



# City of Pensacola

## City Council Special Meeting

### Agenda - Final

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Monday, August 8, 2022, 8:30 AM

Council Chambers, 1st Floor

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#### Clarification of Intent regarding Council's Decision related to 313 East Jackson Street

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

The meeting can be watched via live stream at [cityofpensacola.com/video](http://cityofpensacola.com/video). Citizens may submit an online form at <https://www.cityofpensacola.com/ccinput> BEGINNING AT 3:00 P.M.

#### ROLL CALL

#### ACTION ITEMS

[22-00827](#)

CLARIFICATION OF INTENT REGARDING COUNCIL'S DECISION RELATED TO 313 EAST JACKSON STREET - REQUEST TO KEEP UNAPPROVED ROOFING

**Recommendation:** That City Council clarify their intent regarding their decision related to 313 East Jackson Street regarding the request to keep unapproved roofing.

**Sponsors:** Ann Hill

**Attachments:** [Proposed Deed Restriction](#)

#### DISCUSSION ITEMS

#### ADJOURNMENT

*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.*



Memorandum

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**File #:** 22-00827

City Council Special Meeting

8/8/2022

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**LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Ann Hill

**SUBJECT:**

CLARIFICATION OF INTENT REGARDING COUNCIL'S DECISION RELATED TO 313 EAST JACKSON STREET - REQUEST TO KEEP UNAPPROVED ROOFING

**RECOMMENDATION:**

That City Council clarify their intent regarding their decision related to 313 East Jackson Street regarding the request to keep unapproved roofing.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

On May 19, 2022, the Architectural Review Board (ARB) considered a request for approval to Keep Unapproved Roofing at 313 E. Jackson St.

After presentation by the applicant and discussion by the board, a properly made motion to deny the request was made and the motion passed 5-0.

Section 12-12-3(13) of the City Code states:

Any person or entity whose property interests are substantially affected by a decision of the board may within fifteen (15) days thereafter, apply to the city council for review of the board's decision. A written notice shall be filed with the city clerk requesting the council to review said decision. If the applicant obtains a building permit within the fifteen-day time period specified for review of a board decision, said permit may be subject to revocation and any work undertaken in accordance with said permit may be required to be removed. The appellant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

In accordance with Sec. 12-12-3(13) a notice of appeal was timely filed.

On June 22, 2022, a Quasi-Judicial hearing was held regarding this request.

At the conclusion of the presentation of evidence and discussion, the following properly formed motion was made and seconded:

That City Council affirm the Architectural Review Board's denial (during the May 19, 2022, ARB meeting) of the appeal of Ms. Chandler (applicant). However, to allow Ms. Chandler a Certificate of Occupancy subject to her agreement to a deed restriction, to be recorded in the public records, the terms of which would require her to replace the (R-Panel) roof with the compliant (Standing Seam) roof, so she can get clear title to sell the property to the next property owner.

The motion passed 4-1.

A deed restriction was prepared by the City Attorney's Office using what was believed to be City Council's intent during their discussion. The Applicant (Ms. Chandler) does not agree with certain terms within the restriction as not being consistent with Council's intent.

The purpose of this Special Meeting is to get clarification from City Council as to their desired intent, so that the requisite deed restriction may be prepared.

**PRIOR ACTION:**

June 22, 2022 - City Council rendered a decision during a Quasi-Judicial Hearing regarding the review of an Architectural Review Board Decision related to 313 E. Jackson Street - Request to Keep Unapproved Roofing

May 29, 2022 - Notice of Appeal - 313 E. Jackson St. - Timely filed

May 19, 2022 - ARB Meeting regarding this request

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Proposed Deed Restriction

**PRESENTATION:** No

DEED RESTRICTION

Whereas, the structure located at 313 E Jackson on Parcel No. 000S009020120024, situated in the City of Pensacola, Florida, Escambia County and as described on attached Exhibit A and in that certain instrument recorded at Book 8484, Pages 735-737, Official Records of Escambia County, Florida, has been constructed with a nonapproved R-panel metal roof;

Whereas, the City Council has directed that the standing seam metal roof approved by the Architectural Review Board must be installed; provided, however, that in consideration of Chandler Prospecting LLC’s manager, Nannette J. Chandler, requiring the property for a residence, the installation of the correct standing seam metal roof may be postponed until Chandler no longer uses the property as a primary residence;

Now, therefore, on this 28<sup>th</sup> day of July, 2022, it is acknowledged and accepted by the owner that this requirement to abide by the Architectural Review Board’s decision on the correct standing seam metal roof to be installed will be a deed restriction that runs with the land and will be a cost borne by Chandler Prospecting LLC at such time as the property is conveyed or Nannette Chandler uses the property as anything other than her residence, whichever is earlier, and, further, that Chandler Prospecting LLC shall record this deed restriction to obtain its certificate of occupancy.

In witness whereof, the Grantor has hereunto set Grantor’s hand and seal the day and year first above written.

GRANTOR:

\_\_\_\_\_  
Chandler Prospecting LLC by its manager,  
Nannette J. Chandler

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

Sworn to and subscribed before me by means of (\_\_\_) physical presence or (\_\_\_) online notarization, this \_\_\_ day of \_\_\_\_\_ 2022, by \_\_\_\_\_, who (\_\_\_) is personally known to me or (\_\_\_) has produced as identification.

WITNESS my hand and official seal set hereupon in the County and State indicated above on this \_\_\_ day of \_\_\_\_\_ 2022.

[Notary Seal]

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NOTARY PUBLIC

Printed Name:

My Commission expires:

My Commission No.:

**Exhibit "A"**

COMMENCE AT A POINT ON THE EAST LINE OF LOT 13, BLOCK 24, EAST KING TRACT, WHERE THE SAID EAST LINE INTERSECTS THE SOUTH RIGHT-OF-WAY LINE OF EAST JACKSON STREET, THENCE WEST ALONG THE SOUTH RIGHT-OF-WAY LINE EAST JACKSON STREET A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 23.00 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID LOT 13 A DISTANCE OF 100 FEET; THENCE EAST PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF EAST JACKSON STREET A DISTANCE OF 23 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF THE SAID LOT 13 A DISTANCE OF 100 FEET. SAID PROPERTY BEING A PORTION OF LOT 13, BLOCK 24, EAST KING TRACT, CITY OF PENSACOLA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906, PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.