AGENDA ESCAMBIA COUNTY BOARD OF ADJUSTMENT July 17, 2019–8:30 a.m. Escambia County Central Office Complex 3363 West Park Place, Room 104

- 1. Call to Order.
- 2. Swearing in of Staff and acceptance of staff as expert witness
- 3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.
- 4. Proof of Publication and waive the reading of the legal advertisement.
- 5. Approval of Resume Meeting Minutes.
 - A. Approval of Resume Meeting Minutes from the May 15, 2019 Board of Adjustment Meeting.

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

A. Case No.:V-2019-04

Address: 12576 Prospero Dr
Request: Variance to allow an accessory structure (garage) in the front yard of property.
Requested Douglas & Dana McCoy, Owner by:

- 7. Discussion Items.
- 8. Old/New Business.

9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, August 18, 2019 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment.

Meeting Date: 07/17/2019

Attachments

Meeting minutes 5-15-19



RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD May 15, 2019

CENTRAL OFFICE COMPLEX 3363 WEST PARK PLACE, BOARD CHAMBERS PENSACOLA, FLORIDA (8:31 A.M. – 10:42 A.M.)

- Present: Auby Smith Bill Stromquist Judy Gund Michael Godwin Willie Kirkland, Jr. Walker Wilson
- Absent: Jennifer Rigby
- Staff Present: Allyson Lindsay, Urban Planner II

Andrew Holmer, Division Manager, Planning & Zoning
Caleb MacCartee, Urban Planner, Planning & Zoning
Horace Jones, Director, Development Services
John Fisher, Senior Urban Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Kayla Meador, Sr Office Assistant
Kim Wilson, Urban Planner I
Kristin Hual, Assistant County Attorney

REGULAR BOA AGENDA

- 1. Call to Order.
- 2. Swearing in of Staff and acceptance of staff as expert witness
- 3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.

Motion by Board Member Judy Gund, Seconded by Board Member Michael Godwin

Motion was made to accept the May 15, 2019 BOA meeting packet.

Vote: 6 - 0 Approved

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

Motion by Board Member Judy Gund, Seconded by Board Member Michael Godwin

The Clerk provided proof of publication and motion was made to accept. **Vote:** 6 - 0 Approved

- 5. Approval of Resume Minutes.
 - A. Approval of Resume Meeting Minutes from the April 17, 2019 Board of Adjustment Meeting.

Motion by Board Member Judy Gund, Seconded by Board Member Willie Kirkland, Jr.

Motion was made to approve the April 17, 2019 BOA Resume Meeting Minutes.

Vote: 6 - 0 Approved

6. Consideration of the following cases:

A. Case No.:V-2019-03

Address:150 Loblolly LnRequestRequest an additional 15' to the maximum sign height of
20'RequestedRaj Patel, Owner
by:

Motion by Board Member Auby Smith, Seconded by Vice Chairman Walker Wilson

Motion was made to accept with Staff's Findings of Fact and approve the Variance.

Vote: 6 - 0 Approved

B. Case No.: CU-2019-04

Address: 4300 BLK Molino Road
 Request: Conditional Use request to allow for a telecommunication tower greater than 150 feet in height in the Rural Residential (RR) zoning district
 Requested Staci Matz with Integrisite, Agent for Tony Lathan, Owner

by:

Motion by Board Member Auby Smith, Seconded by Board Member Willie Kirkland, Jr.

Motion was made to grant the Conditional Use based on testimony related to criteria H, subject to development review process.

Vote: 6 - 0 Approved

C. Case No.: CU-2019-07

Address:	8925 Gulf Beach Hwy
Request:	Conditional use to allow for a salvage yard.
Requested by:	Catalina Filip, Owner

Motion by Board Member Willie Kirkland, Jr., Seconded by Board Member Auby Smith

Motion was made to deny the Conditional Use, based on negative impact on the surrounding properties.

Vote: 6 - 0 Approved

D. Case No.: CU-2019-08

Address:	398 W. Bogia Road
Request:	The request for the conditional use permit is to develop a
	solar power generation facility.
Requested	Allara Mills Gutcher, Agent for Gulf Power

by:

Motion by Vice Chairman Walker Wilson, Seconded by Board Member Willie Kirkland, Jr.

Motion was made to accept Allara Gutcher as expert witness.

Vote: 6 - 0 Approved

Motion by Vice Chairman Walker Wilson, Seconded by Board Member Willie Kirkland, Jr.

Motion was made to approved the Conditional Use, with the condition that they must meet all site plan review requirements.

Vote: 6 - 0 Approved

E. Case No.: CU-2019-09

Address: 3980 Hwy 97

Request: Conditional Use request to install a new telecommunication tower at the proposed height of 315' and associated ground equipment in the Agricultural (AGR) zoning district.

