



# City of Pensacola

## Zoning Board of Adjustments

### Agenda - Final

---

Wednesday, January 20, 2021, 3:00 PM

Hagler/Mason Conference Room,  
2nd Floor

---

#### QUORUM / CALL TO ORDER

#### APPROVAL OF MINUTES

1. [21-00097](#) DECEMBER 2020 ZONING BOARD OF ADJUSTMENTS MEETING MINUTES

*Attachments:* [ZBA minutes 12.16.20.pdf](#)

#### REQUESTS

2. [21-00098](#) ZBA 2021-001  
605 W. GARDEN STREET  
C-3

*Attachments:* [Completed Application.pdf](#)  
[Variance Summary.pdf](#)  
[Vicinity Map and Surrounding Properties.pdf](#)  
[Conceptual Layout.pdf](#)

#### 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 #:** 21-00097

Zoning Board of Adjustments

1/20/2021

---

**TO:** Zoning Board of Adjustments Members

**FROM:** Leslie Statler, Senior City Planner

**DATE:** 1/13/2021

**SUBJECT:**

December 2020 Zoning Board of Adjustments Meeting Minutes

**BACKGROUND:**

Click or tap here to enter text.

## ***Zoning Board of Adjustment***

# MINUTES OF THE ZONING BOARD OF ADJUSTMENT

**December 16, 2020**

**MEMBERS PRESENT:** Chairperson White, Board Member Lonergan, Board Member Sebold, Board Member Stepherson, Board Member Taylor, Board Member Wiggins, Board Member Williams

MEMBERS VIRTUAL: None

**MEMBERS ABSENT:** Vice Chairperson Del Gallo, Board Member Shelley

**STAFF PRESENT:** Planning Technician Hargett, Senior Planner Statler, Historic Preservation Planner Harding, Planning Director Morris (virtual), Network Engineer Johnston, Assistant City Attorney Lindsay (virtual)

**OTHERS PRESENT:** Kerry Anne Schultz

**1) CALL TO ORDER/QUORUM PRESENT**

The Zoning Board of Adjustment (ZBA) was called to order at 3:01 p.m. by Chairperson White with a quorum present. Chairperson White then read the ZBA rules and instructions and explained the procedures of the in-house/virtual Board meeting.

## 2) APPROVAL OF MINUTES November 18, 2020

**The ZBA November 18, 2020 minutes were approved without objection by the Board.**

3) ZBA 2020-011                      2412 N. 9<sup>th</sup> Avenue                      R-2

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.

Chairperson White introduced the item, and Ms. Schultz represented the applicant's request to the Board. She advised the applicant desired to build 18 multi-family residential units in the R-2 zone. She explained the maximum lot coverage was 9,900 SF (30%) for multi-family residential. The 18-unit development with 648 SF per unit would yield a lot coverage of 35.35% or 11,664 SF of the 33,000 SF site. The applicant was only seeking a 5.35% minimum variance.

Regarding Criteria 1 for special conditions and circumstances, she explained there is an existing dilapidated structure on the subject parcel, and the client desires to demolish the structure and build 18 units; under the existing Code, the client can build a higher structure not to exceed 100', but they desired to build a structure that was uniform with the existing neighborhood including more green space and sidewalks. Without the variance the client could not build the structure.

Concerning Criteria 2 regarding special conditions and circumstances which do not result from the actions of the applicant, the applicant had executed a contract to purchase the property, and the existing structure was dilapidated and needed to be demolished. Any possible new structure would be required to build higher but not to exceed 100' and the opportunity to construct less units would allow the client to have more trees, greenspace and sidewalks. The proposed use would be a less intense use of the property in the R-2 zoning district. Absent the variance, the client would be required to build higher which was incompatible with the existing neighborhood.

Regarding Criteria 3 regarding granting the variance would not confer any special privilege that is denied by this title to other lands, buildings, or structures in the same zoning district, granting this variance would not confer any special privilege.

Regarding Criteria 4 that strict application of the provisions of the LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would create undue hardship, to the extent that the variance was not granted, the client would suffer unnecessary and undue hardship because they could not obtain a building permit to either repair or replace the existing uninhabitable structure absent a variance.

Regarding Criteria 5 that the variance granted would be the minimum that would make possible the reasonable use of the land, building or structure, Ms. Schultz had conferred with staff for the less intense use of the property and presented the client with the 18-unit structure; the client was requesting a minimum variance of 5.35% for the lot coverage which would allow reasonable use of the subject parcel.

Regarding Criteria 6 that granting of the variance would be in harmony with the general intent and purpose of this title and would not be injurious to the area or detrimental to the public welfare, she indicated once the dilapidated building was removed, that would not be an issue. She felt the neighborhood was excited about the project which would be in harmony with the community and was a minimum request.

Regarding Criteria 7 that the variance would not constitute any change in the districts shown on the zoning map, not impair an adequate supply of light and air to adjacent property, not increase congestion of public streets or increase danger of fire, diminish or impair established property values and not otherwise impair the public health, safety and general welfare of the city, the minimum variance of 5.35% would not constitute a change in districts on the zoning, impair adequate supply of light and air and would not increase the congestion of public streets, or increase danger of fire or diminish established property values. In staying with their footprint and adding more greenspace and not building up, the opposite would be true, and they believed it would actually increase the property values in that neighborhood.

She believed they had met the criteria, there was no one to object to the project, and they were asking on the minimum variance to build the project.

Board Member Taylor asked if they placed 15 units on the property, the variance would not be necessary, and Ms. Schutlz stated that was correct, but they could not get the square footage and the green space they desired. Board Member Wiggins inquired about the height of the new structure, and staff advised the structure would be two-story, resemble a townhouse development and be less than 45' in height. At this point, there were no architectural plans required or submitted.

Regarding Criteria 1 regarding special circumstances, Board Member Lonergan asked if the special circumstance was that they were trying to build with the aesthetic of the neighborhood, and Ms. Schultz explained in R-2, 30% lot coverage was required, and the height of the structure could not exceed 100' and they were staying compatible with the neighborhood, providing more green space and sidewalks and fitting in with the existing surroundings. Their request would require the 5.35% variance and lot coverage of 35.35%. Also, 15 units would not fit with their existing plans.

Board Member Wiggins stated technically an apartment complex with multiple stories and parking underneath would be allowed. Board Member Sebold questioned administrative variances at 10%, and staff advised administrative variances would be allowed for one setback on a lot or parking. Board Member Lonergan stated in Criteria 1, the Board was to look at the land, structure or building involved, but did not know if that included the structure of the neighborhood as well. Senior Planner Statler could not recall specifically citing Criteria 1, but in general, conversations of the Board looked at the neighborhood when making their determination. Chairperson White spoke about the size of the units, and staff explained that was the footprint. He asked about affordable housing, and it was determined there were no provisions under affordable housing. Staff advised the only challenge was the lot coverage; the applicant had originally presented 26 units for the project which was over the maximum lot coverage allowed. Depending on the height, the footprint could shrink, but 100' was allowed; 8 to 9 stories totaled 20%. She advised there was a historic demolition review by the ARB since the building was over 50 years old. Historic Preservation Planner Harding stated the building demolition was delayed 60 days, but demolition would be possible on January 18<sup>th</sup>. He advised there were no comments from neighbors at the ARB meeting November 17<sup>th</sup>. He also explained the UWF Trust Advisor Pristera sent this item to the full Board for review; the Board related the structure to the historic East Hill neighborhood and delayed the demolition for 60 days, however, the Board does not review for safety concerns and only reviewed the exterior of the building.

