AGENDA ESCAMBIA COUNTY BOARD OF ADJUSTMENT September 16, 2015–8:30 a.m. Escambia County Central Office Complex 3363 West Park Place, Room 104

- Call to Order.
- 2. Swearing in of Staff and acceptance of Staff as expert witnesses.
- 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 the August 19, 2015 and September 09, 2015 Board of Adjustment Meeting Resume' Minutes.
- 6. **Consideration of the following cases:**
 - 1. **Case No.:** V-2015-09

Address: 8700 Block Scenic Hwy. Request: Variance for a Fence

Requested by: Dr. M.H. Mikhchi, Agent for Westpointe Retirement

Community

2. **Case No.:** V-2015-10

Address: 9420 Gibson Rd.

Request: Right-of Way Frontage

Requested by: Darlene and Jon Hammond, Agents for Citi Mortgage, Inc.

3. **Case No.:** V-2015-11

Address: 220 East Nine Mile Rd. Request: Variance for a Sign

Requested by: Rex Burt, Agent for Gulf Winds Federal Credit Union

7. Discussion Items.

- 8. Old/New Business.
- 9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, October 21, 2015 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment.

Board of Adjustment

Meeting Date: 09/16/2015

Attachments

August 19, 2015 Resume'

September 09, 2015 Special BOA Mtg. Resume'

5.

DRAFT

RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD August 19, 2015

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:38 A.M. –8:40 A.M.)

Present: Bill Stromquist

Frederick J. Gant

Jennifer Rigby

Absent: Auby Smith

Jesse Casey Judy Gund

Blaise Adams

Staff Present: Kristin Hual, Assistant County Attorney

Horace Jones, Director, Development Services

Andrew Holmer, Division Manager, Planning & Zoning John Fisher, Senior Urban Planner, Planning & Zoning

Debbie Lockhart, Administrative Assistant

REGULAR BOA AGENDA

- 1. The meeting was called to order at 8:38 a.m., and due to lack of a quorum will be rescheduled for a Special Meeting. The meeting adjourned at 8:40 a.m.
- 2. Swearing in of Staff and acceptance of Staff as expert witnesses.
- 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 the July 15, 2015 Resume' Minutes.

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

1. **Case No.:** CU-2015-07

Address: 2755 Fenwick Road

Request: Conditional Use to Construct a Telecommunications Tower

Requested by: Mark Lydon, Agent for Roberston Brazwell, LLC

2. **Case No.:** V-2015-08

Address: 2755 Fenwick Road

Request: Variance for West Property Line Setback

Requested by: Mark Lydon, Agent for Roberston Brazell, LLC

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

The next regular Board of Adjustment Meeting is scheduled for Wednesday, September 16, 2015 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment.

DRAFT

RESUMÉ OF THE SPECIAL MEETING OF THE BOARD OF ADJUSTMENT HELD September 9, 2015

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

Present: Auby Smith

Bill Stromquist Jesse Casey Judy Gund

Frederick J. Gant Jennifer Rigby

Absent: Blaise Adams

Staff Present: Kristin Hual, Assistant County Attorney

Horace Jones, Director, Development Services

Andrew Holmer, Division Manager, Planning & Zoning John Fisher, Senior Urban Planner, Planning & Zoning

Debbie Lockhart, Administrative Assistant

REGULAR BOA AGENDA

- 1. Call to Order.
- 2. Staff was sworn in and accepted as expert witnesses.
- 3. Acceptance of the BOA Meeting Package with the Development Services Staff Findings-of-Fact, into evidence.

Motion by Vice Chairman Bill Stromquist, Seconded by At Large Member Jesse Casey

Motion was made to accept the BOA Meeting Package.

Vote: 6 - 0 Approved - Unanimously

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

Motion by Vice Chairman Bill Stromquist, Seconded by At Large Member Jesse Casey

Motion was made to accept the Proof of Publication and waive the reading of the legal advertisement. Vote: 6 - 0 Approved - Unanimously

5. Approval of Resume' Minutes from the July 15, 2015 and August 19, 2015 meetings.

Motion by Vice Chairman Bill Stromquist, Seconded by At Large Member Jesse Casey

Motion was made to approve the Resume' Minutes from the July 15, 2015 meeting.

Vote: 6 - 0 Approved - Unanimously

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

1. **Case No.:** CU-2015-07

Address: 2755 Fenwick Road

Request: Conditional Use to Construct a Telecommunications Tower

Requested by: Mark Lydon, Agent for Roberston Brazwell, LLC

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

No BOA member acknowledged visiting the site.

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

Motion by At Large Member Jesse Casey, Seconded by Vice Chairman Bill Stromquist

Motion was made to accept Staff Findings and approve the Conditional Use as requested.

Vote: 6 - 0 Approved - Unanimously

2. Case No.: V-2015-08

Address: 2755 Fenwick Road

Request: Variance for West Property Line Setback

Requested by: Mark Lydon, Agent for Roberston Brazell, LLC

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

No BOA member acknowledged visiting the site.

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

Motion by At Large Member Jesse Casey, Seconded by Vice Chairman Bill Stromquist

Motion was made to accept Staff Findings and approve the Variance as requested.

Vote: 6 - 0 Approved - Unanimously

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

9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, September 16, 2015 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. The meeting adjourned at 9:12 A.M.

Board of Adjustment 6. 1.

 Meeting Date:
 09/16/2015

 CASE:
 V-2015-09

APPLICANT: Dr. M.H. Mikhchi, Agent for Westpointe Retirement

Community

ADDRESS: 8700 Blk. Scenic Highway

PROPERTY REFERENCE NO.: 03-1S-29-1001-000-000

ZONING DISTRICT: MDR, Medium Density Residential

FUTURE LAND USE: MU-U, Mixed Use Urban

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicant is seeking an after-the-fact variance to the front yard fence height requirement in the Scenic Highway Overlay District. The Land Development Code (LDC) limits front yard fences in this area to a maximum height of three (3) feet and the applicant would like a fence of up to six (6) feet in height. In spite of its appearance, the unpermitted structure in question is a fence, not a retaining wall. It does not function as a retaining wall, nor has it been structurally designed as a retaining feature.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 3-3.7.D(9)

(9) Fences. No fence within the overlay may be solid. No chain link fence shall be located between Scenic Highway and the principal building. **Any other type of fence in this area shall not exceed three feet**. Where single story structures are higher than the roadbed, there should be no wall, fence, structure or plant material located between the front building line and the roadbed that will obstruct the view from automobiles on the scenic route.

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

Scenic Highway winds along bluffs adjacent to Escambia Bay and the topographical conditions vary depending on the location. Some properties are raised above the road and some are below but most share some type of topographical relief. The property in this case does not have a peculiar hardship unique among other properties within the district.

CRITERION (2)

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

FINDINGS-OF-FACT

The fence structure on site was constructed without a permit from the County and the Applicant bears responsibility for it not meeting the requirements of the LDC.

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 the variance requested would confer on the applicant a special privilege that is denied by this land development code to other lands, buildings or structures in the same overlay district.

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

Staff finds that application of the provisions of the LDC would not create an unnecessary and undue hardship and would not deprive the owner of the right to build a fence within the limitaions of the overlay district.

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 requested variance is not the minimum variance that will make possible the reasonable use of the land, building or structure.

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:

Staff finds that the requested variance is not consistent with the general intent and purpose of the LDC.

STAFF RECOMMENDATION

Staff recommends denial of the variance request as it does not meet all of the required variance criteria.