Requested Staci Matz, Agent for Eli & Sarah Miller c/o New Cingular by: Wireless PCS, LLC

Motion by Board Member Willie Kirkland, Jr., Seconded by Board Member Auby Smith

Motion was made to approve Conditional Use.

Vote: 6 - 0 Approved

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

The next Board of Adjustment Meeting is scheduled for Wednesday, June 19, 2019 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

*****The June 19, 2019 BOA Meeting was canceled do to the fact that no cases were submitted by the deadline.****

10. Adjournment.

Board of Adjustment		6. A.
Meeting Date:	07/17/2019	
CASE:	V-2019-04	
APPLICANT:	Douglas & Dana Mccoy, Owner	
ADDRESS:	12576 Prospero Dr	
PROPERTY REFERENCE NO.: ZONING DISTRICT: FUTURE LAND USE:	07-3S-32-4000-205-006 MDR, Medium Density Residential district MU-S, Mixed-Use Suburban	

SUBMISSION DATA:

REQUESTED VARIANCE:

Variance to allow an accessory structure (garage) in the front yard of property.

RELEVANT AUTHORITY:

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

Sec. 4-7.3 Accessory uses and structures. (a) General conditions. Accessory uses and structures shall be allowed in compliance with the provisions of the applicable zoning district and this section.(4) Location. An accessory use or structure shall be located on the same lot as the principal use or structure. Accessory structures are limited to locations within side and rear yards, except as specifically allowed by LDC provisions, including the following:

CRITERIA

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section 2-6.3

CRITERION (1)

Special conditions and circumstances exist which are peculiar to the land, structure or building and which are not applicable to other lands, structures or buildings in the same zoning district.

FINDINGS-OF-FACT

The applicant is requesting approval to construct a 700 square foot garage in the front yard of the lot due to the existing topography and pre-existing utilities, septic drain field lines on the property which prevents the accessory structure (garage) from being attached and/ or placed on the rear or side yard.

CRITERION (2)

The special conditions and circumstances do not result from the actions of the applicant.

FINDINGS-OF-FACT

The special conditions and circumstances do not result from actions by the applicant. The lot location and topography are unique to the property.

CRITERION (3)

Granting the variance requested will not confer on the applicant any special privilege that is denied by this land development code to other lands, buildings or structures in the same zoning district.

FINDINGS-OF-FACT

Granting of the variance will not confer the applicant any special privilege that is denied to other lands. The variance request process is open to all citizens of Escambia County.

CRITERION (4)

Strict application of the provisions of the land development code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development code and would create an unnecessary and undue hardship on the applicant.

FINDINGS-OF-FACT

Given the unique physical hardships on site, a variance is required to add a garage structure that would otherwise be allowed by right.

CRITERION (5)

The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

FINDINGS-OF-FACT

The location of the proposed structure, as submitted, is the minimum variance that will make possible the use of the land due to the physical limitations of the lot.

CRITERION (6)

The granting of the variance will be consistent with the general intent and purpose of the land development code and that such variance will not be injurious to the area or otherwise detrimental to the public welfare.

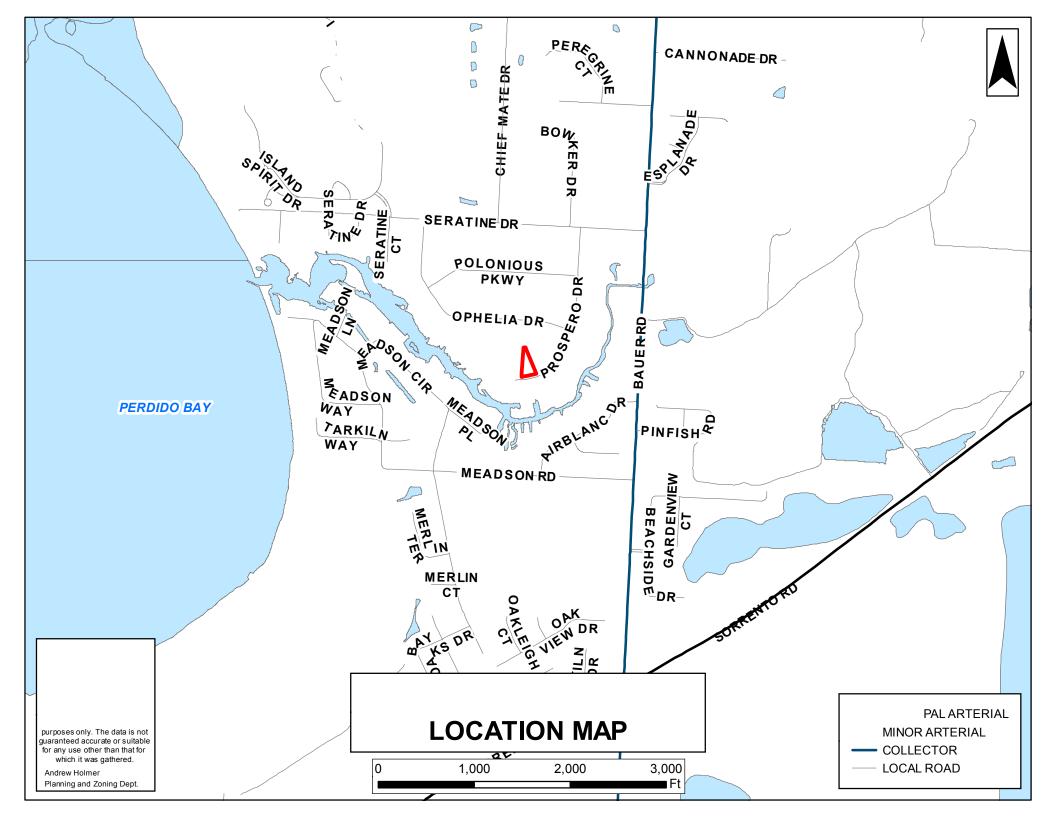
FINDING OF FACT:

