AGENDA
ESCAMBIA COUNTY BOARD OF ADJUSTMENT
June 20, 2018–8:30 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 Minutes.

   A. Approval of Resume Meeting Minutes from the May 16, 2018 Board of Adjustment Meeting.

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

   A. **Case No.: V-2018-05**

Address:	1600 Ora Drive
Request:	Variance to allow a 6 foot privacy fence in the front yard of a residential dwelling
Requested by:	Ted & TC Moucheron

   B. **Case No.: CU-2018-07**

Address:	321 Thompson Road
Request:	Conditional Use request to allow for a telecommunication tower greater than 150 feet in height
Requested by:	Baker Donelson Law Firm, Agent for Anne B. Peterson, Owner

C. **Case No.: CU-2018-08**

Address:	5900 W Nine Mile Road
Request:	Conditional use to allow automobile sales, used autos only
Requested by:	Cynthia Mather, Agent for Ellis Stuart, Stuart Airplane Services Inc., Owner

7. Discussion Items.

8. Old/New Business.

9. Announcement.

   The next Board of Adjustment Meeting is scheduled for Wednesday, July 18, 2018 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment.

Board of Adjustment **5. A.**

Meeting Date: 06/20/2018

Attachments

Draft May 16, 2018 Board Of Adjustment Meeting Minutes

D R A F T

RESUMÉ OF THE MEETING OF THE BOARD OF ADJUSTMENT
HELD May 16, 2018

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:32 A.M. – 10:44 A.M.)

Present: Bill Stromquist
Judy Gund
Jennifer Rigby
Michael Godwin
Walker Wilson

Absent: Auby Smith
VACANT

Staff Present: Andrew Holmer, Division Manager, Planning & Zoning
Caleb MacCartee, Urban Planner, Planning & Zoning
Horace Jones, Director, Development Services
Juan Lemos, Senior Planner, Planning & Zoning
Kayla Meador, Sr Office Assistant
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 Michael Godwin

   Motion was made to accept the May 16, 2018 BOA meeting packet.

   Vote: 5 - 0 Approved

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

   Motion by Board Member Judy Gund, Seconded by Michael Godwin

   The Clerk provided proof of publication and motion was made to accept.

Vote: 5 - 0 Approved

5. Approval of Resume Minutes.

A. Approval of Resume Meeting Minutes from the April 18, 2018 Board of Adjustment Meeting.

Motion by Board Member Judy Gund, Seconded by Walker Wilson

Motion was made to approve the April 18, 2018 BOA Resume Meeting Minutes.

Vote: 5 - 0 Approved

6. **<u>Consideration of the following cases:</u>**

A. **Case No.: V-2018-03**

Address:	3800 Pine Forest Road
Request:	Variance to the required 10' sign setback for the replacement of an existing sign
Requested by:	R. Todd Harris, Agent for Milestone Baptist Church, Inc., Owner

Motion by Walker Wilson, Seconded by Board Member Judy Gund

Board Members adopted Staff's Findings and approved the Variance as requested.

Vote: 5 - 0 Approved

B. **Case No.: V-2018-04**

Address:	14118 Gorham Road
Request:	Variance to reduce the eastern side setback for a pier from 6.8 feet to 0.5 of a foot
Requested by:	Clay Carrington, Owner

Motion by Walker Wilson, Seconded by Michael Godwin

Board Members amended Staff's Findings and approve the east side dock setback variance request.

Vote: 4 - 1 Approved

Voted No: Board Member Jennifer Rigby

C. **Case No.: CU-2018-05**

Address:	308 Massachusetts Avenue
Request:	Conditional use to allow automobile sales, used autos only

Requested by:	Dina and Leonid Gutu, Agents for Marion and Jerrell Gorum, Owners

Motion by Walker Wilson, Seconded by Board Member Judy Gund

Board Members adopted Staff's Findings and approved the Conditional Use with the DRC condition.

Vote: 5 - 0 Approved

D. **Case No.: CU-2018-06**

Address:	9500 Block of Scenic Highway
Request:	Conditional Use to allow a townhouse development in MDR zoning
Requested by:	Wiley C. "Buddy" Page, Agent for Charles E. Clevenger, Owner

Motion by Board Member Judy Gund, Seconded by Board Member Jennifer Rigby

Board Members adopted Staff's Findings and approved the Conditional Use with the DRC condition.

Vote: 5 - 0 Approved

7. Discussion Items.

8. Old/New Business.

9. Announcement.

The next Board of Adjustment Meeting is scheduled for Wednesday, Month day, 2017 at 8:30 a.m., at the Escambia County Central Office Complex, Room 104, 3363 West Park Place.

10. Adjournment.

Board of Adjustment **6. A.**

Meeting Date:	06/20/2018
CASE:	V-2018-05
APPLICANT:	Ted & TC Moucheron
ADDRESS:	1600 Ora Drive
PROPERTY REFERENCE NO.:	29-2S-31-2201-000-000
ZONING DISTRICT:	MDR, Medium Density Residential
FUTURE LAND USE:	MU-S, Mixed-Use Suburban

SUBMISSION DATA:

REQUESTED VARIANCE:

The Applicants are seeking a variance to allow a 6 foot privacy fence in the front yard of a residential dwelling.

RELEVANT AUTHORITY:

Land Development Code of Escambia County, Florida (Ordinance No. 96-3 as amended), Section: 5-9.4 (a)

(a) Fence heights in residential districts. Maximum heights for fences constructed in residential districts, except those on Pensacola Beach, shall be:

	Opaque Materials	Transparent Materials Which Do Not Obstruct Light, Air and Visibility
Front yard	**3 feet**	4 feet
Side yard	8 feet	8 feet
Rear yard	8 feet	8 feet

CRITERIA

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

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 parcel in question is a large (1.29 acre) residential property with 260 (±) feet of depth behind the residence. Staff finds no unique physical hardships on the land that

would necessitate a fence variance in the front yard.

CRITERION (2)

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

FINDINGS-OF-FACT

The Applicant was granted a fence permit to build a 6 foot privacy fence in the side and rear yard. The fence that was built is in the front yard, not as indicated on the approved plan.

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 in itself confer a special privilege that other properties wouldn't be able to seek through this Board.

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 code would not create an undue hardship as there are no unique physical hardships on the land.

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 granted is not the minimum variance that will make possible the reasonable use of the land, building or structure. A privacy fence could be constructed in the side and rear yards as indicated on the issued fence permit.

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 would not be injurious to the area or otherwise detrimental to the public welfare.

STAFF RECOMMENDATION:

STAFF RECOMMENDS

Staff finds that the request does not meet criteria 1, 2, 4, and 5. Denial of the request is recommended.

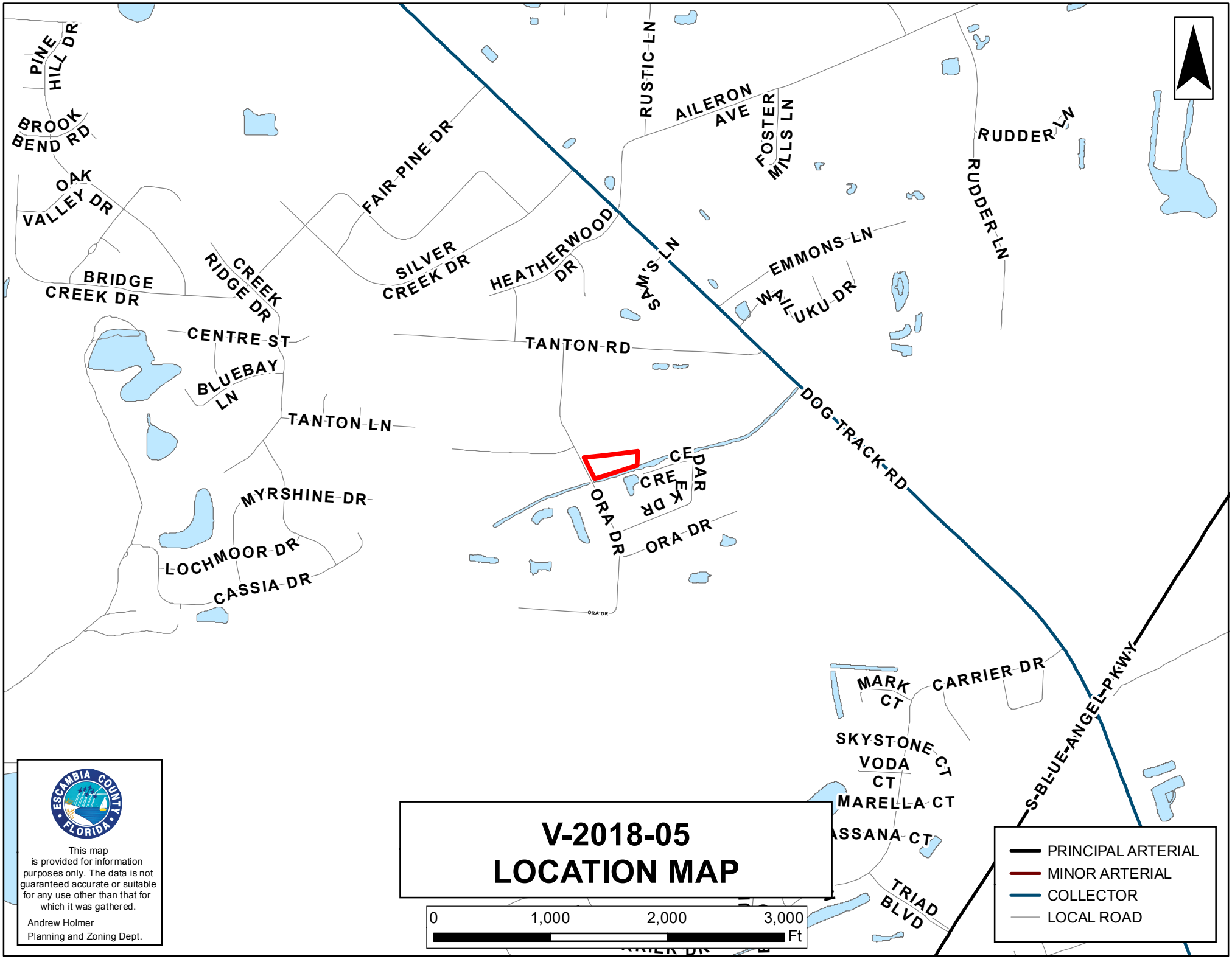
BOA DECISION

BOARD OF ADJUSTMENT FINDINGS:

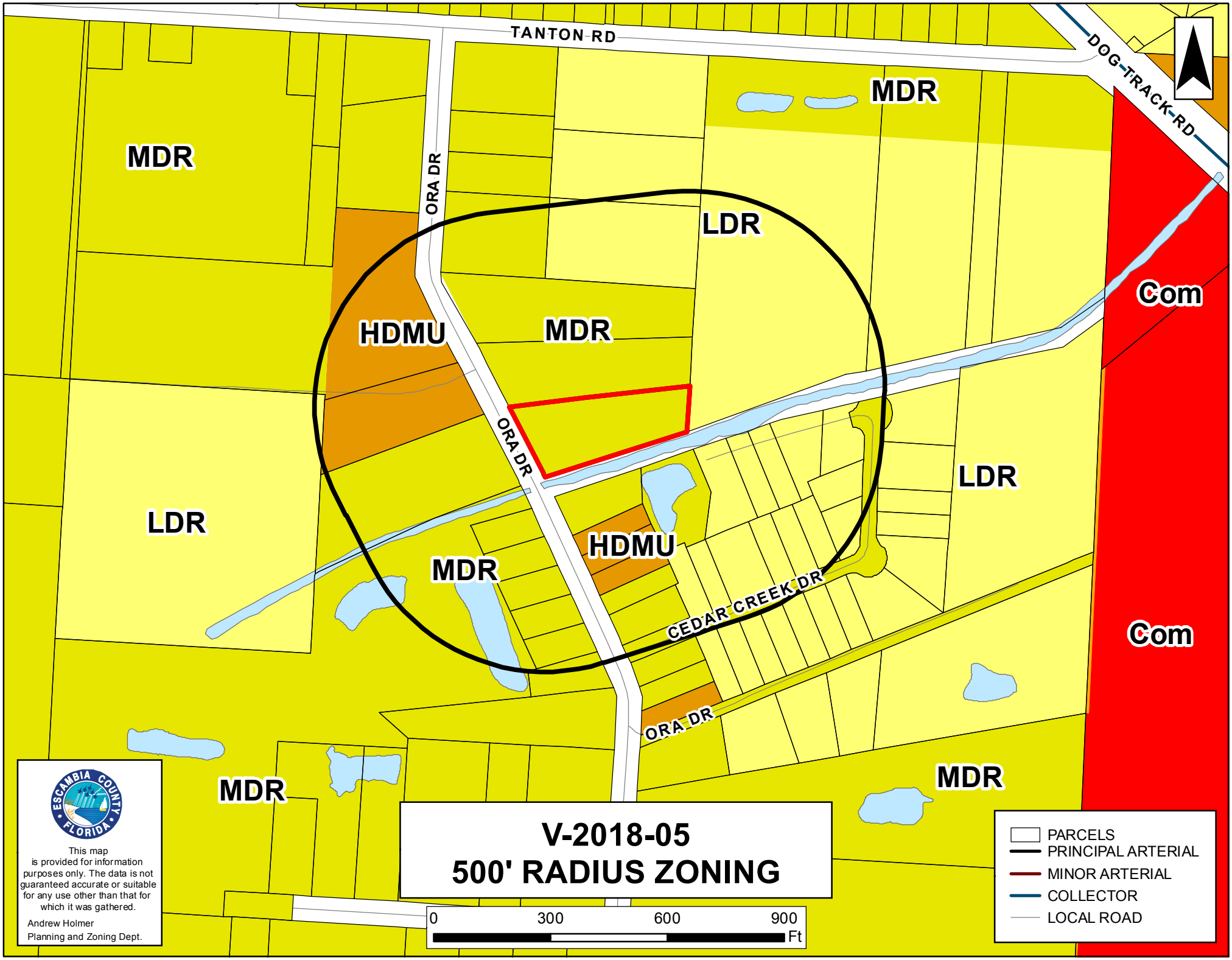
Attachments

Working Case File

V-2018-05



V-2018-05
LOCATION MAP


TANTON RD
DOG TRACK RD
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ORA DR
CEDAR CREEK DR
MDR
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V-2018-05
500' RADIUS ZONING
0
300
600
900
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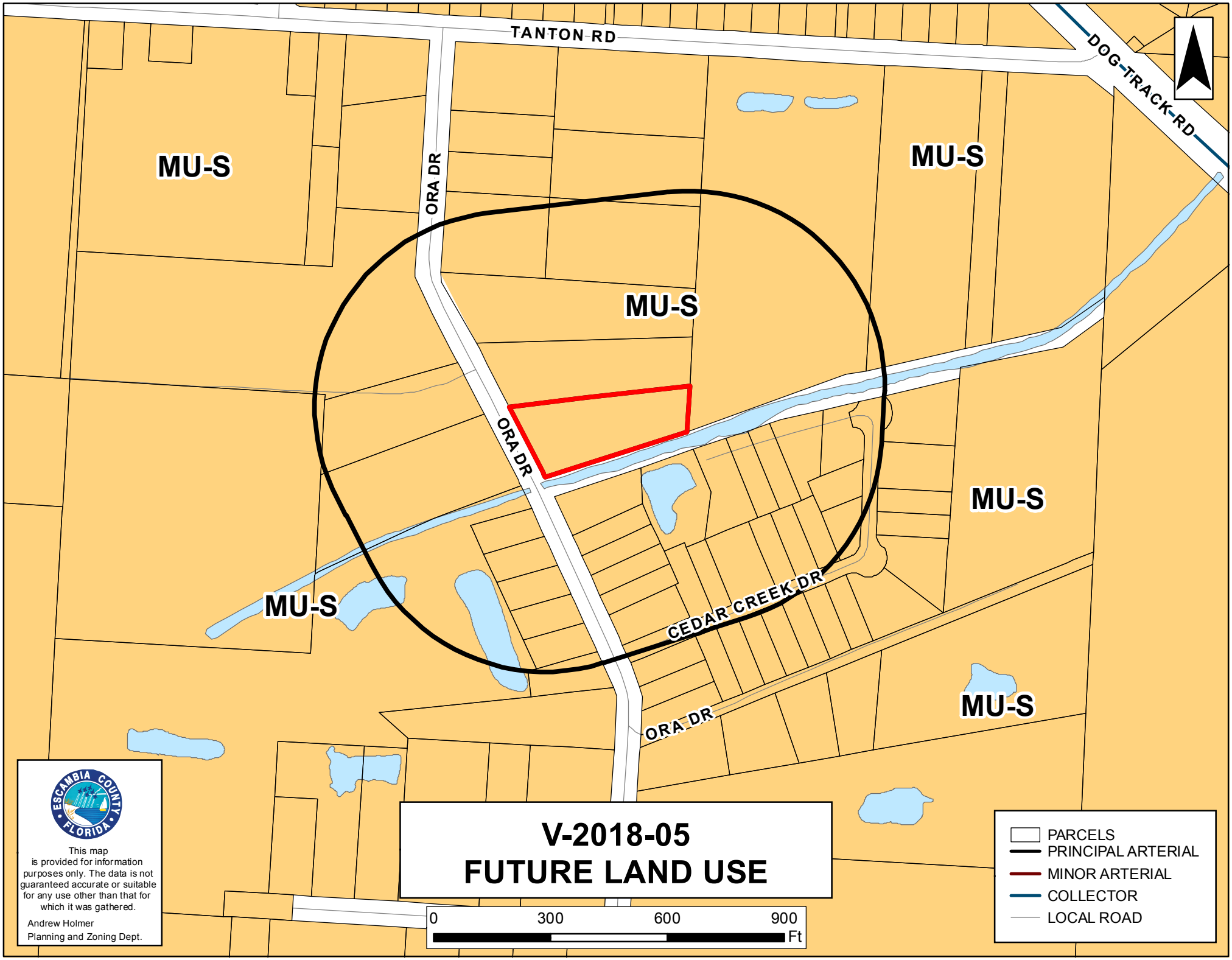
PARCELS
PRINCIPAL ARTERIAL
MINOR ARTERIAL
COLLECTOR
LOCAL ROAD
ESCAMBIA COUNTY FLORIDA
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
Andrew Holmer
Planning and Zoning Dept.


