Department, at (850) 595-3625 for assistance with the Development Review process. Should you have any additional questions, please do not hesitate to contact the undersigned at (850) 595-3581.

Sincerely,

A handwritten signature in black ink, appearing to read "Amir Meah", is written over a large, stylized, looping flourish.

Amir Meah  
Division Manager/Building Official

AM:sgg

cc: Alison Perdue, County Attorney  
T. Lloyd Kerr, AICP, Director, Development Service Department  
Horace Jones, Division Manager, Development Service Department

**COPY**



## **Land Use: Cemeteries, mausoleums and crematoriums**

### **R-5**

#### *D. Conditional uses.*

1. Any conditional uses allowed in the preceding districts.
2. **Cemeteries, mausoleums and crematoriums.**
3. Enclosed animal hospitals and veterinary clinics.
4. Mobile home subdivisions and parks.
5. Private clubs and lodges.

### **R-6**

#### *C. Conditional uses.*

1. Any conditional use allowed in the R-5 district.

### **C-1**

#### *C. Conditional uses. (See section 6.08.00.)*

1. Any conditional use allowed in the R-6 district.

### **C-2**

#### *C. Conditional uses.*

1. Kennels.
2. Heliports.
3. Automobile race track.
4. Solid waste transfer stations, collection points, and/or processing facilities.
5. Junkyards, salvage yards, and waste tire processing facilities.

**Land Use: Mortuary and funeral homes.**

**C-1**

*B. Permitted uses.*

18. Mortuary and funeral homes.

**C-2**

*B. Permitted uses.*

1. Any use permitted in the C-1 district.

4. *Setback.* The center of a system tower base shall be no closer to any part of a dwelling outside of the system installation parcel than the total height of the system. Additionally, no part of a system structure, including any guy wires or anchors, shall be closer than five feet to the property boundary of the installation parcel.

5. *Appearance.*

a. *Design and location.* Towers shall be designed and located to minimize visual impacts. Colors and surface treatment of system components shall minimize visual distraction.

b. *Signs.* Signs on system components shall be limited to the manufacturer's or installer's identification and appropriate warnings.

c. *Lighting.* System structures shall not be lighted, except to the extent required by the Federal Aviation Administration or other applicable authority.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2000-28, § 4, 7-6-2000; Ord. No. 2000-38, § 2, 9-7-2000; Ord. No. 2002-30, § 1, 7-2-2002; Ord. No. 2006-64, § 2, 8-3-2006; Ord. No. 2011-7, § 2, 2-3-2011)

#### **6.04.00. - General provisions.**

→ 6.04.01. *Compliance with code.* No principal or accessory building, structure or use shall be erected, reconstructed or structurally altered, extended or enlarged unless such building, structure or use complies with all applicable regulations established by this Code including parking, landscaping and all other performance standards for the district in which the building, structure or land is situated. Unless otherwise authorized as provided herein, land uses not listed or included as permitted uses in a given zoning classification shall be considered prohibited uses in such zoning classification. The conducting of prohibited uses shall be considered violations of this Code punishable as provided by law and ordinance. Specifically exempted from the prohibition shall be bona fide accessory uses that comply with section 6.03.01.

6.04.02. *Encroachment of yard or open space.* The minimum yards and other open space provisions contained in this Code for each and every building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements for any other building (Also, see section 2.10.01 et seq.).

6.04.03. *Number of buildings per lot in single-family districts.* In single-family districts every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one dwelling unit and the customary accessory buildings on one lot except while constructing a new dwelling on said lot in which case the old dwelling must be removed within 90 days of issuance of a certificate of occupancy for the new dwelling.

6.04.04. *Uses and parking of recreational vehicles.* As of the adoption date of this Code, the use of recreational vehicles as living quarters for more than 14 days in any calendar year is prohibited, except in duly licensed campgrounds or mobile home parks. All recreational vehicles located in residential districts, except for those being stored and not occupied and located on the same lot with the principal structure, shall be removed within 60 days from notification.

6.04.05. *Temporary construction or sales office.* A temporary construction office or sales office, such as

§2.02.04, LDC

etc.

- D. Florida Department of State - for assistance with historic preservation.
- E. Northwest Florida Water Management District (NFWFMD) - for establishing potable water wells, surface water management, etc.
- F. Florida Department of Transportation (FDOT) - for road improvements, connections, accesses, etc.
- G. Florida Department of Health and Rehabilitative Services (HRS) - for standards for individual sewage disposal facilities.
- H. U.S. Army Corps of Engineers - for issues impacting federal waters, navigable waterways, jurisdictional determinations, etc.
- I. Federal Aviation Administration (FAA) - for tall structures permits, etc.
- J. Other public agencies or entities which have jurisdiction over all or a portion of any particular application including, but not limited to, any local governments or applications impacted by interlocal agreements authorized and executed by the Escambia County Board of County Commissioners.

Other nonpublic entities may exert jurisdiction over development or applications therefor. Such entities may include homeowners associations, condominium associations, merchants associations, neighborhood improvement groups, etc. It is the responsibility of the applicant to determine whether such entity has any jurisdiction over his proposal and the county shall not assume any responsibility or be liable in any way for failure to adhere to any private entity restrictions or jurisdiction including those enumerated herein or any others which may hereafter be created.

→ 2.02.04. *Appeals, variances and conditional uses.* No permit or development order may be issued by the county administrator, or his/her designee, for any development if such development would violate the terms and conditions of this Code. If an application for a conditional use, variance or administrative appeal, as defined and regulated by this Code, has been submitted, no permit or development order, with or without conditions, will be issued until the matter has been resolved pursuant to the provisions of this article. ←

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2002-45, §§ 1, 2, 10-17-2002; Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2006-62, § 1, 8-3-2006)

#### **2.03.00. - Board of adjustment.**

The board of county commissioners (BCC) established the board of adjustment (BOA) by County Ordinance 88-16, enacted on December 1, 1988.

*203.01 Authority and duties.* The BCC hereby endows the BOA with the power to conduct any required quasi-judicial public hearings to grant, grant with conditions, or deny applications for variances, conditional uses, requests for final extension of development orders for site plan approval, requests for the temporary use of a mobile home as a guest residence due to medical hardship, and appeals of administrative decisions filed by those persons aggrieved by interpretations or administration of these regulations.

Ord. No. 2002-46, § 1, 10-17-2002; Ord. No. 2004-9, § 1, 2-5-2004; Ord. No. 2005-45, § 1, 10-6-2005)

#### **2.04.00. - Appeal of administrative decisions.**

When it is alleged that there is an error in any order, requirement, decision or determination regarding issuance or denial of a development order, land use certificate or permit made by an administrative official in the administration of this chapter, the issue in dispute shall be taken before the board of adjustment. For cases on Pensacola Beach, the appeal shall first be reviewed by the Santa Rosa Island Authority Board, which shall then forward a recommendation to the BOA. An action sufficient to confer standing on a person aggrieved by an administrative decision, or administration of the Land Development Code would be an official action granting, denying or granting with conditions an application for a development order, permit or land use certificate. This section shall not apply to citations issued by code enforcement officers.

*2.04.01. Procedures for the appeal of administrative decisions.* To initiate the appeals process, the person appealing the administrative decision must make written application for such appeal on a form(s) provided by the department of planning and zoning department within 15 days of the administrative decision. Said application shall be accompanied by sufficient and adequate information to define and describe the alleged error, the proposed remedies, and any other pertinent information the applicant wishes to have considered during the appeals process.

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

1. A written application for the appeal was submitted within 15 days of the administrative decision or action indicating the section of this Code under which said appeal applies together with a statement of the grounds on which the appeal is based; and
2. That the person filing said appeal has established that the decision or action of the administrative official was arbitrary and capricious; or
3. An aggrieved party who files an appeal of a decision of the DRC approving or approving with conditions a development plan application, must show, by competent substantial evidence that:
  - (i) The decision of the DRC is not in compliance with the Comprehensive Plan or the Land Development Code;
  - (ii) Their property will suffer an adverse impact as a result of the development approval decision;
  - (iii) The adverse impact must be to a specific interest protected or furthered by the Comprehensive Plan or the Land Development Code; and
  - (iv) It must be greater in degree than any adverse impact shared by the community at large.
4. In the event the owner, developer, or applicant is aggrieved or adversely affected by a denial of a development plan application or the imposition of conditions, the owner, developer or applicant filing the appeal must show, by competent substantial evidence, that the denial of the development plan or the imposition of conditions is neither required nor supported by

the Comprehensive Plan or the Land Development Code or the application of technical design standards and specifications adopted by reference in the Code, or Concurrency Management Procedures and is, therefore, arbitrary and capricious.

B. *Hearing of appeal; notice required.* The BOA shall schedule the hearing for the appeal to occur within 30 working days after the filing of the notice of appeal, give due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear at the hearing in person or by agent or attorney. The BOA hearing may be continued or postponed by vote of the BOA or by the property owner, or his [or her] agent or attorney, upon his or her written request.

C. *Decision of the BOA.* In applying the provisions of this Code, said provisions shall be held to be minimum provisions. The BOA may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed, but may so modify only to the extent supported by the competent substantial evidence presented, and as necessary to maintain compliance with the requirements of the Code and Comprehensive Plan. To that end only, the BOA shall have the powers of the administrative official(s) to whom the appeal is directed. The BOA shall have no authority to reverse, diminish, or otherwise modify the application of technical design standards and specifications adopted by reference in the Code, or concurrency management procedures therein, or to exempt development from required review and approval. The concurring vote of a majority of the members of the BOA present and voting shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to vote. Any party aggrieved by the decision of the BOA on an administrative appeal shall have 30 days to petition the circuit court for judicial review of such order.

**2.04.02. *Impacts on permitting and owners of property subject to review.*** Because decisions of the BOA relating to variances, conditional uses, temporary use of a mobile home as a guest residence due to medical hardship, and extension of development order for site plan approval are final, unless overturned by a court of competent jurisdiction, the county may issue development orders and permits for properties in accordance with the decisions of the BOA. However, if a property owner or applicant requests the issuance of any such order or permit and such order or permit is issued, the permittee, and not the county, shall bear any risk that such decision may be set aside, the permit or development order may be revoked, or the development may be otherwise enjoined by the reviewing court.

**2.04.03. *Reserved.***

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 99-25, § 1, 5-6-1999; Ord. No. 2001-35, §§ 3—5, 7-5-2001; Ord. No. 2002-45, § 3, 10-17-2002; Ord. No. 2004-9, § 3, 2-5-2004; Ord. No. 2004-21, § 1, 5-6-2004; Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2007-15, § 1, 3-5-2007)

**2.05.00. - Variances, conditional uses, extension of a development order for site plan approval, and temporary use of a mobile home as a guest residence due to medical hardship.**

The BOA shall hear and decide requests for variances, conditional uses, requests for an extension of a development order for site plan approval, or temporary use of a mobile home as a guest residence due to medical hardship, as hereinafter provided. Pursuant to the provisions of section 2.05.02 of this Code, the director of planning and zoning, or his/her designee, may grant administrative variances. The SRIA board shall act on variance applications on Pensacola Beach in conformance with article 13 prior to the quasi-judicial hearing by the BOA.

**2.05.01. *Procedure for filing applications and notice requirements.***



BY CHOICE HOTELS

**Mainstay Suites Pensacola**

7230 Plantation Road

Pensacola, FL 32504

Phone: 850.479.1000

Fax: 850.477.3399

At a recent BOA meeting the Board decided to rule that a Crematory was a permitted use in C-2 zoning despite the absence of such provision being present in the Escambia Code. As a property owner who was directly affected by this action, it was an unfortunate turn of events. However, what was more unfortunate was that all other property owners in C-2 zone did not even get the right of due process. When the Escambia County BOCC decide to make changes to the code, they advertise the fact and they welcome all comments and provide citizens of the county with an opportunity to voice their feelings. The Planning Board had already made the right ruling, and they are the board who interpret the code. Their 2 hour and 40 minute deliberation on the actual wording of the code resulted in a denial for CEJ. They looked predominantly at the code, CEJ's attorney argued that they ruled after considering other irrelevant factors. This truly was a stretch from what actually occurred, the Planning Board made a very detailed analysis of the code. They even recommended that the applicant had the option to go before the BOCC. It is a shame that the BOA did not give these facts the weight they deserved.

We feel very strongly about our position and are very certain that an accurate and clear reading of the code supports our case. Mr Jensen, the owner of CEJ has indicated to me that he plans to keep moving forward. When I cautioned him that we still planned to object and file an action in Circuit Court, he declared that he was not worried. It is his opinion that even if we prevail, he wants to get the Cinerator installed because he feels the County would not dare make him remove it, once it is operating. This gentleman has already swayed the BOA to issue a ruling contrary to the code without true regard for all the affect property owners at University Mall and throughout C-2 zones in Escambia. He has also declared that the County will not have the gumption to remove the Cinerator once he installs it, even if the BOA declares that the actual wording of the code should prevail. Members of the BOA, please do not make this mistake twice, the permits are contrary to the code and should not have been granted.



# BOARD OF COUNTY COMMISSIONERS ESCAMBIA COUNTY, FLORIDA

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

Development Services  
Department

T. Lloyd Kerr, AICP  
Director

## ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk \* are required.

Please Print Clearly

\*Name: Jesse W. Rigby Phone: 434-9200  
125 W. Romana St. Suite 800  
\*Address: \_\_\_\_\_ \*City, State, Zip: Pensacola FL 32502

\*Agenda Item (CASE NO.#) AP-2012-02 Meeting Date: \_\_\_\_\_

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

Attorney for applicant

Accepted by Board as an Expert: ☐ Yes ☐ No

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

### Chamber Rules

1. All who wish to speak will be heard.
2. This form must be filled out and given to the Board Clerk in order to be heard.
3. When the Chairman calls your name to speak, please come to the podium, adjust the microphone so you can be heard clearly, then state your NAME and ADDRESS for the record.
4. You are requested to keep your remarks BRIEF and FACTUAL.
5. Both sides of an issue will be granted uniform time to speak, normally 3 – 5 minutes.
6. During Quasi-judicial Hearings, Conduct is very formal, and regulated by Supreme Court decisions.
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  - A. Copies are given to the Clerk for distribution.
  - B. Clerk distributes copies to the Board members and staff (13 total copies are needed)
  - C. One copy is placed in the official meeting file.