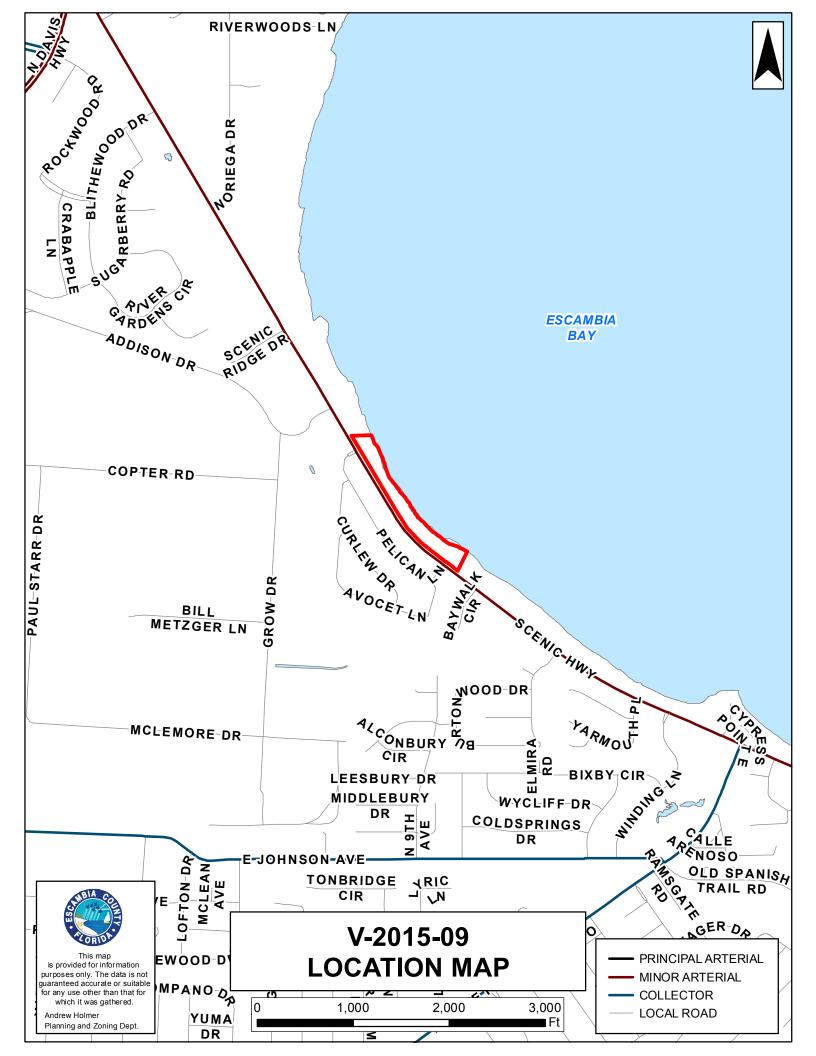
BOA DECISION

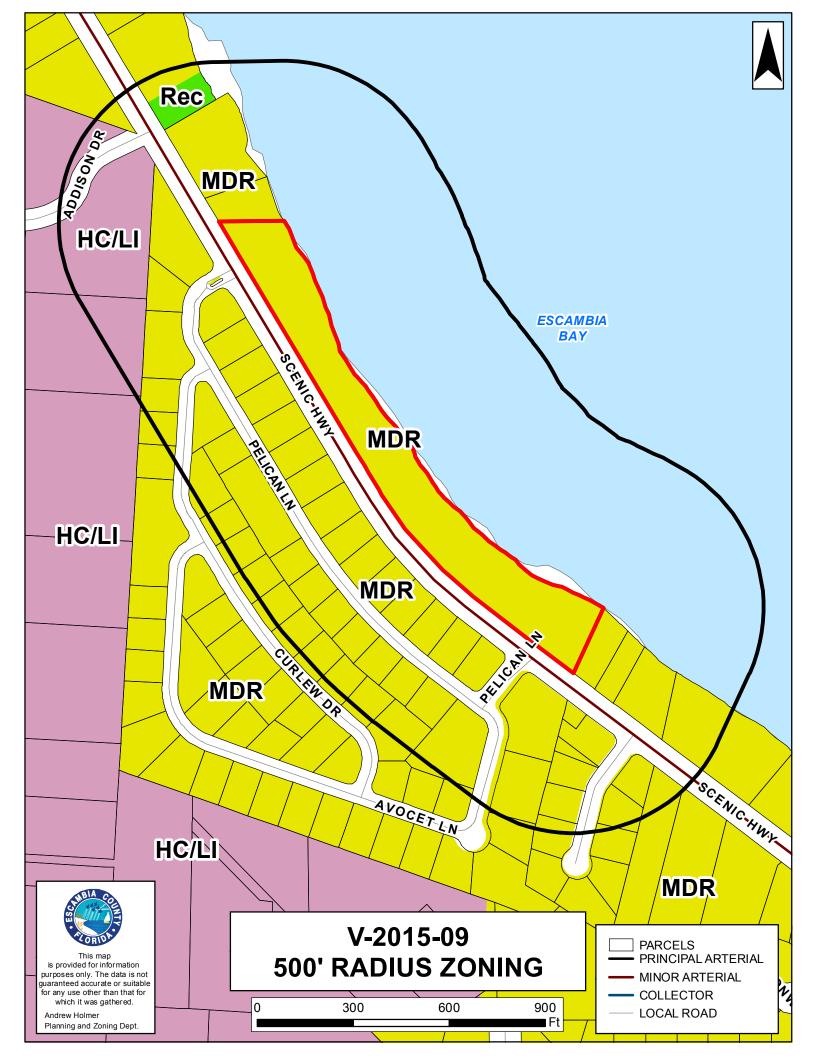
Attachments

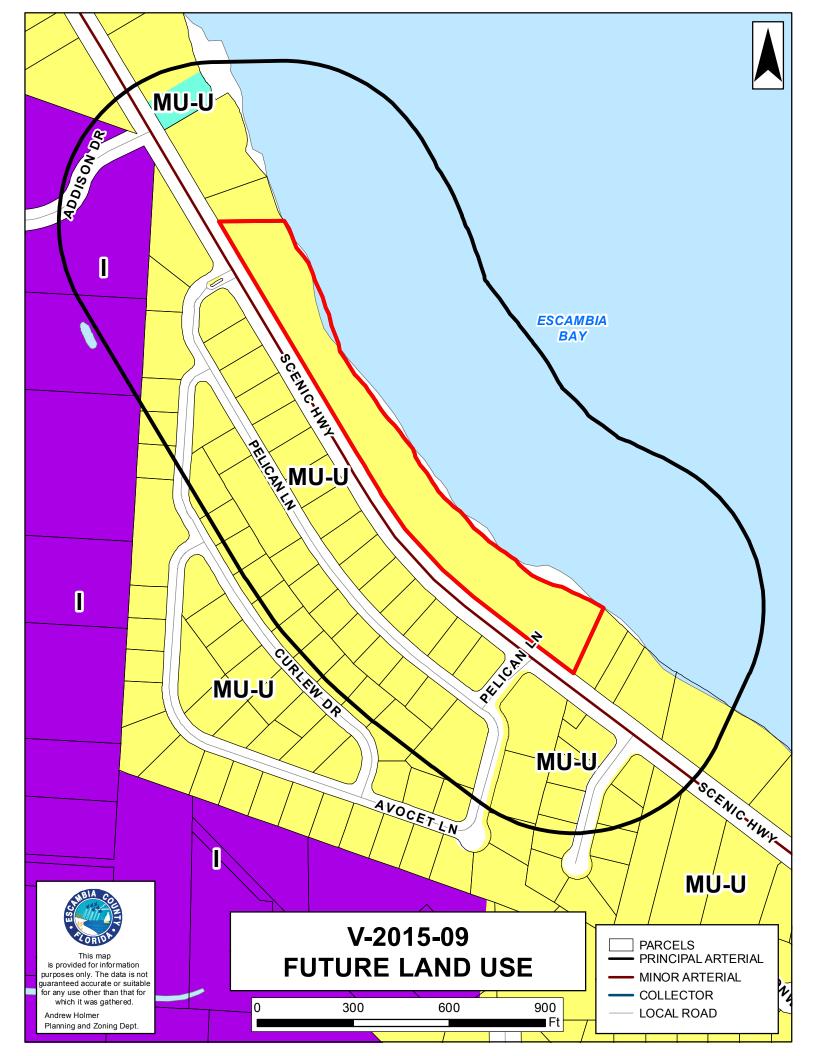
Working Case File #V-2015-09

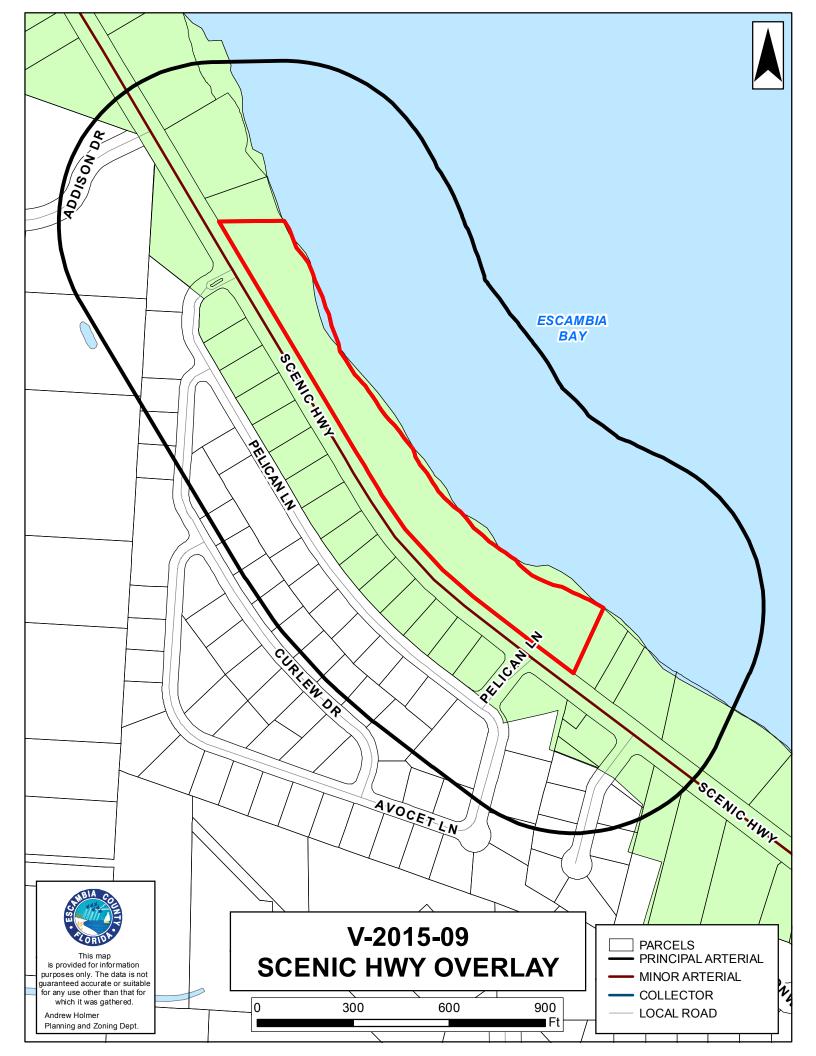
V-2015-09

8700 Block Scenic Hwy.



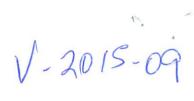












APPLICATION

	APPLICATION	
Please check application type:	☐ Conditional Use Request for:	
☐ Administrative Appeal	Variance Request for: FENC	
☐ Development Order Extension	☐ Rezoning Request from: to:	
Name & address of current owner(s) as shown o	n public records of Escambia County, FL	
Owner(s) Name: WastPoide Reli	Le Med 1 Community Phone: \$50	184 8383
Address: 5/0/ NORTHPOINT PK	wy Pa Fl Email:	
☐ Check here if the property owner(s) is authorizing	g an agent as the applicant and complete the Affidavit o	of Owner and
Limited Power of Attorney form attached herein.		
Property Address: 8700 Block Property Reference Number(s)/Legal Description:	3(cdic Aw)	
Property Reference Number(s)/Legal Description:	Sarry attachted	
By my signature, I hereby certify that:		
 I am duly qualified as owner(s) or authorized again and staff has explained all procedures relating 	pent to make such application, this application is of my one to this request; and	own choosing,
 All information given is accurate to the best of r misrepresentation of such information will be gr any approval based upon this application; and 	ny knowledge and belief, and I understand that delibera counds for denial or reversal of this application and/or re	ate evocation of
 I understand that there are no guarantees as to refundable; and 	the outcome of this request, and that the application fe	ee is non-
 I authorize County staff to enter upon the proper inspection and authorize placement of a public determined by County staff; and 	erty referenced herein at any reasonable time for purpos notice sign(s) on the property referenced herein at a loo	ses of site cation(s) to be
 I am aware that Public Hearing notices (legal a Development Services Bureau. 	d and/or postcards) for the request shall be provided by	the
Development Services Buleau.		8/14/15
Signature of Owner/Agent	MOHAMAD MIKHCHI Printed Name Owner/Agent	8/14/15 Date
Signature of Owner/Agant	Timed Name Officer (gene	
Signature of Owner	Printed Name of Owner	Date
STATE OF Florida	COUNTY OF Escambic	
The foregoing instrument was acknowledged before	e me this 17 day of August	20 15,
by mohamad MixHo	shi.	
Personally Known ☐ OR Rroduced Identification ☐	. Type of Identification Produced:	AWE LODINGARIS 18-51
March Proplant	DEDOIG	sion # EE 839922 October 1, 2016 October 1, 2016
Signature of Notary	Printed Name of Notary Bonded Thr	Troy Fain Insurance 800-385-7019
(notary seal must be affixed)	Residence and beautiful	
FOR OFFICE USE ONLY CASE	NUMBER: V-2015-DG	
Meeting Date(s): 19-16-15		Date: 08-17-/5
Fees Paid: \$423,50 Receipt #:64288	4 Permit #: PBA 150800010	



August 17, 2015

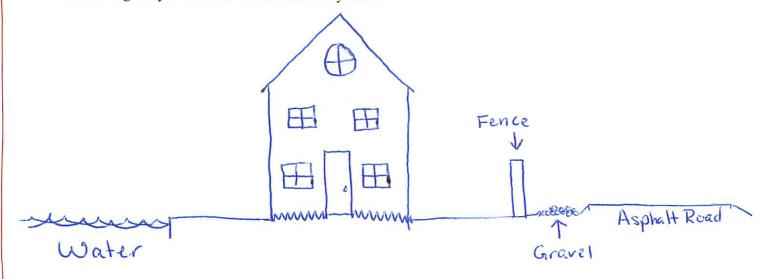
To The Board of Adjustment;

Westpointe Retirement Community owns a parcel of land at 8700 block Scenic Highway. The declined slopes between Scenic Highway and the property are between 20-40 feet below road level. After the heavy rains of April 2014, several sections of the slopes washed down onto the property and sedimentation built up in the wetland area.

As one mean to prevent the erosion of the slope a 6 foot solid wood fence was constructed on the bottom of the slope. The washed down sedimentation was leveled and then the fence was built on the area that the dirt had washed down. Shortly thereafter, the fence sections were connected.

There is a regulation in Escambia County called Scenic Highway Overlay, which states that there should not be a solid fence built within 50 feet of Scenic Highway and the fence should not exceed over 3 feet high. At the request of the Development Services Department part of the fence boards were cut so the fence would no longer be a solid fence. The request before the Board of Adjustment is a request to allow the height of the fence to be 6 feet tall rather than the regulated 3 foot ordinance.

Where the grounds are level, if there is a 6 foot solid fence built between an existing house and Scenic Highway it would be unsightly and would block the view of the waterfront. The so called Scenic Highway would not be so scenic anymore.





In the case of 8700 block Scenic Highway, the fence cannot even be seen from Scenic Highway and does not in any shape or form impede the view along Scenic Highway.

Declined Slop

Asphalt Road

Grovel

Level Ground water

Many pictures of the site will be presented during the presentation to better explain the difference.

Thank you,

Dr. M. H. Mikhchi

Administrator

Westpointe Retirement Community



Development Services Department of Escambia County requires the following 6 questions be answered for a variance to be requested.

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.

Answer: Picture Number 2 clearly shows the special circumstance of the property which is different than other level properties in the same zoning district. There are many other properties in the same circumstance which have similar fences built and pictures will be presented during the presentation.

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

Answer: The difference in elevation obviously is not resulted from the actions of the applicant.

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.

Answer: The applicant is not requesting any special privilege that is denied by the land development code to others in the same situation as the pictures will clearly show.

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 unnecessary and undue hardship on the applicant.

Answer: Removal of the fence will cause sedimentation to be washed into the property and the wetland areas previously restored by the property owner. Pictures will be presented.

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

Answer: The variance requested is the minimum that will make possible the optimal use of the land as the pictures indicate.



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.

Answer: The variance requested will not be injurious to the area or otherwise detrimental to the public welfare.



NOTICE OF PROPOSED PROPERTY TAXES

ESCAMBIA COUNTY TAXING AUTHORITIES

Real Property Acct: 010091000 Property Ref No: 03-1S-29-1001-000-000

Location: 8700 BLK SCENIC HWY BEG AT INTER OF N LI OF SEC AN D ELY R/W LI OF STATE H/W 10A SCENIC H/W S 30 DEG 47 MIN 36

> 010091000 s - 085547 / 003715 JMS283 WESTPOINTE RETIREMENT COMMUNIT Y INC 5101 NORTHPOINTE PARKWAY PENSACOLA FL 32514

DO NOT PAY THIS IS NOT A BILL

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budget and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

		TAXING	AUTHORI	TY TAX INFORM	MATION			
REAL ESTATE	LAST YEAR'S TAXABLE VALUE (2014)	YOUR FINAL TAX RATE AND TAXES LAST YEAR (2014)		CURRENT TAXABLE VALUE (2015)	YOUR TAX RATE AND TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE		YOUR TAX RATE AND TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE	
TAXING AUTHORITY	COLUMN 1	COLUM MILLAGE RATE	N 2 TAXES	COLUMN 3	CÓLUN MILLAGE RATE	IN 4	COLUM MILLAGE RATE	IN 5 TAXES
COUNTY	\$460,528	6.6165	\$3,047.08	\$625,320	6.442600	\$4,028.69	6.616500	\$4,137.43
SCHOOL BY LOCAL BOARD	\$625,320	2.085000	\$1,303.79	\$625,320	2.025600	\$1,266.65	2.114000	\$1,321.93
SCHOOL BY STATE LAW	\$625,320	5.237000	\$3,274.80	\$625,320	5.087800	\$3,181.50	4.999000	\$3,125.97
								1
WATER MANAGEMENT	\$460,528	0.039000	\$17.96	\$625,320	0.037800	\$23.64	0.037800	\$23.64
SHERIFF	\$460,528	0.685000	\$315.46	\$625,320	0.664200	\$415.34	0.685000	\$428.34
LIBRARY	\$460,528	0.359000	\$165.33	\$625,320	0.347700	\$217.42	0.359000	\$224.49
							No. No. 1049	
TOTAL AD-VALOREM	PROPERTY TAX	ŒS	\$8,124.42			\$9,133.24		\$9,261.80