TANTON RD
DOG TRACK RD
ORA DR
ORA DR
ORA DR
CEDAR CREEK DR
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V-2018-05
FUTURE LAND USE
PARCELS
PRINCIPAL ARTERIAL
MINOR ARTERIAL
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LOCAL ROAD
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ESCAMBIA COUNTY FLORIDA
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
Andrew Holmer
Planning and Zoning Dept.

ORA DR
V-2018-05
AERIAL MAP
0
50
100
150
Ft
PARCELS
PRINCIPAL ARTERIAL
MINOR ARTERIAL
COLLECTOR
LOCAL ROAD
ESCAMBIA COUNTY FLORIDA
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
Andrew Holmer
Planning and Zoning Dept.

18051578PBA

Last Updated: 06/21/17

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

Board of Adjustment Application

FOR OFFICE USE ONLY - Case Number: V-2018-05 Accepted by: AH/KM BOA Meeting: 4/20/18

~~**Conditional Use** Request for:~~ _____

Variance Request for: _____

1. **Contact Information:**

   A. **Property Owner/Applicant:** Ted Moucheron / TC Moucheron

   Mailing Address: 1600 Ora Dr. Pensacola, Fl.

   ~~Business~~ TED Phone: 850 418-3917 ~~Cell:~~ TC 850 554-0756

   Email: tcmstingray@cox.net

   B. **Authorized Agent (if applicable):** N/A

   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: 1600 Ora Dr. Pensacola, Fl.

   Parcel ID (s): _____

   B. Total acreage of the subject property: 2 acres

   C. Existing Zoning: residential

   FLU Category: _____

   D. Is the subject property developed (if yes, explain): Front of ~~property~~ property is, there is house. Back not developed.

   E. Sanitary Sewer: _____ Septic: ✓

3. **Amendment Request**

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

The request for the fence, helps on the turning radius on a extra long truck bed that forms a "S" style driveway. The only entrance for a heavy vehicle, truck and trailer swing radius needed for property upkeep to the backyard and access.

B. **For Variance Request – Please address *ALL* the following approval conditions for your Variance request. (use supplement sheets as needed)**

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.

A drainage ditch runs on east of property - the county raised the bridge in front of my house over 3ft. changing where I had a straight driveway planned for east side of the property. I have 28ft long flat bed truck and can not drive on west side of property where water and septic is located. Only one entrance access on property.

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

- Pensacola flood on April 28, 2014. 28 inches rain in 24 hrs. which med. the county raise the bridge, thus taking out Possibility of straight driveway - special magistrate told me that the code enforcement couldn't tell me what to do with fence. - Mr. Homer told Father to put fence back to permit area until case closed, then move fence back to where I need it. So I put the fence back to where I needed. - the inspector Jan 2 inspected the fence and told my father it passed inspection and everything ok.

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.

There are at least twenty five other enclosed compounds, within ½ mile from 1600 Ora Drive. There are also numerous fences worse than ours around escambia county, so ~~the~~ there will be no special privileges granted to 1600 Ora Dr. They will have special privileges over our property if denied our variance.

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.

Yes, it would render the backyard usless to the owner, because of no access to get into backyard. The west side are septic and field drain lines.

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

The fence in question is the minimun variance to make it possible for the Swing radius to turn in on the east side of the 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.

Yes, my intent is for general purposes to get into backyard. Granting this variance will not be injurious to the area. The fence is clean well built and 100 ft from the road not blocking any hsion; a 30 ft ditch divides the two properties on the east side. So its no detramental to others.

4. **Please complete the following form (if applicable): Affidavit of Owner/Limited Power of Attorney**

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY
(if applicable)

As owner of the property located at 1600 Ora Drive _____, Florida, property reference number(s)_ _____ _____ _____ _____ I hereby designate Theodore Moweleron (TC) for the sole purpose of completing this application and making a presentation to the Board of Adjustment on the above referenced property. This Limited Power of Attorney is granted on this _____day of_____ the year of,_____, and is effective until the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development Services Department.

Agent Name:_____ _____ _____Email:_____

Address:_____ _____ _____ Phone: _____

_____ _____ _____
Signature of Property Owner Printed Name of Property Owner Date

STATE OF _____COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ ___day of _____ 20 ___,
by _____
_____

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

_____ _____
Signature of Notary Printed Name of Notary

(Notary Seal)

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: http://myescambia.com/business/board-adjustment or contact us at 595-3475.

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) **AND** a Certified Boundary Survey (Include Corporation/LLC documentation if applicable.)

D. _____ 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
2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
4) I authorize County staff to place a public notice sign(s) on the property referenced herein.; and
5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Department.

Theodore C Moucheron
Signature of Owner/Agent

THEODORE C MOUCHERON
Printed Name of Owner/Agent

STATE OF FL COUNTY OF Escambia The foregoing instrument was acknowledged before me this 15 day _____ of MAY 2018 by Theodore Moucheron.

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

Christina M. Fredin
Signature of Notary

Christina M. Fredin
Printed Name of Notary

NOTARY PUBLIC STATE OF FLORIDA

CHRISTINA M. FREDIN
COMMISSION# GG30796
EXPIRES: SEP. 15, 2020

Date: May 7, 2018

Location 1600 Ora Drive

Property Reference Number 292S312201000000

Ted Moucheron Variance Request

I Theodore Moucheron, Ted Moucherons son; would like to explain what has happened and what is needed for my father's property 1600 Ora Drive. In 2013, we tried to have a logging company come in and remove fifty-nine pine trees that are in the back of the property. The company denied the request because of no way to get in the back yard. The original driveway to the back on the west side of the property that curves to the back of the house; we discovered that the septic tank and field lines are there. With the heavy equipment plus my 14,000 pound Flatbed Tow Truck, I wouldn't be able to drive over that driveway. I decided to put a straight driveway to go on the right side of the property. On Ora Drive in the front of the property was a drainage ditch that drains parallel to Ora Drive, to the drainage ditch on the right side of property. I had planned for a culvert in ditch, cover up the culvert and make a straight driveway to the right side of the yard to the back; all so I can get in back with my truck to be able to use the back two acres to the fullest potential. On the right side of the property, is a thirty foot wide drainage ditch that goes the entire length of the right side, so a bridge plus driveway across the thirty foot ditch is not a possibility. The west and rear of property is private property and will not grant easement for driveway.

In April 2014 there was a flood in Pensacola that moved the bridge on Ora Drive. This flood destroyed my own personal property such as; automobiles that were for investment purposes. In 2016 the county decided to raise the bridge approximately three feet and have the thirty foot ditch on right side. That decision was made and it eliminated my plans for a straight driveway to right side of property. There is no way I can put a culvert or make the water drain properly. It will interfere with drainage. So now there is only one entrance from Ora drive into the property. I made the decision to use the only entrance in the property, cross in front of the house to the east side of the property, this makes an "S" like

driveway into the back yard. This is to help with the turning radius on my twenty-eight foot Flat Bed Wrecker for the curve on the east side into the back yard. I realized that the existing fence needed to be moved.

The fence needs to be on the side, in front of the yard on the east side; that also is the side that has a thirty foot ditch. The fence stops at the edge of the house, and you can see the edge of the house. The fence never crosses directly in front of the house; so it is not an enclosed compound. The fence height needs to be six foot for security purposes. We made that decision before any code violation complaints were made.

In 2017 Environmental Enforcement Code Officer Ervin Swails cited our property for violations. We decided to finally take this opportunity to make the curve on the east side leading into the back yard. We needed to take down the existing fence and move it on the side of the front of the yard for swing radius. I started to build fence that the variation request is for. Mr. Swails told us to pull a permit. My father Ted Moucheron pulled a permit. We kept building fence, Mr. Swails threatened to have me arrested because the fence that I was building was not on permit.

My father went down to talk with Andrew Homer at the permit office about the fence we were building. He told him just to put the fence back the way the permit described and wait until the case is closed and then put the fence back the way I needed it; or file a variance. We put the fence back to satisfy Mr. Swails we put it exactly the way it was on permit, straight to the drainage ditch. Mr. Swails was not satisfied; he wanted additional panels down the ditch that were not on the permit. Against my will, I put three panels down the ditch. Mr. Swails still was not satisfied; he wanted more panels down the ditch. I told him to take us to court. Then he complained about a box truck that is in the front yard.

On October 16, 2017 we went to court at the Environmental Enforcement Division at 3363 W Park Place, Pensacola, Fl. 32505. Office of Environmental Enforcement Special Magistrate Gregory Farrar, told us that Mr. Swails could not tell me what to do with my fence. Mr. Farrar made a judgment that the box truck needs to runs or to locate it behind the fence. Date to be done with order was

judge was going to dismiss the case. I was concerned about the fine that is attached to the box truck, so I spoke up about the fines before the case was dismissed; hoping to be done with all of the complaints finally. This has been going on for over a year. My father is an elderly man and has many health problems. Another Code Officer spoke up and asked for a continuance so they can talk to the county lawyer. The officer stated to the Special Magistrate, "The fines depend on the fence violation to be in effect. The Special Magistrate granted the Code a continuance.

On the next court date March 20th Mr. Dickey had a witness come in and describe that he was from the zoning and planning. The witness stated a statue about property line in front of the house. Mr. Dickey went above and beyond to prove that the inspector did not know what he was doing. He also said that I had to listen to Mr. Dickey. The Special Magistrate ruled that I have to file for a variance, drop the fence to the three foot height, or move the fence back to what it is on the permit. For me to do anything other than the variance, dropping the fence to three foot height would eliminate security for the back yard. Moving fence back to where it is on the permit would eliminate my turning radius for my twenty-eight foot Flat Bed Truck.

There are approximately twenty-five addresses that are enclosed compounds or have worst complaints near our property. Just three roads, within a half of a mile from 1600 Ora Drive; Many fence violations all around Escambia County. Those properties would have special privileges over our fence .I am positive that the Code Officers have driven by a lot of properties that are worse than this fence is, and not complain about them at all. That makes me feel singled out. I have a vested interest in this fence. Please grant us the variance so I can use the property to the fullest potential. If denied, it would make the back yard of this property unusable

Thank You for your time and consideration,

Theodore Moucheron Jr.

TC Moucheron

5/15/18

(850)554-0756

Theodore Moucheron Jr.

Christina M. Fredin

NOTARY PUBLIC STATE OF FLORIDA
CHRISTINA M. FREDIN
COMMISSION# GG30796
EXPIRES: SEP. 15, 2020

Moucheron Timeline

1600 Ora Drive.

2013- Tried to hire logging company to remove 59 pine trees was denied because of no access to backyard.

2014- April 29th Pensacola Flood (28 inches in 24 hours) flooding our property.

2016-Bridge rebuilt- raising bridge because of flood.*Causing my new driveway to be denied access.

2017- Mr. Swails cited property for inoperable cars.

2017- May 2 We were told to pull a permit for fence because we were in the middle of building the fence, that we are now requesting a variance.

2017-May 3 Ted pulled Fence permit.

2017-Nov. 13 Ted notified Mr. Swails he was ready for inspection.

2017-Nov. 14 Mr. Swails called and said the judge was ok with the inspection on Nov.17.

2017-Nov. 16 Inspection is due on this date.

2017-Nov. 17 Mr. Swails did inspection and failed it.

2017-Dec. 19 Mr. Dickey came to property said there was new complaint about fence.

2017-Dec. 29 Ted went to Mr. Homer's office, he said inspector will be sent out Jan.2 2018.

2018-Jan. 2 Permit inspector passed fence.

2018-Jan. 3 Mr. Dickey said no way the fence passed!

2018-Feb. 27 Special Magistrate about to dismiss case, I spoke up about pending fines. Code Enforcement asked the judge for a continuance to talk to the county lawyer. Case was granted continuance.

2018-Judge ruled to file a variance, move the fence back to the way it was on the permit, or lower fence to three foot height.

2018-May 14 Filed a Variance

PLN170501018

Development Services Department

Escambia County, Florida

For Office Use Only
Permit #: _____
Invoice # _____
Fee $ $45
(fee includes $5 technical fee)

Land Use Certificate for Fence Installation

Owner's Name: TED MOUCHE		Project Address: 1600 ORA	
Property Reference #: SAME		29-25-31-2201-001-000	
Located in a subdivision? ___ Yes ___ No		If yes, name of subdivision:	
Corner Lot : ___ Yes X No	Easements: ___ Yes X No	X Residential ___ Commercial	
Fence Type	X Wood Privacy ___ Vinyl Privacy ___ Chain Link ___ Barbed/ Razor Wire ___ Wrought Iron/Ornamental Metal ___ Rail ___ Electric		
	Height:	Linear Feet:	Cost of Project: $
Applicant (Contractor)	Name: SON		Escrow Account # : (If applicable)
	Address:		
	Phone:	Email or Fax:	

Owner/applicant bears all responsibility for the drawings and accuracies of the site plan, and agrees that the fence will not encroach into a public/private easement or wetland. **By signing below, responsibility is assumed by the owner/applicant.**

Theodore C Mouchere

Applicant's Signature: Date: 5-3-17

SITE PLAN: You must furnish your own site plan (below or attached), drawn to scale, with the following information: The location and dimensions of the proposed fence in relation to the principal structure and property lines, the property length and width, names and locations of streets and/or roads bordering the property & a north arrow.

* See Attached

OFFICE USE ONLY

Zoning District: MDR	Future Land Use Category: MU-S	Verified By: MS. M	Date: 5/3/2017
Inspection: ___Passed ___Failed		Inspected By:	Date:

****The owner/applicant shall have a copy of the approved permit at all times on the job site****

3363 WEST PARK PLACE • PENSACOLA, FLORIDA 32505
850-595-3475 FAX: 850-595-3557

Chris Jones - Escambia County Property Appraiser

Account: 094681000
Refno: 292S312201000000
OName1: MOUCHERON THEODORE SR AS
MailingAddr: 1600 ORA DR+PENSACOLA, FL 32506
Situs: 1600 ORA DR
LastSale: 10/2002
LastSalePr: 100
DORCd: MOBILE HOME
acreage: 1.2900
BldCnt: 1
TotHeatArea: 1152
SecMapId: 29-2S-31-1
ComplexType:
ComplexDscr:
Zoned: MDR
MLSNbr:
TaxAuth: COUNTY MSTU
PicCnt: 1

Street View

7/12/12

Ted Moucheron
1600 Ora Drive

Ted Mouchero
1600 Ora Drive

Mr. Tim Day standing in the only Drive Way; and the driveway is on westside.

Board of Adjustment **6. B.**

Meeting Date:	06/20/2018
CASE:	CU-2018-07
APPLICANT:	Baker Donelson Law Firm, Agent for Anne B. Peterson, Owner
ADDRESS:	321 Thompson Road
PROPERTY REFERENCE NO.:	23-5N-31-3101-000-000
ZONING DISTRICT:	Agr, Agricultural district
FUTURE LAND USE:	AG, Agriculture
OVERLAY DISTRICT:	N/A

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:
Conditional Use request to allow for a telecommunication tower greater than 150 feet in height.

RELEVANT AUTHORITY:
Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section:3-2.2(c)(3)e.

CRITERIA:
Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section 2-6.4
Sale of Alcohol, Section 4-7.5(e)

CRITERION (a)

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.

FINDINGS-OF-FACT
The proposed tower, as described in the application documents, will be 300' in height with a final height of 320' with appurtenances. The structure will be located in a 0.2296 (+/-) acres section of a 39.4 (+/-) acre parent parcel and will be accessed via Thompson Road, as described in the survey and legal descriptions provided with the application. The parcel is located in the Northeast section of the County and Southwest from the Town of Century boundary. There are residential structures that will be located within the 500' distance of the proposed structure. Most properties within the 500' buffer are used as single-family residences or agricultural land. It appears that the use could be compatible with adjacent uses and operate in a manner that would not impact properties in the immediate area.