**Board Member Lonergan moved to approve the variance, seconded by Board Member Sebold.** Board Member Lonergan had a problem with whether or not a neighborhood constitutes self-created since they were building a new structure, but it seemed there was a lot of consideration for the neighborhood, and the neighbors had plenty of opportunity to have input, and there were no individuals present at this meeting; they probably would not be in favor of a 100' tall structure which would be in the purview of the developer. He had no other issues with the other criteria.

Chairperson White stated he had problems with this request. In sitting on the East Hill Association Board, if it were affordable housing or low-income housing - and right up the street another three blocks is the smaller affordable housing area; it was



a beautiful little house, and with a townhome look on a high-traffic thoroughfare, he was sure the contractor would try to make it look as nice as possible. He indicated East Hill talks a lot about preserving these old houses and about the new projects with homes which are not affordable, and he was just a little apprehensive. Board Member Wiggins agreed, but they were within their rights to build an apartment complex on the property, and he would rather see something similar to this project; he felt this was kind of an affordable housing structure. Board Member Sebold indicated this was the best option against a 100' building. To put this in context, Senior Planner Statler advised a good portion of the Sacred Hospital complex was within the R-2 zoning, so there were multiple uses allowed by right in this district which could go up to 8 or 9 stories. Board Member Lonergan explained the Board did not review the aesthetics but the letter of the law and meeting the criteria.

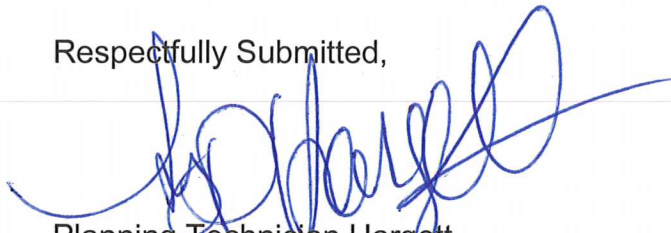
**The variance failed 4 to 3 with Chairperson White, Board Member Taylor, and Board Member Wiggins dissenting. It was explained 5 positive votes were necessary for approval.**

**DISCUSSION** – None

**ADJOURNMENT -**

There being no further business, the meeting adjourned at 3:33 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Hargett', written over a horizontal line.

Planning Technician Hargett  
Secretary to the Board



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

---

**File #:** 21-00098

Zoning Board of Adjustments

1/20/2021

---

**TO:** Zoning Board of Adjustments Members

**FROM:** Leslie Statler, Senior City Planner

**DATE:** 1/13/2021

**SUBJECT:**

ZBA 2021-001  
605 W. Garden Street  
C-3

### **BACKGROUND:**

J Holder Nevins, Kore, LLC is requesting two variances: 1) To increase the allowable parking space ratio from 1 space per unit to 1.55 spaces per unit; 2) To reduce the buffer yard from 10' to 5' adjacent to the property located at 701 W. Garden. These requests are to accommodate a new multi-family residential development.

The applicant's first request is to increase the required parking allowance to accommodate a mixture of apartment sizes ranging from studio apartments to 3-bedroom units. The proposed parking ratio will be provided by a combination of surface (on-grade) parking, in-building parking within the carriage house units, and a two-story parking garage.

Unlike other jurisdictions, the City's parking requirement is finite - there is not a minimum per se only the ratio cited for the proposed use. Additionally, the City disallows excessive parking spaces to be provided in an effort to minimize surface parking and encourage the use of transportation alternatives. While the City's Ordinance disallows excess parking, it is important to note all development is required to adhere to the open space and landscaping requirements.

The applicant's second request is to reduce the required buffer width adjacent to the property located at 701 W Garden Street. The request would reduce the buffer yard from 10 feet to 5 feet to accommodate a surface parking area. Although the current buffer yard is 4.5 feet in width, the City requires new development to comply with the Ordinance.



2021-001



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) 12-4-1 Table(2) / 12-3-56(d)(1) Zoning C-3

---

#### (To be Completed by Applicant)

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

Property Address: 605 W Garden Street, Pensacola, FL, 32502

Current use of property: Commercial Office Building

1. Describe the requested variance(s): Summarized as follows, see attached memo for details.

Variance Request #1 - increase allowable parking ratio from 1 space/unit to up to 1.55 space/unit

Variance Request #2 - reduce buffer yard from 10' to 5' across single property along the north prop. line  
~~Request that approvals allow for 300 days between variance approval and building permit submittal.~~

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:

See attached memo.

**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:

See attached memo.

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

See attached memo.

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

See attached memo.

Application Date: 12/30/2020

Applicant:	J. Holder Nevins, Kore, LLC		
Applicant's Address:	4700 Colonnade Place, Birmingham, AL, 35243		
Email:	holder@korecompany.com	Phone:	205.427.2148
Applicant's Signature:	<div>Holder Nevins</div> <div><small>Digitally signed by Holder Nevins DN: c=US, e=holder@korecompany.com, o=Kore LLC, cn=Holder Nevins Date: 2020.12.18 12:09:00-0600</small></div>		
Property Owner:	BellSouth Telecommunications, LLC successor by merger to Southern Bell		
Property Owner's Address:	Telephone and Telegraph company, d/b/a AT&T Florida Whitacre Tower, 208 South Akard - Room 3137, Dallas, TX 75202		
Email:	<div>see attached next page for Property Owner's signature</div>	Phone:	
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.

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:

See attached memo.

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

See attached memo.

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

See attached memo.

Application Date: 12/30/2020

Applicant: J. Holder Nevins, Kore, LLC

Applicant's Address: 4700 Colonnade Place, Birmingham, AL, 35243

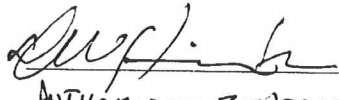
Email: holder@korecompany.com Phone: 205.427.2148

Applicant's Signature: Holder Nevins  
Digitally signed by Holder Nevins  
DN: cn=US, email=holder@korecompany.com, o=Kore  
LLC, c=United States  
Date: 2020.12.18 12:09:00-0600

Property Owner: BellSouth Telecommunications, LLC successor by merger to Southern Bell  
Telephone and Telegraph company, d/b/a AT&T Florida

Property Owner's Address: Whitacre Tower, 208 South Akard - Room 3137, Dallas, TX 75202

Email: dh3240@att.com Phone: 904-200-6093

Property Owner's Signature:   
AUTHORIZED REPRESENTATIVE

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

December 30, 2020

Mr. Boyce White, Chairperson  
Zoning Board of Adjustment  
City of Pensacola  
222 W. Main Street, 5<sup>th</sup> Floor  
Pensacola, Florida 32502

**RE: Garden Street Apartments, 605 W Garden Street, Pensacola, FL, 32502  
Request for Variances, Maximum Parking and Minimum Buffer Yard**

Dear Chairman White and Members of the Board –

We submit this memo in support of our request for two variances related to the subject project. This memo is intended to provide a summary of the proposed project, to outline in detail the requests that are being brought before the Board, to provide the basis of the requests being made, and to address each of the variance criteria specified in the City's Land Development Code (LDC).