		PROPERTY	APPRAISE	R VALUE INFO	RMATION		and the second second second	
	COUNT	1	PUBLIC SCHOOLS		MUNICIPAL		OTHER DISTRICTS	
	2014	2015	2014	2015	2014	2015	2014	2015
MARKET VALUE	\$625,320	\$625,320	\$625,320	\$625,320	\$0	\$0	\$625,320	\$625,320
		LESS A	PPLIED ASSE	SSMENT REDUCT	TONS			
Save Our Homes Benefit	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Non-Homestead Benefit	\$164,792	\$0	\$0	\$0	\$0	\$0	\$164,792	\$0
Agricultural Classification	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ASSESSED VALUE	\$460,528	\$625,320	\$625,320	\$625,320	\$0	\$0	\$460,528	\$625,320
8			LESS EX	EMPTIONS				
First Homestead	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Add'l Homestead	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Senior Exemption	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Combat Veteran's	. \$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TAXABLE VALUE	\$460,528	\$625,320	\$625,320	\$625,320	\$0	\$0	\$460,528	\$625,320

The Taxing Authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year. The purpose of the PUBLIC HEARINGS is to review opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL

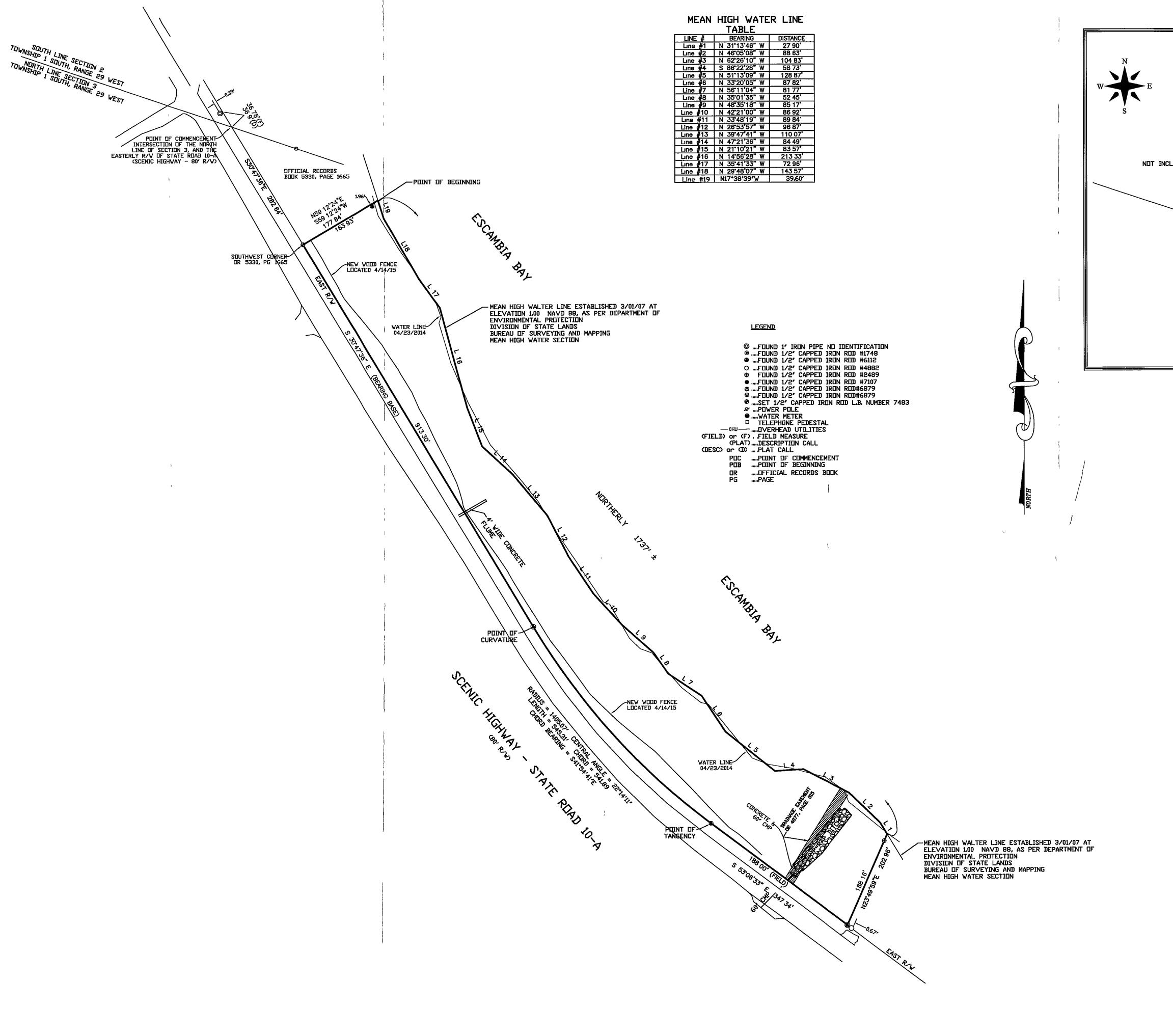
Taxing Authority Hearing Information					
Taxing Authority	Hearing Location	Date	Time	Phone	
CENTURY	CENTURY TOWN HALL 7995 N. CENTURY BLVD.	September 14, 2015	6:50 PM	(850) 256-3208	
COUNTY SHERIFF LIBRARY	BOARD CHAMBERS 221 PALAFOX PLACE. PENSACOLA FL	September 8, 2015	5:01 PM	(850) 595-4960	
PENSACOLA DOWNTOWN	COUNCIL CHAMBERS. PENSACOLA CITY HALL 222 WEST MAIN ST PENSACOLA FL	September 9, 2015	5:15 PM	(850) 435-1820	
SCHOOL BY LOCAL BOARD BY STATE LAW	J.E. HALL CTR - ROOM 160 30 E. TEXAR DRIVE, PENSACOLA FL	September 15, 2015	5:01 PM	(850) 469-6122	
WATER MANAGEMENT	HAVANA, FL OFFICE 81 WATER MANAGEMENT DR, HAVANNA, FL	September 10. 2015	5:05 PM EDT	(850) 539-5999	

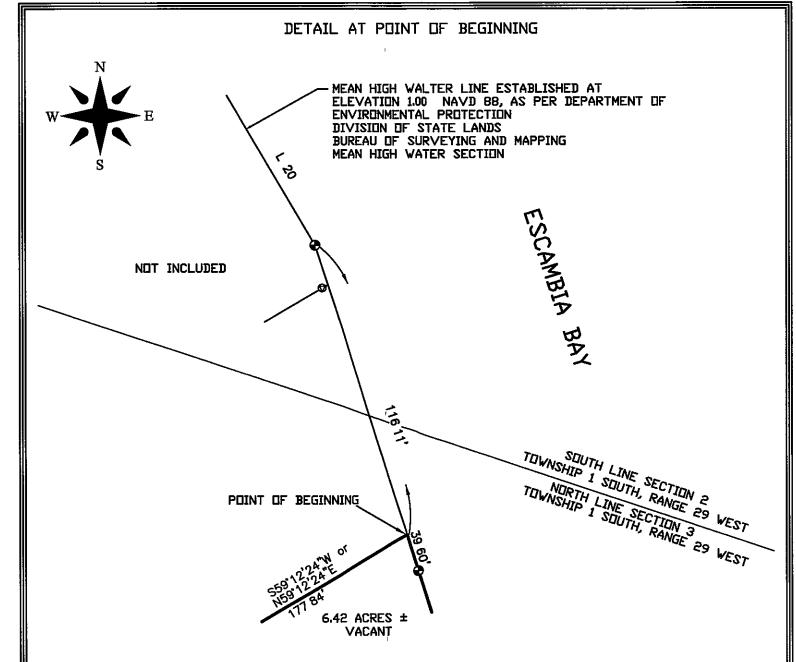
IF YOU FEEL THAT THE MARKET VALUE OF YOUR PROPERTY IS INACCURATE OR DOES NOT REFLECT FAIR MARKET VALUE, OF IF YOU ARE ENTITTLED

TO AN EXEMPTION OR CLASSIFICATION THAT IS NOT REFLECTED ABOVE, CONTACT YOUR COUNTY APPRAISER AT:

221 Palafox P1, Ste 300, Pensacola FL 32502 (850) 434-2735

IF THE PROPERTY APPRAISER'S OFFICE IS UNABLE TO RESOLVE THE MATTER AS TO MARKET VALUE OR CLASSIFICATION OR AN EXEMPTION, YOU MAY FILE A PETITION FOR ADJUSTMENT WITH THE VALUE ADJUSTMENT BOARD. PETITION FORMS ARE AVAILABLE FROM THE CLERK OF CIRCUIT COURT, 221 PALAFOX PLACE SUITE 130 AND MUST BE FILED ON OR BEFORE: Sept. 4, 2015





SURVEYOR'S NOTES:

1....DISTANCES ARE BASED ON U.S. STANDARD FOOT. 2....BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF SCENIC HIGHWAY AS 3...ELEVATIONS ARE REFERENCED TO NATIONAL GEODETIC SURVEY MONUMENT U161, WITH A PUBLISHED ELEVATION OF 28.85 NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD

4....REFERENCES USED: FURNISHED DESCRIPTIONS, EXISTING FIELD MONUMENTATION, PREVIOUS SURVEYS PREPARED BY KJM SURVEYING, DRAWING #97-2858, DATED 6/11/97, DRAWING #03-11136A, DATED 11/11/03 AND DRAWING 03-11136B, DATED 11/11/03, FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLANS OF STATE ROAD 10-A, SECTION 48020, DATED 7/20/76, SHEETS 13 AND 14; FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND BOUNDARY INFORMATION SYSTEM (LABINS) WEBSITE; PREVIOUS SURVEY BY THIS FIRM DATED 2/27/07, JOB #070000S005-R4.

5...THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X, FLOOD ZONE AE (BASE FLOOD ELEVATION 8) AND FLOOD ZONE VE 12 PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP NUMBER 12033C0320G, DATED SEPTEMBER 29, 2006. 6....ND IMPROVEMENTS WERE LOCATED FOR THIS SURVEY. 7....VETLAND JURISDICTIONAL LINES NOT SHOWN.

8....NOTE: THIS SURVEY WAS MADE IN CONJUNCTION WITH ADDITIONAL BOUNDARY SURVEYS ON THE CLIENT'S ADJACENT PARCELS TO THE NORTH. THE NORTH CORNER HAS NOT BEEN SET AND IS SHOWN BY REFERENCE CORNERS ON THE MEAN HIGH WATER LINE

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

A PURTION OF THE JOSEPH NORIEGA GRANT, SECTION 3, TOWNSHIP 1 SOUTH, RANGE 29 WEST, ESCAMBIA COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 3 AND THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 10-A SCENIC HIGHWAY (80' RIGHT-OF-WAY); THENCE SOUTH 30 DEGREES 47 MINUTES 36 SECONDS EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 282.64 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5330, PAGE 1665 OF THE PUBLIC RECORDS OF SAID COUNTY, THENCE DEFLECTING 90 DEGREES 00 MINUTES 00 SECONDS LEFT, RUN NORTH 59 DEGREES 12 MINUTES 24 SECONDS EAST ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 177.84 FEET TO THE MEAN HIGH WATER LINE OF ESCAMBIA BAY (ELEVATION = 1.00 NAVD 88) FOR THE POINT OF BEGINNING, THENCE REVERSE COURSE AND RUN SOUTH 59 DEGREES 12 MINUTES 24 SECONDS WEST, A DISTANCE OF 177.84 FEET TO AN INTERSECTION WITH SAID EASTERLY RIGHT-UF-WAY LINE, THENCE RUN SOUTH 30 DEGREES 47 MINUTES 36 SECONDS EAST ALUNG SAID RIGHT-UF-WAY LINE, A DISTANCE OF 913.30 FEET TO A CAPPED IRON ROD MARKED LB 6112 AND POINT OF CURVATURE, THENCE RUN SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE ON THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 545.31 FEET TO A CAPPED IRON ROD MARKED LB 7483 AND A POINT OF TANGENCY (SAID CURVE HAVING A RADIUS OF 1405.07 FEET, A CHORD DISTANCE OF 541.89 FEET AND A CHORD BEARING OF SOUTH 41 DEGREES 54 MINUTES 41 SECONDS EAST, THENCE SOUTH 53 DEGREES 06 MINUTES 33 SECONDS EAST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 10-A SCENIC HIGHWAY (80' RIGHT-OF-WAY), FOR A DISTANCE OF 347.34 FEET, THENCE RUN NORTH 23 DEGREES 49 MINUTES 59 SECONDS EAST, A DISTANCE OF 202,96 FEET, MORE OR LESS, TO THE MEAN HIGH WATER LINE OF SAID ESCAMBIA BAY, THENCE MEANDER IN A NORTHWESTERLY DIRECTION ALONG THE MEAN HIGH WATER LINE OF SAID ESCAMBIA BAY FOR A DISTANCE OF 1737 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. SAID PARCEL BEING 6.42 ACRES, MORE OR LESS. ESES SES