# BOARD OF COUNTY COMMISSIONERS ESCAMBIA COUNTY, FLORIDA

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

Development Services  
Department

T. Lloyd Kerr, AICP  
Director

## ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk \* are required.

Please Print Clearly

\*Name: Kerry Anne Schultz Phone: 662-112  
\*Address: 3869 Paradise Bay Lane \*City, State, Zip: N-H Brize  
\*Agenda Item (CASE NO.#) AP-2012-02 Meeting Date: 6/20/12

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

Attorney  
Accepted by Board as an Expert: ☐ Yes ☐ No

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

### Chamber Rules

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

T. Lloyd Kerr, AICP  
Director

## ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk \* are required.

Please Print Clearly

\*Name: Dave Hoxeng Phone: 262-6000  
\*Address: 7251 Plantation Rd \*City, State, Zip: Pensacola, 32504  
\*Agenda Item (CASE NO.#) A-2012-02 Meeting Date: 6/20/12

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

Accepted by Board as an Expert: ☐ Yes ☐ No

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

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Development Services  
Department

T. Lloyd Kerr, AICP  
Director

## ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk \* are required.

Please Print Clearly

\*Name: CHRIS JENSEN Phone: 814 4476  
\*Address: PO Box 15306 \*City, State, Zip: PC, FL 32406  
\*Agenda Item (CASE NO.#) AP-2012-02 Meeting Date: 6/20/12

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

\_\_\_\_\_ Accepted by Board as an Expert: ☐ Yes ☐ No

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

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# BOARD OF COUNTY COMMISSIONERS ESCAMBIA COUNTY, FLORIDA

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Development Services  
Department

T. Lloyd Kerr, AICP  
Director

## ESCAMBIA COUNTY BOARD OF ADJUSTMENT

All items with an asterisk \* are required.

Please Print Clearly

\*Name: PAUL BLAKE Phone: 479-1000  
\*Address: 7230 Plantation Road \*City, State, Zip: Pensacola, FL  
\*Agenda Item (CASE NO.#) AP-2012-02 Meeting Date: 6/20/12 32504

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

Representative of Owner  
Main Sky  
Suites  
Accepted by Board as an Expert: ☐ Yes ☐ No

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

### Chamber Rules

(Relax Hospitality LLC)

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## DEVELOPMENT SERVICES ADMINISTRATIVE APPEAL WORKSHEET

**Board of Adjustment**

**6. D.**

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

---

### Information

#### I. SUBMISSION DATA:

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

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

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

**PROJECT ADDRESS:** 7253 Plantation Rd.

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

**ZONING DISTRICT:** C-2

**FUTURE LAND USE:** Commercial

#### III. REQUESTED APPEAL::

Appeal of the issuance of building permits BD120502393 and BD120502394

#### III. RELEVANT APPEAL AUTHORITY:

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

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

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

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

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

administrative official was arbitrary and capricious; or

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

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

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

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

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

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

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

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

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

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

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

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

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

---

### **Attachments**

AP-2012-02 Case File



Board of County Commissioners • Escambia County, Florida

T. Lloyd Kerr, AICP, Director  
Development Services

June 25, 2012

Jesse W. Rigby  
Clark, Partington, Hart, Larry, Bond & Stackhouse.  
125 W Romana St., Suite 800  
Pensacola, FL 32502

RE: Notification of Board of Adjustment (BOA) Action on June 20, 2012: AP-2012-02: 7253  
Plantation Rd.: 30-1S-30-4101-014-002

Dear Applicant:

This letter is to inform you of the Board's action to **deny** your request for the following:

- Appealing the issuance of Building Permits BD120502393 and BD120502394 (which has been cancelled)

**In addition, the motion approved by the BOA included the provision that no activity pertaining to the crematory will be allowed until the appeal before the court has been resolved.**

Section 2.04.01.C of the Land Development Code states:

*" . . . Any party aggrieved by the decision of the BOA on an administrative appeal shall have 30 days to petition the circuit court for judicial review of such order. "*

**Based on the above, you should apply for judicial review of the issuance of these permits by (July 20, 2012) or the permits will stand.**

**This letter has been notarized should you choose to record it, and the attached Board of Adjustment Findings-of-Fact, in the Public Records of Escambia County per Florida Statutes, Section 28.222(3)(a).**

Should you have any questions or comments, please contact our office.

Sincerely,



Andrew D. Holmer  
Sr. Urban Planner

cc: **Kristin Hual**, Assistant County Attorney  
Owner  
Front Counter

### ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

Andrew D. Holmer, who is personally known to me acknowledged the foregoing letter before me this 5<sup>th</sup> day of July 2012.

  
Signature of Notary Public



Karen S Spitsbergen

(Notary Seal)

Name of Notary Printed

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

**\*\*This decision DOES NOT determine, imply or confer development rights for any desired use or activity on the specified parcel. Additional review processes and/or permits may be required.\*\***



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

**CEJ SOUTH INC  
PO BOX 15306  
PANAMA CITY, FL 32406**

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



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

**JENNINGS VIVION R LIFE EST  
1505 ATWOOD DR  
PENSACOLA, FL 32514**

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

**COMMUNICATION WORKERS OF AMERICA  
1621 ATWOOD DR  
PENSACOLA, FL 32514**

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

**AMMONS WILLIAM S & TATUM  
C/O LINDA AMMONS  
1507 E STRONG ST  
PENSACOLA, FL 32501**

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

**RELAX HOSPITALITY LLC  
7230 PLANTATION RD  
PENSACOLA, FL 32504**

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

**PENSACOLA SILVER SCREEN INC  
PO BOX 10015  
PENSACOLA, FL 32524**

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

**SAI RAM KRUPA LLC  
4031 STEPHANI RD  
CANTONMENT, FL 32533**

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

**ADX COMMUNICATIONS OF  
7251 PLANTATION RD  
PENSACOLA, FL 32504**

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

**CHAVEZ FERNANDO &  
5190 MOBILE HWY  
PENSACOLA, FL 32526**

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Escambia County  
Development Services Department  
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Pensacola, FL 32505

**SERVICE PENSACOLA LLC  
C/O URBAN RETAIL PROP LLC  
404 WYMAN ST SUITE 365  
WALTHAM, MA 02451**

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

**GARDENER HOLDING CO INC  
7282 PLANTATION RD # 403  
PENSACOLA, FL 32504**

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

**SIMON PROPERTY GROUP L P  
ATTN HARRY SPELL, PROP TAX MGMT  
225 W WASHINGTON ST  
PO BOX 6120  
INDIANAPOLIS, IN 46204**

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

**OM HANUMAN HOSPITALITY INC**  
**7226 PLANTATION RD**  
**PENSACOLA, FL 32504**

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

**Cordova Community Facilities Corp.**  
**205 Brooks St., Suite 201**  
**Fort Walton Beach, FL 32548**

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

**UNIVERSITY OFFICE LIMITED CO**  
**600 UNIVERSITY OFFICE BLVD STE 1C**  
**PENSACOLA, FL 32504**

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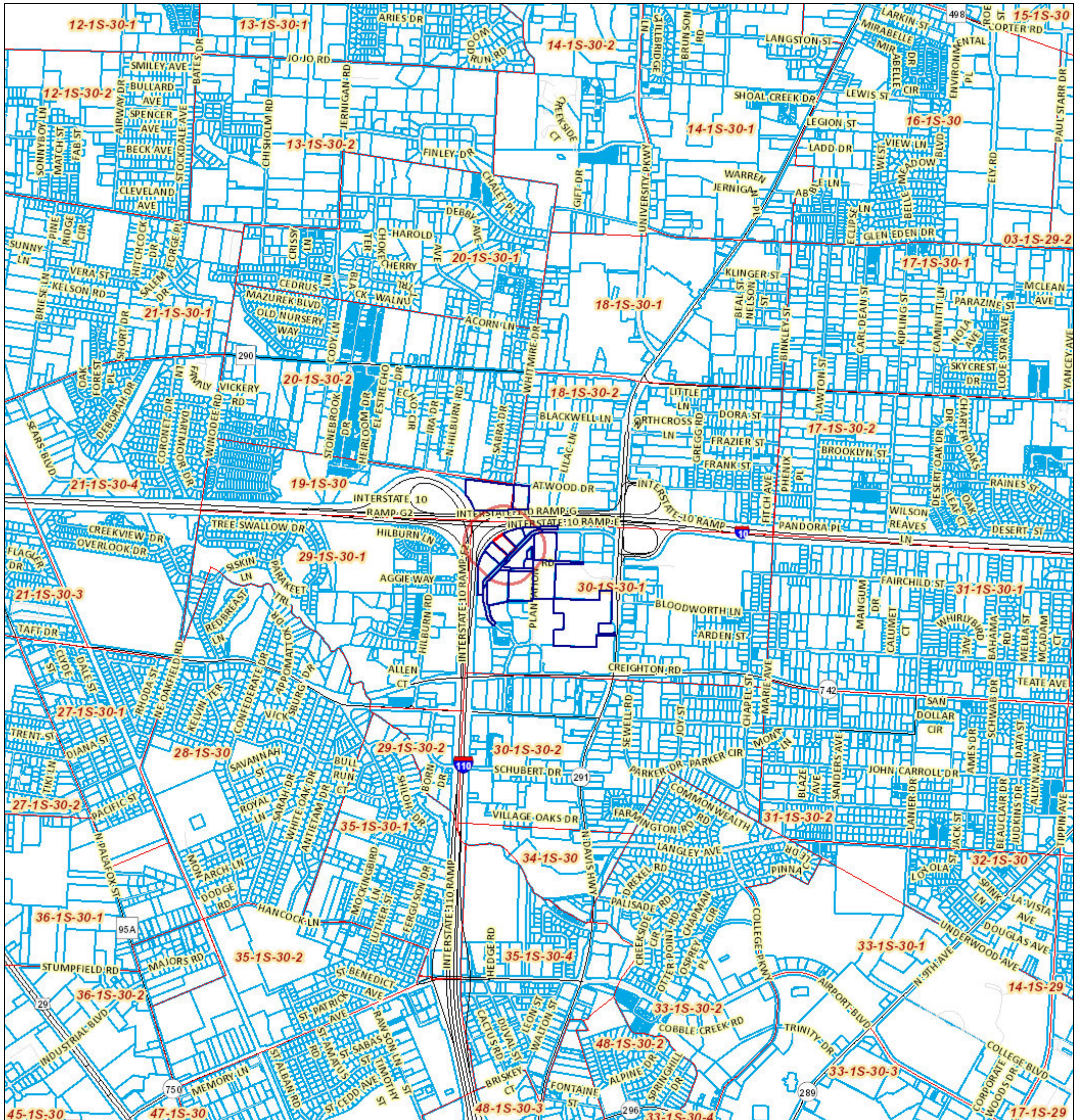


Escambia County  
Development Services Department  
3363 West Park Place  
Pensacola, FL 32505

**Red Roof Inn**  
**7340 Plantation Rd.**  
**Pensacola, FL 32504**

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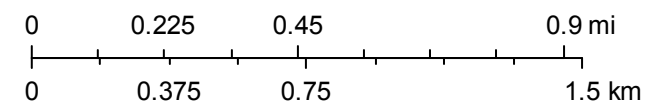
# Chris Jones Escambia County Property Appraiser



February 26, 2014

1:20,590

- Map Grid
- City Road
- County Road
- Interstate
- State Road
- US Highway
- All Roads
- Property Line



**Board of Adjustment****7. 2.**

**Meeting Date:** 03/19/2014  
**CASE:** V-2014-02  
**APPLICANT:** Donald J. Weber, Agent for Eyad Abdelqader  
**ADDRESS:** 4500 Baywalk Circle  
**PROPERTY REFERENCE NO.:** 03-1S-29-1000-000-010  
**ZONING DISTRICT:** R-1, Single Family District  
**FUTURE LAND USE:** MU-U, Mixed-Use Urban

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

The Applicant is seeking a 25 foot variance to the Scenic Highway Overlay District right-of-way setback. The variance would reduce the east side setback from 50 to 25 feet.

**RELEVANT AUTHORITY:**

**Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 6.07.06.D.**

D. Setback. All structures shall be located a minimum of 50 feet from the Scenic Highway right-of-way unless precluded by lot configuration or topography.

**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 one of two corner lots in Baywalk Subdivision, platted prior to adoption of

the Land Development Code (LDC) and the Scenic Highway Overlay(SHO) district. The property is unique in both its orientation and size, creating practical difficulties in placing a house on the site. Unlike the other corner lot, the subject property is oriented east/west with the natural front yard facing north. In addition, this lot is the smallest in the subdivision and has a much smaller buildable area than the other 9 lots in the subdivision.

Because of these factors, the imposition of the overlay setback reduces the buildable area to a size out of character with the rest of the subdivision and presents a unique hardship.

#### **CRITERION (2)**

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

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

The variance is necessary for the preservation and enjoyment of a substantial property right given the unique limitations of the site.

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

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

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

This variance 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 to build a house in a similar manner as others in the subdivision given the limitations of the site.

**STAFF RECOMMENDATION:**

Staff finds that the Applicant meets all of the required criteria and recommends approval as requested.

**BOARD OF ADJUSTMENT FINDINGS:**

---

**Attachments**

Working Case File V-2014-02

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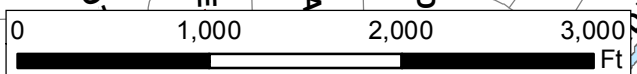
**V-2014-02**




ESCAMBIA BAY

# V-2014-02 LOCATION MAP

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD





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

Andrew Holmer  
Planning and Zoning Dept.



R-1

ESCAMBIA BAY

PELICAN LN

SCENIC HWY

R-1

R-1

AVOCET LN

BAYWALK CIR

SCENIC HWY

R-1

R-1

ID-1

BURTONWOOD CT

R-1

BURTONWOOD DR

9TH AVENUE CT

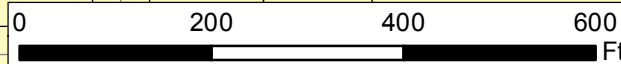
N 9TH AVE



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Andrew Holmer  
Planning and Zoning Dept.

# V-2014-02 500' RADIUS ZONING



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



ESCAMBIA BAY

MU-U

MU-U

MU-U

MU-U

MU-U

I

BURTONWOOD CT

BURTONWOOD DR

N 9TH AVE

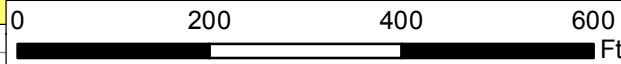
9TH AVENUE CT



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Andrew Holmer  
Planning and Zoning Dept.

# V-2014-02 FUTURE LAND USE



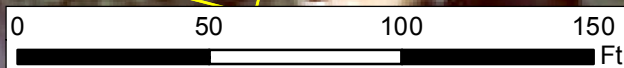
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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

Andrew Holmer  
Planning and Zoning Dept.