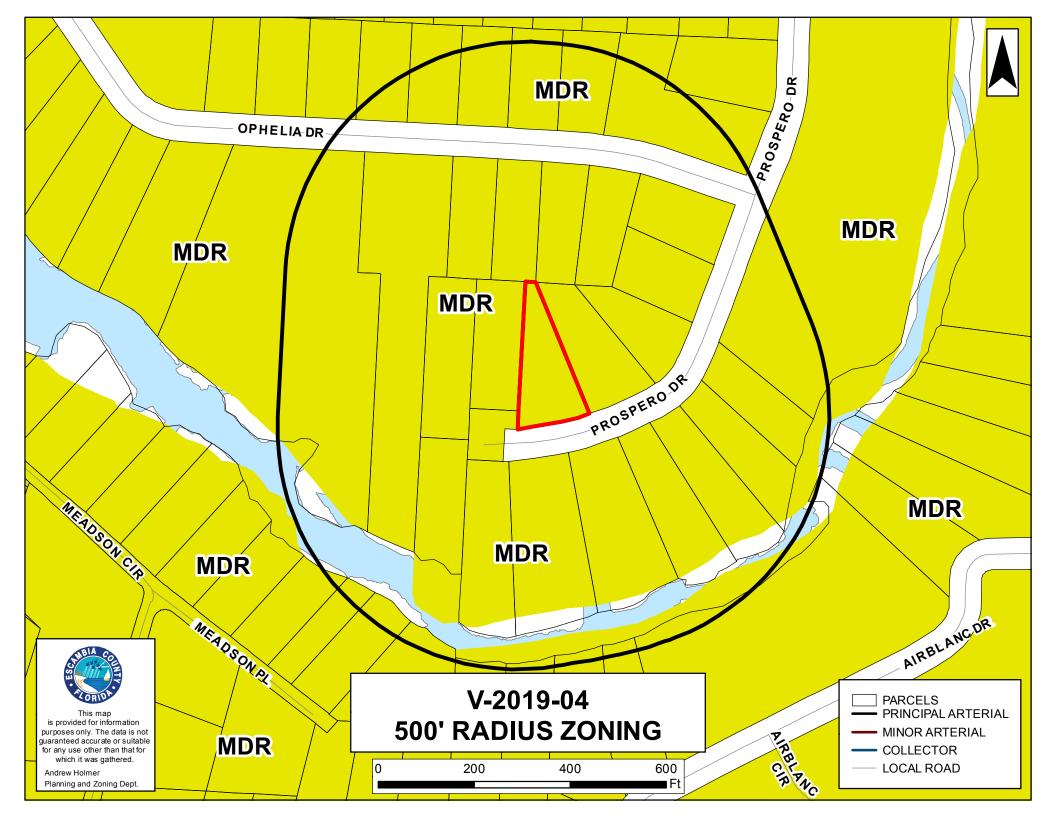
Granting of the variance will be consistent with the general intent and purpose of the Land Development Code and will not be detrimental to the public welfare.

