



City of Pensacola

Zoning Board of Adjustments

Agenda - Final

Wednesday, December 16, 2020, 3:00 PM

Hagler/Mason Conference Room,
2nd Floor

QUORUM / CALL TO ORDER

APPROVAL OF MINUTES

1. [20-00816](#) NOVEMBER 18, 2020, ZONING BOARD OF ADJUSTMENT MEETING MINUTES

Attachments: [ZBA minutes 11-18-20.pdf](#)

REQUESTS

2. [20-00818](#) ZBA 2020-011
2412 N. 9TH AVENUE
R-2

Attachments: [Completed Packet](#)

ADJOURNMENT

ADDITIONAL INFORMATION:

SUBSEQUENT APPLICATION(S): If denied a variance by the Board, that request for a variance cannot be heard again for a period of one (1) year.

JUDICIAL REVIEW OF DECISION OF BOARD OF ADJUSTMENT:

Per section 12-12-2 (D) of the City of Pensacola Land Development Code, any person or persons, jointly or severally, aggrieved by any decision of the board, or the city, upon approval by the city council, may apply to the circuit court of the First Judicial Circuit of Florida within thirty {30} days after rendition of the decision by the board. Review in the circuit court shall be by petition for writ of certiorari or such other procedure as may be authorized by law.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

If a Notice of Appeal has not been received within thirty-five {35} days of the date of the meeting the variance was denied, the petitioner shall be notified by the Building Official that they have ten {10} days to remove or correct the violation.

ADA Statement:

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 850-435-1670 (or TDD 435-1666) for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 20-00816

Zoning Board of Adjustments

12/16/2020

TO: Zoning Board of Adjustments Members

FROM: Leslie Statler, Senior City Planner

DATE: 12/9/2020

SUBJECT:

November 18, 2020, Zoning Board of Adjustment Meeting Minutes

BACKGROUND:

Click or tap here to enter text.

that an 11' sign which was on another one of their facilities be placed on this building. They had remodeled the facilities in the last 12 months resulting in a definite improvement, and they were ready to open. He advised the façade on the building was 7,000 sf, and the sign itself would be only 295 sf which equated to 4% of the frontage. They were 105' away from the road since this particular section of Navy Boulevard had a large right-of-way. He explained the sign was not a flashing light, and they proposed to remove the existing pylon sign to the east. The sign on the building would be the only one visible.

Board Member Del Gallo asked if the pylon sign could be installed later with a new owner, and staff advised variances run with the land and not ownership. Board Member Williams asked was the variance amount for the additional square footage less the existing sign, and Board Member Del Gallo explained they were taking out 100 sf by removing the pylon sign and asking for the increase of less than that on the main sign. Chairperson White clarified the applicant was allowed another 200 sf but was asking for a 95 sf variance, losing 100 sf on the removal of the pylon.

Board Member Lonergan made a motion to approve, seconded by Board Member Del Gallo. Board Member Lonergan stated this seemed straight forward with removing an ugly sign an installing a much more modern sign, and felt it fit all the requirements and was a net reduction in actual signage. Given how far away this building was from the road, he saw no problem. Board Member Shelley pointed out the applicant endeavored to make the property look better than when he purchased it.

The motion then carried unanimously. It was noted there were no comments provided from the audience written or voiced in person for this variance.

DISCUSSION – None

ADJOURNMENT -

There being no further business, the meeting adjourned at 3:10 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Hargett', with a long horizontal flourish extending to the right.

Planning Technician Hargett
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 20-00818

Zoning Board of Adjustments

12/16/2020

TO: Zoning Board of Adjustments Members

FROM: Leslie Statler, Senior City Planner

DATE: 12/9/2020

SUBJECT:

ZBA 2020-011
2412 N. 9th Avenue
R-2

BACKGROUND:

Matrix Property Services, LLC is requesting a variance to increase the maximum allowed lot coverage of 30% to 35.35% to accommodate an (18) unit proposed multi-family development.