S

Revisions Date | Description NEW FENCE

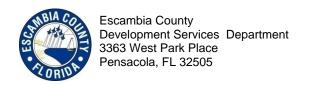
Designed By

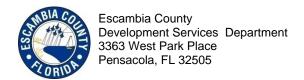
Drawn By Checked By

140000S009

Date 4/24/14 Scale

1" = 100' FIELD DATE 4/22/14 TC/js CREW CREW FB 9 PG 62-70 FBTC46 PG 12-14





WESTPOINTE RETIREMENT COMMUNITY INC 5101 NORTHPOINTE PARKWAY PENSACOLA, FL 32514

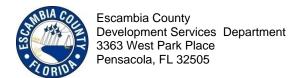
In accordance with the Americans with Disabilities Act, persons needing special accommodation or an interpreter to participate in the public hearing should contact County Administrator's Office at 595-4947 at least seven days prior to the date of the hearing. If you have any questions, please contact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

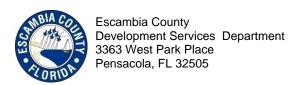
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CHANDLER JAMES W &

PO BOX 30299

PENSACOLA, FL 32503





Chris Jones Escambia County Property Appraiser





Development Services Department Building Inspections Division

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

RECEIPT

Receipt No.: **642884** Date Issued.: 08/17/2015

Cashier ID: KLHARPER

Application No.: PBA150800010

Project Name: V-2015-09

Applicant: WESTPOINTE RETIREMENT COMMUNITY

Address: 5101 NORTHPOINTE PARKWAY

Pensacola, FL, 32514

PAYMENT INFO					
Method of Payment	Reference Document	Amount Paid	Comment		
Check					
	3132	\$423.50	App ID : PBA150800010		
		\$423.50	Total Check		

Received From: WESTPOINTE RETIREMENT COMMUNITY INC

Total Receipt Amount: \$423.50

Change Due: \$0.00

APPLICATION INFO				
Application #	Invoice #	Invoice Amt	Balance Job Address	
PBA150800010	733835	423.50	\$0.00 8700 BLK SCENIC HWY, PENSACOLA, 32514	
Total Amount :		423.50	\$0.00 Balance Due on this/these Application(s) as of 8/17/2015	

Receipt.rpt Page 1 of 1

Board of Adjustment 6. 2.

 Meeting Date:
 09/16/2015

 CASE:
 V-2015-10

APPLICANT: Darlene and Jon Hammond, Agents for Citi Mortgage,

Inc.

ADDRESS: 9420 Gibson Rd.

PROPERTY REFERENCE NO.: 24-3N-32-1300-000-000

ZONING DISTRICT: Agr, Agriculture **FUTURE LAND USE:** AG, Agriculture

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicants are seeking a variance to the required right-of-way frontage in Agriculture (Agr.) zoning. The minimum right-of-way frontage in Agr. zoning is one hundred (100) feet and this property has a right-of-way lot width of sixty-five (65) feet. This necessitates a variance request of thirty-five (35) feet.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 3-2.2 (d) (5)

(5) Lot width. A minimum lot width of 100 feet at the street right-of-way for all lots.

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 properties along Gibson Rd. are large, refelcting the agricultural nature of the area and its uses. This property is unique in that it shares the same large size as others in the area but it alone lacks the required frontage width.

CRITERION (2)

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

FINDINGS-OF-FACT

The hardship on this property was not created by the Applicants but is the result of an improper split prior to their interest in the land. While this property does meet the acreage requirements of the zoning district, the lack of frontage width restricts the use of the site.

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 the requested variance would 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.

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 restrictions on the land, strict application of the Land Development Code would prohibit the Applicants the right to pull permits for the site.

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 requested variance is the minimum necessary to alleviate the hardship on site and allow residential use of the property.

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:

Staff finds that granting 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.

STAFF RECOMMENDATION

Due to the hardship on this property, Staff recommends granting the variance as requested.