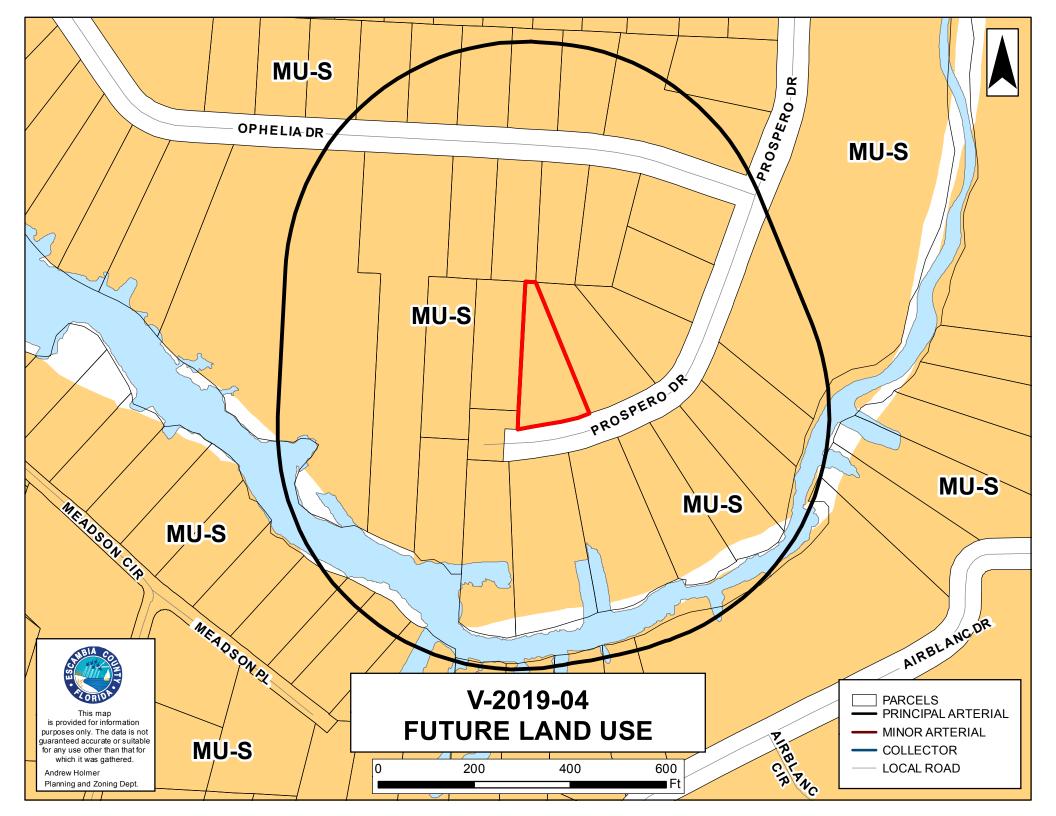
STAFF RECOMMENDATION:

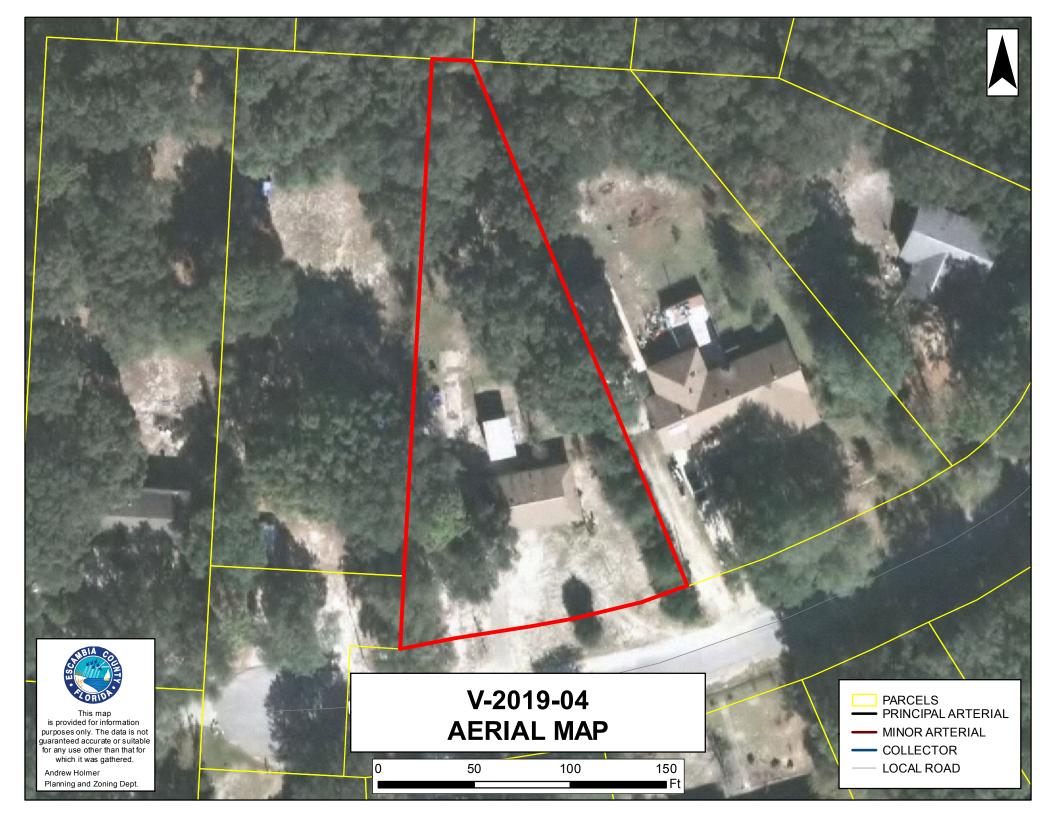
Staff finds that the variance meets all of the required criteria.