CRITERION (b)

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.

FINDINGS-OF-FACT
Based on the application, the facility will only require power and telephone service. If approved, the project will have to do a formal submittal and receive a Development Order from the Development Review Committee (DRC). The applicant will have to address all applicable standards under the LDC.

CRITERION (c)

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.

FINDINGS-OF-FACT
Based on the application description, an access easement will be provided from Thompson Road, for maintenance personnel only. Ingress, egress, on-site parking and emergency vehicle access standards from the LDC and Fire Code will be reviewed and implemented during the Site Plan Review process.

CRITERION (d)

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.

FINDINGS-OF-FACT
The applicant has provided documentation for the FCC application, Tower Site Evaluation form; a letter from Escambia County Public Safety with no objection to the proposal; an FAA determination of no hazard to air navigation; a geotechnical investigation from Environmental Corporation of America, addressing proposed site environmental compliance; and the United States Navy Liaison for Escambia County provided an electronic review, with no comments to the current proposal. If the proposed structure is near to or exceeds 350 feet, the United States Navy's Liaison at NAS Pensacola has requested further review documentation and discussion with the applicant.

CRITERION (e)

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.

FINDINGS-OF-FACT
Based on the application, no solid waste will be produced or stored on-site.

CRITERION (f)

Screening and buffering. Where not otherwise required by the LDC, screening and buffering will be provided if appropriate to the proposed use and site.

FINDINGS OF FACT:
Although the applicant stated that no additional screening is provided, screening and buffering requirements will be addressed during the Site Plan Review process.

CRITERION (g)

Signs and lighting. All exterior signs and lights, whether attached or freestanding, will be compatible with adjoining properties and other properties in the immediate area, especially regarding glare and traffic safety.

FINDINGS OF FACT:
The applicant is aware of the FAA-FCC requirements for lighting. All signs and lights proposed on-site will be reviewed for compliance during the Site Plan Review process.

CRITERION (h)

Site characteristics. The size, shape, location and topography of the site appear adequate to accommodate the proposed use, including setbacks, intensity, bulk, height, open space and aesthetic considerations.

FINDINGS OF FACT:
The proposed development site appears to accommodate the proposed use. If the Conditional Use is approved, a formal project submittal thru the Site Plan Review process must be made. All of the LDC standards and requirements will apply.

CRITERION (i)

Use requirements. The proposed use complies with any additional conditional use requirements of the applicable zoning district, use, or other provisions of the LDC.

FINDINGS OF FACT:
Application requirements. Application for LDC compliance review of proposed telecommunication towers shall include the following completed documents for use in evaluating compliance, but applications for conditional use approval need not include the geotechnical report or environmental compliance checklist.
a. A geotechnical exploration report. Submitted by the applicant, produced by Environmental Corporation of America
b. An FCC/NEPA environmental compliance checklist. Submitted by the applicant, produced by Environmental Corporation of America
c. Letters indicating no objection to the tower from:
Federal Communications Commission.-Received and provided as part of the application.
Federal Aviation Administration- Received and provided as part of the application.
Florida Department of Transportation-Received electronic communication and is part of the file.
Escambia County Emergency Management-Received and provided as part of the application.
d. Coverage maps for this tower-Received and provided as part of the application

e. Collocation information-Received and part of the application.

STAFF FINDINGS

Staff finds that the applicant has addressed all of the Conditional Use criteria for a telecommunications tower, as described in the LDC; therefore, staff recommends approval of the Conditional Use, as requested. If approved, the applicant must submit a formal application for the project to the Development Review Committee and receive a Development Order prior to any site disturbance.

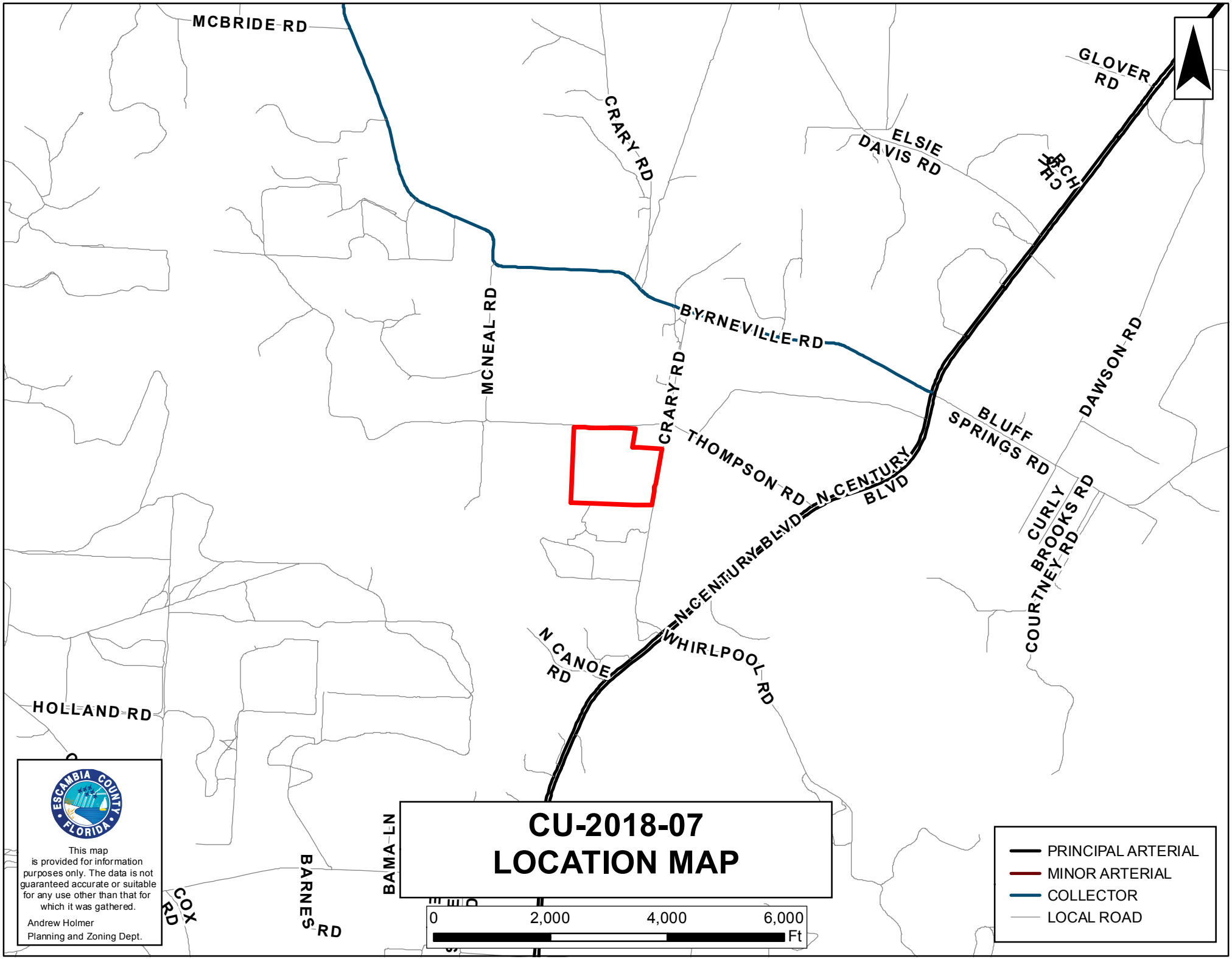
BOA DECISION

BOARD OF ADJUSTMENT FINDINGS

Attachments

Working Case File

CU-2018-07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DAWSON RD
BLUFF SPRINGS RD
THOMPSON RD
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COURTNEY RD
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BARNES RD
COX RD
CU-2018-07
LOCATION MAP
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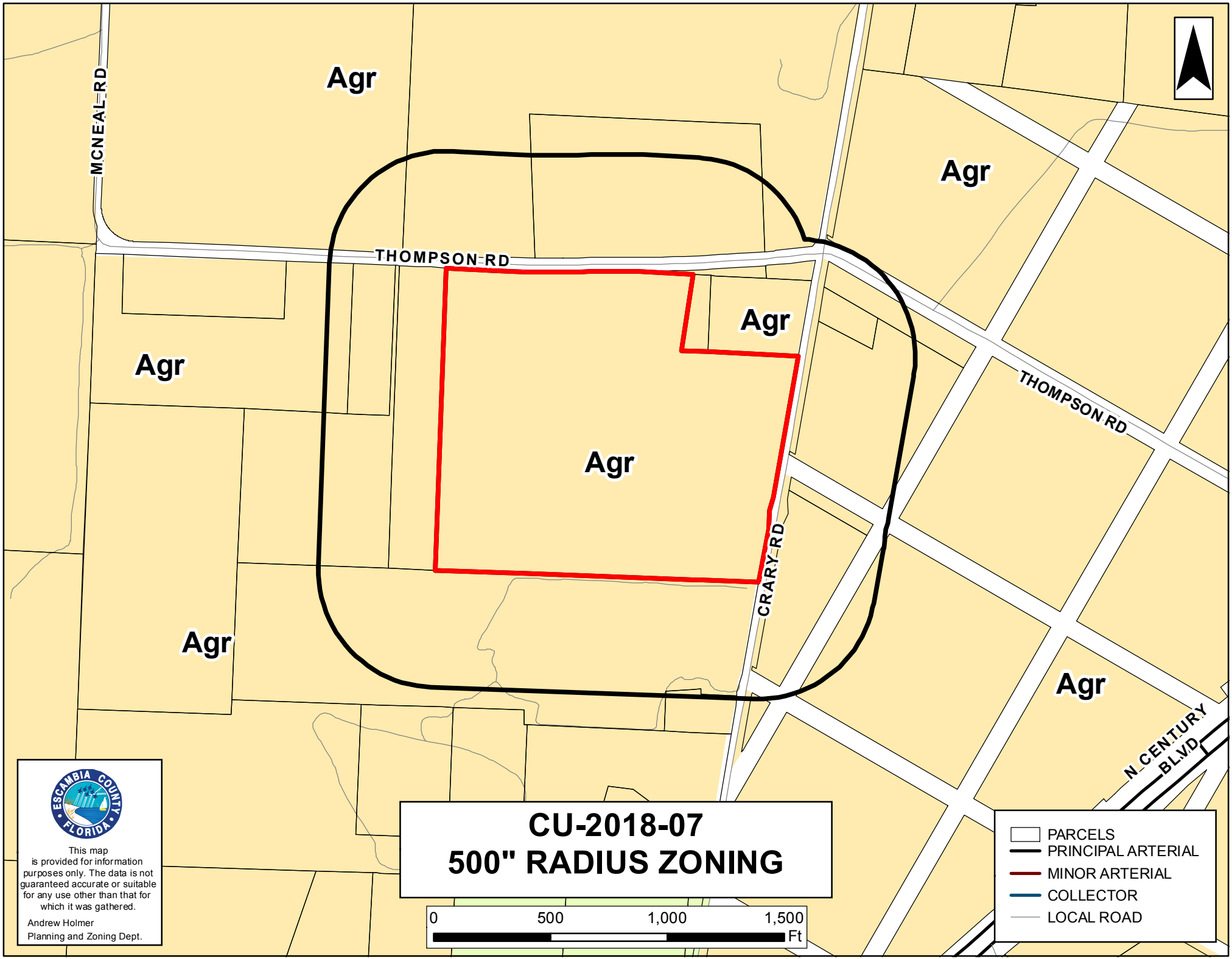
PRINCIPAL ARTERIAL
MINOR ARTERIAL
COLLECTOR
LOCAL ROAD
ESCAMBIA COUNTY FLORIDA
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
Andrew Holmer
Planning and Zoning Dept.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COLLECTOR
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This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
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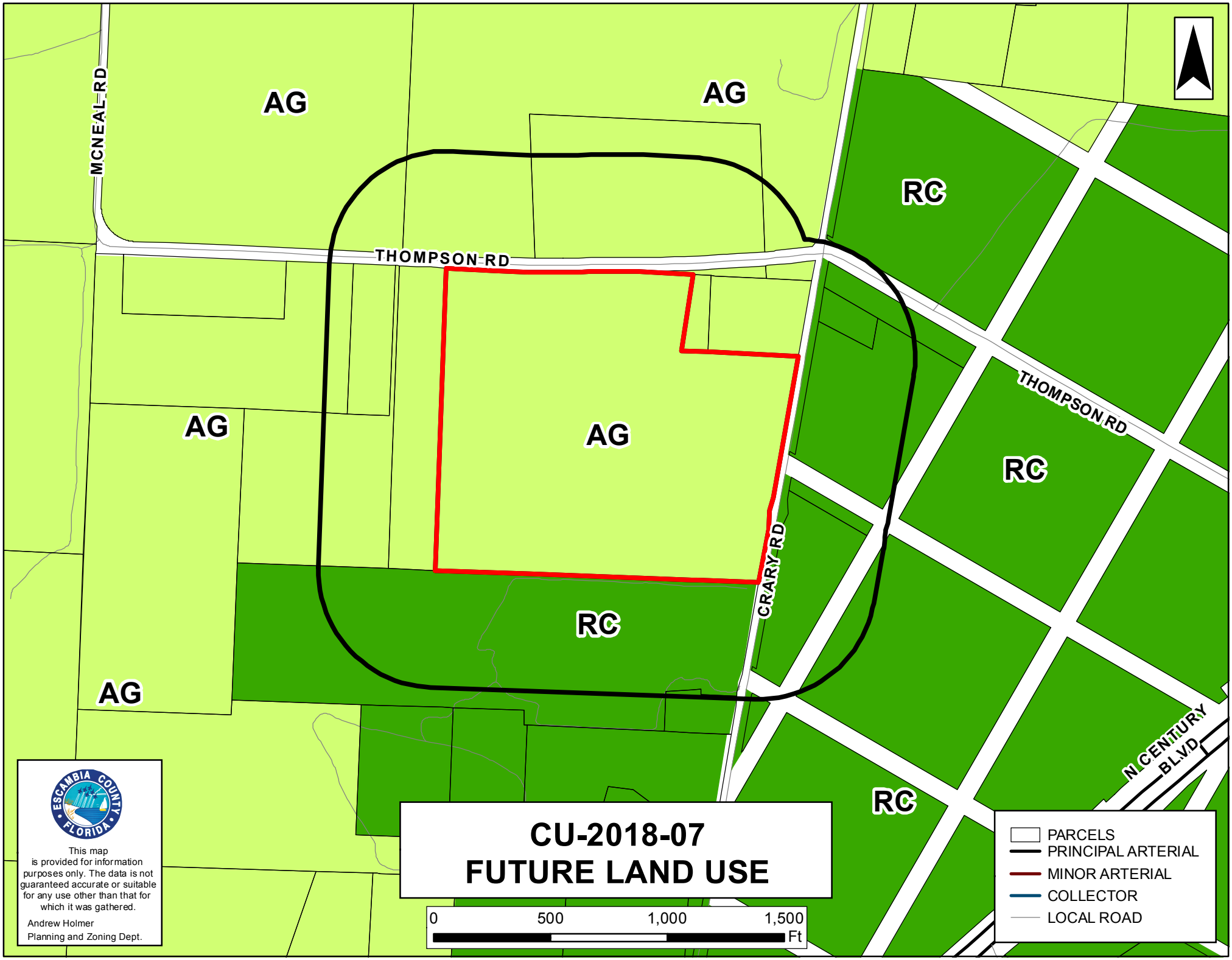
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PARCELS
PRINCIPAL ARTERIAL
MINOR ARTERIAL
COLLECTOR
LOCAL ROAD
ESCAMBIA COUNTY FLORIDA
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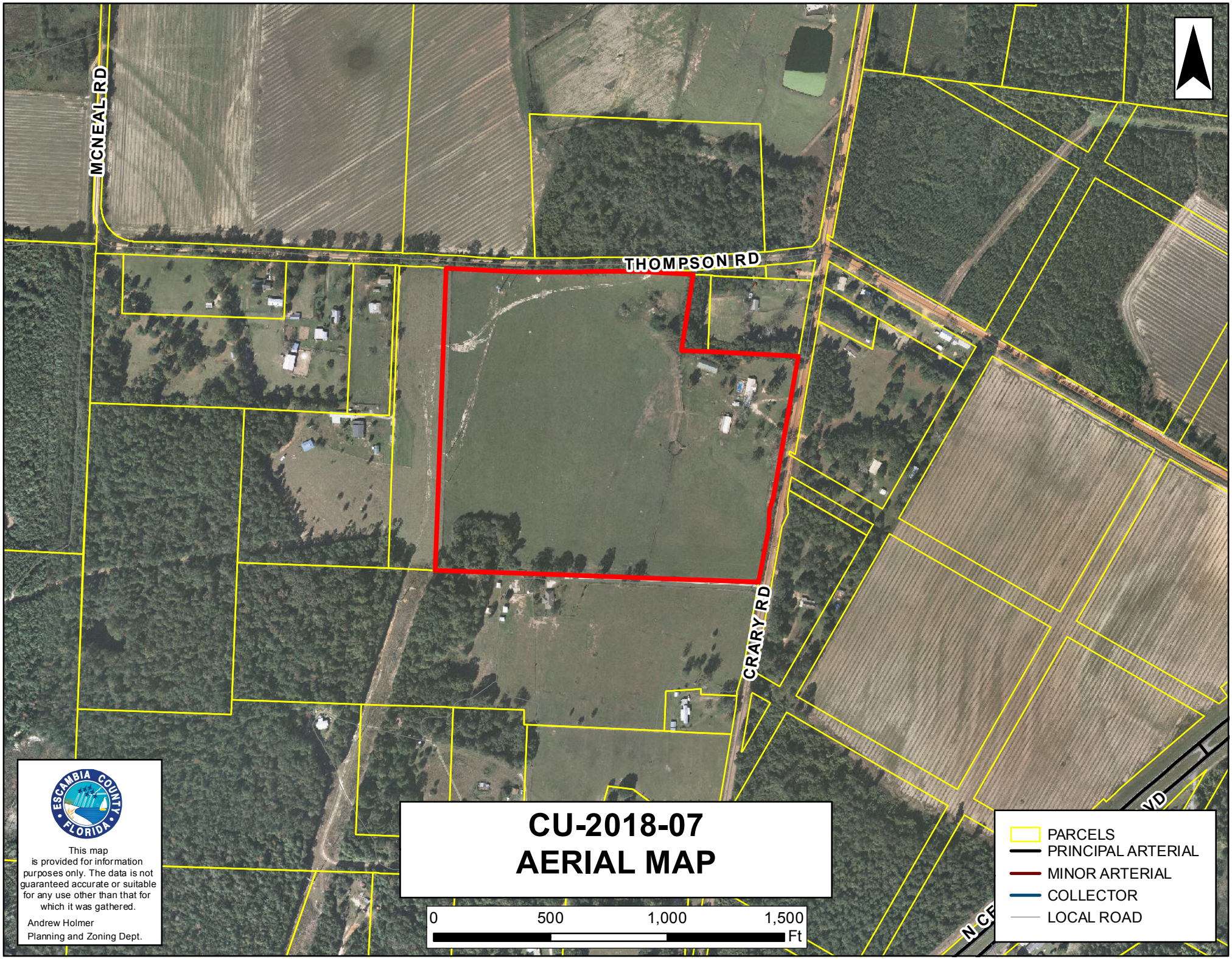
Planning and Zoning Dept.