## V-2014-02 AERIAL MAP



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



**SCENIC HWY(OL)**

*ESCAMBIA BAY*

SCENIC HWY

PELICAN LN

AVOCET LN

BAYWALK CIR

SCENIC HWY

**SCENIC HWY(OL)**

BURTONWOOD CT

9TH AVENUE CT

N 9TH AVE

BURTONWOOD DR



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

Andrew Holmer  
Planning and Zoning Dept.

## V-2014-02 OVERLAY DISTRICT

0 200 400 600 Ft

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

## 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: EYAD ABDELQADER Phone: 850 484-9811

Address: 10883 Country Ostrich DR Email: EYAD QADER @ Yahoo. 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: 4500 BAYWALK

Property Reference Number(s)/Legal Description: \_\_\_\_\_

By my signature, I hereby certify that:

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

Signature of Owner/Agent: Donald J. Weber  
Signature of Owner: EYAD ABDELQADER  
Printed Name of Owner: EYAD ABDELQADER



Date: 2-19-14  
Date: 2-19-14

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 19 day of February 20 14,  
by Donald John Weber + Eyad Abdel-Qader

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: Florida Driver License

Signature of Notary: Brenda L. Wilson Printed Name of Notary: Brenda Wilson  
(notary seal must be affixed)

<b>FOR OFFICE USE ONLY</b>		CASE NUMBER: <u>V-2014-02</u>	
Meeting Date(s): <u>03-19-14</u>	Accepted/Verified by: <u>DL/AD</u>	Date: <u>02-21-14</u>	
Fees Paid: \$ <u>423.50</u>	Receipt #: <u>600284</u>	Permit #: <u>PBA 1402 00003</u>	

## AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 4500 BAYWALK,  
Florida, property reference number(s) \_\_\_\_\_

I hereby designate DONALD J. WEBER for the sole purpose  
of completing this application and making a presentation to the:

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

☒ Board of Adjustment to request a(n) \_\_\_\_\_ on the above referenced property.

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

Agent Name: DONALD J. WEBER Email: don-weber@live.com  
Address: 8300 BOWKLEY ST. Phone: 850-395-8935

Signature of Property Owner



Printed Name of Property Owner  
EYAD ABDELQADER  
Date  
2-19-14

Signature of Property Owner

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 19 day of February 20 14,  
by EYAD ABDELQADER.

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: Florida Driver License

Signature of Notary Brenda L. Wilson

Printed Name of Notary Brenda L. Wilson

(Notary Seal)



# Chris Jones

## Escambia County Property Appraiser

[Real Estate Search](#)
[Tangible Property Search](#)
[Sale List](#)
[Amendment 1/Portability Calculations](#)
[Back](#)
[←](#) [Navigate Mode](#) ☒ [Account](#) ☐ [Reference](#) [→](#)
[Printer Friendly Version](#)

<b>General Information</b> <b>Reference:</b> 031S291000000010 <b>Account:</b> 010090650 <b>Owners:</b> ABDELQAADER EYAD & YOUSEF LUBNA RADWAN <b>Mail:</b> 10883 COUNTRY OSTRICH DR PENSACOLA, FL 32534 <b>Situs:</b> 4500 BAYWALK CIR BLK 32514 <b>Use Code:</b> VACANT RESIDENTIAL <b>Taxing Authority:</b> COUNTY MSTU <b>Tax Inquiry:</b> <a href="#">Open Tax Inquiry Window</a>		<b>2013 Certified Roll Assessment</b> <b>Improvements:</b> \$0 <b>Land:</b> \$76,000 <b>Total:</b> \$76,000 <b>Save Our Homes:</b> \$0 <a href="#">Disclaimer</a> <a href="#">Amendment 1/Portability Calculations</a>
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<b>Sales</b> <table border="1"> <thead> <tr> <th>Sale Date</th> <th>Book</th> <th>Page</th> <th>Value</th> <th>Type</th> <th>Official Records (New Window)</th> </tr> </thead> <tbody> <tr> <td>12/16/2013</td> <td>7116</td> <td>100</td> <td>\$65,000</td> <td>TR</td> <td><a href="#">View Instr</a></td> </tr> <tr> <td>07/03/2012</td> <td>6879</td> <td>1054</td> <td>\$100</td> <td>WD</td> <td><a href="#">View Instr</a></td> </tr> <tr> <td>04/17/2012</td> <td>6847</td> <td>1472</td> <td>\$100</td> <td>WD</td> <td><a href="#">View Instr</a></td> </tr> <tr> <td>02/1996</td> <td>3918</td> <td>531</td> <td>\$100</td> <td>WD</td> <td><a href="#">View Instr</a></td> </tr> <tr> <td>04/1995</td> <td>3750</td> <td>509</td> <td>\$260,000</td> <td>WD</td> <td><a href="#">View Instr</a></td> </tr> <tr> <td>11/1994</td> <td>3677</td> <td>520</td> <td>\$194,400</td> <td>WD</td> <td><a href="#">View Instr</a></td> </tr> <tr> <td>09/1991</td> <td>3066</td> <td>564</td> <td>\$60,000</td> <td>WD</td> <td><a href="#">View Instr</a></td> </tr> </tbody> </table>		Sale Date	Book	Page	Value	Type	Official Records (New Window)	12/16/2013	7116	100	\$65,000	TR	<a href="#">View Instr</a>	07/03/2012	6879	1054	\$100	WD	<a href="#">View Instr</a>	04/17/2012	6847	1472	\$100	WD	<a href="#">View Instr</a>	02/1996	3918	531	\$100	WD	<a href="#">View Instr</a>	04/1995	3750	509	\$260,000	WD	<a href="#">View Instr</a>	11/1994	3677	520	\$194,400	WD	<a href="#">View Instr</a>	09/1991	3066	564	\$60,000	WD	<a href="#">View Instr</a>	<b>2012 Certified Roll Exemptions</b> None <b>Legal Description</b> LT 10 BAYWALK PB 14 P 17 OR 7116 P 100 <b>Extra Features</b> None
Sale Date	Book	Page	Value	Type	Official Records (New Window)																																													
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### Section Map

**Id:**

03-1S-29-1

### Approx.

**Acres:**  
0.2900

### Zoned:

R-1

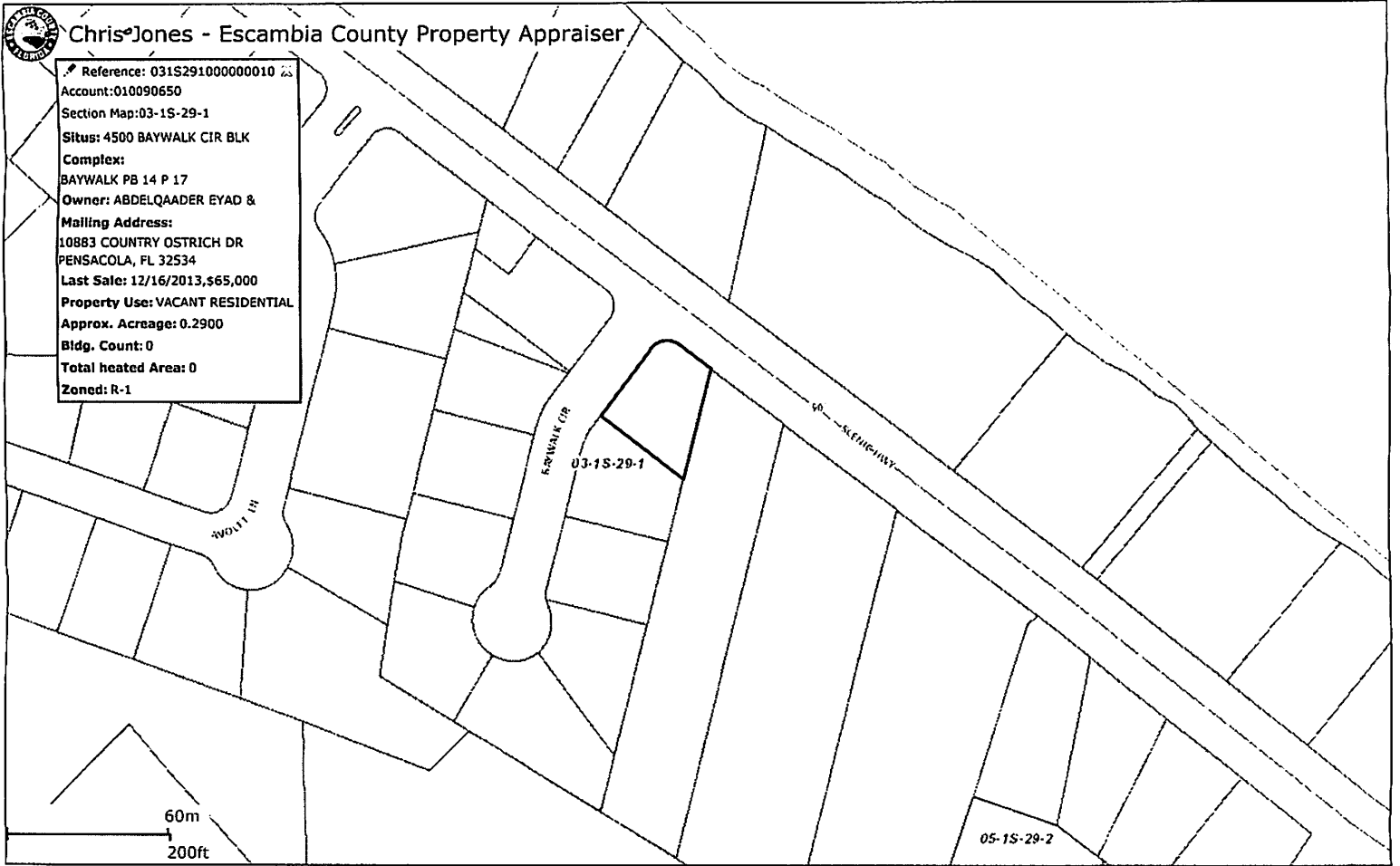
### Evacuation & Flood Information

[Open Report](#)



Chris Jones - Escambia County Property Appraiser

Reference: 031S291000000010  
Account: 010090650  
Section Map: 03-1S-29-1  
Situs: 4500 BAYWALK CIR BLK  
Complex:  
BAYWALK PB 14 P 17  
Owner: ABDELQAADER EYAD &  
Mailing Address:  
10883 COUNTRY OSTRICH DR  
PENSACOLA, FL 32534  
Last Sale: 12/16/2013, \$65,000  
Property Use: VACANT RESIDENTIAL  
Approx. Acreage: 0.2900  
Bldg. Count: 0  
Total heated Area: 0  
Zoned: R-1



This Instrument Prepared by and Return to:

SURETY LAND TITLE OF FLORIDA, LLC  
2600 N. 12th Avenue  
PENSACOLA, FL 32503

Property Appraisers Parcel Identification (Folio) Numbers:  
03-1S-29-1000-000-010

SPACE ABOVE THIS LINE FOR RECORDING DATA

## Trustee's Deed

This Trustee's Deed made this 16th day of December, 2013 between George W. <sup>Vinzant</sup> ~~Vinzant~~ Jr. and Sandra S. <sup>Vinzant</sup> ~~Vinzant~~ Trustees of the George W. Vinzant, Jr. and Sandra S. Vinzant Trust, dated April 17, 2012 whose post office address is 759 E. Ten Mile Road, Pensacola, Fl. 32514, grantor, and Eyad Abdelqaader and Lubna Radwan Yousef, Husband and Wife whose post office address is \_\_\_\_\_, 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 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 grantees heirs and assigns forever, the following described land, situate, lying and being in ESCAMBIA County, Florida, to-wit:

Lot 10, Baywalk, A Subdivision of a portion of the Joseph Noriega Grant, Section 3, Township 1 South, Range 29 West, and a portion of Section 4, Township 1 South, Range 29 West, Escambia County, Florida, according to the plat thereof, recorded in Plat Book 14, Page 17, of the Public Records of said County.

Said Property is not the Homestead Property of the Grantors.

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, the said party of the first part has hereunto set his/her hand and seal on the day and year first above written.

Witness #1 Signature

ANGELA L CECIL

Witness #1 Printed Name

Witness #2 Signature

Patricia A. Shellgren

George W. Vinzant Jr.

Vinzant

Sandra S. Vinzant

Vinzant

Witness #2 Signature

Witness #2 Printed Name

Sandra S. Vinzent  
vinzent

STATE OF FLORIDA)

COUNTY OF ESCAMBIA)

The foregoing instrument was acknowledged before me this 16th day of December, 2013 by George W. Vinzent Jr. and Sandra S. Vinzent who are personally known to me or have produced FL DL as identification.



JANNA BERRY  
MY COMMISSION # EE 073734  
EXPIRES: March 14, 2015  
Bonded Thru Budget Notary Services

J. Berry  
Notary Public

File No.: 1305-758

Page 1 of 2

**RESIDENTIAL SALES  
ABUTTING ROADWAY  
MAINTENANCE DISCLOSURE**

ATTENTION: Pursuant to Escambia County Code of 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. The disclosure must additionally provide that Escambia County does not accept roads for maintenance that have not been built or improved to meet county standards. Escambia County Code of Ordinance 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 a part of the public records of Escambia County, Florida. Note: Acceptance for filing by County employees of this disclosure shall in no way be construed as an acknowledgment by the County of the veracity of any disclosure statement.

Name of roadway: Baywalk Circle

Legal Address of Property: 4500 Baywalk Circle Pensacola, FL 32514

The County ( X ) has accepted ( ) has not accepted the abutting roadway for maintenance.