Although the zoning district allows for building height of maximum 100 feet the applicant desires to build a structure that is more uniform with the existing neighborhood.



City of
Pensacola
*America's First Settlement
And Most Historic City*

- ☒ **Zoning Board of Adjustment**
☐ **Architectural Review Board**
☐ **Planning Board**
☐ **Gateway Review Board**

VARIANCE APPLICATION

A COMPLETE APPLICATION SHALL INCLUDE THE FOLLOWING:

- A. One (1) copy of this completed application form. *(Please type or print in ink.)*
 B. Site plan and/or survey showing the following details:*
1. Abutting street(s)
 2. Lot dimensions and yard requirements (setbacks)
 3. Location and dimensions of all existing structures
 4. Location and dimensions of all proposed structures and/or additions
 5. Dimension(s) of requested variance(s)
- C. Other supporting documentation (drawings, photographs, etc) to support request(s).*
- D. A non-refundable application fee of \$500.00.

** The Applicant must provide fourteen (14) copies of any documents larger than 8½ x 11 or in color.
 Maximum page size for all submitted material should be 11" x 17" to allow for processing and distribution.*

(To be Completed by Staff)

Provision(s) of Zoning Ordinance from which the variance(s) is/are being requested:

Section(s)/ Tables(s) R-2-4(D) T. R-2.5 Zoning R-2

(To be Completed by Applicant)

The Applicant requests consideration of the following variance request(s):

Property Address: 2412 North 9th Avenue, Pensacola, Florida 32503

Current use of property: Zoning is R-2. Current structure is vacant.

1. Describe the requested variance(s): The maximum lot coverage is 9,900 SF (30%) for multi-family residential. The applicant desires to construct an 18-unit development with 648 SF per unit, which will yield a lot coverage of 35.35%, or 11,664 SF of the 33,000 square foot site. The applicant seeks a minimum variance of 5.35%.

2. Describe the special condition(s) existing on this property which create(s) the need for the variance(s), but which are not applicable to other properties in the same district and which are not the results of the applicant's actions:

Please see the attached letter.

Planning Services
 222 W. Main Street * Pensacola, Florida 32502
 (850) 435-1670
 Mail to: P.O. Box 12910 * Pensacola, Florida 32521

3. Explain why the requested variance(s) is/are necessary to permit the property owner to obtain the right commonly enjoyed by other property owners in the same district:

Please see the attached letter.

4. Explain why the requested variance(s) is/are not detrimental to the general welfare or to property rights of others in the vicinity:

Please see the attached letter.

5. Explain what other condition(s) may justify the proposed variance(s):

Please see the attached letter.


Application Date: November 20, 2020

Applicant: Matrix Property Services, LLC and/or assigns

Applicant's Address: 69 Star Lake Drive, Pensacola, Florida 32507

Email: grahamg@alazeabay.com

Phone: 314-779-9101

Applicant's Signature: 

Property Owner:

Midtown Office Center, LLC

Property Owner's Address:

P.O. Box 6430

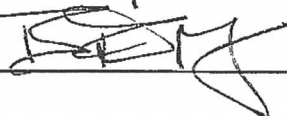
Pensacola, FL 32503

Email:

bemcalpin@aol.com

Phone: 850-637-2856

Property Owner's Signature:



The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable modifications for access to City Services, programs, and activities. Please call 435-1600 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

Planning Services

222 W. Main Street * Pensacola, Florida 32502

(850) 435-1670

Mail to: P.O. Box 12910 * Pensacola, Florida 32521



Schultz Law Group

KERRY ANNE SCHULTZ, ATTORNEY AT LAW

November 23, 2020

VIA OVERNIGHT DELIVERY

City of Pensacola

Attention: Leslie Statler, Senior Planner

222 West Main Street

Pensacola, FL 32501

RE: Variance Request Application

Subject Property: 2415 North 9th Avenue, Pensacola, Florida 32503

Owner: Midtown Office Center LLC

My Client: Matrix Property Services, LLC

Property Reference Number: 000S009025001289

APPLICATION FOR VARIANCE

Dear Ms. Statler:

Enclosed is the completed Application, preliminary Site Plan, Survey, map for the parcel, and check for the filing fee.