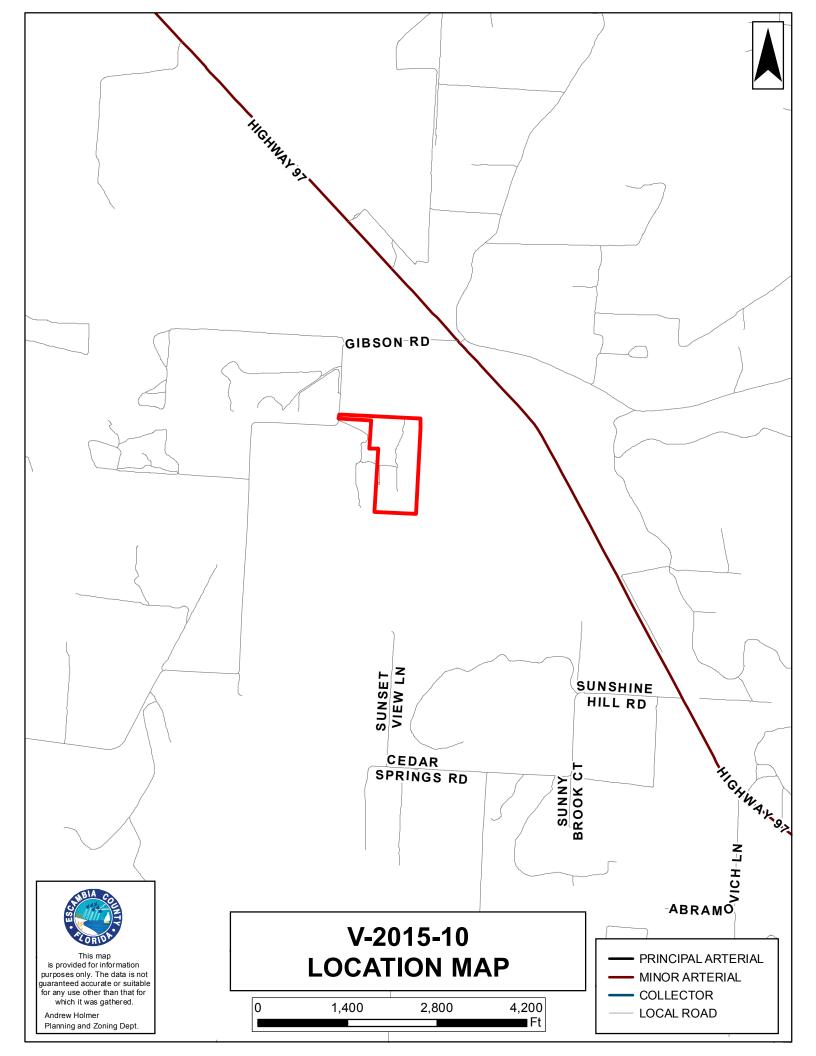
BOA DECISION

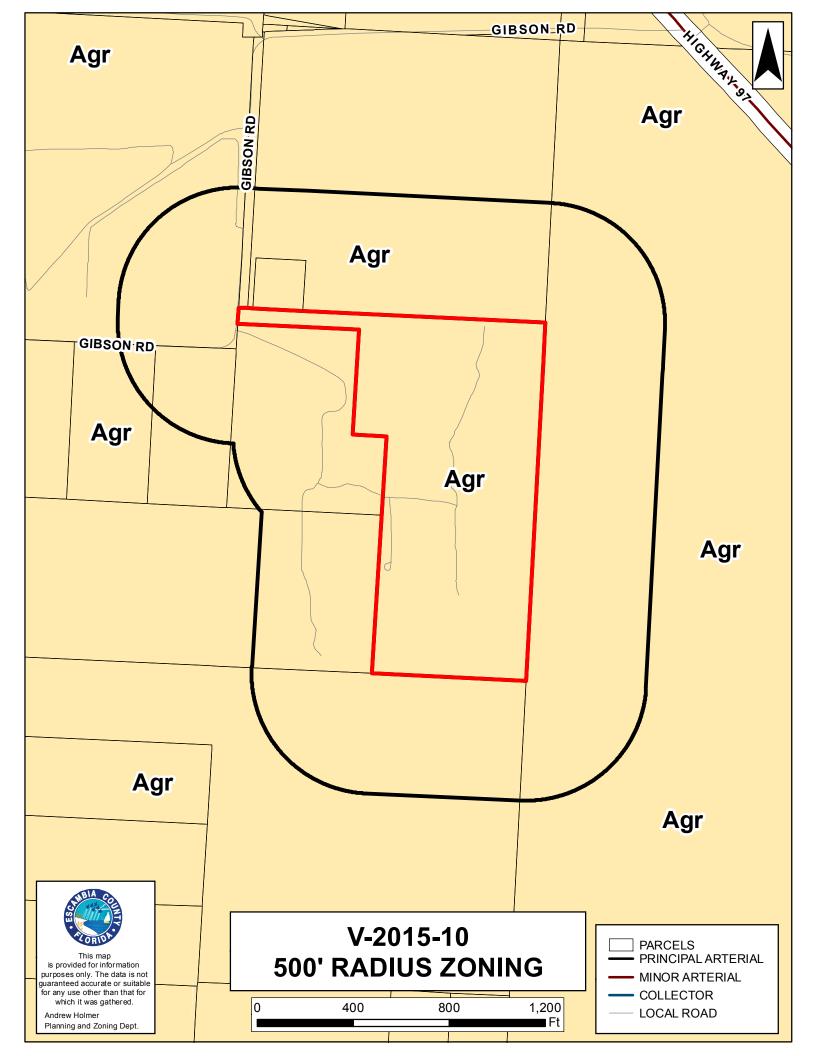
Attachments

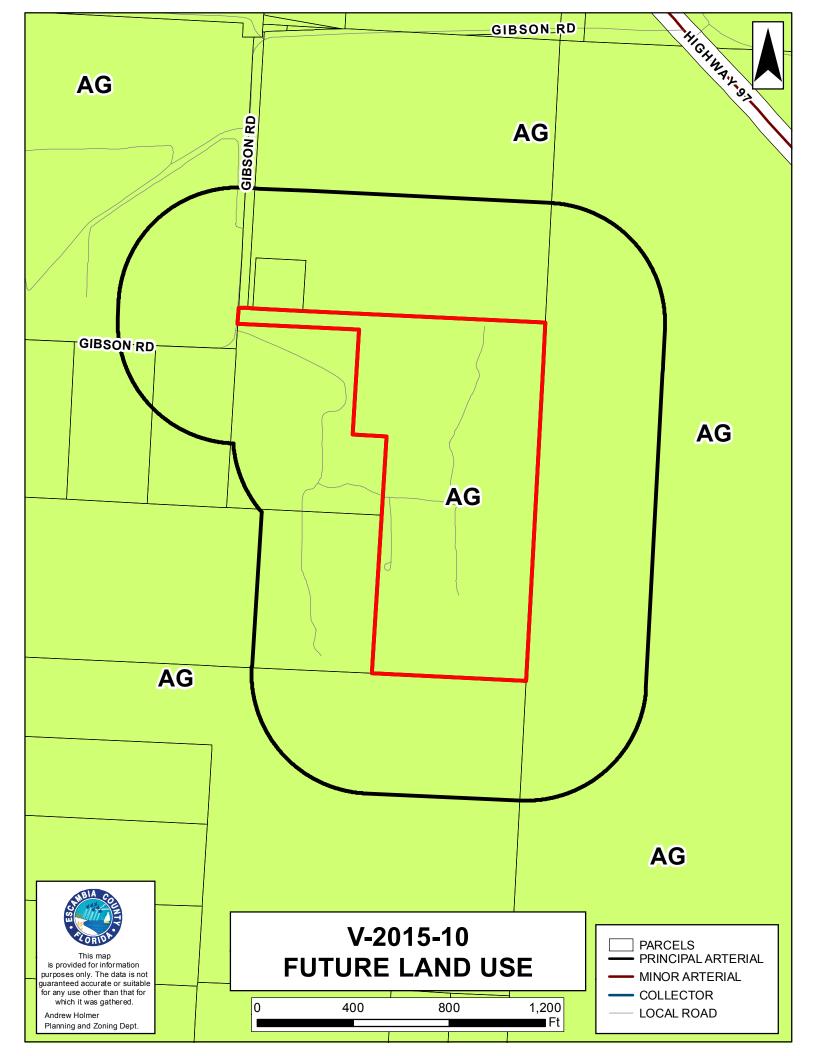
Working Case File #V-2015-10

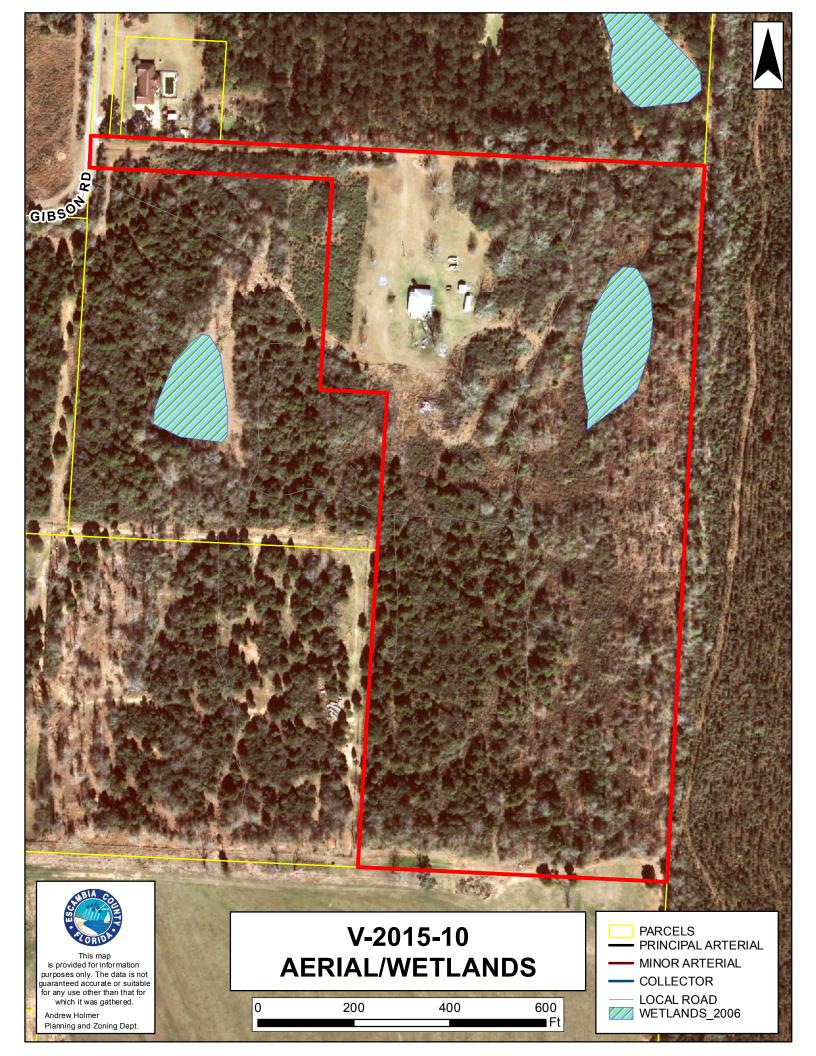
V-2015-10

9420 Gibson Road





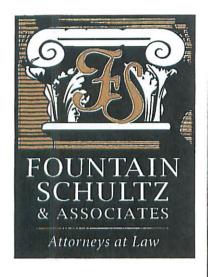




-2015-10

APPLICATION Please check application type: Conditional Use Request for Administrative Appeal Vanance Request for Development Order Extension Rezoning Request from. Name & address of current owner(s) as shown on public records of Escambia County, FL Phone: (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 Property Reference Number(s)/Legal Description DESCRIPTION AS FURNISHED. A PARCEL OF LAND IN SECTION 24, TOWNSHIP 3 NORTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA, BEINS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF THE NORTHEAST GUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 32 MEST, ESCAMBIA COUNTY, FLORIDA; THENCE RUN NORTH B9'21'MO' WEST ALONG THE SOUTH LINE OF SAID NORTHEAST GUARTER A DISTANCE OF 659,53 FEET; THENCE RUN NORTH 00'39'IS' EAST A DISTANCE OF 490,06 FEET; THENCE RUN NORTH 69'20'54" WEST A DISTANCE OF 140,33 FEET; THENCE RUN NORTH 00'36'23' WEST A DISTANCE OF 65,00 FEET; THENCE RUN NORTH 69'20'54" WEST A DISTANCE OF 518,00 FEET; THENCE RUN SOUTH 89'20'54' EAST A DISTANCE OF 1493,21 FEET; THENCE RUN SOUTH 89'20'54' EAST A DISTANCE OF 1493,21 FEET; THENCE RUN SOUTH 89'20'54' EAST A DISTANCE OF 1493,21 FEET TO THE POINT OF BEGINNING. 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 I understand that there are no guarantees as to the outcome of this request, and that the application fee is nonrefundable, and 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 I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Gevelopment Services Bureau Signature of Owner Printed Name of Owner STATE OF COUNTY OF The foregoing instrument was acknowledged before me this Macia

Persphally Known 12 OR Produced Identifications 1. Type of Identification Produ CORTNEY FOX My Commission Expires Signature of Notary Printed Name of Notary August 31, 2018 (notary sea mus) be affixed) FOR OFFICE USE ONLY CASE NUMBER. Meeting Date(s) Accepted/Venified by Permil #.



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 August 19, 2015

VIA OVERNIGHT DELIVERY

Escambia County Engineering Department Attention: Andrew Holmer

Attention: Andrew Holmer Real Estate Acquisition Division

3363 West Park Place Pensacola, FL 32505

RE: Variance Request Application

Subject Property: 9420 Gibson Road, Molino, Florida

Owner: Citi Mortgage, Inc.

My Client: Darlene D. Hammond and Jon W. Hammond Property Reference Number: 24-3N-32-1300-000-000

PETITION FOR VARIANCE

Dear Mr. Holmer:

Enclosed is the completed Application, Notarized Affidavit of Ownership and Authorization and Limited Power of Attorney, Certificate of Title, Tax Information, street map for the parcel, Survey, letter of explanation from my client, and check for the filing fee. I have the pleasure of representing Jon W. Hammond and Darlene D. Hammond who have executed a Contract to purchase the subject parcel from the owner. The subject property was previously subdivided and the retained parcel lacks the proper road frontage. My clients seek a road frontage variance so they can build a home and small barn on the property. My clients' request complies with the required variance criteria as follows:

(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.

The parcel is a portion of a subdivided parcel, which previously included thirty four acres. The retained parcel lacks the required road frontage. There is an existing structure on the subject property, which my clients desire to demolish and build a new structure and small barn. My clients seek a variance to accommodate road frontage. Absent the variance, my clients cannot build a new home and small barn.

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

My clients have executed a Contract to purchase the subject property. The existing structure is dilapidated and needs to be demolished. My clients cannot obtain a building permit to build a new home absent a road frontage variance. My clients' predecessor in interest previously subdivided the parent parcel resulting in a road frontage issue. My clients will suffer hardship if they purchase this property and are unable to build a home and small barn due to the lack of proper road frontage. The predecessor in title created the issue when the property was previously subdivided. My clients are unable to build a home absent a variance from the County for the road frontage requirement.

(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.

Granting of the requested variance will not confer to my clients any special privilege that is denied by the Escambia County Land Development Code to other lands, buildings, or structures in the same zoning district.

(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.

To the extent that the variance is not granted, my clients will suffer unnecessary and undue hardship because they cannot obtain a building permit to either repair or replace the existing uninhabitable structure absent a variance.

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

My clients are requesting a minimum variance that will simply allow them reasonable use of the subject property

(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.

My clients' variance request is consistent with the intent and purpose of the Escambia County Land Development Code and will not be injurious to the area or detrimental to the public welfare. My clients are simply seeking a road frontage variance.

Should you have any questions or need additional information, please do not hesitate to contact us. Thank you for your consideration.

Sincerely,

Fountain, Schultz & Associates, P.L.

Kerry Anne Schultz

KAS: arz

Enclosures as stated

cc: Darlene D. and Jon H. Hammond

August 15th, 2015

To the Development Services Department Board Members for Escambia County, Florida

We the undersigned, Darlene and Jon Hammond, whose present home address is 421 Kenilworth Ave. Gulf Breeze, Florida 32561 respectfully request a variance pertaining to the frontage requirement of 100 feet to build a residence at 9420 Gibson Road, Molino, Florida, now under contract to purchase from Citibank. This parcel is listed in the Escambia County records as parcel number 24-3N--32-1300-000-000 (Folio #12-22428-000) and contains approximately 34 acres.

Although the original tract of 34 acres included well over 100 feet of frontage to comply with agricultural requirements to build a residence, the previous owner, Mr. Billy McWhorter, sold 9 acres to Mr. and Mrs. Elliott, a neighbor and adjoining property owner in 2010, reducing the frontage on the remaining 25 acres to 65 feet making it ineligible for a building permit. This sale was not recorded but drastically reduced the value and possible uses of the 25 acres that remained. This parcel is unusual in that the frontage is reduced due to the sharp curve on Gibson Road as it passes this property. Most of the land with this amount of acreage in this area has a straight or gradually curved road fronting the property making a variance of the one needed unnecessary. This situation is unique to this property.

The variance is necessary to obtain a building permit to construct a single family home and a small barn on the property. There is a home in disrepair that was built in 1949 on the property that will be removed and a new home and small barn will be constructed subject to approval of a site plan by the Escambia County Building Department.

Our goal is to improve this land in such a way as to increase property values in the area through needed maintenance and beatification of the property. There will be no negative affects on the inhabitants of Escambia County, the land or the environment.

No provisions of the Code or the Comprehensive Plan will be affected other than to allow the intended agricultural code use of the land to be enjoyed as intended.

Respectfully submitted by:

Jon W. Hammond

Darlene D. Hammond

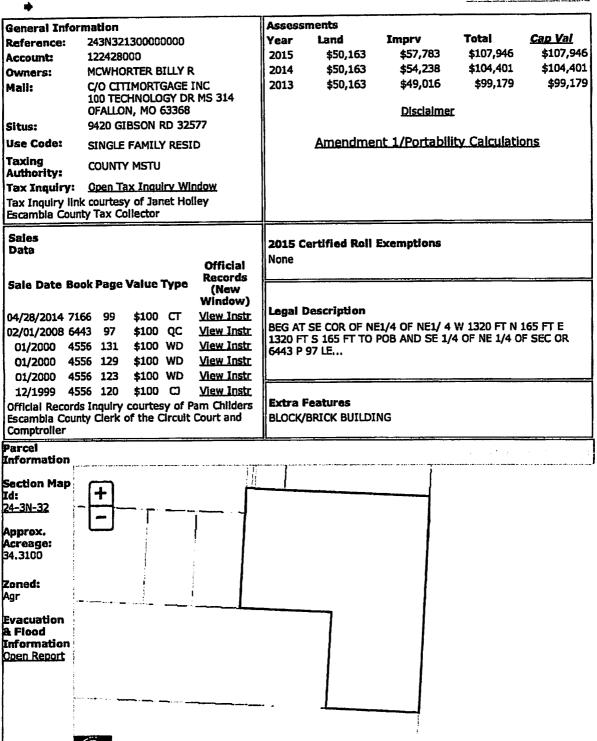
AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at 9420 Gibson Road Molino, Fl. 32577
Florida, property reference number(s)
I hereby designate Darlene D. & Jonw. Hammonel for the sole purpose
of completing this application and making a presentation to the:
☐ Planning Board and the Board of County Commissioners to request a rezoning on the above referenced property.
Board of Adjustment to request a(n) Variance on the above referenced property.
This Limited Power of Attorney is granted on this
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. Darlene D. Hammand darlene hammand@bell500 Agent Name:
Address: 421 Kenilworth Ave, Gulf Breeze, H 3256/Phone: 850 572-2615 Druciu Scott W Citi Mortgage 8/18/15 Signature of Property Owner Printed Name of Property Owner Date
Signature of Property Owner Printed Name of Property Owner Date
STATE OF Personally Known [DOR Produced Identification]. Type of Identification Produced:
Signature of Notary Cortney Fox Printed Name of Notary (Notary Seal)
CORTNEY FOX My Commission Expires August 31, 2018

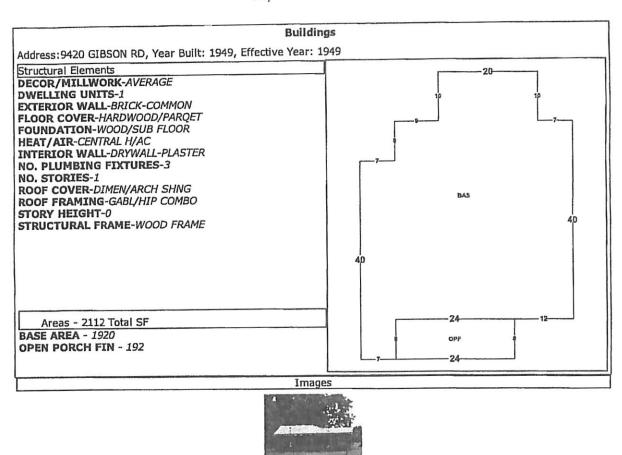
Source: Escambia County Property Appraiser

 Account Reference Navigate Mode

Restore Full Page Version



View Florida Department of Environmental Protection(DEP) Data



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

8/4/15

Escambia County Property Appraiser 243N321300000000 - Full Legal Description

BEG AT SE COR OF NE1/4 OF NE1/4 W 1320 FT N 165 FT E 1320 FT S 165 FT TO POB AND SE 1/4 OF NE 1/4 OF SEC OR 6443 P 97 LESS OR 6636 P 934 ELLIOTT

Recorded in Public Records U5/U5/2U14 at U3:31 PM OR BOOK /100 Page 99, Instrument #2014030817, Pam Childers Clerk of the Circuit Court Escambia County, FL Deed Stamps \$0.70

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT IN AND FOR ESCAMBIA COUNTY, FLORIDA CIVIL ACTION

CASE NO. 2009 CA 003512

CITIMORTGAGE INC Plaintiff

VS.

... . .