This form completed by:

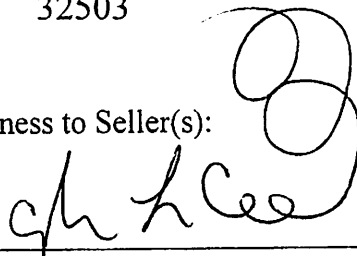

Surety Land Title, Inc.  
2600 North 12<sup>th</sup> Avenue  
Pensacola, FL 32503

AS TO SELLER (S):

Witness to Seller(s):

George W. Vinzant, Jr., Trustee

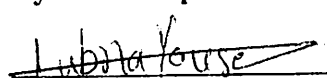
  
Sandra S. Vinzant, Trustee

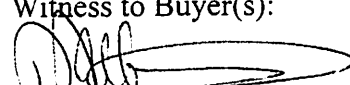

  


AS TO BUYER (S):

Witness to Buyer(s):

  
Eyad Abdelqaader

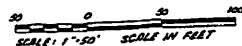
  
Lubna Radwan Yousef

THIS FORM APPROVED BY THE ESCAMBIA COUNTY BOARD OF COUNTY  
COMMISSIONERS. Effective: 4/15/95

# BAYWALK

A SUBDIVISION OF A PORTION OF THE JOSEPH NORRIS GRANT, SECTION 3, TOWNSHIP 1 SOUTH, RANGE 29 WEST, AND A PORTION OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 29 WEST, ESCAMBIA COUNTY, FLORIDA



## OWNER / DEVELOPER:

THOMAS H. DAVIS, JOHN A. SCOTT,  
ROBERT E. BURKELEN  
3771 MACKEY DRIVE  
PENSACOLA, FLORIDA 32504

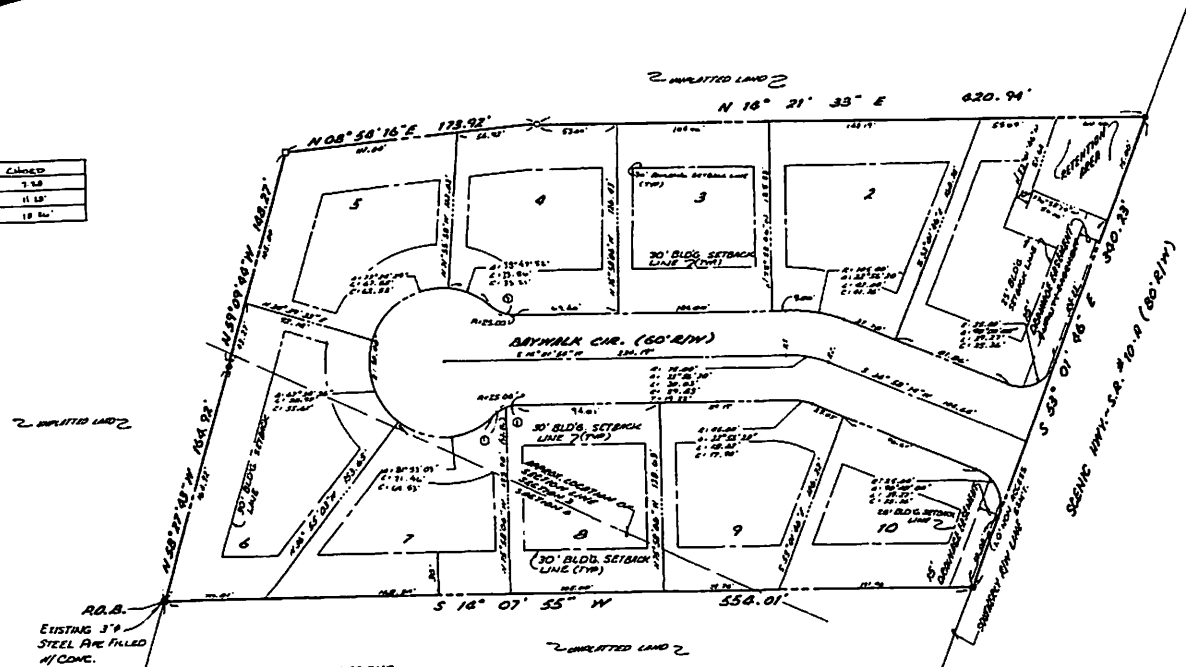
## PREPARED BY:

PETERSON ASSOCIATES  
8000 UNIVERSITY PARKWAY SUITE 8-1  
PENSACOLA, FLORIDA 32504

MAY, 1989

## CURVE DATA

Q	DELTA	ALL LENGTH	CURVED
1	16° 55' 02"	7.91'	7.58'
2	26° 04' 55"	11.98'	11.52'
3	43° 50' 00"	18.45'	18.04'



- LEGEND**
- P.R.M. (FOUND)
  - UNAPPROVED UNLESS NOTED
  - ▲ P.R.M. (30' SET (TYP))
  - P.R.M. (30' SET (TYP))
  - 3" CONC. FILLED PIPE (FOUND)
  - Curve Limb

## GENERAL NOTES

1. BEARINGS BASED ON THE SOUTH RIGHT-OF-WAY LINE OF SCENE HIGHWAY AS BEING SOUTH 53° 01' 46" EAST ACCORDING TO THE F.O.D.T. RIGHT-OF-WAY MAP OF STATE ROAD 10-A SECTION BOARD (SHEET 12 OF 12).
2. ALL MEASUREMENTS MADE IN ACCORDANCE WITH UNITED STATES STANDARDS.
3. ALL STREET INTERSECTIONS SHALL HAVE A RADIUS OF 25 FEET.
4. THE ABOVE PROPERTY IN ITS ENTIRETY LIES IN FLOOD HAZARD ZONE "C" (AREA OF MINIMUM FLOODING) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY FLOOD HAZARD ZONE AS A DATED AUGUST 19, 1987.
5. THE ABOVE PROPERTY IN ITS ENTIRETY LIES IN THE UNIVERSITY OF WEST FLORIDA ZONING DISTRICT R-1.
6. ALL LOT DIMENSIONS ON CORNER LOTS ARE TO THE INTERSECTIONS OF RIM LINES, UNLESS SHOWN OTHERWISE.
7. ALL FRONT BUILDING SETBACK LINES SHALL BE A MINIMUM OF 30 FEET.
8. THE SIGN ("") MEANS DEGREE; THE SIGN (') MEANS MINUTES (OR FEET); THE SIGN (") MEANS SECONDS.
9. NO FENCING SHALL BE PERMITTED IN ANY DRAINAGE EASEMENT.
10. P.R.M. DENOTES PERMANENT REFERENCE MONUMENT.
11. P.C.P. DENOTES PERMANENT CONTROL POINT.
12. ALL SIDE BUILDING SETBACK LINES SHALL BE 10% OF THE LOT WIDTH AS MEASURED AT THE BLD'G. SETBACK LINE (NOT TO EXCEED 15').
13. I.R. DENOTES ION-RADIAL LINE

## LEGAL DESCRIPTION

THAT PORTION OF THE JOSEPH NORRIS GRANT, SECTION 3, TOWNSHIP 1 SOUTH, RANGE 29 WEST, AND A PORTION OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 29 WEST, ESCAMBIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LOT 12, BLOCK 12, NEARSHORE SUBDIVISION AS RECORDED IN PLAT BOOK 9 OF PAGE 1 OF THE PUBLIC RECORDS OF SAID COUNTY, SAID CONCRETE MONUMENT BEING ON THE SOUTH LINE OF SAID SECTION 4; THENCE NORTH 89° 04' 46" WEST ALONG THE SOUTH LINE OF SAID SECTION 4 A DISTANCE OF 696.35 FEET TO AN EXISTING CONCRETE MONUMENT; THENCE NORTH 58° 21' 33" WEST A DISTANCE OF 620.94 FEET TO AN EXISTING 3" ROUND STEEL PIPE FILLED WITH CONCRETE BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 58° 21' 33" WEST A DISTANCE OF 164.92 FEET TO AN EXISTING 3" ROUND STEEL PIPE FILLED WITH CONCRETE; THENCE NORTH 59° 09' 00" WEST A DISTANCE OF 148.87 FEET TO AN EXISTING 4" - 4" CONCRETE MONUMENT; THENCE NORTH 58° 04' 16" WEST A DISTANCE OF 175.92 FEET TO AN EXISTING 0" - 4" CONCRETE MONUMENT; THENCE NORTH 10° 21' 33" EAST A DISTANCE OF 326.72 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SCENE HIGHWAY (STATE ROAD 10-A); 50' RIGHT-OF-WAY; THENCE SOUTH 53° 01' 46" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 340.28 FEET; THENCE SOUTH 10° 09' 25" WEST A DISTANCE OF 354.01 FEET TO THE POINT OF BEGINNING. CONTAINING 0.10 ACRES, MORE OR LESS.

## COUNTY COMMISSIONERS APPROVAL CERTIFICATE

I, J. A. FLOWERS, COMPTROLLER OF ESCAMBIA COUNTY, FLORIDA, HEREBY CERTIFY THAT THE WITHIN PLAT ABOVE PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY AT THEIR MEETING HELD ON THE 27<sup>th</sup> DAY OF JUNE, 1989, WAS APPROVED FOR FILING BY SAID BOARD, AND I, AS COMPTROLLER OF SAID BOARD, WAS INSTRUCTED TO SO CERTIFY HEREON.

*J. A. Flowers*  
COUNTY COMPTROLLER, ESCAMBIA COUNTY, FLORIDA.

## COUNTY COMPTROLLER'S CERTIFICATE

I, J. A. FLOWERS, COMPTROLLER OF ESCAMBIA COUNTY, FLORIDA, HEREBY CERTIFY THAT THE WITHIN PLAT COMPLIES WITH ALL THE REQUIREMENTS OF THE PLAT ACT (CHAPTER 171, SECTIONS 171.01 THRU 171.05) OF THE WITHIN ACTS OF THE FLORIDA LEGISLATURE AND THE SAME WAS FILED FOR RECORD ON THE 27<sup>th</sup> DAY OF SEPT. 1989, AND FILED IN PLAT BOOK 14 AT PAGE 17 OF SAID COUNTY.

*J. A. Flowers*  
COUNTY COMPTROLLER, ESCAMBIA COUNTY, FLORIDA.

## ATTORNEY'S CERTIFICATE

I, AS A MEMBER OF THE FLORIDA BAR ASSOCIATION AND ON BEHALF OF THE OWNERS, HEREBY CERTIFY THAT I HAVE EXAMINED THE PLAT HEREON AND THE ACCOMPANYING DOCUMENTS AND HAVE FOUND THEM TO BE IN PROPER LEGAL FORM AND TO MEET ALL REQUIREMENTS OF THE FLORIDA PLAT ACT AND THE ESCAMBIA COUNTY SUBDIVISION REGULATIONS. SIGNED THIS 1<sup>st</sup> DAY OF JUNE, 1989.

*Paul A. Jones*

## SURVEYOR'S CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND DESCRIBED HEREIN AND SURVEYED; THAT SAID LAND HAS BEEN SUBDIVIDED UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND STAKED AS INDICATED; THAT PERMANENT REFERENCE MONUMENTS (INDICATED P.R.M.) HAVE BEEN PLACED AS REQUIRED BY THE PLAT ACT (CHAPTER 171, SECTIONS 171.01 THRU 171.05) OF THE WITHIN ACTS OF THE FLORIDA LEGISLATURE. SURVEY DATA COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS ACCORDING TO STATE OF FLORIDA RULE 31M-6.

*James B. Hurland* 5/16/89  
JAMES B. HURLAND, REGISTERED FLORIDA LAND SURVEYOR #3887 SEAL

## STATE OF FLORIDA, COUNTY OF ESCAMBIA

BEFORE THE SUBSCRIBER PERSONALLY APPEARED THOMAS H. DAVIS, JOHN A. SCOTT AND ROBERT E. BURKELEN, KNOWN TO ME TO BE THE INDIVIDUALS WHO EXECUTED THE FOLLOWING DEDICATION AND SEVERALLY ACKNOWLEDGED THAT THEY DECEASED THE SAME FOR THE USES AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 23<sup>rd</sup> DAY OF MAY, 1989.

*Robert E. Burkeles*  
NOTARY PUBLIC, STATE OF FLORIDA MY COMMISSION EXPIRES JULY 10, 1991 SEAL

## STATE OF FLORIDA, COUNTY OF SANTA ROSA

BEFORE THE SUBSCRIBER PERSONALLY APPEARED WILBUR ADAMS, CHAIRMAN OF FIRST NATIONAL BANK OF SANTA ROSA, KNOWN TO ME TO BE THE INDIVIDUAL WHO EXECUTED THE FOLLOWING DEDICATION AND ACKNOWLEDGED THAT HE DECEASED THE SAME FOR THE USES AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 30<sup>th</sup> DAY OF JUNE, 1989.

*Wilbur Adams*  
NOTARY PUBLIC, STATE OF FLORIDA MY COMMISSION EXPIRES JUL 3, 1990 SEAL

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THOMAS H. DAVIS, JOHN A. SCOTT AND ROBERT E. BURKELEN, OWNERS OF THE LAND DESCRIBED HEREIN AND PLATTED HEREON; AND FIRST NATIONAL BANK OF SANTA ROSA, HOLDER OF A MORTGAGE ON THE LAND DESCRIBED HEREIN AND PLATTED HEREON; DO HEREBY DEDICATE TO THE PUBLIC ALL STREETS, THOROUGHFARES, AND DRAINAGE EASEMENTS SHOWN HEREON AND DO HEREBY AUTHORIZE AND REQUEST THE FILING OF THIS PLAT, KNOWN AS BAYWALK, IN THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

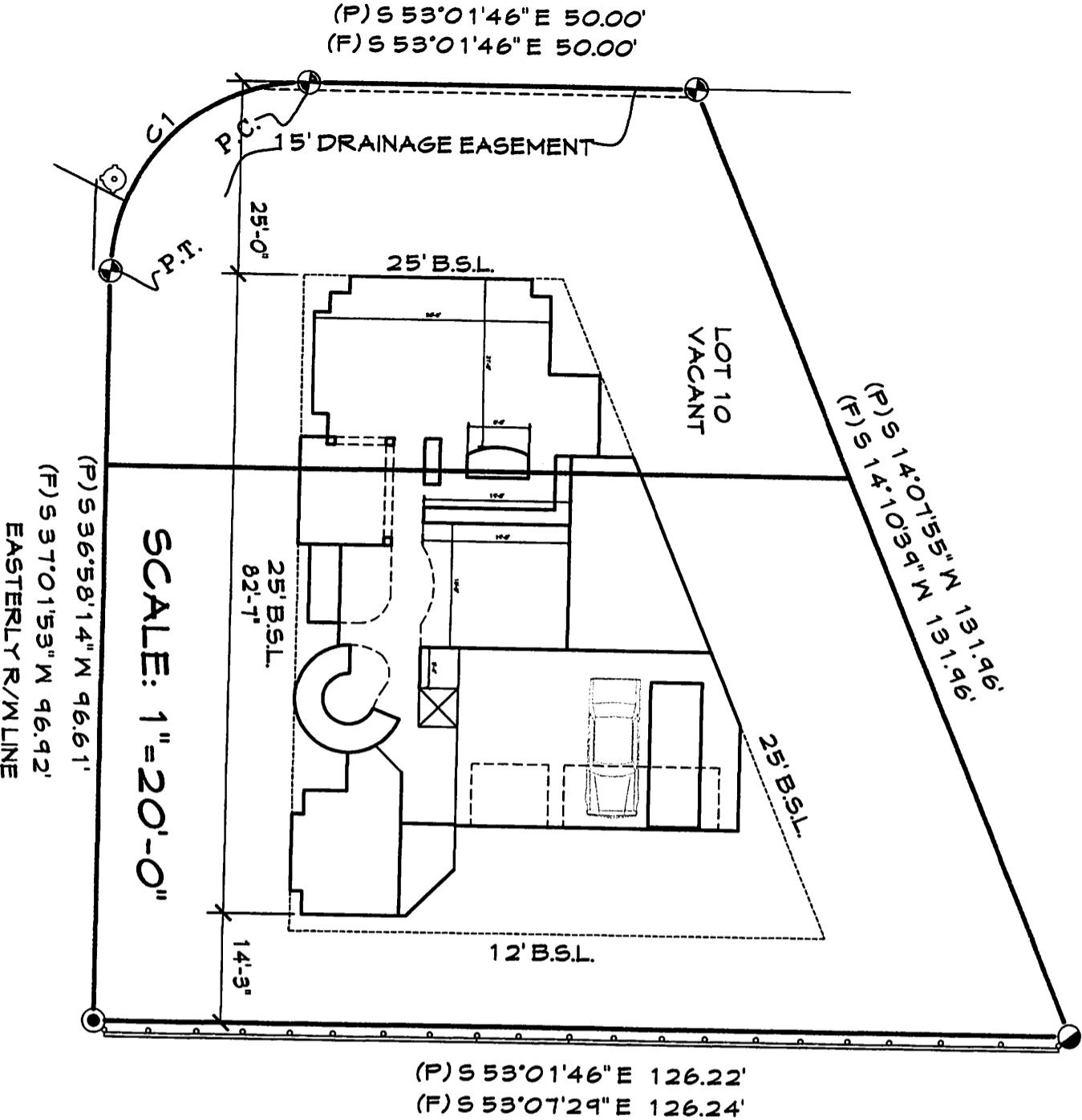
*Thomas H. Davis*  
THOMAS H. DAVIS  
*John A. Scott*  
JOHN A. SCOTT  
*Robert E. Burkeles*  
ROBERT E. BURKELES  
*Wilbur Adams*  
WILBUR ADAMS, CHAIRMAN  
FIRST NATIONAL BANK OF  
SANTA ROSA