I have the pleasure of representing Matrix Property Services, LLC, who have executed a Contract to purchase the subject parcel from the owner. The parcel is zoned R-2, which requires thirty percent (30%) lot coverage. My client desires to build eighteen (18) multi-family residential units on the subject parcel. The maximum lot coverage is 9,900 square foot (30%) for multi-family residential. An eighteen (18) unit development with six hundred forty-eight (648) square feet per unit will yield a lot coverage of 35.35%, or 11,664 square feet of the 33,000 square foot site. As such, a minimum variance of 5.35% is necessary to allow the project.

My client's request complies with the required variance criteria as follows:

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

There is an existing dilapidated structure on the subject parcel, which my client desires to demolish and build eighteen (18) multi-family residential units. Under the existing Code, my client can build a higher structure not to exceed one hundred (100) feet; however, my client

P: 850-754-1600 • **F:** 850-754-1601

2779 Gulf Breeze Parkway • Gulf Breeze, Florida 32563

schultzlawgrp.com

desires to build a structure that is uniform with the existing neighborhood. My client's project will include more green space and sidewalks. My client seeks the minimum of 5.35% variance necessary for the lot coverage. Absent the variance, my client cannot build the structure.

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

My client has executed a Contract to purchase the subject property. The existing structure is dilapidated and needs to be demolished. Any possible new structure will be required to build higher not to exceed one hundred (100) feet, which will not be in harmony with the existing neighborhood. The opportunity to construct less units allows my client to have more trees, greenspace and sidewalks. The proposed use is a less intense use of the property in the R-2 zoning district. A minimum variance of 5.35% will allow my client to build eighteen (18) multi-family residential units. Absent the variance, my client cannot build the structure and will be required to build higher, which is incompatible with the existing neighborhood.

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

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

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

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

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

My client is requesting a minimum variance of 5.35% for the lot coverage, which will simply allow reasonable use of the subject parcel.

(6) The granting of the variance will be in harmony with the general intent and purpose of this title and that such variance will not be injurious to the area or otherwise detrimental to the public welfare.

My Client's variance request is consistent with the intent and purpose of the City of Pensacola Land Development Code and will not be injurious to the area or detrimental to the public welfare. My client is simply seeking a minimum of 5.35% variance.

- (7) That the variance will not constitute any change in the districts shown on the zoning map, will not impair an adequate supply of light and air to adjacent property, will not increase the congestion of public streets, or increase the danger of fire, will not diminish or impair established property values within the surrounding area, and will not otherwise impair the public health, safety, and general welfare of the city.**

The minimum variance of 5.35% will not constitute a change in the districts shown on the zoning map. The minimum variance will not impair an adequate supply of light and air to adjacent property, will not increase the congestion of public streets, or increase the danger of fire, will not diminish or impair established property values within the surrounding area, and will not otherwise impair the public health, safety, and general welfare of the City of Pensacola.

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

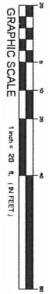
Very truly yours,

SCHULTZ LAW GROUP, P.L.L.C.