**Proposed Project Summary**

The developer of this project (Kore, LLC) proposes a new multi-family development situated on +/-5.8-acres of the +/-10.2-acre City block defined by W. Garden Street (north), S. Coyle Street (east), W. Romana Street (south), and S. A Street (west). See Attachment A for a depiction of the project's vicinity.

The property on which the development is proposed is currently owned and utilized by AT&T (formerly known as Southern Bell) for commercial purposes. The existing site is served by two driveway connections to S. Coyle Street and one driveway connection to S. A Street, and contains a multi-story office building, expansive and typically underutilized on-grade parking lots, and miscellaneous other improvements. See Attachment B for an existing conditions survey.

**The proposed project will include construction of three new multi-story buildings with a mixture of studio and 1-, 2- and 3-bedroom apartment style units, a fourth building with 2-bedroom carriage house units, and miscellaneous amenities such as a pool. A total of 240 units is conceptually proposed.** Parking will be provided by a combination of conventional on-grade parking, in-building garage parking beneath the carriage house units, and a two-story parking garage. See Attachment C for an architectural layout of the proposed site and buildings.

### **Summary of Variance Requests**

***Request #1 (Exceed Maximum Parking)*** – Section 12-3-1, Paragraph (B) of the City’s LDC related to parking requirements allows 1 parking stall per unit for a multi-family use. Further, Section 12-2-82, Paragraph (C)(7)(a) discourages construction of more than the number of required spaces and notes that proposed parking in excess of more than ten percent of the requirements is only permissible with an administrative waiver. **We request the Board’s allowance to increase the off-street parking allowance from 1 stall per unit to 1.55 stalls per unit, which would allow accommodation of one stall for each proposed bedroom based on the proposed unit mix.**

***Request #2 (Reduce Isolated Buffer Yard)*** – Section 12-2-32, Paragraph (C)(1) of the City’s LDC related to required buffer yard locations specifies the proposed multi-family residential use is responsible for providing a buffer yard along adjacent single-family or duplex residential zoning districts and/or land use parcels. Further, Paragraph (D)(1) of the same section of the LDC specifies the width of required buffer yard as ten feet. Although the entire block on which this project resides is commercially zoned (C-3), there are several adjacent properties to the south and a single adjacent property to the north that are designated as a single-family residential (SFR) use by the Escambia County Property Appraiser. See Attachment A for details. The required 10’ buffer yard will be met or exceeded along all adjacent SFR properties to the south. **We request the Board’s allowance to reduce the required buffer yard along a single adjacent SFR property to the north from 10’ to 5’.**

**With regard to both variances, we request an allowance of 300 days to obtain a building permit from the approval date of the requests.**

### **Basis of Variance Requests**

***Request #1 (Parking)*** – Kore is experienced with the development of multi-family projects across the southeast United States. With the experiences of their previous projects serving as the basis of future designs, Kore has established a model for this project that targets an on-site parking ratio of between 1.67 and 2.0 stalls per unit. This target is based on the proposed unit mix including not only smaller studio and 1-bedroom units for which one stall per unit would be appropriate, but also larger 2- and 3-bedroom units for which one stall per unit is not adequate. Kore’s target ratio is intended to ensure that all residents have access to on-site, off-street parking. **As summarized in the “Parking Data” table on Attachment C, a total of 369 parking stalls associated with the multi-family use is conceptually proposed, equaling a parking ratio of 1.54 stalls per unit.** We are requesting an allowance of up to 1.55 stalls per unit to allow for flexibility in the design if up to 373 stalls can be accommodated based on final survey and detailed design data.



As depicted on Attachment C, Kore proposes to achieve the requested parking ratio through the combination of conventional on-grade parking, in-building garage parking beneath the carriage house units, and construction of a two-story parking garage. As summarized in the "Parking Data" table, a total of 173 stalls are conceptually proposed as conventional on-grade parking associated with the multi-family use. An additional six stalls are also proposed for employees utilizing the planned 1800 square foot leasing office, in accordance with the City's parking allowance of 1 stall per 300 square feet of office space.

For the purposes of this discussion, it is assumed that the 88 surface level stalls within the parking garage would instead be proposed as on-grade parking if the parking garage were not included. **As such, without the proposed parking garage, the effective total number of on-grade stalls associated with the multi-family use ( $173 + 88 = 261$ ), would represent a proposed parking ratio of less than 1.1 stalls per unit, which is within the 10% overage allowed by the City's LDC without formal variance approval.** Only with the construction of 16 in-building garage parking stalls beneath the carriage house units along S. A Street and the additional 92 stalls provided on the upper level of the parking garage is the developer able to achieve the requested parking ratio.

It is important to offer the distinction between the proposed counts of conventional on-grade parking and the alternative means proposed by the Developer because, per the City's LDC, "the city discourages construction of more than the minimum number of parking spaces... in order that more natural vegetation may be preserved and in order to control stormwater runoff in a more natural manner." To that point, the developer's proposed means of increasing parking promote the presence of more greenspace within the site and do not represent a notable increase in the overall impervious area of the site that would adversely impact stormwater runoff. The 16 in-building garage stalls beneath the carriage house units represent added parking without an increase to the building footprint, and the 92 stalls on the second level of the parking garage represent added parking without a notable increase of the impervious area that would otherwise be required to provide conventional on-grade parking in the location of the garage.

**We are of the opinion that Kore's willingness to accept the added development costs of in-building garage stalls and a two-story parking deck provides an overall parking ratio (up to 1.55 stalls per unit) that satisfies their needs as the developer while also keeping with the intent of the City's LDC to discourage expansive on-grade parking lots.**



**Request #2 (Buffer Yard)** – As previously noted and as depicted on Attachment A, there are several adjacent properties to the south and a single adjacent property to the north that are designated as a single-family residential (SFR) use by the Escambia County Property Appraiser. The City's LDC requires a 10' buffer yard be provided along each of these properties. As depicted on Attachment C, the conceptual site layout provides the required 10' buffer along all adjacent properties to the south. **Our request for reduction of the buffer yard from 10' to 5' only applies to the isolated SFR property to the north.**

The images below and on the following page highlight the existing conditions at the location in question. **It is noted that the existing curb and gutter is only 4.5' from the subject SFR property, representing an existing non-conforming buffer yard being present. Further, while the current status of the SFR property cannot be confirmed, visual observations indicate the property may be vacant or abandoned, as the structure itself appears to be in a state of disrepair.**