SHADDIX, JULIE M; TENANT 2; TENANT 1; FIRST FINANCIAL BANK NATIONAL

ASSOCIATION; MCWHORTER, BILLY RAY

Defendant

CERTIFICATE OF TITLE

The undersigned, Pam Childers, Clerk of the Circuit Court, hereby certifies that a certificate of sale has been executed and filed in this action on <u>April 01. 2014</u>, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Escambia County, Florida:

A PARCEL OF LAND IN SECTION 24, TOWNSHIP 3 NORTH, RANGE 32 WEST, BECAMBIA COUNTY, PLORIDA, BEINGRHORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE NORTH 89°21'40" WEST ALONG THE SOUTH LINIE OF SAID NORTHEAST QUARTER A DISTANCE OF 659,53 FEET; THENCE RUN NORTH 89°20'54" WEST A DISTANCE OF 990.86 FEET; THENCE RUN NORTH 89°20'54" WEST A DISTANCE OF 140.33 FEET; THENCE RUN NORTH 00°36'23" WEST A DISTANCE OF 427.50 FEET; THENCE RUN NORTH 89°20'54" EAST A DISTANCE OF 65.00 FEET; THENCE RUN SOUTH 89°20'54" EAST A DISTANCE OF 1318.28 FEET; THENCE RUN SOUTH 89°20'54" EAST A DISTANCE OF 1318.28 FEET; THENCE RUN SOUTH 80°39'15" WEST A DISTANCE OF 1493.21 FEET TO THE POINT OF BEGINNING.

Was sold to CITIMORTGAGE, INC.

C/O CITIMORTGAGE, INC. 1000 TECHNOLOGY DRIVE, MS 314 O FALLON, MO, 63368

WITNESS my hand and seal of the court this 28 day of April, 2014

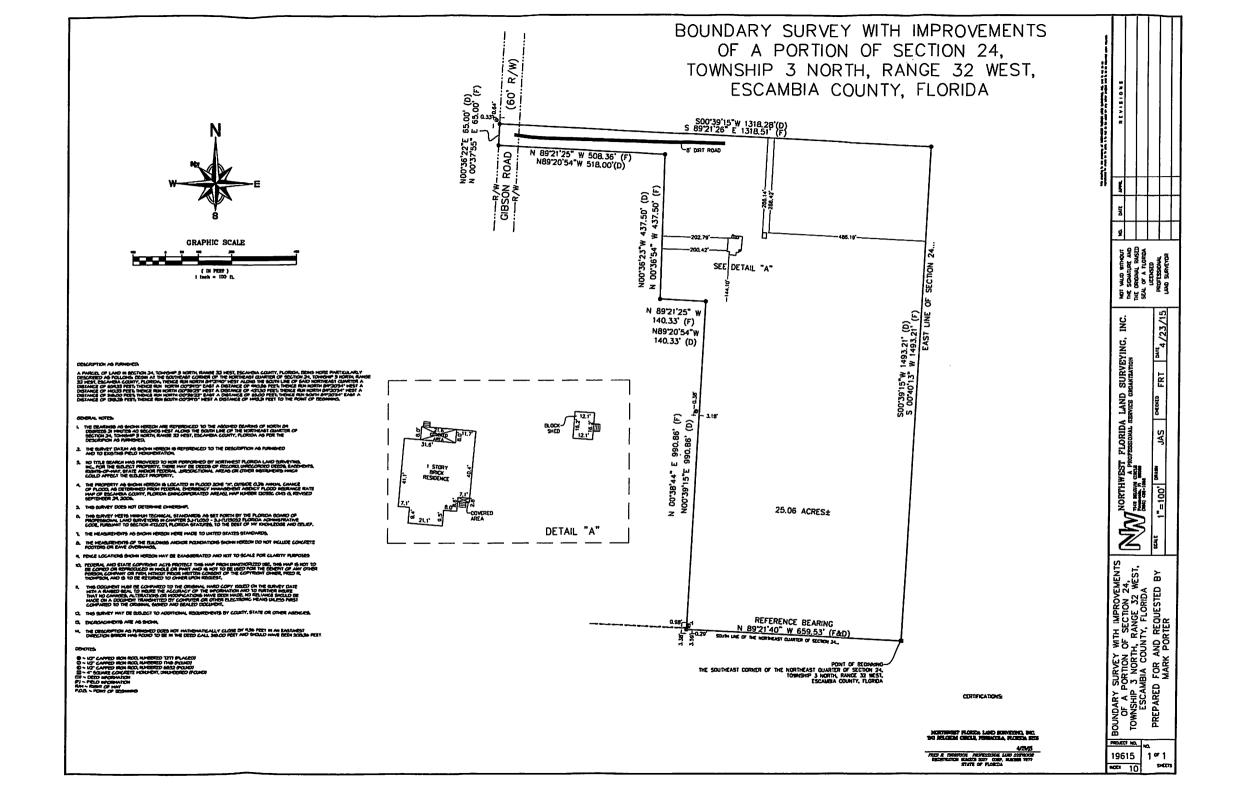
Pam Childers

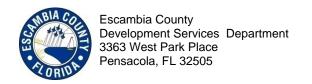
Clerk of the Circuit Court

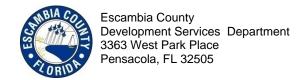
Deputy Clerk

Conformed copies to all parties

\$100,00





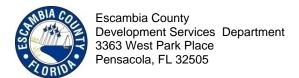


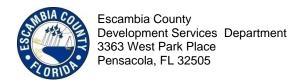
MCWHORTER BILLY R C/O CITIMORTGAGE INC 100 TECHNOLOGY DR MS 314 OFALLON, MO 63368

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.

BEALL ANDREW J & 36 CARRIER BLUFF OKATIE, SC 29909

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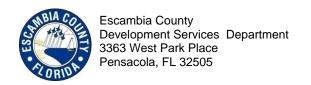


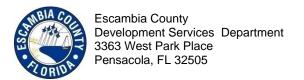


SHEFFIELD HARRY T & 9494 GIBSON RD MOLINO, FL 32577 9637 GIBSON RD MOLINO, FL 32577

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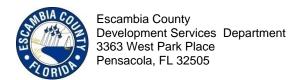


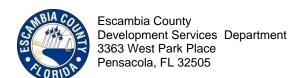
9280 GIBSON RD MOLINO, FL 32577

HATCH CONSTANCE P 1273 FERNANDO CIR CANTONMENT, FL 32533

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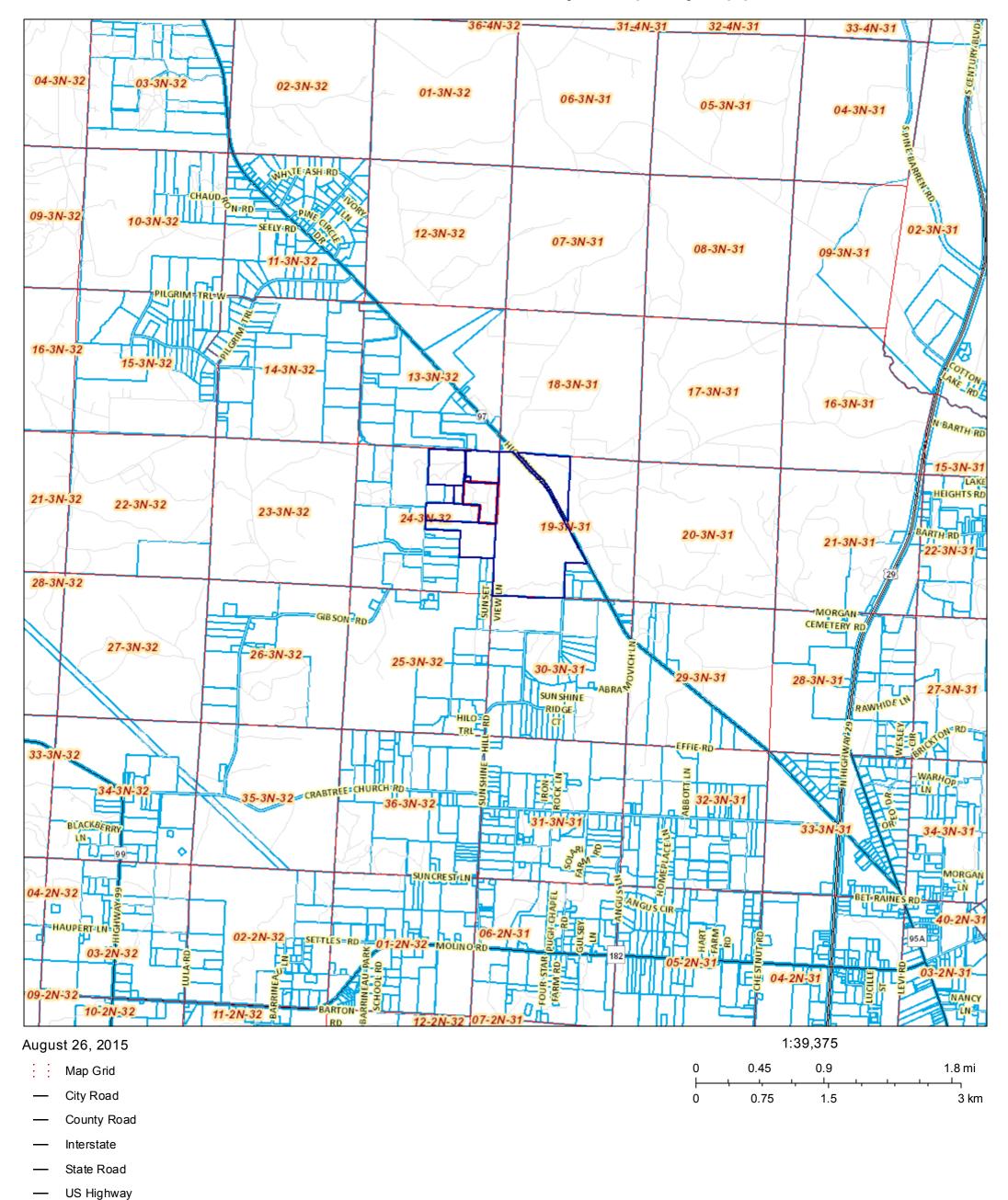
SHEFFIELD LINDSAY 1/2 INT & 9850 GIBSON RD MOLINO, FL 32571

KILLAM JAMES BUTLER 1/2 INT 10001 N PALAFOX ST # L8 PENSACOLA, FL 32534

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Chris Jones Escambia County Property Appraiser



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.: 643152

Date Issued. : 08/19/2015 Cashier ID : VHOWENS

Application No.: PBA150800011

Project Name: V-2015-10

		PAYMENT I	NFO
Method of Payment	Reference Document	Amount Paid	Comment
Check			
	1451	\$423.50	App ID : PBA150800011
		\$423.50	Total Check

Received From : JON HAMMOND
Total Receipt Amount : \$423.50

Change Due: \$0.00

		АР	PPLICATION INFO
Application #	Invoice #	Invoice Amt	Balance Job Address
PBA150800011	734245	423.50	\$0.00 9420 GIBSON RD, MOLINO, 32577
Total Amount :		423.50	\$0.00 Balance Due on this/these Application(s) as of 8/21/2015

Receipt.rpt Page 1 of 1

Board of Adjustment 6. 3.

 Meeting Date:
 09/16/2015

 CASE:
 V-2015-11

APPLICANT: Rex Burt, Agent for Gulf Winds Federal Credit Union

ADDRESS: 220 East Nine Mile Road

PROPERTY REFERENCE NO.: 18-1S-30-1003-000-001

ZONING DISTRICT: HCLI & HDMU

FUTURE LAND USE: MU-S, Mixed Use Suburban

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicant is seeking a variance to install a new freestanding sign that will encroach into the front setback by 6'1". The location will be the same as an existing non-conforming sign that pre-dates the Land Development Code requirements. The current required setback is 10 feet.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 5.8-7c(2)4

(4) Setbacks: All freestanding signs shall be set back from the street right-of-way ten feet or more, measured from the forward-most edge of the sign.

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

Section 2-6.3 a of the Land Development Code defines special circumstances or conditions specifically as follows: Exceptional conditions. There are exceptional conditions or circumstances that are unique to the land in question, not ordinarily found on other lands in the vicinity and not a result of the owner's intentional action. Unique conditions or circumstances include exceptional narrowness, shallowness, shape, or topographic conditions of the land or the presence of environmentally sensitive lands in or around the land.

The existing sign on site was installed prior to the current right of way setback. The Applicant is seeking to replace the sign in the same location as was permitted with the original site design and layout. The challenge of replacing the sign into the designed layout while meeting the current setbacks presents a practical hardship in the use of the site.

CRITERION (2)

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

FINDINGS-OF-FACT

This variance does not result from the actions of the Applicant.

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 the requested variance will not confer a special privilege.

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

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.

The request does meet this criterion.

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

This variance is the minimum necessary given the unique circumstances present.

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:

The requested variance will be consistent with the general intent and purpose of the Land Development Code and should not be injurious to the area or otherwise detrimental to the public welfare.

STAFF RECOMMENDATION

Staff recommends that the Board approve the variance request as submitted.