## APPROVALS

*Richard W. Potts*  
COUNTY PLANNER  
*James B. Hurland*  
COUNTY ENGINEER

SCENIC HIGHWAY (S.R. # 10-A) (80' R/W)

BAYWALK CIRCLE (60' R/W)



**BRODEUR**  
HOME DESIGNS

PH.# (850) 377-6612 EMAIL: Brodeurhomedesigns@gmail.com



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

**COAST COMMUNITY BANK  
40 N PALAFOX ST  
PENSACOLA, FL 32502**

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



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

**FIRST NATIONAL BANK OF SANTA ROSA  
PO BOX 3654  
MILTON, FL 325723654**

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



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

**AKBAR ASIF &  
4510 BAYWALK CIR  
PENSACOLA, FL 32514**

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

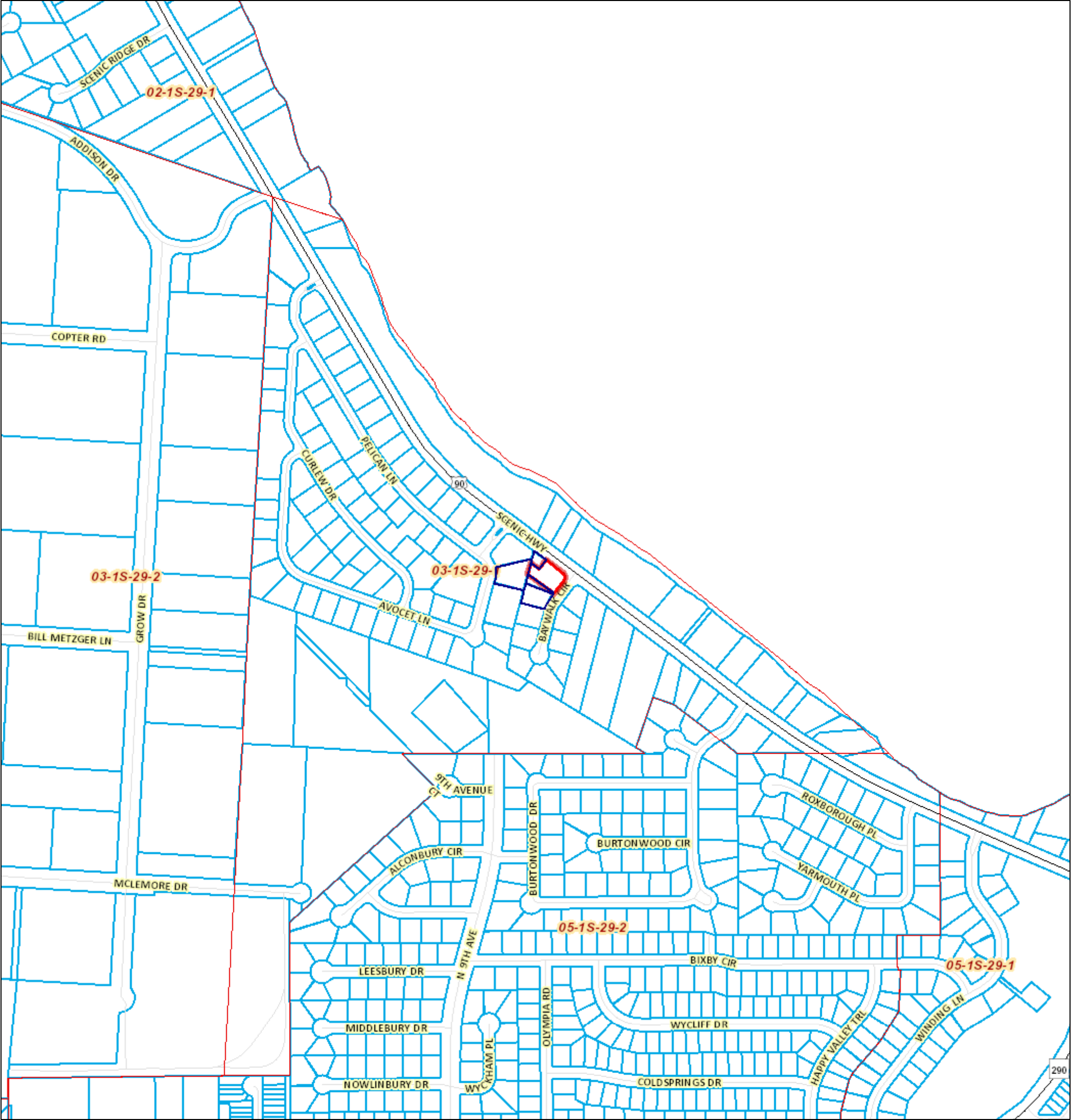


Escambia County  
Development Services Department  
3363 West Park Place  
Pensacola, FL 32505

**MEHMOOD FARHAT &  
4079 CURLEW DR  
PENSACOLA, FL 32514**

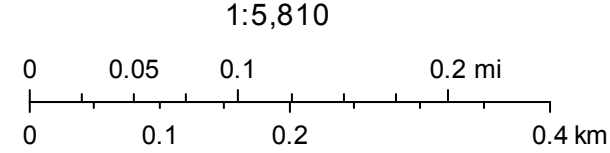
In accordance with the Americans with Disabilities Act, persons needing special accommodation or an interpreter to participate in the public hearing should contact County Administrator's Office at 595-4947 at least seven days prior to the date of the hearing. If you have any questions, please contact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

# Chris Jones Escambia County Property Appraiser



February 26, 2014

- Map Grid
- City Road
- County Road
- Interstate
- State Road
- US Highway
- All Roads
- Property Line





## Development Services Department

### Building Inspections Division

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

## RECEIPT

Receipt No. : **600284**

Date Issued. : 02/21/2014

Cashier ID : VHOWENS

Application No. : PBA140200003

Project Name : V-2014-02

### PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
<b>Check</b>	2337	\$423.50	App ID : PBA140200003
		<b>\$423.50</b>	Total Check

Received From : N/A

Total Receipt Amount : **\$423.50**

Change Due : \$0.00

### APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA140200003	692211	423.50	\$0.00	4500 Baywalk CIR, PENSACOLA, FL

**Total Amount :**

**423.50**

\$0.00

Balance Due on this/these  
Application(s) as of 2/21/2014

**Board of Adjustment**

**7. 3.**

**Meeting Date:** 03/19/2014  
**CASE:** CU-2014-02  
**APPLICANT:** Tom Hammond, Agent for Terra Cane, LLC  
**ADDRESS:** 14140 River Road  
**PROPERTY REFERENCE NO.:** 14-3S-32-1001-070-140  
**ZONING DISTRICT:** C-1PK, Perdido Key  
Commercial District  
MU-PK, Mixed-Use  
**FUTURE LAND USE:** Perdido Key  
**OVERLAY DISTRICT:** N/A

---

**SUBMISSION DATA:**

**REQUESTED CONDITIONAL USE:**

The Applicant is seeking Conditional Use Approval for a proposed commercial recreation facility.

**RELEVANT AUTHORITY:**

**Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended),  
Section:6.05.15.C.1.**

1. Commercial amusement and **commercial recreational facilities**, including miniature golf courses.

**CRITERIA:**

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

**CRITERION (1)**

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

**FINDINGS-OF-FACT**

Ingress and egress will be via a connection to River Rd. The proposed parking arrangement, number of spaces and fire department access will be reviewed in the site plan review process.

**CRITERION (2)**

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

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

The scale of the proposed use along with buffering standards imposed through site plan review should limit any adverse impacts associated with the use.

#### **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 service will be provided by the owner or operator of the use.

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

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

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

Utilities are available to the site and will be secured by the owner or operator of the use.

#### **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**

While the parcel in question is zoned commercial, it abuts residential zoning and will need to meet the buffering standards imposed through the site plan review.

#### **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**

Any signage associated with the proposed use will need to be permitted through the county and meet the standards of LDC Article 8.

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

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

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

Environmental impacts will be addressed at the site plan review stage and must meet county and outside agency standards.

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

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

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

While the site is adjacent to a residence, it is zoned commercial and there are other recreation facilities in the immediate area. A golf course is across River Rd., a marina is to the north and a county kayak launch/park is to the south.

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

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

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

LDC section 6.08.02.E provides additional conditional use review standards for recreation facilities and the proposed use can meet all of those standards.

#### **STAFF RECOMMENDATION**

Staff finds that the proposed use can meet all of the required criteria and approval is recommended.

#### **BOARD OF ADJUSTMENT FINDINGS:**

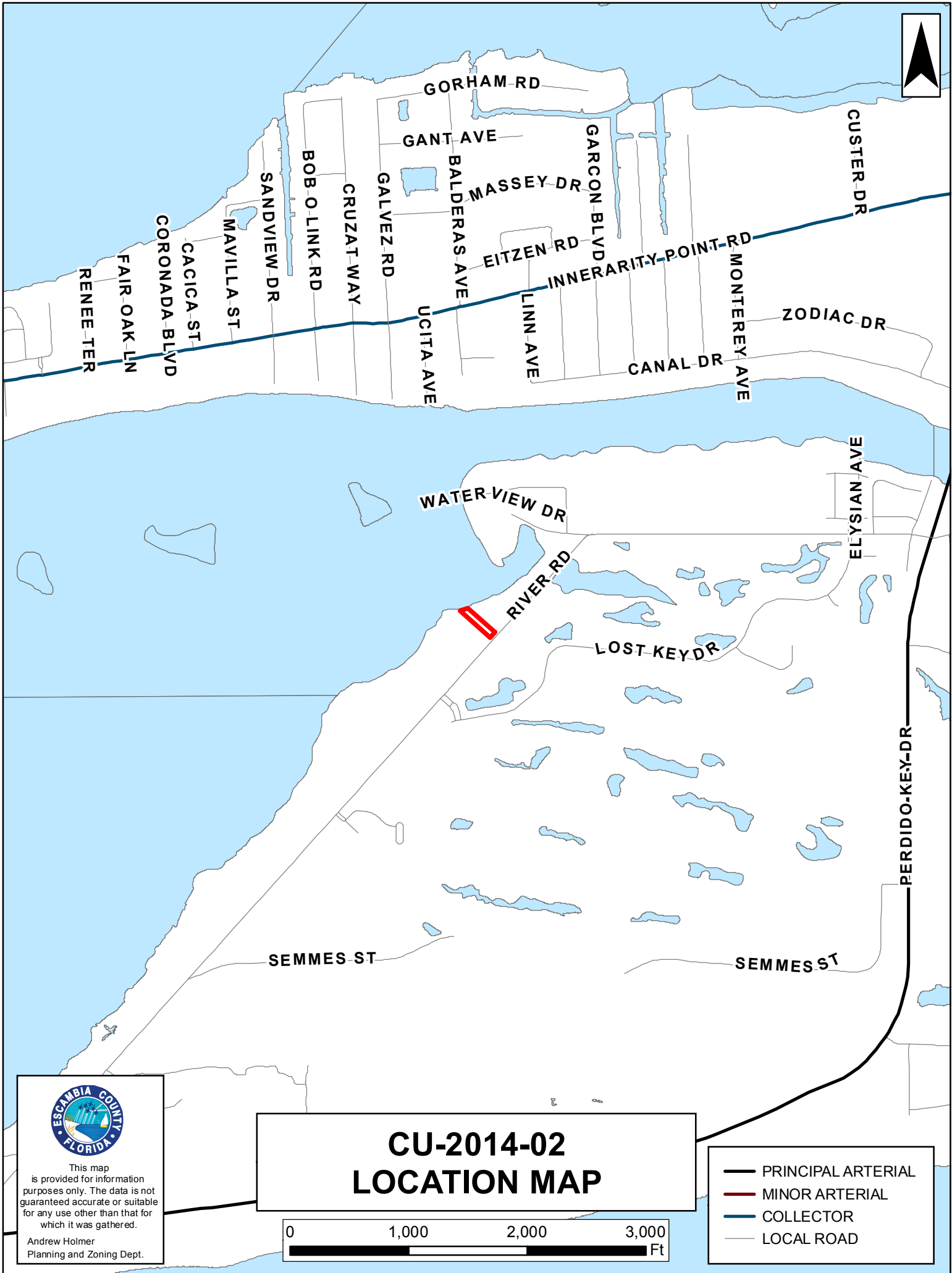
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#### **Attachments**