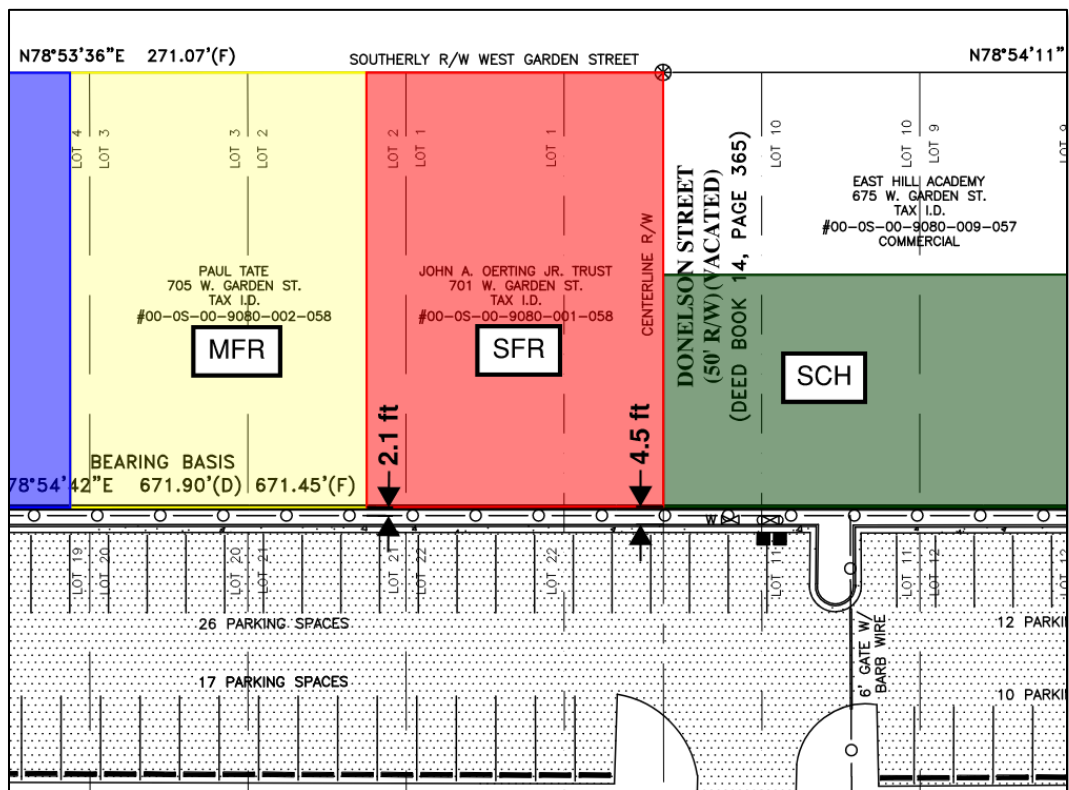


Image 1: Existing non-conforming buffer yard conditions with existing curb only 4.5' from subject property



Image 2: Observed Conditions, front of SFR property facing Garden Street



Image 3: Observed Conditions, rear of SFR property facing Developer's property



Per the City's LDC, "the purpose of establishing buffer yard and screening requirements is to protect and preserve the appearance, character and value of property within the city and to recognize that the transition between certain uses requires attention to eliminate or minimize potential nuisances such as dirt, litter, glare of lights, signs, parking areas and different building styles and scales associated with different land uses." **To this point, in that the developer is proposing a 5' buffer yard, all of the inherent benefits of the buffer yard will be increased in comparison to the existing non-conforming 4.5' buffer yard.** The proposed project's multi-family residential environment will provide a land use that is more closely compatible to the SFR property than the commercial use that is currently present and separated by the non-conforming buffer yard. Lastly, while understood to be a more subjective point of discussion, we feel as though the SFR use currently designated for this property is likely to change with time due to the entire block being zoned as C-3, Commercial Zoning District (Wholesale and Limited Industry), due to the entire block having a future land use of Commercial and based on the adjoining properties that were previously residential in use being now utilized for commercial purposes.

**We are of the opinion that a reduction of the buffer yard requirement from 10' to 5' still represents an improvement to the existing non-conforming buffer yard at the subject location. Further, referring to Attachment C, strict compliance with the 10' buffer yard along the single adjacent SFR property to the north would require reduction in greenspace being provided elsewhere on the site. More critically, compliance would result in a reduction of the proposed buffer yards along the several adjacent SFR properties to the south, where the developer intends to maximize the proposed buffer yard widths in an effort to maximize the benefit of the buffer yards noted in the City's LDC.**

**Specific Criteria for Authorization of Variances**

Per Section 12-12-2, Paragraph (A)(2) of the City's LDC, authorization of variances requires demonstration that an unnecessary and undue hardship would be imposed by strict enforcement of the LDC, when considering the following seven criteria.

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

***Request #1 (Parking)*** – The subject project falls within a zoning and future land use district that promotes commercial uses. We understand the intent of limiting the maximum amount of parking is to not only promote greenspace and reduced stormwater runoff as explicitly stated in the LDC, but also to encourage visitors to the downtown commercial district to walk the area on the way to their desired destination(s) as opposed to having on-site parking at the destination. From a commercial perspective, encouraging walking promotes the wellbeing of all commercial businesses that visitors would pass as they walk. This project is unique to the area in that it is multi-family in nature and not commercial supported largely by pedestrian foot traffic. Strict interpretation of the LDC would force residents to use public parking lots and public on-street parking, the availability of which is critical to the downtown area. This increased load on public parking areas would be to serve users whose destination is their place of residence as opposed to non-resident visitors whose destination and purpose is commercial in nature.

***Request #2 (Buffer Yard)*** – The SFR property adjacent to which the reduced buffer yard is requested is peculiar because it is a single, isolated SFR use among all other properties north of the subject development that are non-SFR uses. As depicted on the following page, strict enforcement of the LDC would result in a 75' long, 10' wide buffer yard in the middle of a roughly 670' property line along which a 5' buffer yard will be provided in all other locations.