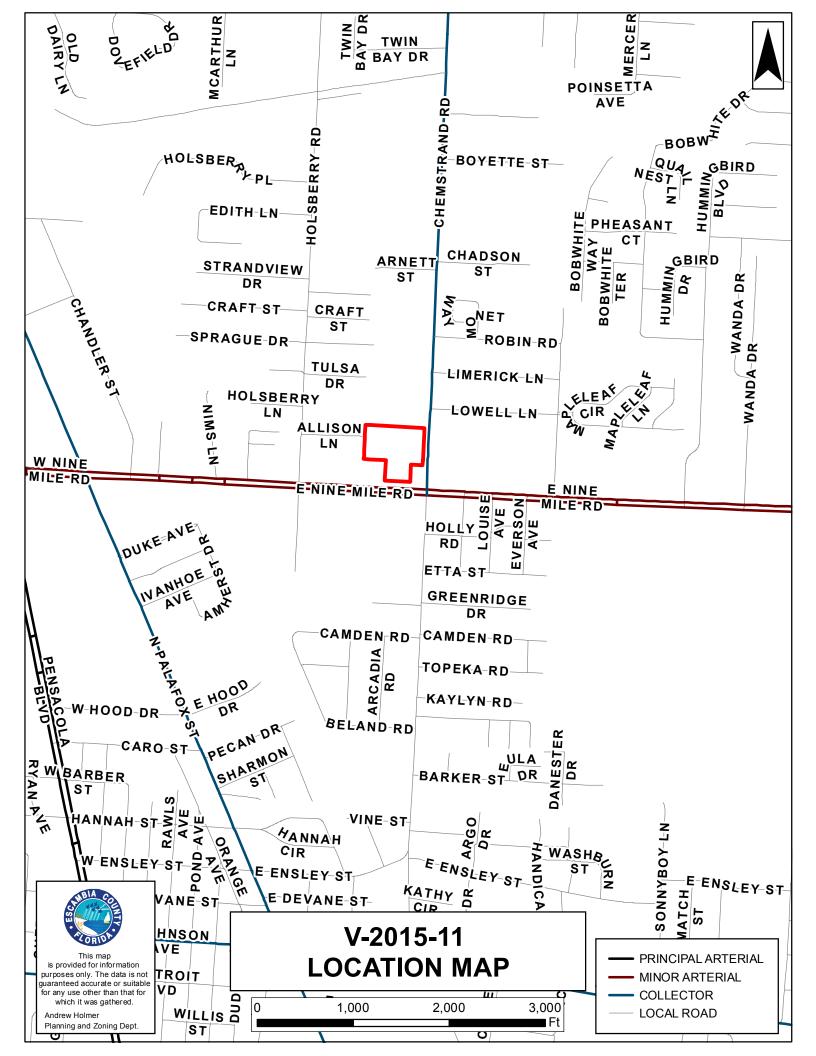
BOA DECISION

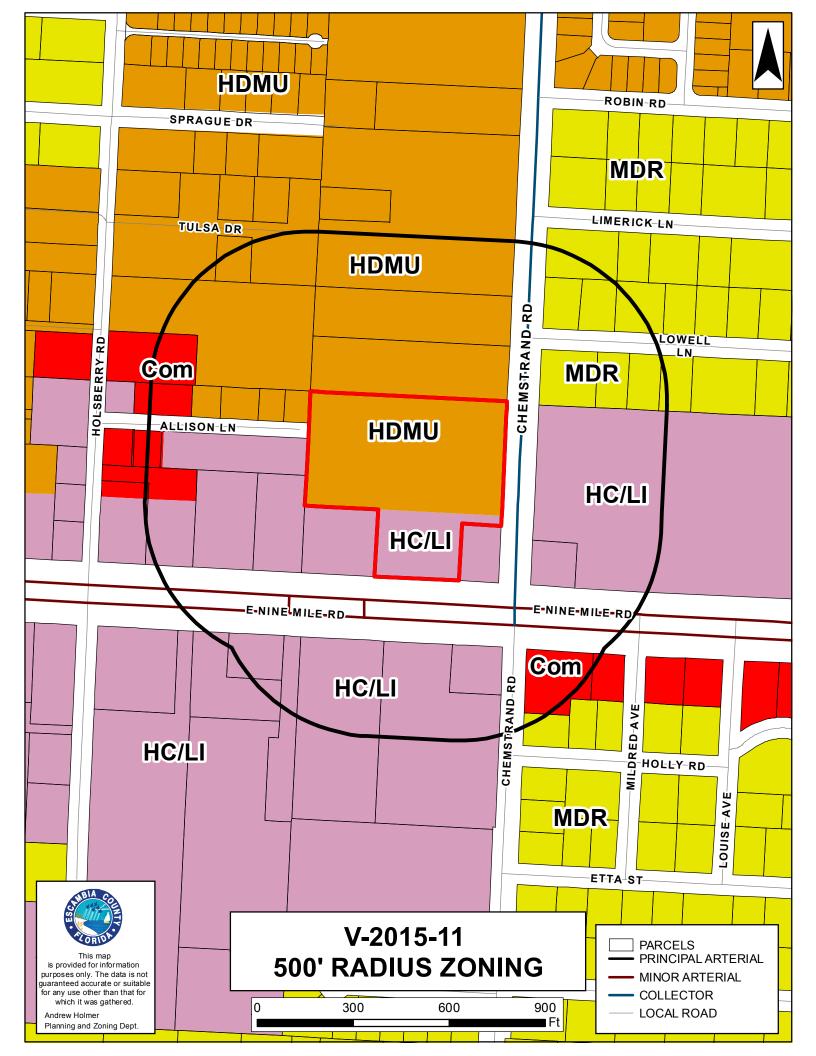
Attachments

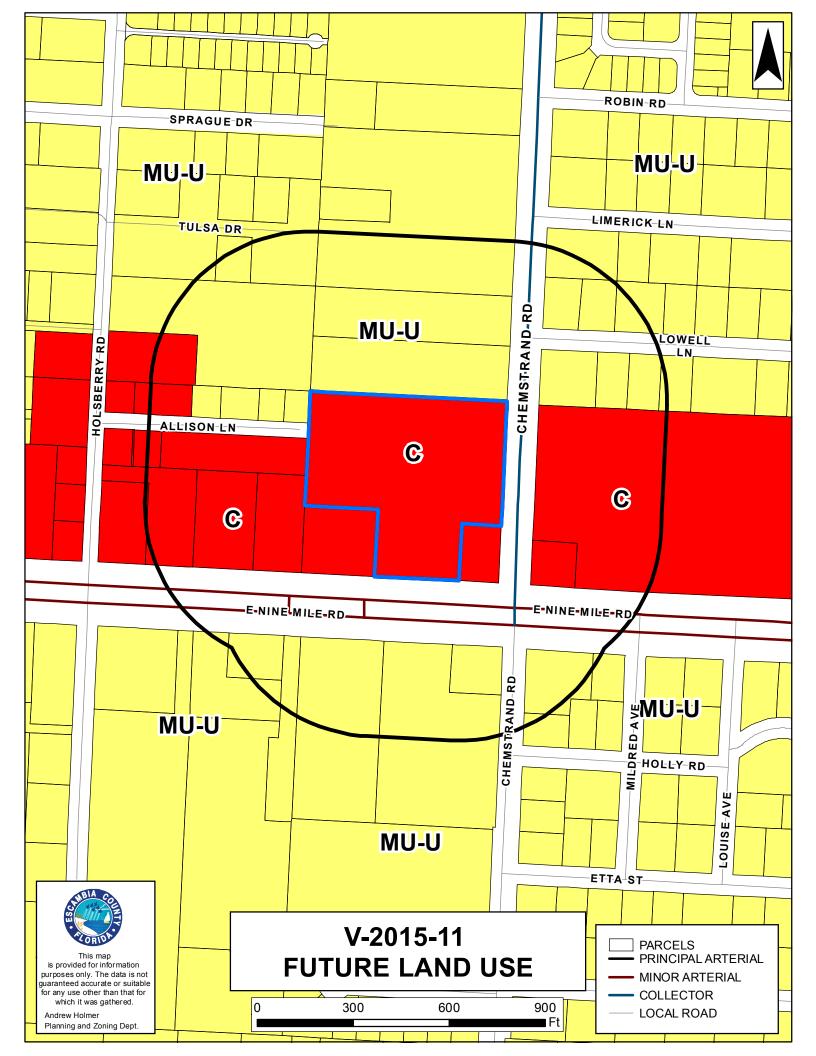
Working Case File #V-2015-11

V-2015-11

220 E. Nine Mile Rd.









V-2015-11

APPLICATION

Please check application type: Administrative Appeal Pevelopment Order Extension Rezoning Request for: Name & address of current owner(s) as shown on public records of Escambia County, FL Owner(s) Name: Gulf Winds Federal Credit Union Address: 400 W. Garden Street - Pensacola, FL 32502 Email: Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein. Property Address: 220 East 9 Mile Road - Pensacola, FL 32534 Property Reference Number(s)/Legal Description: 181S301003000001 Rezoning Request for: Setback for New Freestanding Sign Local County, FL Email: Email: Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein. Property Address: 220 East 9 Mile Road - Pensacola, FL 32534 Property Reference Number(s)/Legal Description: 181S301003000001 Copy of legal description attached. 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
Name & address of current owner(s) as shown on public records of Escambia County, FL Owner(s) Name: Gulf Winds Federal Credit Union Phone: 850-479-9601 Address: 400 W. Garden Street - Pensacola, FL 32502 Email: □ Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein. Property Address: 220 East 9 Mile Road - Pensacola, FL 32534 Property Reference Number(s)/Legal Description: 181S301003000001 Copy of legal description attached. 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
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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
 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
 I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.
$\frac{Rex BxF}{Signature of Owner/Agent} = \frac{Rex BxF}{Printed Name Owner/Agent} = \frac{8/10/15}{Date}$
Signature of Owner Printed Name of Owner Date
STATE OF Florida COUNTY OF ESCENSIA
The foregoing instrument was acknowledged before me this 20th day of August 20 15, by Rex Burt
Personally Known ☑ OR Produced Identification ☐. Type of Identification Produced:
Signature of Notary Kathy To Klimkow Sta
My Comm. Expires Se
FOR OFFICE USE ONLY CASE NUMBER: V-2015
Meeting Date(s); Accepted/Verified by:



400 West Garden Street Pensacola, FL 32502

Tel: (850) 479-9601

www.gogulfwinds.com

August 19th, 2015

Mr. Andrew Holmer Board Of Adjustment 3363 West Park Place Pensacola, FL 32505

Subject: Variance request to install a new freestanding sign with a 3'-11" setback from the front property line.

Dear Mr. Holmer and members of the BOA,

We hereby make request for a variance to the sign setback criteria in Article 8.07.00 *On-Premises Signs* in the sign ordinance. The variance being granted would allow for a new freestanding sign to be installed in the same location with same distance from the front property as is with the existing freestanding sign, once the existing sign has been removed.

As part of our plan to improve the aesthetics and overall visual appeal of the property, it is our intent to replace the existing aging freestanding sign at the Nine Mile Rd. entrance/exit with a new and more modern looking sign. The old/existing sign will be completely removed, including the demolition of the brick base and foundation to make room for the new sign. It is our desire and request to have the new sign installed with the same 3'-11" setback from leading edge of the sign to the front property line. This will enhance the maximum visibility of the sign from the east bound and west bound traffic along 9 Mile Road. In addition, the much slimmer 4 ft. wide base / pole cover of the new sign will improve the visibility of oncoming west bound traffic on 9 Mile Road for vehicles exiting the property. Also and as trade out, the new freestanding will be 56 square feet less than the existing sign and message board combined. I.e., the combined square footage of the existing sign is 184 and the square footage of the proposed new sign is 128.

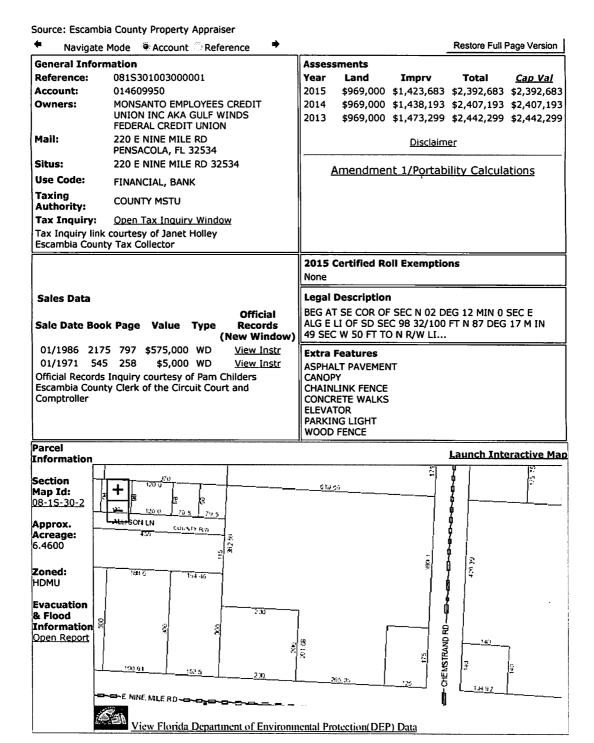
Addressing the Criteria

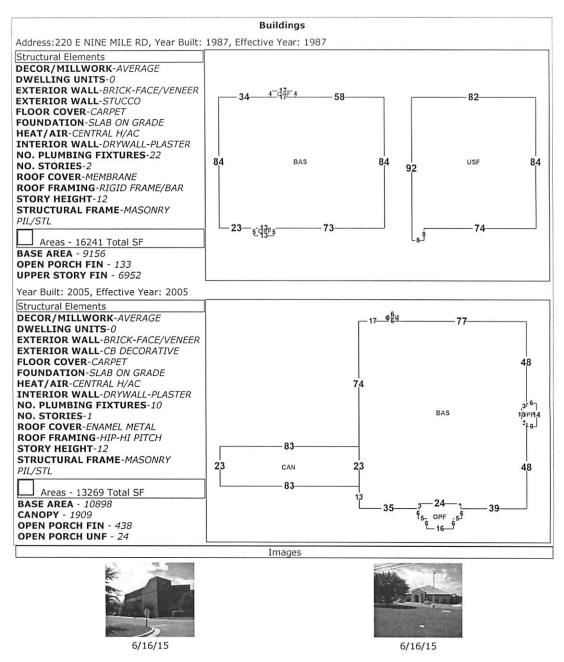
- 1: The conditions and circumstances that apply to this property are unique in that the existing sign (Monsanto Credit Union) was installed some time in the 1980's. Setback criteria for freestanding signs may have been different and more relaxed during that time. Placing the new sign 6'-11" closer to the front property line should have no adverse effects on other properties or businesses within the vicinity or traffic entering and/or existing the property.
- 2: The variance is necessary to allow for placing the sign 6'-11" closer to the property line to maximize visibility from the two-way traffic on 9 Mile Rd. and not just to serve as a convenience to the property owner(s).
- 3: The authorization of the variance will not in any way impair an adequate supply of light and/or air to adjacent properties or increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect, impair the health, safety, comfort or general welfare of the inhabitants of Escambia County.
- 4: The variance will not, in any manner, alter other provisions of this Code or the Comprehensive Plan, except this Code and the Plan may be amended in the manner prescribed by the law.
- 5: This variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA. The variance process exists as a remedy and relief for unique conditions described herein.