Working Case File CU-2014-02

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**CU-2014-02**



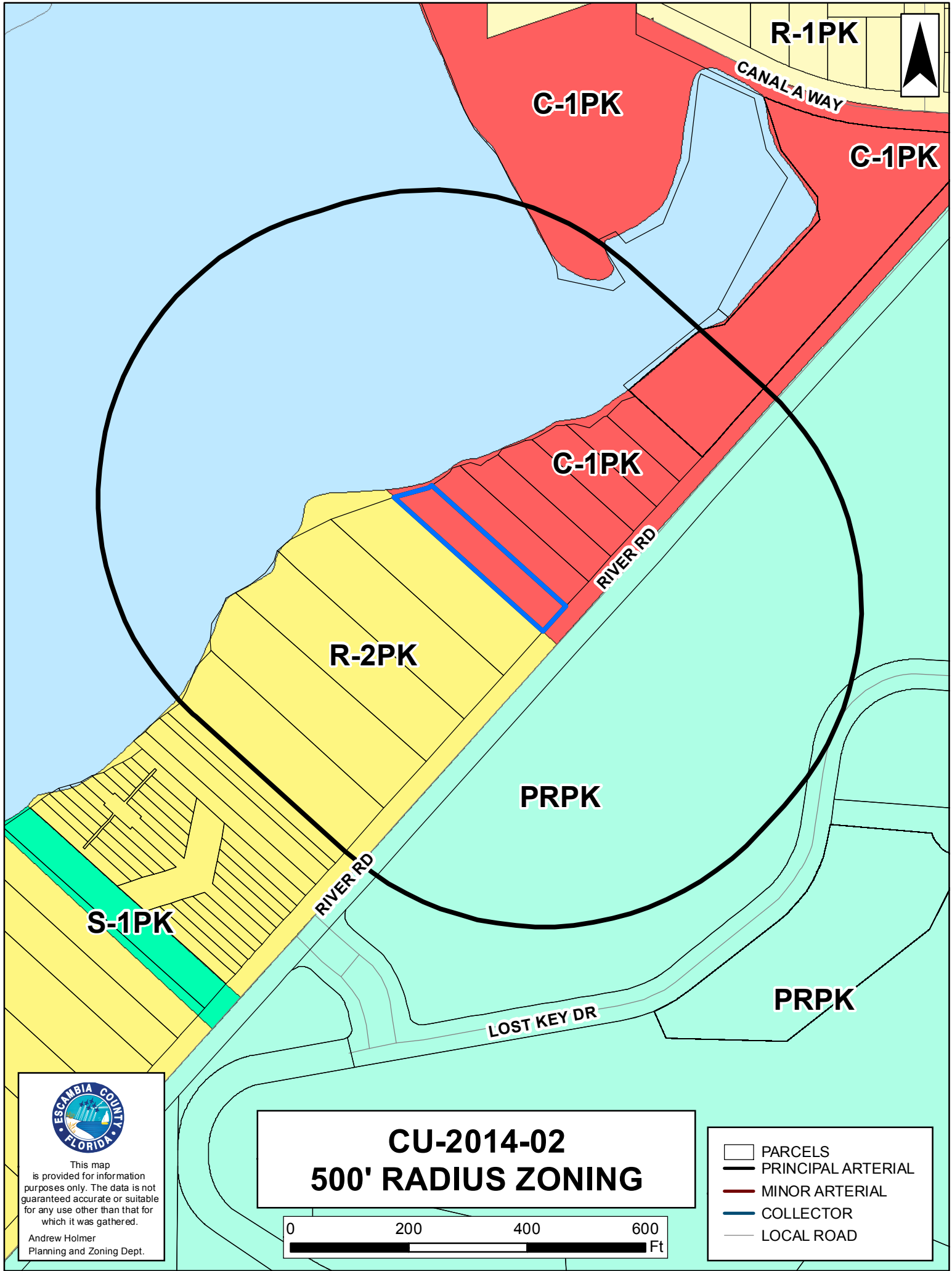
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer  
Planning and Zoning Dept.

## CU-2014-02 LOCATION MAP

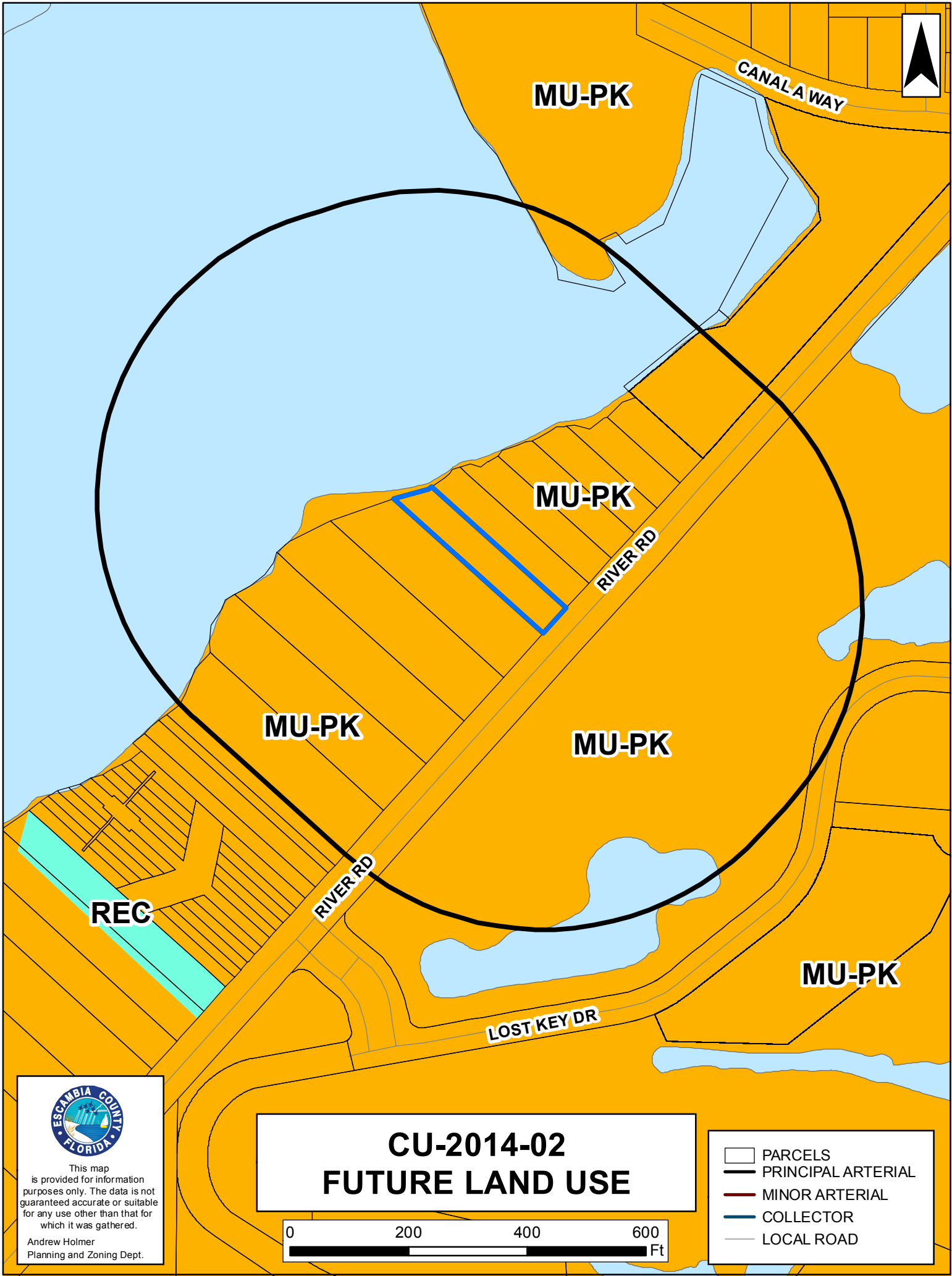
0 1,000 2,000 3,000  
Ft

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



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

Andrew Holmer  
Planning and Zoning Dept.



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

Andrew Holmer  
Planning and Zoning Dept.

## CU-2014-02 FUTURE LAND USE

0 200 400 600  
Ft

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



RIVER RD



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-2014-02 AERIAL MAP



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



HAMMOND ENGINEERING, INC.  
FLORIDA CERTIFICATE OF AUTHORIZATION NO. 9130  
ALABAMA CERTIFICATE OF AUTHORIZATION NO. 3277

February 6, 2014

Mr. Drew Homer  
Escambia County Development Services  
3363 West Park Place  
Pensacola, Florida 32505

**Reference: 14140 River Road  
14-3S-32-1001-070-140  
HEI Project No. 14-004**

Dear Drew:

The owner of the above referenced parcel wishes to use the site for the rental of kayaks and paddle boards. The parcel is zoned C-1PK and the FLU is MU-PK. The proposed use is considered "commercial amusement and commercial recreational facilities" which requires a Conditional Use approval based on the current zoning designation. The total lot area is 0.42 acres. We request a hearing before the Board of Adjustment and approval of this conditional use request based on the following:

#### **Conditional Use Criteria**

- 1. On-site circulation** The proposed use will not impede on-site circulation. The attached site plan shows there is adequate room for ingress/egress from River Road, required commercial parking, and life safety access. Customers will park, rent the desired vessel and access the water by foot.
- 2. Nuisance** The proposed use will be a small commercial rental facility. The proposed use will not create noise, glare, smoke, odor or harmful effects to any extent that would exceed allowable uses under the current zoning designation.
- 3. Solid Waste** The proposed use (vessel rental) is not a significant solid waste producer. The owner intends to have a residential type waste container and regular pickup service.
- 4. Utilities** Potable water and sanitary sewer infrastructure is in place along River Road. The provider is the ECUA and any development of the lot which requires these services will be required to tie into the existing ECUA systems.
- 5. Buffers** The proposed conditional use will allow commercial use of the property. The parcel is adjoined by a residence to the southwest and a vacant parcel to the northeast. The proposed use will require a 10' buffer along the southwest property line

and may require additional fencing and vegetation following the DRC process.

**6. Signs** The proposed use will likely require signage as would other commercial uses allowed under the current zoning designation. Signage will be addressed in DRC and will also require a sign permit.

**7. Environmental Impact** The proposed conditional use will allow the owner to rent kayaks/paddle boards and provide pedestrian access to Old River. There are jurisdictional wetlands paralleling the shoreline. Pedestrian access across the jurisdictional wetlands will require permitting through the NFWFMD/USCOE and Escambia County. Stormwater treatment of the first 1" of runoff will be required by NFWFMD which exceeds Escambia County's treatment requirements. Stormwater treatment will likely be provided by a swale upstream of the jurisdictional wetlands.

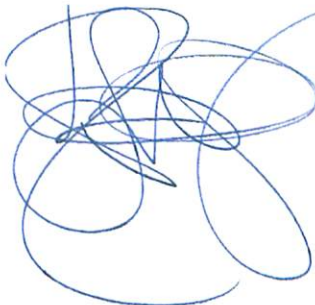
**8. Neighborhood Impact** The proposed conditional use will allow the owner to rent kayaks/paddle boards. The immediate surrounding area to the southwest is developed as single family residences. The area across River Road is developed as a golf course. The area to the northeast and north is developed as multi-family residential (condominiums) and commercial (marina/boat yard and restaurant). The proposed use fits with the surrounding area by providing a recreational service to those who vacation here, stay in the surrounding condominiums, and patronize the golf course, marina, and restaurant. The proposed use does not constitute a negative neighborhood impact.

**9. Other requirements of the code** We have met with the Director of Development Services and were directed to obtain a conditional use from the Board of Adjustment. No other requirements are required at this time according to staff

We appreciate your assistance in this matter. Should you have questions or comments, please give us a call.

Sincerely,

**HAMMOND ENGINEERING, INC.**

A handwritten signature in blue ink, appearing to read "Thomas G. Hammond, Jr.", with a stylized, overlapping loop structure.

Thomas G. Hammond, Jr., PE  
President

Cc: Robert Hale- Terra Cane, LLC

## 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: TERRA CANE, LLC Phone: 251-271-4189

Address: 29793 PNO BLVD, Orange Beach, AL 36561 Email: Robert@robertdalemarine.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. 30501 SUPPLY ORS. 10m

Property Address: 14140 River Road, PENSACOLA, FL (Per deed key)

Property Reference Number(s)/Legal Description: 14-38-32-1001-070-140

### 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.

Robert L. Hale III  
Signature of Owner/Agent

Robert L. Hale III  
Printed Name Owner/Agent

1/21/14  
Date

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

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

\_\_\_\_\_  
Date

STATE OF Florida

COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 21 day of January, 20 14,  
by Robert L. Hale III.

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

R. Sieg  
Signature of Notary  
(notary seal must be affixed)

Ryan Sieg  
Printed Name of Notary



R. SIEG  
MY COMMISSION # EE 146400  
EXPIRES: December 1, 2015  
Bonded Thru Budget Notary Services

### FOR OFFICE USE ONLY

CASE NUMBER: CU-2014-02

Meeting Date(s): 03-19-14 Accepted/Verified by: JH A/D JH/DL Date: 02-07-14

Fees Paid: \$ 1270.50 Receipt #: 599047 Permit #: PBA 140200002



**HAMMOND ENGINEERING, INC.**  
FLORIDA CERTIFICATE OF AUTHORIZATION NO. 9130  
ALABAMA CERTIFICATE OF AUTHORIZATION NO. 3277

February 6, 2014

Mr. Drew Homer  
BOA Coordinator  
Escambia Development Services  
3363 West Park Place  
Pensacola, Florida 32505

**Reference: 14140 River Road  
11-3S-32-1001-070-140**

Dear Drew:

We have attached the following items as listed on the Conditional Use application:

1. A detailed letter of request (dated, signed and notarized).
2. One (1) copy of the Completed Conditional Use Application.
3. One (1) copy of the Warranty Deed.
4. One (1) copy of the Affidavit of Owner & Limited Power of Attorney form
5. One (1) copy of the Legal Description of Property Street Address/Property Reference Number.
6. One (1) copy of the Site Plan drawn to scale

Please review these items and provide the county's findings at your earliest convenience. Should you have questions or comments, please give us a call.

Sincerely,

**HAMMOND ENGINEERING, INC.**

Thomas G. Hammond, Jr., PE.  
President

Attachments

## AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 14140 River Rd,

Florida, property reference number(s) 14-38-32-1001-070-140

I hereby designate Hammond Engineering, Inc. 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 3 day of February the year of, 2014, 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: Tom Hammond Email: tom@selondesign.com

Address: 3802 N. S. St Pensacola FL 32505 Phone: 434-2603

[Signature]  
Signature of Property Owner

Robert Hale III  
Printed Name of Property Owner

2-3-14  
Date

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

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

\_\_\_\_\_  
Date

STATE OF

Florida

COUNTY OF

Escambia

The foregoing instrument was acknowledged before me this 3 day of February 20 14,  
by Robert Hale III.