V-2019-04



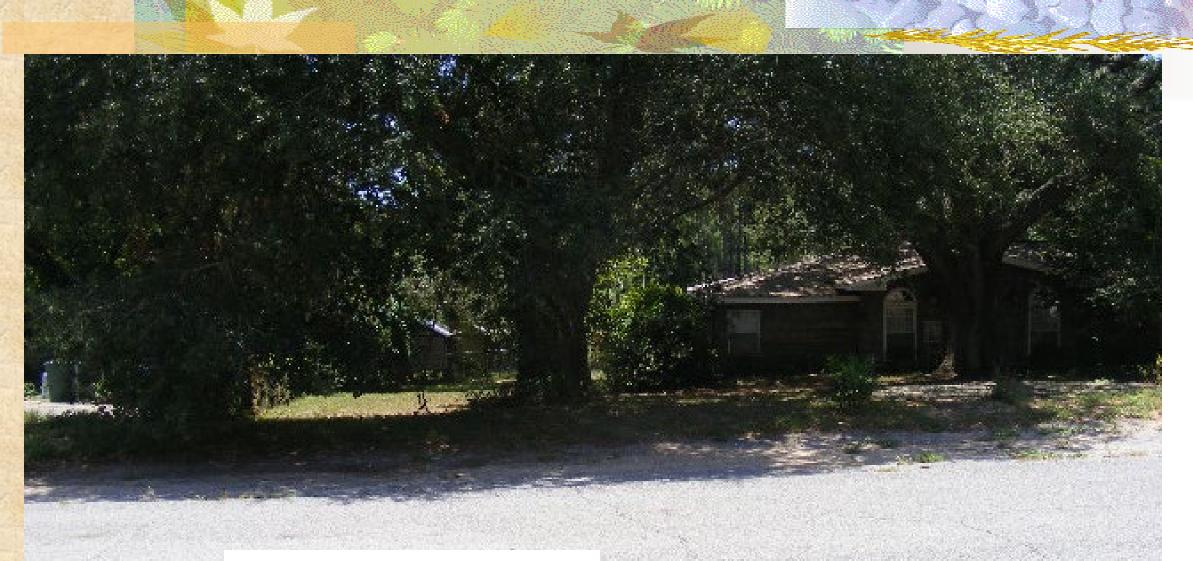






Subject property 12576 Prospero Dr





Looking south across from subject property





Last Updated: 01/14/16



Escambia County Planning and Zoning

Development Services Department 3363 West Park Place Pensacola, FL 32505 Phone: (850) 595-3475 • Fax: (850) 595-3481 <u>http://myescambia.com/business/ds</u>

DO NOT SUBMIT INFORMATION BELOW WITH APPLICATION

BOARD OF ADJUSTMENT APPLICATION FOR CONDITIONAL USE/VARIANCE

A. Prior to Application Submittal

Please contact the Development Services Department located at 3363 West Park Place (595-3475) to make an appointment for a **pre-application meeting** with a Planner to personally discuss your site and prospective plans for it, to review the application forms and criteria with you, to answer any questions you may have, and/or any possible alternatives.

B. Application Submittal

It is important for the application packet to be <u>complete</u> and <u>on time</u> in order to process and schedule your request for the required public hearing(s). The submittal deadline is the FIRST THURSDAY of the PREVIOUS MONTH. In order for the application request to proceed in a timely manner, all items on the application forms and checklist (attached herein) must be completed and submitted prior to the deadline. *Scheduling a pre-application meeting with a Planner is recommended.* Any incomplete application will not be accepted by Staff and any application submitted after the deadline will be processed for the next available meeting. The owner and/or agent acting in his/her behalf, <u>must</u> sign the certification(s) where indicated on the application. If an agent is handling the request, the owner must submit an Affidavit of

the application. If an agent is handling the request, the owner <u>must</u> submit an Affidavit of Ownership & Limited Power of Attorney (attached herein) authorizing said agent to act in his/her behalf. Signatures must be properly notarized and dated <u>no more than sixty (60) days</u> prior to application submittal.

No guarantee is made for the approval of any petition. Fees are **non-refundable** regardless of the decision.

C. Public Hearing(s)

It is the *Applicant's burden* to show consistency with all applicable criteria. **NOTE:** The applicant, or his/her agent, must be present at the Planning Board meeting and the subsequent Board of County Commissioners meeting. The Applicant/Agent will receive Staff's Findings of Fact prior to the Planning Board Meeting.

D. Public Notice

Per the Land Development Code Chapter 2, Article 7: Adequate public notice/advertisement will be consistent with Florida Statutes and the Comprehensive Plan prior to the hearing. Current property owners within a 500 foot radius of the subject property will be notified of the proposed rezoning request by DSD at least fifteen (15) days prior to the hearing. Staff will obtain the list of mailing addresses from the Escambia County Property Appraiser's Office website (escpa.org).