Kerry Anne Schultz

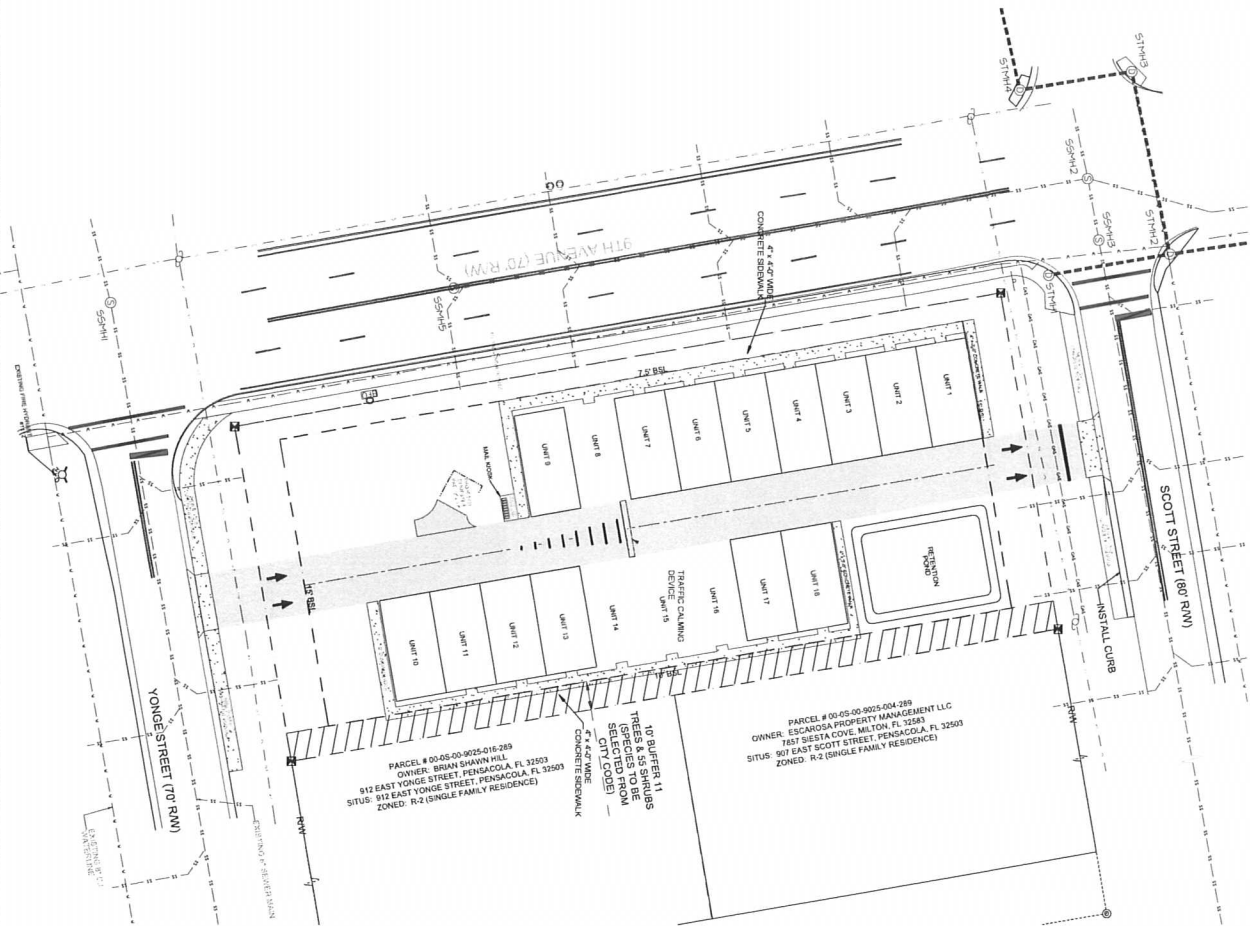
KAS:LB
Enclosures as stated

cc: Client



PROJECT DATA: FOR 18 APARTMENT UNITS

ACREAGE: 0.76 ACRES = 32,987.20 SF
DENSITY: 18 UNITS/0.76 AC = 23.68 DU/AC.
PARKING (REQ'D) = 18 SPACES (1 SPACE/UNIT)
TOTAL PROVIDED = 36 SPACES (2 CAR GARAGES)
ADDRESS: 900 E. Yonge Street - 00-05-00-9025-018-289
2412 N. 9th Avenue - 00-05-00-9025-001-289
PRESENT ZONING: R-2
UNIT SIZE = 18' X 36' = 648 SF
18 UNITS X 648 SF/UNIT = 11,664 SF
LOT COVERAGE = 11,664 SF/32,987.20 SF = 35.36%
REQUESTED VARIANCE: FROM 30% TO 35.36%
FLOOD ZONE: X (1203C0368G)