CU-2018-07
AERIAL MAP

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/businessids

Board of Adjustment Application

FOR OFFICE USE ONLY - Case Number: _____ Accepted by: _____ BOA Meeting: _____

Conditional Use: request for: to allow the construction of a telecommunications facility greater than 150.

Variance Request for: N/A

1. **Contact Information:**

   A. **Property Owner/Applicant:**

   Mailing Address: Anne B. Peterson

   Business Phone:(850) 256-5865 _____ Cell: _____

   Email: unknown (physical add: 4711 Crary Road, Century, FL 32535)

   B. **Authorized Agent (if applicable): Baker Donelson Law Firm**

   Mailing Address:420 20th St N, Suite 1400, Birmingham, AL 35203 _____

   Business Phone: (205) 250-8353 _____ Cell: (205) 568-6317 _____

   Email: mpalmer@bakerdonelson.com and nar@bakerdonelson.com

   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: 321 Thompson Road _____

   Parcel ID (s): 23-5N-31-3101-000-000; Map 23-5N-31

   B. Total acreage of the subject property: 34 acres

   C. Existing Zoning: AG _____

   FLU Category: AG _____

   D. Is the subject property developed (if yes, explain): No _____

   E. Sanitary Sewer: n/a ____ Septic: n/a __

3. **Amendment Request**

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

Conditional Use to allow a wireless telecommunications facility over 150'. The facility will provide Coverage for SouthernLinc Wireless Customers and Space will be available on the tower for other Carriers

B. **For Variance Request – Please address *ALL* the following approval conditions for your Variance request. (use supplement sheets as needed)**

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.

n/a

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

n/a

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.

n/a

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.

n/a

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

n/a

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.

n/a

C. **For <u>Conditional Use</u> Request – Please address *ALL* the following approval conditions for your Conditional Use request. (use supplement sheets as needed)**

1. **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 1000-foot 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.*

The proposed facility will not emit noise, dust, odor or increased traffic. Lighting atop will be only as required by the FAA.

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.

Only power and telephone service will be required to operate this facility. Such are available in this area. No water or sewer is required as this facility will be unmanned.

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.

A seperate access easement will be provided to the facility from Thompson Road. Once Constructed, access will be needed only as a routine (i.e. approx. once monthly) basis for maintenance.

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.

No such nuisances or hazards are associated with this proposed use.

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.

n/a

6. **Screening and buffering.** Where not otherwise required by the LDC, screening and buffering will be provided if appropriate to the proposed use and site.

There are no residences or other structures within the required vicinity of the proposed location; therefore, no additional screening is provided.

7. **Signs and lighting.** All exterior signs and lights, whether attached or freestanding, will be compatible with adjoining properties and other properties in the immediate area, especially regarding glare and traffic safety.

All signage and lighting will be in Compliance with FAA & FCC regulations.

8. **Site characteristics.** The size, shape, location and topography of the site appear adequate to accommodate the proposed use, including setbacks, intensity, bulk, height, open space and aesthetic considerations.

The proposed facility is located on a large parcel measuring approximately 34 acres and zoned agricultural.

9. **Use requirements.** The proposed use complies with any additional conditional use requirements of the applicable zoning district, use, or other provisions of the LDC.

We believe this statement to be true to the best of our knowledge.

4. **Please complete the following form (If applicable): Affidavit of Owner/Limited Power of Attorney**

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY
(If applicable)

As owner of the property located at 321 Thompson Road
Century, Florida, property reference number(s) Parcel ID 23-5N-31-3101-000-000
I hereby designate Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
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. This Limited Power of Attorney is granted on this _____ day of _____ the year of, _____, and is effective until the Board of County Commissioners or the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development Services Bureau.

Agent Name: Baker, Donelson, Bearman, Caldwell & Berkowitz, PC Email: mpalmer@bakerdonelson.com
Address: 420 North 20th Street, Suite 1400, Birmingham, AL 35203 Phone: (205) 250-8353

Anne B Peterson	Anne B. Peterson	4-23-18
Signature of Property Owner	Printed Name of Property Owner	Date
Signature of Property Owner	Printed Name of Property Owner	Date

STATE OF Florida COUNTY OF Escambia
The foregoing instrument was acknowledged before me this 23rd day of April 20 18
by Anne B Peterson.
Personally Known ☐ OR Produced Identification ☑. Type of Identification Produced: FL DL

Teri Angela White	Teri Angela White
Signature of Notary	Printed Name of Notary

(Notary Seal)

TERI ANGELA WHITE
Commission #GG 187216
My Commission Expires
July 10, 2021

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: http://myescambia.com/business/board-adjustment or contact us at 595-3475.

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) **AND** a Certified Boundary Survey (Include Corporation/LLC documentation if applicable.)

D. ✓ 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
2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
4) I authorize County staff to place a public notice sign(s) on the property referenced herein.; and
5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Department.

N Andrew Rotenstreich
Signature of Owner/Agent

N. Andrew Rotenstreich
Printed Name of Owner/Agent

STATE OF Alabama COUNTY OF Jefferson The foregoing instrument was acknowledged before me this 13 day April of

_____ 20 18, by _____.

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

Mary S. Palmer
Signature of Notary

Mary S. Palmer
Printed Name of Notary

(Notary Seal)

STATE OF ALABAMA NOTARY PUBLIC
MARY S. PALMER
My Commission Expires
January 26, 2020

Escambia County Tax Collector

2017 Roll Details — Real Estate Account At 4711 CRARY RD

Print this page

Real Estate Account #12-1769-000 | Parcel details | Latest bill | Full bill history

2017	2016	2015	2014	...	2008
PAID	PAID	PAID	PAID		PAID

Apply for the 2018 Installment Payment Plan

Get Bills by Email

PAID 2017-11-27 $752.11
Effective 2017-11-22
Receipt #189-17-00328122

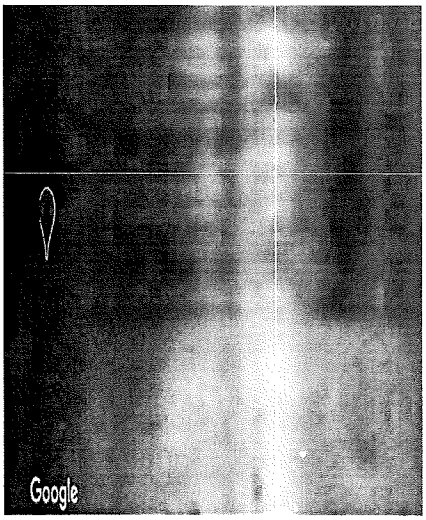
Owner: PETERSON ANNE B
4711 CRARY RD
CENTURY, FL 32535
Situs: 4711 CRARY RD

Account number: 12-1769-000
Alternate Key: 103105
Millage code: 06
Millage rate: 14.3268

Assessed value: 83,235
School assessed value: 83,235
Unimproved land value: 51,220

Exemptions

HOMESTEAD EXEMPTION: 50,000



Location is not guaranteed to be accurate. Property Appraiser

2017 Annual bill

View

Ad valorem: $641.92
Non-ad valorem: $141.53
Total Discountable: 783.45
No Discount NAVA: 0.00
Total tax:

Legal description

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Location

Geo number:	235N313101000000
Range:	31
Township:	5N
Section:	23
Block:	000
Lot:	000
Use code:	5000
Total acres:	39.400

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GRANT STREET GROUP
Software That Works ®

SUBJECT PROPERTY

OWNER: ANNE B. PETERSON

SITE ADDRESS: THOMPSON RD, CENTURY, FL 32535

PARCEL ID: 235N313101000000

AREA: 39.4 ACRES (PER TAX ASSESSOR)

ZONED: AG

ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS

REFERENCE: BOOK 6411 PAGE 242

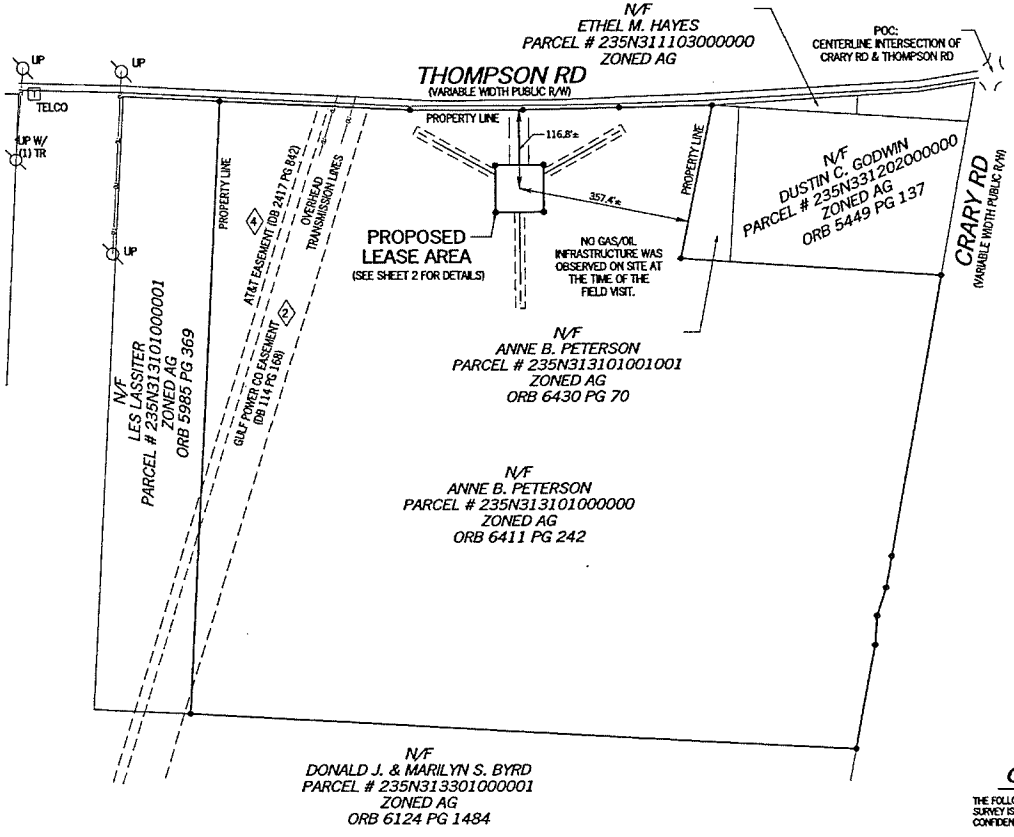
I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND WAS DRAWN UNDER MY DIRECT SUPERVISION. ANY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.

DATE: 9/29/17

G. DARRELL TAYLOR, FLORIDA REGISTERED LAND SURVEYOR #LS6904

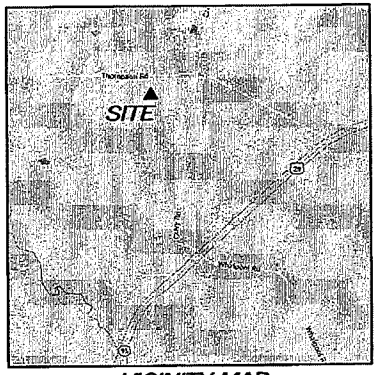
THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THIS MAP IS ONLY INTENDED FOR THE PARTIES AND PURPOSES SHOWN. THIS MAP IS NOT FOR RECORDATION. NO TITLE REPORT PROVIDED.

GRID NORTH (NAD 83) FLORIDA NORTH



LEGEND

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPF	IRON PIN FOUND
UP	UTILITY POLE
OU	OVERHEAD UTILITY
TR	TRANSFORMER
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY



VICINITY MAP

NOT TO SCALE

GENERAL NOTES

* THIS SPECIFIC PURPOSE SURVEY IS FOR THE LEASED PREMISES AND EASEMENTS ONLY. THIS SPECIFIC PURPOSE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF EXCELL COMMUNICATIONS, INC. AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE PROPOSED LEASED PREMISES AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE PARENT PARCEL NOR ANY PORTION OR PORTIONS THEREOF. BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM TAX MAPS AND DEED DESCRIPTIONS ONLY. NO BOUNDARY SURVEY OF THE PARENT PARCEL WAS PERFORMED.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.

THE FIELD DATA UPON WHICH THIS SPECIFIC PURPOSE SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,000+ FEET AND AN ANGULAR ERROR OF 5.0" PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES.

EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA TPS 1200 ROBOTIC & GEOMAX ZENITH 35 (DATE OF LAST FIELD VISIT: 08-15-17)

THE 1' CONTOURS AND SPOT ELEVATIONS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE ADJUSTED TO NAVD 88 DATUM (COMPUTED USING GEOID 12B) AND HAVE A VERTICAL ACCURACY OF ± .5'. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

BEARINGS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON GRID NORTH (NAD 83) FLORIDA NORTH.

BENCHMARKS USED: DM3973, DM2660, DL7331

NO PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD AREA AS PER F.I.R.M. COMMUNITY PANEL NO. 12033C0070G DATED SEPTEMBER 29, 2006 AND F.I.R.M. COMMUNITY PANEL NO. 12033C0065G DATED SEPTEMBER 29, 2006.

NO WETLAND AREAS HAVE BEEN INVESTIGATED BY THIS SPECIFIC PURPOSE SURVEY.

ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS.

ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.

ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

ORIGINAL SURVEY IS KEPT ON FILE IN THE SURVEYOR'S OFFICE.