Escambia County Planning and Zoning

Development Services Department 3363 West Park Place Pensacola, FL 32505 Phone: (850) 595-3475 • Fax: (850) 595-3481 http://mvescambia.com/business/ds

Board of Adjustment Application

FOR OFFICE USE ONLY - Case Number: V-2019-04 Accepted by: Kim W. IsorBOA Meeting:

Condition Use Request for:

Variance Request for:

1. Contact Information:

A. Property Owner/Applicant: DOUGLAS & DANA MCCOY

Mailing Address: 12576 PROSPERO DR, PENSACOLA, FL 32506

Business Phone: 850-595-4845 Cell: 850-637-6240

Email: DMCCOYG35@GMAIL.COM

B. Authorized Agent (if applicable): <u>N/A</u>

Mailing Address:

Business Phone: Cell:

Email:

Note: Owner must complete the attached Agent Affidavit. If there is more than one owner, each owner must complete an Agent Affidavit. Application will be voided if changes to this application are found.

2. Property Information:

A. Existing Street Address: <u>12576 PROSPERO DR</u>

Parcel ID (s): 073S324000205006

- B. Total acreage of the subject property: <u>.5935</u>
- **C.** Existing Zoning: MDR
 - FLU Category: MU-S
- **D.** Is the subject property developed (if yes, explain): YES. There is a residential home on the property.
- E. Sanitary Sewer: _____ Septic: _X

3. Amendment Request

A. Please provide a general description of the proposed request, explaining why it is necessary and/or appropriate.

We would like to apply for a variance that would enable us build a detached garage forward of the facade of our home to store our vehicles, boat and to also serve as extra storage space.

- B. For <u>Variance Request</u> Please address *ALL* the following approval conditions for your Variance request. (use supplement sheets as needed)
- Special conditions and circumstances exist which are peculiar to the land, structure or building and which are not applicable to other lands, structures or buildings in the same zoning district. The problems that are restricting us from building the garage beside or behind the

home are: 1.) the lot is pie shaped which makes building in the back yard very difficult; 2.) there is a very large oak tree that is situated at the front corner of the house that restricts building it as an attached structure or beside the home; 3.) the gas line also runs on that side of the house, so we would be unable to attach it to the home; 4.)All the other utilities and the septic drain field lines run on the other side of the house;

5.) the setback of our home is well beyond the mandated amount. If the setback was less, then it would be possible to build behind the facade of the home.

2. The special conditions and circumstances do not result from the actions of the applicant.

All of these conditions were preexisting when we purchased the home, however we were not aware of the building codes that would prevent us from building a garage. with the exception of the gas line. The gas line was not placed by us but by the gas company.

- C. For <u>Conditional Use</u> Request Please address *ALL* the following approval conditions for your Conditional Use request. (use supplement sheets as needed)
- General compatibility. The proposed use can be conducted and operated in a manner that is compatible with adjacent properties and other properties in the immediate area. If this is for the sale of alcohol within a 1000 ft of a place of worship or child care facility; please explain a-e below: a.) The existing times of use of the places of worship or child care facilities coincide with the hours of operation of the subject business b.) The 1000foot minimum distance is not achieved. c.) The conflicting uses are visible to each other. d.) Any on-premises consumption is outdoors. e.) Any conditions or circumstances mitigate any incompatibility.

N/A				<u>.</u>
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2. Facilities and services. Public facilities and services, especially those with adopted levels of service, will be available, will provide adequate capacity to serve the proposed use consistent with capacity requirements.

<u>N/Λ____</u>

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3.	On-site circulation. Ingress to and egress from the site and its structures will be sufficient, particularly regarding vehicle and pedestrian safety and convenience, efficient				
	traffic flow and control, on-site parking and loading, and emergency vehicle access.				
	N/A				
4.	Nuisances and hazards. The scale, intensity, and operation of the use will not generate				
	unreasonable noise, glare, dust, smoke, odor, vibration, electrical interference, or other				
	nuisances or hazards for adjoining properties and other properties in the immediate				
	area.				
	Ν/Λ				
5.	Solid waste. All on-site solid waste containers will be appropriately located for				
	functional access, limited off-site visibility and minimal odor and other nuisance				
	impacts.				
	Ν/Λ				
6.					
	buffering will be provided if appropriate to the proposed use and site. N/Λ				