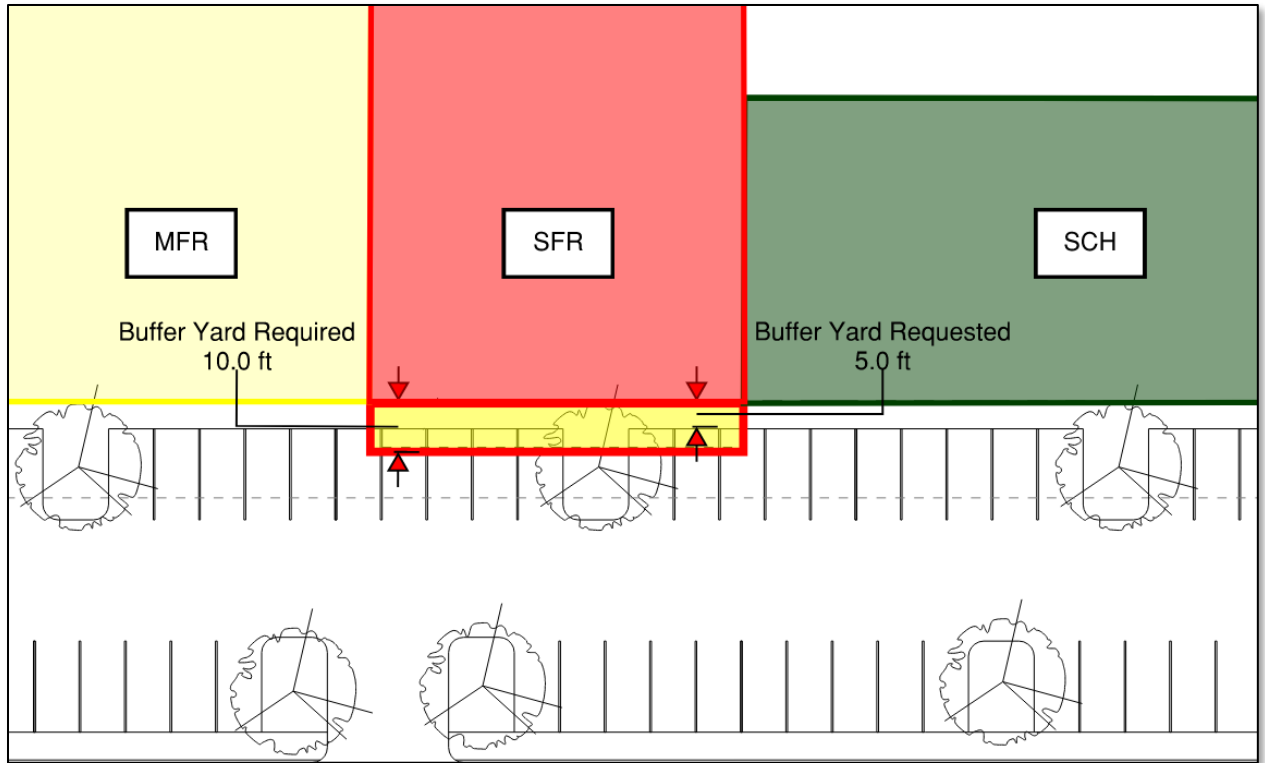


Image 4: Required 10' vs. Requested 5' Buffer Yard Adjacent to Isolated SFR Property

2. *Special condition and circumstances do not result from the actions of the applicant.*

**Request #1 (Parking)** – The multi-family use proposed by the applicant is one that is allowed by right within the subject property's zoning district. The fact that the proposed use is unique to the area and that strict interpretation of the code would force downtown residents with non-commercial intents to utilize public parking intended to support downtown commercial visitors is not the result of the actions of the applicant.

**Request #2 (Buffer Yard)** – The subject property and all surrounding properties are all zoned for commercial use, and all but one of the properties adjacent to the northern property boundary are being used in a non-SFR capacity. The fact that one particular property remains designated SFR among five others that are varying other non-SFR uses, resulting in a 75' long, 10' buffer yard in the middle of a roughly 670' property line along which a 5' buffer yard will be provided in all other locations is not the result of actions of the developer.

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.*

**Request #1 (Parking)** – Approval of the variance request to allow additional on-site parking would not confer any special privilege to the developer because the developer is not requesting the variance for the purpose of expanding on-grade parking beyond the amount allowed by the City's LDC. Instead, the developer is requesting the variance such that additional parking can be provided by way of in-building garage stalls and a two-story parking garage. These additions represent value-added costs that the developer is willing to incur in an effort to meet the needs of the project while not adding additional impervious area that would be in conflict with the LDC's intent of preserving vegetation and controlling stormwater runoff.

**Request #2 (Buffer Yard)** – Approval of the variance request to allow reduction of the buffer yard from 10' to 5' across a single adjoining property would not confer any special privilege to the developer, because the developer is not looking to reduce the buffer yard requirement across the entire site. Instead, the request is made specific to one isolated property designated as SFR among all other adjoining properties along the north of the project that have non-SFR use designations. For all SFR properties along the southern property line, the developer proposes to meet or exceed the 10' buffer yard requirement.

4. *Literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title and would work unnecessary and undue hardship on the applicant.*

**Request #1 (Parking)** – Literal interpretation of the LDC would deprive the developer of the right to have adequate parking to support the intended use of the property; a use that is allowed by right under the property's current zoning. Further, literal interpretation of the LDC would force residents to use public parking lots and on-street parking, which would reduce the availability of public parking for the surrounding properties and downtown area in which the need for public parking is critical.



**Request #2 (Buffer Yard)** – Literal interpretation of the LDC would deprive the developer of the use of not only the small portion of land along the northern property line but also of significant greenspace across the rest of the property that would be impacted by shifting the northern parking lot south to accommodate the full 10' buffer. The reduction in greenspace would occur not only internal to the site but also, and more notably, along the southern property line where the developer intends to meet or exceed the 10' buffer yard requirement adjacent to the several properties designated as SFR use along that line.

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

**Request #1 (Parking)** – Based on the developer's experience with similar multi-family developments across the southeast, we feel that the request for a parking allowance of up to 1.55 stalls per unit is the minimum requirement to provide the intended use of the project site. It is noted that the developer's typical model is to provide 1.67 to 2.0 stalls per unit.

**Request #2 (Buffer Yard)** – The developer is not requesting an elimination of the buffer yard requirement, but instead only a reduction of the buffer yard requirement and only adjacent to one specific property. We feel this request represents the minimum variance necessary to allow the developer to provide the desired site layout while still providing the standard buffer yard along all other SFR properties.

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

**Request #1 (Parking)** – The desired allowance to increase the proposed parking ratio to up to 1.55 stalls per unit will be utilized to add parking without notably increasing the impervious coverage within the property that would otherwise be present without the additional parking. As such, the LDC's intent of providing adequate greenspace and control of stormwater runoff for the project will still be satisfied and there will be no adverse impacts to the surrounding area or public welfare.

**Request #2 (Buffer Yard)** – The requested buffer yard reduction would be applied across the width of a single isolated property that remains designated as SFR use among several other properties that are designated as non-SFR uses. Further, the request is for reduction of the buffer yard, not elimination, and the proposed conditions will still represent an improvement to the existing non-conforming buffer yard condition. As such, the LDC's intent of protecting the appearance and character of the adjoining SFR property and to provide an appropriate transition between uses is satisfied and there will be no adverse impacts to the surrounding area of public welfare.

7. *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.*

**Request #1 (Parking)** – The request to increase the allowable parking does not represent any changes to the zoning of the subject property, and because the increased parking can be provided without notably changing the proposed layout of the property the request does not represent any impacts to supply of light and air, does not increase danger of fires and does not impact surrounding property values. The allowance to increase parking will reduce the potential congestion on public streets that would result from residents having to utilize public parking lots and on-street stalls instead of having on-site parking available to them. The request does not represent any impairment to the public health, safety or general welfare of the city.

**Request #2 (Buffer Yard)** – The request to reduce the isolated buffer yard does not represent any changes to the zoning of the subject property, does not represent any impairment of light or air to the adjacent properties, will not impact congestion of public streets, will not increase fire risks, will not impair property values of the surrounding area, and does not represent any impairment to the public health, safety, or general welfare of the city.