We thank the Board Of Adjustment members for their time and consideration of this request.

Rex Burt

Gulf Winds Federal Credit Union





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

Escambia County Property Appraiser 081S301003000001 - Full Legal Description

BEG AT SE COR OF SEC N 02 DEG 12 MIN 0 SEC E ALG E LI OF SD SEC 98 32/100 FT N 87 DEG 17 MIN 49 SEC W 50 FT TO N R/W LI NINE MILE RD US HWY 90A (200 FT R/W) CONT N 87 DEG 17 MIN 49 SEC W ALG SD R/W LI 125 FT TO POB CONT N 87 DEG 17 MIN 49 SEC W ALG SD R/W LI 265 35/100 FT N 02 DEG 16 MIN 13 SEC E 201 68/100 FT N 87 DEG 17 MIN 49 SEC W 230 FT N 02 DEG 16 MIN 13 SEC E 362 59/100 FT S 87 DEG 16 MIN 52 SEC E 619 66/100 FT TO E R/W LI CHEMSTRAND RD (SR 292 100 FT R/W) S 02 DEG 12 MIN 0 SEC W ALG SD R/W LI OF SD RD 389 10/100 FT N 87 DEG 17 MIN 49 SEC W 125 FT S 02 DEG 12 MIN 0 SEC W 175 FT TO SD N R/W LI NINE MILE RD (US HWY 90-A 200 FT R/W) AND POB OR 2175 P 797



Existing Freestanding Sign



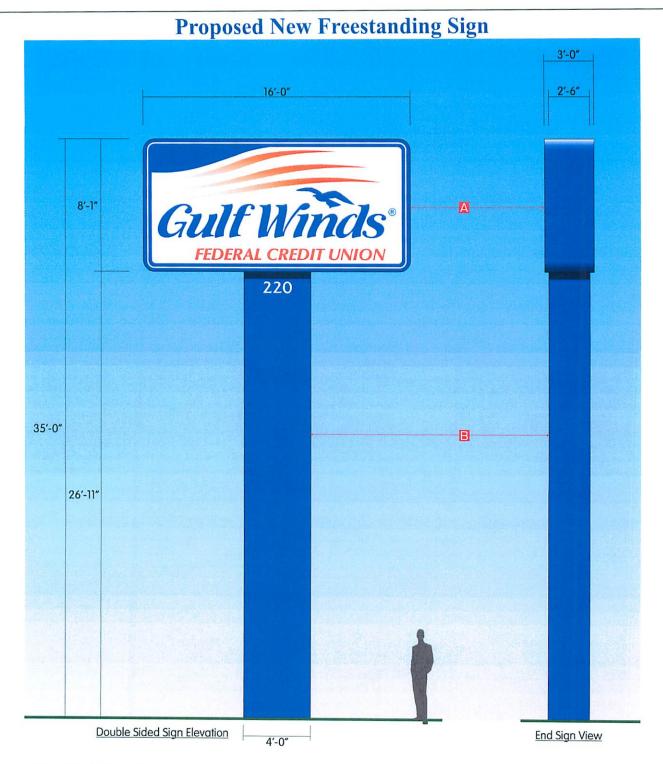
Excellence in Visual Communication

Client Gulf Winds Federal Credit Union Project Name New Freestanding Sign Placement Project Location 220 East 9 Mile Rd. Pensacola, FL 32504 Drawing # PAS04232015GWFCU-1. **HBD** Drawn By Date of Drawing 08/18/2015 Salesperson H. Dodd

Color Matching

The colors in this drawing when viewed on a computer screen or printed media may vary from the actual colors used on the completed product. Paint finishes, graphics films and other colors will be per industry standard materials unless otherwise specified herein.

This drawing was prepared and sub mitted in conjunction with a signage mitted in conjunction with a signage project being planned and project by Plastic Arts Sign Co, Inc and may not be displayed, duplicated or distrib-uted in part or whose without wither consent from Plastic Arts Sign Co, Inc Unauthorized use is strictly prohibited and may result in legal action and/or statutory damages.



General Project Description:

(A) Fabricated D/F sign cabinet with internal fluorescent illumination, flexible fabric faces and graphics applied on 1st surface.
(B) Fabricated aluminum pole cover with internal steel frame. Sign to be erected on a single steel pole and secured below grade in concrete footer reinforced with rebar cage. Footer and steel subject to Florida Building Code engineering criteria and will be professionally engineered accordingly.



Client	Gulf Winds Federal Credit Union		
Project Name	New Freestanding Sign Placement		
Project Location	220 East 9 Mile Rd. Pensacola, FL 32504		
Drawing #	PAS04232015GWFCU-1.		
Drawn By	HBD		
Date of Drawing	<u>08/18/2015</u> Salesperson <u>H. Dodd</u>		

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ARTWORK NOTICE!

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Typical 10'-0" setback from property line

47.0" to existing sign cabinet 34.0" to

Asking for variance of -6'-1" to place new sign at exact same distance from front property line



Front Property Line marked by ____ professional surveyors



Excellence in Visual Communication

 Client
 Gulf Winds Federal Credit Union

 Project Name
 New Freestanding Sign Placement

 Project Location
 220 East 9 Mile Rd. Pensacola, FL 32504

 Drawing #
 PAS04232015GWFCU-1.

 Drawn By
 HBD

 Date of Drawing
 08/18/2015

 Salesperson
 H. Dodd

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Excellence in Visual Communication Client Project Name Drawing # Drawn By

Gulf Winds Federal Credit Union New Freestanding Sign Placement Project Location 220 East 9 Mile Rd. Pensacola, FL 32504 PAS04232015GWFCU-1 **HBD** Date of Drawing 08/18/2015 Salesperson H. Dodd

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Approaching sign location from the EAST



Client Project Name Drawing # Drawn By

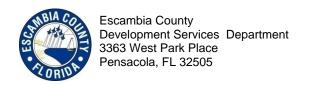
Gulf Winds Federal Credit Union New Freestanding Sign Placement Project Location 220 East 9 Mile Rd. Pensacola, FL 32504 PAS04232015GWFCU-1 **HBD** Date of Drawing <u>08/18/2015</u> Salesperson H. Dodd

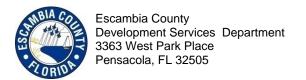
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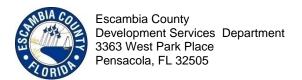


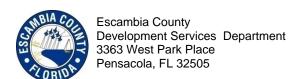
MONSANTO EMPLOYEES CREDIT 220 E NINE MILE RD PENSACOLA, FL 32534

PO BOX 1548
ANDALUSIA, AL 36420

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.

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.



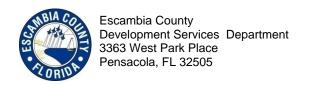


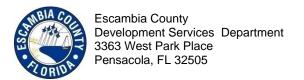
BARRAND INC
C/O WHATABURGER VENTURES LLC
1900 DALROCK RD
ROWLETT, TX 75088

HAMMAC KENNY SR & 5410 DAWSON RD CENTURY, FL 32535

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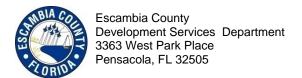
1VEY MICHAL KAREN & 2302 ARRIVISTE WAY PENSACOLA, FL 32504

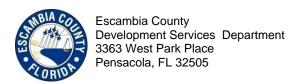
PO BOX 310 YOUNGSTOWN, FL 32466

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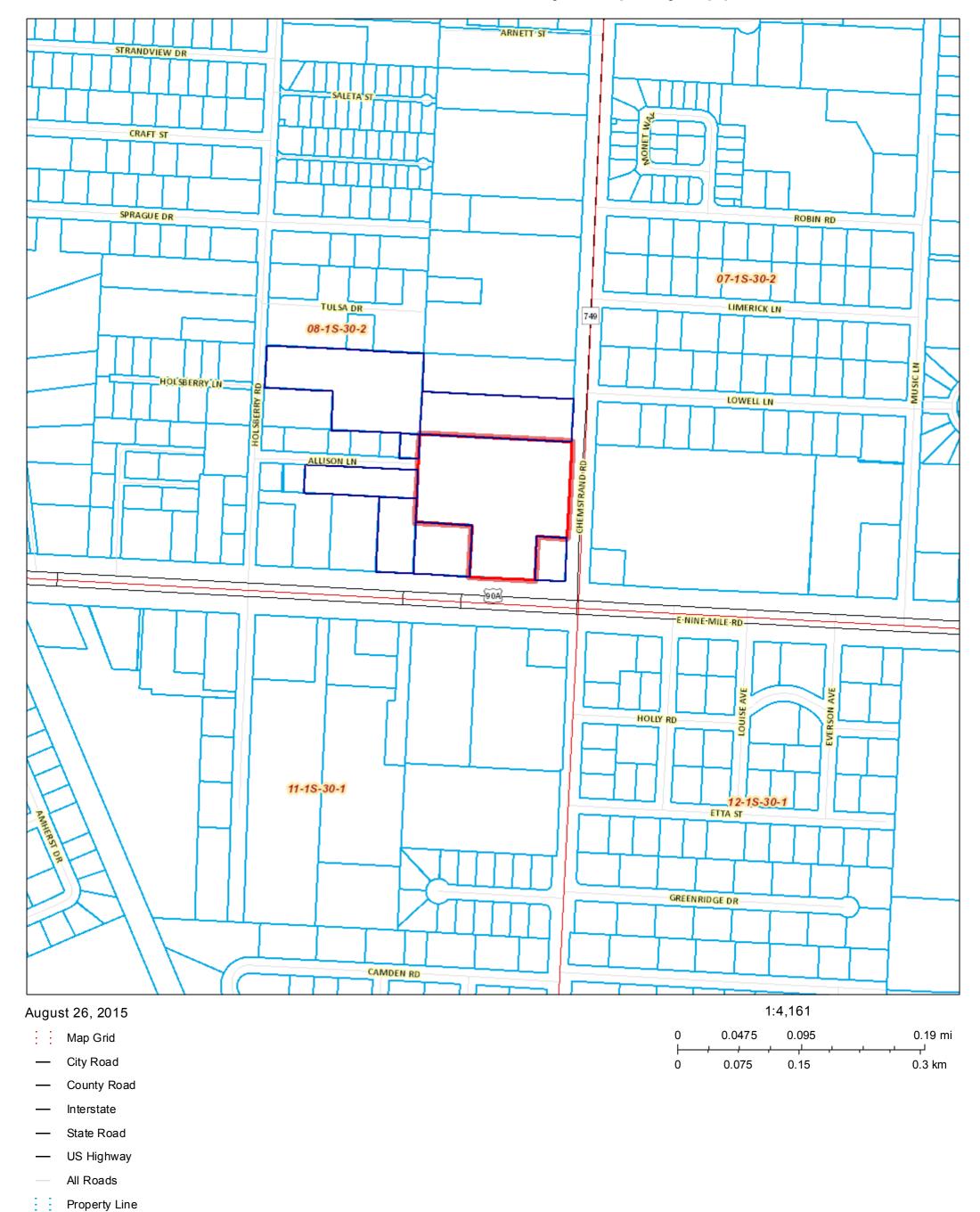
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SELLARS FALCON B JR





Chris Jones Escambia County Property Appraiser





Development Services Department Building Inspections Division

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

RECEIPT

Receipt No.: 643323

Date Issued. : 08/20/2015 Cashier ID : VHOWENS

Application No.: PBA150800012

Project Name: V-2015-11

Address: 3931 NAVY BLVD.

Pensacola, FL, 32507

		PAYMENT I	NFO
Method of Payment	Reference Document	Amount Paid	Comment
Check	21585	\$423.50	App ID : PBA150800012
		\$423.50	Total Check

Received From: FEDERAL CREDIT UNION

Total Receipt Amount: \$423.50

Change Due: \$0.00

APPLICATION INFO			
Application #	Invoice #	Invoice Amt	Balance Job Address
PBA150800012	734408	423.50	\$0.00 220 E NINE MILE RD, PENSACOLA, 32534
Total Amount :		423.50	\$0.00 Balance Due on this/these Application(s) as of 8/21/2015

Receipt.rpt Page 1 of 1