GPS NOTES

THE FOLLOWING GPS STATISTICS UPON WHICH THIS SURVEY IS BASED HAVE BEEN PRODUCED AT THE 95% CONFIDENCE LEVEL:

POSITIONAL ACCURACY: 0.04 FEET
TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC NETWORKS
DATES OF SURVEY: 08-15-17
DATUM / EPOCH: NAD_83(2011)(EPOCH:2010.0000)
PUBLISHED / FIXED CONTROL USE: N/A
GEOID MODEL: 12B
COMBINED GRID FACTOR(S): 1.00003236

SURVEY NOT VALID WITHOUT SHEETS 2 AND 3

G. DARRELL TAYLOR
License Number
6904
STATE OF FLORIDA
Professional Surveyor and Mapper

NO.	DATE	REVISION
1	09/29/2017	ADDED TITLE - NRW

* SPECIFIC PURPOSE SURVEY PREPARED BY:
POINT TO POINT LAND SURVEYORS
Business License Number: LB8148
1010 Pennsylvania Avenue
McDonough, GA 30253
(direct) 678.565.4440 (fax) 678.565.4497
(w) p2pls.com

SPECIFIC PURPOSE SURVEY PREPARED FOR:

EXCELL COMMUNICATIONS, INC.
project EXCELLence

EXCELL COMMUNICATIONS, INC.
3608 7TH COURT SOUTH
BIRMINGHAM, AL 35222

"BLUFF SPRINGS"

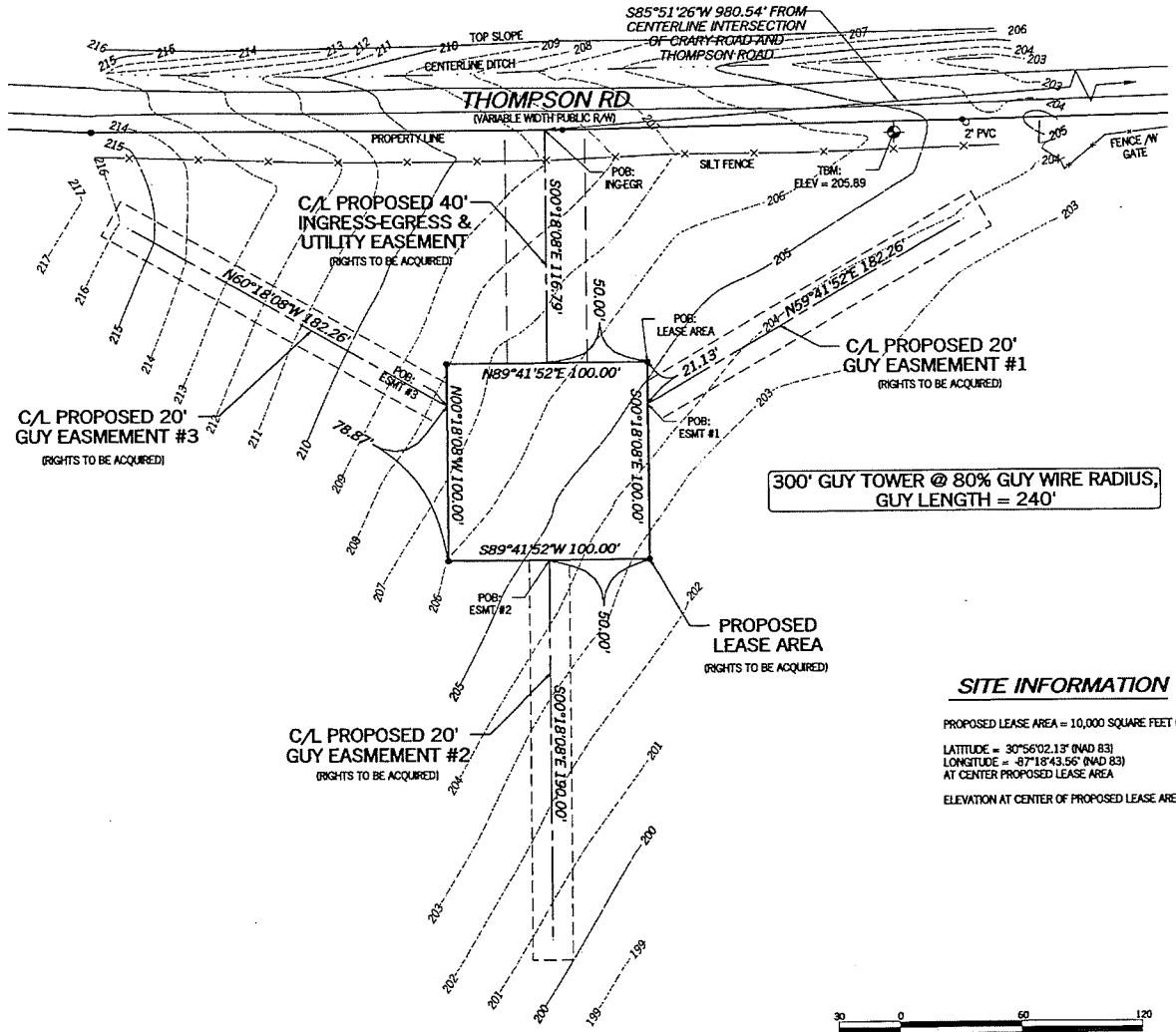
SITE NO.
F8118

LOT 7, SECTION 23, TOWNSHIP 05 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA

DRAWN BY: JSD
CHECKED BY: JKL
APPROVED: C. INER
DATE: AUGUST 30, 2017
P2P JOB #: G170640

SHEET: 1 OF 3

E:\Dropbox\Point To Point\P2P Current Jobs\2017\170640\Bluff Springs\170640.pro



TITLE EXCEPTIONS

THIS SURVEY WAS COMPLETED WITH THE AID OF TITLE WORK PREPARED BYFIDELITY NATIONAL TITLE INSURANCE COMPANY, ISSUE DATE OF 09/07/2017, BEING FILE NO. 25818296, FOR THE SUBJECT PROPERTY, TO DETERMINE THE IMPACTS OF EXISTING TITLE EXCEPTIONS.

2. EASEMENT:
In favor of: Gulf Power Company, a corporation, its successors and assigns
Recorded on: 06/22/1926
Recorded in: Deed Book 114, Page 168
GULF POWER COMPANY'S NOTICE/AFFIDAVIT REGARDING ITS FLOMATON-PENSACOLA 115 KV ELECTRIC TRANSMISSION LINE RIGHT OF WAY:
Dated: 08/28/2012
Recorded on: 09/13/2012
Recorded in: Deed Book 6907, Page 31

[THIS ITEM IS PLOTTED HEREON. THIS ITEM DOES NOT AFFECT THE LEASE AREA OR EASEMENTS].

3. Oil, Gas and Mineral Lease:
Dated: 10/11/1983
Landlord: Martin M. Crary, Jr., as Landlord/Lessor
Tenant: Exxon Corporation, as Tenant/Lessee
Recorded on: 10/17/1983
Recorded in: Deed Book 1822, Page 509

[THIS ITEM AFFECTS THE SUBJECT PROPERTY, LEASE AREA AND EASEMENTS].

4. Communications Systems Right-of-Way and Easement
In favor of: American Telephone and Telegraph Company
Recorded on: 06/25/1987
Recorded in: Deed Book 2417, Page 842

[THIS ITEM IS PLOTTED HEREON. THIS ITEM DOES NOT AFFECT THE LEASE AREA OR EASEMENTS].

5. Distribution Right-of-Way Easement
In favor of: Escambia River Electric Cooperative, Inc., a Florida corporation, its successors and assigns
Recorded on: 08/21/2007
Recorded in: Deed Book 6203, Page 1983

[THIS ITEM DOES NOT AFFECT THE LEASE AREA OR EASEMENTS].

6. Adjustable Rate Mortgage
From: Anne B. Peterson
In favor of: James B. Nutter & Company
Dated: 12/22/2008
Recorded on: 12/30/2008
Recorded in: Deed Book 6411, Page 245
Original $ amt.: $477,600.00

[THIS ITEM AFFECTS THE SUBJECT PROPERTY, LEASE AREA AND EASEMENTS].

7. Adjustable Rate Mortgage
From: Anne B. Peterson, a single woman
In favor of: Secretary of Housing and Urban Development
Dated: 12/22/2008
Recorded on: 12/30/2008
Recorded in: Deed Book 6411, Page 254
Original $ amt.: $477,600.00

[THIS ITEM AFFECTS THE SUBJECT PROPERTY, LEASE AREA AND EASEMENTS].

SITE INFORMATION

PROPOSED LEASE AREA = 10,000 SQUARE FEET (0.2296 ACRES)

LATITUDE = 30°56'02.13" (NAD 83)
LONGITUDE = -87°18'43.56" (NAD 83)
AT CENTER PROPOSED LEASE AREA

ELEVATION AT CENTER OF PROPOSED LEASE AREA = 205.6' A.M.S.L.

30 0 60 120
GRAPHIC SCALE IN FEET
SCALE: 1" = 60'

LEGEND

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPF	IRON PIN FOUND
UP	UTILITY POLE
OU	OVERHEAD UTILITY
TR	TRANSFORMER
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY

SURVEY NOT VALID WITHOUT SHEETS 1 AND 3

G. DARRELL TAYLOR
License Number 6904
STATE OF FLORIDA
Professional Surveyor and Mapper

NO.	DATE	REVISION
1	09/29/2017	ADDED TITLE - NRW

* SPECIFIC PURPOSE SURVEY PREPARED BY:

POINT TO POINT LAND SURVEYORS
Business License Number: LB8148
1010 Pennsylvania Avenue
McDonough, GA 30253
(direct) 678.565.4440 (fax) 678.565.4497
(w) p2pls.com

SPECIFIC PURPOSE SURVEY PREPARED FOR:

EXCELL COMMUNICATIONS, INC.
project.EXCELLence

EXCELL COMMUNICATIONS, INC.
3608 7TH COURT SOUTH
BIRMINGHAM, AL 35222

"BLUFF SPRINGS"

SITE NO.
F8118

LOT 7, SECTION 23, TOWNSHIP 05 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA

DRAWN BY: JSD
CHECKED BY: JKL
APPROVED: C. INER
DATE: AUGUST 30, 2017
P2P JOB #: G170640

SHEET: 2 OF 3

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LEGAL DESCRIPTION SHEET

SUBJECT PROPERTY
PER TITLE REPORT FILE NO. 25818296

PROPERTY LOCATED IN ESCAMBIA, FL

ALL OF LOT 7, SECTION 23, TOWNSHIP 5 NORTH, RANGE 31 WEST, BEING THE PROPERTY OF THE LATE JUDGE GILBERT M. GENTRY AND EXELINE P. GENTRY, A/K/A EXIE P. GENTRY, ALSO, BEGINNING AT A POINT WHERE THE EXTENSION OF THE SOUTH LINE OF LOT 7, SECTION 23, TOWNSHIP 5 NORTH, RANGE 31 WEST, INTERSECTS THE WEST LINE OF THE CHAS. LEBARON GRANT IN SAID TOWNSHIP AND RANGE, THENCE RUNNING NORTHERLY ALONG THE WEST LINE OF SAID GRANT 990 FEET, THENCE RUNNING WESTERLY IN A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 7, 440 FEET, THENCE RUNNING SOUTHERLY IN A LINE PARALLEL TO THE WEST LINE OF THE SAID CHAS. LEBARON GRANT, 990 FEET, THENCE RUNNING EAST ALONG THE LINE OF LOT 7 TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE DEED TO ESCAMBIA COUNTY, FLORIDA FOR ROAD RIGHT OF WAY RECORDED IN OFFICIAL RECORDS BOOK 4943, PAGE 602 AND DEED RECORDED IN OFFICIAL RECORDS BOOK 5985, PAGE 369, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

AND BEING A PORTION OF THE SAME PROPERTY CONVEYED TO DONALD A. PETERSON AND ANNE B. PETERSON FROM ANNE B. CRARY BY WARRANTY DEED DATED SEPTEMBER 22, 1986 AND RECORDED SEPTEMBER 22, 1986 IN DEED BOOK 2281, PAGE 229; AND FURTHER CONVEYED TO ANNE B. PETERSON FROM ANNE B. PETERSON AND DONALD PETERSON BY QUIT CLAIM DEED DATED DECEMBER 07, 2005 AND RECORDED JANUARY 04, 2006 IN DEED BOOK 5813, PAGE 992 AND CORRECTED BY CORRECTIVE WARRANTY DEED DATED DECEMBER 22, 2008 AND RECORDED DECEMBER 30, 2008 IN DEED BOOK 6411, PAGE 242.

TAX PARCEL NO. 235N313101000000

PROPOSED 40' INGRESS-EGRESS & UTILITY EASEMENT

TOGETHER WITH A PROPOSED 40-FOOT WIDE INGRESS-EGRESS AND UTILITY EASEMENT LYING AND BEING IN LOT 7, SECTION 23, TOWNSHIP 5 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA AND BEING A PART OF THE LANDS OWNED BY ANNE B. PETERSON AS RECORDED IN OFFICIAL RECORD BOOK 6411 PAGE 242, ESCAMBIA COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING CENTERLINE DATA:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE CENTERLINE INTERSECTION OF CRARY ROAD AND THOMPSON ROAD (HAVING A VARIABLE WIDTH RIGHT-OF-WAY); THENCE RUNNING ALONG A TIE LINE, SOUTH 85°51'26" WEST, 980.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THOMPSON ROAD AND THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING, SOUTH 00°18'08" EAST, 116.79 FEET TO THE ENDING AT A POINT.

PROPOSED LEASE AREA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LOT 7, SECTION 23, TOWNSHIP 5 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA AND BEING A PART OF THE LANDS OWNED BY ANNE B. PETERSON AS RECORDED IN OFFICIAL RECORD BOOK 6411 PAGE 242, ESCAMBIA COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING DATA:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE CENTERLINE INTERSECTION OF CRARY ROAD AND THOMPSON ROAD; THENCE RUNNING ALONG A TIE LINE, SOUTH 85°51'26" WEST, 980.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THOMPSON ROAD (HAVING A VARIABLE WIDTH RIGHT-OF-WAY); THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING, SOUTH 00°18'08" EAST, 116.79 FEET TO A POINT, THENCE, NORTH 89°41'52" EAST, 50.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE, SOUTH 00°18'08" EAST, 100.00 FEET TO A POINT; THENCE, SOUTH 89°41'52" WEST, 100.00 FEET TO A POINT; THENCE, NORTH 00°18'08" WEST, 100.00 FEET TO A POINT; THENCE, NORTH 89°41'52" EAST, 100.00 FEET TO A POINT AND THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.2296 ACRES (10,000 SQUARE FEET), MORE OR LESS.

PROPOSED 20' GUY EASMEMENT #1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LOT 7, SECTION 23, TOWNSHIP 5 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA AND BEING A PART OF THE LANDS OWNED BY ANNE B. PETERSON AS RECORDED IN OFFICIAL RECORD BOOK 6411 PAGE 242, ESCAMBIA COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING CENTERLINE DATA:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE CENTERLINE INTERSECTION OF CRARY ROAD AND THOMPSON ROAD; THENCE RUNNING ALONG A TIE LINE, SOUTH 85°51'26" WEST, 980.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THOMPSON ROAD (HAVING A VARIABLE WIDTH RIGHT-OF-WAY); THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING, SOUTH 00°18'08" EAST, 116.79 FEET TO A POINT, THENCE, NORTH 89°41'52" EAST, 50.00 FEET TO A POINT; THENCE, SOUTH 00°18'08" EAST, 21.13 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE, NORTH 59°41'52" EAST, 182.26 FEET TO THE ENDING AT A POINT.

PROPOSED 20' GUY EASMEMENT #2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LOT 7, SECTION 23, TOWNSHIP 5 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA AND BEING A PART OF THE LANDS OWNED BY ANNE B. PETERSON AS RECORDED IN OFFICIAL RECORD BOOK 6411 PAGE 242, ESCAMBIA COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING CENTERLINE DATA:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE CENTERLINE INTERSECTION OF CRARY ROAD AND THOMPSON ROAD; THENCE RUNNING ALONG A TIE LINE, SOUTH 85°51'26" WEST, 980.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THOMPSON ROAD (HAVING A VARIABLE WIDTH RIGHT-OF-WAY); THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING, SOUTH 00°18'08" EAST, 116.79 FEET TO A POINT, THENCE, NORTH 89°41'52" EAST, 50.00 FEET TO A POINT; THENCE, SOUTH 00°18'08" EAST, 100.00 FEET TO A POINT; THENCE, SOUTH 89°41'52" WEST, 50.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE, SOUTH 00°18'08" EAST, 190.00 FEET TO THE ENDING AT A POINT.

PROPOSED 20' GUY EASMEMENT #3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LOT 7, SECTION 23, TOWNSHIP 5 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA AND BEING A PART OF THE LANDS OWNED BY ANNE B. PETERSON AS RECORDED IN OFFICIAL RECORD BOOK 6411 PAGE 242, ESCAMBIA COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING CENTERLINE DATA:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE CENTERLINE INTERSECTION OF CRARY ROAD AND THOMPSON ROAD; THENCE RUNNING ALONG A TIE LINE, SOUTH 85°51'26" WEST, 980.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THOMPSON ROAD (HAVING A VARIABLE WIDTH RIGHT-OF-WAY); THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING, SOUTH 00°18'08" EAST, 116.79 FEET TO A POINT, THENCE, NORTH 89°41'52" EAST, 50.00 FEET TO A POINT; THENCE, SOUTH 00°18'08" EAST, 100.00 FEET TO A POINT; THENCE, SOUTH 89°41'52" WEST, 100.00 FEET TO A POINT; THENCE, NORTH 00°18'08" WEST, 78.87 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE, NORTH 60°18'08" WEST, 182.26 FEET TO THE ENDING AT A POINT.