7.	Signs and lighting.	All exterior signs and lights, whether	attached or fr	eestanding, will b
	compatible with ad	ljoining properties and other propert	ies in the imm	ediate area,
	especially regarding	g glare and traffic safety.		
		······································		
	ease complete the f	ollowing form (if applicable): Affid	avit of Owner	/Limited Power
	AFFID	AVIT OF OWNER AND LIMITED POWER	R OF ATTORNE	Y
As owner o	of the property locate	(if applicable) d at		
		, property reference number(s)		
		I hereby designate		
		for the sole purpose of compl		
the year of Adjustmen reserves th	f,, and is end in the formation of	This Limited Power of Attorney is grant effective until the Board of County Con sion on this request and any appeal pe Limited Power of Attorney at any time reau.	nmissioners or f	the Board of d. The owner
Agent Nam	ne:	Email:		
Signature of	Property Owner	Printed Name of Property Owner	_	Date
Signature of	Property Owner	Printed Name of Property Owner		Date
STATE OF		COUNTY OF		
		cknowledged before me this		
Personally	Known 🗆 OR Produce	d Identification□. Type of Identification	n Produced:	
Signature of I	Notary	Printed Name of N	lotary	
				(Notary Sea

5. Submittal Requirements

- A. _____ Completed application: All applicable areas of the application shall be filled in and submitted to the Planning and Zoning Department, 3363 West Park Place, Pensacola, FL 32505.
- B. _____ Application Fees: To view fees visit the website: <u>http://mvescambia.com/business/board-adjustment</u> or contact us at 595-3448

Note: Fees include all notices and advertisements required for the public hearing and a \$5 technical fee. Payments must be submitted prior to 3 pm of the closing date of acceptance of application. Please make checks payable to Escambia County. MasterCard and Visa are also accepted.

- C. Legal Proof of Ownership (ex: copy of Tax Notice or Warranty Deed) <u>AND</u> a Certified Boundary Survey (Include Corporation/LLC documentation if applicable.)
- D. _____ Compatibility Analysis (if applicable): If the subject property does not meet the roadway requirements of Locational Criteria, a compatibility analysis prepared by the applicant is required to provide substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria. (See "Documented Compatibility" within the request zoning district of the LDC.)
- E. _____ Signed and Notarized Affidavit of Owner/Limited Power of Attorney AND Concurrency Determination Acknowledgement (pages 4 and 5).

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
- 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 Signature of Owner	Douglas Warren McCoy Printed Name Owner/Agent Dana Maric McCoy Printed Name of Owner	<u>6-//-</u> /9 <u>0-//-/9</u> Date
STATE OF $\pm 10x_1d_5$ COUNTY OF was acknowledged before me this $\pm 1^{++}$ day of Personally Known \Box OR Produced Identification \mathbb{R} .	f June 20 15 by Doug	
	- 8 - - 8 -	BLIC ORIDA D1681

Instrument #2014092432, Pam Childers Clerk of the Circuit Court Escambia County, FL Recording \$18.50 Deed Stamps \$456.40

Fle Number: 14-120105 HUD Special Warranty Deed

Special Warranty Deed

THIS SPECIAL WARRANTY DEED made this 12th day of December, 2014 between Secretary of Housing and Urban Development, and/or its successor, whose post office address is 40 Marietta Street, Five Points Plaza, Atlanta, GA 30303, Grantor, and Douglas Warren McCoy and Dana Marie McCoy, husband and wife whose post office address is: 1871 Loyola Street, Pensacola, Florida 32504, 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 companies, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10,00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being Escambia County, Florida, to wit:

Lot 20, Block F, Weekley Bayou, according to the Plat thereof, recorded in Plat Book 5, Page(s) 98A and 98B, of the Public Records of Escambia County, Florida, less the Westerly 100 feet thereof.

Commonly know as: 12576 Prospero Drive, Pensacola, Florida 32506

Subject to easements, restrictions, covenants, conditions, agreements and reservations of record, if any, and to taxes for the year and thereafter.

THIS DEED IS NOT TO BE IN EFFECT UNTIL: December 12, 2014

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

To Have and to Hold, the same 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. Fle Number: 14-120105 HUD Special Warranty Deed

091-343629 Parcel Identification No.: 073532-4000-205-006

In Witness Whereof, the said grantor has set his/her hand and seal by Grantor as a true and lawful delegate for and on behalf of this said Secretary of Housing and Urban Development, under vested authority and by virtue of the Federal Law recited at 70 F.R. 43171 (7/25/2005) and as required by said Federal Laws will be maintained at its Web site located at: www.hud.gov/offices/hsg/sfh/reo/reo home.cfm

scaled and peli fred in pur presence: Signed, Witness Signature Ω, Print witness nam Witne mature