In summary, we feel that our requests for an increase in the allowable parking and for a reduction of an isolated section of buffer yard are both reasonable in their scope and justified in their purpose. The approval of our requests would allow Kore, LLC to pursue a project that represents a significant improvement to an underutilized parcel within downtown Pensacola. The proposed multi-family development represents the highest and best use for the subject parcel, and the requested variances would not cause any adverse impacts to the surrounding properties or greater area.

We hope this memo addresses many of the questions that the Board may have regarding our application. Even so, we look forward to the opportunity to present our requests to the Board and to offer any further supporting information or clarifications that may be necessary. Thank you for your positive consideration of our requests.

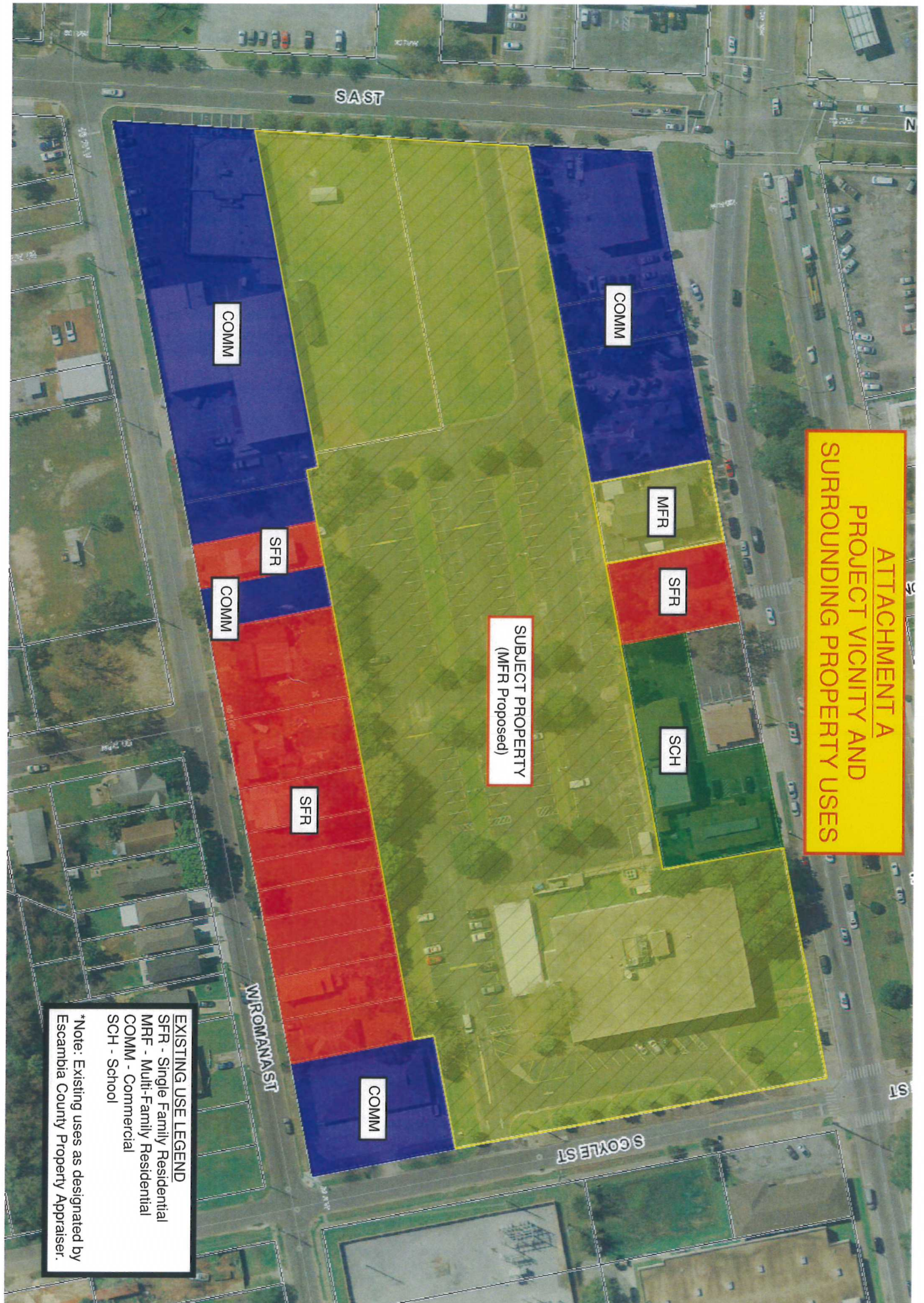
Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Patrick Jehle, Jr.', is positioned above the printed name.

D. Patrick Jehle, Jr., P.E.  
Senior Project Manager  
Civil Engineer of Record



**ATTACHMENT A  
PROJECT VICINITY AND  
SURROUNDING PROPERTY USES**



**SUBJECT PROPERTY  
(MFR Proposed)**

**COMM**

**MFR**

**SFR**

**SCH**

**SFR**

**COMM**

**COMM**

**SFR**

**COMM**

**EXISTING USE LEGEND**  
 SFR - Single Family Residential  
 MRF - Multi-Family Residential  
 COMM - Commercial  
 SCH - School

\*Note: Existing uses as designated by Escambia County Property Appraiser.