SURVEY NOT VALID WITHOUT SHEETS 1 AND 2

D. DARRELL TAYLOR
License Number 6904
STATE OF FLORIDA
Professional Surveyor and Mapper

NO.	DATE	REVISION
1	09/29/2017	ADDED TITLE - NRW

* SPECIFIC PURPOSE SURVEY PREPARED BY:
POINT TO POINT LAND SURVEYORS
Business License Number: LB8148
1010 Pennsylvania Avenue
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(direct) 678.565.4440 (fax) 678.565.4497
(w) p2pls.com

SPECIFIC PURPOSE SURVEY PREPARED FOR:

EXCELL COMMUNICATIONS, INC.
project EXCELLence

EXCELL COMMUNICATIONS, INC.
3608 7TH COURT SOUTH
BIRMINGHAM, AL 35222

"BLUFF SPRINGS"

SITE NO.
F8118

LOT 7, SECTION 23, TOWNSHIP 05 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA

DRAWN BY: JSD
CHECKED BY: JKL
APPROVED: C. INER
DATE: AUGUST 30, 2017
P2P JOB #: G170640

SHEET: 3 OF 3

Board of Adjustment **6. C.**

Meeting Date:	06/20/2018
CASE:	CU-2018-08
APPLICANT:	Cynthia Mather, Agent for Ellis Stuart, Stuart Airplane Services Inc., Owner
ADDRESS:	5900 W Nine Mile Road
PROPERTY REFERENCE NO.:	06-1S-31-4402-000-000
ZONING DISTRICT:	Com, Commercial
FUTURE LAND USE:	MU-S, Mixed-Use Suburban
OVERLAY DISTRICT:	AIPD 2 - NOLF 8

SUBMISSION DATA:

REQUESTED CONDITIONAL USE:
Conditional use to allow automobile sales, used autos only.

RELEVANT AUTHORITY:
Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section:3-2.10.c.2.b

b. Automobile sales, used autos only, excluding parcels fronting on any of the following streets: Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR 292); Blue Angel Parkway (SR 173); Pine Forest Road, south from Interstate 10 to State Road 173; Navy Boulevard (SR 295 and US 98); and Scenic Highway (SR 10A and US 90). Additionally, the parcel shall be no larger than one acre and provided with a permanent fence, wall, or other structural barrier of sufficient height and mass along all road frontage to prevent encroachment into the right-of way other that through approved site access.

CRITERIA:
Land Development Code of Escambia County, Florida (Ordinance 96-3 as amended), Section 2-6.4

CRITERION (a)

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.

FINDINGS-OF-FACT
Nine mile road is a minor arterial road that is heavily traveled. Properties in the immediate area support a mixture of commercial uses. This site has been used for auto sales for many years. The proposed used automobile sales is compatible with the adjacent properties and other properties in the immediate area.

CRITERION (b)

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.

FINDINGS-OF-FACT
Public services and facilities are available as this site has been used for used automobile sales in the past. A site visit and aerial images reveal that this site has been used in a commercial capacity in the past. The applicant states that existing services are available. The proposed use will be further evaluated during the Site Plan Review process.

CRITERION (c)

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.

FINDINGS-OF-FACT
The site ingress and egress will be evaluated during the Site Plan Review Process. Additionally, encroachment into the right-of-way with the provisions of the LDC will also be reviewed accordingly.

CRITERION (d)

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.

FINDINGS-OF-FACT
The site is surrounded by uses that are of similar intensity of the proposed use. No nuisances and hazards appear to effect the surrounding uses at this time. The avoidance of nuisances and hazards to the adjacent properties and properties in the immediate area will be evaluated during the Site Plan Review process.

CRITERION (e)

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.

FINDINGS-OF-FACT
The applicant states that they will maintain continual use of the on-site ECUA dumpster located on the property. This will be further evaluated during the site plan review process.

CRITERION (f)

Screening and buffering. Where not otherwise required by the LDC, screening and buffering will be provided if appropriate to the proposed use and site.

FINDINGS OF FACT:
Screening and buffering to protect adjacent properties as required by the Land

Development Code (LDC) will be addressed during the Site Plan Review process.

CRITERION (g)

Signs and lighting. All exterior signs and lights, whether attached or freestanding, will be compatible with adjoining properties and other properties in the immediate area, especially regarding glare and traffic safety.

FINDINGS OF FACT:
The proposed signs and lights will be further evaluated during the Site Plan Review Process.

CRITERION (h)

Site characteristics. The size, shape, location and topography of the site appear adequate to accommodate the proposed use, including setbacks, intensity, bulk, height, open space and aesthetic considerations.

FINDINGS OF FACT:
Based on the applicants request and the historic use of the site, it appears that the site characteristics could accommodate the proposed use. The site characteristics will be further evaluated during the Site Plan Review Process.

CRITERION (i)

Use requirements. The proposed use complies with any additional conditional use requirements of the applicable zoning district, use, or other provisions of the LDC.

FINDINGS OF FACT:
The proposed use will comply with additional conditional use requirements of the zoning district and other provisions of the LDC. As Stated in Section 3-2.10.c.2.b of the Escambia County LDC, used automobile sales are allowed as a consitional us if the parcel is no larger than one acre and provide a permanent fence, wall or other structural barrier of sufficient height and mass along all road frontage to prevent encroachment into the right-of-way other that through approved site access. Applicant will only occupy one acre per LDC regulations. The barrier requirements will be reviewed during the Site Plan Review Process.

STAFF FINDINGS

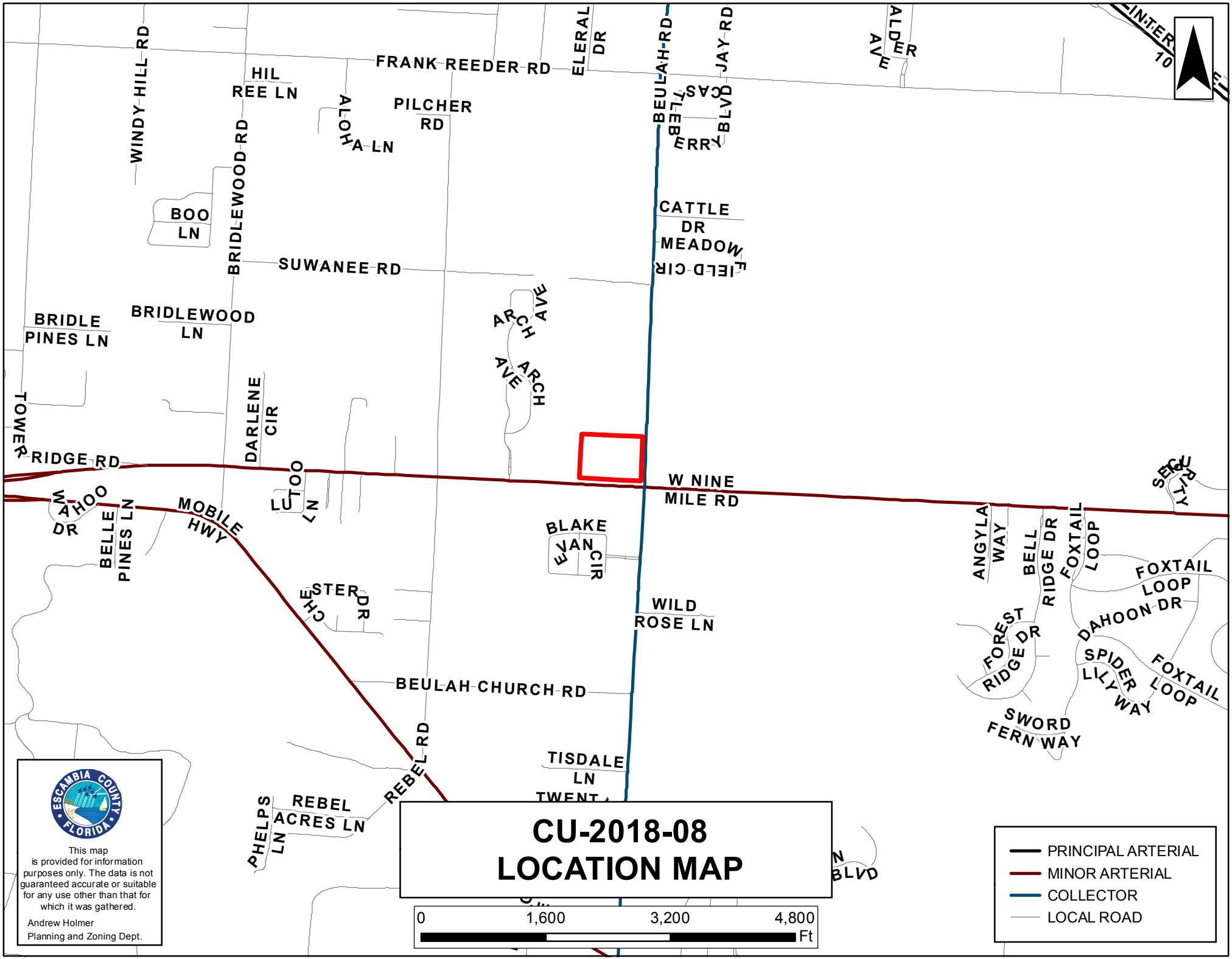
Staff finds that the proposed use for this parcel meets all of the conditional use criteria requirements. Upon conditional use approval, the project will be further evaluated during the Site Plan Review Process for compliance with the Escambia County Land Development Code.