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

[Signature]  
Signature of Notary

Ryan Sieg  
Printed Name of Notary



R. SIEG  
MY COMMISSION # EE 146400  
EXPIRES: December 1, 2015  
Bonded Thru Budget Notary Services

**SPECIAL WARRANTY DEED**

This Special Warranty Deed made this 10<sup>th</sup> day of DECEMBER 2013.

between PEOPLESSOUTH BANK

hereinafter called "Grantor" and TERRA CANE, LLC, a Louisiana Limited Liability Company

hereinafter called "Grantee(s)" whose address is 29793 Ono Blvd., Orange Beach,

AL 36561

WITNESSETH: That said Grantor for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee(s), the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee(s), and Grantee(s) heirs and assigns, forever, the following described land, situate, lying and being in ESCAMBIA County, Florida, to wit:

SEE ATTACHED EXHIBIT "A"

Parcel ID No. 14-3S-32-1001-070-140

To have and to hold, the same unto the said Grantee(s) in fee simple.

And the said Grantor does hereby covenant with the Grantee(s) that except as above noted that at the time of delivery of this Deed, the premises were free from all encumbrances made by Grantor.

*RAZ JP*

27.00  
1050.00  
1077.00

And that Grantor warrants the title to said land and will defend the same against lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

In witness whereof, the Grantor has caused these presents to be executed the day and year first above written.

Witnesses:

James Hallister  
Vanessa Holister

Felicia DeLoach  
Felicia DeLoach

STATE OF Florida

COUNTY OF Jackson

PEOPLESOUTH BANK

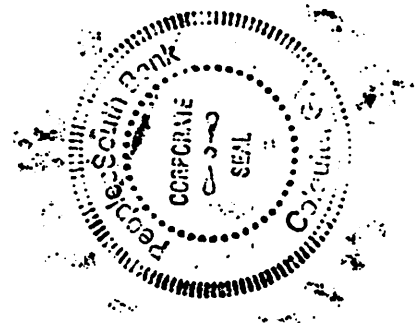
[Signature]  
BY: ROBERT A. JACKSON, REGIONAL PRESIDENT

[Signature]  
BY: LARRY PITCHFORD, REGIONAL PRESIDENT

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of December 2013 by ROBERT A. JACKSON as REGIONAL PRESIDENT AND \* of PEOPLESOUTH BANK, who is personally known to me or who presented as identification.

\*LARRY PITCHFORD, REGIONAL PRESIDENT

Felicia Ann DeLoach  
NOTARY PUBLIC



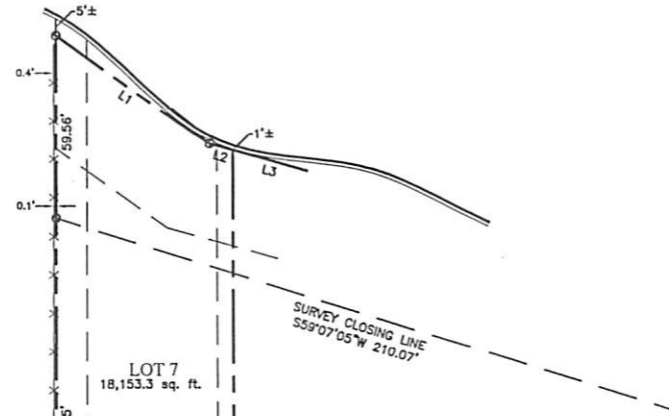
# GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.



OLD RIVER



PROPOSED  
TEMPORARY BLDG/POD  
FOR STORAGE OF KAYAKS  
AND PADDLE BOARDS

PROPOSED  
HANDICAP SPACE

4' CHAINLINK FENCE

PROPOSED  
SHELL/GRAVEL  
PARKING

PROPOSED ASPHALT/CONCRETE  
DRIVEWAY CONNECTION

BASE BEARING  
N41°27'00"E  
P-600.00' F-600.21'

RIVER ROAD  
(66' RIGHT-OF-WAY)

SEWER MANHOLE  
TOP ELEV. = 4.58'  
E. INVERT ELEV. = -1.32'  
N. INVERT ELEV. = -1.30'

NOTE: THIS DRAWING IS FOR PERMITTING PURPOSES ONLY-NOT RELEASED FOR CONSTRUCTION

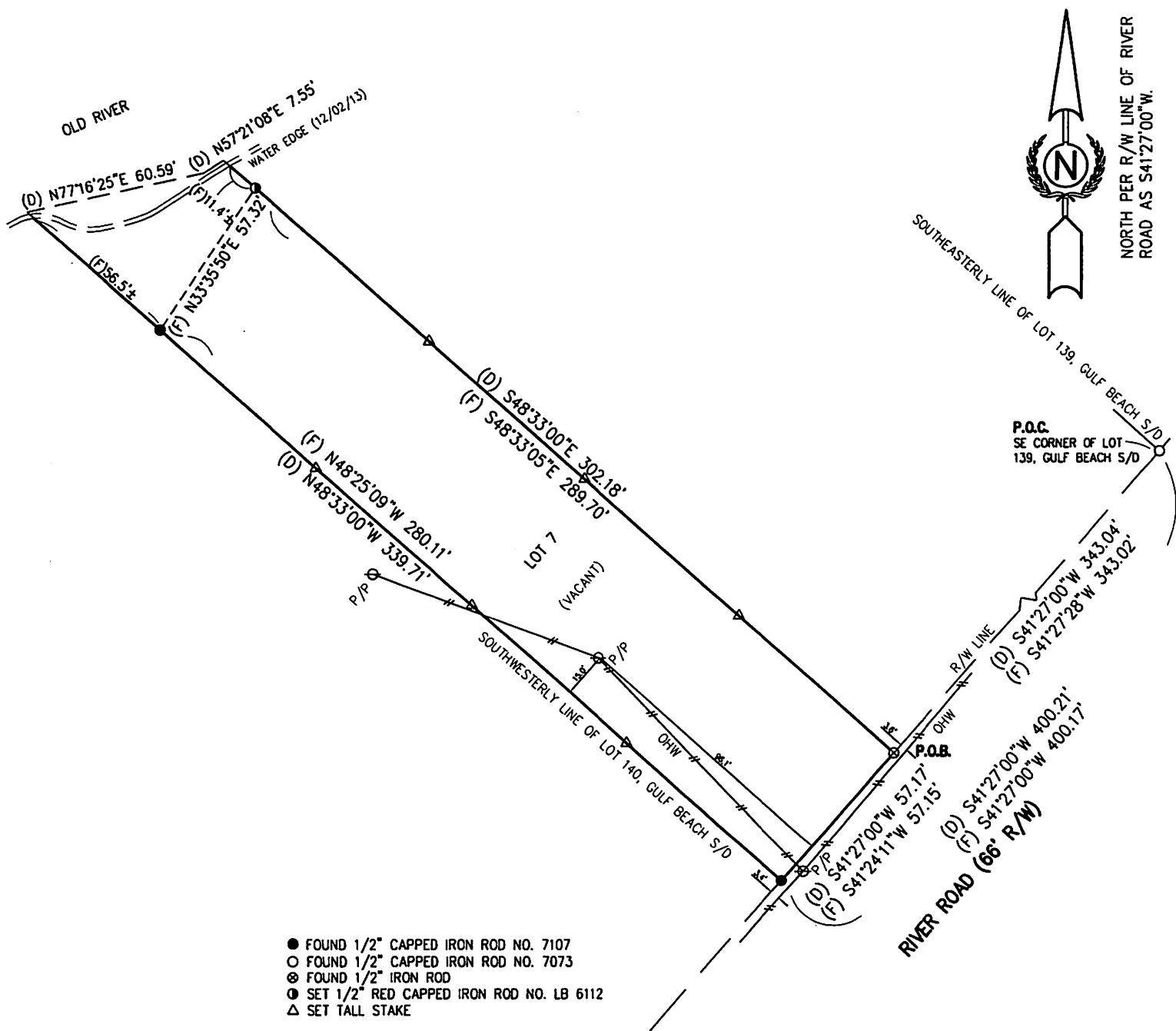


HAMMOND ENGINEERING, INC.  
FLORIDA AUTHORIZATION NO. 9130  
ALABAMA AUTHORIZATION NO. 3277  
3802 NORTH "S" STREET  
PENSACOLA, FLORIDA 32505  
850.434.2603  
850.434.2650 (FAX)  
TON@SELANDDESIGN.COM

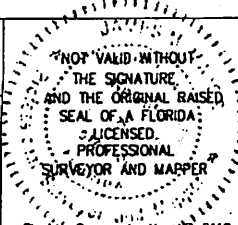
14140 RIVER ROAD

COUNTY: ESCAMBIA  
RIVER ROAD SITE PLAN

SHEET NO.: 1 OF 1  
DATE: 2/5/14



LOT 7: COMMENCE AT A PLAIN 1" IRON PIPE AT THE SOUTHEAST CORNER OF LOT 139, GULF BEACH SUBDIVISION, A SUBDIVISION OF A PORTION OF SECTIONS 14, 26, 27, 34 AND 35, TOWNSHIP 3 SOUTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 4, PAGE 52 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE GO SOUTH 41 DEGREES 27 MINUTES 00 SECONDS WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF RIVER ROAD (66' R/W) A DISTANCE OF 343.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 41 DEGREES 27 MINUTES 00 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 57.17 FEET TO THE WESTERLY LINE OF LOT 140 OF SAID SUBDIVISION; THENCE GO NORTH 48 DEGREES 25 MINUTES 09 SECONDS WEST A DISTANCE OF 339.71 FEET TO THE MEAN HIGH WATER LINE OF OLD RIVER; THENCE GO NORTH 77 DEGREES 16 MINUTES 25 SECONDS EAST ALONG SAID MEAN HIGH WATER LINE A DISTANCE OF 60.59 FEET; THENCE GO NORTH 57 DEGREES 21 MINUTES 08 SECONDS EAST ALONG SAID MEAN HIGH WATER LINE A DISTANCE OF 7.55 FEET; THENCE GO SOUTH 48 DEGREES 33 MINUTES 00 SECONDS EAST A DISTANCE OF 302.18 FEET TO THE POINT OF BEGINNING, THE ABOVE DESCRIBED PARCEL OF LAND LYING AND BEING IN SECTION 27, TOWNSHIP 3 SOUTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 18,153.3 SQUARE FEET, MORE OR LESS; MORE PARTICULARLY REFERRED TO AS: LOT 7, OF AN UNPLATTED SUBDIVISION KNOWN AS BELLA RIO EAST, A RESUBDIVISION OF LOTS 139 AND 149, GULF BEACH SUBDIVISION, LOCATED IN SECTION 27, TOWNSHIP 3 SOUTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA.

©COPYRIGHTED 2013 BY BUTLER AND ASSOCIATES OF PENSACOLA INC.					REVISIONS	ISSUE DATE	FIELD DATE	FB./PG.			
Lands shown hereon are not abstracted for easements and/or right of way, recorded or unrecorded, by this firm. No search of the public records has been performed by this firm to determine any defects and/or ambiguities in the title. Underground portions of foundations, footings, or any other underground structures were not located unless otherwise noted. Measurements were made in accordance with United States standards. Property is subject to setbacks, easements and restrictions of record. This drawing only reflects setback lines which appear on the recorded plat. This property may also be subject to setback lines mandated by zoning ordinances and/or restrictive covenants of record. This survey and/or sketch does not reflect or determine ownership. Federal and State copyright acts protect this survey and/or sketch from unauthorized use. This map is not to be copied or reproduced in whole or part and is not to be used for any other transaction. This survey and/or sketch cannot be used for the benefit of any other person, company or firm without consent of the copyright owner and is to be returned upon request.											
SCALE	1"=40'	TYPE	BOUNDARY	ISSUE DATE	12/04/13	FIELD DATE	12/03/13	ORDER NO.	13-12-003	FIELD BOOK	1521/77
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 5J-17.050, 5J-17.051 AND 5J-17.052, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.											
• Degree	P.R.C.	Point of Reverse Curvature	B.S.L.	Building Setback Line	H/T	Hub and Tack	<div></div>				
• Feet or Minutes	P.C.C.	Point of Compound Curvature	D	Deed	C.M.	Concrete Monument					
• Inches or Seconds	P.R.M.	Permanent Reference Monument	P	Plot	O/S	Offset Point					
N North	R/W	Right of Way	F	Field	O.H.W.	Overhead Utility Wire					
S South	R.P.	Radius Point	P.O.C.	Point of Commencement		Concrete or Pavement					
E East	Δ	Central Angle	P.O.B.	Point of Beginning		Wood Decking					
S South	R	Radius	I.R.	Iron Rod		Covered Area					
W West	L	Length of Arc	C.I.R.	Capped Iron Rod	--x--	Wire of Chain Link Fence					
P.C.P. Permanent Control Point	C	Chord	I.P.	Iron Pipe	---	Wooden Privacy Fence					
P.T. Point of Tangency	C.B.	Chord Bearing	N/D	Nail and Disk							
P.C. Point of Curvature											



**Butler & Associates of Pensacola, Inc.**  
PROFESSIONAL SURVEYORS AND MAPPERS  
Commercial • Residential • Boundary • Topographic • Mortgage Surveys

PENSACOLA  
2420 East Olive Road, Suite "A", Pensacola, FL 32514  
P.O. Box 15147, Pensacola, FL 32514  
(850) 476-4768  
Fax: (850) 476-4945

*James M. Butler*  
JAMES M. BUTLER P.S.M. No. 3774  
JAMES M. MAJOR P.S.M. No. 6650

**EXHIBIT "A"**

Lot 7: Commence at a plain 1" iron pipe at the Southeast corner of Lot 139, Gulf Beach Subdivision, a subdivision of a portion of Sections 14, 26, 27, 34 and 35, Township 3 South, Range 32 West, Escambia County, Florida, as recorded in Plat Book 4, Page 52, of the public records of said county; thence go South 41 degrees 27 minutes 00 seconds West along the Northerly right-of-way line of River Road (66' R/W) a distance of 343.04 feet to the Point of Beginning; thence continue South 41 degrees 27 minutes 00 seconds West along said right-of-way line a distance of 57.17 feet to the Westerly line of Lot 140 of said Subdivision; thence go North 48 degrees 25 minutes 09 seconds West a distance of 339.71 feet to the mean high water line of Old River; thence go North 77 degrees 16 minutes 25 seconds East along said mean high water line a distance of 60.59 feet; thence go North 57 degrees 21 minutes 08 seconds East along said mean high water line a distance of 7.55 feet; thence go South 48 degrees 33 minutes 00 seconds East a distance of 302.18 feet to the Point of Beginning, the above described parcel of land lying and being in Section 27, Township 3 South, Range 32 West, Escambia County, Florida, more particularly referred to as Lot 7, of an unplatted subdivision known as Bella Rio East, a Resubdivision of Lots 139 and 140, Gulf Beach Subdivision, located in Section 27, Township 3 South, Range 32 West, Escambia County, Florida.