Print witness name

State of County of

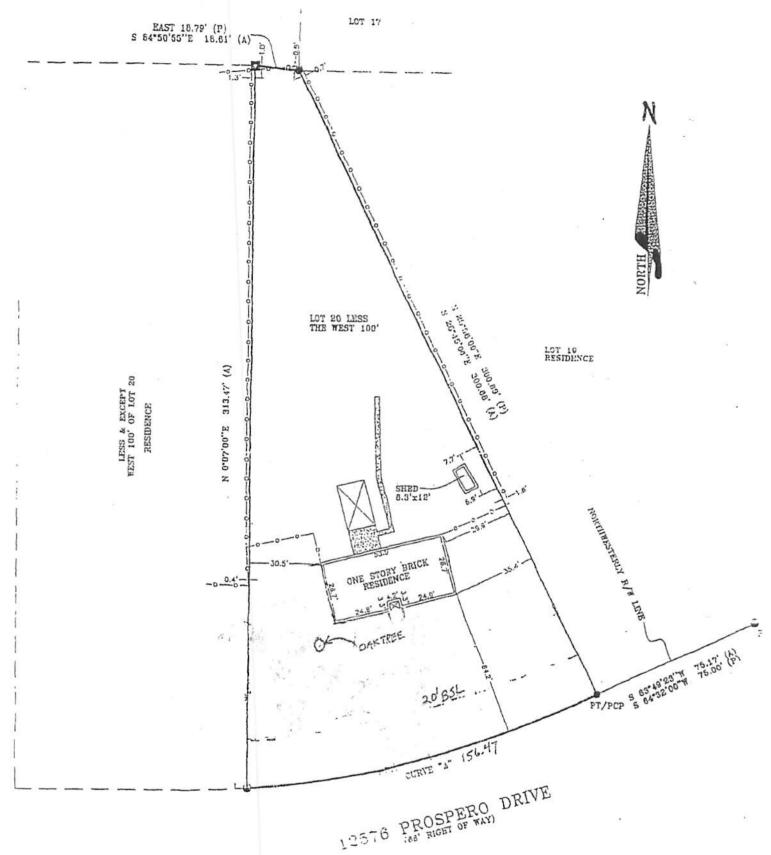
The Secretary of Housing and Urban Development By: Pempp, LTD., As Prime Contractor/for the U. S. D, articident of Housing and Upon Development

By: Int

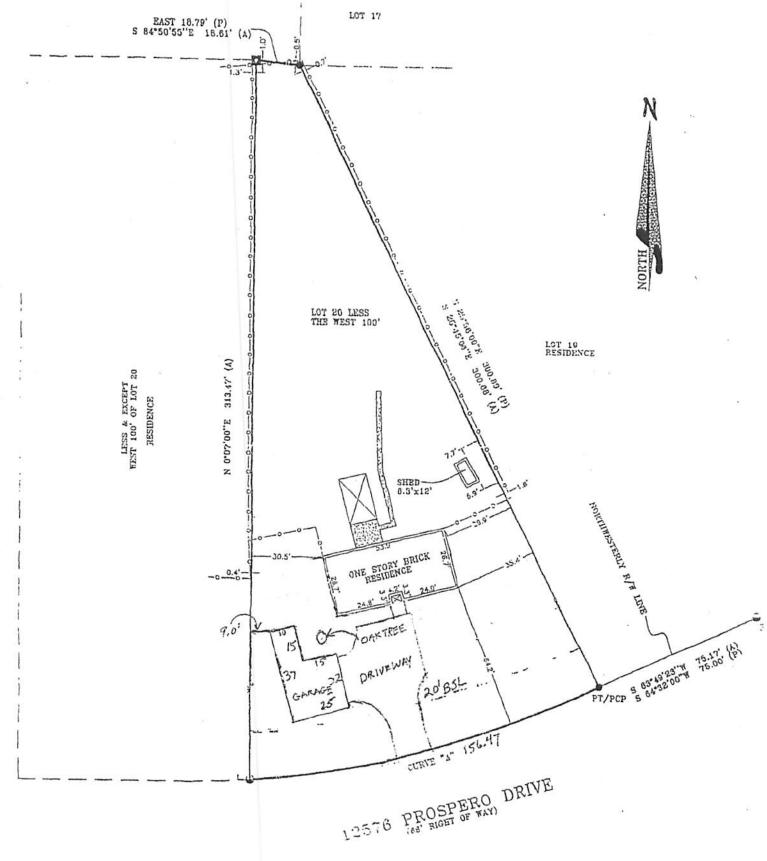
Printed name of Authorized Agent Pemco, LTD. 3525 Piedmont Rd., N.E. Bldg. 5, Suite 310 Atlanta, GA 30305

Before me personally appeared __________, who is personally well known to me and known to me to be the duly appointed Delegate for the US Department of HUD, and the person who executed the foregoing instrument, by virtue of the authority vested in him/her by the above cited authority, and acknowledged before me he/she executed the same as for and on behalf of Secretary, Department of Housing and Urban Development, for the purposes therein expressed.

Witness my hand official seal this day of SHARON LEE Notary Signature COBB COUNTY, GEORGIA Scal NOTARY PUBLIC **COMMISSION EXPIRES JANUARY 21, 2015**



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