BOA DECISION

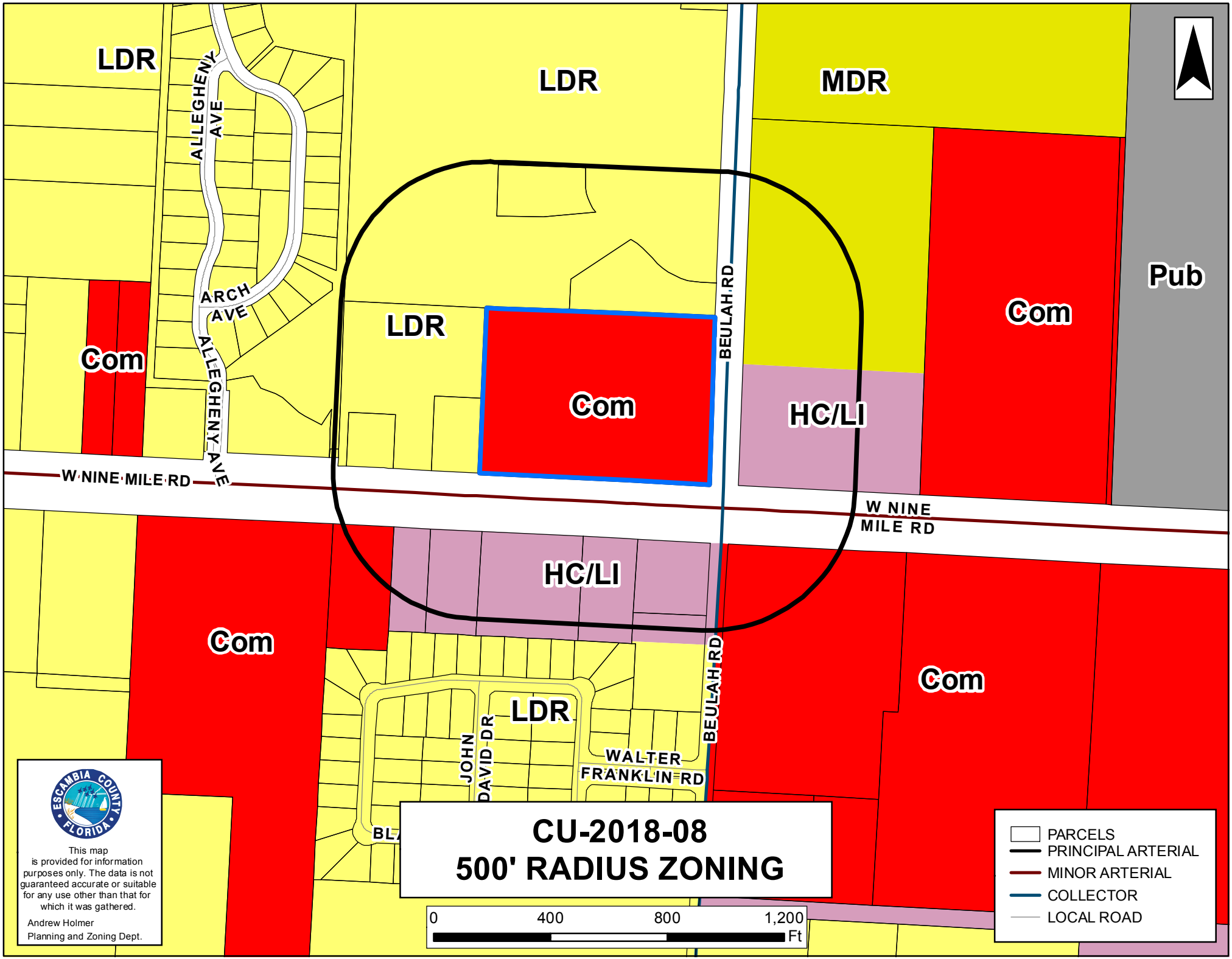
BOARD OF ADJUSTMENT FINDINGS

Attachments

CU-2018-08



CU-2018-08
LOCATION MAP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CU-2018-08
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MINOR ARTERIAL
COLLECTOR
LOCAL ROAD
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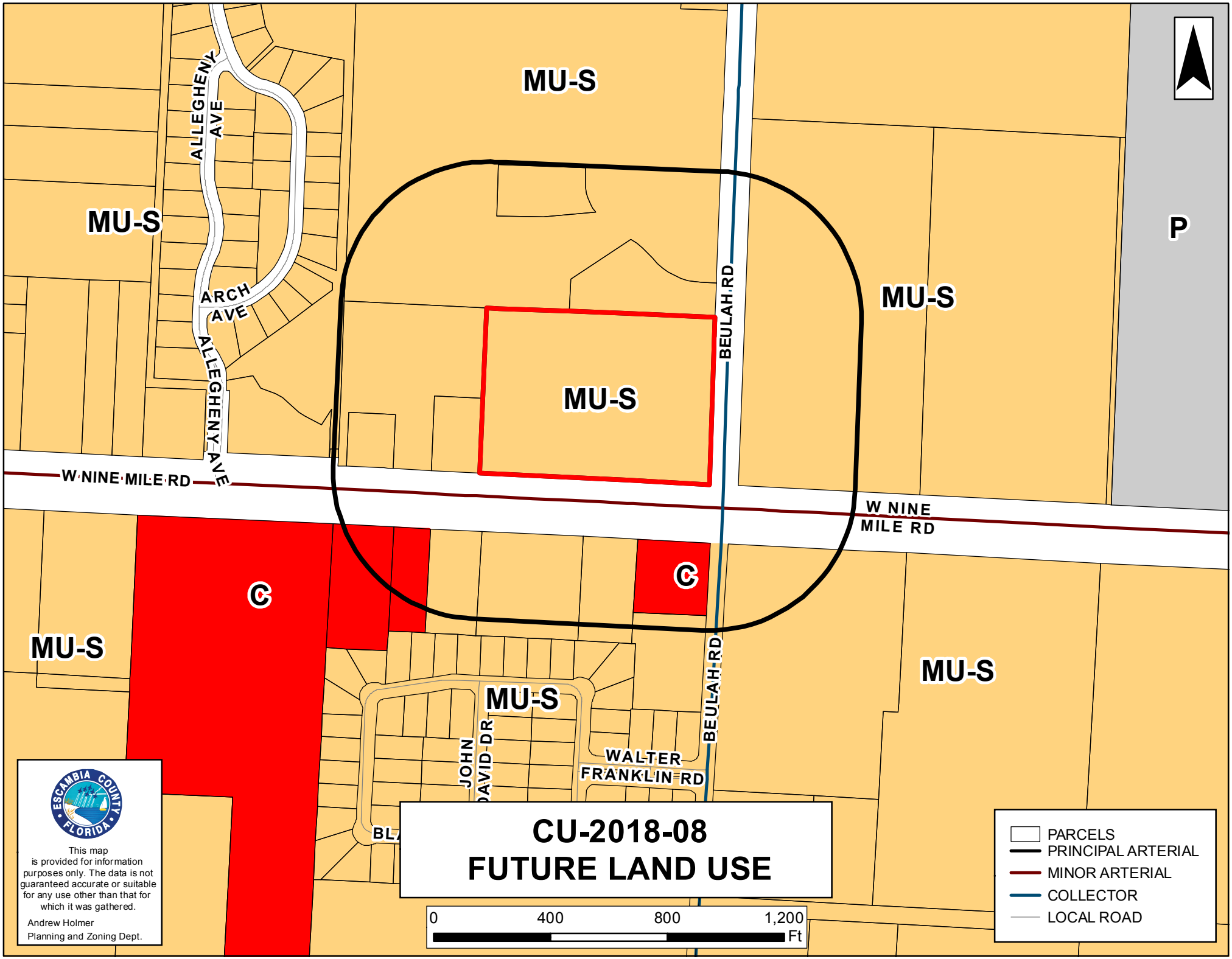
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
Andrew Holmer
Planning and Zoning Dept.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WALTER FRANKLIN RD
ESCAMBIA COUNTY FLORIDA
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Andrew Holmer
Planning and Zoning Dept.
CU-2018-08
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ESCAMBIA COUNTY FLORIDA
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Andrew Holmer
Planning and Zoning Dept.
CU-2018-08
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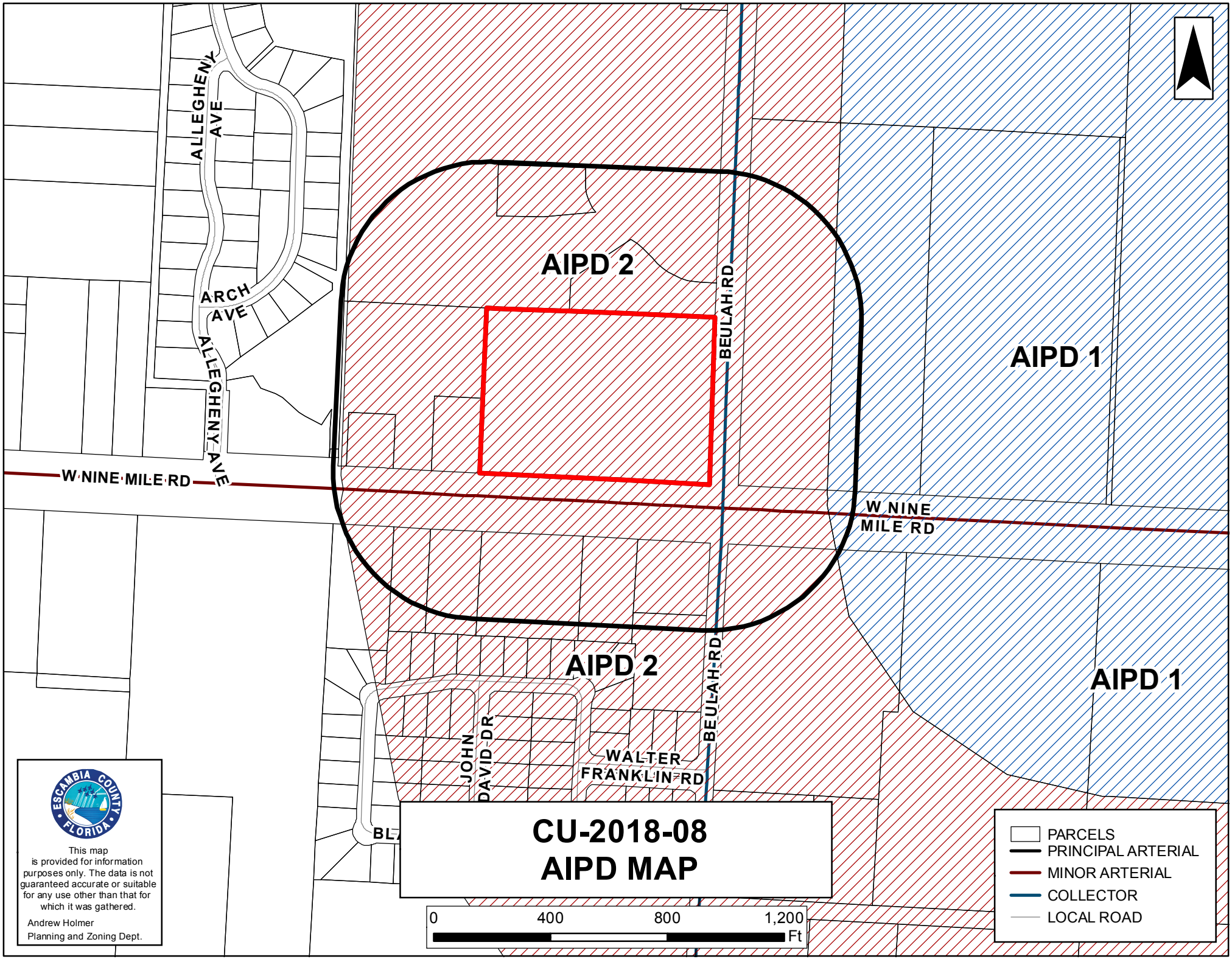
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CU-2018-08
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ESCAMBIA COUNTY FLORIDA
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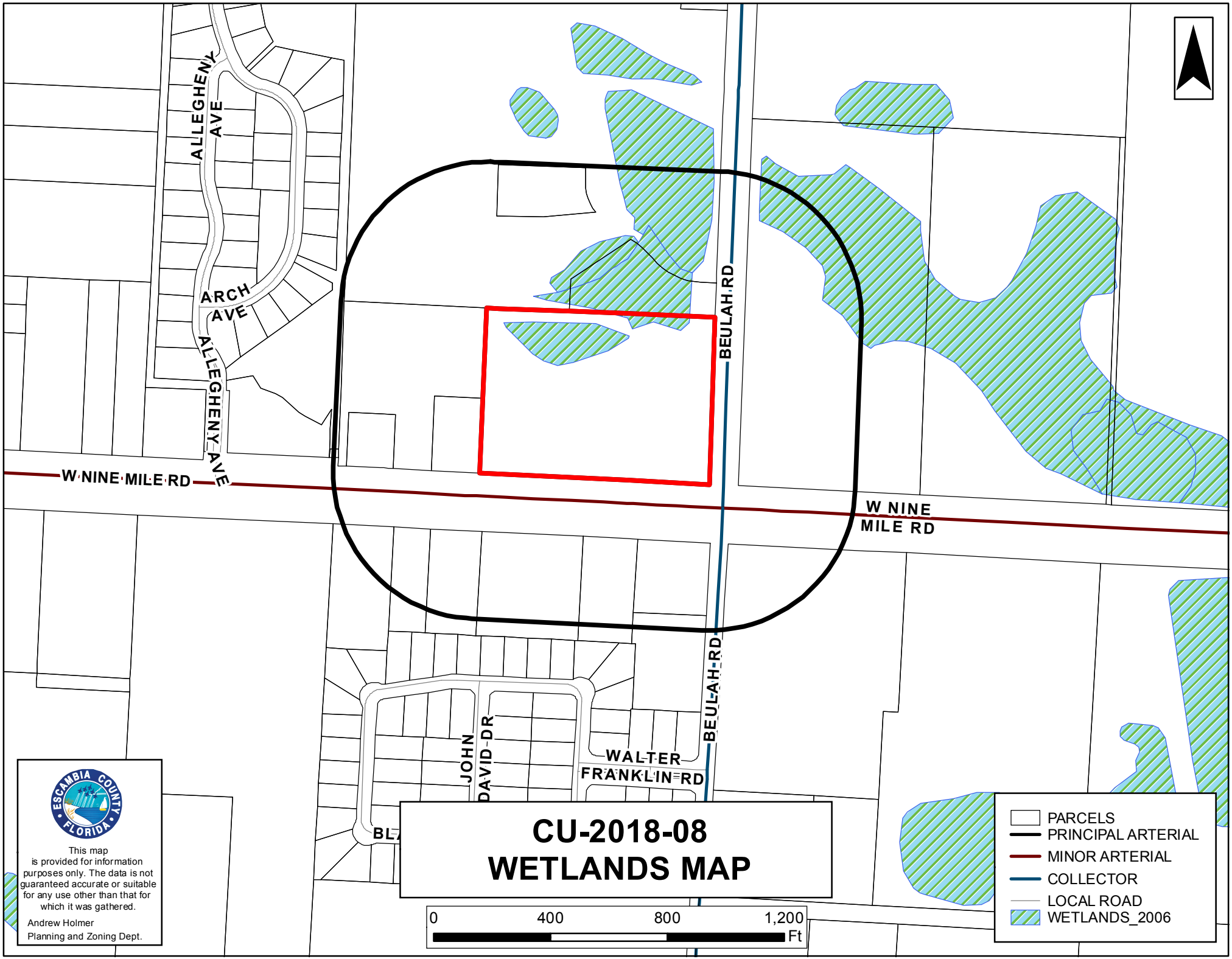
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CU-2018-08
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MINOR ARTERIAL
COLLECTOR
LOCAL ROAD
WETLANDS_2006
ESCAMBIA COUNTY FLORIDA
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
Andrew Holmer
Planning and Zoning Dept.

18051469PBA

Last Updated: 06/21/17

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

Board of Adjustment Application

FOR OFFICE USE ONLY - Case Number: CU-2018-08 Accepted by: ACain BOA Meeting: 6/20/18

Conditional Use Request for: Move existing used car dealership @ 5900 W Nine Mile Rd. 102 feet from SE corner to SW corner.

Variance Request for: _____

1. **Contact Information:**

   A. **Property Owner/Applicant:** Ellis Stuart, President Airplane Services, Inc. Owner

   Mailing Address: 1817 Mineral Springs Rd. Jay, FL 32565

   Business Phone: 850 675 5029 Cell: 850 380 7268

   Email: _____

   B. **Authorized Agent (if applicable):** Cynthia Mather

   Mailing Address: 8640 Klondike Rd Pensacola, FL 32526

   Business Phone: _____ Cell: 850 377 9899

   Email: whitesands3c@yahoo.com

   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: 5900 W. Nine Mile Rd Pensacola, FL 32526

   Parcel ID (s): 061S314402000000

   B. Total acreage of the subject property: 10.19

   C. Existing Zoning: COM

   FLU Category: MU-S

   D. Is the subject property developed (if yes, explain): Yes. Used car dealership, mobile home park. A sanitation lift station, metal building (car dealership current office) and fences.

   E. Sanitary Sewer: X Septic: _____

3. **Amendment Request**

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

We are requesting that the car dealership in the southeast corner of the property be moved 102 feet to the southwest corner of property. Moving down to the sw corner will provide for a better and safer ingress and egress off Nine Mile Rd. We realize that all criteria for this project will have to meet any conditions imposed through the DRC process and comply with all regulations.

B. **For Variance Request – Please address *ALL* the following approval conditions for your Variance request. (use supplement sheets as needed)**

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.

N/A

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

N/A

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.

N/A

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.

N/A

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

N/A

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.

N/A

C. For Conditional Use Request – Please address *ALL* the following approval conditions for your Conditional Use request. (use supplement sheets as needed)

1. **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 1000-foot 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.*

The proposed use is to move the existing used car dealership at the SE corner to the SW corner. Operations of the dealership will be the same as currently in use, thus insuring its continued compatibility with adjacent properties.

Some of the properties in the immediate area include a Tom Thumb, Veterinarian, Church, and Dollar General.

We realize that all criteria for this project will have to meet any conditions imposed through the DRC process and comply with all regulations.

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.

ECUA will continue to provide our water and sewer service.

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.

   Access to this corner will be from Nine Mile Road and will be sufficient regarding vehicle and pedestrian safety and convenience, efficient traffic flow and control, on site parking and loading, and emergency vehicle access. We feel moving the access to Nine Mile Road will provide for safer, smoother traffic flow.

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.

   Shifting the dealership's westerly lot line will not negatively impact adjoining properties. It will not produce smoke, dust, noise, nuisances or hazards.

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.

   The on-site ECUA dumpster will continue to be used but we will propose in our site plan, to have it moved further in and have a fence surround. Contingent on Site Plan Review process and any ECUA restrictions.

6. **Screening and buffering.** Where not otherwise required by the LDC, screening and buffering will be provided if appropriate to the proposed use and site.

   Vegetation screening is already in place between this property and west adjacent property. On Nine Mile, we will install the same type of barrier currently used on Nine Mile - bollards and chains. We will continue to have an eight foot fence between the dealership and mobile home park. Contingent on Site Plan Review process restrictions.

7. **Signs and lighting.** All exterior signs and lights, whether attached or freestanding, will be compatible with adjoining properties and other properties in the immediate area, especially regarding glare and traffic safety.

   All currently used exterior signs, will be moved down. New signage will not be necessary. All lighting and signs will be in accordance with Escambia County Land Development Code Requirements.

8. **Site characteristics.** The size, shape, location and topography of the site appear adequate to accommodate the proposed use, including setbacks, intensity, bulk, height, open space and aesthetic considerations.

   The size, shape, location and topography of proposed site does not present any undue or unnecessary hardships. Dealership will occupy only an acre per LDC regulations. Trees will be incorporated in site plan rather than taken down. Mobile homes in that corner will be relocated.

9. **Use requirements.** The proposed use complies with any additional conditional use requirements of the applicable zoning district, use, or other provisions of the LDC.

   (c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA may conditionally allow the following uses within the Commercial district: Automobile sales, used autos only.

   Additionally, the parcel shall be no larger than one acre and provided with a permanent fence, wall, or other structural barrier of sufficient height and mass along all road frontage to prevent encroachment into the right-of way other that through approved site access.
   Escambia County Land Development Code

4. **Please complete the following form (if applicable): Affidavit of Owner/Limited Power of Attorney**

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY
(if applicable)

As owner of the property located at 5900 W. Nine Mile Rd, Florida, property reference number(s) PNS, Fl 32526

I hereby designate Cynthia Mather for the sole purpose of completing this application and making a presentation to the Board of Adjustment on the above referenced property. This Limited Power of Attorney is granted on this 23 day of April the year of, 2018, and is effective until the Board of Adjustment has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Development Services Department.

Agent Name: Cynthia Mather Email: whitesands3co@yahoo.com

Address: 8640 Klondike Rd PNS, Fl 32526 Phone: 850 377 9899

Signature of Property Owner | ELLIS STUART 4-23-18 Printed Name of Property Owner Date

STATE OF FLORIDA COUNTY OF ESCAMBIA
The foregoing instrument was acknowledged before me this 23 day of April 20 18,
by ELLIS STUART JR

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: FL DL S363200493330

Signature of Notary | DEBORAH K COOPER Printed Name of Notary

(Notary Seal)

DEBORAH K COOPER
MY COMMISSION # GG031521
EXPIRES September 19, 2020

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: http://myescambia.com/business/board-adjustment or contact us at 595-3475.

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) **AND** a Certified Boundary Survey (Include Corporation/LLC documentation if applicable.)

D. ✓ 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
2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
4) I authorize County staff to place a public notice sign(s) on the property referenced herein.; and
5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Department.

Cynthia Mather
Signature of Owner/Agent

Cynthia Mather
Printed Name of Owner/Agent

STATE OF FLORIDA COUNTY OF ESCAMBIA The foregoing instrument was acknowledged before me this 23 day APRIL of

_____ 20 18, by CYNTHIA MATHER.

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

Deborah K Cooper
Signature of Notary

DEBORAH K COOPER
Printed Name of Notary

(Notary Seal)

DEBORAH K COOPER
MY COMMISSION # GG031521
EXPIRES September 19, 2020

JANET HOLLEY, CFC
ESCAMBIA COUNTY TAX COLLECTOR

2016 Real Estate

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER	ESCROW CD	ASSESSED VALUE	MILLAGE CODE	PROPERTY REFERENCE NUMBER
09-0302-000		See Below	06	061S314402000000

2016 Real Estate

OFFICE
(850) 438-6500
Ext. 3252

5900 W NINE MILE RD
S1/2 OF SE1/4 OF SE1/4 LESS W
500 FT LESS OR 484 P 314 ST RD
99 R/W OR 4572 P 458

S - 038656 / 009780 JMS08513
AIRPLANE SERVICES INC
1817 MINERAL SPRINGS RD
JAY FL 32565-9571

Parks

AD VALOREM TAXES

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE AMOUNT	TAXES LEVIED
COUNTY	6.6165	292,418		292,418	1,934.78
PUBLIC SCHOOLS					
By Local Board	2.2100	297,681		297,681	657.88
By State Law	4.6660	297,681		297,681	1,388.98
WATER MANAGEMENT	0.0366	292,418		292,418	10.70
SHERIFF	0.6850	292,418		292,418	200.31
M.S.T.U. LIBRARY	0.3590	292,418		292,418	104.98

RETAIN THIS PORTION FOR YOUR RECORDS

KEEP

13,975.57

ESCAMBIA COUNTY TAX COLLECTOR * P.O. BOX 1312 * PENSACOLA, FL 32591-1312

TOTAL MILLAGE 14.5731 AD VALOREM TAXES 4297.63

NON-AD VALOREM ASSESSMENTS

LEVYING AUTHORITY	RATE	AMOUNT
FIRE PROTECTION		2,757.26

→ $125.00 Per Lot

PLEASE PAY ONE AMOUNT SHOWN IN YELLOW SHADED AREA

QUESTIONS ON ITEMS IN THIS SECTION ONLY, CALL (850) 595-4960

NON-AD VALOREM ASSESSMENTS 2757.26

COMBINED TAXES AND ASSESSMENTS 7054.89 PAY ONLY ONE AMOUNT See reverse side for important information

AMOUNT DUE IF PAID BY	Nov 30 2016	Dec 31 2016	Jan 31 2017	Feb 28 2017	Mar 31 2017
	$ 6772.69	$ 6843.24	$ 6913.79	$ 6984.34	$ 7054.89

AMOUNT DUE IF PAID BY

JANET HOLLEY, CFC
ESCAMBIA COUNTY TAX COLLECTOR

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5900 W NINE MILE RD
S1/2 OF SE1/4 OF SE1/4 LESS W
500 FT LESS OR 484 P 314 ST RD
99 R/W OR 4572 P 458

AIRPLANE SERVICES INC
1817 MINERAL SPRINGS RD
JAY FL 32565-9571

RETURN

CURRENT YEAR TAXES BECOME DELINQUENT APRIL 1

PAY IN U.S. FUNDS TO ESCAMBIA COUNTY TAX COLLECTOR • P.O. BOX 1312 • PENSACOLA, FL 32591-1312 (850) 438-6500 Ext. 3252

AMOUNT DUE IF PAID BY

AMOUNT DUE IF PAID BY	Nov 30 2016	Dec 31 2016	Jan 31 2017	Feb 28 2017	Mar 31 2017
	$ 6772.69	$ 6843.24	$ 6913.79	$ 6984.34	$ 7054.89

RETURN WITH PAYMENT

DO NOT FOLD, STAPLE, OR MUTILATE

1 090302000 2016 9

DIVISION OF CORPORATIONS

Department of State / Division of Corporations / Search Records / Detail By Document Number /

Detail by Entity Name

Foreign Profit Corporation
AIRPLANE SERVICES, INC.