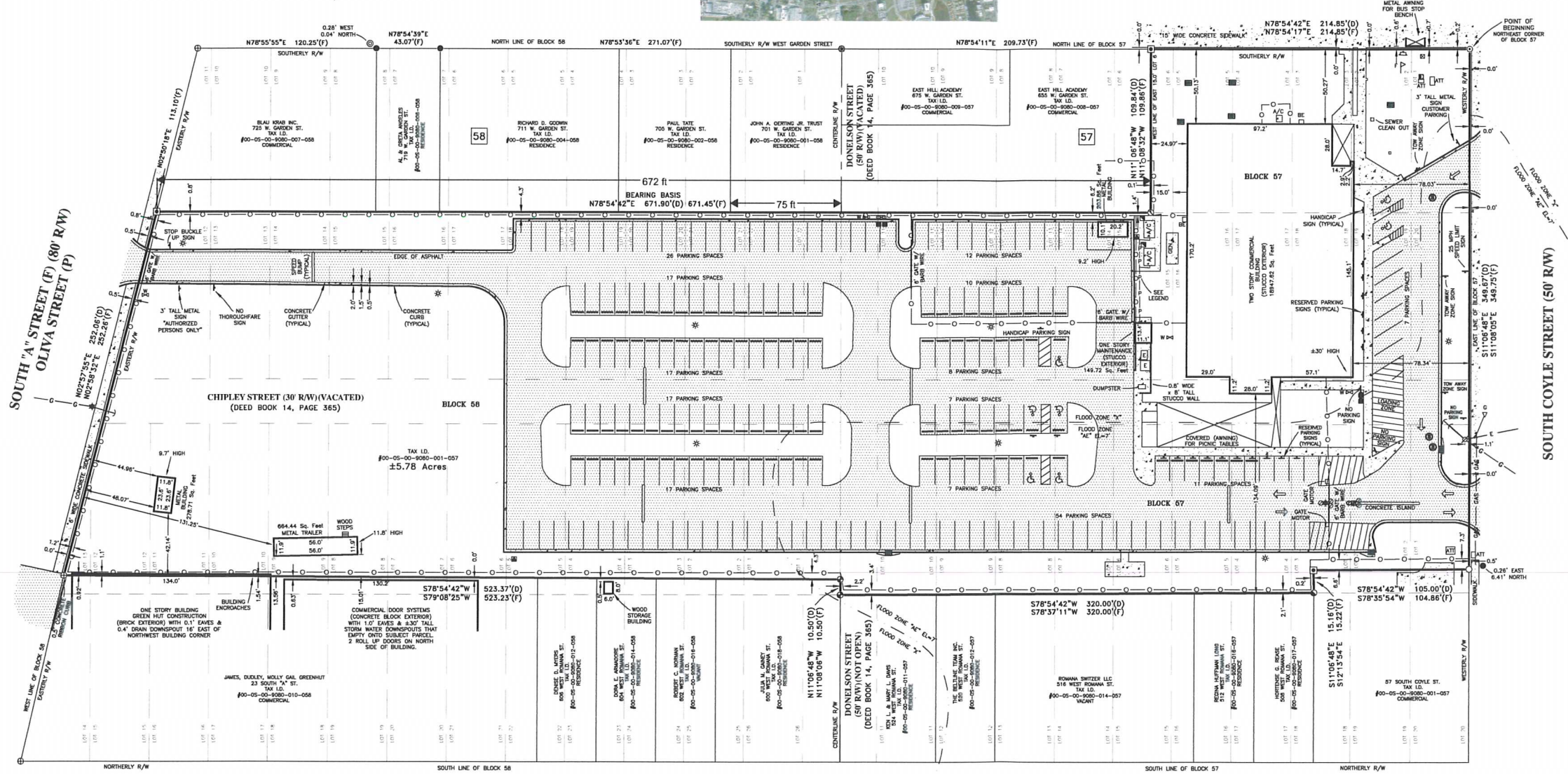
ALTA/NSPS LAND TITLE SURVEY  
605 WEST GARDEN STREET  
A PORTION OF MAXENT TRACT,  
CITY OF PENSACOLA,  
ESCAMBIA COUNTY, FLORIDA

VICINITY MAP  
NOT TO SCALE



605 WEST GARDEN STREET (150' R/W)

EMPIRE  
LAND SURVEYING  
INC



LEGEND

- BE BURIED ELECTRICAL
- E GULF POWER ELECTRICAL BOXES
- ATT AT&T CONTROL BOX
- P 3 METAL PIPES, 45" ABOVE GRADE GOING INTO A/C UNITS
- GEN CONCRETE WITH GENERATOR
- R/W RIGHT OF WAY
- O.R. OFFICIAL RECORD BOOK
- A/C AIR CONDITIONER
- L.B. LICENSED BUSINESS
- 6" CHAIN LINK FENCE (1" BARR WIRE AT TOP)
- GAS LINE
- OVERHEAD GUY WIRE
- AERIAL UTILITY WIRES
- COVERED AREA
- GRAVEL
- ASPHALT
- CONCRETE
- SPEED BUMP
- FOUND 3/4" IRON PIPE
- FOUND 1/2" IRON PIPE
- FOUND 5/8" IRON ROD
- FOUND 5/8" CAPPED IRON ROD - #1748
- FOUND 1/2" CAPPED IRON ROD - L.B. #2499
- FOUND 1/2" CAPPED IRON ROD - L.B. #6112
- FOUND 2"x2" ANGLE IRON
- FOUND 4"x4" SQUARE CONCRETE MONUMENT
- SET 1/2" CAPPED IRON ROD - ELS L.B. #6993
- SET PK NAIL & DISK - ELS L.B. #6993
- 5"x5" METAL POWER POLE
- GUY POLE (POWER POLE)
- 2" ROUND CONCRETE BASE AND 6" METAL LIGHT POLE
- POWER POLE
- GUY ANCHOR
- WATER VALVE
- GAS VALVE
- 6.30" TALL METAL FLAG POLE
- BACK FLOW PREVENTER
- SIGN POST - SEE LABELS FOR TYPE
- HANDICAPPED PARKING
- 0.8" x 8.0" CONCRETE WHEEL STOP
- SPOT LIGHT
- PVC MAILBOX
- STORM DRAIN INLET
- 8" METAL LID - COVERS 4" PVC SEWER
- CONTROL PANEL
- 4"x4" WOOD BOLLARD
- CARD SWIPE FOR GATE ACCESS
- AT&T PEDESTAL
- AT&T POST
- BLOCK NUMBER



Scale: 1" = 40'

LEGAL DESCRIPTION: (AS PROVIDED)

BEGIN AT THE NORTHEAST CORNER OF BLOCK 57, MAXENT TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, THENCE SOUTH ELEVEN DEGREES SIX MINUTES FORTY EIGHT SECONDS (11°06'48") EAST ALONG THE EAST LINE OF SAID BLOCK 57 (BEING THE WEST RIGHT OF WAY LINE OF COYLE STREET - FIFTY (50) FEET RIGHT OF WAY) FOR A DISTANCE OF THREE HUNDRED FORTY AND SIXTY SEVEN HUNDREDS (346.67) FEET; THENCE SOUTH SEVENTY EIGHT DEGREES FIFTY FOUR MINUTES FORTY TWO SECONDS (78°54'42") WEST FOR A DISTANCE OF ONE HUNDRED FIVE (105) FEET; THENCE SOUTH ELEVEN DEGREES SIX MINUTES FORTY EIGHT SECONDS (11°06'48") EAST FOR A DISTANCE OF FIFTEEN AND SIXTEEN HUNDREDS (15.16) FEET; THENCE SOUTH SEVENTY EIGHT DEGREES FIFTY FOUR MINUTES FORTY TWO SECONDS (78°54'42") WEST FOR A DISTANCE OF THREE HUNDRED TWENTY (220) FEET TO THE CENTER LINE OF THE RIGHT OF WAY OF DONELSON STREET AS SHOWN ON THE CITY MAP BEFORE IT WAS VACATED, (FIFTY (50) FEET RIGHT OF WAY), THENCE NORTH ELEVEN DEGREES SIX MINUTES FORTY EIGHT SECONDS (11°06'48") WEST ALONG SAID FORMER CENTER LINE FOR A DISTANCE OF ONE HUNDRED FIFTY (150) FEET; THENCE SOUTH SEVENTY EIGHT DEGREES FIFTY FOUR MINUTES FORTY TWO SECONDS (78°54'42") WEST FOR A DISTANCE OF FIVE HUNDRED TWENTY THREE AND THIRTY SEVEN HUNDREDS (523.37) FEET TO THE WESTERLY LINE OF BLOCK 58 OF SAID MAXENT TRACT (BEING THE EASTERLY RIGHT OF WAY LINE OF "A" STREET - EIGHTY (80) FEET RIGHT OF WAY); THENCE NORTH TWO DEGREES FIFTY SEVEN MINUTES FIFTY FIVE SECONDS (2°57'55") EAST ALONG THE WESTERLY LINE OF SAID BLOCK 58 FOR A DISTANCE OF TWO HUNDRED FIFTY TWO AND SIX HUNDREDS (252.66) FEET; THENCE NORTH SEVENTY EIGHT DEGREES FIFTY FOUR MINUTES FORTY TWO SECONDS (78°54'42") EAST FOR A DISTANCE OF SIX HUNDRED SEVENTY ONE AND NINETY HUNDREDS (671.90) FEET TO THE WEST LINE OF THE EAST FIFTEEN (15) FEET OF LOT SIX (6) OF THE NORTH HALF (N 1/2) OF SAID BLOCK 57; THENCE NORTH ELEVEN DEGREES SIX MINUTES FORTY EIGHT SECONDS (11°06'48") WEST ALONG THE SAID WEST LINE OF THE EAST FIFTEEN (15) FEET OF SAID LOT SIX (6) OF THE NORTH HALF (N 1/2) OF BLOCK 57 OF THE MAXENT TRACT FOR A DISTANCE OF ONE HUNDRED NINE AND EIGHTY FOUR HUNDREDS (109.44) FEET TO THE NORTH LINE OF SAID BLOCK 57 (BEING THE SOUTH RIGHT OF WAY LINE OF GARDEN STREET - ONE HUNDRED FIFTY (150) FEET RIGHT OF WAY), AND THENCE NORTH SEVENTY EIGHT DEGREES FIFTY FOUR MINUTES FORTY TWO SECONDS (78°54'42") EAST ALONG SAID NORTH LINE OF BLOCK 57 FOR A DISTANCE OF TWO HUNDRED FOURTEEN AND EIGHTY FIVE HUNDREDS (214.85) FEET MORE OR LESS TO THE POINT OF BEGINNING.