DESIGNED BY: JMA
CHECKED BY: GMM
DATE: OCT 2020
SCALE: 1"=20'
NOT RELEASED
FOR CONSTRUCTION
BY: DATE:

9TH AVENUE APARTMENTS
18 UNIT SITE LAYOUT
VARIANCE REQUEST
CITY OF PENSACOLA FLORIDA

JMA
Engineering Services, Inc.
Civil Engineering & Planning
2726 WALLACE LAKE ROAD
PACE, FLORIDA 32571
PHONE: (904) 565-7323
eMail: jma@jma-engineering.com
WEBSITE: www.jma-engineering.com
Gerard W. McGuire-P.E. # 31572
Engineering Business #00008435

NO.	DATE	REVISIONS
1		
2		
3		
4		

THIS DRAWING IS THE PROPERTY OF JMA ENGINEERING SERVICES, INC. AND IS NOT TO BE REPRODUCED IN WHOLE OR IN PART. IT IS NOT TO BE USED ON ANY OTHER PROJECT AND IS TO BE RETURNED UPON REQUEST.

Source: Escambia County Property Appraiser

[Restore Full Version](#)

General Information							Assessments				
Reference:	000S009025001289						Year	Land	Imprv	Total	Cap Val
Account:	142474000						2020	\$99,000	\$84,409	\$183,409	\$176,740
Owners:	MIDTOWN OFFICE CENTER LLC						2019	\$99,000	\$79,295	\$178,295	\$160,673
Mail:	PO BOX 6430 PENSACOLA, FL 32503						2018	\$99,000	\$74,861	\$173,861	\$146,067
Situs:	2412 N 9TH AVE 32503						Disclaimer				
Use Code:	OFFICE, MULTI-STORY						Market Value Breakdown Letter				
Taxing Authority:	PENSACOLA CITY LIMITS						Tax Estimator				
Tax Inquiry:	Open Tax Inquiry Window						File for New Homestead Exemption Online				
Tax Inquiry link courtesy of Scott Lunsford Escambia County Tax Collector							Report Storm Damage				
Sales Data							2020 Certified Roll Exemptions				
Sale Date	Book	Page	Value	Type	Official Records (New Window)		None				
08/2005	5702	1384	\$340,000	WD			Legal Description				
01/1971	563	746	\$15,000	WD			LTS 1 2 3 BLK 289 NEW CITY TRACT OR 5702 P 1384 CA 63				
Official Records Inquiry courtesy of Pam Childers Escambia County Clerk of the Circuit Court and Comptroller							Extra Features				
							ASPHALT PAVEMENT FRAME GARAGE				
Parcel Information							Launch Interactive Map				
Section Map Id: CA063											
Approx. Acreage: 0.3809											
Zoned: R-2											
Evacuation & Flood Information Open Report											
							View Florida Department of Environmental Protection (DEP) Data				

Buildings	
Address: 2412 N 9TH AVE, Year Built: 1900, Effective Year: 1944, PA Building ID#: 22441	
Structural Elements	
DECOR/MILLWORK-BELOW AVERAGE	
DWELLING UNITS-1	
EXTERIOR WALL-ASBESTOS SIDING	
FLOOR COVER-HARDWOOD/PARQET	
FOUNDATION-WOOD/SUB FLOOR	
HEAT/AIR-CENTRAL H/AC	
INTERIOR WALL-DRYWALL-PLASTER	
NO. PLUMBING FIXTURES-6	
NO. STORIES-2	
ROOF COVER-DIMEN/ARCH SHNG	
ROOF FRAMING-GABL/HIP COMBO	
STORY HEIGHT-0	
STRUCTURAL FRAME-WOOD FRAME	
Areas - 2548 Total SF	
BASE AREA - 1260	
BASE SEMI FIN - 127	
OPEN PORCH FIN - 252	
OPEN PORCH UNF - 33	
UPPER STORY FIN - 876	

USF

BAS

USF

BAS

Images



12/20/19

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