Filing Information

Document Number	F99000005448
FEI/EIN Number	64-0643404
Date Filed	10/25/1999
State	MS
Status	ACTIVE

Principal Address

1817 MINERAL SPRINGS ROAD
JAY, FL 32565

Mailing Address

1817 MINERAL SPRINGS ROAD
JAY, FL 32565

Registered Agent Name & Address

STUART, ELLIS JR
1817 MINERAL SPRINGS ROAD
JAY, FL 32565

Officer/Director Detail

Name & Address

Title DPST

STUART, ELLIS JR
1817 MINERAL SPRINGS ROAD
JAY, FL 32565

Title VP

STUART, NATHAN CHAD
7960 SKYHAWK ROAD
PACE, FL 32571

Annual Reports

Report Year	Filed Date
2015	04/21/2015
2016	04/29/2016

2017 04/27/2017

Document Images

04/27/2017 -- ANNUAL REPORT	View image in PDF format
04/29/2016 -- ANNUAL REPORT	View image in PDF format
04/21/2015 -- ANNUAL REPORT	View image in PDF format
01/24/2014 -- ANNUAL REPORT	View image in PDF format
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01/11/2011 -- ANNUAL REPORT	View image in PDF format
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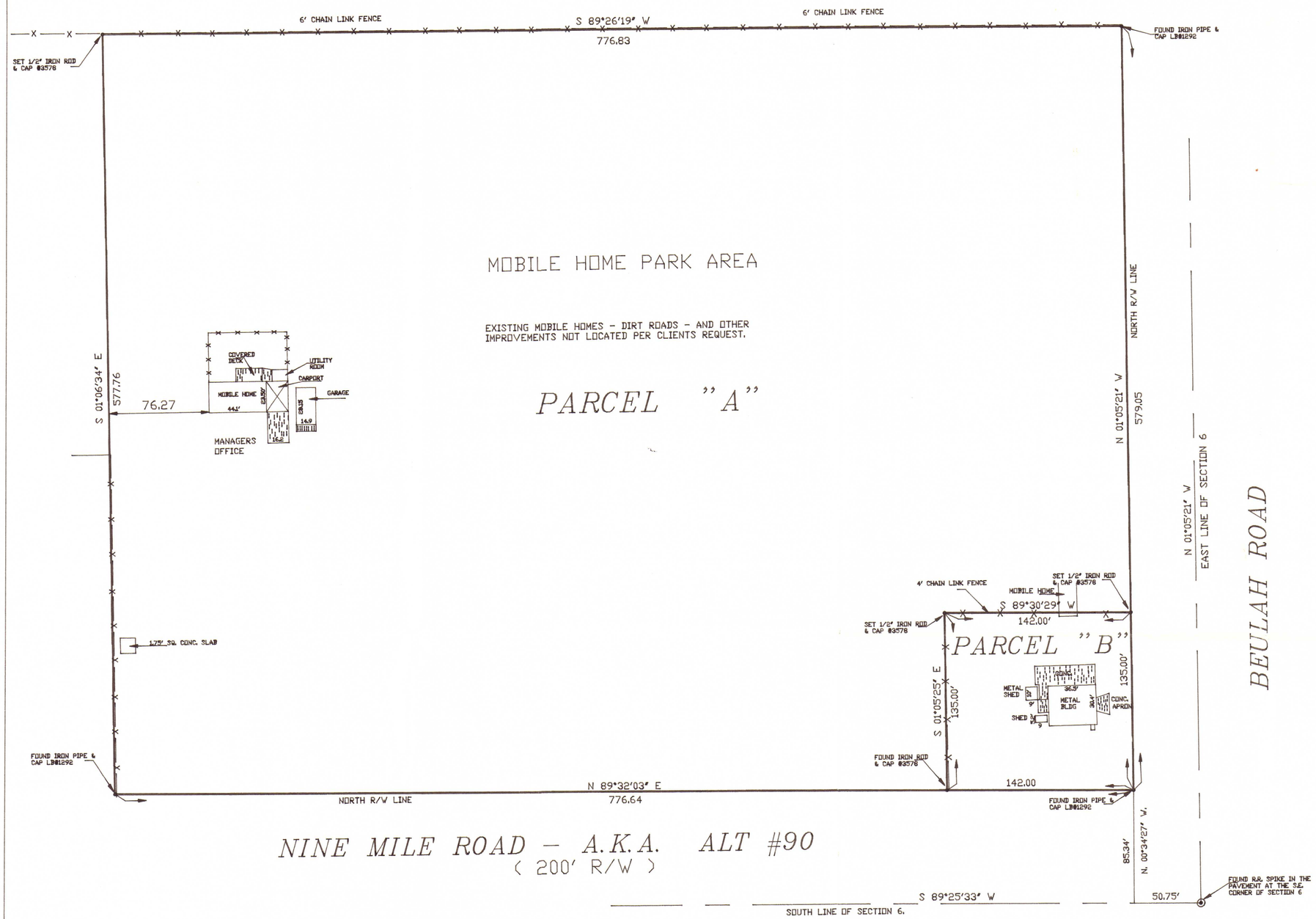
04/02/2002 -- ANNUAL REPORT	View image in PDF format
04/24/2001 -- ANNUAL REPORT	View image in PDF format
05/24/2000 -- ANNUAL REPORT	View image in PDF format
10/25/1999 -- Foreign Profit	View image in PDF format

Florida Department of State, Division of Corporations



NORTH ASSUMED - BEARINGS SHOWN ARE BASED ON THE SOUTH LINE OF SECTION BEING S. 89°25'33" W.

NORTH

SURVEYORS REPORT

THIS PARTICULAR SECTION IS LARGER THAN NORMAL AND IS DEVELOPED WITH ROADS AND RESIDENTAL LOTS. IT IS KNOWN THAT THE MAJORITY OF THE SECTION IS DEVELOPED UTILIZING THE STANDARD QUARTERING METHOD. THE SURVEY SHOWN HEREON WAS PERFORMED USING THE PROPORTIONAL METHOD OF QUARTERING, ACCORDING TO THE SURVEYORS MANUAL OF INSTRUTION. THE STANDAND QUARTERING METHOD WOULD MOVE THE WEST LINE WESTWARD AND INCRESE THE FENCE ENCHROACHMENT ALONG THE WEST LINE BY SOME 23' +/-.

THIS SURVEYOR REALIZES TO STAY IN STEP WITH THE MAJORITY OF DEVELOPMENT, IN THIS SECTION, WOULD CREATE ADDITIONAL COMPLICATIONS OF ENCROACHMENTS.

IT IS POSSIBLE THAT THE CHAIN LINK FENCE WAS ESTABLISHED BY MEASURING 1320' (FOR A QUARTER - QUARTER SECTION LINE) FROM THE EAST LINE OF THE SECTION. THIS PROCEDURE CANNOT BE HELD, SINCE THE SOUTH LINE OF THE SECTION IS ABOUT 5400 FT. LONG.

LEGAL DESCRIPTION: PARCEL "A"

THE SOUTH HALF OF THE S.E. 1/4 OF THE S.E. 1/4 OF SECTION 6, T-1-S-, R-31-W, ESCAMBIA COUNTY, FLORIDA
LESS AND EXCEPT
THE WEST 500.00' ROAD RIGHT-OF-WAYS FOR S.R. #10 AND C.R. #99; ALSO A PARCEL BEING 135.00' BY 142.00' IN THE SOUTH EAST CORNER AND CONTIGIOUS TO ROAD RIGHT OF WAYS.

PARCEL "B" (AS FURNISHED)

COMMENCING AT A R.R. SPIKE AT THE S.E. CORNER OF SECTION 6, T-1-S, R-31-W, ESCAMBIA COUNTY, FLORIDA; THENCE S. 89°25'33" W. ALONG THE SOUTH SECTION LINE FOR 50.75'; THENCE NORTH AT RIGHT ANGLES BEARING N. 00°34'27" W. FOR 85.34' TO AN IRON PIPE AND CAP MARKED LB#1292 AT THE INTERSECTION OF THE NORTH R/W LINE OF NINE MILE ROAR AND THE WEST LINE OF BEULAH ROAD FOR THE POINT OF BEGINNING; THENCE N.02°02'17" W. ALONG THE WEST R/W LINE OF BEULAH ROAD FOR 135.00' TO AN IRON ROD AND CAP MARKED #3578; THENCE S. 89°32'03" W. FOR 142.00' TO AN IRON ROD AND CAP MARKED #3578; THENCE S. 02°02'17" E. FOR 135.00' TO AN IRON ROD AND CAP MARKED #3578 ON THE NORTH R/W LINE OF SAID NINE MILE ROAD; THENCE N. 89°32'03" E. ALONG SAID NORTH R/W LINE FOR 142.00' TO THE POINT OF BEGINNING.

THIS IS TO CERTIFY TO - AIRPLANE SERVICES, INC. - CHELSEA TITLE - AMERICAN PIONEER TITLE INSUR. Co. THAT THE SURVEY SHOWN HEREON IS TRUE AND CORRECT AND MEETING F.A.C. CHAPTER 61 G17.6 AS SET BY THE BOARD OF LAND SURVEYORS TO THE BEST OF KNOWLEDGE AND BELIEF.

VGSchumer

VICTOR G. SCHUMER
FLORIDA REGISTERED SURVEYOR #3578

NOTE: THIS SURVEY WAS PREPARED FOR THE CLIENT AND PURPOSE AS SHOWN. USAGE FOR ANY OTHER PURPOSE; REPRODUCTIONS - IN WHOLE OR IN PART; SHALL NOT BE MADE WITHOUT THE EXPLICIT WRITTEN PERMISSION OF THE SURVEYOR.

V.G. SCHUMER R.L.S
280 JEFFERY LANE
PENSACOLA FLORIDA
32514
PHONE
(904) 476-0083
1-800- 334-0083
WHEN YOU WANT
EXPERIENCE & HONESTY
SPECIALIZING IN
RURAL SURVEYING & SUBDIVISION LAYOUT
SCHUMER'S PROFESSIONAL SURVEYING INC. L.B. # 6471

SEC. 6 TWP.-1-S RGE.-- -31-W RECORDED IN _____ BOOK _____ @ P.

REF. SOURCE: SECTIONAL SURVEY

LEGAL DESCRIPTION AS FURNISHED BY CLIENT. - FENCES AND ENCROACHMENTS ARE SHOWN OR NOTED. - NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAYS AND OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN. - NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. - NO ATTEMP HAS BEEN MADE BY THIS SURVEYOR OR FIRM TO CONDUCT A TITLE RECORDS SEARCH FOR THIS SITE OR THE ADJOINING PROPERTY. - ALL MEASUREMENTS AND/OR ELEVATIONS WERE MADE IN ACCORDANCE TO UNITED STATES STANDARDS AND/OR UNITED STATES COAST AND GEODETIC DATUM. - DISTANCES ARE IN FEET, TENTHS OF A FOOT, AND HUNDRETHS. THIS SURVEY IS NOT VALID UNLESS STAMPED WITH AN EMBOSSED SEAL.

TYPE SURVEY: *BOUNDARY SURVEY*

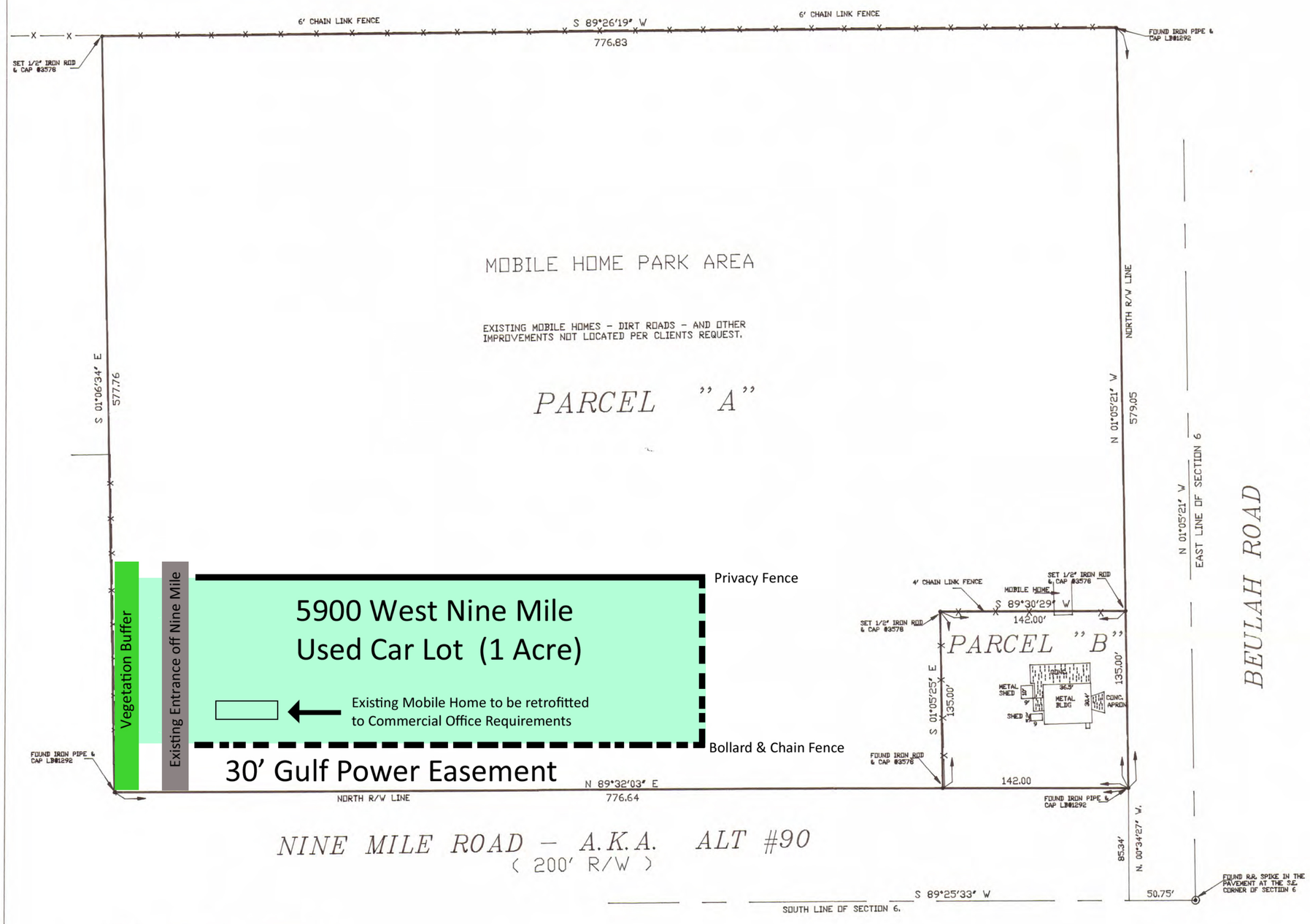
FOR: *J.M.E. REALTY / DALE JOHNSON*

SCALE 1"= 60'	DATE 6-7-2000	FIELD DATE 6-2-200
JOB # 00F-101	F.B. F51 P. 14	REV.
DWN. VIC		REV.

I HEREBY CERTIFY THAT THE SURVEY HEREON TO BE TRUE AND CORRECT AND MEETING CHAPTER 61 G17.6 F.A.C. AND FLORIDA STATUES 472 AS SET BY THE BOARD OF LAND SURVEYORS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

VGSchumer

VICTOR G. SCHUMER
REGISTERED SURVEYOR #3578 STATE OF FL.



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VGSchumer

VICTOR G. SCHUMER
FLORIDA REGISTERED SURVEYOR #3576

NOTE: THIS SURVEY WAS PREPARED FOR THE CLIENT AND PURPOSE AS SHOWN. USAGE FOR ANY OTHER PURPOSE; REPRODUCTIONS - IN WHOLE OR IN PART; SHALL NOT BE MADE WITHOUT THE EXPLICIT WRITTEN PERMISSION OF THE SURVEYOR.

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SEC. 6 TWP.-1-S RGE.-31-W RECORDED IN _____ BOOK _____ @ P.

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VGSchumer

VICTOR G. SCHUMER
REGISTERED SURVEYOR #3576 STATE OF FL.