FLOOD ZONE DETERMINATION:  
THE PROPERTY DESCRIBED HEREON IS LOCATED IN FLOOD ZONE "X" AND FLOOD ZONE "A2" (ELEVATION 7') ACCORDING TO THE FLOOD INSURANCE RATE MAP, NUMBER 120082039D-G, DATED SEPTEMBER 29, 2006, FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

SURVEYOR'S REPORT:

- 1) THE ADDRESS OF THE PROPERTY IS 605 WEST GARDEN STREET.
- 2) THERE ARE NO KNOWN OR PROVIDED SETBACK REQUIREMENTS FOR THIS PROPERTY.
- 3) GROSS LAND AREA IS ±5.78 ACRES.
- 4) SQUARE FOOTAGE OF THE EXTERIOR FOOTPRINT OF EACH BUILDING IS SHOWN AT THE LOCATION OF EACH BUILDING ON THE DRAWING.
- 5) THIS PROPERTY IS ZONED C-3 (DOWNTOWN COMMERCIAL AND WHOLESALE AND LIGHT INDUSTRIAL) AS PER CITY OF PENSACOLA.
- 6) TOTAL NUMBER OF HANDICAP PARKING SPACES = 7, TOTAL NUMBER OF PARKING SPACES = 210.
- 7) UTILITY STATEMENT - UTILITIES (WATER, GAS, ELECTRIC, TELEPHONE AND SEWER) ARE AVAILABLE AND SERVICE THE PROPERTY AND ALL UTILITY LINES ENTER THE PREMISES THROUGH ADJOINING PUBLIC STREETS OR THROUGH APPURTENANT EASEMENTS WHICH ARE SHOWN ON THE SURVEY.
- 8) BUILDING HEIGHTS VARY FROM 9.2 FEET TO ±30 FEET AS SHOWN.
- 9) ALTA TABLE "A" ITEM 6(a) & (b) ZONING HAS NOT BEEN PROVIDED.
- 10) THERE ARE 210 PARKING SPACES AND 7 HANDICAP PARKING SPACES.
- 11) THERE ARE TEMPORARY TABLES, STEPS, PLAY AREAS, (ETC.) ALONG THE NORTH PROPERTY LINE (THAT IS 671.90 FEET IN LENGTH) WHICH MAY ENCRDACH.
- 12) THE RELATIVE POSITIONAL PRECISION EXCEEDS THE MAXIMUM ALLOWED BY 0.37 FEET ALONG THE NORTH PROPERTY LINE, BUT IT IS ACCEPTABLE BASED UPON ADJACENT DEEDS OF RECORD AND EXISTING MONUMENTATION.
- 13) ALTA TABLE "A" ITEMS 6(a) & (b) "ZONING" HAS NOT BEEN PROVIDED.
- 14) THIS SURVEYOR USED FUND FILE TITLE SEARCH REPORT #564083.

WEST ROMANA STREET (45' R/W)

ATTACHMENT B - PREVIOUS SURVEY BY OTHERS

Note: This unsigned survey is the work product of others provided by others, and it is being submitted simply as an informal exhibit for reference. The Developer is currently engaged with McKim & Creed for completion of a current, full, and complete boundary and topographic survey that will be utilized for design and permitting.

NOT VALID WITHOUT THE ORIGINAL BLUE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

EMPIRE LAND SURVEYING, INC.  
PROFESSIONAL LAND SURVEYING • SERVING NORTHWEST FLORIDA  
8720 N. PALAFOX STREET, PENSACOLA, FLORIDA 32534  
PHONE: 850-477-3745 -- FAX: 850-477-3705  
LICENSED BUSINESS #6993, STATE OF FLORIDA

REVISIONS	FIELD BOOK	DATE
POSSIBLE ENCROACHMENTS: POWER POLES, AERIAL UTILITY WIRES, GUY WIRES, GUY ANCHORS, COMMERCIAL BUILDINGS, SIDEWALKS, FENCES, CONCRETE		

SURVEYORS CERTIFICATE  
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN FLORIDA ADMINISTRATION CODE CHAPTER 6J-17.050, 6J-17.051 AND 6J-17.052, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.  
JUNE 20, 2016 LELAND M. EMPIE, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER, NO. 6786, STATE OF FLORIDA

SCALE: 1" = 40'  
FIELD DATE: 4/26/18  
ORDER NO: 122-18  
FIELD BOOK: 193/1-8

SOURCE OF INFORMATION:  
FIELD EVIDENCE  
DEEDS OF RECORD  
PLAT RECORDED IN:

PRIOR SURVEYS/DRAWINGS  
CITY ATLAS #096

BEARING BASIS N78°54'42"E NORTH LOT LINE (PER DEED)

TYPE OF SURVEY: BOUNDARY WITH IMPROVEMENTS

GENERAL NOTES:  
1. The drawing is drawn as not to scale.  
2. The drawing shows the property lines and any other structures shown on the drawing.  
3. The drawing shows the property lines and any other structures shown on the drawing.  
4. All measurements were made in accordance with United States standards. The accuracy shown meet the standards required in the appropriate land area.  
5. No title search of the Public Records has been performed by this firm and lands shown herein were not abstracted by this firm for ownership, easements, or right-of-way. The parcel shown herein may be subject to setbacks, easements, zoning and restrictions that may be found in the Public Records of said County.

CLIENT BELLSOUTH TELECOMMUNICATIONS, LLC