R.W. JH



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

**TERRA CANE LLC  
29793 ONO BLVD  
ORANGE BEACH, AL 36561**

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**ROGERS DAVID M & MARILYN R  
14156 RIVER RD  
PENSACOLA, FL 32507**

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**PAYNE JOYLEE L TRUSTEE FOR  
9 LAKE TERRACE  
PONTE VEDRA BEACH, FL 32082-2321**

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**PEARSON LINDA FAYE  
14630 RIVER RD  
PENSACOLA, FL 32507**

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**HOLIDAY HARBOR MARINA INC  
PO BOX 12346  
PENSACOLA, FL 32591-2346**

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**DOCK O MINIU INC  
C/O BUD GARRETT  
14100 RIVER RD # D100  
PENSACOLA, FL 32507**

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**HUSTED MURL E JR & PATRICIA M  
14170 RIVER RD  
PENSACOLA, FL 32507**

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**ADVANTAIRA TRUST LLC FBO  
1520 ROYAL PALM SQUARE BLVD STE 320  
FORT MYERS, FL 33919**

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**PAIR EXCHANGE LLC  
C/O MATTHEW J PAIR  
2275 BANQUOS CT  
PENSACOLA, FL 32503**

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**RMJ HOLDINGS LTD  
4990 570TH AVE  
WEST BEND, IA 50597**

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**MARKS PAUL L  
430 TOLBERT ST  
CUMMING, GA 30040**

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**VENTANA I LLC  
2741 ABINGDON RD  
MOUNTAIN BROOK, AL 35243**

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**FRENCH JOHN W III TRUSTEE FOR  
1669 MCCONNELL RD  
GRAYSON, GA 300171345**

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**NEWTON MILES K JR & LINDA J  
211 SYRCLE DR N W  
PENSACOLA, FL 32507**

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**O GARA JOSEPH D &  
31 STAR LAKE DR  
PENSACOLA, FL 32507**

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**WISE JOSEPH R &  
9406 SIDNEY RD  
PENSACOLA, FL 32507**

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**GUTHRIE THOMAS H SR & PATRICIA E  
3317 LOOKOUT DR  
HUNTSVILLE, AL 35801**

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**WEAVER HAROLD E TRUSTEE  
705 BITTERFIELD DR  
BALLWIN, MO 630113512**

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**HAMAKER JACK E &  
811 GRANT AVE  
PASCAGOULA, MS 39567**

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**MCCULLAR DAVID C &  
PO BOX 16575  
PENSACOLA, FL 32507**

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**RUYLE WALTER K &  
14100 RIVER RD UNIT 123  
PENSACOLA, FL 32507**

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**CAMPBELL CHARLES JR & ELLEN B  
640 WARRENGTON DR  
SAINT LOUIS, MO 63122**

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**RANEY WILLIAM  
14100 RIVER RD # 124B  
PENSACOLA, FL 32507**

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**BEUMER BRENDA L  
13880 PERDIDO KEY DR  
PENSACOLA, FL 32507**

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**CITIMORTGAGE INC  
1000 TECHNOLOGY DR  
OFALLON, MO 63368**

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**SCOTTY HOLDINGS LTD  
14456 RIVER RD  
PENSACOLA, FL 32507**

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**FADDIS THORUNN H &  
1071 KELTON BLVD  
GULF BREEZE, FL 32563**

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**VAN PELT GEORGE T JR &  
5460 PELT RD  
CENTURY, FL 32535**

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**PANELLA BERNARD & ANN**  
**14100 RIVER RD # C133**  
**PENSACOLA, FL 32507**

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**KELLY P CLARKE & KATHRYN G**  
**2289 BELLEVUE CT**  
**BIRMINGHAM, AL 35226**

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**KYME JOHN W**  
**4301 ORKNEY CT**  
**WOODBIDGE, VA 22192**

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**RICE GEORGE J JR**  
**105 RESERVE CROSSING**  
**MADISON, MS 391107610**

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**TIERNAN JAMES S TRUSTEE**  
**1332 DARTMOUTH**  
**FLOSSMOOR, IL 60422**

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**BIGRAS DENIS J &**  
**14100 RIVER RD # 211**  
**PENSACOLA, FL 32507**

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**KANE BYRON & LIGAYA G**  
**10963 ROCK ISLAND RD**  
**JACKSONVILLE, FL 32257**

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**JONES LONNIE L & DIANE W**  
**14100 RIVER RD # 213-A**  
**PENSACOLA, FL 32507**

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**PARKER TIMOTHY H & CINDY  
PO BOX 6328  
PENSACOLA, FL 32503-0328**

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**BOE THEODORE A & CAROLYN K  
26680 TERRY COVE DR  
ORANGE BEACH, AL 36561**

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**WILLIAMS CARLIE N JR  
PO BOX 6127  
BILOXI, MS 39531**

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**SKIPPER GUY H JR &  
7725 MISTY PINES RD  
PENSACOLA, FL 32526**

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**BERGERON HAROLD J**  
**14100 RIVER RD UNIT B222**  
**PENSACOLA, FL 32507**

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**MENDELSON BEVERLY J**  
**4362 ANTARES LN**  
**MOBILE, AL 366934610**

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**DMYTRYK JOHN W & DMYRYK**  
**270 AVIVA DR**  
**MEMPHIS, TN 38120**

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**SLIDER KEVON R**  
**1344 PENNELWOOD DR**  
**TOLEDO, OH 43614**

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**ANDERSON CHARLES A SR 50%**  
**406 E BAY ST**  
**JACKSONVILLE, FL 32202**

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**HILLENMAYER JAMES D**  
**6501 N SILVERBELL RD**  
**TUCSON, AZ 857439217**

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**ANTONETTI EMILIO A**  
**1618 STAR LAKE PL**  
**PENSACOLA, FL 32507**

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**MANN KENDRA L SMITH**  
**14100 RIVER RD UNIT 234C**  
**PENSACOLA, FL 32507**

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**GRINSTEAD JONATHAN C &  
3506 NORTHWEST DR  
ALTON, IL 62002**

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**SHELTON LEE U &  
28250 CANAL RD # 902  
ORANGE BEACH, AL 365614066**

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**CARMICHAEL NICHOLAS B & JANET P  
1320 IVY PLANTATION  
MONROE, GA 30656**

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**RILEY DON DRU C  
5816 E BAY BLVD  
GULF BREEZE, FL 325619666**

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**ADAMS THOMAS E  
3891 TIMUQUANA RD  
JACKSONVILLE, FL 32210**

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**MCINTYRE PATRICK J &  
PO BOX 58501  
FAIRBANKS, AK 99711**

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**BLUE WATER DEVELOPMENT LLC  
416 DEERPOINT DR  
GULF BREEZE, FL 32561**

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**GARRETT SUZANNE  
218 POCO VISTA DR  
KERRVILLE, TX 78028-6118**

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**TULLOS HUGH D & DEBORAH J**  
**14100 RIVER RD # 317**  
**PENSACOLA, FL 32507**

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**CARSON JAMES L & DORRIE A**  
**3861 GREENHILL DR**  
**ATLANTA, GA 30341**

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**HANSON CHARLES A & MARY LEE**  
**1280 MAHOGANY MILL RD # 10**  
**PENSACOLA, FL 32507**

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



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

**BROWN GREGORY S &**  
**4700 BAYSIDE BLVD**  
**MILTON, FL 32583-8437**

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**ANTRIM JANET F TRUSTEES**  
**3135 HWY 196**  
**MOLINO, FL 32577**

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**BTS HOLDINGS LLC**  
**12641 BAHIA CT**  
**PENSACOLA, FL 32507**

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Development Services Department  
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**HAUSER L LAWRENCE &**  
**4540 MENEWA PATH**  
**PENSACOLA, FL 32504**

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**MCCREARY PAUL C**  
**14100 RIVER RD # 328**  
**PENSACOLA, FL 32507**

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Escambia County  
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**FREEMAN DARRYL D  
14100 RIVER RD # B-327  
PENSACOLA, FL 32507**

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**BAUMET NELLIE J TRUSTEE FOR  
197 N SPRINGS WAY  
ACWORTH, GA 30101**

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**PATRIOT INVESTORS LLC  
918 DEVENGER RD  
GREER, SC 29650**

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**ERICKSON JAMES R  
365 RUCKER RD  
ALPHARETTA, GA 30004**

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Pensacola, FL 32505

**BEWLEY C ADRIAN &  
3508 OLD LEEDS TERR  
BIRMINGHAM, AL 35213**

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**DOWNTOWN LIVING SPACES LLC  
1833 ST ANN ST  
JACKSON, MS 39202**

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**BANK OF NEW YORK MELLON TRUSTEE FOR  
C/O BANK OF AMERICA N A  
7105 CORPORATE DR  
PLANO, TX 75024**

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**DYKES EUGENE T JR  
221 CHARLEMAGNE CIR  
PONTE VEDRA BEACH, FL 32082**

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**LOST KEY PLANTATION  
C/O WCI COMMUNITIES INC  
24301 WALDEN CENTER DR, SUITE 300  
BONITA SPRINGS, FL 34134**

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**DUBOSE WILLIAM C & BARBARA C  
14146 RIVER RD  
PENSACOLA, FL 32507**

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**WCI COMMUNITIES LLC  
24301 WALDEN CENTER DR STE 300  
BONITA SPRINGS, FL 34134**

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**GRINSTEAD DOROTHY J TRUSTEE  
83 CHAFFORD WOODS  
SAINT LOUIS, MO 631441170**

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**HAWK CHARLES & GAYE**  
**PO BOX 18225**  
**PENSACOLA, FL 32523**

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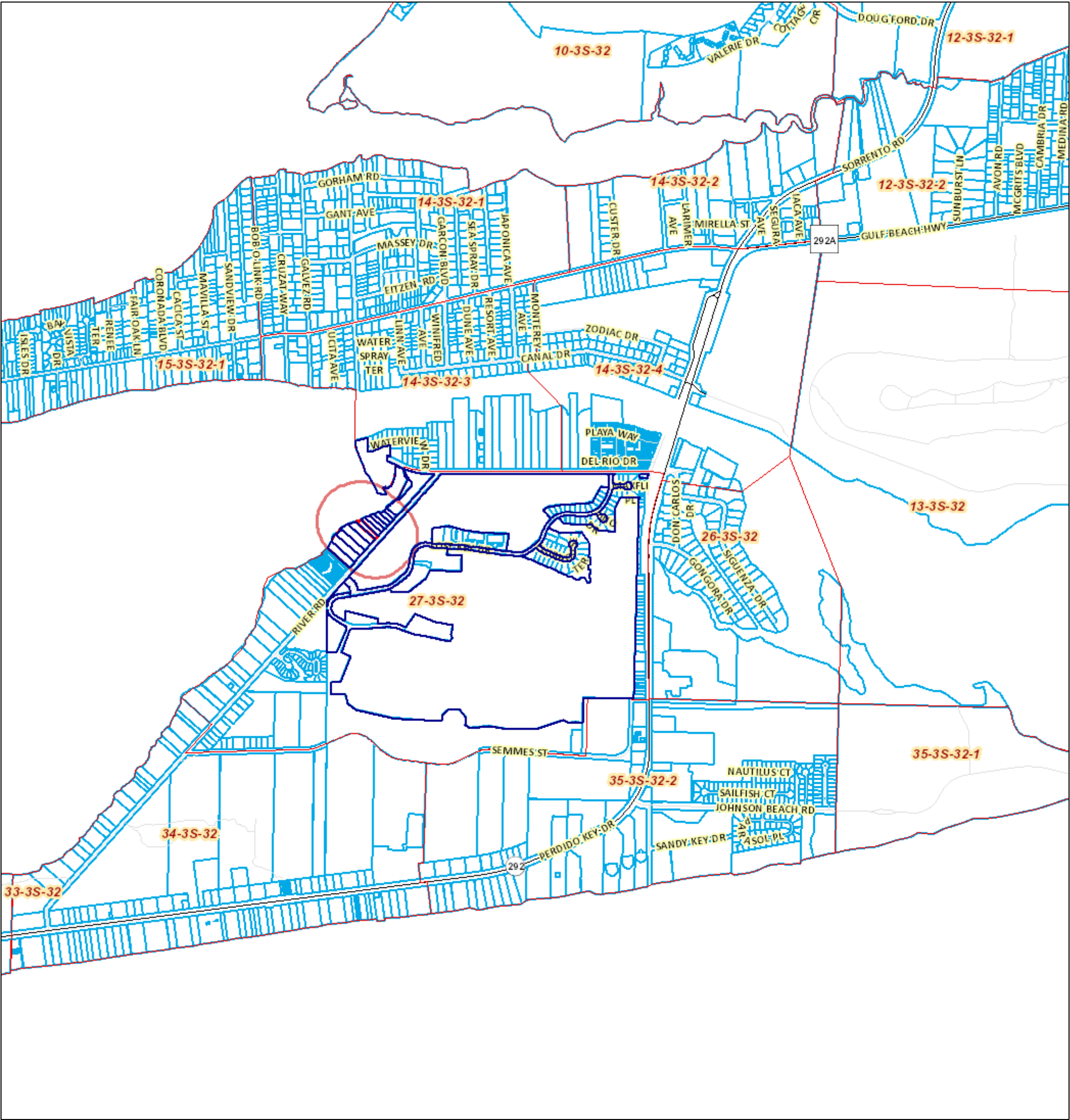


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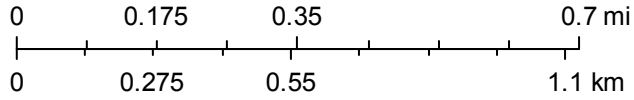
# Chris Jones Escambia County Property Appraiser



February 26, 2014

1:15,140

- Map Grid
- City Road
- County Road
- Interstate
- State Road
- US Highway
- All Roads
- Property Line





## Development Services Department

### Building Inspections Division

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

## RECEIPT

Receipt No. : **599047**

Date Issued. : 02/03/2014

Cashier ID : CASTILLS

Application No. : PBA140200002

Project Name : CU-2014-02

### PAYMENT INFO

Method of Payment	Reference Document	Amount Paid	Comment
<b>Check</b>	849	\$1,270.50	App ID : PBA140200002
		<b>\$1,270.50</b>	Total Check

Received From : TOM HAMMOND HAMMOND ENGINEERING, INC.

Total Receipt Amount : **\$1,270.50**

Change Due : \$0.00

### APPLICATION INFO

Application #	Invoice #	Invoice Amt	Balance	Job Address
PBA140200002	690989	1,270.50	\$0.00	14140 RIVER RD, PENSACOLA, FL, 32507

**Total Amount :**

**1,270.50**

\$0.00

Balance Due on this/these  
Application(s) as of 2/3/2014